



Derby City Council

PLANNING CONTROL COMMITTEE
13 July 2023

ITEM 7

Report sponsor: Chief Planning Officer
Report author: Development Control Manager

Applications to be Considered

Purpose

- 1.1 Attached at Appendix 1 are the applications requiring consideration by the Committee.

Recommendation(s)

- 2.1 To determine the applications as set out in Appendix 1.

Reason(s)

- 3.1 The applications detailed in Appendix 1 require determination by the Committee under Part D of the Scheme of Delegations within the Council Constitution.

Supporting information

- 4.1 As detailed in Appendix 1, including the implications of the proposals, representations, consultations, summary of policies most relevant and officers recommendations.

Public/stakeholder engagement

- 5.1 None.

Other options

- 6.1 To not consider the applications. This would mean that the Council is unable to determine these applications, which is not a viable option.

Financial and value for money issues

- 7.1 None.

Legal implications

- 8.1 None.

Climate implications

- 9.1 None.

Other significant implications

- 10.1 None.

This report has been approved by the following people:

Role	Name	Date of sign-off
Legal		
Finance		
Service Director(s)		
Report sponsor	Paul Clarke	04/07/2023
Other(s)	Ian Woodhead	04/07/2023

Background papers:	None
List of appendices:	Appendix 1 – Development Control Report

Planning Control Committee 13/07/2023
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Item No.	Page No.	Application No.	Location	Proposal	Recommendation
7.1	1 - 12	23/00249/FUL	Day Centre 41 - 43 Brentford Drive Derby	Demolition of existing day care centre. Erection of six dwelling houses (Use Class C3)	To grant planning permission with conditions.
7.2	13 - 103	22/01685/OUT	Land Off Infinity Park Way Derby	Outline permission with all matters reserved for a business park including employment uses in Classes B8 (storage and distribution use), B2/E(g)(iii) (general industrial and light industrial use), E(g)(ii) (research and development use), E(g)(i) (Office use) and C1 (hotel) together with a public house and 'drive thru' café. Provision of supporting infrastructure including: roads, foot/cycle paths, drainage works, landscaping, wildlife enhancement measures and related engineering works including watercourse improvements and movement of materials	A. To authorise the Director of Planning, Transport and Engineering to negotiate the terms of a Section 106 Agreement to achieve the objectives set out below and to authorise the Director of Legal, Procurement and Democratic Services and Monitoring Officer to enter into such an agreement. B. To authorise the Director of Planning, Transport and Engineering to grant permission upon conclusion of the above Section 106 Agreement.
7.3	104 - 129	22/01809/FUL	Eagle Market, Morledge And Castle And Falcon PH East Street Derby	Part demolition of existing Eagle Market building and full demolition of public house, allowing for change of use of the retained part of the Eagle Market from Retail (Class E) to indoor go-karting, drinking establishment, family entertainment, amusement centre (Use Class E/ Sui Generis). Installation of a new building façade alongside associated access, parking, servicing area and landscaping.	To grant planning permission with conditions.
7.4	130 - 136	20/00899/CAD	Assembly Rooms Market Place Derby	Demolition of the Assembly Rooms and adjacent multi-storey car park.	To grant planning permission with conditions.

Committee Report Item No: 7.1

Application No: 23/00249/FUL

Type: Full Application

1. Application Details

1.1. Address: Day Centre, 41-43 Brentford Drive, Mackworth

1.2. Ward: Mackworth & New Zealand

1.3. Proposal:

Demolition of existing day care centre. Erection of six dwelling houses (Use Class C3)

1.4. Further Details:

Web-link to application:

<https://eplanning.derby.gov.uk/online-applications/PLAN/23/00249/FUL>

Brief description

41-43 Brentford Drive is a plot of land on the south side of Brentford Drive and appears to have been built to accommodate an attached pair of houses, the last registered use of which was as a day centre. The site has been vacant since 2019 when the Early Years Deaf Support operation that occupied the site moved premises. The site is flanked by residential plots to the west, east and south. Land levels around the site fall gently to the west and south.

Permission is sought for the demolition of the existing building and its replacement with six semi-detached houses (three attached pairs) to include frontage parking and rear gardens.

2. Relevant Planning History:

Application No:	22/00087/PREAPP	Type:	Pre-application advice
Decision:	Advised that a well-designed proposal would likely be supported given the "tilted balance" policy position	Date:	06/01/2023
Description:	Erection of 6 semi-detached dwelling houses		

3. Publicity:

- Neighbour Notification Letter
- Site Notice

This publicity is in accordance with statutory requirements and the requirements of the Council's adopted Statement of Community Involvement.

4. Representations:

In line with the Data Protection Act and associated legislation this appraisal should not include details, or seek to identify through repeating specific comments, the individuals who have objected, supported or made general comments about the application. Therefore, to maintain anonymity, the relevant planning grounds of objection, support or comment have only been included in broad terms. It is important to note that all comments received have been fully considered as part of the application process and included in the overall 'planning balance' exercise.

A petition in objection to the proposal has been received containing 32 signatures, and Councillor Pandey has requested that the application be discussed by the Planning Control Committee. The petition lists the following objections, presented here in a condensed form.

- Disruption and inconvenience from construction;
- Harm to the environment;
- Parking and congestion;
- Overshadowing of neighbouring properties;
- Presence of bats in the existing building;
- No objection to the refurbishment and re-use of existing building.

5. Consultations:

5.1. Highways Development Control:

Observations: Brentford Drive is a relatively quiet residential road in the Mackworth area of the city. The pressure on on-street parking is reasonable.

Document N1762_101_N_ shows that each of the six properties will be provided with an off-street parking place Delivering Streets and Places "Design Element Sheet: Off-Street Parking for Residential Developments" provides advice on parking spaces and states that spaces should have an absolute minimum width of 2.4m it also details the advised length of a parking space and shows a minimum 5.5m. The measurements provided in document N1762_101_N_ meet these minimum requirements, the proposed measurements for all parking spaces being 2.5m x 5.5m.

Delivering Streets and Places also provides guidance regarding the width of a typical dropped kerb. Suitable access to single dwellings is considered at a minimum of 3.7m. There is no mention of any dropped kerbs in 1762_101_N_ ahead of the proposed parking spaces. There is a width of 3.3m provided which includes the spaces termed: "temporary wheelie bin station". This considered in association with document N1762_101_F_, supplied with the pre-app would seem to point to the proposed width of dropped kerbs being 3.3m. Somewhat below the minimum, however, it would be expected to drop the entire kerb in front of the 3 parking bays on either side of the existing tree that is to be retained.

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Recommendation:

Subject to the meeting of conditions below, there are no significant highway implications, and in view of this, no objections.

Condition

No part of the development hereby permitted shall be brought into use until all parking are surfaced in a hard-bound material (not loose gravel) for a minimum of 5.5m behind the Highway boundary. The surfaced parking areas shall then be maintained in such hard-bound material for the life of the development.

Reason

To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking in the area. To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc).

Condition

No part of the development hereby permitted shall be brought into use until a dropped vehicular footway crossing is available for use and constructed in accordance with the Highway Authority specification to the satisfaction of the Local Planning Authority. All proposed dropped kerbs are to be the full width of the 3 parking bays on either side of the existing tree that is to be retained.

Reason

To enable vehicles to enter and leave the public highway in a slow and controlled manner and in the interests of general Highway safety.

Condition

No part of the development hereby permitted shall be brought into use until the access parking is constructed with a provision to prevent the discharge of surface water from the parking area(s) to the public highway in accordance with details first submitted to and approved in writing by the Local Planning Authority. The provision to prevent the discharge of surface water to the public highway shall then be retained for the life of the development.

Reason

To ensure surface water from the site is not deposited on the public highway causing a danger to highway users.

Note to applicant:

It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway. The applicant/developer must take all necessary action to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's/developer's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.

It is a legal obligation that all properties must have a clear number or name, and that this identifier must be clearly displayed on the property. Official addressing of streets

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Application No: 23/00249/FUL

Type: Full Application

and properties is the statutory duty of local authorities. To ensure that any new addresses are allocated in plenty of time, the developer or owner must contact traffic.management@derby.gov.uk with the number of the approved planning application and plans clearly showing the site, location in relation to existing land and property, and the placement of front doors or primary means of access.

The development makes it necessary to construct vehicular crossings over a footway of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact StreetPride at Derby City Council to apply for a vehicle access under Section 184 of the Highways Act 1980 (as amended) to arrange for these works to be carried out. Visit <https://www.derby.gov.uk/transport-and-streets/roads-highways-pavements/vehicle-access-kerbs/> or contact customerservices@derby.gov.uk or tel 0333 200 6981.

5.2. Natural Environment (Tree Officer):

Rowan on frontage likely difficult to retain. Replacement tree can be conditioned (via Arboricultural Method Statement & Tree Protection Plan) - maybe a more upright species. e.g Cherry, upright Rowan (fastigate) would be better suited. See Trees and Design Action Group guidance.

Must show adequate soil volumes - protect soil structure with fencing after removal to avoid soil compaction. Fencing must be installed prior to any development including demolition. No materials to be stored under trees opposite the site.

5.3. Derbyshire Wildlife Trust:

Final comments pending following second protected species survey.

5.4 Land Drainage

There is absolutely no flooding shown on any flood sites for this area. There will therefore not be any need to incorporate flood resilience measures on the new buildings.

It will be necessary, however, to treat and reduce the runoff from the site and the LLFA requires a reduction to, as near as possible, the greenfield runoff rate. The Drainage Statement by Curtins suggests limiting the runoff to 5 l/s. It is understood that some guidance recommends minimum discharge rates of 5 l/s, to minimise use of small orifice openings that could be at risk of blockages. However, appropriate consideration of filtration features to remove suspended matter (silt and debris) and suitable maintenance regimes should remove this risk and therefore the minimum limit of 5 l/s does not now apply. The use of tree pits, rain gardens, permeable paving, etc. is recommended for this site as the area to be treated is quite small. The use of storage tanks is not recommended for this site.

6. Relevant Policies:**6.1. Relevant Policies:**

The Derby City Local Plan Part 1 - Core Strategy was adopted by the Council on Wednesday 25 January 2017. The Local Plan Part 1 now forms the statutory development plan for the City, alongside the remaining 'saved' policies of the City of Derby Local Plan Review (2006). It provides both the development strategy for the City up to 2028 and the policies which will be used in determining planning applications.

Derby City Local Plan Part 1 - Core Strategy (2017)

CP1(a)	Presumption in Favour of Sustainable Development
CP2	Responding to Climate Change
CP3	Placemaking Principles
CP4	Character and Context
CP6	Housing Delivery
CP19	Biodiversity
CP21	Community Facilities
CP23	Delivering a Sustainable Transport Network

Saved CDLPR Policies

GD5	Amenity
H13	Residential Development – General Criteria

The above is a list of the main policies that are relevant. The policies of the Derby City Local Plan Part 1 – Core Strategy can be viewed via the following web link:

https://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/environmentandplanning/planning/localplan/evidencebase/Core-Strategy_ADOPTED_DEC-2016_V3_WEB.pdf

Members should also refer to their copy of the CDLPR for the full version or access the web-link:

https://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/environmentandplanning/planning/localplan/part1/CDLPR_2017.pdf

An interactive Policies Map illustrating how the policies in the Local Plan Part 1 and the City of Derby Local Plan Review affect different parts of the City is also available at – <http://maps.derby.gov.uk/localplan>

Over-arching central government guidance in the NPPF is a material consideration and supersedes earlier guidance outlined in various planning policy guidance notes and planning policy statements.

6.2. Applications involving the provision of housing:

The Local Plan (consisting of the policies of the DCLP1 and the saved policies of the CDLPR) covers the period 2011 to 2028 and was adopted on 25 January 2017. The policies of the local plan have been reviewed in line with Regulation 10a of the Town and Country Planning (Local Planning) (England) Regulations 2017 and paragraph 33 of the NPPF, the provisions of which require Local Plan policies to be reviewed at least

every 5 years. The officer led review was endorsed by the Council's Cabinet on 8 December 2021.

The review found that, apart from the housing target elements of policy CP6 (Housing Delivery), the policies of the Local Plan remain consistent with national policies, including the latest updates to the NPPF and can be given weight in decision making.

Policy CP6 sets a housing requirement of 11,000 new homes over the 17 year Plan period (647 dwellings annually). However, in December 2020, Government amended it's 'Standard Method' for calculating Housing Need to include a 35% uplift in the top 20 largest urban areas in England which includes Derby. The standard method housing need calculation for Derby City now stands at 1,255 dwellings a year and this is significantly higher than the CP6 requirement. Therefore, the housing requirement in Policy CP6 is out of date.

A further consequence of the significant increase in housing requirement, brought about by the change to the standard method, is that the Council can no longer demonstrate a 5 year supply of housing land as required by the NPPF (NPPF paragraph 74 (footnote 39) refer). The current supply of deliverable sites is sufficient to provide 3.17 years of dwellings against the annual 1,255 requirement.

For the purposes of decision making, the lack of a demonstrable 5 year housing land supply means that the presumption in favour of development and the tilted balance set out in the NPPF is invoked (paragraph 11 footnote 8 of the NPPF).

Paragraph 11d of the NPPF requires that where there is no 5 year supply this means granting planning permission unless –

- i. The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole

As this proposal involves the provision of housing, the application is being considered in terms of its accordance with NPPF paragraph 11d and other material considerations. This does not mean that the policies of the Local Plan are ignored but that their requirements can be considered, and given weight, where they accord with the policies of the NPPF.

Other material considerations to weigh in the planning balance are that the Council's housing needs have increased significantly and as such the benefits of delivering housing carry greater weight. Also, the degree to which the Council is unable to demonstrate a 5 year supply is material. A housing land supply of 3.17 years is a significant shortfall and therefore very significant weight should also be applied in favour of applications that can contribute to increasing this supply.

The implications of the tilted balance on the officer recommendations are discussed further in the officer appraisal section of this report below.

7. Officer Opinion:

Key Issues:

In this case the following issues are considered to be the main material considerations which are dealt with in detail in this section.

7.1. Principle of Development

7.2. Residential Amenity

7.3. Design & Visual Amenity

7.4. Ecology & Sustainability

7.5. Highways & Parking

7.6. Land Drainage & Flood Risk

7.7. Planning Balance & Recommendation

7.1. Principle of Development

The site of the proposal is not allocated for any particular use in the DCLP1. The site has a history of residential use, is located in an established residential area close to local amenities and public transport and so could reasonably be argued to represent a sustainable location for residential development. The Council's housing needs have increased significantly in recent years (see paragraph 6.2) and the benefits of delivering housing now carry very significant weight. This weight is called the tilted balance in the NPPF. Policy CP21 Community Facilities supports the retention of existing community facilities unless it can be demonstrated that there is no longer a need to retain the use or where alternative provision is made. The application refers to the building being vacant since 2019 with the Early Years Deaf Service that did operate from the premises, now being provided elsewhere in the city; the requirements of Policy CP21 have, therefore, been met. There does not appear to be any significant and demonstrable adverse impacts, particularly in relation to the factors listed in NPPF footnote 7, that would outweigh the benefits of the proposal. As such, there are no policy objections to the principle of the proposal which is in line with the intentions of saved Policy H13 and Policy CP6, the tilted balance being considered.

7.2. Residential Amenity

Policy H13 Residential Development – General Criteria requires development to create a satisfactory form of development and relationship to nearby properties [and] a high-quality living environment". Saved policy GD5 Amenity prohibits "unacceptable harm to the amenity of nearby areas" from the effects of loss of privacy or light, massing, emissions, pollution, parking, and traffic generation. This policy position is reinforced by the paragraph 130 of the NPPF, which states that "planning policies and decisions should ensure that developments [create] a high standard of amenity for existing and future users", and part H of the National Design Guide (NDG) provides specific guidance on the design of homes and buildings.

The proposed development would intensify the use of the site and is likely to result in some increase in levels of activity, noise, traffic generation and parking demand. To determine whether this increase would accord with policy, the test is whether or not

the intensification of the proposed use could justifiably be described as constituting "unacceptable harm", and whether the increase in activity would result in a significant reduction in standards on amenity for occupants of the proposed development, and occupants of the surrounding neighbourhood. Given the site's history and the residential nature of the area, it is considered that the level of activity associated with the proposal would be appropriate to its context. The proposed layout and buildings appear to avoid unreasonable overlooking, massing or overshadowing of surrounding plots. Disturbance from construction is usually controlled by measures separate from the planning system but given the constraints of the site and the proximity of neighbouring dwellings, members may consider it appropriate to condition a construction management plan to minimise disruption to the surrounding area. The internal and external environments appear to be of good quality in line with the recommendations of the NDG and the proposal is considered capable of providing a high-quality living environment as required by local plan policy H13. Overall, the proposal is considered to represent a satisfactory form of development and relationship to nearby properties that would not cause unacceptable harm to the amenity of nearby areas and that a satisfactory living environment would be established for occupants of the application site and neighbouring plots, in line with policies GD5 and H13 and relevant national policy identified above.

7.3. Design & Visual Amenity

Local design policies are primarily CP3 Placemaking Principles and CP4 Character and Context of the DCLP1 and together set out the Council's intention to raise the design standard of the city in general terms with more detailed design guidance forthcoming. In the absence of detailed local design policy, the NDG is a particularly important and material consideration and describes well-designed homes and buildings in part H. Policies CP3 and CP4 of the DCLP1, section 12 of the NPPF and section C2 of the NDG and are particularly relevant with regards to considerations of character and visual amenity.

The proposed scheme would appear distinct from its immediate neighbours, mainly through its use of materials and detailing, but would retain the basic building typology (two storey semi-detached houses with pitched gabled roofs) present in the other buildings along this part of Brentford Drive and would relate well to them. The relatively large amount of frontage parking is not ideal in terms of impact on visual amenity but would be mitigated by the site's gradient, its separation from the buildings which would be at a higher level, proposed landscaping and tree retention, and would be a reasonably efficient response to the likely parking demand generated by the development. Overall, the proposal is considered to respond well to its context in terms of its buildings, and although its dependence on frontage parking is less agreeable, the constraints of the site leave little other option and the scheme is considered acceptable and in compliance with local plan policies H13, CP3 and CP4, section 12 of the NPPF and part H of the NDG.

7.4. Ecology & Sustainability

DCLP1 policies CP2 Responding to Climate Change and CP19 Biodiversity set out the Council's requirements on biodiversity and sustainable design and construction, and parts N and R of the NDG provide more detailed advice on how to achieve these.

The intention to retain the existing tree at the front of the site is welcomed and is particularly important given the amount of frontage car parking proposed. Although its retention may not prove possible in reality given its proximity to the proposed buildings and the pressures posed by the construction process, a replacement tree would also be acceptable and a condition is recommended below regarding the practicalities of this and the protection of the trees opposite the site during construction. The proposal includes solar panels, air source heat pumps and explicitly cites the Future Homes Standard as its basis for operational energy use. Again, this is welcomed. A small-sites biodiversity metric assessment and the proposed biodiversity enhancement measures, primarily hedgerow a tree planting, would increase the biodiversity value of the site. A condition regarding biodiversity measures is included below. Overall, the proposal is considered to respond well to local and national ecological and sustainability requirements and to be compatible with the Council's net zero target of 2035.

7.5. Highways & Parking

Adopted policy CP23 Delivering a Sustainable Transport Network seeks to ensure that new development provides appropriate levels of parking. Paragraph 110(b) of the NPPF encourages local planning authorities to ensure that safe and suitable access can be achieved for all users.

No objection is raised to the proposed parking and access arrangements, however the Highways Officer consulted recommends several conditions which are included below. I conclude that the proposal would meet the requirements of adopted policy CP23 of the City of Derby Local Plan Part 1 and paragraph 110(b) of the National Planning Policy Framework.

7.6. Land Drainage & Flood Risk

The site is not considered to be in an area at risk of flooding. Further information regarding the treatment of surface water has been submitted and is considered to be acceptable subject to the conditions recommended below.

7.7. Planning Balance & Recommendation

The principle of residential development on the site is supported by local and national planning policy, and the proposed development is considered to respond well to its context with regard to its design and not to cause unacceptable harm to the residential amenity of nearby residential plots, with acceptable implications for the highway network and the site's ecology. The provision of social housing in the context of significant housing need and the application of the tilted balance is decisive in weighing in favour of the proposed layout and further strengthens the arguments for approval. A recommendation to approve with conditions is given.

8. Recommended decision and summary of reasons:

8.1. Recommendation:

To grant planning permission with conditions.

8.2. Summary of reasons:

The proposal would provide six dwellings in the context of a significant housing shortfall and a national policy position which attaches great weight to the provision of residential accommodation. The proposed scheme responds well to its context and is considered to be acceptable with specific regard to amenity, sustainability, ecology, land drainage and the highway network.

8.3. Conditions:

1. Standard 3-year time limit condition.

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. Standard approved plans condition.

Reason: To define the permission and for the avoidance of doubt.

3. Pre-commencement condition requiring agreement of Arboricultural Method Statement & Tree Protection Plan including protective fencing.

Reason: To protect the retained tree on the site's frontage, or establish a mechanism for its replacement, in the interests of visual amenity and biodiversity.

4. Landscaping condition

Reason: In the interests of good design, the site's amenity and to ensure planting and biodiversity measures are retained.

5. Materials condition

Reason: In interests of good design and visual amenity.

6. Land drainage condition.

Reason: To reduce flood risk.

7. Biodiversity enhancement condition

Reason: To contribute to biodiversity net gain from the development.

8. Parking area surfacing materials.

Reason: To ensure that adequate off-street parking.

9. Dropped vehicular footway crossing

Reason: In the interests of highway safety.

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Type: Full Application

10. Parking area drainage.

Reason: To ensure surface water from the site is not deposited on the public highway.

8.4. Informative Notes:

It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway. The applicant/developer must take all necessary action to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's/developer's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.

It is a legal obligation that all properties must have a clear number or name, and that this identifier must be clearly displayed on the property. Official addressing of streets and properties is the statutory duty of local authorities. To ensure that any new addresses are allocated in plenty of time, the developer or owner must contact traffic.management@derby.gov.uk with the number of the approved planning application and plans clearly showing the site, location in relation to existing land and property, and the placement of front doors or primary means of access.

The development makes it necessary to construct vehicular crossings over a footway of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact StreetPride at Derby City Council to apply for a vehicle access under Section 184 of the Highways Act 1980 (as amended) to arrange for these works to be carried out. Visit <https://www.derby.gov.uk/transport-and-streets/roads-highways-pavements/vehicle-access-kerbs/> or contact customerservices@derby.gov.uk or tel 0333 200 6981.

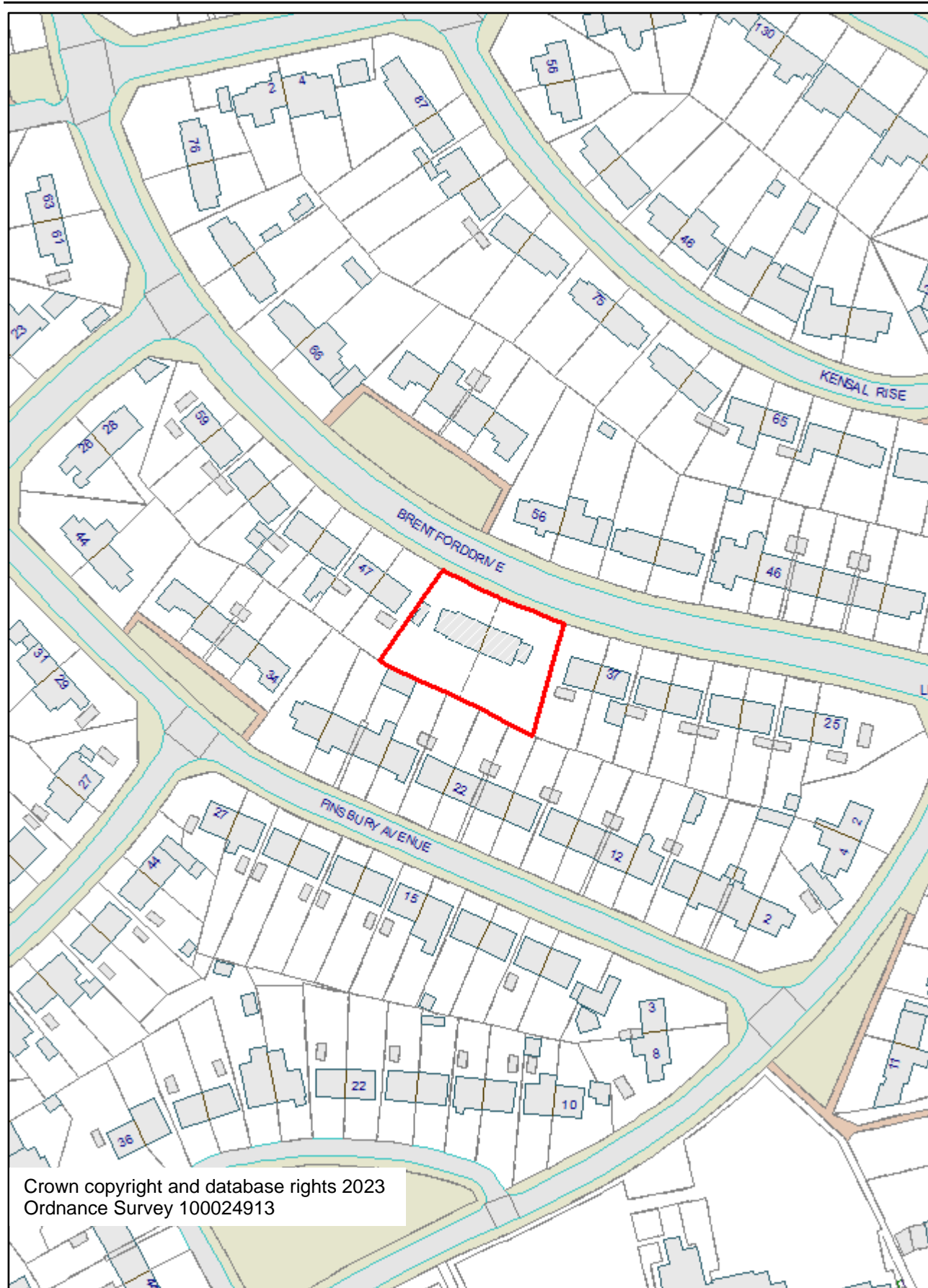
8.5. Application timescale:

The original determination period has passed, a request has been made to extend the period until 21.7.2023.

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Type: Full Application



Committee Report Item No: 7.2

Application No: 22/01685/OUT

**Type: Outline – all
matters reserved**

1. Application Details

1.1. Address: Land off Infinity Park Way, Sinfin.

1.2. Ward: Sinfin & Osmaston Ward, and,
Chellaston and Shelton Lock Ward

1.3. Proposal:

Outline permission with all matters reserved for a business park including employment uses in Classes B8 (storage and distribution use), B2/E(g)(iii) (general industrial and light industrial use), E(g)(ii) (research and development use), E(g)(i) (Office use) and C1 (hotel) together with a public house and 'drive thru' café. Provision of supporting infrastructure including: roads, foot/cycle paths, drainage works, landscaping, wildlife enhancement measures and related engineering works including watercourse improvements and movement of materials.

1.4. Further Details:

Web-link to application:

<https://eplanning.derby.gov.uk/online-applications/PLAN/22/01685/out>

Brief description

The Site

The application site comprises an irregular shaped area of land that extends to 48.8 hectares in area. The site lies on the southern edge of the city, close to the residential areas of Chellaston, Sinfin and Shelton Lock. The A50 lies between 700m – 2km to the south of the site and it connects to the site via Infinity Parkway, off the Bonnie Prince roundabout. Sinfin Moor Lane provides a southern boundary to the site. To its northwest is Sinfin Golf Club and Sinfin Moor Park and the Moor Plantation Woodland stands adjacent to the site. The built form of the Rolls Royce test facilities stands to the north of the application site and Lea Farm, a complex of farm buildings, stands directly to the south of Sinfin Moor Lane. There are other residential and farm buildings further to the east that sit to the south of Sinfin Moor Lane. Adjacent to the western boundary are electricity pylons of circa 30m in height which carry high voltage lines.

The land within the application site is identified as Infinity Park and is referenced in the application and its supporting documents as Infinity Park or IPD. Outside of the defined boundary of this planning application but within the bounds of Infinity Park are buildings that include the Nuclear Skills Academy (iHub), the NAMRC building and Project Ivory- an industrial unit with external yard. The parcels of land on which those buildings stand are omitted from the red line boundary of the application site.

The land within the application site has no buildings on it and historically, the character of the general landscape across the area was a pattern of flat regular fields defined by hedgerows containing mature trees, drains, ditches and narrow lanes. The site is generally flat and historically it included intensively managed arable fields and open grassland. Most of the site was previously in agricultural use. This landscape has changed recently as the delivery of new development has progressed and engineering works (subject of planning permission ref: 21/00460/FUL) have been implemented which has regraded parts of the site to create new development

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Application No: 22/01685/OUT

**Type: Outline – all
matters reserved**

formation levels as a means to addressing the flood risk to the site and making the land available for development.

The land stands within flood zones 2 and 3. There are a number of ditches and agricultural land drains which cross the site. A large, landscaped flood storage area (subject of planning permission ref: 21/00460/FUL) has recently been delivered adjacent to the western site boundary. Cuttle Brook (including Meadow Drain) crosses the northern part of the site, and it forms part of the Cuttle Brook Local Wildlife Site (LWS). It is the subject of a separate application for planning permission to be re-routed and the proposed alignment of the diversion involves a wider channel being formed to the north of the site. Sinfin Moor Lane stream (Main Drain) flows adjacent to the site's southern boundary. Both Main Drain and Cuttle Brook are classed as Environment Agency Main Rivers.

There are many walked routes within the area and there is public access along Sinfin Moor Lane which is fully adopted as a road but with some restrictions. It is a well-used recreational route and forms part of the National Cycle Route 66. A public bridleway extends through the site via the edge of Moor Plantation, and it provides a route between Wilmore Road and Moor Lane. This connects with a public footpath that runs beside Cuttle Brook and onto Sinfin Moor Lane. There are also existing rights of way and public footpaths at the eastern end of the site.

There is public access within Sinfin Moor Park and the Local Nature Reserve (LNR) which lies 130m to the west of the site and Moor Plantation LWS stands adjacent to the site. Local Wildlife Sites (LWS) that are located within the bounds of the site include Sinfin Moor Lane Stream LWS and Cuttle Brook LWS.

The Proposal

Outline planning permission is sought, with all matters reserved, for the use of the site as a business park with related infrastructure works. The uses proposed across the site include the following;

- 89,013 sqm of B8 storage and distribution use
- 47,165 sqm of B2 / E(g)(iii) general industrial and light industrial use
- 5,911 sqm of E(g)(ii) research and development use
- 2,858 sqm of E(g)(i) Office use
- 3,902 sqm of C1 Hotel
- 1,366 sqm of A4 / E public house
- 517 sqm of A4 / E drive thru cafe

All supporting details are illustrative given that this is an outline submission but the information supporting the application is based on the delivery of 150,731sqm (1,622,460 sq ft) of new floorspace. In addition to the buildings, the application outlines an intention to deliver associated development which would potentially include managed yards, external plant, storage areas, parking for vehicles, circulation spaces and landscaping. A Masterplan and Parameter Plan support the application and they seek to define the maximum extent of built form across the site with

parameters that define land use zones (including areas identified for green infrastructure, flood alleviation and, biodiversity enhancements) maximum building heights and floor levels, proposed plot access points, existing hedgerows and trees to be retained and existing, retained and proposed footpath, bridleway and cycle links. The parameter for maximum building heights is stated as 18.5m. A level of earthworks is identified as being required to prepare the site for development and address its flood risk and minimum floor levels are identified.

Vehicular access for individual land parcels is identified as being taken from Infinity Park Way and proposed associated roads. A new section of primary access road is proposed as an extension to Infinity Park Way. All existing footpaths and bridleways across the site are proposed to be retained. A footpath diversion is proposed in the southeast corner of the site to accommodate proposed habitat and flood alleviation measures along the Cuttle Brook. Earthworks form part of the application on the triangular parcel of land on the north-eastern edge, adjacent to the NAMRC development.

A Green Infrastructure Framework is outlined in an illustrative Landscape and Ecological Plan which is identified as performing a wide range of functions including benefits for biodiversity, drainage, local landscape character, recreation and adaptation to climate change. The Framework includes retention of existing vegetation, ditches, watercourses and features and proposes new green space and habitat creation to include woodland, trees, hedgerows and grassland, drainage features, ponds and brook corridor improvements.

The proposals involve some off-site highway works and they are detailed in the Transport Planning response in section 5.1 of this report. The off-site works include proposed changes to the Chellaston Road / Boulton Lane / Merrill Way junction and on the section to the south of Merrill Way, the proposal involves provision of a third lane on the junction approach. A section of open space, approximately 2 metres wide, is proposed to be taken into the highway land boundary. As this work requires planning permission, the land has been included in the red edged boundary of the application site and forms part of the application for planning permission.

1.4.1. Environmental Statement

The works that are subject of the application involve a form of development identified in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) in section 10 (a) as an industrial estate development project. Given that the site area exceeds the development threshold area of 5ha and given that there is potential for significant effects in terms of the regulations, the applicant has submitted an Environmental Impact Assessment and its findings are set out in an Environmental Statement (ES) that supports the planning application.

The EIA process involves the collection and assessment of information about the estimated environmental effects of a project and mitigation measures are proposed which aim to minimise any resulting environmental effects. The EIA Regulations require that the ES identifies '*likely significant effects of the proposed development on the environment*'. In order to determine the scope of the EIA, a request for a Scoping Opinion was submitted by the applicants in January 2022. The Local Planning Authority issued a formal Scoping Opinion in April 2022. While minor

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changes to the red line boundary and proposed quantum of development have subsequently been made, the suggested disciplines and methodology for the EIA are considered to be acceptable.

In the majority of the technical disciplines' significance reflects the relationship between two factors and these are:

- The magnitude or severity of an effect (i.e., the actual change taking place to the environment) and:
- The sensitivity, importance or value of the resource or receptor.

The criteria for determining magnitude and the degree of sensitivity are set out in each of the individual chapters and there are some variations between disciplines. For the purposes of giving some reference in this report, the following definitions provide guidance.

Degrees of Magnitude and their Criteria	
Magnitude of Effect	Criteria
High	Total loss or major / substantial alteration to elements / features of the baseline (pre-development) conditions such that the post development character / composition / attributes will be fundamentally changed.
Medium	Loss or alteration to one or more elements / features of the baseline conditions such that post development character / composition / attributes of the baseline will be materially changed.
Low	A minor shift away from baseline conditions. Change arising from the loss / alteration will be discernible / detectable, but the underlying character / composition / attributes of the baseline condition will be similar to the pre-development.
Negligible	Very little change from baseline conditions. Change not material, barely distinguishable or indistinguishable, approximating to a 'no change' situation.

Degrees of Sensitivity and their Criteria	
Sensitivity	Criteria
High	The receptor / resource has little ability to absorb change without fundamentally altering its present character or is of international or national importance.
Medium	The receptor / resource has moderate capacity to absorb change without significantly altering its present character or is of high and more than local (but not national and international) importance.
Low	The receptor / resource is tolerant of change without detrimental effect, is of low or local importance.
Negligible	The receptor / resource can accommodate change without material effect, is of limited importance.

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In identifying the likely significance of environmental effects, they are described in broad terms as adverse, beneficial or neutral on a scale of major – moderate – minor – negligible.

As a general guide, the matrix below is used to identify the significance of effects:

Magnitude Of Change	Sensitivity of Receptor			
	High	Medium	Low	Negligible
High	Major	Major	Moderate	Negligible
Medium	Major	Moderate	Minor or Moderate	Negligible
Low	Moderate	Minor or Moderate	Minor	Negligible
Negligible	Negligible	Negligible	Negligible	Negligible

Effects assigned a rating of Major or Moderate are considered as 'significant'.

Where 'significant' environmental effects are identified, the ES considers mitigation solutions or enhancements to minimise the effect and the ES assigns the significance of effects both before and after mitigation.

The application identifies a set of development parameters, and a parameters plan supports the application. The range of fixed parameters, enable the ES to provide a robust assessment and the parameters outlined in the plan include:

- Land use zones, including areas for built development and consented built development:
- Maximum building heights and finished floor levels with a suitable element of tolerance:
- Areas of non-built form including green infrastructure (including retained vegetation), flood alleviation and other non-built form:
- Proposed, consented, and built primary access routes, with indicative proposed plot access: and
- Existing, retained, and proposed footpath, bridleway and cycle links.

A Cumulative Parameters Assessment Plan also supports the application and includes adjacent potential future built form within the City boundary which are allocated under Policy AC15.

Given the nature and intended longevity of the proposed development's operational life, decommissioning is not considered as part of the ES and its focus is on the potential likely significant effects of the development during the construction and operational phases of the development only. To align with the Transport Assessment work undertaken, the ES assumes that the development will be complete by 2030.

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The ES responds to the requirement in the Regulations to assess the cumulative effects of the development and in respect of inter-project cumulative effects, regard is given to existing and / or approved projects. The ES details all potential 'other development' that is considered in relation to cumulative assessment and also includes adopted Policy allocations in the Derby City and South Derbyshire Local Plans.

Specific topic areas for consideration in the ES were considered through the Scoping exercise undertaken with the City Council and the chapters covered by the ES are as follows:

- Proposed Development and Alternatives
- Socio Economic Issues
- Landscape and Visual Issues
- Ecology and Nature Conservation
- Cultural Heritage and Archaeology
- Ground Conditions
- Flood Risk and Drainage
- Traffic and Transport
- Air Quality
- Noise and Vibration.

Within each of the technical chapters, the information that is identified as informing the EIA process is identified as being set out within the following structure; introduction, assessment approach, baseline conditions, assessment of likely significant effects, mitigation, enhancement and residual effects, cumulative effects and summary.

The ES includes a non-technical summary, and it was submitted along with a suite of technical reports including the following: Topographical Survey, Ecological Appraisal, Arboricultural Impact Assessment, Bat Report, Breeding Bird Survey, Water Vole and Otter Survey Report, Biodiversity Net Gain Assessment, Archaeological Desk Based Assessment, Phase 1 and 2 Geo-Environmental Assessment Reports, Minerals Assessment, Ground Investigation Report, Flood Risk Assessment, Sustainable Drainage Statement, Transport Assessment, Travel Plan, Construction Phase Dust Assessment, Operational Phase Road Traffic Emissions Assessment and a Noise Assessment.

The ES has been updated during the life of the application in response to the comments of consultees and through the submission of an Addendum – March 2023. The Addendum provides updated information in relation to the Transport, Air Quality and Noise Environment chapters and an updated Non-Technical Summary has been provided. The Addendum has been supported by updated survey work, where this was deemed necessary including two Transport Assessment Addendums. The March 2023 ES Addendum has been the subject of publicity and re-consultation in accordance with Regulation 25 of the EIA Regulations.

The information in the ES is detailed and the following sections provide only a summary of each of the chapters. The aim of this section of the report is to provide members with an overview of the likely significant effects identified in the ES as arising from the scheme.

Alternatives

This chapter sets out the main reasonable alternatives to the proposed development and the main reasons for selecting the chosen option.

The 'No Development' Alternative - The ES states that this alternative would miss the opportunity to secure significant investment to the area which is supported by virtue of its allocation within the Local Plan.

Alternative locations and uses for the proposed development – These have not been considered given that the site is an allocated employment site under Local Plan Policy AC15. It is also noted in the ES that outline planning permissions has previously been granted over the majority of the allocated site and parts of it have been granted planning permissions for built development that is already present on site.

Alternative Designs and Site Configuration – A list of key constraints and opportunities at the site are identified and it is indicated that the EIA and design process has evolved to take account of various environmental constraints and opportunities over a number of years. It indicates that this has enabled early identification of mitigation measures which have become inherent in the design.

Socioeconomics

This chapter considers the likely socio-economic effects of the proposed development, and the considerations are mostly related to the effects of the development on the human population who live in the vicinity of the development site.

The construction costs for the development are estimated to be approximately £150 million over an approximate seven-year build programme. In total, an estimated 318 temporary direct and indirect jobs could be supported per annum and the ES calculates the economic output of this to equate to £121.2 million gross value added (GVA) over the seven-year build timeframe. The ES identifies the significance of this temporary effect as moderate beneficial, which is significant in EIA terms.

Once fully developed and occupied, the ES indicates that the development will support 2,731 gross full-time equivalent jobs on site and it is estimated that the wages paid to the on-site workers would be around £80 million per annum. The GVA to economic output is estimated to be around £138 million per annum. The ES identifies the magnitude of this impact to be high as jobs created in the operational phase would represent an increase of 1.9% on current employment levels within Derby and the employment supported by the operational phase would be permanent and long term. The significance of the operational effect is therefore identified in the ES as major beneficial, which is significant in EIA terms.

Landscape and Visual

This Chapter of the ES forms a Landscape and Visual Impact Assessment (LVIA). It is used to identify and assess the significance and the effects of change resulting from development on both landscape as an environmental resource in its own right and on people's views and visual amenity. The full methodology for assessing impacts on Landscape and Visual receptors is outlined in the ES. The study area broadly comprises a 5km radius from the application site. This chapter considers effects arising during the construction phase, on completion of the development and in the longer term (15 years after completion of the development, when the green infrastructure framework, which includes planting, would be established and maturing).

The baseline Landscape character is described using reference to existing landscape character assessments and the Natural England National Character Area Profiles in addition to Regional and County level character assessment profiles. Visual receptors are identified as including residents, users of the public rights of way, open spaces and recreational facilities, highway users and people at their place of work. The visual analysis includes the use of Zones of Visual Influence and Zones of Theoretical visibility and is supported by photographic material to assist in determining the level of effects. 21 different viewpoint locations are assessed.

In terms of likely significant effects, a major-moderate adverse effect is identified for the site and its immediate context. This results from the loss of landscape receptors, disturbance to the Cuttle Brook and urbanising influences on the local character. These effects are identified as reducing in the long term once the green infrastructure has become established with residual effects being identified as moderate adverse after 15 years.

Significant visual effects are identified as resulting for the residents at Lea Farm and users on the eastern and northern parts of Sinfin Moor Lane and users of the two rights of way that cross the site (public bridleway and public footpath near Cuttle Brook). Effects for these receptors are judged to be Major-Moderate adverse at year 1 and in the long term. These receptors will experience views of existing built elements and the proposed development would be observed within that context.

The green infrastructure framework of retained and new habitats and the adoption of sensitive colours and tones for the elevational treatment of buildings is identified as mitigation for the effects identified along with adherence to Construction and Environmental Management Plans and Landscape and Ecological Management Plans.

Ecology and Nature Conservation

The application site is identified as comprising arable fields, open grassland, watercourses, recently cleared ground, areas of scrub and ponds. Hedgerows form an extensive network across the site and link to adjacent areas of countryside and the urbanised area of Sinfin.

The Boulton Moor Site of Special Scientific Interest (SSSI) is identified as being within 2km of the site but due to its nature and distance from the site, the ES indicates that it is unlikely it would be impacted by the proposals and therefore, isn't

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considered further. The Sinfin Moor Local Nature Reserve (LNR) is identified as a statutory site of local conservation importance that falls approximately 130m from the western extent of the application site boundary. The ES notes the habitats and species it supports and the public access available within it. Non-statutory designated sites are identified as being within or near the application site. These include the Sinfin Moor Park LNR, The Cuttle Brook Local Wildlife Sites (LWS) and the Sinfin Moor Lane Stream LWS. Moor Plantation LWS is a broad-leaved plantation woodland that stands adjacent to the site. Several other LWS's within 600m of the site boundaries are identified.

An extended Phase I Habitat Survey was undertaken (which included a hedgerow survey using the Hedgerow Evaluation and Grading System) and further surveys were carried out for Water Vole, Otter, Birds, Bats and Badger.

The ES indicates that field surveys undertaken over a number of years in connection with a number of different planning applications have highlighted the presence of a typical range of mainly agricultural habitats. All field compartments are identified as intensively managed and supporting little of ecological interest. Habitats of local interest are identified as including species poor hedgerows, newly created species rich hedgerows and wetland features which although heavily affected by agricultural practices provide habitat diversity and relatively continuous biodiversity corridors through the landscape. Faunal surveys identify use of the site by the following:

- Otters using the Cuttle Brook for commuting.
- Badgers use the site and adjacent area for foraging / dispersal by no setts have been observed on site.
- A range of typical urban edge and farmland bird species that use the site for breeding in small numbers.
- A range of common and widespread bat species typical of the range of the habitat present. No roosts have been identified.
- Common toad, common frog and smooth newts are known to use ponds in the vicinity of the site.
- No evidence of reptiles and water voles has been identified within the site although historic records (more than 20 years old) of the former do occur locally.

As a result of former intensive management of the site for agriculture or recent disturbance associated with the construction of other development on site, the ES indicates that important ecological receptors on site are limited, and it is unremarkable in nature conservation terms in any more than a local context. The ES does, however, identify some adverse effects in advance of mitigation. A moderate adverse effect is identified because of the loss of species poor hedgerows which are a habitat of principle importance. The loss of a small section of Cuttle Brook to facilitate drainage and habitat improvement works are also identified as significant as is the loss of a veteran tree. Minor disturbance of fauna including birds, bats and otter could occur in the absence of mitigation, displacing them from the site in the short term.

This chapter identifies mitigation and enhancements measures to avoid, reduce or manage and adverse effects and deliver beneficial effects. This list of measures proposed includes the following;

- Provision and adherence with a Construction Environmental Management Plan – to avoid effects on retained and adjacent habitats and fauna.
- Delivery of green infrastructure – a network of multi-functional green spaces, capable of delivering a wide range of environmental and biodiversity gains. This includes retained vegetation, new planting and habitat creation, SuDS and improvements to the Cuttle Brook.
- Delivery in accordance with a Landscape and Ecological Management Plan for all retained and created habitats.
- Ecologist supervision or avoidance of bird nesting seasons during initial earthworks.
- Pre-commencement surveys for badger, otter, and nesting birds where necessary.
- The delivery of a wildlife friendly lighting strategy.

This chapter of the ES concludes that few potentially significant effects are identified and none of them cannot be successfully mitigated or compensated through significant biodiversity enhancement associated with the proposed Green Infrastructure to augment the existing resource associated with adjacent habitats and those close by. It states that the proposed development will lead to a net gain in biodiversity.

Cultural Heritage and Archaeology

The search area used to inform this chapter comprises a 1km buffer to identify all designated and non-designated assets. In addition, the impact of the setting of designated and non-designated assets within a 2km buffer was also considered. The ES considers the potential effects on heritage assets, historic landscape character and geoarchaeological resources within the study area for both the construction and operational phases of the development.

No Designated Archaeological Heritage Assets are identified within 1km of the boundaries of the site. The nearest scheduled monument, Swarkestone Lowes, lies just over 1km to the south and the Trent and Mersey Canal Conservation Area (outside of the Derby City boundary) and associated listed structures lie approximately 1.4 – 1.8km to the south. There are other listed buildings in Chellaston, Allenton and Sinfen. However, the ES indicates that the proposed development does not contribute to the setting of any of these other than as part of a much wider landscape background. No recorded archaeological sites are identified within the site, but the development area is identified as being within the bounds of Sinfen Moor Lake.

During the construction phase of the works minor – moderate adverse effects are identified for paleoenvironmental remains within the application site and previously unknown archaeological remains. A watching brief is proposed to identify any

deposits and a geoarchaeological sampling programme proposed to investigate the potential of remains within the site. The ES notes that a strategy for further survey work may be needed. With this mitigation in place, the ES indicates that the resulting impacts will be minor adverse and not significant. During the operational phase, effects on historic landscape character, the setting of the Trent and Mersey Canal Conservation Area, listed buildings and historic landscapes within the wider area are identified as negligible. No significant cumulative and in-combination effects are identified, and the chapter concludes that with appropriate mitigation, no significant adverse effects are arising in respect of cultural heritage.

Ground conditions

This chapter provides an assessment for ground conditions, contamination, and soil quality at the site. The scope of the assessment considers the effects on the ground conditions in the local environment and the effects to construction workers from ground conditions during the construction phase of the works. In respect of the operational phase, the assessment considers the sterilisation of materials, loss of agricultural land and the effects to end users and construction materials from ground conditions.

The ES indicates that the site is designated as an Agricultural Land Classification Grade 3 (good to moderate quality land). It states that no contamination has been encountered during ground investigation works across the site and the risk to both human health and controlled water receptors is considered to be low.

Mitigation measures identified include the incorporation of widespread hardstanding at the surface. All persons engaged in construction would be made aware of any residual contamination found to be present that would be incorporated into a CEMP. This would also be used to install measures to control spillages, control and soil erosion resulting from construction activities on site and to control the movement of sediments into surface watercourses.

The Chapter concludes that following the implementation of applicable impact avoidance and mitigation measures, all potential geological and soils related effects are assessed as not being significant.

Flood Risk and Drainage

This chapter considers the potential direct and indirect effects of the proposed development on flood risk and drainage, and it draws on information provided in the Flood Risk Assessment and Sustainable Drainage Statement that supports the application. The ES assesses effects on the following receptors: River Trent, local population, Main Drian, Cuttle Brook, public sewer network, pluvial flow routes and groundwater.

This chapter of the ES identifies the development as having negligible to major adverse effects without mitigation measures in place, for the construction phase of the development. The major adverse effects highlighted relates to flood risk effects on the local population as a result of the requirement to work (and carry out the development) within the floodplain and near to waterbodies. For the operation phase, only negligible effects are identified.

The ES details mitigation measures and during the construction phase it is assumed that construction activities will be undertaken in accordance with a controlled set of measures set out within an appropriate Construction Environmental Management Plan (CEMP). In the operation phase, the ES notes that the previous outline approvals on the site included approved mitigation by design measures that involve plot raising, the formation of two attenuation areas known as the Eastern Flood Storage Area (EFSA) and Western Flood Storage Area (WFSA) and the raising of finished floor levels and ground profiling to direct runoff and overland flows towards the nearest drainage points. A Sustainable Drainage Strategy (SDS) that supports the application outlines measures to restrict surface water runoff and this, along with above ground attenuation features are identified as providing a level of treatment of surface water. Additional mitigation identified includes construction workers, future site owners, occupiers and users signing up to received EA Flood Alerts for the River Trent.

Following the implementation of the mitigation measures, this chapter of the ES identifies all residual effects in the construction and operation phases as negligible apart from effects of the proposed development on surface water and groundwater. They are identified as minor beneficial as a result of the use of above ground attenuation and the replacement of the former agricultural land.

This chapter of the ES concludes that subject to the implementation of the mitigation measures specified, the effects of the proposed development on the identified flood risk and drainage receptors are considered to be negligible to minor beneficial (not significant).

Traffic and Transport

An addendum has been submitted in respect of the Transport chapter of the ES in March 2023 and is supported by two Transport Assessment (TA) addendums. The March 2023 addendum considers updated Traffic Modelling that has been submitted during the life of the application and provides clarity on the proposed mitigation.

This chapter considers the potential effects of the development on the local highway network which are attributable to changes in predicted traffic flows associated with the development during both the construction and operation phases. The assessment considers the cumulative effects of the development alongside various committed development in the South Derby Growth Zone that are either built or have planning permission including the introduction of Junction 3A onto the A50 that was granted planning permission in February 2021.

Traffic flows with an assessment year of 2030 has been adopted as this takes into account the effects of the proposed development at the first year of its proposed full completion. The effects of the proposed development are assessed with the A50 Junction 3A in place and this is based on the latest information which indicates that the new junction and link road is to be completed by 2025 and therefore before the completion of this development. (The TA does however also consider other 'without A50' junction scenarios).

Receptors considered in this chapter include road users (motorised and non-motorised), properties and residents. Matters to be assessed in the ES study area

are identified as including severance, driver delay, pedestrian delay, pedestrian amenity, fear and intimidation and accidents and safety.

The ES identified 7 road links where minor significant effects could be experienced as a result of operational traffic and 5 road links where minor significant effects could be experienced as a result of construction traffic. A number of elements of the scheme are identified as integral to the design and are proposed to ensure that there is suitable infrastructure to support the development, to ensure accessibility by sustainable modes of transport or to address capacity problems triggered by the additional peak hour traffic generated by the proposed development. These mitigation measures are detailed in section 11.5.7 of the ES.

The ES indicates that the assessment of the effect of construction traffic and operational vehicle traffic would not lead to any significant adverse effects on the road network. The March 2023 Addendum confirms that the updated Traffic modelling does not change those conclusions and the development should not have any adverse environmental effects that require mitigation above the measures embedded as part of the proposals and infrastructure improvements proposed in the TA to alleviate expected capacity problems. It concludes that there are not any outstanding barriers to development from a transport perspective.

Air Quality

This chapter assesses the likely significant effects of the proposed development on local air quality and dust. It considers potential effects of construction phase dust and construction and operational phase road traffic emissions on air quality at identified existing receptor locations. An update to this chapter forms part of the March 2023 Addendum.

Both existing and proposed sensitive receptors are considered in the assessment and the existing receptors include nearby dwellings, care homes, farms, primary schools, a secondary school, the hospital, public houses, dentists, cafes and a gym.

The ES notes that the application site is not located within an existing Air Quality Management Area (AQMA) but 'AQMA no. 1 Ring Roads' is located approximately 1.2km northeast of the site.

The level of traffic generated during the construction phase of the proposed development is stated as being below the relevant criteria required for a detailed assessment to be undertaken and the impact of construction phase road traffic emissions on air quality is considered to be not significant therefore the ES states that no mitigation measures are required. This conclusion is unchanged by the updated Traffic Modelling. Standard construction phase mitigation measures are proposed through the inclusion of a Construction Environmental Management Plan which includes a series of measures that are outlined in the ES.

In relation to the operational phase, impacts have been reassessed using updated traffic data and a review of the updated traffic flows identifies Wilmore Road as exceeding the screening criteria and therefore the study area was extended to include Wilmore Road and this is addressed in the March 2023 Addendum. The ES states that in relation to the operational phase, the proposed development will result

in minimal increases in pollutant concentrations and no exceedance of the current relevant air quality objectives are predicted.

Measures within the Framework Travel Plan are identified as reducing road traffic emissions associated with the site and include:

- The appointment of a Travel Plan Co-ordinator.
- All staff to be provided with a welcome pack detailing sustainable travel information.
- Cycling and walking to be promoted with maps provided showing routes.
- Public transport to be promoted in welcome packs.
- Car sharing is to be encouraged.
- The Transport Assessment that supports the application recommends that through reserved matters 10% of car parking spaces across each unit will be fitted with electric charging points.

Cumulative and in-combination effects are also deemed 'not-significant'.

The ES concludes that in no significant air quality effects are identified and that the proposed development is suitable for the site with regard to the current relevant air quality objectives and that no mitigation is required.

Noise

This chapter of the ES assesses the potential effects of noise and vibration impacts associated with the construction and operation and the assessment includes the following scope of works:

- Assessment of the effects of construction noise and vibration on existing Noise-Sensitive Receptors (NSRs) in the vicinity of the proposed development.
- Assessment of the effects of operational noise due to changes in road traffic on existing NSR's in the vicinity of the proposed development.
- Assessment of noise associated with the operational phase, including noise from fixed plant and proposed HGV site access routes and service yard activity on existing NSR's in the vicinity of the proposed development.

Baseline conditions have been informed by results of noise surveys. Five Noise Sensitive Receptor Locations are identified, and they include Lea Farm, to the south of Sinfin Moor Lane, Old Canal Farm to the east of Sinfin Moor Lane and dwellings on Heigham Close, Hamblin Crescent and Coltsfoot Drive. The ES notes that impact may be experienced at other receptors, but this is likely to be equal to less than the five identified.

An update to this chapter forms part of the March 2023 Addendum. It considers results of the updated Noise and Vibration Assessment using the updated Traffic Flows identified in the TA Addendums.

No significant environmental effects are identified in respect of noise and vibration during the construction or operational phases and this conclusion is unchanged by

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the revised traffic data presented in the Addendum. Disruption associated with construction is stated as being only temporary and the implementation of a CEMP and adherence to best practice are proposed as mitigation. Matters relating to site layout and further mitigation measures (i.e. potential acoustic barriers and selection of appropriate plant) are identified as being able to be successfully mitigated at the reserved matters stage with all residual effects being identified as negligible to minor adverse.

Conclusion

The conclusion drawn is that the ES demonstrates that the design of the proposed development and its construction has taken into account the potential environmental effects and where necessary mitigation measures form an integral part of the scheme so to ensure that the environment is suitably protected and any impacts from the development are minimised.

2. Relevant Planning History:

Application No:	23/00567/FUL	Type:	Full Application
Decision:	Pending	Date:	
Description:	Erection of a warehouse/industrial unit (Use Classes B2/B8) together with gatehouse, plant, external yard, parking, servicing, photovoltaics, SuDs drainage and landscaping, engineering works, new site accesses and part of the A50 link road and associated roundabout.		

Application No:	23/00282/FUL	Type:	Full Application
Decision:	Pending	Date:	
Description:	Creation of a new channel to divert Cuttle Brook (a main river) and modifications to Meadow Drain (an ordinary watercourse) including biodiversity enhancements and infilling a section of Cuttle Brook that will be unused.		

Application No:	21/00585/FUL	Type:	Full Application
Decision:	Granted subject to S106	Date:	26/07/2021
Description:	Erection of Industrial Unit (Use Classes E (g) iii / B2 / B8), with External Yard incorporating plant, open storage of materials and finished products (with alternative scheme including dock levellers), together with introduction of right turn provision within the adjoining highway and all associated parking, servicing, drainage and landscaping areas.		

Application No:	21/00601/FUL	Type:	Full Application
Decision:	Granted subject to S106	Date:	27/08/2021
Description:	Erection of building (Use Classes E(g)ii / E(g)iii / B2), including all associated parking, servicing, landscaping areas and related infrastructure including drainage.		

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Application No:	21/00460/FUL	Type:	Full Application
Decision:	Granted Conditionally	Date:	09/07/2021
Description:	Formation of a surface water drainage Lagoon and flood attenuation area; raising and shaping of ground levels to create development platforms and associated drainage channels /features; together with associated haul routes, landscaping and ancillary works.		
Application No:	19/00417/FUL	Type:	Full Application
Decision:	Granted Conditionally	Date:	30/04/2021
Description:	Development of a road junction and connecting link road with associated works.		
Application No:	11/15/01379	Type:	Full Application
Decision:	Granted Conditionally	Date:	10/02/2016
Description:	Construction and laying out of a new section of highway, as an extension to the southern spur of the T12 Link Road.		
Application No:	01/14/00011	Type:	Full Application
Decision:	Granted subject to S106	Date:	07/08/2014
Description:	Proposed Innovation Centre comprising office and workshop spaces, together with seminar rooms and meeting rooms, back of house and welfare facilities, stand-alone data centre, external service compounds, 59 car parking spaces, cycle facilities, soft and hard landscaping and temporary haul road.		
Application No:	DER/05/13/00463/DCC	Type:	Full Application
Decision:	Granted Conditionally	Date:	04/10/2013
Description:	Erection of link road (T12) together with the erection of temporary and permanent bridges, highway junction works, associated infrastructure and ground works.		
Application No:	DER/11/10/01386	Type:	Outline Application
Decision:	Granted subject to S106	Date:	03/02/2014
Description:	Erection of industrial and warehouse development, provision of environmental measures, open space and retention of woodland and construction of road T12 (extension of time limit of previously approved outline application DER/03/93/00361 by a further ten years).		
Application No:	DER/11/10/01385	Type:	Outline Application
Decision:	Granted subject to S106	Date:	03/02/2014
Description:	Erection of business, industrial and warehousing development, to include petrol filling station and car showroom; provision of environmental protection measures and public open space and construction of part of road proposal T12 (extension of time limit of previously approved outline application code no DER/10/91/01345 by a further ten years).		

3. Publicity:

- Neighbour Notification Letters sent 1st November 2022 and 19th April 2023.
- Site Notices erected 7th November 2022 and 4th May 2023.
- Statutory Press Advert published 4th November 2022 and 28th April 2023.

This publicity is in accordance with statutory requirements and the requirements of the Council's adopted Statement of Community Involvement.

4. Representations:

No third-party representations have been received.

5. Consultations:

5.1. Transport Planning:

1.0 Introduction and Background

This application is outline with all matters reserved. It sets out the principle of the development including the scale and land use profile. However, because Section 106 Agreements have to be agreed at the outline stage, a framework travel plan and assessment of the wider off-site impacts has been undertaken. As such, any mitigation required, to make the quantum of development contained in this application acceptable in transport terms, has been assessed and the schemes either conditioned or are set out in the Section 106 agreement.

Although access is reserved, advice is given in this report on aspects of the access. In particular, the link road between the I-Hub junction the proposed link road to the west, which has planning consent and will be constructed as part of the construction of the new A50(T) junction (19/00417/FUL). It is important for the developer to understand what design standards will be used in the construction of this road, and any other roads that will potentially become public highway, so that they can plan the layout of their development accordingly.

1.1 Previous Planning Consents

In transport terms, the principle of this development has been established through the previous consented employment planning permission, known as Chellaston Business Park, Planning Application 11/10/01385. Indeed, the previous application was an extension of another outline consent (ER/10/91/01345/Pri), which has established the site for employment use for over 20 years.

As part of the previous application, the outline permission also included the T12 link Road (planning app 05/13/00463). T12, now known as Infinity Park Way, was completed and opened in July 2016. The link road provides direct access to the employment area and formed part of the wider mitigation package that was conditioned as part of the Chellaston Business Park application. Under the planning conditions for Chellaston Business Park, the development was limited to 16 hectares of construction of the full 86.8 hectares (around 18%) before the link road had to be constructed.

The other wider mitigation that was conditioned included the following:

Up to 16 Hectares of development	Over 16 Hectares of development
1. The provision of a right turn lane and indicative green arrow at the junction of Chellaston Road/Merrill Way/Boulton Lane to assist right turning traffic into Merrill Way.	1. The provision of a right turn lane and indicative green arrow at the junction of Chellaston Road/Merrill Way/Boulton Lane to assist right turning traffic into Merrill Way.
	2. Traffic signals at the junction of Victory Road/Merrill Way/Wilmore Way;
	3. A longer right turn lane and indicative green arrow at the junction of Victory Road/Moor Lane to assist right turning traffic into Moor Lane;
	4. The provision of a short right turn lane on Kitchener Avenue.
	5. Improvement to the A50 eastbound off slip at the A50/A514 junction.

However, since the Chellaston Business Park application was given consent, a new link road between Merrill Way and Moor Lane has been constructed, which opened in 2018. This is part of an ongoing masterplan that Rolls Royce has to reconfigure its layout into a campus style configuration. The link road, known as Elm Wood Road, effectively creates an alternative route to Victory Road, allowing Rolls Royce to sever the link from Merrill Way to Victory Road. As a result, schemes 2 and 3 in the list above become defunct.

Figure 1 below provides a summary of the location of the proposed development, access road and infrastructure changes such as T12 and Elm Wood Road.

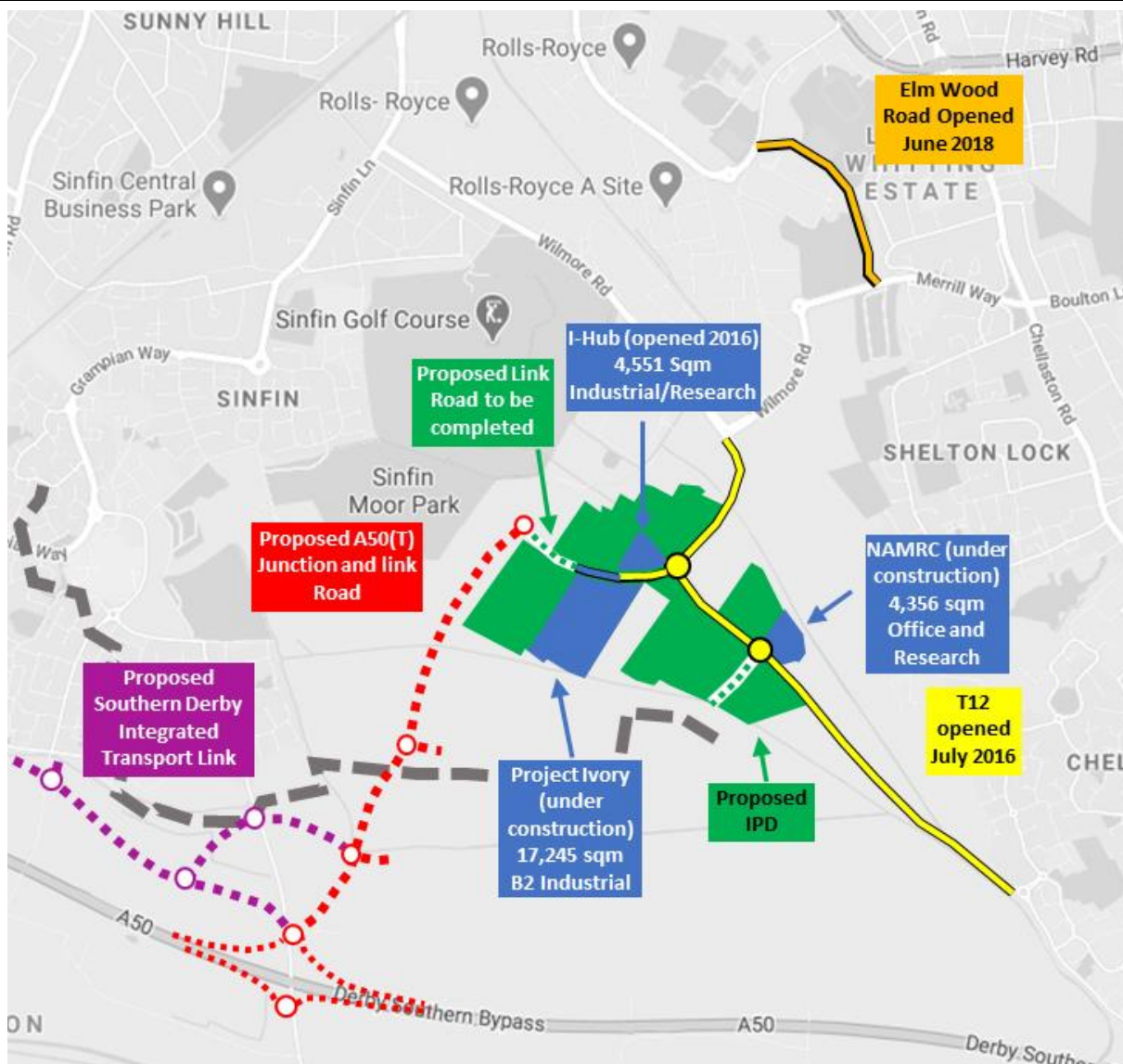


Figure 1: Infrastructure and Development Around the Development Application Area

Three full land use applications have been given consent since the Chellaston Business Park Outline consent in 2014. The I-Hub innovation centre opened in 2016 providing 4,551 sqm of research and development. NAMRC and Project Ivory are currently under construction and provide 4,356 sqm of research and development and 17,245 sqm of B2 Industrial.

Figure 1 also shows how the IPD development fits into the wider proposed infrastructure for the area. As part of the T12 Link Road construction, a stub connection was constructed to provide future access to the development to the west. In the development of the A50(T) New Junction and Link Road proposal, it was decided that this stub would be extended to become the main distributor road that links T12 to the new A50(T) junction. As such, and in order to provide access to the Project Ivory development, the developer has widened this stub to provide a right turn harbourage lane and slightly extended the link, as shown on Figure 1 in blue. As part of the IPD proposal the remaining link, shown by the green dotted line, will need to be constructed to provide access to the remaining development to the west.

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The red dotted lines in **Figure 1** show the proposed A50(T) Junction and Link Road alignment. The purple dotted lines show the proposed alignment of the Southern Derby Integrated Transport Link and how it will connect into the A50(T) Junction and new Link Road.

Whilst the A50(T) Junction and New Link Road has planning permission, and has been allocated £49 million Local Growth Funding by Central Government, it's construction and final funding is still reliant on the sign-off by the Department for Transport of the full transport economic business. As such, there is still a risk that the scheme will not come forward. Currently it is expected that construction will start in March 2025.

1.2 Local Planning Policy

Derby City Local Plan Part 1 – Policy AC15 states: 86.8 hectares of land is allocated to the south of Wilmore Road for the development of a new high quality business park accommodating B1, B2 and B8 uses. The site is identified for the development of a unique, innovation and technology park that will showcase and support innovation related to the automotive, rail, aerospace and energy sectors. It will provide high quality accommodation for companies in the manufacturing and manufacturing services sectors.

In terms of transport AC15 states that:

- (d) Complementary uses should be located centrally within the development to encourage walking and cycling;
- (j) support proposals for delivery of the 'South Derby Integrated Transport Link', subject to the requirements of Policy CP24, and proposals that help provide sustainable and accessible links to new housing at Wragley Way;
- (k) seek to ensure that the site is developed comprehensively and that development on one part of the site does not prejudice development of the remainder, its long term expansion or implementation of the 'South Derby Integrated Transport Link';
- (m) Work with developers, bus operators and other public transport providers to ensure that the site is adequately served by public transport, at an appropriate point in the phasing of development.

2.0 National Planning Policy Framework (NPPF)

The 2010 coalition government introduced the NPPF and set out below is the criteria against which the highway impact of the proposed development should be tested. It is important that this is the criteria used as the Secretary of State would use NPPF to consider the suitability of the above proposal should the application go to appeal.

Paragraph 110 of the NPPF says: In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users; and

c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree, also:

Paragraph 111 of the NPPF says: Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Paragraph 113 says: All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

Considering the above criteria, Highways Development Control has the following comments:

2.1 Opportunities for Sustainable Transport

The NPPF has a presumption in favour of sustainable development and consequently is seeking to influence the developer to put in place measures to provide opportunity and to encourage future residents to travel by non-car modes, wherever this is realistic and feasible i.e. measures to encourage walking, cycling and travel on public transport.

Non-Motorised Users

On average a person walks around 1.4 metres per second. On this basis a 20 minute walk distance is around 1.7 kilometres or 1 mile. Presently, this means that the outskirts of west Chellaston and Sinfin are approximately 2 kilometres from this development via the off-road link provided by Sinfin Moor Lane.

The existing walking routes using lit footways are limited to T12. However, as the IPD develops, and with the construction of the new link road to the A50(T), this will improve and better links, particularly to the Sinfin area, will be provided.

T12 has shared 3 metre cycle/pedestrian footways along its length. This standard will be continued along the new link road to the A50(T) Junction, and extended into the access roads across the proposed development.

Most of Chellaston is within a 3 km (a 11 minute cycle time based on average speed of 10mph) of the site. Sinfin Moor Lane provides an off-road link to Sinfin and Chellaston and is part of Route 66, Derby's Orbital Cycle Route. The construction of the link road to the A50(T) Junction, and the first part of the Southern Derby Integrated Transport Link, will provide shared footway/cycle links to Sinfin. Further, Derby City Council has previously improved cycle facilities on Wilmore Road, Merrill Way and the new Victory Road Realignment scheme to provide a network of routes in the area.

Figure 2 below provides a plan of the proposed IPD Masterplan cycle and pedestrian routes. As part of the Project Ivory development the developer is providing a new lit shared cycle/pedestrian footway between T12 and Sinfin Moor Lane, which forms part of the Regional Cycle Route Route 66. Further, the TA identifies that another improved shared cycle/pedestrian footpath link will be provided though the

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development following the alignment of the existing bridleway between T12 and Sinfin Moor Lane.

The final infrastructure will be determined as part of future Reserved Matters applications for each plot. However, a condition will be requested that requires the developer to provide a plan of the IPD layout, which will include the highway, cycle, pedestrian and any public transport infrastructure with each reserved matters application.

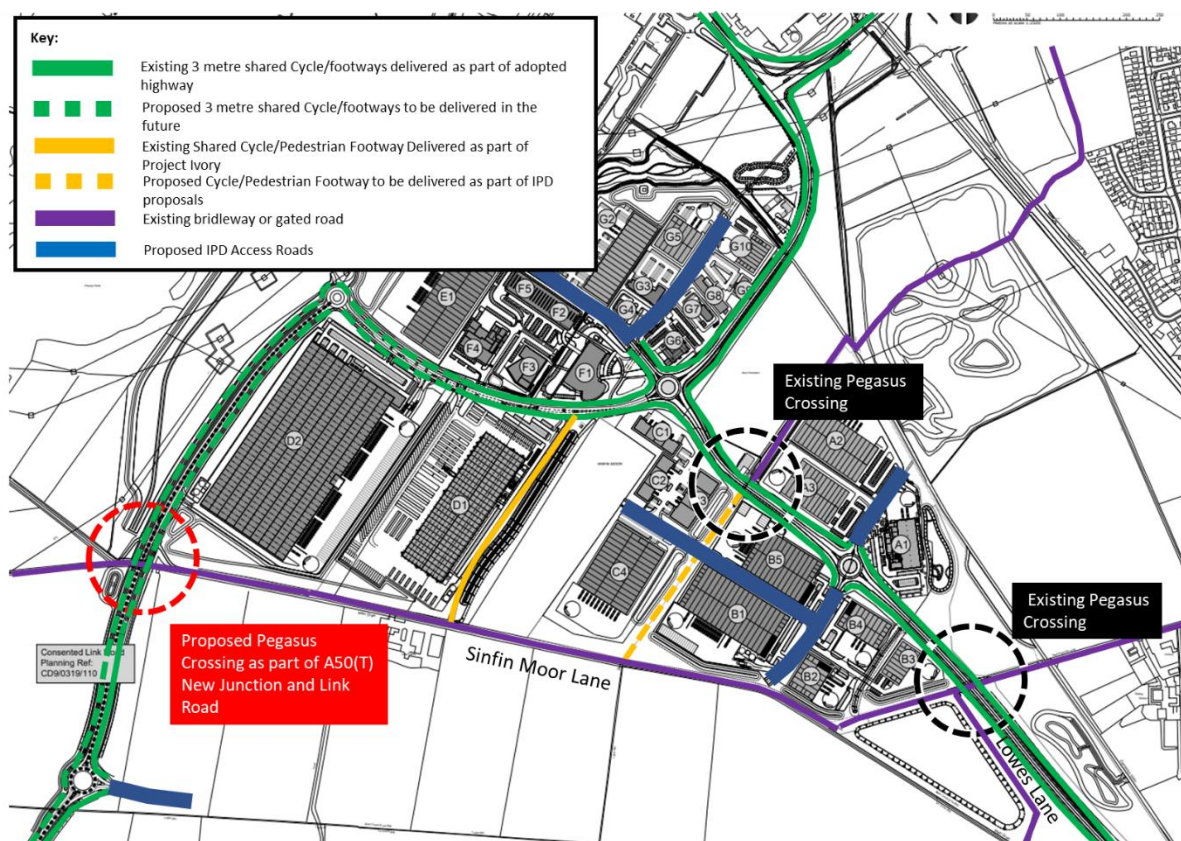


Figure 2: Existing and Proposed Cycle and Pedestrian Infrastructure

Combined with the existing provision on T12, there will be reasonable cycle and pedestrian links to the development.

Public Transport

Public transport provision has not yet been extended to Infinity Park Way and therefore the closest frequently serviced bus stops are located on Chellaston Road, approximately 2.0 kilometres northeast of the site by footway. This is not ideal and really it is unlikely people will use existing public transport services to travel to the site, unless it is their only option.

In discussions with Arriva, there is the potential to extend the 2/2a services to provide two buses an hour into the Infinity Park Derby area. However, this will need to be done when there is a sufficient level of development to provide the patronage demand to make the service sustainable.

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Alternatively, Derby City Council as part of its Transforming City Funding, has a scheme to provide a Demand Responsive Transport service with a central south area of Derby covering the localities of Littleover, Normanton, Rose Hill, Litchurch, Pear Tree, Osmaston, Sunny Hill and Sinfin. The scheme is proposed to run from the end of 2024 and will include around 5 mini buses, with a capacity of around 15 seats, that will operate within the defined area for a minimum operating day of 0600 to 1800 hours. Passengers travelling within this area will be able to book a journey using a phone app to call the vehicle on demand.

It is proposed that the DRT service will be funded through Government revenue grant for a period of two-years, after which it will need to be commercially sustainable or find alternative revenue support to fill any operational funding gaps. There is potential to extend the DRT services into Infinity Park Derby, however, with the uncertainty over the construction timing of the development, there is uncertainty over whether DRT will still be operational.

It is proposed to use part of the generic S106 contribution towards providing a minimum public service frequency. The S106 contribution will be dependant on the phasing of the development and taken at the reserved matters application stage.

Travel Plan

A Travel Plan will be provided for the development. The draft travel plan includes a number of initiatives to support sustainable travel. For example:

- The provision of a Travel Plan Co-ordinator (TCP).
- The Staff Travel Induction Pack prepared by the TCP and given to new employees.
- Marketing Strategy.
- Cycling action plan.
- Secure covered cycle parking provided close to the entrance of each unit.
- Car sharing scheme.
- 5% of spaces have EV charging available.
- Action Plan detailing initiatives and programme of delivery
- Monitoring strategy first survey within 3 months of first occupation of the development. Subsequently, annually on the anniversary of the initial survey, until 5 years after first occupation of the first unit. (Do we want this

It is suggested that the travel plan will be secured through condition based on the draft that has been submitted with this application. It is proposed that a penalty clause is included for non-delivery of the travel plan within the S106 agreement and that monitoring fees are included.

It is considered that the applicant has done as much as can reasonably be expected to make this site sustainable.

2.2 Safe and suitable access to the site can be achieved for all people

Although this application is outline only and access will be a reserved matter, advice is given in this report on aspects of the access. In particular, the link road between the I-Hub junction the proposed link road to the west, which has planning consent and will be constructed as part of the construction of the new A50(T) junction (19/00417/FUL). It is important for the developer to understand what design standards will be used in the construction of this road, and any other roads that will potentially become public highway, so that they can plan the layout of their development accordingly.

Figure 3 below shows the proposed outline development layout in the context of the constructed Infinity Park Way, highlighted in yellow. The blue links show the elements of road infrastructure under construction as part of the Project Ivory and NAMRC developments. The red link shows the proposed alignment of the new link road to the proposed A50(T) junction, and the green links are those proposed as part of the IPD masterplan.

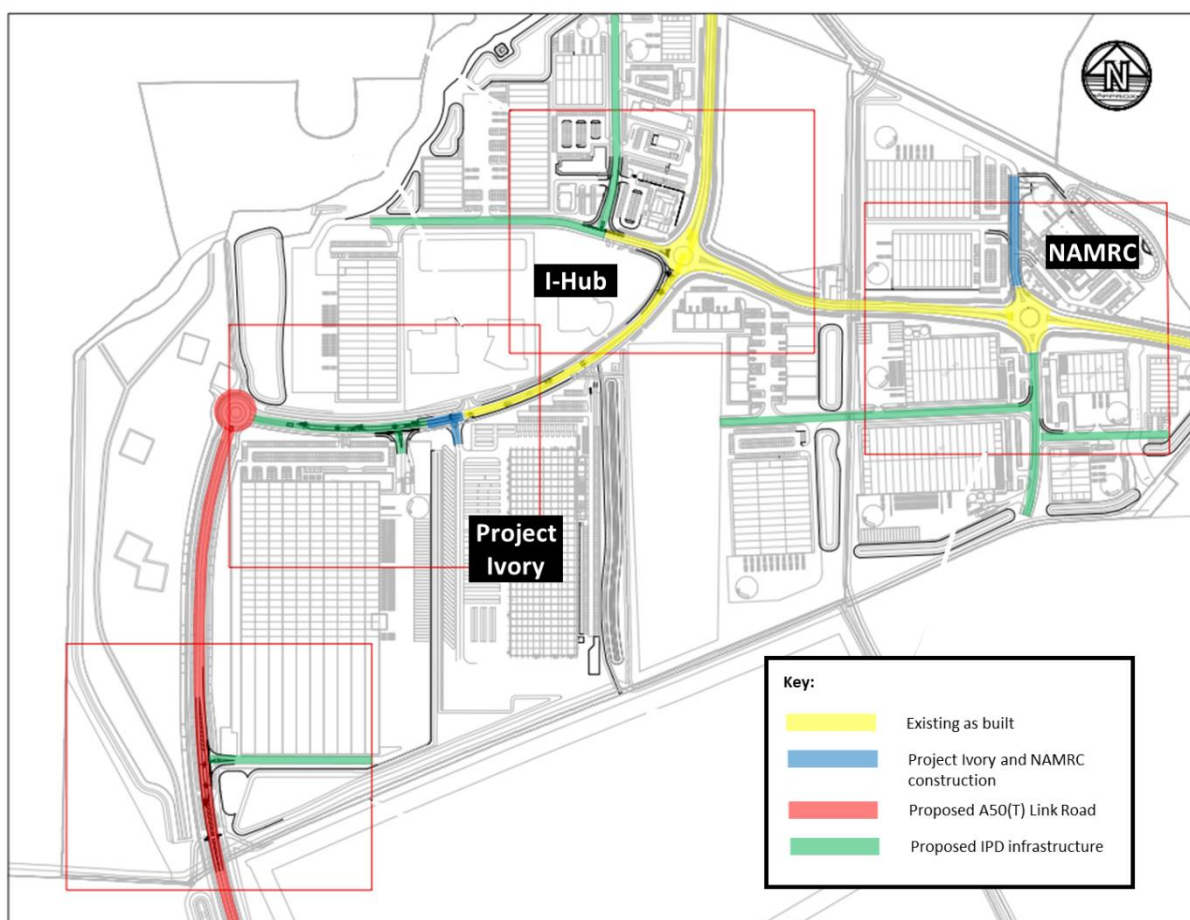


Figure 3: Proposed Access Strategy

Basically, the proposed development will be accessed from Infinity Park Way from two points.

The first is from the NAMRC roundabout. It is unclear at this stage whether the road from the NAMRC junction to the south will form part of a distributor road that will

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eventually link up to the proposed new A50(T) link road to the west. It's completion and alignment relies on further development in South Derbyshire coming forward, as part of the wider Southern Derby Growth Zone proposals. Derby City Council may want to adopt this section of road. As such, it will potentially need to be constructed to an adoptable standard and the width, junction spacing and sight stopping distances will need to meet the appropriate design guidance.

The second point of access will be from the I-Hub Roundabout. The northern development parcels will be accessed from the I-Hub arm and the existing road extended to form a 7.3 metre wide link, with access points to the development parcels.

The southern development parcels will be accessed from the link road that will eventually form a new local distributor road. It is unclear at this stage what elements of this road the developer will be required to construct and what will be constructed as part of the new A50(T) link. However, as the road will be adopted the width, geometry, sight stopping distances and junction spacing will need to meet DMRB Design Standards, as the link will become 40 mph. As such, the masterplan layout, which shows two additional junction accesses directly off the link road, will not be acceptable. It is likely that only one access junction is achievable based on a sight stopping distances of 90 metres (SSD of TD9/93 or CD109). Further, as the main local distributor road to the A50(T), direct development access should be limited and taken off separate access roads within the development site.

As access is a reserved matter, there is not too much detail that needs to be conditioned as part of this application. However, a condition will be included with this application that sets out that with any detailed application that a masterplan is provided that shows the proposed layout of the site including all pedestrian and cycle links.

2.3 Transport Impacts of the development.

NPPF suggests the impact of the residual trips (i.e. the remaining car trips after travel by other modes has been taken into account) should be mitigated as long as it is affordable in the context of the value of the development. The Government does not define 'severe impact'. DCC takes the view that in this context 'severe' can relate to congestion, but definitely relates to safety.

Transport Assessment

As discussed in the introduction, the principle of the IPD development has already been established through the Chellaston Business Park planning consent. Further, the T12 link Road, which was completed and opened in July 2016 formed part of the wider mitigation package that was conditioned as part of the Chellaston Business Park application.

However, there are differences in the land use profiles, and hence traffic generation, between Chellaston Business Park and the IPD proposal. Further, the I-Hub development, NAMRC and Project Ivory have planning consent and in terms of the NPPF, have to be considered as committed development. Therefore, the IPD application represents an increase over and above the development that already has planning permission. However, unlike the Chellaston Business Park consent, and

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hence assessment and wider mitigation, the proposed A50(T) Junction provides a further significant benefit to the network in mitigating the overall impact of the development. However, the new junction does change traffic patterns across the network and the construction of the A50(T) new junction and Link Road is still subject to DfT approval of the full business case. There is a small possibility it won't come forward. As such, it is important to understand the impacts of the development proposals with and without the new A50(T) Junction.

Traffic Generation

The proposed development is specifically for 150,730 sqm of employment development. This includes E(g)(i) 8,759 sqm of Office, E(g)(ii) research & development and E(g)(iii) light industrial; 47,164 sqm of B2 heavy industrial; 89,012 sqm of B8 development that is mostly commercial storage. Further, there are also some ancillary proposals such as a hotel, pub and coffee shop drive thru. The latter is a benefit in transport terms because it reduces the need to find this type of hospitality outside of the business park, thus reducing trips.

	CBP Consent ed	I-hub	NAMRC & Project Ivory	IPD Proposal
Office	2,500	4,551	3,557	2,858
Research and Development			2,011	5,911
Light Industrial				
Heavy Industrial	47,350		16,029	47,164
B8 Storage Use – sqm	23,300			82,973
B8 Distribution Use – sqm	28,000			
B8 Parcel Use – sqm	38,000			6,039
Ancillary Uses Hotel – sqm				3,902
Ancillary Uses Pub – sqm				1,366
Ancillary Uses Drive Thru – sqm				517
Car Showroom	4,000			
Petrol Station	2,200			
Total Floor Area	143,150	4,551	21,597	176,730

Table 1: Land Use Profile of proposed IPD Application against the Chellaston Business Park Outline Scheme and Other Consented Developments

Table 1 shows that the Chellaston Business Park outline application represented 143,000 sqm of gross floor area development. In comparison the proposed IPD development and consented Project Ivory, I-Hub and NAMRC, which covers the same area as CBP, represents around 174,000 sqm. This is around a 23% increase in gross floor area.

Table 2 below sets out the traffic generation and shows a comparison between the CBP Outline consent, I-Hub, NAMRC & Project Ivory and the proposed IPD traffic. The trips used to calculate these trips are based on those contained in the industry standard trip analysis database TRICS and have been agreed between the

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developer and Derby City Council, Derbyshire County Council and National Highways.

	CBP Consented		I-hub		NAMRC & Project Ivory		IPD Proposal	
	AM Peak	PM Peak	AM Peak	PM Peak	AM Peak	PM Peak	AM Peak	PM Peak
Office	54	49			76	70	61	56
Research and Development	0	0			21	18	62	52
Light Industrial	0	0	48	48			0	0
Heavy Industrial	184	164			62	55	183	163
B8 Storage Use - sqm	40	33					141	116
B8 Distribution Use - sqm	59	56					0	0
B8 Parcel Use - sqm	169	287					27	46
Ancillary Uses Hotel - sqm	0	0					38	33
Ancillary Uses Pub - sqm	0	0					0	38
Ancillary Uses Drive Thru – sqm	0	0					38	38
Car Showroom	45	41					0	0
Petrol Station	32	33					0	0
Total Cars							551	542
Total HGVs							63	47
Total Trips in Vehicles	583	663	48	48	160	143	614	589

Table 2: Comparison of Traffic Generation

Table 2 shows that the IPD proposal generates around 614 trips in the AM Peak (0800-0900) and 589 in the PM Peak (1700-1800). As a total for the area I-Hub, NAMRC & Project Ivory and IPD cumulatively generate around 822 trips in the AM Peak and 780 in the PM Peak. This compares to the Chellaston Business Park outline consent, which generated 583 trips in the AM Peak and 663 in the PM Peak.

The heavy goods vehicles trip generation is based on the trip proportions derived from TRICs, and equates to around 10% of the total trip generation or around 63 lorries in the AM Peak and 47 during the PM Peak. Of course, HGVs will be arriving and departing throughout the whole day.

Trip Distribution and Impact of New A50T) Junction and Link Road

The impacts of the development have been modelled using the sub regional strategic transport model. The Gateway Model was developed in 2018 for the purpose of assessing the Toton growth strategy linked to the HS2 East Midlands Hub. It was basically created by joining Derby's and Nottingham's two models together and revalidating the matrices to create a transport network that covers both cities and the area in-between. The impacts of the development have been modelled using a forecast year of 2030, considered the opening year when the development is completed.

Figure 4 and Figure 5 below presents the distribution of the development on the main access points to the Infinity Park Derby area, which is also occupied by Rolls

Royce. The drawings show the AM Peak Distribution and PM Peak Distribution with and without the New A50(T) junction.

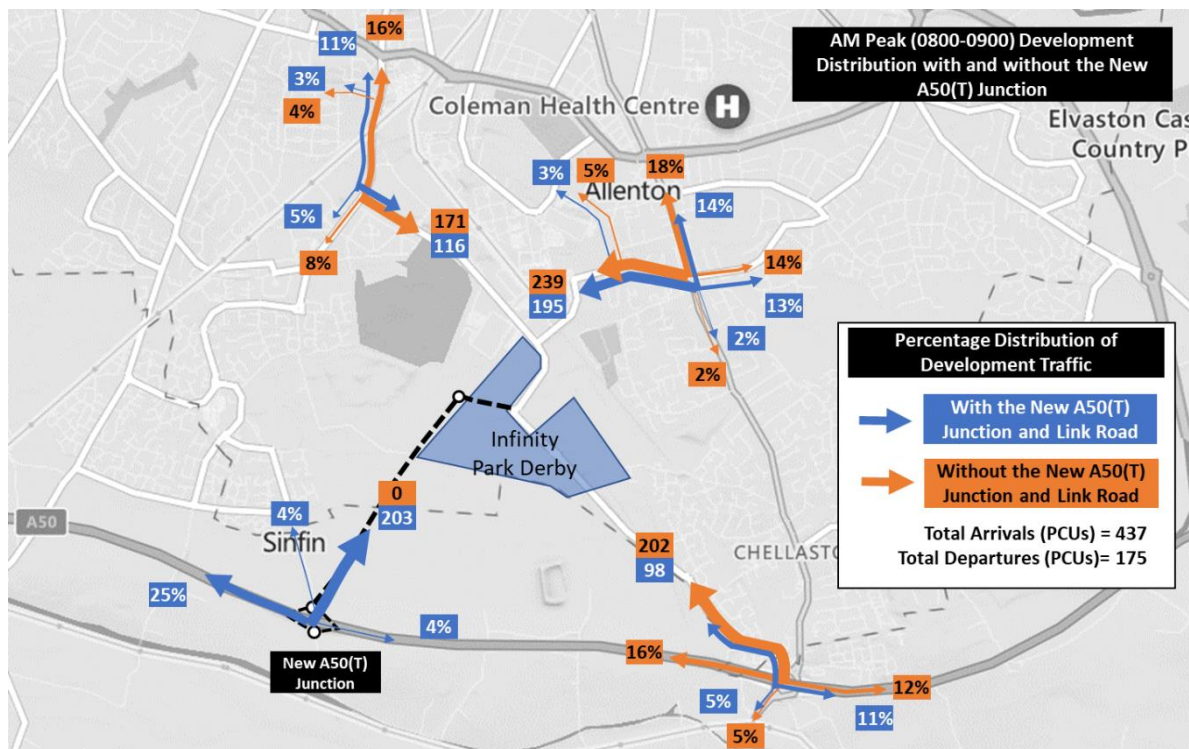


Figure 4: AM Peak (0800-0900) Development Distribution with and without the new A50(T) Junction

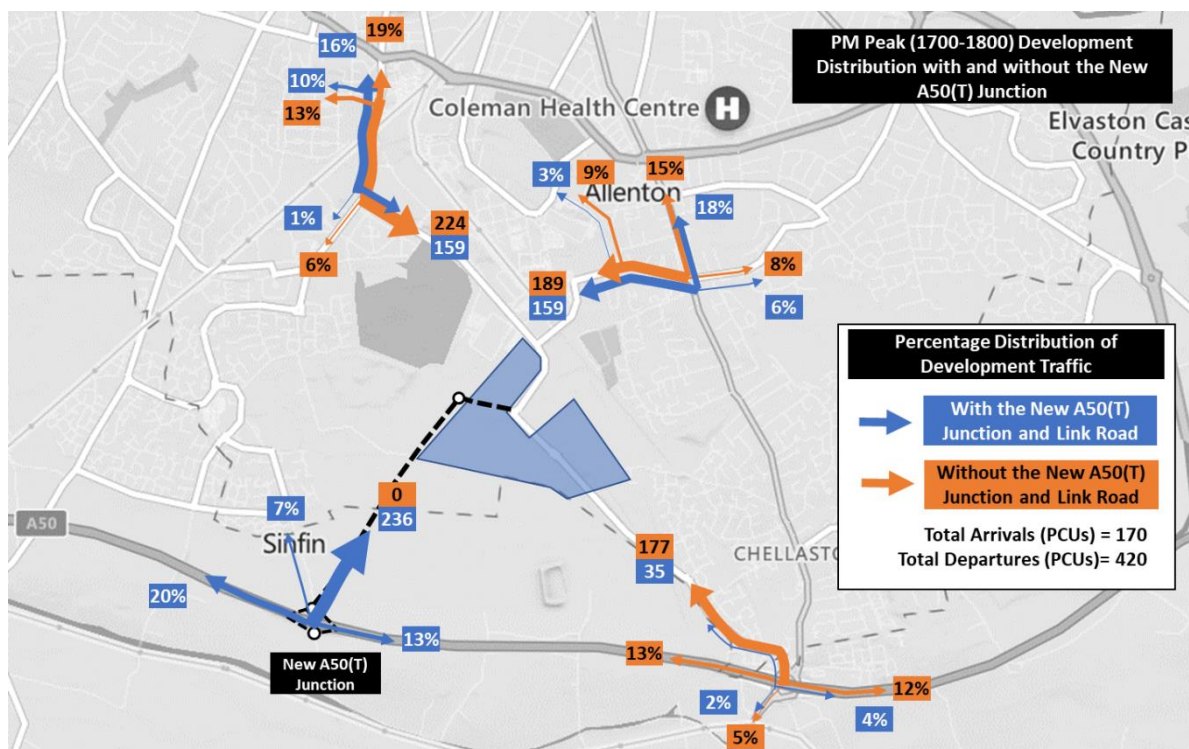


Figure 5: PM Peak (1700-1800) Development Distribution with and without the new A50(T) Junction

In the scenario **without the New A50(T) Junction**, the **AM Peak** development distribution is broadly **Sinfin Lane/A5111 (20%)**, **Merrill Way/A514 (34%)** and the **A50(T)/A514 (33%)**. There are some further minor routes used into the area such as from **Grampian Way/Sinfin Lane (5%)** and **Moor Lane/Elm Wood Road (8%)**.

The **New A50(T) Junction** attracts around **40%** of the development traffic reducing the demand particularly on the **A50(T)/A514 Junction (16%)**. To a lesser extent **Sinfin Lane/A5111 (15%)** and **Merrill Way/A514 (27%)** junctions see reductions in development traffic. However, access to and from the northern area for development traffic remains significant.

The distribution of development traffic is slightly different in the **PM Peak**. In the scenario **without the New A50(T) Junction** the development distribution is broadly **Sinfin Lane/A5111 (32%)**, **Merrill Way/A514 (23%)** and the **A50(T)/A514 (30%)**. In the PM Peak there is also some development traffic that routes via **Grampian Way/Sinfin Lane (8%)** and **Moor Lane/Elm Wood Road (9%)**.

Again, in the PM Peak the **New A50(T) Junction** attracts around **40%** of the development traffic reducing the demand on the **A50(T)/A514 Junction to 6%**. To a lesser extent **Sinfin Lane/A5111 (26%)** and **Merrill Way/A514 (24%)** junctions see reductions in development traffic.

Whilst there are no surprises in terms of the switch in traffic between the A50(T) Bonnie Prince Charlie Junction and the New A50(T) Junction, the development distribution does show that the Sinfin/A5111 and Merrill Way/A514 Junctions remain important access points to the development area. Looking at both the AM and PM Peak distribution the Merrill Way Junction provides for the largest share of development traffic out of the two access points.

Traffic Impact and Junction Analysis

The major impacts from this development are at the points where traffic distributes from the development and first accesses the surrounding network, as described above. **Table 3** below summarises the development traffic flows through the main junctions impacted by the development. Further, the table also summarises the operational capacity of each junction in the base case scenario without development and with development. This is provided for a scenario with the proposed new A50(T) Junction and Link Road in place and without. The reason for this is that the impacts will be slightly different and as a consequence this may influence the mitigation and delivery triggers.

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Junction	Dev Trips Through Junction				Operating Capacity Ratio (%)								Difference in performance between Scenario 1A and 2B	
	Scenario 2A		Scenario 2B		Scenario 1A (Base Case No A50 Junction)		Scenario 2A (+ Dev)		Scenario 1B (Base Case With A50 Junction)		Scenario 2B (+Dev)			
	AM Peak	PM Peak	AM Peak	PM Peak	AM Peak	PM Peak	AM Peak	PM Peak	AM Peak	PM Peak	AM Peak	PM Peak	AM peak	PM peak
J3 A50	206	189	95	44	139	126	144	130	105	155	109	161	-30	35
Infinity Park Way/Royal Approach roundabout	206	189	95	44	39	27	42	26	30	22	32	23	-7	-4
Infinity Park Way/Crown Way roundabout	206	189	95	44	42	32	45	32	32	30	34	30	-8	-2
Infinity Park Way/Dundas Way roundabout	206	189	95	44	58	32	64	31	38	18	41	19	-17	-13
Infinity Park Way/NAMRC Roundabout	206	189	95	44	60	27	65	28	45	28	48	28	-12	1
Infinity Park Way/iHub roundabout					59	28	64	35	79	64	92	63	33	35
Wilmore Road/Infinity Park Way signal junction	403	400	310	307	91	81	93	88	88	62	89	74	-2	-8
Merrill Way/Elm Wood Road signal junction	236	189	190	154	48	70	49	77	68	78	67	84	19	14
A514 Chellaston Road/Merrill Way/Boulton Lane signal junction	207	150	171	133	121	127	130	127	126	95	132	94	11	-33
Wilmore Road/Sinfin Lane signal junction	167	211	120	153	91	81	93	88	88	62	89	74	-2	-8
Sinfin Lane/Kitchener Avenue priority junction	25	71	18	57	123	69	143	83	89	67	98	74	-25	5
A511/Sinfin Lane/Balaclava Road signal junction	96	103	67	92	105	108	105	109	102	108	102	107	-3	0
A511 Osmaston Park Road/Harvey Road/A514 Osmaston Road roundabout	113	76	86	95	123	107	125	108	117	108	118	108	-5	1

Scenario 1A – No A50 Junction, Scenario 2A – No A50 Junction + Development, Scenario 1B – With A50 Junction, Scenario 2B – With A50 Junction + Development.

Table 3: Summary of Development Traffic Impacts by Junction, and Junction Performance

The operational junction performance has been predicted using industry standard junction modelling software. Namely LINSIG for signalised junctions and Junctions 10 for priority controlled junctions. **Table 3** above provides a standardised performance for each junction based on their percentage capacity of the worst arm. The table highlights in red text those junctions that operate over a 90% capacity, considered to be the point where queuing starts to occur. In some cases a number of the junctions are predicted to operate over 90% capacity in the base case without the development growth. The table also identifies under the two development scenarios, with and without the New A50(T) Junction and Link Road, where junction performance is materially impacted. The light yellow shaded boxes show a negative impact of between 1% and 5%, dark yellow 6% to 10% and the orange an impact over 10%.

The table also shows the difference in performance between Scenario 1a (No A50(T) Junction and no development), and Scenario 2B (with New A50(T) Junction and with IPD development). The light green shows where there is an increase in performance of between 1% and 5% and dark green 6% and over.

The following describes the impacts on corridors and individual Junctions in more detail.

Sinfin Lane Corridor – A5111 Outer Ring Road, Foresters Way and Wilmore Road Junctions

Around 15% of development traffic uses Sinfin Lane to the north from the A5111 Outer Ring Road. This is around 100 PCUs in the AM Peak and PM Peak without the New A50(T) Junction. Further, it seems that a significant amount also uses Kitchener Avenue, circa 70 PCUs in the PM Peak, which travels to and from the residential area of Sinfin and beyond.

The Sinfin Lane/A5111 Outer Ring Road Junction is a major signal controlled junction. It already suffers from operational problems during the commuter peaks and the junction modelling contained in the TA shows that it operates over capacity. The development traffic will add to problems at this junction, although because of the level of traffic that travels through the junction, around 3,000 vehicles, the development only reduces the capacity by around -2%. However, because the Sinfin Lane/Outer Ring Road Junction is congested development traffic is predicted to use Kitchener Avenue as an alternative route.

The construction of the New A50(T) Junction marginally reduces the amount of development traffic that uses the A5111 Outer Ring Road junction to around 60 PCUs. **Table 3** shows that there is predicted to still be some deterioration in the operation of the junction. However, overall it is predicted to operate slightly better with the development and A50(T) Junction and New Link Road than the base case without the New A50(T) Junction.

The Wilmore Road/Sinfin Lane Junction is a large signal controlled junction with controlled pedestrian crossings and bus & cycle priority through it. It is predicted to operate over capacity during the AM Peak and close to capacity during the PM Peak without development. The New A50(T) Junction and Link Road is predicted to improve the operation of the junction to just below 100% capacity in the AM Peak and to well within capacity during the PM Peak. This is because of the redistribution of both development traffic and background traffic to routes that use the new junction. However, in both cases, with and without the New A50(T) Junction, the development traffic is still predicted to impact on the operation of the junction. This is because around 167 to 211 PCUs are predicted to use the junction in the AM and PM Peaks without the A50(T) Junction and 120 to 153 PCUs are predicted to use the junction with the New A50(T) constructed.

The signal controlled junctions on the Sinfin Lane corridor are all large complex junctions. Improvements to increase capacity are limited because they have already been modified within the confines of the highway extents. The approach arm to the A5111 Outer Ring Road on Sinfin Lane could be widened to provide another lane, however, it would be at the expense of cutting down the mature trees that line this length of road, which would not be palatable from an environmental perspective. Further, the City Council has plans for an extensive cycle and pedestrian improvement scheme on the Sinfin Lane corridor, which will further restrict space for junction widening.

It is therefore suggested that the developer pays to connect the Foresters Road traffic signals with the A5111 Outer Ring Road signals to improve the efficiency and control of these two junctions.

Additionally, that the developer also pays a contribution towards a cycle scheme on the Sinfin Road Corridor, in lieu of development traffic impacts, to encourage modeshift and travel to the development by sustainable means. The cycle scheme has been designed by the Council and provides a combination of on road and segregated cycle lane from Wilmore Road to the A5111 Ring Road.

I-Hub/Link Road Roundabout

The I-Hub Junction generally operates within capacity, except in the AM Peak in the scenario with the New A50(T) Junction and Link Road constructed. This is because there is a significant shift in traffic movements around the junction as a result of the new scheme. The main issue is on the arm that will link Infinity Parkway to the New A50(T) Junction and Link Road, which was not designed to take the level of traffic that will use this route. As such, it is proposed to widen the approach arm to the I-Hub Roundabout to form a flared lane for right turning vehicles. The scheme is shown for indicative purpose in **Figure 6** below and it will be conditioned to be constructed at a trigger point after the A50(T) Junction is completed.

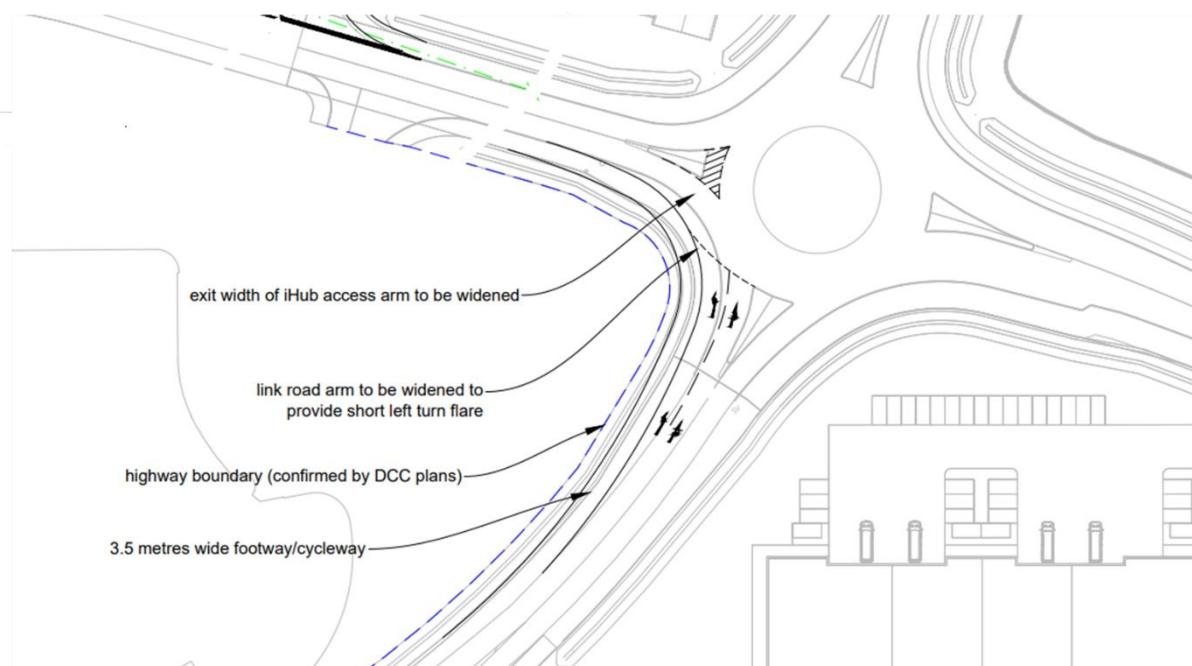


Figure 6: Proposed Flared Lane on Approach to I-Hub Junction.

Infinity Park Way - Dundas Way, Royal Approach, Crown Way and NAMRC Roundabouts

Traffic on Infinity Park Way to and from the A50(T) Bonnie Prince Charlie Junction increases by around 200 PCUS in the AM and PM Peak Hours, without the New A50(T) Junction in place. With the New A50(T) Junction constructed, traffic significantly reduces to less than 60 PCUs in the AM and PM Peak Hour.

Although there is a significant increase in traffic on Infinity Park Way without the New A50(T) Junction, the junctions operate well within capacity in all scenarios. For example, the Dundas Way Roundabout, which is the main access point into the housing development to the north of Infinity Park Way, operates with the highest RFC value, but still within a 65% threshold and capacity.

As such, there are no improvements proposed on the junctions on Infinity Park Way.

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A514/A50(T) Bonnie Prince Charlie Priority Give-way Gyratory

This junction is located within Derbyshire's administrative boundary. The on-slips and off-slips are managed by National Highways as the operator of the Trunk Road Network, and the roundabout is the responsibility of the County Council. As such, National Highways has asked for detailed junction modelling to understand the impact of development trips on the operation of the junction.

In both scenarios with and without the New A50(T) Junction, the junction is predicted to operate over capacity. However, there is a significant predicted improvement in its operation with the construction of the A50(T) Junction, as most of the development traffic on the A50(T) chooses to use the new junction. However, without the New A50(T) Junction, the proposed development is predicted to decrease the operational capacity of the A514/A50(T) junction by around 10%. Most of this impact is on the off-slips and as such the applicant has put forward a scheme to lengthen the off-slip flare lengths to extend the two lanes on the approaches by around 40 metres.

The improvements to the off-slips requested by National Highways will be conditioned against the phasing of the detailed applications that come forward through the reserved matters.

A514 Corridor – Spider Island Signals, Merrill Way Signals and Elm Wood Road Signals.

The impact of the IPD development is around 207 PCUs in the AM Peak and 133 PCUs in the PM Peak, in the scenario without the New A50(T) junction and Link Road, through the Merrill Way junction. The AM Peak trip distribution shows that there are around 80 PCUs that use Bolton Lane towards Raynesway and 113 PCUs that use the A514 northbound to/from the Ring Road and Ascot Drive.

As one of the main access points into this development then Merrill Way needs to provide capacity to allow for the increase in traffic left out and traffic turning right in. Further, the junction modelling submitted with the TA indicates that by 2030 that the Merrill Way/A514 Junction operates well over capacity. In the AM Peak and PM Peak without the New A50(T) Junction and Link Road the junction operates with a degree of saturation of 121% and 127%, and with development traffic on top this increases to 130% and 127%. Indeed, there are known historical problems at this junction with queuing on the A514 and Merrill Way.

As part of the planning consent for the New A50(T) Junction scheme, mitigation is proposed this junction to cater for the re-assignment of traffic attracted to use the junction from the Alvaston area. The scheme is presented in **Figure 7** below.

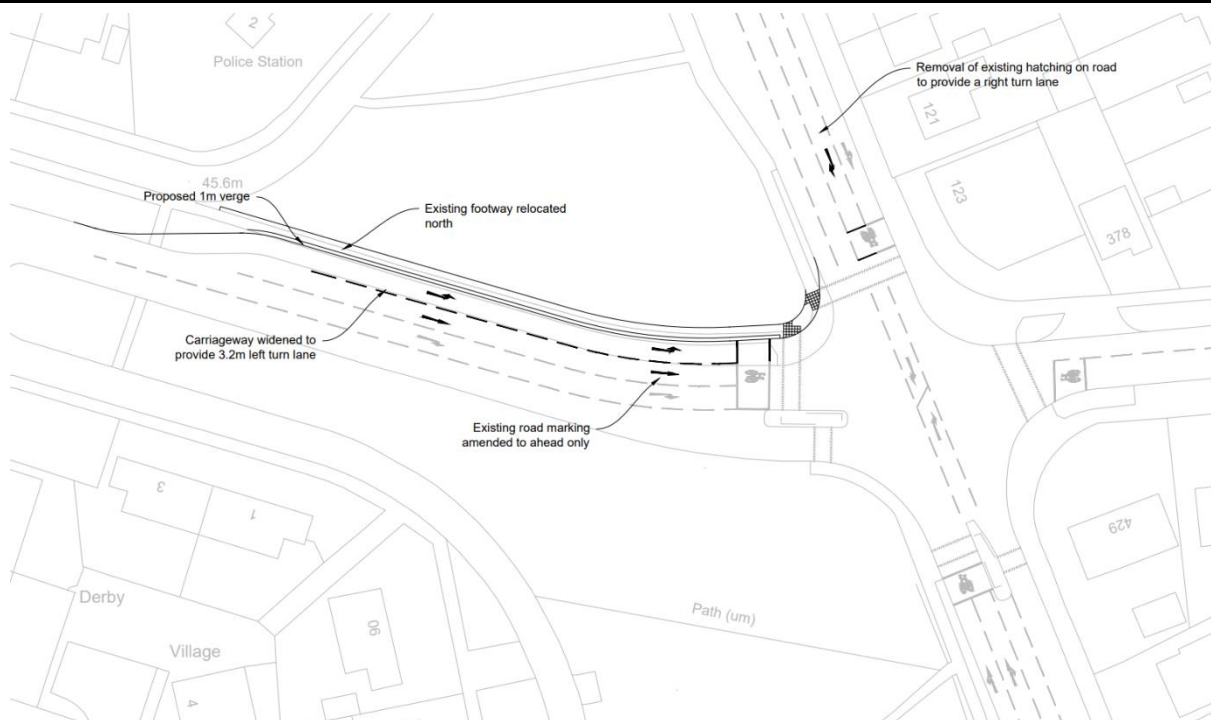


Figure 7: Merrill Way/A514 Junction Improvement Proposed as Part of New A50(T) Junction and Link Road Scheme.

The developer is offering the Merrill Way arm improvement of the above scheme as mitigation without the New A50(T) Junction and Link Road. The scheme does not completely resolve all of the capacity problems at the junction, however, it mitigates the development impacts and has a betterment compared to the existing background operation. With the mitigation the Junction in the AM Peak operates with a degree of saturation of 123% and in the PM Peak at 102%.

With the A50(T) Junction and Link Road constructed, and the mitigation scheme proposed as part of the A50(T) Junction planning consent, the development is still predicted to have an impact on the junction. The junction capacity reduces from 126% to 132% in the AM Peak and does not really in the PM Peak. As such, the developer is proposing that the developer is proposing changes to the southern approach on the A514 and provide a short flared lane on Boulton Lane (see **Figure 8**).

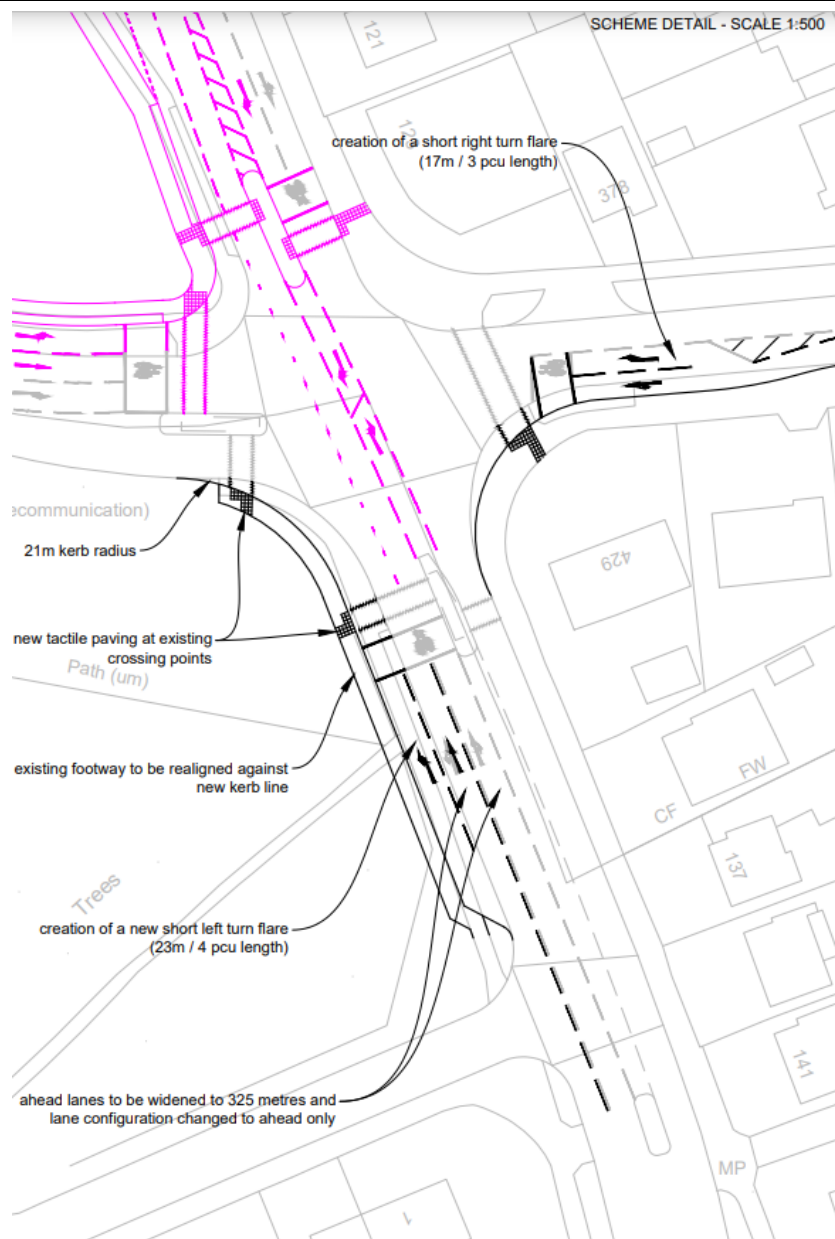


Figure 8: Proposed Merrill Way/A514 Junction Improvement Proposed 'With New A50(T) Junction and Link Road Scheme' Constructed.

The additional mitigation scheme negates the impact of the development in the AM Peak and provides a betterment in the PM Peak, compared to the background scenario without the development traffic. The degree of saturation in the AM Peak operates at 115% and 92% in the PM Peak.

The two mitigation schemes for the A514/Merrill Way Junction will be conditioned. In the case that the New A50(T) Junction does not come forward then the developer will be required to construct the mitigation scheme shown in Figure 7 against a trigger point in the construction of the development. If the A50(T) Junction scheme does come forward then the developer will be required to construct the mitigation scheme shown in **Figure 8**.

Around 113 and 67 PCUs of development traffic pass through Spider Island in the AM and PM Peaks respectively, under the scenario without the New A50(T) junction. The distribution plot shown in Figure 4 and Figure 5 shows that some traffic is routing via Moor Lane and this is probably because Spider Island is congested during the peaks. Indeed, the modelling shows that the junction is forecast to operate well over capacity by 2030 without the development i.e. 123% and 107% in the AM and PM Peaks. However, because of the volume of traffic through Spider Island, around 3,500 vehicles during the peak hours, the development flows only represent a 3-4% increase in traffic during the peaks. As such, junction performance doesn't change significantly with only a 2% reduction in the degree of saturation.

Due to the size of Spider Island, and the physical constraints that the pedestrian overbridges, there are no improvements that can be implemented relative to the scale of impact of development. In order to provide any capacity increases the pedestrian overbridges would have to be removed. Paragraph 110 of the NPPF suggests that mitigation should be proportionate to the impact. From this perspective, and because of the relative impacts on the Spider Island Junction, it is better to concentrate on providing a larger improvement at the A514/Merrill Way Junction. As such, no mitigation at the Spider Island Junction has been identified.

The Elm Wood Avenue Junction was constructed as part of the Victory Road re-alignment scheme, which opened in 2018. The junction modelling suggests that the junction operates within capacity, between 49% and 78% degree of saturation across the peak hours. With development the junction still operates well within capacity during the AM Peak, however, in the scenario with the New A50(T) Junction and development the PM Peak operates at 84%. This is within the 90% operational limit and as such no mitigation is required.

Requirement for Public Open Space.

Members of Committee should be aware that in order to widen the carriageway on the southern arm of the A514 Merrill Way Junction, as shown on Figure 7, that an approximate 2 metre width will be required from the land adjacent to the carriageway. This land is council estate land but is designated public open space. The small piece of land required is shown in Figure 9 below, as defined by the dotted red line.



3.0 Conclusion and Conditions

3.1 Conclusion

This application is outline with all matters reserved. It sets out the principle of the development including the scale and land use profile. However, because Section 106 Agreements have to be agreed at the outline stage, a framework travel plan and assessment of the wider off-site impacts has been undertaken. As such, any mitigation required, to make the quantum of development contained in this application acceptable in transport terms, has been assessed and the schemes will either be conditioned or a contribution agreed and set out in the Section 106 agreement.

The proposed development is specifically for 150,730 sqm of employment development. This includes E(g)(i) 8,759 sqm of Office, E(g)(ii) research & development and E(g)(iii) light industrial; 47,164 sqm of B2 heavy industrial; 89,012 sqm of B8 development that is mostly commercial storage. Further, there are also some ancillary proposals such as a hotel, pub and coffee shop drive thru.

In transport terms, the principle of this development has been established through the previous consented employment planning permission, known as Chellaston Business Park, Planning Application 11/10/01385. As part of the previous application, the outline permission also included the T12 link Road (planning app 05/13/00463). T12, now known as Infinity Park Way, was completed and opened in

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July 2016. The link road provides direct access to the employment area and formed a major part of the wider mitigation package that was conditioned as part of the Chellaston Business Park application.

Further, the consented new A50(T) Junction and Link Road will significantly reduce the impacts of the development, particularly at the A50(T)/A514 Chellaston Road Junction, re-routing trips that would otherwise use Infinity Park Way. However, the new junction does change traffic patterns across the network and the construction of the A50(T) new junction and Link Road is still subject to DfT approval of the full business case. There is a small possibility it won't come forward. As such, the impacts of the development proposals have been appraised with and without the new A50(T) Junction.

The application has identified mitigation to negate its impact where physically possible, and includes schemes or funding to support off-site works on the highway, cycle improvements, a bus service and framework travel plan.

As such, there are no highway objections to the principle of the development subject to the following conditions and notes.

3.2 Suggested Conditions and Notes

1) Pre-commencement Conditions

- a. No phase of development shall take place until the final design and alignment of the New A50(T) Junction and Link Road, which will provide access to the development, has been agreed in writing with the LPA.
- b. No phase of development shall take place until a Transport Assessment or Transport Statement, proportionate in scale to the transport impacts for that phase, has been submitted to and approved in writing by the Local Planning Authority.

The assessment must include details of access between the highway and the proposed development for all modes, servicing, trip generation and distribution, parking and travel plan details and the approved plan shall be implemented.

- c. a travel plan as set out in the S106 schedule, and any subsequent phase of development must adhere to the requirements of the framework travel plan.
- d. a suitable access to accommodate construction traffic into the site shall be provided in accordance with the Delivering Streets and Places Design Guide, details to be submitted to and approved in writing by the LPA.
- e. a wheel washing facility designed in accordance with details to be submitted to and approved in writing by the LPA shall be fully operational.
- f. a detailed Construction Management Plan including construction programme, routing for construction traffic and any proposed traffic management required, is to be submitted and approved in writing by the LPA.
- g. All phases of development shall make provision for employee and visitor electric vehicle (EV) charging facilities in accordance with details to be submitted to and approved in writing by the Local Planning Authority and

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the approved facilities shall be made available before the first occupation of the development and be subsequently maintained during the life of the building(s) to which they relate.

- h. All phases of development shall make provision for on-site cycle parking to accommodate all users in accordance with details to be submitted to and approved in writing by the Local Planning Authority and the approved facilities shall be made available before the first occupation of the development.
- i. The formal written approval of the LPA is required prior to commencement of any development with regard to access, parking and turning facilities, gradients, surfacing, lighting, structures, visibility splays and drainage (hereinafter referred to as reserved matters).

Reason in relation to a) to i): In the interests of Highway safety, and to ensure the overall development makes suitable provision for sustainable transport facilities in the interests of wider environmental amenities and to accord with Policy CP23 of the Derby City Local Plan - Part 1: Core Strategy

2) Off-site Works without the New A50(T) Junction and Link Road

If in the event that the New A50(T) Junction and Link Road does not come forward, then the following schemes will need to be completed within two years of such an announcement, above and beyond any development phase that exceeds Plot D, and occupation of subsequent phases.

- a) A highway scheme to provide a third flared lanes on the Merrill Way Arm of the A514/Boulton Lane/Merrill Way junction, as set out for indicative purposes on drawing ROA-BWB-HML-01-DR-TR-102 S2 P2.
- b) A highway scheme to provide flared lanes on the off-slips of the A514/A50(T) junction, which is under the jurisdiction of National Highways, as set out for indicative purposes on drawing ROA-BWB-HML-02-DR-TR-101 Revision P1 and Drawing NTW/495/013 P3 .

Reason in relation to a)to c): To ensure the free and safe flow of traffic and pedestrians.

3) Off-site Works with the New A50(T) Junction and Link Road

In the event that the New A50(T) Junction and Link Road is constructed, then the following schemes will need to be completed, above and beyond any development phase that exceeds Plot D, and occupation of subsequent phases as defined for each scheme:

- a) A highway scheme to provide a flared left lane on the Pioneer Way arm of the I-Hub roundabout junction, as set out for indicative purposes on drawing ROA-BWB-HML-02-DR-TR-101 Revision P1 and Drawing NTW/495/013 P3. This scheme should be completed?
- b) A highway scheme to provide a flared left lane on the southern arm of the of the A514/Boulton Lane/Merrill Way junction, as set out for indicative

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purposes on drawing ROA-BWB-HML-00-DR-TR-101 S2 P2. This scheme should be completed ?

- c) A highway scheme to provide a flared right turn lane on the Boulton Lane arm of the of the A514/Boulton Lane/Merrill Way junction, as set out for indicative purposes on drawing ROA-BWB-HML-00-DR-TR-101 S2 P2. This scheme should be completed ?
- d) A highway scheme to provide flared lanes on the off-slips of the A514/A50(T) junction, which is under the jurisdiction of National Highways, as set out for indicative purposes on drawing ROA-BWB-HML-02-DR-TR-101 Revision P1.

Reason in relation to a) to d): To ensure the free and safe flow of traffic and pedestrians.

Notes to Applicant

- a) Works are potentially required to be undertaken where the development accesses join the public highway, which is land subject to the provisions of the Highways Act 1980 (as amended) and over which you have no control. For these works to proceed, you are required to enter into an agreement under S278 of the Act. Please contact Keren Jones Tel 01332 641767 for details. Please note that under the provisions of S278 Highways Act 1980 (as amended) commuted sums will be payable in respect of all S278 works.
- b) For details of the Delivering Streets and Places Design Guide and general construction advice please contact Keren Jones Tel 01332 641767.

5.2. Land Drainage:

This site has been recently re-assessed and the revised FRA and drainage strategy both seem entirely in line with the LLFA's requirements. If there are detailed submissions to be submitted relating to this overall application then these must have conditions attached regarding flooding control and surface water run-off.

5.3. Rights of Way:

I have two main comments. The first is that the widths of the public footpaths and bridleways, which run from Wilmore Road north-south to Sinfin Moor Lane and adjacent to the boundaries of the site, must be respected. Although there are no specified widths, I'd want to see an allowance of 2 metres available for the footpath and 3 metres for the bridleway.

We have an application for a modification order to add an alleged historical bridleway running over Sinfin Moor Lane to the Definitive Map. That shouldn't affect things for the development as horse riding is already allowed on Sinfin Moor Lane and there are Pegasus (horse) road crossings along it but it should be noted. We have another application for a modification order to upgrade the public footpath running from the Bridleway 3 Sinfin Moor to Sinfin Moor Lane, to a public bridleway, and again that should be noted. Registered applications for modification orders must be taken into consideration when determining applications for development.

Finally, any new footpaths or cycle paths should be designed to link in with the existing path network. It would be especially beneficial if any new cycle paths could connect with the bridleway if practicable.

I noticed a minor diversion (pink route off Sinfin Moor Lane) to the footpath (southeast corner of site on path plan). It's significant enough to require a diversion order and question if this diversion is really necessary?

I see from the key that there's a proposed new footpath and I would be in favour of it.

5.4. Environmental Services (Health – Land Contamination):

1. I have reviewed the application information and I would offer the following comments in relation to land contamination risks.

Overview

2. The application is an outline proposal for an extensive business park of mixed B2 (various), B8 and C1 uses, with associated infrastructure. A business park of this nature has already been agreed in principle on this site in connection with an outline planning application which was granted in 2014, but which has now expired.
3. This outline application is subject to Environmental Impact Assessment (EIA) and as such, the application is supported by an Environmental Statement (ES). Chapter 9 of the ES is concerned with 'Ground Conditions'.
4. In addition, I note the submission of the following reports which are contained as appendices within the ES:
 - Ground Investigation Factual Report, Infinity Park Phase 2 - Plot A and B - South Derby Growth Zone, BWB Consulting Ltd, Ref: IFI-BWB-ZZ-XX-YERP-0002_FR_P1, Dated: December 2017;
 - Phase 1 and 2 Geo-Environmental Assessment Report, MRC Midlands, Infinity Park, BWB Consulting Ltd, Ref: MLY-BWB-ZZ-XX-RP-YE0002_Ph1&Ph2_P1, Dated: March 2021;
 - Phase 1 and 2 Geo-Environmental Assessment, Infinity Park Derby LLP Flood Alleviation Area, BWB Consulting Ltd, MLY-BWB-ZZ-XX-RP-YE0001_Ph2, Dated: March 2021; and
 - Phase 1 Geo-Environmental Assessment Report, Infinity Park, BWB Consulting Ltd, Ref: IPD-BWB-00-XX-RP-YE-0001_Ph1, Dated: May 2022.
5. I can comment on the various documentation as follows. Please note that the following comments do not seek to interpret or discuss the suitability, or otherwise, of any of the geotechnical aspects of the site investigation, other than within a land contamination context.
6. In addition, all comments relate to human health risks and therefore I would refer you to the Environment Agency for their comments on any conclusions made in the report surrounding risks that may exist to controlled waters, since the Local Authority cannot comment on these aspects.

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ES Chapter 9, Ground Conditions.

7. The EIA approach for consideration of impacts relating to soil contamination is considered to be relatively 'high level' and more a scoping, as opposed to a detailed or quantitative, assessment.
8. Subsequently, a series of detailed assessments have been completed for the site (and wider Infinity Park area) and these are included as appendices (9.1 to 9.4 inclusive).
9. A summary of the investigations is included in the ES, which concludes that no visual contamination or olfactory evidence of contamination has been recorded on site to date. Consequently, no significant pollutant linkages have been identified in the context of soil contamination potentially impacting upon future users of the development.
10. In addition, no gas protection measures are deemed necessary.
11. The ES concludes that the development impacts are assessed as being 'not significant'.

Phase I and II Reports - Appendices 9.1 and 9.2.

12. The two reports contained in Appendices 9.1 and 9.2 have previously been considered by this Department in connection with earlier applications. The Appendix 9.1 assessment relates to the Flood Alleviation Area and the 9.2 assessment was submitted in support of the MRC Midlands application.
13. It is noted that a third Phase I and II assessment, relating to 'Project Ivory' has also been considered by this Department, but which has not been submitted under the current application.
14. I do not intend to review and comment in detail on these assessments here given that our comments for those earlier applications are still available, but also since they relate to parts of the site not covered by the current application.
15. In summary, the assessment work on these parts of the Infinity Park site indicate a generally low level of risk to future site users, suggesting that contamination remediation works are unlikely to be necessary, subject to the implementation of an effective materials management plan and a 'watching brief'.

Appendix 9.5 - Infinity Park Phase 2 -Plot A and B, Factual Report.

16. This report comprises a solely Geotechnical assessment covering the wider 215 hectares of the Infinity Park land, dating back to December 2017.
17. Although the investigation provides useful information regarding the geology across the site, it does not assess or discuss contamination risks and consequently, there is little benefit in discussing the report further here.

Appendix 9.3 - Phase 1 Geo-Environmental Assessment.

18. This report comprises a more recent assessment of ground conditions on site (dated May 2022) and appears to be the only assessment provided which has

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been specifically produced in conjunction with the current outline planning application site area.

19. I do note however that the assessment is purely desk-based and does not include any intrusive sampling over and above the work completed historically on site in connection with earlier planning applications.
20. The report provides a useful summary of the history of the site and the known/expected ground conditions.
21. Very little in the way of historical potentially-contaminative uses are reported on site and generally, the site is classed as low risk when considering potential human health impacts. This is especially in light of the commercial/industrial end uses proposed on site, which would be considered of low-sensitivity.
22. The only exception to this is the former landfill site at Sinfin Moor Park, located 100m northwest of the site. Gas monitoring on site has generally found low levels of ground gases however the Conceptual Site Model does identify this as a potential risk which requires further exploration.
23. The report recommends the following: • Ground investigation works should be undertaken in areas that remain uninvestigated; and • Ground gas monitoring to the north-western boundary of the site to examine potential risks associated with the nearby former landfill site.

Conclusions and Recommendations on Contaminated Land.

24. The submitted Environmental Statement and associated historical site investigations submitted with the application, provide a useful overview of potential contamination risks on site.
25. As the reports concede, the site is extensive (totalling 1,622,460sqft of floor space) and the investigations to date do not cover the whole site in detail.
26. The information is indicative of a relatively low risk associated with the development, however as recommended in the Phase 1 Geo-Environmental Assessment (Appendix 9.3 of the ES) some further works will be necessary in conjunction with the phased development construction process.
27. Consequently, I would recommend that the following conditions are attached to the consent, should it be granted:
 - i) Before commencement of the above-ground construction works for each phase of the development, a supplementary Phase II Site Investigation shall be carried out to determine the levels of contaminants on site that could pose a risk to the health of future site users, in accordance with LCRM Guidance. A risk assessment will then be required to determine the level of potential risk to site end users. A detailed report of the investigation will be required for submission to the Local Planning Authority for written approval prior to commencement of each phase of the development.
 - ii) In those cases where the agreed Phase II Investigation Report for each phase of the development has identified that significant contamination

risks to human health exist on site, a Remediation Strategy will be required in order to identify measures needed to mitigate the identified risks for that phase. The Remediation Strategy shall be completed in accordance with LCRM Guidance and submitted for written approval by the Local Planning Authority prior to commencement of the above-ground construction works for each phase of the development.

- iii) The risk reduction measures detailed within any of the agreed Remediation Strategies for each phase of development, shall be implemented in full. A Validation Report shall subsequently be produced for that phase which adequately demonstrates that the measures have been implemented in full, that all significant risks to human health have been removed and that the remediation targets have all been met. The Validation Report shall be submitted to and approved in writing by the Local Planning Authority prior to each phase of the development being occupied.

5.5. Environmental Services (Health – Noise):

1. I have reviewed the application information and I would offer the following comments in relation to Noise.

Overview.

2. The application is an outline proposal for an extensive business park of mixed B2 (various), B8 and C1 uses, with associated infrastructure. A business park of this nature has already been agreed in principle on this site in connection with an outline planning application which was granted in 2014, but which has now expired.
3. This outline application is subject to Environmental Impact Assessment (EIA) and as such, the application is supported by an Environmental Statement (ES). Chapter 13 of the ES is concerned with Noise.
4. In general terms, it is difficult to accurately predict potential noise impacts which could arise in connection with the various commercial and industrial uses proposed under this development at this early outline stage.
5. The ES is therefore more concerned with generalised assumptions regarding potential impacts and includes some generic noise targets for future plots.
6. I can comment on the ES Chapter 13 as below.

Environmental Statement on Noise.

7. Although the development proposals are not yet at the detailed design stage, the assessment attempts to assess the following: • construction noise and vibration impacts on existing noise-sensitive receptors (NSRs) in the vicinity; • operational noise impacts due to changes in road traffic; and • noise associated with fixed plant, HGV movements and service yard activity on existing NSRs in the vicinity.
8. The NSRs used in the assessments are listed in Table 13.1 and appear relevant.

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9. Background noise monitoring used in the assessments was conducted in 2021 and 2022, with some periods of measurement undertaken during covid lockdown restrictions. I would agree with the suggestion in the ES that this creates a robust baseline assessment given that noise levels are likely to have been lower than normal during this time.
 10. It is noted that mechanical noise was observed during the assessment which was presumed to be related to industrial sites located to the north.

Construction Noise.

11. A qualitative construction noise assessment at local NSRs has been undertaken. This is generally with consideration to BS5228.
12. Given the absence of detail at this stage, the assessment assumes a 'worst case' scenario. 13. The results of the qualitative assessment are presented in Table
13. 16 of the ES and this suggests that at worst, the unmitigated construction works might cause a 'medium impact' at the nearest NSRs, with the majority of activities and receptors described as a 'low' or 'negligible' impact.
14. Construction-related vibration is predicted to cause a 'very low' impact based on a worst-case scenario.
15. Some outline noise mitigation measures are provided in Section 13.5.5 and subsequently, a Construction Environmental Management Plan (CEMP) prescribing construction-related noise management measures is proposed once the works are known in more detail.

Operational Road Traffic Noise.

16. This part of the assessment focusses solely on off-site road traffic noise impacts in the predicted completion year for the development (2030) by utilising traffic data supplied by the Transport Consultants. Notably, this traffic data has not been formerly agreed by the Council's own Transport colleagues and is therefore subject to change.
17. Traffic-related noise impacts are assessed in accordance with The Design Manual for Roads and Bridges (DMRB) LA111 Guidance.
18. The noise calculations suggest that the noise levels are unlikely to increase notably at the measured road links when comparing the completed development traffic noise against road traffic noise without the development in place (with a maximum increase of 2.7dB at a single road link (22311_67113), with all other road links registering a maximum increase in noise of up to 0.8dB). This results in a negligible to minor impact.
19. Consequently, no specific mitigation is deemed necessary in relation to road traffic noise generated by the development.

Industrial/Commercial Operations Noise.

20. In the absence of specific details, limits are set in the ES in accordance with BS4142:2014 Standards.
21. BS4142 limits are based on a cumulative rating level of all external plant to be less than or equal to the lowest prevailing background noise level at existing and future NSRs.
22. Similarly, HGV and service yard noise has been considered in accordance with BS4142 methodology, however a specific assessment of predicted noise has been completed, using noise source data measured across similar sites.
23. Given the potential for the layout of each unit to change, the assessment is only of limited use at this stage. Nonetheless, the assessment predicts an adverse impact at NSR 1 (Lea Farm). This accords with earlier assessment work associated with the Project Ivory site which is located adjacent to Lea Farm.
24. Subsequently, the ES suggests that a noise barrier/bund may be needed to protect the occupants of NSR1 (Lea Farm) and an outline design for a 6m barrier is proposed.

Conclusions and Recommendations on Noise.

25. The Environmental Statement provides a reasonable outline assessment in order to consider potential noise impacts associated with the development. The general conclusions are accepted based on the information provided.
26. It is important to note however that the assessment work is insufficiently detailed in scope at this stage, with further details required regarding layout, equipment and other factors relevant to noise which cannot be determined at this early outline stage.
27. Consequently, in order to avoid significant noise impacts, conditions are recommended so that further detailed assessment work can be undertaken as detailed design information becomes known through the construction process.
28. Fundamentally however, the Environmental Protection team has no objections to the application on noise grounds, subject to the attachment of planning conditions to the consent, should it be granted.
29. Conditions will need to address the following outstanding concerns:
 - A detailed assessment of noise on a phased basis or ideally for each unit/plot of the development prior to its construction, with accompanying proposals for mitigation where necessary. All agreed mitigation to be implemented in full prior to occupation of each phase/plot; and
 - The completion and submission of a Construction Environmental Management Plan (CEMP) to be agreed with the LPA and to be complied with throughout the period of enabling and construction works.

I have no further comments to make regarding noise at this stage.

5.6. Environmental Services (Health – Air Quality):

1. I have reviewed the application information and I would offer the following comments in relation to Air Quality.

Overview.

2. The application is an outline proposal for an extensive business park of mixed B2 (various), B8 and C1 uses, with associated infrastructure. A business park of this nature has already been agreed in principle on this site in connection with an outline planning application which was granted in 2014, but which has now expired.
3. This outline application is subject to Environmental Impact Assessment (EIA) and as such, the application is supported by an Environmental Statement (ES). Chapter 12 of the ES covers air quality impacts.

ES Chapter 12, Air Quality.

4. The scope and methodology used in the assessment are agreed as relevant to the application.
5. The assessment is split into two main areas, namely a qualitative assessment of construction impacts and a detailed assessment of operational traffic impacts (including a sensitivity analysis).
6. I understand that the traffic data used in the assessment is currently being discussed with transport colleagues here at the Council and therefore may be subject to change. It is noted therefore that the conclusions presented in Chapter 12 of the ES could be affected. This should be clarified with relevant Transport colleagues.
7. The modelling is extensive in terms of the number of sensitive receptors modelled.
8. A baseline scenario was modelled initially, in order to calculate predicted air pollutant concentrations at the selected receptor points in 2030. This modelling assumes that the development is not in place in 2030 and concludes that no receptors exceed the National AQ Objectives. Given the model's inherent expectation that emissions will fall in future years due to an increasing number of low emission vehicles on the road network, this result is not surprising.
9. In terms of construction-related traffic emissions the report applies IAQM Guidance and concludes that this can be scoped-out of the detailed modelling assessment.
10. Based on the traffic data supplied this seems reasonable, however, there will inevitably be some significant degree of uncertainty at this outline stage in terms of traffic volumes generated throughout what is predicted to be a multiple year development programme.

Operational Phase Road Traffic Emissions.

11. For a predicted completion year of 2030, detailed modelling has been carried out to compare concentrations of NO₂, PM₁₀ and PM_{2.5} at the selected receptor locations with and without the development in place. Tables 12.9 to 12.11 depict a summary of the results.
12. The modelling suggests negligible increases in pollutant concentrations at all receptors as a result of development-generated traffic.
13. The very small increases are attributed to the traffic modelling predicting that the majority of traffic to and from the proposed business park will use the new A50 link road, without impacting on local roads within the city.
14. The sensitivity analysis completed (contained in Appendix 12.2) also suggests negligible increases in concentrations across the sensitive receptors modelled.
15. Given the results, no specific air quality mitigation is proposed in connection with the development, however a Framework Travel Plan is proposed to assist in the support of sustainable travel associated with the businesses on site.
16. In addition, a proposal is included for 10% of all car parking spaces across the site to benefit from the installation of EV charge points, subject to details provided under future reserved matters applications.

Construction Phase Dust.

17. In accordance with IAQM Guidance, a qualitative risk assessment has been conducted in relation to construction impacts. This concludes a potentially 'high risk' for certain aspects of the construction works.
18. Consequently, dust mitigation measures are outlined (Tables 12.12 and 12.13).

Conclusions and Recommendations on Air Quality.

19. The submitted air quality assessment work provided under Chapter 12 of the Environmental Statement is indicative of the development having a negligible impact upon local air quality.
20. Although a significant amount of traffic could be generated by the development, the impacts are minimised primarily due to an expectation that the majority of traffic will access and exit the site via the new A50 link road and junction.
21. No sensitive receptors (dwellings, schools etc) are located or proposed adjacent to the A50 link road and therefore air quality impacts associated with traffic emissions are deemed to be insignificant.
22. Notwithstanding the inherent uncertainties within air quality modelling, combined with an absence of detailed proposals at this outline stage, the findings do appear reasonable based on the information available and subsequently, the Environmental Protection Team accepts the conclusions of the ES, namely that air quality need not be a significant factor in the determination of the application.

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23. In terms of construction dust risks, the development does however have the potential to cause significant impacts and therefore extensive mitigation has been proposed (see ES Tables 12.12 and 12.13).
 24. Subject to further details provided under future reserved matters applications, I would recommend that the measures outlined in Tables 12.12 and 12.13 of the ES are added to an appropriate Construction Environmental Management Plan (CEMP) to be secured by way of a planning condition, should planning consent be granted.

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

Additional comments provided May 2023:

1. Further to comments provided by this Department on 13th February 2023 in respect of air quality, I note the submission of updated air quality assessment details in the form of an Air Quality Assessment Addendum Appendix (12.1 and 12.2).
2. The Addendum has been produced in light of the production of revised traffic data, which has the potential to affect the earlier analysis.
3. I have reviewed the Addendum and can offer the following comments. Air Quality Addendum
8. The Addendum includes for a rerun of the modelling for NO₂, PM₁₀ and PM_{2.5} under Scenarios 1, 2 and 3. All methodology and input data remain the same, save for the updated traffic data.
9. No additional assessment work has been carried out in relation to construction emissions.
10. Section 12.2 of the Addendum also includes for an update of the sensitivity analysis.
11. Within all scenarios, for all pollutants and at all receptors, the conclusions of the assessment remain the same, namely that zero/negligible increases in concentrations attributed to the development are predicted. Conclusions and Recommendations on Air Quality
12. The submitted Addendum on air quality draws the same conclusions as identified in our earlier comments, namely that the development is predicted to have a negligible impact upon local air quality.
13. Subsequently, the Environmental Protection Team would reiterate that air quality is not deemed to be a significant factor in the determination of the application.
14. Similarly, the construction emissions assessment conclusions remain and we would maintain our earlier recommendation that the measures outlined in Tables 12.12 and 12.13 of the ES are added to an appropriate Construction Environmental Management Plan (CEMP) to be secured by way of a planning condition, should planning consent be granted.

5.7. Natural Environment (Tree Officer):

Off-Site Highway Works.

Details have been provided of proposed amendments to the highway at the junction of Chellaston Road/Merrill Way/Boulton. An Arboriculture and Ecology Technical Note has been supplied to support this. Whilst this does provide some useful information I would have expected a BS5837: 2012 tree survey, TCP, AIA and AMS to have been provided. The amendment to the highway necessitates the removal of a hedge that runs along the west side of Chellaston Road. The removal is to accommodate a new left turning lane onto Merrill Way. The removal of the hedge would be acceptable as long as the proposed improved hedge is planted. However the impacts of the highway amendment on trees have not been supplied. A TCP and AIA would have informed the impact of the proposed development on trees. Without such documents I cannot support the proposed highway amendments at the Chellaston Road/Merrill Way/Boulton junction. A BS5837: 2012 compliant tree survey, TCP, AIA and AMS (including draft TPP) must be supplied. This must be provided now so that we can ascertain if it is feasible.

Following my above comments an AMS has been provided (June 2023). This is welcomed although I would have expected an AIA first with the AMS addressing any issues raised within the AMS. The proposed roadworks necessitates a minor incursion into the RPA of T2 Lime. Due to the resilience of the species this minor incursion is acceptable. The road re-alignment is likely to result in future pruning requirements of T2 and T3 (an AIA would inform this). Furthermore, the AMS does not address landscaping requirements within the RPAs.

Appendix C2 provides the method for excavation within the RPA and references the tree protection plan. The diagram with C2 does not show the tree protection measures. I am concerned that if the tree protection measures does not allow sufficient room for the works. It is likely that the tree protection will need to be set further back and ground protection utilised. This must be addressed within a final AMS.

Main Site.

The submission of the Arboricultural Assessment is welcomed.

I note that section 4.11 of the AIA states “Prior to any tree surgery and / or felling of protected trees it will be necessary to apply to the relevant local planning authority to gain consent for the works. For more information regarding Conservation Areas and Tree Preservation Orders it is advised that contact is made with the Local Planning Authority’s arboricultural officer, or other such relevant person.” Whilst this is applicable to trees within an outline application should the application progress to a full application then protected trees could be removed or pruned in order to implement an approved application. This is acknowledged in 5.4 of the report.

The AIA identified trees to be removed in order to facilitate the development. The AIA also identifies trees protected by a TPO.

A veteran Willow tree (T31) is proposed to be lost. This is also identified in the BNG report. NPPF considers veteran trees to be irreplaceable habitats.

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NPPF states that when making planning decisions, you should consider:

- conserving and enhancing biodiversity
- avoiding and reducing the level of impact of the proposed development on ancient woodland and ancient and veteran trees

You should refuse planning permission if development will result in the loss or deterioration of ancient woodland, ancient trees and veteran trees unless both of the following applies:

- there are wholly exceptional reasons
- there's a suitable compensation strategy in place (this must not be a part of considerations of wholly exceptional reasons) - see paragraphs 33 and 34 of the planning practice guidance on compensation guidance

You should make decisions in line with paragraph 180 (c) of the NPPF.

Ancient woodland, ancient trees and veteran trees are irreplaceable. Therefore, you should not consider proposed compensation measures as part of your assessment of the merits of the development proposal.

The question here is whether the loss of the veteran tree is for **exceptional reasons** and that if it is an exceptional reason is there a suitable compensation strategy. One could argue that that due to the collapsed nature of the tree and its propensity to "phoenix" that it would not be entirely lost if it is translocated effectively. This may reduce the weight of its importance.

I am of the opinion that the 'exception reason' is the planning officer's call. Certainly in terms of BS5837 it is recommended that Veteran trees are classed as "A3" retention category. The T31 Buffer zone certainly does limit development. Translocation of the Willow (T31) has previously been discussed with a DCC project manager, where, in principle, a method of translocation was agreed.

With regards to a suitable compensation strategy the BS5837 report and BNG report demonstrates a suitable compensation strategy. I note the Derbyshire Wildlife Trust recommendation includes the supply and approval of a Construction Environmental Management which includes the translocation of the veteran tree.

Conclusion

The proposed development will result in the removal of several trees and hedgerows. Tree removals include 1 category A tree and several category B and C trees. Ideally category A and B trees should be retained. If the proposed development is essential the proposed removals are acceptable subject to a suitable compensation strategy.

If permission is granted the supply of a final AMS (including TPP) must be conditioned to be supplied and approved prior to any works on site (including preparatory works). The AMS must include the translocation of the veteran Willow (T31).

The supply and approval of a final landscape schedule and maintenance plan must also be conditioned.

Glossary:

- AIA: Arboricultural Impact Assessment
- AMS: Arboricultural Method Statement
- CEZ: Construction Exclusion Zone
- RPA: Root Protection Area
- TCP: Tree Constraints Plan
- TPP: Tree Protection Plan

5.8. Environmental Services (Parks):

The proposed development will have an impact across a number of different parks and open spaces across the Sinfin & Chellaston area. This includes:

Sinfin Moor Park Local Nature Reserve/Sinfin Golf Course

- Concern over any increase in flood risk and loss of habitat alongside to the Sinfin Moor Park Local Nature Reserve and the fields that border on to the proposed changes.
- these fields are part of a Higher Level Stewardship programme by Natural England and have been designated a GO2 Semi-improved grassland and V05 Scrub of high environmental value.
- part of the indicators of success is that Dunnock, Song Thrush and Grasshopper Warbler (during May) are seen. Concern over the loss of the wider agricultural fields and hedgerows and the detrimental effect on the Local Nature Reserve. Consideration on how any of this is to be mitigated by the developers.
- Concern over an increase in the flood risk and flood storage to the recreational facilities of Sinfin Golf Course as part of the remodelling of the Cuttle Brook and how this is to be mitigated against. Land drainage advice required on the actual directing of the route.
- Loss of habitat with the reduction in the length of the Cuttle Brook, however, there is an opportunity to mitigate against the loss and improve the quality of the water and the water course.
- Note recently invasive species Himalayan Balsam has been found on the Cuttle Brook between Sinfin Moor Park LNR and golf course. This is under management but has the potential to spread down course, so monitoring and management practices may be required.
- Cuttle brook drainage channel is in need of some clearance work both between the park and golf course, this may be the same for the wider route so any consideration made in relation to improving this channel as part of the wider works and net gain mitigation strategy?
- Consideration of loss of habitat for bird and bat population and how this will impact on the nature reserve.
- currently a wide range of species have been identified within this area.

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- Small triangular field on the edge of the Higher Level Stewardship field is currently managed as farm land, has any consideration been made to increase the biodiversity value within this space and for the area to be managed by DCC Parks Team or in line with the management plan. Existing hedgerow (h2NE5) to be retained and protected offering biodiversity, links to the hedgerows within the reserve and additional protection from the development of the wider reserve/parkland.
 - Please confirm whether a bund is to be provided between the development and the attenuation ponds to protect the wider reserve from noise and atmospheric pollution. There is a concern that the development will lead to increase vehicles usage near to the reserve and affect the air quality, noise levels and overall nature of the space.
 - New attenuation ponds on the edge of the Sinfin Moor Park.
 - are pedestrian routes to be formalised around this area? People are currently accessing the area from the Park side. The recently installed signage has now been removed. Concern raised over recent incident where an individual became stuck. Other health & safety considerations are required to ensure safe access from both the Park as well as the development.
 - The original hedgerow at this point was lost as part of the attenuation ponds alongside the golf course and rear of the park. A section has been planted, is the rest of the hedgerow to be replaced as part of the boundary between the golf course/parkland and development.

Wider development.

- Long term what are the proposed management for this whole area and who is to take on the responsibility for it e.g. a management company? Is long term funding in place for the management of the site?
- Loss of amenity value and the wider countryside with the parkland situation alongside open fields both from Sinfin Moor Park LNR, Sinfin Golf Course, Whitehouse Farm Park and the Derby Canal Path. In addition, there is the loss of links to and connection with the countryside along the two urban areas of Chellaston & Sinfin.
- Concern over the loss of habitat connections with the removal of hedgerows at the western end of the development. This provides valuable wildlife links for mammals, birds and invertebrates to other green spaces and local nature reserves within the nearby area including Whitehouse Farm Park, Elm Wood LNR (rear of Moorways Sports Complex), Moor Plantation and Fullens Lock/Canal pathway. The development to consider the nature highways throughout this whole area to prevent further deterioration of isolated nature of woodland such as Elm Wood LNR to the wider countryside including Moor Plantation.
- Recreational links – whether the current footpaths within the site can be upgraded to bridleways, taking into account and improving the links around the

area to permissive bridleway as on the canal path and via Sinfin Moor Lane (Route 66).

- Consideration to be put in place over the provision as a recreational space for various user groups and how they access this space both from the Sinfin and from Infinity parkway side.
- Ensure that there is adequate waste management on the site with the provision of litter bins that are suitably placed for users and for vehicle access to empty.
- Consideration of how motorbikes and unauthorised vehicle usage within the wider development is to be managed, currently issues with motorbikes between Chellaston & Sinfin.

5.9. Regeneration and Major Projects:

Infinity Park Derby forms part of the wider growth strategy for the South Derby Growth Zone and the City of Derby. The Park is a key employment site which promotes sustainable growth within the region through the creation of additional employment floorspace and the creation of new jobs. It forms a key part of our City of Growth agenda and our goals for creating a thriving and sustainable local economy and business community.

Derby City Council has made a significant contribution, over a number of years, to help achieve a comprehensive and co-ordinated approach to the delivery of this business park. It has overseen the construction of its primary road infrastructure (Infinity Park Way) and early surface water drainage provisions. Utility and services facilities have been procured, enabling future development, and initial landscaping has been provided. Furthermore, the Council has enabled the construction of the existing iHub building, now the Nuclear Skills Academy which sits at the centre of the site, offering a focal point to its future development. It is also lead partner in the development of NAMRC Midlands which is currently under construction at the Park.

Regeneration and Major Projects therefore welcome proposals at this location that seek to establish the necessary planning framework for the delivery of a sustainable, high-quality business park that includes manufacturing, research & development and related uses. We welcome proposals that offer the potential to bring significant capital investment, job creation and economic growth to the area whilst not prejudicing either future phases of Infinity Park or proposals for Infinity Garden Village as part of the South Derby Growth Zone.

In summary the proposals offer the following benefits that we support, they will: -

- contribute towards delivery of economic development objectives identified in the Local Plan;
- deliver objectives of the Derby Recovery Plan;
- Contribute to the development of Infinity Park Derby a strategic employment site for the borough whilst delivering sustainable growth;
- improve the resilience of the City's economy;

-
- promote the creation of new jobs and have a positive impact on economic activity in the city.

5.10. Natural England:

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

SUMMARY OF NATURAL ENGLAND'S ADVICE - NO OBJECTION - Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection. Natural England's further advice on designated sites/landscapes and advice on other natural environment issues is set out below.

Boulton Moor, Site of Special Scientific Interest - Based on the plans submitted, Natural England considers that the proposed development will not damage or destroy the interest features for which the site has been notified and has no objection.

Other advice

Green Infrastructure potential

Natural England note that policy CP16(i) 1. Of Derby City's adopted local plan prioritises investment in Green Infrastructure as part of business and employment development.

Natural England welcome the ambition to deliver high quality Green and Blue Infrastructure throughout the site however we note that there is no overall Green Infrastructure Strategy. Instead, the details are contained within the design and access statement with supplementary information and diagrams spread across other various other documents. It would be beneficial to have a standalone Green Infrastructure Strategy. Natural England's Green infrastructure design guide provides practical, evidence-based advice on how to plan, design, deliver and manage good quality green infrastructure that helps create beautiful nature-rich places that make places more resilient to climate change and create attractive investible places that are good for the economy. Natural England advise that section 6.10 of the design guide specifically details how to design green infrastructure for commercial, business and industrial sites. Furthermore, inclusion of GI would also enhance the development's overall conformity with various policies included within the adopted Local Plan for Derby namely policy AC15, CP2 and CP16-19.

Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A that can be viewed via the following link;

<https://docs.derby.gov.uk/padocumentserver/DownloadDocument.aspx?docid=188373310>

5.11. Environment Agency:

Environment Agency position

We have reviewed the hydraulic model accompanying this flood risk assessment and consider that is fit-for-purpose.

The Eastern Flood Storage Area has already been fully constructed. The Western Flood Storage Area has been approved under a separate permission.

The diversion of the Cuttle Brook will need a flood risk activity permit under the Environmental Permitting (England and Wales) Regulations 2016 and a separate advisory note is included at the bottom of this consultation response.

The proposed development will only meet the National Planning Policy Framework's requirements in relation to flood risk if the following planning condition is included.

Condition

The development shall be carried out in accordance with the submitted flood risk assessment (ref 210901_FRA, Revision P03, dated 17th October 2022 and compiled by BWB Consulting) the following mitigation measures it details:

- Finished floor levels of Less Vulnerable development should be raised a minimum of 300mm above the nearest peak 1 in 100-year plus 29% design event flood level. For More Vulnerable uses, finished floor levels should be raised a minimum of 600mm above the nearest peak 1 in 100-year plus 29% design event flood level. This is detailed within Section 5.14 of the report.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason

To reduce the risk of flooding to the proposed development and future occupants.

Environmental permit - advice to applicant -The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:

- on or within 8 meters of a main river (16 meters if tidal) on or within 8 meters of a flood defence structure or culverted main river (16 meters if tidal)
- on or within 16 meters of a sea defence involving quarrying or excavation within 16 meters of any main river, flood defence (including a remote defence) or culvert
- in the floodplain of a main river if the activity could affect flood flow or storage and potential impacts are not controlled by a planning permission.

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing enquiries@environment-agency.gov.uk.

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The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

Environment Agency position – Water Quality

The proposed development will be acceptable if the following measure(s) are implemented and secured by way of a planning conditions on any planning permission.

Condition

The development hereby permitted shall not be commenced until such time as a scheme to has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

- dispose of foul and surface water
- install oil and petrol separators
- install trapped gullies

Reason(s) To prevent pollution of the Cuttle Brook and its tributaries.

Condition The development hereby permitted shall not be commenced until such time as a scheme to treat and remove suspended solids from surface water run-off during construction works has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

Reason(s) To prevent pollution of the Cuttle Brook and its tributaries.

5.12. Derbyshire County Council Archaeologist:

The ES statement on cultural heritage includes consideration of the archaeological resource and potential within the proposal area, drawing on previous work. This assessment is accurate, and I agree with the conclusions.

To summarise, previous work has not identified any elements of significant 'dry land' archaeology within the proposal site. However, the initial suite of evaluation work was carried out more than a decade ago using 'now outdated' geophysical scanning techniques supplemented by very few evaluation trenches sampling only a tiny percentage of the site.

Subsequent work within the proposal site and on sites adjacent where full geophysics survey has been carried out, has however confirmed the basic pattern. Geo-archaeological assessment shows that much of the area was a late-glacial or post-glacial lake, and subsequently a rather marginal wetland only adapted for agricultural during the 19th century.

Some palaeo-environmental potential has been identified in places within these wetland deposits, although there is generally a lack of evidence to understand and date this wetland landscape and any human exploitation.

I agree with the proposals in the ES that there should be a programme of geoarchaeological assessment and sampling to establish more baseline information on geo-archaeological and palaeo-environmental potential within the site, and to

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inform further work against the research questions at ES 8.5.6, whether through archaeological watching brief in target areas or through geo-archaeological prospection and analysis and dating of sequences.

The following conditions should therefore be attached to any planning consent:

a) No development shall take place 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

1. The programme and methodology of site investigation and recording
2. The programme for post investigation assessment
3. Provision to be made for analysis of the site investigation and recording
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
5. Provision to be made for archive deposition of the analysis and records of the site investigation
6. Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation"

b) No development shall take place other than in accordance with the archaeological Written Scheme of Investigation approved under condition (a).

c) The development shall not be occupied until the site investigation and post investigation reporting has been completed in accordance with the programme set out in the archaeological Written Scheme of Investigation approved under condition (a) and the provision to be made for publication and dissemination of results and archive deposition has been secured.

5.13. Derbyshire County Council (Highways Development Control):

Derbyshire County Council's Officer technical comments on the planning application are set out below, which are submitted under Delegated Procedures and are made in the context of national planning policies that are relevant to the assessment of the planning application. Derbyshire County Highways Development Control Team was consulted internally and made the following comments on 27 March 2023: Having reviewed the additional information submitted in support of the application i.e. the two Transport Assessment Addendum reports I can confirm that Development Control has no comments to make on the two documents.

5.14. South Derbyshire District Council:

A site visit has been carried out on Wednesday 03rd May 2023. The site under consideration is located a short distance to the north of the South Derbyshire District Council administrative area boundary. The application site is located approximately four kilometres (km) to the south of Derby city centre and comprises of land

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previously put to agricultural use which is currently fallow. The wider setting for the site comprises agricultural land with Rolls Royce manufacturing facilities present to the north. Agricultural land in the area is used for cultivating crops and field units are formed by mature hedgerow boundaries. The Rolls Royce manufacturing facilities have been present for several decades and include several large industrial buildings, surfaced storage areas and employee car parking. Units A1, D1 and F1 as presented on the Illustrative Masterplan are currently present on site. The proposed scheme of development has been reviewed against the South Derbyshire District Local Plan and the relevant Policies Maps have been considered. In the instance of this application site Policies Map 1 Aston Area is of most relevance. The site under consideration falls within the “Employment Allocation in Derby City Adopted Local Plan - Part 1: Core Strategy”. The development proposal is considered to accord with this site allocation. Although not adjoining the application site a consideration of the development proposal should be made with regards to South Derbyshire District Local Plan Employment Policy E4: Land at Sinfin Moor. The Policies Map also depicts T12 Link Road (in Derby City) and the South Derby Integrated Transport Link, Phase 1. The layout as proposed appears to be in relative accordance with these proposed transport links. The design of the submitted outline proposal has been reviewed and discussed with the design officer at South Derbyshire District Council. For the determination of this planning submission officers at Derby City Council need to be satisfied that the proposed masterplan presents adequate room for significant landscaping to be incorporated into the development proposal. Following an initial review, it would be suggested that the built form and associated parking layouts for Units G1 to G10 present limited scope for a significant landscaping provision to be accommodated. Furthermore, it would be expected that significant landscaping is accommodated in and around Unit D2 due to the size and scale of the building as proposed. Following a review of the design principles it would be suggested that a significant landscaping provision should be requested and incorporated throughout the whole scheme of development. It is considered that the site is sufficiently distanced from the South Derbyshire District such that the proposal would not materially affect the amenities of South Derbyshire District residents. On this basis the Council has no objection to the proposals and recommends that the Local Planning Authority makes a decision in accordance with its development plan and under consultation with the relevant specialists as part of the planning process.

5.15. National Highways:

Referring to the consultation dated 9 November 2022 referenced above, in the vicinity of the A50 trunk road that forms part of the Strategic Road Network, notice is hereby given that National Highways’ formal recommendation is that we recommend that conditions should be attached to any planning permission that may be granted (see Annex A – National Highways recommended Planning Conditions & reasons). Highways Act 1980 Section 175B is not relevant to this application.¹

This represents National Highways’ formal recommendation and is copied to the Department for Transport as per the terms of our Licence.

Should the Local Planning Authority not propose to determine the application in accordance with this recommendation they are required to consult the Secretary of

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State for Transport, as set out in the Town and Country Planning (Development Affecting Trunk Roads) Direction 2018, via transportplanning@dft.gov.uk and may not determine the application until the consultation process is complete.

Context

This response represents our formal recommendations and has been prepared by Catherine Townend, Spatial Planner for National Highways.

National Highways (formally Highways England) has been appointed by the Secretary of State for Transport as a strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

National Highways considers planning applications for new developments under the requirements of the National Planning Policy Framework (NPPF) and DfT Circular 02/2013: The Strategic Road Network and The Delivery of Sustainable Development ("the Circular"). The latter document sets out our policy on sustainable development and our approach to proposals which may have an impact on our network.

The SRN in the vicinity of the proposed development is the A50, A6, and A38 trunk roads, and the M1 motorway.

Development Proposal and Background

The proposal consists of a large mixed-use development of primarily employment land located along Infinity Park Way to the south of the Rolls Royce campus in the southern part of Derby. The site, referred to as Infinity Park Derby (IPD), will provide a large proportion of the employment growth associated with the wider South Derby Growth Zone (SDGZ) allocation.

Infinity Park Derby (IPD), previously called Chellaston Business Park, received Outline planning consent in February 2014 for a mixed employment development under planning references 11/10/01385/PRI and 11/10/01386/PRI.

Following detailed analysis of the traffic related impacts in support of the above planning permission, IPD was conditioned to implement improvements to the eastbound off-slip of the A50 / A514 Swarkestone junction (A50 junction 3) prior to pre-determined phases of occupation (detailed in conditions 10 & 9 of the respective planning consents referenced above).

Since the Outline planning consent, a single unit referred to as 'iHub' (a science research/education facility for the University of Derby) has been constructed/occupied and a further two units referred to as 'Project Ivory' (a B2 employment unit) and 'NAMRC' (a research factory for innovative and optimised processes in machine welding – Egii/Egiii use) have received detailed planning permission.

In addition to the above, access to the site via a new link road known as Infinity Park Way (formerly referred to as the T12 link road) has been delivered. Connecting to the

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SRN at A50 junction 3, this road will be the primary point of access for the proposed development.

The location of the constructed Infinity Park Way is however slightly different from the consented T12 link road and bisects the development land consented for Infinity Park. In addition, the proposed development mix at the site has changed. As such, the development cannot proceed through Reserved Matters and a revised Outline planning application has instead been submitted.

National Highways Previous Responses

As the site does not share a boundary with the SRN and does not require a new access onto National Highways network, our principal concern is in relation to the traffic and transport impacts of the proposed development.

Due to the significant period since the previously approved Outline application, the transport and traffic evidence base needs to be revised and updated to take account of the changes to the development proposal itself, and changes to the wider context.

Since 2016, and since the original Outline consent, National Highways has been engaging with the promoters and local authorities in relation to the wider SDGZ and have supported the progress of the SDGZ and the associated new grade separated junction on the A50 trunk road at Deepdale Lane. This new junction and link road is deemed to be essential for accommodating the growth aspirations of the wider site.

The Department for Transport (DfT) has given approval to the new A50 junction, however further information has been needed to understand the cumulative impacts on the wider SRN to ensure that the traffic impacts are suitably mitigated.

In light of the above, over recent months National Highways has engaged with transport consultants BWB, on behalf of IPD promoters, to support the development of the Transport Assessment (TA) for this site.

May 2023 Response

In our most recent formal update in May 2023, we advised that we had arrived at a position where we are content that the traffic modelling undertaken is robust and presents an accurate picture of the likely traffic impacts on the SRN.

This modelling indicated that improvements to the east-bound off-slip of A50 junction 3 will be needed to accommodate this development coming forward, and that improvements to the west-bound off slip would be needed in the event the new Deepdale Lane junction is not delivered (or delayed).

We also advised that it is now National Highways policy that any proposed changes to our network obtain preliminary approval prior to planning consent being issued.

Current Position

As such, since our last formal update, we have been working directly with the applicant to ensure that the proposed mitigation schemes be designed to a preliminary design standard in accordance with the Design Manual for Roads and Bridges (DMRB), with satisfactory completion of the following:

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- A Walking, Cycling, Horse-Riding Assessment and Review (WCHAR) in accordance with GG142 of DMRB (NB: an exemption was given).
 - National Highways design checks
 - Agreement in Principle (AiP) for any Departures from Standard (NB: not applicable in this case).
 - A Stage 1 Road Safety Audit (RSA) in accordance with GG119 of DMRB
 - A Safety Risk Assessment in accordance with GG104 of DMRB (NB: not applicable in this case).

I am now pleased to advise that the above-mentioned processes have been completed to our satisfaction and we are content with the proposed scheme(s) of mitigation. These schemes will need to be delivered by the applicant under Section 278 of the 1980 Highways Act. This enables third parties to undertake works to our network, overseen by us.

Recommendation

In light of the above, we have no objections to this planning application subject to the following conditions which we ask are attached to the decision notice for this application, should planning consent be given:

Condition 1 (A50 junction 3 eastbound off-slip improvements)

No building or buildings pursuant to this planning application shall be occupied until the improvement scheme identified for A50 junction 3, as shown in general accordance with BWB drawing ref: ROA-BWB-HML-02-DR—TR-101 Rev P1, titled Proposed A50 junction 3 mitigation scheme, is completed and open to traffic.

Condition 2 (A50 junction 3 westbound off-slip improvements)

No building or buildings pursuant to this planning application shall be occupied until the improvement scheme identified for A50 junction 3, as shown in general accordance with BWB drawing ref: NTW/495/013 Rev P3, titled Proposed A50/A514 Improvements, is completed and open to traffic.

Or

until the new A50 Deep Dale Lane junction (a Derbyshire County Council led scheme) is constructed and open to traffic.

Reason for both Conditions: To mitigate any severe or unacceptable impact from the development on the A50 trunk road in accordance with paragraph 111 of the National Planning Policy Framework (July 2021) and paragraph 40 of DfT Circular 01/2022.

Informative note to the applicant

The highway mitigation works associated with this consent involves works within the public highway, which is land over which you have no control. National Highways therefore requires you to enter into a suitable legal Section 278 agreement to cover the design check, construction and supervision of the works.

Contact should be made with the National Highways Section 278 Service Delivery Manager David Steventon to discuss these matters:

david.steventon@nationalhighways.co.uk

The applicant should also be made aware that any works undertaken to National Highways network are carried out under the Network Occupancy Management policy, in accordance with National Highways procedures. This currently requires notification/booking three months prior to the proposed start date for booking road space. Exemptions to these bookings can be made, but only if valid reasons can be given to prove they will not affect journey time reliability and safety. The contact email for these matters is Area7networkoccupancy@nationalhighways.co.uk

5.16. Derbyshire Wildlife Trust:

I have reviewed the ecological assessment set out as part of the Environmental Statement together with the Ecological Appraisal, and Biodiversity Net Gain Report prepared by FPCR, October 2022 and the Biodiversity Metric 3.1 calculations (Excel format). There are also a number of species-specific reports that have been submitted including bat, otter, water vole and breeding bird reports.

Overall, the information submitted provides an up to date and comprehensive evaluation of the current ecological features present within the site and is a reasonable basis upon which to measure impacts and set out proposals for mitigation and compensation.

The only statutory nature conservation site is the Sinfin Moor Local Nature Reserve which occurs to the west of the development site. There are also five non-statutory Local Wildlife Sites present on adjacent land (these overlap with the LNT designation). One of these Cuttle Brook (DE063) is partially within the boundary of the development and is affected due to a need to re-align the brook. The remaining three sites Sinfin Moor Lane Stream (DE042), Sinfin Moor Park (DE089) and Sinfin Moor Lane Meadows (DE041) are all adjacent, whilst Sinfin Golf Course Pond (DE040) is about 80 – 100m to the north-west.

The ecological assessment has concluded that impacts on the adjacent LWS and the LNR are unlikely to result in any significant adverse impacts. Whilst this may broadly be the case, there is a risk of noise, light and chemical pollution as well as the loss of the adjacent habitats that, despite being of low value, would still have provided connectivity across this part of the green infrastructure and ecological network. The proposed habitat creation does potentially address this by extending and buffering the LWS on the western side and through habitat creation adjacent to parts of the Cuttle Brook and the Sinfin Moor Lane Stream. The risk to the water courses in terms of added pollutants from run-off will need to be addressed through the creation of SUDS on site and this is included as part of the scheme. Conditions in relation to light and the implementation of mitigation measures during the construction period as well as a condition for the proposed habitat creation and habitat management will all be needed (see below).

Impacts on habitats

Habitats on site are dominated by cereal crops and to a lesser extent other neutral grassland, broad-leaved woodland, scrub and ruderal vegetation. 91 ha of cereal crops will be lost together with 4.47 ha of other neutral grassland (9.29 ha is

retained). There is also a small loss of woodland (0.67 ha), scrub, some ruderal and the loss of a sustainable urban drainage feature (1.52 ha). The woodland is potentially a Habitat of Principal Importance (HPI). None of the other habitats are thought likely to be HPIs. The loss of cereal crops or arable land is not generally perceived to represent a major loss of biodiversity (though there are exceptions), and this appears to be the case at this site. However, there are some impacts on birds (see below for further comment).

There are also 11.74 km of hedgerow present within and on the borders of the site. 7.23 km is to be retained, but an estimated 4.52 km will be lost. The hedgerows are described as being for the most part species poor, but structurally good. One hedgerow H15 qualified as an Important Hedgerow under the Hedgerow Regulations Act 1997. This hedge is along the southern boundary of the site and is shown to be retained on the Hedgerow Retention Plan Figure 5b within the Biodiversity Net Gain Report. The hedgerows are all Habitats of Principal Importance as they support predominantly native species.

A veteran tree will be lost due to the development, and this will require bespoke compensation in line with Natural England's Standing Advice. These measures will need to be set out within the CEMP (see below).

Impacts on species

Bats

There is a low level of bat activity across the site by common and widespread bat species, using hedgerows and woodlands to commute and forage. Several trees have been identified as having low, moderate, or high suitability for bat roosts. These trees have been recommended for retention, but if any trees are to be removed further assessment will be necessary with respect to bats.

The development is not considered likely to result in a threat to the Favourable Conservation Status of any of the bat species recorded from the site. The bat survey recommends retention of hedgerows H9, H14, H15 and HD. A sympathetic lighting scheme is also recommended. The retention of these hedgerows is shown on Figure 5b Hedgerow Retention Plan, although there may be minor loss of part of H14.

Otter

There is evidence of otter presence on the Cuttle Brook but no resting or breeding sites were identified. A further precautionary survey/check is required, and this is included in the CEMP recommendation below.

Water vole

A water vole survey was undertaken by FPCR (Water Vole Survey Report, September 2022) but did not find any evidence for the presence of water vole within the site. As water vole is known to have occurred recently and due to constraints on accessing some areas of bankside precautionary measures will need to be applied and these should be set out in a CEMP (see below).

Badger

Present in the area, but no sets found – pre-commencement survey and precautionary methods of working required.

Breeding birds

The ecological assessment includes a breeding bird survey, which updates an earlier survey completed in 2013. The site supports a range of farmland, woodland and wetland bird species including several that are on the Red list for Birds of Conservation Concern. Of these lapwing, linnet, yellowhammer, song thrush, mistle thrush, starling and house sparrow were all *possibly* or *probably* breeding species. Interestingly skylark was classed as a non-breeding bird at the site, though the rationale for this is not provided. A condition is advisable regarding breeding birds. Mitigation should be included as part of the enhancement plan (see conditions).

Reptiles

No reptiles have been found during the survey work undertaken and there are very few records in this part of Derby City. Impacts are therefore very unlikely.

Great crested newt

No evidence for great crested newt has been found during the surveys and therefore no impacts on this species are likely and no specific measures are required for this species.

Biodiversity Net Gain

A Biodiversity Metric 3.1 has been completed for the site (October 2022). The metric has calculated the baseline value for the habitats, hedgerows and watercourses on site and the likely retention and loss of baseline habitats. The metric also provides details for post development habitat creation and enhancement. For both habitats and hedgerows, the proposals can potentially deliver a net gain of 11.23% and 6.99% respectively. For habitats the net gain is achieved through the proposed creation of 27 ha of other neutral grassland as well as 10 ha of modified grassland, 5 ha of scrub, 2.48 ha of ponds, 1.9 ha of SUDS and reedbed and 1.55 ha of broad-leaved woodland. For hedgerows the proposals include the creation of 9.27 km of new hedgerow.

For watercourses there is a very small net loss of - 0.51% despite the creation of new watercourse and the enhancement of 1km. This is in part due to a slight shortening of the Cuttle Brook as it is restored to a new more sinuous course. Overall, the slight loss is not considered to be a major issue as the new course for the Cuttle Brook should provide a more natural riverine environment. It should be noted that the realignment of Meadow Drain which forms part of the Cuttle Brook is the subject of a separate planning application.

Conclusions

The proposed development will result in a significant change in land-use for this part of Derby City with an extensive area of land converted to buildings and hard standing. However, the dominant habitat is arable land used for cereal crops and the loss of this is of limited nature conservation significance. There is a small loss of neutral grassland, but it is not of high species diversity (none of the grasslands are identified as HPis). There is some loss of hedgerows within the site, but several hedgerows of greater value have been retained and the hedgerows that will be lost are typically quite species poor (though they are structurally diverse and often have

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adjacent ditches). Impacts on adjacent Local Wildlife Sites should be avoidable and with the proposed habitat creation and enhancement there will be opportunities to ensure gains for biodiversity occur. The proposed habitat creation and enhancement as shown on the illustrative masterplan is located strategically in terms of protecting existing sites and has the potential to complement these sites and increase the overall biodiversity value.

Some protected species may be slightly adversely affected e.g., badger, otter and bats, but these impacts are probably short-term and should be compensated in time by the establishment of more diverse and structurally interesting habitats. No badger setts have been found, but further pre commencement surveys are advisable for each part of the development. Water vole is probably no longer present in this part of the City due to mink predation so impacts are unlikely.

The impact on breeding and wintering birds is probably more significant as several species will probably be displaced or affected by the loss of the cereal crops at certain times of the year (e.g., yellowhammer and linnet). Skylarks are present and though the breeding bird report does not consider them to be breeding on site, they are likely to see a reduction in suitable habitat. Some areas allocated for habitat creation may provide alternative suitable habitat, but this could be very dependent on how accessible the new areas of habitat are for people.

The proposals for habitat creation and enhancement are acceptable and given the types of habitats identified should have a good chance of success. The longer-term management of the created grasslands, scrub and woodland will be crucial to the success of the proposals. Managing 27 ha of neutral grassland will be very challenging and exactly how this will be achieved needs to be set out in detail.

It would be desirable to see at least some areas of the new habitats grazed by livestock and for these areas to have restricted access. This is likely to be the case for the wetlands area to the north-east but should also be considered for other areas. Grazing would provide a more sustainable and potentially low carbon approach to management. Without grazing the grass cutting will have to be done using machinery with 'cut and collect' capability and/or baled on site. Grazing is also better for biodiversity overall as it will result in a more diverse grassland structure that should benefit a wider range of species. Mechanical grass cutting can have significant adverse impacts for some animals including many insects, especially if cuts are completed before September.

Another issue to be factored in for this site is that some of the habitat creation has already commenced as part of requirements for existing planning conditions attached to earlier planning applications. The wetland and grassland area to the north east is one such area and there has been some work on land to the west as well.

Following discussions with the applicant it was agreed that it would make sense to draw all the habitat creation, hedgerow creation and wetland creation into a single unifying Landscape and Biodiversity Enhancement and Management Plan (LBEMP) for the site within the red and blue line boundaries as shown on the Location Plan and the Illustrative Landscape and Ecological Plan (Drg no: 7365 – L – 01 A, 6th October 2022, FPCR). Any applications for individual plots could then reference this plan and demonstrate how it contributes to the delivery of the plan.

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It may be necessary to agree a timescale with the developer so that the habitat creation works progress according to the incremental development across the whole site.

Similarly, some of the measures to be set out in the CEMP may need to be repeated at different stages of the development e.g., precautionary methods of working, updates to protected species surveys etc.

Recommendations / Conditions

If approval is likely to be granted the Council is advised to attach the following conditions: -

Breeding Birds

No stripping, demolition works, or vegetation clearance shall take place between 1st March and 31st August inclusive, unless preceded by a nesting bird survey undertaken by a competent ecologist no more than 48 hours prior to clearance. If nesting birds are present, an appropriate exclusion zone will be implemented and monitored until the chicks have fledged. No works shall be undertaken within exclusion zones whilst nesting birds are present. Comments: The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.

(Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is certain that nesting birds are not present).

Construction Environmental Management Plan (CEMP: Biodiversity)

No development shall take place (including demolition, ground works, vegetation clearance and movement of plant, machinery and materials) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of “biodiversity protection zones” for habitats, hedgerows and watercourse and / or species specific features.
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts on protected species (including pre-commencement surveys), retained habitats, hedgerows, watercourses, and trees during construction.
- d) Details of tree translocation
- e) The location and timing of sensitive works to avoid harm to biodiversity features.

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- f) The times during construction when specialist ecologists need to be present on site to oversee works.
 - g) Responsible persons and lines of communication.
 - h) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
 - i) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Lighting

Prior to the installation of lighting fixtures, a detailed lighting strategy shall be submitted to and approved in writing by the LPA to safeguard bats and other nocturnal wildlife. This should provide details of the chosen luminaires, their locations and any mitigating features such as dimmers, PIR sensors and timers. Dependent on the scale of proposed lighting, a lux contour plan may be required to demonstrate acceptable levels of lightspill to any sensitive ecological zones/features. This will be achieved by a combination of the following steps as outlined in section 4.28 of the Ecological Appraisal prepared by FPCR, October 2022:

- The direct lighting of existing woodland, trees, hedgerows, or proposed landscape planning and areas of open standing water would be avoided
- Road and flood lighting would use low pressure sodium or high pressure sodium instead of mercury or metal halide lamps,
- Lighting will be directional and light spillage will be avoided;
- Lighting columns would in general be as short as possible, although in some locations taller columns would allow reduced horizontal spill; and
- Lighting levels would be as low as guidelines permit and only used where required for public safety.

Guidelines can be found in Guidance Note 08/18 - Bats and Artificial Lighting in the UK (BCT and ILP, 2018). Such approved measures will be implemented in full.

Landscape and Biodiversity Enhancement and Management Plan (LBEMP)

A Landscape and Biodiversity Enhancement and Management Plan (LBEMP) shall be submitted to, and be approved in writing by, the LPA prior to the commencement of the development. The aim of the LBEMP is to enhance and sympathetically manage the biodiversity value of onsite habitats, in accordance with the proposals set out in the submitted Biodiversity Metric (FPCR, 5th November 2022) and the Biodiversity Net Gain Report (FPCR, October 2022). The LBEMP should combine both the ecology and landscape disciplines and shall be suitable to provide to the management body responsible for the site. It shall include the following:-

- a) Description and location of features to be retained, created, enhanced, and managed, as per the approved biodiversity metric.

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- b) Aims and objectives of management, in line with desired habitat conditions detailed in the metric.
 - c) Appropriate management methods and practices to achieve aims and objectives.
 - d) Prescriptions for management actions.
 - e) Preparation of a schedule for implementation and timing of works (including a 30-year work plan capable of being rolled forward in perpetuity).
 - f) Details of the body or organization responsible for implementation of the plan.
 - g) A monitoring schedule to assess the success of the habitat creation and enhancement measures at intervals of 1, 2, 3, 4, 5, 7, 10, 13, 16, 20, 25 and 30 years.
 - h) A set of remedial measures to be applied if conservation aims and objectives of the plan are not being met.
 - i) Detailed habitat enhancements for wildlife including 5 x integrated swift brick, 25 x bird boxes and 10 x bat boxes, refugia for reptiles, butterfly banks and gaps in fencing for mammals.
 - j) Details of offset gullies and drop kerbs in the road network to safeguard amphibians.
 - k) Detailed specifications for open water habitats to provide biodiversity benefits.
 - l) Requirement for a statement of compliance upon completion of planting and enhancement works.

The LBEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The approved plan will be implemented in accordance with the approved details.

Additional comments received June 2023:

I have reviewed the Arboriculture and Ecology Technical Note prepared by FPCR Environment and Design Ltd, April 2023 which assesses the proposed alterations to the road junction at Merrill Way and Chellaston Road. The area is 0.17 ha and comprises amenity grassland, broadleaved trees and a hedgerow. We are not aware of any features of high biodiversity value or nature conservation designations directly associated with this area of land. The assessment is acceptable, and the recommendations should be incorporated into planning conditions should the application be approved.

In previous correspondence to this development proposal recommendations for conditions relating to ecology were included and these should be sufficient to address the issues at this site as well. It is important that the loss of the hedgerow is compensated by the creation of a new species rich native hedgerow in accordance with section 4.2 of the above report by FPCR and the Indicative Landscape Plan 6th April 2023.

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It is hoped that the information provided is helpful to the Council. If you require any further information or wish to discuss any of the comments made, please do not hesitate to contact me.

6. Relevant Policies:

6.1. Relevant Policies:

The Derby City Local Plan Part 1 - Core Strategy was adopted by the Council on Wednesday 25 January 2017. The Local Plan Part 1 now forms the statutory development plan for the City, alongside the remaining 'saved' policies of the City of Derby Local Plan Review (2006). It provides both the development strategy for the City up to 2028 and the policies which will be used in determining planning applications.

Derby City Local Plan Part 1 - Core Strategy (2017)

CP1(a)	Presumption in Favour of Sustainable Development
CP2	Responding to Climate Change
CP3	Placemaking Principles
CP4	Character and Context
CP9	Delivering a Sustainable Economy
CP10	Employment Locations
CP11	Office Development
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
CP18	Green Wedges
CP19	Biodiversity
CP20	Historic Environment
CP21	Community Facilities
CP23	Delivering a Sustainable Transport Network
AC15	Land South of Wilmore Road, Sinfin (Infinity Park Derby)
MH1	Making it Happen

Saved CDLPR Policies

GD5	Amenity
E12	Pollution
E13	Contaminated Land
E17	Landscaping Schemes
E21	Archaeology
T15	Protection of Footpaths, Cycleways and Routes for Horseriders

The above is a list of the main policies that are relevant. The policies of the Derby City Local Plan Part 1 – Core Strategy can be viewed via the following web link:

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https://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/environmentandplanning/planning/localplan/evidencebase/Core-Strategy_ADOPTED_DEC-2016_V3_WEB.pdf

Members should also refer to their copy of the CDLPR for the full version or access the web-link:

https://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/environmentandplanning/planning/localplan/part1/CDLPR_2017.pdf

An interactive Policies Map illustrating how the policies in the Local Plan Part 1 and the City of Derby Local Plan Review affect different parts of the City is also available at – <http://maps.derby.gov.uk/localplan>

Over-arching central government guidance in the NPPF is a material consideration and supersedes earlier guidance outlined in various planning policy guidance notes and planning policy statements.

6.2. Non-housing applications:

The Local Plan (consisting of the policies of the DCLP1 and the saved policies of CDLPR) covers the period 2011 to 2028 and was adopted on 25 January 2017. The policies of the local plan were reviewed in December 2021 in line with Regulation 10a of the Town and Country Planning (Local Planning) (England) Regulations 2017 and paragraph 33 of the NPPF, the provisions of which require Local Plan policies to be reviewed at least every 5 years. The officer led review, endorsed by the Council's Cabinet on 8 December 2021, indicated that all of the policies relevant to the consideration of this application are still up to date and carry weight in the decision-making process as they remain consistent with the NPPF and there have been no changes in local circumstances that render any of the policies out of date. The application is therefore being considered in terms of its accordance with the policies of the Local Plan and any other material considerations, including the National Planning Policy Framework.

7. Officer Opinion:

Key Issues:

In this case the following issues are considered to be the main material considerations which are dealt with in detail in this section.

- 7.1. Principle of Development**
- 7.2. Site Specific Policy Requirements**
- 7.3. Highway / Transport Impacts**
- 7.4. Flood Risk and Drainage**
- 7.5. Landscape and Visual Impacts**
- 7.6. Ecology and Nature Conservation**
- 7.7. Amenity Considerations**
- 7.8. Heritage and Archaeology**
- 7.9. Ground Conditions**
- 7.10. Section 106 Requirements**
- 7.11. Planning Balance**

7.1. Principle of Development

The application site has a long-standing employment allocation, presently under Policy AC15. The site also forms part of a proposed garden village – Infinity Garden Village (IGV) – that extends across an area that includes a number of existing local plan allocations in both Derby City and South Derbyshire.

Outline planning permission has previously been granted on the Infinity Park site, broadly similar in extent to this application. Two outline planning permissions were granted in 2014, (references: DER/11/10/01385/PRI and DER/11/10/01386/PRI) and both provided for reserved matters to be submitted within 8 years. These permissions expired in February 2022 and while neither have been implemented, the principle of developing out the allocated site, has been established before. Separate applications for full planning permission have been submitted and approved for land parcels within the allocated area and some buildings, road and drainage infrastructure and engineering works associated with land regrading have been delivered on site or remain under construction. The history of the planning permissions relating to the site are detailed in section 2 of this report. It includes a new A50 junction and link road, connecting to Infinity Park Way. A section of that link road is included within the red line of this application, at the western edge of the site and is the only area of consented development that stands within its red edge.

Policy CP9 recognises that the Council is committed to realising the vision of a thriving, sustainable economy that contributes to making the D2N2 Local Enterprise Partnership area more prosperous, better connected and increasingly economically resilient and competitive. In order to help achieve this vision, CP9 commits the Council to (inter alia):

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- encouraging proposals that create new jobs and help to implement the Council's Economic Strategy, subject to the provisions of the DCLP1
 - identifying sufficient land, of an appropriate quality and in appropriate locations to meet the needs of a thriving, sustainable economy.

To help meet these objectives, Policy CP10 identifies four strategic employment locations within the city, including 'Land South of Wilmore Road, Sinfin' (allocated by site policy AC15) contributing 86.8ha out of an allocated employment land supply of 199ha. The majority of the application site falls within that allocated area. CP10 goes on to state that the Council is committed to the delivery of new employment land in this location and will use CPO powers where necessary to ensure comprehensive development.

Policy AC15 allocates 86.8 ha of land for the development of a new high quality business park accommodating B1 (now E(g)(i -iii)), B2 and B8 uses. The policy states that the site should deliver a unique, innovation and technology park that will showcase and support innovation related to the automotive, rail, aerospace and energy sectors. It should provide high quality accommodation for companies in the manufacturing and manufacturing service sectors.

A small part of the application area includes land within the Allenton / Chellaston Green Wedge, to the south and east of the NAMRC building. The applicant has stated that this area will be used to deliver biodiversity and flood alleviation measures, as identified on the illustrative landscape and ecological plan. Use of this land for these purposes would be in-keeping with the provisions of CP18.

Overall, the principle of providing employment opportunities in this location is strongly supported by the overarching principles of CP9, CP10 and AC15. The development of this area for employment uses has been a long-standing ambition of the Council which has been included in previous Local Plans and some development and supporting infrastructure has already been delivered. Our Regeneration and Major Projects colleagues' welcome proposals at this location that seek to establish the necessary planning framework for the delivery of a sustainable, high-quality business park that includes manufacturing, research & development and related uses. The socio-economic benefits arising from the proposal are outlined in the ES and they provide significant benefits to the city that weigh in favour of the application.

7.2. Site Specific Policy Requirements

Policy AC15 provides site specific requirements relating to the development of the area. These include some criteria that have already been secured by extant planning permissions, such as the development of the highway infrastructure that is Infinity Park Way. Some of the specific policy requirements are considered in this section of the report, others are referenced in the proceeding sections.

Criteria (b) of Policy AC15 relates to offices. The submitted Transport Assessment (TA) accounts for a quantum of 2,858sqm of standalone office floorspace, which is the level of floorspace indicated on the illustrative masterplan. Criteria (b) requires consistency with CP11, which in turn requires demonstration of a sequential approach to site selection. In this case, the level of office floorspace being suggested is clearly complementary to the wider proposals and in this context, isn't of a scale

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that it is considered will challenge the primacy of the Central Business District (CBD) as the preferred location for office development. Whilst no sequential approach has been demonstrated, it would be illogical as the office floorspace is supporting the wider development of the site and can only therefore be provided in this location. To ensure that standalone office development remains complementary (in terms of scale) and doesn't directly compete with the CBD, conditions of planning permission are recommended to limit the maximum amount of office floorspace that can be delivered through reserved matters applications to 2,858sqm and this would ensure compliance with criteria (b) and policy CP11.

Criteria (c) Of Policy AC15 provides a threshold for the amount of B8 development. It seeks to limit the amount provided across the allocation, to ensure that the vision of a high quality, innovation and technology park is realised, and that the area doesn't simply become a logistics hub. The Planning Statement that supports the application acknowledges the limit on B8 uses to 50% and taking account of floorspace already permitted suggests a condition limiting B8 floorspace to 50% and such a condition forms part of the recommendation.

Criteria (d) of Policy AC15 encourages the development of a small 'centre' at the heart of the allocation to serve the immediate area and promote sustainable travel patterns. The application makes provision for a hotel, public house and drive through café. In terms of the principle of the proposed hotel use, I am satisfied that it would be complementary. CP14 lends support to the improvement of infrastructure for visitors, including those related to business tourism. CP14 requires the development of new hotels outside of the city centre to complement visitor orientated development and be in accessible locations and the proposed hotel is consistent with those provisions. A condition of planning permission is recommended which restricts the scale of the proposed hotel (in terms of floorspace) to ensure that it remains complementary to the wider vision for the area and doesn't become a destination in its own right. Both the public house and drive through café proposals should be considered as main town centre uses. Therefore, they are subject to the provisions of CP12 and CP13, which seek to locate such uses into the most sustainable locations such as the city centre and local centres. No sequential approach has been demonstrated by the applicant, but in a similar way to the office development, such an approach would be illogical if the uses are to serve the immediate employment area. Again, limiting the scale of such uses through a floorspace condition will help to ensure that they only serve the immediate area and don't become destinations in themselves. Appropriate conditions are recommended to ensure that the proposed food and drink uses are also consistent with the aims and objectives of CP15.

Criteria (k) of policy AC15 relates to the comprehensiveness of the development. The submission of this outline application is a welcome step forward in delivering comprehensive development across the AC15 site allocation. It allows for a holistic consideration of all the issues on what is a complex and constrained site. It is noted that this outline application does not cover all of the allocation area and omits land controlled by a third party to the south of Sinfin Moor Lane and a finger of land to the north of Sinfin Moor Lane between units D1 and C4 on the illustrative masterplan. There is a commercial reality that makes it unlikely that developers will invest time and money securing planning permission on land that they don't control. Despite this weakness in the approach, the applicant has attempted to address the issue of

comprehensiveness by including the extent of the omitted areas in the consideration of issues in the ES and has also given regard to the wider Southern Derby Growth Zone / Infinity Garden Village proposals. This is welcomed and provides some comfort in relation to potential risks. The approach taken by the applicant of considering cumulative issues through the ES is reasonable and gives some reassurance that the proposals contained in the outline application do not prejudice the deliverability of allocated areas not covered by the red line of the application site. It is noted that South Derbyshire District Council have not raised objections to the application, and this gives comfort that the proposals will not prejudice development in the wider growth zone.

Consideration has been given to the loss of open space resulting from the off-site highway works on Merrill Way. Our Open Space Assessment identifies it as amenity green space. The level of loss resulting from the works is small in scale and is not considered sufficient to warrant detailed consideration through an open space assessment.

7.3. Highway / Transport Impacts.

The National Planning Policy Framework (NPPF) sets out the criteria for assessing the highway impact of a proposal. In assessing sites that may be allocated for development in plans, or specific applications for development, it requires that opportunities are taken to promote sustainable transport modes - given the type of development and its location, that safe and suitable access to the site is achieved for all users and any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

The application is accompanied by a Transport Assessment (TA) which has been updated through the submission of Addendum's during the life of the application, to address initial comments of Transport Planning colleagues and National Highways. The TA includes modelling for seven traffic flow scenarios taking into account the current baseline (including development already consented) and later phases of development including the A50 junction and link road and development across the wider South Derby Growth Zone. The assessment also includes Junctions 3 and 4 of the A50. The impacts on 16 off-site junctions are considered in detail in the Assessment and impacts have been assessed using the maximum land use parameters outlined in the planning application.

The latest and full comprehensive comments of Transport Planning colleagues and National Highways are set out in Sections 5.1 and 5.15 of this report. Transport Planning colleagues' comments consider in detail, opportunities for sustainable travel, public transport, Travel Plan requirements, the achievement of safe and suitable access and the transport impacts of the development. They do not raise objections to the application noting that it has identified mitigation to negate its impact where physically possible and includes schemes for funding to support off-site works on the highway, cycle improvements, a bus service and framework travel plan. National Highways have confirmed that they are now content that the traffic modelling undertaken is robust and presents an accurate picture of the likely traffic impacts on the SRN. They have also confirmed that they offer no objections to the application. It

is also noted that no highway related concerns have been expressed in the responses received from South Derbyshire District Council and the County Council.

The Transport Planning comments sets out a series of detailed conditions which seeks to ensure that further detailed information supports the reserved matters submissions including (amongst other things) a detailed construction management plan, provision of electric vehicle charging facilities and on-site cycle parking provision. The proposed conditions also seek to secure delivery of the off-site junction works, the phasing and triggers for which are to be agreed with the Developers and will reflect the phasing relative to the delivery of the new A50(T) Junction and Link Road. National Highways have recommended the imposition of conditions to secure identified improvements to the eastbound and westbound off-slips of the A50 junction 3.

Criteria (j) of Policy AC15 relates to the route of the Southern Derby Integrated Transport Link (SDITL). I am satisfied that the route is not prejudiced by the outline proposals and offers no conflict with this requirement of the Policy. In respect of criteria (n) which seeks to ensure that adequate public transport services are provided at an appropriate point in the development of the allocation, the applicant acknowledges the need for the site to be served by public transport in the future and contributions are proposed to be sought through the S106 Agreement towards providing a minimum public service frequency with the contribution being dependant on the phasing of the development.

In light of the detailed and robust assessment of the development and its impacts on the highway network at this outline stage, I consider the development would comply with the requirements of Paragraph 110 of the NPPF and Policy CP23 and am satisfied that through the conditions, the section 106 agreement and reserved matters, an acceptable development can be secured across the site that is acceptable in highway terms.

7.4. Flood Risk and Drainage.

Criteria (h) of Policy AC15 requires that a comprehensive flood alleviation scheme is submitted for the site and the submission of this outline application allows for a comprehensive scheme to be developed. Land within the IPD allocated area falls within Flood Zones 2 and 3 as defined by the Council's SFRA. A wide but shallow floodplain extends across the area due to its flat and low-lying topography. A Flood Risk Assessment (FRA) supports the ES and it identifies the fluvial environment as the primary source of flood risk to the site.

As an allocated site that is identified for development in the Local Plan, it is not subject to the provisions of the sequential test, as the sequential preference of the site was considered through the Plan making process. The extent of employment development proposed, could not be accommodated on any land within the city that is at a lower risk of flooding and no alternative sites are available that could deliver the level of growth proposed, with the links this site offers to existing manufacturing facilities and access to the strategic road network.

An agreed flood mitigation strategy that was set out as part of the historic outline approvals that covered the site involved the reconfiguration of the floodplain and the

raising of the ground areas identified for development, so that they were raised above flood levels. The displaced flood plain was proposed to be relocated within two flood storage areas. The principles of that strategy continue to form the flood alleviation scheme proposed for the site. The eastern flood storage area and western flood storage areas have been constructed. In accordance with EA guidance on climate change an allowance of 29% has been applied to the design flood to identify minimum development levels and the FRA recommends that less vulnerable development should be raised a minimum of 300mm above the 1 in 100 year + 29% design event flood level and more vulnerable uses should be raised a minimum of 600mm above the 1 in 100 year + 29% design flood level.

The FRA provides the results of scenarios assessed using the Environment Agencies hydraulic model for the Cuttle Brook and the modelling in the FRA concludes that the addition of the final parcels of development on IPD would not result in any significant detrimental impacts to third party flood risk. While some increases in flood levels are predicted between the proposed diversion of the Cuttle Brook and the Eastern Flood Storage area, they are contained wholly within the wider strategic development site and channel and so the FRA concludes that they are acceptable.

The FRA and its modelling consider the proposed diversion of the Cuttle Brook which is the subject of a separate planning application. While the decision on the diversion remains pending, the proposals in the illustrative landscape and ecological plan are based on the diverted route for the Brook and therefore conflict with the Local Plan's requirements for landscape buffers along its existing alignment. Control of the layout and detail relating to those buffers remains through the reserved matters applications and this will include a requirement for landscaped buffers along the alignment of Main Drain / Cuttle Brook as required by Policy AC15, regardless of the outcome of the application for re-alignment.

A Sustainable Drainage Statement (SDS) has been provided to support the ES. It notes the impermeable geology that is present and the saturated nature of the site. It also notes that the levels of the site are proposed to be raised to facilitate development and therefore it will be largely made ground which is not conducive to infiltration drainage solutions. The development will increase the impermeable area across the site and subsequently surface water run-off which will make flood risk worse elsewhere unless mitigated. The SDS indicates that surface water flows from the development are proposed to be discharged into the adjacent watercourses. Peak run-off rates are proposed to be restricted therefore attenuated storage is identified as being necessary to balance the excess volume in a safe manner within the site. While the application is submitted only in outline, it is assumed in the SDS that all the required storage would be provided in basins on site and an illustrative drainage layout has been provided that gives reassurance that they can be accommodated within the Masterplan layout.

The Planning Practice Guidance states that new development should be designed to provide adequate flood risk management, mitigation and resilience against the 'design flood' for the lifetime of the development. The FRA concludes that the development will not increase flood risk to the wider catchment area because of the flood storage areas already approved and subject to suitable management of surface water run-off discharging from the site. The Environment Agency have undertaken a

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comprehensive review of the modelling work that supports the FRA and have confirmed that they are happy with the model and they raise no objections to the application. Colleagues in the Council's Drainage and Flood Risk Management Team have advised that the submitted FRA and the drainage strategy are in line with the Lead Local Flood Authorities requirements. Conditions regarding flooding control and surface water run-off would be necessary to ensure they are controlled at the reserved matters stage along with a condition requiring the delivery of the development in accordance with the FRA.

The Environment Agency have recommended the imposition of two conditions which aim to prevent pollution of the Cuttle Brook and its tributaries, and all the recommended conditions would form part of any approval. The requirement for the submission of a Construction Environmental Management Plan is also proposed, to deliver the mitigation measures identified in the ES and address the risks associated with working within the floodplain and near waterbodies, during the construction phase.

Given the flood risk to this site, suitable arrangements for flood risk management and drainage are key to ensuring that the full development potential of the AC15 Local Plan allocation can be realised. It is acknowledged that the final drainage strategy for IPD will be determined during the detailed design stage, but the submitted drainage strategy and masterplan give comfort that the developable area across the site can be maximised, whilst also ensuring that suitable flood measures can be accommodated without prejudicing the development of other plots within the allocated area. The realignment of the Cuttle Brook, as being considered under a separate application, will be a necessary component in ensuring that the extent of floorspace proposed, can be accommodated on site but, the application is considered to be supported by sufficient information to ensure compliance with the requirements of criteria (h) of Policy AC15.

Given the lack of any objections from our specialist consultees, I am satisfied that the information supporting the application demonstrates that a comprehensive scheme can be achieved, for a flood resilient and flood resistant business park that will not lead to an increased flood risk elsewhere. Parks colleagues have expressed concern regarding potential for the development to increase flood risk to the Sinfin Moor Park Local Nature Reserve but subject to the implementation of the mitigation measures specified, the effects of the proposed development on identified flood risk is accepted as broadly complying with criteria outlined in Policy CP2 which sets out the Policy context for Flood Risk and Water Management.

7.5. Landscape and Visual.

Land within the AC15 allocated area has already been used to deliver strategic infrastructure including Infinity Park Way and the western flood storage area. The illustrative masterplan show's a layout of development with significant areas of land dedicated to parking and servicing. It is noted that South Derbyshire District Council have commented that some units shown on the masterplan present limited scope for significant landscaping provision to be accommodated. Criteria (f) of Policy AC15 seeks to maximise the development potential of the AC15 allocation whilst securing high quality design. In terms of maximising development potential, it is noted that the

city is increasingly being built to its boundaries and it's important that land on allocated sites such as this is used efficiently to maximise benefits within the city. As reserved matters applications are submitted, it will be necessary to encourage the applicants to consider efficient and compact parking solutions, where possible and maximise opportunities for landscaping provision.

While detailed designs for the development are not to be considered at this stage, this application is supported by an ES, so the implications of the development for the environment are able to be considered in some detail and this includes consideration of landscape and visual effects. The Landscape Visual Impact Assessment (LVIA) that supports the ES provides a robust assessment and is a useful tool. It identifies the loss of landscape receptors, disturbance to the Cuttle Brook and urbanising influences on the local character as resulting in significant effects for the landscape and identifies the establishment of the green infrastructure as providing necessary mitigation. The site is not the subject of any landscape quality designations at national or local level and Natural England have advised that the development will not have significant adverse impacts on any designated sites.

Criteria (g) of Policy AC15 identifies Sinfin Moor Lane is an important asset both in terms of its recreational value (as part of Route 66 cycle route) and also its biodiversity value in terms of the associated hedgerows that run alongside it. AC15 seeks to ensure that a landscape buffer is provided to protect the landscape and biodiversity value of Sinfin Moor Lane. The ES identifies major-moderate adverse visual amenity impacts arising for users of the northern and eastern parts of Sinfin Moor Lane (along with users of the other rights of way that cross the site). While such impacts need to be weighed in the planning balance, it will be the reserved matters applications that will detail the layout and the level of buffer proposed between the development and the sites boundaries including Sinfin Moor Lane.

A loss of amenity value is raised as an issue by colleagues in Parks given the developments impacts on currently open fields alongside Sinfin Moor Park LNR, Sinfin Golf Course, Whitehouse Farm Park and the Derby Canal Path. The users of Sinfin Moor Park and Nature Reserve are visual receptors identified in the LVIA. The ES identified a negligible effect for those users, commenting on the containment of views created by surrounding woodland and indicates that views of the development would be glimpsed and intermittent. The scale of the proposed western flood storage area that already has planning permission is significant, and it is acknowledged that it assists in serving as a buffer between the development and the LNR.

The AC15 employment allocation is flanked by Green Wedges to the east and west, separating the employment area from residential areas and acting as a 'buffer'. The character of the Green Wedges is both open and undeveloped, providing a welcome break in the built extent of the city. The triangular area of land that sits in the south-eastern corner of the site extends into the green wedge. The Masterplan supporting the application does not include for any built form within either of the Green Wedges and no land identified as Green Wedge would be lost to built form. Criteria set out in Policy CP18 seeks to ensure that development adjacent to the wedge does not endanger its character and function considering scale, siting, design, materials and landscaping treatment. These matters will be pertinent at the reserved matters stage, but the parameters for the scale of the development specified in the

application are reasonable. The western flood storage area will provide a significant buffer between the most western unit (D2) and the Green Wedge. There is less of a buffer between units A1, A2 and A3 (on the eastern edge) and the landscaping between units A2 and A3 and the Green Wedge should be carefully considered at the reserved matters stage.

The ES states that the application site and the local landscape lies within the context of large employment buildings, roads and infrastructure that have influence on this landscape already. This is a landscape that is already experiencing change and has a planning permission in place that allows for the delivery of the new A50 junction and link road that would connect to this site. Clear changes will arise as a result of the built development, changes to ground levels and the removal of natural landscape features. The identified resulting landscape and visual amenity impacts need to be considered in the context of our Local Plan Policies which promote the delivery of growth and built form in this area which it is hoped will emerge over time to deliver a successful business park in accordance with our Local Plan aspirations. Policies CP3 and CP4 are general design policies which will be important when considering the detailed layout of the business park and design of individual buildings and plots. The Masterplan and indicative Landscape and Ecological Masterplan's that support this application give a degree of comfort that an efficient use of the land can be secured which balances the design aspirations of our Local Plan Policies while seeking to minimise landscape and visual effects. The wider policy vision for the area is a high-quality business park and the design response secured at reserved matters stage will need to be befitting of this.

7.6. Ecology and Nature Conservation.

The ES and the surveys that support it, provide detailed assessment of the impact of the development on habitats and fauna. The overall conclusions drawn in the Ecology and Nature Conservation chapter of the ES are that few potentially significant effects are identified that cannot be successfully mitigated or compensated through significant biodiversity enhancement associated with the green infrastructure that is proposed as part of the development. The advice of Derbyshire Wildlife Trust (DWT) and Natural England has been sought on the submitted information and in accordance with the advice they have provided, I am satisfied by the assessments and survey detail provided.

The planning application includes the required surveys and mitigation plans for all relevant protected species. DWT have advised on impacts for Bats, Otter, Water Vole, Badger, Breeding Birds, Reptiles and Great Crested Newts. They have recommended pre-commencement surveys and precautionary methods where necessary, which can form part of a Construction Environmental Management Plan (CEMP) that is proposed to be sought by condition. DWT advise that some protected species may be slightly adversely affected by the development, but these impacts are probably short-term and should be compensated in time by the establishment of more diverse and structurally interesting habitats.

In terms of habitats on site, DWT have provided detailed commentary on the types and amounts of habitat's identified as being impacted. Policy CP19 states that the Council aims to ensure a net gain of biodiversity over the plan period and this

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aspiration is strengthened by recent amendments to the NPPF. The applicant has submitted a Biodiversity Net Gain Statement and for both habitats and hedgerows, the proposals are identified as having the potential to deliver a net gain of 11.23% and 6.99% respectively. DWT have advised that the proposed habitat creation and enhancement that is identified in the illustrative masterplan is located strategically in terms of protecting existing sites and has the potential to complement these sites and increase the overall biodiversity value.

The Arboricultural Assessment that forms the package of information supporting the ES identifies TPO no. 115 as covering some trees within the assessment area. The Arboricultural Assessment provides survey information for 33 individual trees, 29 group of trees, 1 woodland and 12 hedgerows. Section 5 of the Assessment provides details of the trees and hedgerows identified for removal in order to facilitate the proposal. Notably, this includes a crack willow veteran tree (identified as T31). The veteran is identified as being unable to be retained by virtue of its location. Our Arboricultural Officer highlights the requirements of paragraph 180 (c) of the NPPF and advises that you should refuse planning permission if development will result in the loss or deterioration of ancient woodland, ancient trees and veteran trees unless both of the following applies:

- there are wholly exceptional reasons
- there's a suitable compensation strategy in place (this must not be a part of considerations of wholly exceptional reasons).

Ancient woodland, ancient trees and veteran trees are irreplaceable, and a decision needs to be made as to whether the loss of the veteran tree is for exceptional reasons. It is noted that our Arboricultural Officer has advised that the buffer zone of the veteran tree does limit development and one could argue that due to the collapsed nature of the veteran tree and its propensity to "phoenix" that it would not be entirely lost if it is translocated effectively. The veteran tree would impact on the deliverability of a land parcel and would reduce the developable area available within the employment land allocation. On balance, I consider the significant socioeconomic benefits arising from the development weigh heavily in favour of the development and on this basis, I consider they, along with the need to maximise the development potential within the AC15 allocation, provides the wholly exceptional reasons why the impact on veteran tree T31 can be accepted. The Arboricultural Officer advises that the Arboricultural Assessment and Biodiversity Net Gain report demonstrates a suitable compensation strategy and DWT's recommendation includes the supply and approval of a Construction Environmental Management to include the translocation of the veteran tree. The imposition of such a condition would be key to ensuring the proposals deliver the compensation strategy and the translocation of the tree in order to meet with the requirements of the NPPF.

The ecological and arboricultural implications of the off-site works at the Merrill Way junction for the hedgerow and trees that stand alongside the highway have been considered in a technical note that was submitted to support the application. Our Arboricultural Officer has raised no objections, subject to controls over the works, which can be secured by conditions of planning permission. DWT have also advised that conditions of planning permission should be used to ensure the delivery of the replacement hedgerow but have not raised any objections to those works.

The proposals do involve a significant change in land use for this area of the City but land within the application site has been heavily influenced by either past intensive agricultural management that has led to a reduction in habitat and species diversity generally or by construction works associated with the delivery of the T12 / Infinity Park Way and more recent development associated with the delivery of buildings within the allocated area. DWT advise that the proposed habitat creation does potentially address this by extending and buffering the LWS on the western side and through habitat creation adjacent to parts of the Cuttle Brook and the Sinfin Moor Lane Stream. They advise that impacts on adjacent Local Wildlife Sites should be avoidable and with the proposed habitat creation and enhancement there will be opportunities to ensure gains for biodiversity occur. On this basis, we have comfort that through reserved matters applications, the proposals can deliver net gains in excess of the 10% target set out in the Environment Bill. Suitable conditions are recommended to ensure the development delivers its biodiversity net gain potential along with preserving biodiversity during construction and ensuing lighting does not affect nocturnal species. With these measures in place, I am satisfied that the proposal broadly accords with policies CP16 and CP19.

Policy AC15 part (i) requires the provision of a network of green infrastructure throughout the site as part of the delivery of the employment allocation. This includes structural planting and the safeguarding of non-motorised multiuser routes to protect the biodiversity and recreational value of the site. Specific provisions include landscaped buffers along Main Drain / Cuttle Brook, structural planting on the eastern and western sides of the allocation to incorporate rights of way, a landscaped multiuser route incorporating the right of way from Sinfin Moor Lane to Wilmore Road, measures to extend the wood and at Moor Plantation and measures to maximise the biodiversity and amenity value of areas used for surface water management and flood risk mitigation. The submitted illustrative landscape and ecological plans show how this list of objectives could be achieved in principle but the details will need further consideration through the reserved matters and discharge of conditions in consultation with our Statutory Consultees including the Rights of Way Officer.

As the application is submitted purely in outline, landscape and green infrastructure proposals are illustrative. Natural England recommend provision of a stand alone green infrastructure strategy and while such a strategy does not form part of the application submission, the ambition to deliver blue and green infrastructure is demonstrated throughout the application submission. The landscape and ecological masterplan is proposed to be subject to conditions on the permission to guide future reserved matters applications. The delivery of the green infrastructure and the creation of SuDS will be controllable through reserved matters applications. Conditions of the planning permission are considered to be key to ensuring delivery of the biodiversity net gains identified and the long-term management of the habitat creation and enhancement proposals as advised by DWT. The ES acknowledges the need for planning conditions to ensure implementation of mitigation measures during the construction period as well as conditions to ensure delivery of the proposed habitat creation and management. DWT have recommended the imposition of a pre-commencement condition which requires the submission of a Landscape and Biodiversity Enhancement management Plan which will seek to unify

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the habitat creation, hedgerow creation and wetland creation and ensure that all phases of the development contribute towards its delivery. This would provide a comprehensive approach.

7.7. Amenity Considerations.

The NPPF states that planning policies and decisions should ensure that new development is appropriate for its location considering the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment as well as the potential sensitivity of the site or wider area to impacts that could arise for the development. These intentions are reflected in our Local Plan Policies and CP23 – Delivering a Sustainable Transport Network states that the Council will manage the pattern of development so that new development is not permitted where it would cause or exacerbate problems for (including) air quality and cumulative impacts on AQMA's. Policy CP2 requires a response to climate change impacts including air quality impacts.

The assessment methodology and scope of the sensitivity analysis used in the submitted Air Quality Assessment was agreed with Environmental Protection colleagues prior to the submission of the application. In respect of air quality, the ES does not identify any significant effects. Environmental Protection colleagues have advised that there will inevitably be some significant degree of uncertainty at this outline stage in terms of traffic volumes generated throughout what is predicted to be a multiple year development programme. However, they conclude that the findings in the ES appear reasonable and they accept its conclusions namely that air quality need not be a significant factor in the determination of the application.

A noise assessment supports the ES and has also been reviewed by Environmental Protection colleagues. They note that it is difficult to accurately predict potential noise impacts which could arise in connection with the various commercial and industrial uses proposed, at this early outline stage. Consideration is given in the noise assessment to construction noise and vibration impacts, operational noise impacts due to changes in road traffic and noise associated with fixed plant, HGV movements and service yard activity. In particular, it is noted that the assessment predicts an adverse impact at Lea Farm and subsequently, the ES suggests that a noise barrier/bund may be needed at the reserved matters stage to protect the occupants of Lea Farm. Environmental Protection colleagues advise that the ES provides a reasonable outline assessment to consider potential noise impacts associated with the development and that its conclusions on noise are accepted based on the information provided. They advise that assessment work is insufficiently detailed in scope at this stage, but further details will be required regarding layout, equipment, and other factors relevant to noise which cannot be determined now. They do not object to the application on noise grounds and recommend the imposition of conditions to address outstanding concerns.

Criteria (e) of Policy AC15 relates to the proximity of the site to the Rolls Royce Test Beds. Given the layout and mix of development demonstrated in the submitted Masterplan, I am satisfied that through reserved matters, a layout of development can be secured that will not compromise the continued operation of the nearby Test Beds and will not result in curtailment of activities due to noise complaints.

In terms of issues relative to massing, proximity and overshadowing, the submitted Masterplan shows that the buildings occupying the business park would be located a sufficient distance from residential properties in Chellaston and Sinfin. The residential neighbour that will have a close relationship with the site is Lea Farm. Sinfin Moor Lane and the landscaping buffers that are to be secured alongside it will assist in screening views, but the development would result in a clear change in the landscape view achieved from Lea Farm. As noted in the landscape and visual amenity chapter of the ES, such impacts are unavoidable as Lea Farm stands within the allocated land that is identified in the Local Plan for extensive development and growth. Impacts relating to massing, proximity and overshadowing will need to be considered in detail at the reserved matters stage but the proximity of Lea Farm to the application site, is noted.

Saved policy GD5 seeks to ensure that development does not cause unacceptable harm to the amenity of nearby areas and requires consideration of a number of factors when determining harm and they include noise and vibration along with air, water, noise and light pollution. Amenity considerations are also required by Policy E12 and criteria (e) of Policy AC15. Given the conclusions reached in the ES and the specialist advice provided by Environmental Protection colleagues, subject to some mitigation measures being sought by condition, it is considered that sufficient control remains through reserved matters to ensure that the development would not cause significant detriment to amenity locally or within the wider area.

7.8. Heritage and Archaeology.

It is accepted that the ES provides suitable assessment, using relevant guidance, of the heritage assets within the areas that surrounds the site, as required by the NPPF. It is noted that there are no designated heritage assets identified as being within the application site itself and the ES does not identify any significant effects arising for any designated heritage assets including the setting of designated assets identified as being within a 2km buffer zone around the application site. It is noted that South Derbyshire District Council have not raised any concerns in this regard.

Impacts for the site's archaeology requires consideration as they constitute non-designated heritage assets within the application site. Local Plan policy CP20 requires proposals with impact on heritage assets to preserve and enhance their special character and paragraph 203 of the NPPF indicates that in weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required. Saved Local Plan policy E21 requires detailed assessment of archaeological impacts and suitable strategies for the alleviation of impacts. Specifically, criteria (l) of Policy AC15 identifies the local Geological Site (previously known as Regionally Important Geological Sites - RIGS) and requires proper consideration of any impacts upon it.

This local geological site is addressed in the ES and it notes that it lies outside of the red line of the application, further to the south. The County Archaeologist has commented on the application and has advised that the ES statement on cultural heritage includes consideration of the archaeological resource and potential within the proposal area, and that the assessment provided is accurate and he agrees with its conclusions. He has advised that he agrees with the proposals in the ES that there

should be a programme of geo-archaeological assessment and sampling to establish more baseline information on geo-archaeological and palaeo-environmental potential within the site, and to inform further work against the research questions identified in the ES. The County Archaeologist is clearly satisfied that this can be accommodated though a post consented scheme of works and provision of a WSI is recommended as being secured through a condition imposed on the planning permission. The imposition of such a condition would accord with the requirements of policy E21.

No Statutory consultees have raised objections to the application based on resulting impacts for Archaeology and Heritage, and the conclusions drawn in the ES are accepted. A balanced judgement is required by paragraph 203 of the NPPF and it is accepted that there is a reasonable means for addressing the archaeological interest within the site and this is through measures secured through conditions of planning permission. Overall, the proposal offers no conflict with policies E21, CP20 or the heritage policies in the NPPF.

7.9. Ground Conditions.

The ES chapter on ground conditions is accompanied by a Ground Investigation Factual Report and Phase 1 and 2 Geo-Environmental Assessments. Environmental Protection colleagues note that the submitted information provides a useful overview of potential contamination risks to the site but note that the ES indicates that further works will be necessary in conjunction with the phased development construction process. Further intrusive site investigation work is therefore proposed to be secured by condition which will provide recommendations for suitable remediation. This will ensure that any contamination is suitably remediated to ensure the proposals compliance with saved Policies E12 and E13.

7.10. Section 106 Requirements.

Policy MH1 (Making it Happen) is the policy in the Core Strategy which sets out requirements for appropriate supporting infrastructure and the policy seeks to ensure that the necessary infrastructure is provided to support new developments. MH1 sets out the tools available to the Local Planning Authority to implement this policy which includes the imposition of planning conditions and securing developer contributions, amongst others. This application gives rise to the need for a S106 Agreement to secure obligations relating to Travel Planning, monitoring and penalty clauses, and transport contributions for improvements to the transport network, public transport and non-car modes. The applicants have agreed to policy compliant contributions and obligations for these areas.

7.11. Planning Balance.

The application seeks outline permission for strategically important employment development which is entirely consistent with the site allocation in Policy AC15. The proposal has the potential to accommodate in the region of 2,731 gross full-time equivalent jobs on site, once completed, which will contribute positively towards the aims of the City of Growth agenda. Paragraph 80 of the NPPF indicates that significant weight should be placed on the need to support economic growth and productivity and Local Plan Policy CP9 carries forward these intentions, encouraging

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proposals that create new jobs and a thriving and sustainable economy. These are aspirations of the South Derby Growth Zone and Infinity Garden Village. The submission of this outline application is an important step forward to securing the development of this strategic employment location within the city. There are long standing policy ambitions to see this area developed for job creating uses and the job creation opportunities are a significant public benefit, which weighs in favour of the proposal.

It is considered that the key issues in determining this application are robustly set out and addressed within this committee report. This application has been considered in accordance with the relevant policies in the Development Plan and based on advice provided by consultees, it is considered that the information in the ES and other supporting documents is sufficient to enable the environmental impacts of the proposal to be fully considered. Overall, I agree with the assessment and conclusion within the Environmental Statement.

The application demonstrates that there is no highway, flood risk, landscape, visual, ecological, amenity, heritage and ground condition impacts arising that cannot be suitably mitigated through the design of the development and secured at the reserved matters stage or through conditions of planning permission. While some adverse highway, landscape and visual effects are unavoidable and the resulting loss of landscape features including hedgerows and trees are negative aspects of the development, suitable green infrastructure will be secured which will provide net gains for biodiversity on the site.

In conclusion, once all the relevant material planning matters are considered and weighed in the planning balance, it is considered that this proposal meets with the three strands of sustainable development as outlined in the NPPF and the proposal accords with the strategic vision for growth on this southern edge of the City. It is considered that the economic benefits of the proposal outweigh any adverse effects identified and accordingly the proposal meets the intentions of the relevant local and national planning policies and in particular, is compliant with the site allocation policy AC15 in the Derby City Local Plan- Part 1. Planning permission should therefore be granted subject to the conditions set out in the report and provided in an abbreviated format in section 8.3 of this report and subject to completion of the Section 106 Agreement, its heads of terms outlined in section 7.11. Members will note that I recommend the granting of the application for a period of ten years. This will allow a comprehensive yet phased approach to the development of the site.

8. Recommended decision and summary of reasons:

8.1. Recommendation:

To grant planning permission with conditions.

- A. To authorise** the Director of Planning, Transportation and Engineering to negotiate the terms of a Section 106 Agreement to achieve the objectives set out below and to authorise the Director of Legal, Procurement and Democratic Services and Monitoring Officer to enter into such an agreement.
- B. To authorise** the Director of Planning, Transportation and Engineering to **grant permission** upon conclusion of the above Section 106 Agreement.

8.2. Summary of reasons:

In the opinion of the Local Planning Authority, the principle of employment on this site accords with the policies of the Derby City Local Plan Part 1, in particular policy AC15. The floorspace parameters outlined in the Environmental Statement are acceptable in the context of policy AC15. The submitted information has provided the basis for considering the impact of the proposed development on Socioeconomic, Landscape and Visual Impacts, Ecology and Nature Conservation, Cultural Heritage and Archaeology, Ground Conditions, Flood Risk and Drainage, Traffic and Transport, Air Quality, Noise and Vibration and the overall Cumulative Effects of the development. The proposal is acceptable in Landscape, Highway and Flood risk terms, subject to the mitigation measures identified being delivered through the reserved matters, Section 106 Agreement and the conditions outlined in this notice. The Environmental Statement identifies and assesses the main effects of the development on the environment with few significant effects identified. The socioeconomic benefits in the form of job creation during the construction and operational phases of the development are significant benefits arising from the proposal that have been given significant weight and are deemed to outweigh any harm arising.

8.3. Conditions:

Members will note that certain consultees have recommended the detailed wording of conditions in this report. However, in line with previous Counsel advice the following conditions are provided in an abbreviated format to ensure that the final wording can be subsequently agreed by all parties. If there are any over-riding issues with the inclusion/exclusion or the wording of any condition(s) the Chair and Vice Chair will be consulted to agree a way forward. All conditions will be drafted to allow them to be discharged on a phased basis.

General Conditions.

1. Condition relating to the submission of Reserved Matters.
2. Condition specifying a 10 year time limit for the outline permission.
3. Condition relating to Indicative Masterplan, Parameters Plan and Illustrative Landscape and Ecological Management Plan.

Pre-Commencement Conditions.

4. Condition requiring submission of a phasing plan – to be informed by a Transport Statement or Transport Assessment.
5. Condition requiring design and alignment details for the section of A50 junction link road, within the application site.
6. Condition relating to the requirement of a Transport Statement or Transport Assessment depending on the scale of the reserved matters.
7. Condition securing a travel plan as set out in the Section 106 Agreement.
8. Condition securing details of a suitable access to accommodate construction traffic.
9. Condition securing wheel washing facilities.
10. Condition requiring submission of a detailed Construction Management Plan – to include a Traffic Management Plan.
11. Condition securing EV charging points.
12. Condition securing cycle parking.
13. Condition relating to access, parking, turning, gradients, surfacing, lighting, structures, visibility splays, and drainage.
14. Condition relating to delivery of off-site highway works at the A514 / Boulton Lane / Merrill Way junction.
15. Condition relating to delivery of the off-site highway works on the Pioneer Arm of the iHub roundabout junction.
16. Condition requiring the submission of a construction environmental management plan.
17. Condition requiring the submission of a scheme to treat and remove suspended soils from surface water run-off.
18. Condition requiring the submission of a scheme to dispose of foul and surface water.
19. Condition requiring the submission of a detailed drainage strategy.
20. Condition requiring delivery of development in accordance with FRA and its mitigation measures.
21. Condition requiring submission of flooding control and surface water run-off details.
22. Condition relating to the submission of detailed noise assessments on a phased basis including proposals for mitigation.
23. Condition requiring the submission of a Phase II site investigation, remediation strategy and validation report.
24. Condition relating to the submission of an archaeological written scheme of investigation.

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25. Condition relating to the submission of a construction environmental management plan (CEMP Biodiversity) – to include pre-commencement surveys for wildlife.
 26. Condition relating to the submission of a landscape and biodiversity enhancement and management plan (LBEMP).
 27. Condition requiring landscaping proposals to include full details for land within the green wedge at the eastern end of the site.
 28. Condition relating to the submission of an final arboricultural methods statement and tree protection plan – to include Merrill Way junction works and translocation of the veteran tree.

Pre-Occupation Conditions

29. Condition requiring delivery of works to A50 junction 3 eastbound off-slip.
30. Condition requiring delivery of works to A50 Junction 3 westbound off-slip.
31. Condition requiring the submission of external lighting schemes for all phases.

Management Conditions

32. Condition restricting maximum office floorspace to 2,858sqm.
33. Condition restricting maximum floorspace of B8 to 50% (not including ancillary uses).
34. Condition restricting maximum floorspace of hotel use.
35. Condition restricting maximum floorspace of public house and drive thru café uses.
36. Condition requiring linkages to existing footpath / cyclepath / bridleways.
37. Condition requiring phasing details and resolution of identified footpath diversion.
38. Condition relating to breeding birds.
39. Condition specifying requirement to sign up to EA flood alerts.
40. Condition controlling working hours.

8.4. Informative Notes:

- a) Works are potentially required to be undertaken where the development accesses join the public highway, which is land subject to the provisions of the Highways Act 1980 (as amended) and over which you have no control. For these works to proceed, you are required to enter into an agreement under S278 of the Act. Please contact Keren Jones Tel 01332 641767 for details. Please note that under the provisions of S278 Highways Act 1980 (as amended) commuted sums will be payable in respect of all S278 works.
- b) For details of the Delivering Streets and Places Design Guide and general construction advice please contact Keren Jones Tel 01332 641767.

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- c) The highway mitigation works associated with this consent involves works within the public highway, which is land over which you have no control. National Highways therefore requires you to enter into a suitable legal Section 278 agreement to cover the design check, construction and supervision of the works. Contact should be made with the National Highways Section 278 Service Delivery Manager David Steventon to discuss these matters: david.steventon@nationalhighways.co.uk
- d) The applicant should also be made aware that any works undertaken to National Highways network are carried out under the Network Occupancy Management policy, in accordance with National Highways procedures. This currently requires notification/booking three months prior to the proposed start date for booking road space. Exemptions to these bookings can be made, but only if valid reasons can be given to prove they will not affect journey time reliability and safety. The contact email for these matters is Area7networkoccupancy@nationalhighways.co.uk
- e) Environmental Permit – Note to Applicant
The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:
- on or within 8 metres of a main river (16 metres if tidal)
 - on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
 - on or within 16 metres of a sea defence
 - involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
 - in the floodplain of a main river if the activity could affect flood flow or storage and potential impacts are not controlled by a planning permission

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing enquiries@environment-agency.gov.uk.

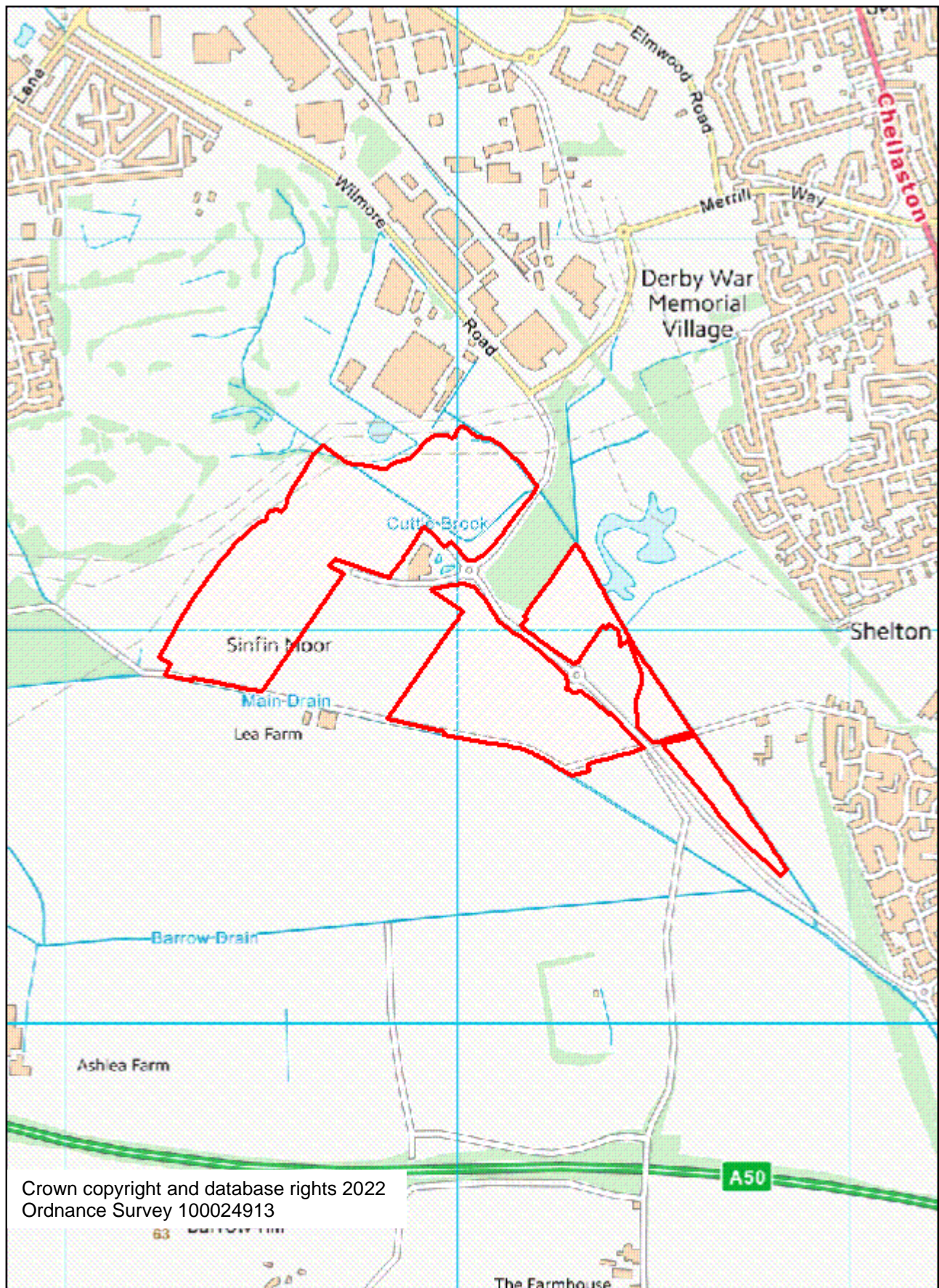
The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

8.5. S106 requirements where appropriate:

Matters relating to Section 106 Obligations are addressed within Section 7.11 of this report.

8.6. Application timescale:

A suitable extension of time is being discussed with the applicant to allow the consideration of the report by Planning Control Committee, completion of the Section 106 agreement and issuing of the decision notice.



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Application No: 22/01809/FUL

Type: Full Application

1. Application Details

1.1. Address: Eagle Market, Morledge And Castle And Falcon Public House, East Street, Derby

1.2. Ward: Arboretum

1.3. Proposal:

Part demolition of existing Eagle Market building and full demolition of Public House, allowing for change of use of the retained part of the Eagle Market from Retail (Class E) to indoor go-karting, drinking establishment, family entertainment, amusement centre (Use Class E / Sui Generis). Installation of a new building façade alongside associated access, parking, servicing area and landscaping.

1.4. Further Details:

Web-link to application:

<https://eplanning.derby.gov.uk/online-applications/PLAN/22/01809/FUL>

Brief description

Members will be very familiar with this site which occupies an important part of the city centre on the junction of Morledge and East Street.

The application site is an irregular shape covering an area of some 5100 sqm. It comprises the Castle and Falcon Public House and the Eagle Market entrance from East Street together with a sizable component of the Eagle Market floor space. It also accommodates the existing vehicle access, which serves the basement car park, on the Morledge site boundary.

The application has been substantially amended from the original submission and it now forms the development package outlined in Part 1.3. The amendments were tabled in mid-May of this year and the application package has been re-publicised.

The original proposal sought permission to demolish the Castle and Falcon Public House and Eagle Market entrance building to accommodate a flat roofed, single storey, elongated food store fronting East Street with segregated access to the retained Eagle Market building – which would have been re-purposed to accommodate the family entertainment leisure uses.

The proposal would involve demolition of some of the buildings that currently occupy the site and the demolition component is highlighted in the [Design and Access Statement](#). It essentially comprises the Castle and Falcon Public House and the associated ramped access / steps adjacent to 9 East Street, together with the two storey entrance to the Eagle Market. An area of the existing built form on the Morledge boundary would be retained which includes part of the terrace that overlooks the car park access. This retained terrace would be assimilated into the proposed scheme and the amended Design and Access Statement illustrates the proposed reconfiguration of the building (refer to pages 29 – 32).

In terms of rationale for the proposed development, which forms part of plans for an 'Eastern Gateway' into the city centre, the amended Planning Statement indicates...

..."The existing entrance to the Eagle Market on the corner of East Street and Morledge provides an uninviting arrival. The removal of a section of the former Eagle Market building and the Castle and Falcon Public House will open up the streetscape in this location and create a high-quality space, which will serve as a vibrant new addition to the existing external landscaping of Derby City Centre.

The updated scheme will create a split-level area of landscaping extending from the eastern side of East Street to the new facade. A series of garden terraces with opportunities for seating at different levels, overlooking the street, will create an attractive, inviting edge to the street. Water is to be explored as an option for inclusion within the terracing and lower level, helping to attract families and children. Stepped routes will provide access from the street to the upper level and into the building. Wheelchair/pram access will be via a wheelchair lift from Morledge.

High-quality landscaping materials that complement the existing townscape setting will be used. New tree and shrub planting will be incorporated in order to soften the urban setting, provide shade, improve biodiversity and create additional visual interest. Colourful, tactile and durable play zones are proposed to offer a family-friendly element to the scheme, with curated F&B (Food and Beverage) outlets and associated seating bringing further vitality to the site. The landscaping visualisations provide an indication of the proposal for the landscaped area. It is proposed that a requirement to submit full details of the landscaping scheme is secured by condition.

The updated scheme proposes a new mall façade, fronting Derbion Square. This uses illuminated opal polycarbonate cladding, which is both lightweight and durable, whilst providing a striking visual effect. The façade will be back-lit with a pattern of LED lights that can be programmed to change colour and pattern timing, creating a dynamic and engaging display. The Morledge elevation will use white metal cladding. A metal patterned fret wraps around the entire structure to ensure it reads as one singular "object".

At the ground level, the building is constructed using brick to provide a strong and durable base. The brick material is designed to blend seamlessly with the surrounding landscape design in order to create a sense of continuity and harmony within the streetscape. The proposed facade also incorporates a new double height Derbion Mall entrance, which is designed to be welcoming and inviting to visitors.

The existing entrance on the corner of East Street and Morledge provides an uninviting arrival to the city. The proposal seeks to create a welcoming 'Eastern Gateway' to the city centre from the Bus Station with new landscaping works. New steps and seating are proposed, to be unified by landscaping and planting. This will create welcoming and accessible circulation to all, alongside much-needed green swell space in the city.

These high-quality proposals will raise the overall design standard for Derby city centre and make a positive contribution to the character of East Street."

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Type: Full Application

2. Relevant Planning History:

Application No:	22/01811/FUL	Type:	Full Application
Decision:	Granted Conditionally	Date:	3 February 2023
Description:	Change of use of part of the existing Eagle Market from retail (Use Class E) to indoor go-karting, drinking establishment, family entertainment and amusement centre (Use Class E/Sui Generis)		

3. Publicity:

- Neighbour Notification Letter
- Site Notice
- Statutory Press Advert
- **Re-publicity and re-consultation carried out in mid-May 2023 for the amended application**

This publicity is in accordance with statutory requirements and the requirements of the Council's adopted Statement of Community Involvement.

4. Representations:

In line with the Data Protection Act and associated legislation this appraisal should not include details, or seek to identify through repeating specific comments, the individuals who have objected, supported or made general comments about the application. Therefore, to maintain anonymity, the relevant planning grounds of objection, support or comment have only been included in broad terms. It is important to note that all comments received have been fully considered as part of the application process and included in the overall 'planning balance' exercise.

Two objections were received in response to the original submission.

The objectors essentially expressed concern about the overall design quality of the proposal and felt the site had greater regenerative potential. One of the objectors also felt that the scheme should accommodate other surrounding buildings in this part of the city centre to improve the overall offer and 'gateway' aspiration.

No comments have been received in response to the amended application.

In terms of support for the proposal, Marketing Derby provided a response in relation to the original submission. These comments are as follows:

Marketing Derby is the Queen's Award-winning Investment Promotion Agency for Derby and Derbyshire, supported by our 325+ Bondholders.

We are writing to support the Eastern Gateway redevelopment for the Morledge and East Street, as proposed by the application referenced above, as we believe it fits with the city's ambition for regeneration.

..."Marketing Derby supports the application in principle as it improves a key gateway into the city, providing a modernised and regenerated outdated corner of the city centre with an improved building aesthetic and streetscape.

This key gateway is also located on the main thoroughfare from the city's bus station through to the new Becketwell and Market Hall developments; Becketwell will soon be home to a new 3,500 seater Performance Venue, and the newly refurbished Market Hall and Osnabruck Square will, according to the Ambition document, be utilised for additional cultural activity and hospitality - totalling £85m of taxpayers investment.

However, in order to be fully cohesive with the city's main core objectives, we would encourage the final designs to include more green and blue, in order to fit with the City's Vision of Urban Cooling:

'The Vision should promote greening of the city centre, including new green spaces, tree planting, greening of streets (and) landscaping' Towards a New City Vision. Ambition 2022 Document.

There is scope to introduce some biodiversity or biophilic design into the final scheme.

With these considerations Marketing Derby supports the proposed development".

5. Consultations:

5.1. Highways Development Control (HDC):

In relation to the amended application the full comments of HDC are as follows:

In Highway Development control terms, the proposals have removed a commercial element from the proposals, replacing it with a 'public square' and 'landscaping'. As the majority of the area concerned is within the applicant ownership/control; it is unlikely that the proposals will have a significant impact; however, there are two areas which I note and may require further consideration.

It is unclear from the details shown on drawing "RFM-XX-00-RD-L-0001 Rev P03" where the site boundary ends, and the highway boundary commences. It will be necessary at construction phase to consider how best the boundaries can be delineated to prevent confusion in the future. Secondly, the most western tree shown on the plan may be shown in the highway, the Highway Authority is unlikely to simply accept the tree as shown; and if placed in the highway would require a commuted sum for the future maintenance liability of the tree together with suitable root protection measures and the like.

Notwithstanding any planning conditions to the effect, it is likely that the applicant/developer will need to enter into separate discussions with the councils Network Management Team in order to agree elements of footway width restrictions, hours of working and the like, in addition to measures to prevent contamination of the highway by dust and other materials.

Recommendation:

The Highway Authority has No Objection to the proposals, subject to the following suggested condition:

No development shall commence unless or until a Demolition/Construction Management Plan has been first submitted to and approved in writing by the Local Planning Authority. Such a plan shall consider (but not be limited to), measures to

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prevent contamination of the highways (wheel washing, sweeping etc), parking for materials deliveries, parking for construction personnel and operatives, hours of operation of the site, details of methods of segregation/protection for pedestrians and other highway users, Temporary Traffic Regulations Orders, delivery times and the routing of vehicles associated with the operations. The demolition and construction works shall thereafter be carried out in accordance with the approved plan.

Reason: To ensure that suitable arrangements are provided for the demolition and construction work to be undertaken without undue effect upon the adjacent highway network, and in the interests of highway safety.

Five individual informative notes to the applicant are also recommended.

In relation to the amended Transport Assessment and, concerning issues relating to access, trip generation and parking, an updated Technical Note has been provided by colleagues. The full version of this note can be found [here](#).

For brevity, the concluding remarks of the Technical Note are as follows:

The development is unlikely to cause any issue arising from traffic generation with a likely net decrease of 517 and 536 two-way trips during the AM and PM peaks.

The application is in a sustainable city centre location, with the bus station is close proximity and ample parking opportunities in the local vicinity which is likely to have a minimal impact of the highway network.

There is no associated cycle parking with the development, however it is highly recommended to the applicant to include cycle parking to improve the sustainability of the development. The applicant has indicated that they intend to include cycle parking as part of the development.

In light of the above, Transport Planning has no objection to the proposal

5.2. Conservation & Heritage Advisory Committee (CHAC):

-

5.3. Built Environment (BE):

In relation to the amended application the full comments of BE are as follows:

Designated Heritage Assets affected –

The site comprising of Eagle Market and Castle and Falcon PH, is of late twentieth century construction and located adjacent to (just outside) the city centre conservation area which is an area of architectural and historic interest. Grade II listed Northcliffe House is the nearest listed building to the site, on Albert Street. These are designated heritage assets. There are also a number of locally listed buildings (The co-operative society – retail and office as well as the department store and White Horse), which are heritage assets, which are located within the conservation area.

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Impact of proposals on Heritage Assets and comments –

This application is for the partial demolition of the northern part of the existing eagle market building and full demolition of the adjacent public house, allowing for the change of use to indoor go-karting, drinking establishment, family entertainment, amusement centre.

There is an impact of proposals on the setting of the conservation area in relation to the East Street and Morledge street scene and views along them. No issue with principle of demolition of these late twentieth century buildings (which removes the modern Castle and Falcon Public House and the large, awkward glazed entrance structure set back on the site facing East Street which impacts the view along it). No issue to the change of use.

The proposals include the removal of the existing projecting glazed structure and the proposed building's scale, and mass is set back further from East Street behind some raised landscaping, so the bulk of built form is reduced within the immediate street scene. The building line is weakened partially along the edge of the site with the removal The Castle and Flacon PH. Elements of the proposal in have a neutral impact on the character and appearance of the conservation area in terms of the new built form, slightly negative in terms of the loss of part of the building line along east street, and potential concern about visual appearance of the light box, size of the Derbion sign, material selection and how these relate to the context, adjacent conservation area which is important. Suggest a material schedule is submitted for agreement and the location and visual appearance of any external plant is carefully considered, designed to be obscured if possible or screened, if necessary, to maintain the clean lines of the proposed structure. As proposals could potentially have a negative impact in terms of the lightbox illumination (and its extent, colour of illumination and lux levels), size of Derbion signage, material choices and external roof plant. Suggest details of these are requested at an early stage and selection sort to reduce impact. The proposal would have a minimal impact on nearby locally listed buildings (the Co-op retail and offices as well as the department store on East Street, as the new building is set well back. There could be a slightly negative impact on the listed Northcliffe House, due to the proposal's details, including illumination as outlined above, as viewed from the roundabout on Corporation Street. There are benefits of the scheme including regeneration benefits, improvement to access and landscaping etc.

Policies –

The Planning (Listed Buildings and Conservation Areas) Act 1990 para 66 are relevant here. As is Policy E18 and E19 of the saved Local Plan Review (2006) and CP20 of the Local Plan – core strategy (2017). Section 16 on Conserving and enhancing the historic environment of the NPPF (2021) is also relevant in particular, para 199, 200, 202. There is minimal impact caused to the designated heritage assets and as regards to heritage policies in the National Planning Policy Framework this proposal's level of harm (classed as less than substantial harm) is considered to be under para 202. '...Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate,

securing its optimum viable use' (NPPF, Para 202). This means that where there is this level of harm, this harm should be weighed against the public benefits of the proposal. This weighing is undertaken by the Development Management Case Officer. In relation to heritage assets (Locally listed buildings) that are non-designated para 203 of the NPPF is also relevant 'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'

Suggested conditions:

Should you be minded to grant permission suggest conditions as outlined above including submission for agreement of a materials palette, visual appearance of external plant etc as suggested within comments above.

Recommendation:

Potentially negative impact on the setting of heritage assets in terms of lightbox, materials and sign size. There is a degree of concern on these items and suggest careful choices to reduce impact. Weighing harm to heritage assets against public benefits required under para 202 as outlined above (NPPF, 2021) is undertaken by the Development Management Case Officer.

5.4. Environmental Services (Health – Pollution):

In relation to the original submission, the comments provided about contaminated land issues are as follows:

1. I have reviewed the application information and I would offer the following comments in relation to Contaminated Land implications.
2. I note the submission of the following document in support of the application: • Preliminary Geo-Environmental Risk Assessment, MPN UK Limited, Ref: DE-MPN-ZA-00-RP-S-00015, Rev: P01, Dated: 10/11/2022.
3. I can offer the following comments on the assessment and its implications for the determination of the application with respect to contaminated land considerations.
4. Please note that the following comments do not seek to interpret or discuss the suitability, or otherwise, of any of the geotechnical aspects of the site investigation, other than within a land contamination context.
5. In addition, all comments relate to human health risks and therefore I would refer you to the Environment Agency for their comments on any conclusions made in the report surrounding risks that may exist to controlled waters, since the Local Authority cannot comment on these aspects.

Preliminary Geo-Environmental Risk Assessment

6. The assessment is desk-based, save for a site walk-over undertaken on 21st September 2022. It is also noted that the site is currently occupied by the Eagle Centre market, which continues to be operated and used by business and the public, making intrusive investigations impossible at this stage.
7. It is noted that the report covers an area larger than the application site (see plan in section 2.1).
8. Relevant historical data has been considered in the report, including pertinently, site investigation assessments undertaken on the adjacent land in connection with the extension and redevelopment of the wider Eagle Centre in around 2002 to 2004.
9. Although most relevant historical land uses have been identified, maps held by this Department suggest a former paint/varnish manufacturer on site (map date 1955) which has not been identified in the report.
10. Subject to being updated with the details of the former paint/varnish manufacturer, the conceptual site model appears appropriate.
11. The report concludes with a recommendation for an intrusive site investigation following the demolition of buildings in order to consider the potential for contamination and ground gases to impact on the proposed development.

Conclusions and Recommendations

12. Subject to being updated with the details of the former paint/varnish manufacturer, the recommendations in the submitted Preliminary GeoEnvironmental Risk Assessment are agreed.
13. As recommended in the report, an intrusive site investigation will be required as part of the development process. Consequently, should planning permission be granted, I would recommend the attachment of the following conditions:
 - i) Where the agreed Phase I Assessment has identified potential contamination, a Phase II Site Investigation shall be carried out to determine the levels of contaminants on site that could pose a risk to the health of future site users, in accordance with LCRM Guidance. A risk assessment will then be required to determine the level of potential risk to site end users. A detailed report of the investigation will be required for submission to the Local Planning Authority for written approval prior to commencement of the development.
 - ii) In those cases where the agreed Phase II Investigation Report has detailed significant contamination risks to human health exist on site, a Remediation Strategy will be required in order to identify measures needed to mitigate the identified risks. The Remediation Strategy shall be completed in accordance with LCRM Guidance and submitted for written approval by the Local Planning Authority prior to commencement of the development.
 - iii) The risk reduction measures detailed within the agreed Remediation Strategy shall be implemented in full. A Validation Report shall subsequently be produced which adequately demonstrates that the measures have been

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implemented in full, that all significant risks to human health have been removed and that the remediation targets have all been met. The Validation Report shall be submitted to and approved in writing by the Local Planning Authority prior to the development being occupied.

An addendum to these comments was also provided and it reads:

Further to the updated version of this report, I have gone through this now and note that the amendments now reflect the additional information we provided and the recommendations made.

The changes are minor and were simply designed to ensure completeness with the information to hand (in relation to historical site use data). This therefore doesn't impact the conclusions of the Report and subsequently, this won't affect the recommendation in our earlier comments of 9th January 2023.

I wasn't intending to issue a formal memo update to our comments in this regard, but feel free to attach this email to the application web pages for clarification and for transparency purposes.

In relation to the original submission, the comments provided about noise and odour issues are as follows:

I have reviewed the noise survey with reference: Project No: 2221461, I would offer the following comments in relation to Noise implications for the development as follows.

The area 'use' is principally city-centre retail and commercial, though there are hotels opposite the proposed development, including the IHG Holiday Inn.

Given that, details of the proposed plants were not submitted with the application, it will be difficult to recommend full approval at this stage. It is therefore, recommended that a supplementary BS 4142:2014+A1:2019 assessment be submitted once they know the exact plants that will be installed. Applicant needs to ensure the criteria below is met.

- Proposed criteria for plant noise Plant Noise Rating Level (L_{Ar,Tr}) Daytime (07:00 – 23:00) Night-time (23:00 – 07:00) ≤ 55 dB ≤ 47 dB.

I also note that the proposal will involve some demolition and building works. Given the proximity of some noise sensitive properties, I advise that contractors limit noisy works to between 07.30- and 18.00-hours Monday to Friday, 07.30 and 13.00 hours on Saturdays and no noisy work on Sundays and Bank Holidays. This is to prevent nuisance to neighbouring properties.

Finally, light food offering should be cold or microwavable food, other hot/cooked food would require a ventilation system. No ventilation flue should be installed until agreed in writing with the Council.

VENTILATION SYSTEM INSTALLED AND MAINTAINED - DETAILS TO BE APPROVED

The use authorised by this permission shall not commence until the ventilation system to control the emission of fumes and smell from the premises has been installed in accordance with written details approved in advance by the City Council

as local planning authority and it shall be maintained and operated thereafter in accordance with the manufacturer's instructions (In the interests of the amenities of nearby occupiers).

5.5. Lead Local Flood Authority (Land Drainage):

In relation to the amended application the full comments of HDC are as follows:

There are no significant changes to the FRA, so it is still preliminary and the conditions shown below are required.

No development shall take place until a surface water drainage scheme 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:-

1. A sustainable drainage solution, including engineering details, drawings, cross sections and computations.
2. Proposals to comply with the recommendations of the Non-statutory technical standards for sustainable drainage systems (March 2015) and The SuDS Manual (CIRIA C753).
3. Restriction of surface water runoff from the whole site to the greenfield rate or as near as possible to it.
4. Provision of appropriate levels of surface water treatment defined in Chapter 26 of The SuDS Manual (Ciria C753) or similar approved.
5. Appropriate ability to maintain the system in a safe and practical manner and a securely funded maintenance arrangement for the life of the development.
7. Demonstration by way of index approach or other suitable assessment that the that the quality of surface water at the point of discharge is of appropriate quality. The approved drainage infrastructure is to be maintained for the life time of the development to ensure that the required drainage standard and water quality is maintained.
8. Details of the required schedule of inspection and maintenance to ensure the functioning of the designed drainage system.

5.6. Police Liaison Officer (PLO):

In relation to the amended application the full comments of the PLO are as follows:

Whilst cautiously welcoming investment to improving the eastern gateway into the city here and accepting that the proposal is an improvement from the current convoluted site arrangement, we need to be mindful of elements from the community who may misuse this space, and protect the amenity of the majority, meeting the aspiration of the amended design and access statement to provide a safe and welcoming environment.

On face value the two terraces may have distinct characters, with the lower garden terrace forming unrestricted open space, whereas the upper curatable terrace is likely to be an extension of the leisure uses already approved within the reconfigured internal market area.

With this in mind, and I would raise this as a point for discussion rather than a specific requirement, there may be merit in exploring means to further define the two terraces if their uses become sufficiently diverse to warrant a more robust separation.

The upper terrace should be formally supervised as would be expected from any licensable area, and conditions of use applied, set under the licensing act, through planning approval, or possible both.

Having talked over this aspect of the development with colleagues involved in supervising local police operations, neither of us are entirely clear as to the areas of responsibility for each terrace, nor whether ownership falls to the Derbion Centre, the City Council, or a combination of the two.

As I mentioned in my last consultation response in February, at that time on the topic of cycle security, there will need to be an element of co-operation between Derbion staff and Council staff who are involved in enforcement, together with the end user(s) in respect of roles and responsibilities.

As a material consideration, I would expect approval to be conditional upon a considered Security Management Plan for the wider proposal, in consultation with the area Police management team.

As part of this plan the unfixed elements on the upper terrace should be moved into secure storage when the area is not being used. If this can't be achieved internally a purposed made store will need to be included externally.

Lighting for the development site isn't explored, excepting mention of façade features and internal provision within the design and access statement.

Again, probably one to be set as a condition of approval, being mindful that damage to lighting structures, particularly low-level fittings, is common within the city, so robust column mounted lamps set away from easy reach should be specified.

I note previous agreement in principle to the provision of external CCTV monitoring. Another matter likely to be more suitable to condition, but also to tie in with detail of the Security Management Plan, and technically the performance of any agreed lighting scheme.

Inappropriate, and unintended use around city centre monuments and other hard landscaped spaces comparable to this proposal has been a significant problem in the past, with skateboarders and at times BMX cycle riders, causing damage to hard edges, and often being off-putting to other users.

Whilst I'm aware that this may be on the decline, and correct management will mitigate, some careful attention to breaking up the longer hard edges of landscaping of the lower garden terrace would help to reduce this likelihood by design.

5.7. Derbyshire County Council Archaeologist:

The proposal site is situated on the periphery of Derby's medieval core, just to the south of the Archaeological Alert Area (Local Plan saved policies) corresponding to the edge of the medieval town. There is potential for medieval activity peripheral to and outside the medieval settlement, and a medieval town ditch to c3m bgl has recently been recorded to the north of the town in a broadly analogous position.

Despite this rather promising location for medieval archaeology, the site has undergone large scale development activity during the later 20th century, with construction of the Eagle Centre Market and the public house, both of which appear to have deep basements or basement car parking, and this is likely to have resulted in substantial truncation of archaeological levels. Some partial survival of deeper features or islands of lesser impact may be present, but it is not possible to assess this on present evidence with the existing buildings still on site.

The applicant's desk-based assessment also identifies some geo-archaeological or palaeo-environmental potential associated with alluvial deposits within the site, and again this aspect of potential may survive at depth where previous truncation is lesser.

As these aspects of archaeological potential can only satisfactorily be assessed when the buildings on site are demolished, I therefore recommend that the interest is addressed through a planning condition, requiring a post-consent scheme of archaeological work. The detail of this will depend on the sequence of groundworks proposed, but will involve in the first instance some monitoring and archaeological observations during the demolition process should basements and foundations be removed, and also during the ground investigation process where boreholes should be archaeologically interpreted and test pits monitored. This information will inform a decision on whether any further archaeological involvement is required, which could include trial trenches, geo-archaeological work, further monitoring or even targeted areas of formal excavation.

The following conditions should therefore be attached to any planning consent:

"a) No development shall take place 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

1. The programme and methodology of site investigation and recording
2. The programme for post investigation assessment
3. Provision to be made for analysis of the site investigation and recording
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
5. Provision to be made for archive deposition of the analysis and records of the site investigation
6. Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation"

"b) No development shall take place other than in accordance with the archaeological Written Scheme of Investigation approved under condition (a)."

"c) The development shall not be occupied until the site investigation and post investigation reporting has been completed in accordance with the programme set out in the archaeological Written Scheme of Investigation approved under condition (a) and the provision to be made for publication and dissemination of results and archive deposition has been secured."

5.8. Derbyshire Wildlife Trust:

The comments of DWT in relation to the original submission are as follows:

I have reviewed the Endoscope Inspection. The survey provides further information regarding the limited size of the cavities and the sub-optimal roosting opportunities for bats. Considering these further details, we advise that a nocturnal survey of The Castle and Falcon public house is not considered necessary in this instance.

As per our previous response, dated 23rd February 2023, we still advise that one nocturnal survey of Eagle Market is undertaken prior to determination, unless robust justification is provided for any deviation.

The agent has confirmed that a meeting was held on 14 March 2023 with DWT, Watermans (Ecology) and Lichfields (Planning) to discuss the survey work undertaken and an agreed conditional position is now in place.

5.9. Regeneration and Economic Growth Team:

The comments of colleagues in relation to the evolution of the scheme are as follows:

Since 2020, the Regeneration team at Derby City Council have worked with the owners of the Derbion Shopping Centre to bring forward proposals for the northern boundary of their landholding fronting Morledge and East Street that will deliver significant improvements in the quality of the streetscape and a boost to footfall.

Due to viability challenges, Derby City Council applied for and was awarded £15m from Central Government's Future High Street's Fund to help fund a programme of activity including the "Eastern Gateway" project. In 2022 a further £1.3m commitment from Derby City Council was made to the project to help the Derbion owners address the viability gap that had emerged as a result of increases in cost.

Eastern Gateway is a partnership project with the owners of the Derbion Shopping Centre, providing gap funding to transform the area opposite the bus station and create a high quality gateway to the city centre. The project objectives include responding to the changing nature of city centres by introducing high quality space for the public to enjoy and introducing new uses to attract additional footfall.

Earlier in 2023, the withdrawal of the original anchor tenant from the planned scheme resulted in the owners of the Derbion Shopping Centre proposing a far more ambitious proposal for a Family Entertainment Centre that delivers the same streetscape improvements as the earlier scheme but an increased number of new

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jobs (over 100) and approximately one million additional visitors (a boost of 6.5% to the centre as a whole).

We understand that owners of the Derbion are at an advanced stage of negotiation with a number of potential tenants of the new Family Entertainment Centre, who will bring a new and vibrant leisure offer to the city centre. The terms of the potential tenancy agreements, coupled with the terms of our Grant Funding Agreement for the Eastern Gateway project, give us confidence that public sector funding is safeguarded, justified and brings additionality to the project, ensuring benefits for a number of years to come.

In summary, Derby City Council's Regeneration & Economic Growth service is in full support of this application, recognising both the physical improvements that it will bring to this important part of the city centre and the diversity and vibrancy the new FEC offer will bring to Derby's citizens and visitors.

6. Relevant Policies:

6.1. Relevant Policies:

The Derby City Local Plan Part 1 - Core Strategy was adopted by the Council on Wednesday 25 January 2017. The Local Plan Part 1 now forms the statutory development plan for the City, alongside the remaining 'saved' policies of the City of Derby Local Plan Review (2006). It provides both the development strategy for the City up to 2028 and the policies which will be used in determining planning applications.

Derby City Local Plan Part 1 - Core Strategy (2017)

CP1(a)	Presumption in Favour of Sustainable Development
CP2	Responding to Climate Change
CP3	Placemaking Principles
CP4	Character and Context
CP9	Delivering a Sustainable Economy
CP12	Centres
CP14	Tourism, Culture and Leisure
CP15	Food, Drink and the Evening Economy
CP16	Green Infrastructure
CP20	Historic Environment
CP21	Community Facilities
CP23	Delivering a Sustainable Transport Network
AC1	City Centre Strategy
AC2	Delivering a City Centre Renaissance
AC3	Frontages
AC4	City Centre Transport and Accessibility
AC5	City Centre Environment
MH1	Making it Happen

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Saved CDLPR Policies

GD5	Amenity
CC17	City Centre Servicing
E13	Contaminated Land
E17	Landscaping Schemes
E18	Conservation Areas
E19	Listed Buildings and Buildings of Local Importance
T10	Access for Disabled People

The above is a list of the main policies that are relevant. The policies of the Derby City Local Plan Part 1 – Core Strategy can be viewed via the following web link:

https://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/environmentandplanning/planning/localplan/evidencebase/Core-Strategy_ADOPTED_DEC-2016_V3_WEB.pdf

Members should also refer to their copy of the CDLPR for the full version or access the web-link:

https://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/environmentandplanning/planning/localplan/part1/CDLPR_2017.pdf

An interactive Policies Map illustrating how the policies in the Local Plan Part 1 and the City of Derby Local Plan Review affect different parts of the City is also available at – <http://maps.derby.gov.uk/localplan>

Over-arching central government guidance in the NPPF is a material consideration and supersedes earlier guidance outlined in various planning policy guidance notes and planning policy statements.

6.2. Non-housing applications:

The Local Plan (consisting of the policies of the DCLP1 and the saved policies of CDLPR) covers the period 2011 to 2028 and was adopted on 25 January 2017. The policies of the local plan were reviewed in December 2021 in line with Regulation 10a of the Town and Country Planning (Local Planning) (England) Regulations 2017 and paragraph 33 of the NPPF, the provisions of which require Local Plan policies to be reviewed at least every 5 years. The officer led review, endorsed by the Council's Cabinet on 8 December 2021, indicated that all of the policies relevant to the consideration of this application are still up to date and carry weight in the decision making process as they remain consistent with the NPPF and there have been no changes in local circumstances that render any of the policies out of date. The application is therefore being considered in terms of its accordance with the policies of the Local Plan and any other material considerations, including the National Planning Policy Framework.

7. Officer Opinion:

Key Issues:

In this case the following issues are considered to be the main material considerations which are dealt with in detail in this section.

7.1. Development Plan

7.2. Heritage and Design

7.3. Highways and Transport

7.4. Protected Species

7.5. Other Technical Issues

7.6. Conclusions

7.1. Development Plan

The starting point for all decisions is the Development Plan. The relevant policies are discussed below and also within the other key issue headings.

The Eagle Market site, taken as a whole is not allocated for anything specific in the DCLP1 but is located within broad policy areas including the Central Business District – CBD (AC2), the St Peters Quarter ‘character area’ (AC2) and the Core Area (AC2).

The site is not identified as primary frontage, as the existing building lacks ground floor street frontage. However, the rest of East Street is defined as Primary Frontage, recognising the importance of this street as a key shopping street and important link between the bus station / riverside and St Peter’s Street.

AC1 is clear that the Council is committed to delivering a renaissance for the city centre and reinforcing its central economic, cultural and social role by supporting sustainable economic growth and regeneration, improving the quality of the built environment, creating new residential neighbourhoods and enhancing its standing as a regionally important business, shopping, leisure, tourism and cultural destination.

AC1 goes on to recognise that the Council will encourage investment which strengthens and integrates the City Centre’s retail, employment, leisure, cultural and residential functions and meets overall sustainability objectives, whilst promoting the ‘Core Area’(CA) as the preferred location for new retail development and supporting proposals which serve to protect and enhance its overall vitality and viability.

AC2 identifies the CBD as the main focus for economic and leisure activity and also identifies the Core Area as the sequentially preferable location for major new retail development within the city. This is also reflected in CP12.

AC2 also identifies the St Peters Quarter character area acknowledging its long-standing high-street shopping role as well as providing crucial pedestrian links between the Cathedral Quarter, Derbion and the Riverside. Reflecting this, the policy goes on to note that priority will be given to the revitalisation of East Street / Albion Street / Exchange Street / Morledge area.

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More specifically, in relation to the Core Area, AC2 recognises that the Council will maintain an appropriate level of retail market provision, having regard to a 'Markets Review'.

AC3 identifies primary shopping frontages within the city centre. Whilst not specifically identified as primary frontage, the site of Eagle Market can be considered as a secondary frontage. AC3 allows for a range of uses within secondary frontages in the St Peters Quarter, including shops, food and drink uses (subject to CP15) and leisure uses.

The proposed drink element would be complementary to the proposal and does not raise any concerns in relation to the provisions of CP15 which seeks to avoid concentrations of food and drink uses that could impact on community safety and / or the character, role and function of the centre.

CP14 notes that the Council is committed to elevating Derby's identity and reputation as a leisure destination and actively encourages new development that will enhance the quality of the offer, visitor experience and visitor numbers.

The Eagle Market site is highly sustainable and accessible being located opposite the bus station. Clearly, the principle of the uses being proposed is in keeping with the overarching policy objectives set out in AC1, AC2, CP12, CP14 and CP15.

One of the key policy issues for consideration relate to the loss of the existing uses, namely the Eagle Market and Castle and Falcon PH. AC2 raises a specific question in this regard, which is whether an *appropriate level of market provision will be maintained* if the Eagle Market is lost in its entirety.

In relation to the level of the latter point the applicant's consultant has indicated that..."this proposal includes the redevelopment of the existing Eagle Market and the Castle & Falcon Public House. The Eagle Market currently has a high number of vacancies, therefore the existing employment numbers on the site are low relative to its size. It is estimated, by Derbion, that the existing site currently provides a total of 84 jobs. Derbion has advised that 71 of these jobs are being relocated to alternative sites in the city centre.

CP21 recognises 'local shops' and 'public houses' as community facilities. In this context, it can be argued that both the Castle and Falcon PH and the Eagle Market should be considered as community facilities and their proposed loss should therefore be considered against the provisions of CP21.

CP21 supports the retention of existing community facilities unless it can be demonstrated that there is no longer a need to retain the use, alternative provision is made or where the Council can assist strategic partners to renew or restructure their provision.

In terms of the Castle and Falcon PH, I am satisfied that there are many other similar establishments located in the city centre that can meet community needs. The rationale for including public houses within the provisions of CP21 is generally aimed at retaining public houses in village centres and suburbs, where there might only be one facility of this nature. The Castle and Falcon PH does not fall into this category, and I am satisfied that alternative provision is available, in line with CP21.

In addition to the loss of the Eagle Market as a community facility, its total loss also needs to be considered against the NPPF which makes specific reference to market provision. Paragraph 86(c) of the NPPF requires planning policies to *'retain and enhance existing markets and, where appropriate, re-introduce or create new ones'*. This is a clear steer towards retention and therefore the loss of the market needs to be appropriately justified.

The 'Retail and Centres Study' (2019) describes the Eagle Market as oversized for its existing use and therefore concluded that it represents a regeneration opportunity for providing town-centre uses. The study notes that high levels of pedestrian activity in Derbion do not translate into comparable levels of activity in the Eagle Market.

The study goes on to conclude that the Council should support the partial reconfiguration or redevelopment of the Eagle Market with a potential focus on 'urban leisure' uses and a significantly improved frontage on to East Street.

The need to rationalise the amount of floorspace dedicated to retail sales (including markets) and diversify the range of uses in the city centre is reflected in the recently published consultation document, 'Towards a New Vision for Derby City Centre – Ambition' (2022).

In relation to retailing, the document acknowledges that the city centre has too much floorspace and this is contributing to high rates of vacancy and a general air of decline. In response to this, the Ambition document identifies the Eagle Market as an 'Area of Change', which could include significant redevelopment of the Eagle Market, beyond that planned in the Eastern Gateway scheme, and provision of improved links between East Street, the bus station and Derbion.

The Ambition document sets the foundations for the development of a new Vision. Whilst the Vision will be a non-statutory plan (and therefore carry limited weight in decision making), the Ambition document was approved by Council Cabinet and provides an indication of the direction of travel for all matters associated with the city centre and was generally well received by the public and stakeholders.

Having reviewed relevant evidence and documentation, I am satisfied that the impacts of the loss of the market have been adequately considered and accepted and that there is sufficient justification to outweigh the steer provided by the NPPF. I am also satisfied that given vacancy levels in the Eagle Market and the ongoing work towards the creation of an enhanced Market Hall, the provisions of CP21 can be met, as alternative provision will be provided and that an *appropriate level of market provision* can be maintained in the longer term.

Returning to the Ambition document, I would highlight that in relation to the Eastern Gateway it promotes the following for this part of the city centre... *"Proposals are being developed as part of the Future Highstreet Fund to reconfigure the area, creating a new public boulevard and urban green space, providing a new access to Derbion and transforming the gateway from the bus station to the city centre. We think that there is an opportunity to look at a more comprehensive scheme in this area in the longer term, which could include the removal of buildings that currently have a negative impact on the townscape of the area. This could create an improved gateway experience for visitors arriving at the bus station and a better link between the bus station, Riverside car park and the Market Place"*.

In order to maximise the potential of the city centre and to improve the attractiveness and connectivity of key spaces, colleagues and other partners are evaluating the scope of a public realm strategy to improve and enhance the public realm complexion of the city centre. I urge members to support this overall intervention at a crucial time in re-imagining the city centre.

Overall the Development Plan, associated supporting retail studies and the Ambition Document all weigh heavily in favour of the principle and approach of the amended proposal and the following headings address other key issues for consideration.

7.2. Heritage and Design

The comments of my colleague in relation to the impact of the proposal on nearby heritage assets are included in Part 5.3. I don't propose to repeat those comments but it is concluded that..."there would be some potentially negative impact on the setting of heritage assets in terms of the proposed lightbox, materials and sign size". There is a degree of concern on these items and suggest careful choices to reduce impact. Weighing harm to heritage assets against public benefits required under para 202 as outlined above (NPPF, 2021).

In this case the public benefits, that are required to be weighed against the identified harm, are significant and are as follows:

1. The development would remove the Eagle Market entrance and the Castle and Falcon Public House. In my opinion, these buildings are of low architectural quality, contribute little to the existing street-scene and provide a visual 'hard edge' to East Street. The proposed development would introduce a modern form of development that would introduce activity, interest and landscaping into the street-scene, more befitting of a gateway location.
2. The developer considers that..."the updated scheme will result in the regeneration of a prominent site in the city centre. It will significantly enhance the environment in this area and form a new Eastern Gateway to the city centre. It will provide a new leisure offer in the city centre which will enhance the vitality and viability of the city centre in line with policy objectives".
3. The developer also states that..."the development has been designed in a way that can help accommodate further development above and around the new commercial unit in the future. In this way it could be catalyst for further regeneration of this part of the city centre in the future".
4. In terms of metrics, a recent analysis prepared on behalf of the applicant suggests..."The proposed development could make a significant contribution to the local and regional economy by supporting 138 FTE jobs direct in addition to a further 77 FTE jobs more widely (through indirect/supply chain and induced effects), whilst also generation £7.1 million of direct GVA each year. Furthermore, 71 existing jobs will be relocated to alternative sites in the city centre".

As such, in my opinion and judgment, the proposal would deliver public benefits that would decisively pass the heritage policy test as included in the NPPF.

In terms of the urban design quality of the proposed development, I consider that the proposed landscaping and urban garden component of the scheme would enliven this part of the city centre with additional greenery, footfall and activity. The proposed materials palette for the scheme could be left to condition to ensure that it knits into the adjoining public realm. The proposed urban garden would provide flexibility with planters and other components at street level with a curatable upper level to accommodate a flexible space.

The amended Design and Access Statement emphasises that, in terms of elevational treatment..."the proposed new mall facade is an innovative and eye catching building that uses opal polycarbonate cladding to create an illuminated facade to Derbion Square. The building would sit on an elevated plinth activating a split-level, bustling market square which will be designed to cater for unique mobile street vendors. The main design feature of the building is the opal polycarbonate cladding to Derbion Square. The cladding is both lightweight and durable, being designed to withstand the elements and provide a unique visual effect. The facade is back-lit with a pattern of LED lights that can be programmed to change colour and pattern timing, creating a dynamic and engaging display that captures the attention of passers-by. The Morledge elevation is a simpler version of the elevation to Derbion Square with white metal cladding in lieu of the opal polycarbonate and surface lighting in lieu of back lighting. A metal patterned fret wraps around the entire structure to ensure it reads as one singular "object".

I concur with the comments of the Police ALO that the proposal is an improvement from the "current convoluted site arrangement" and the benefits of the scheme accord with the over-arching policy aspirations in DCLP1 policies AC2, CP3 and CP4.

7.3. Highways and Transport

The amended Transport Assessment has been assessed by colleagues in our Traffic and Transportation Team and they draw the following conclusions:

..."The development is unlikely to cause any issue arising from traffic generation with a likely net decrease of 517 and 536 two-way trips during the AM and PM peaks.

The application is in a sustainable city centre location, with the bus station is close proximity and ample parking opportunities in the local vicinity which is likely to have a minimal impact of the highway network.

There is no associated cycle parking with the development, however it is highly recommended to the applicant to include cycle parking to improve the sustainability of the development. The applicant has indicated that they intend to include cycle parking as part of the development.

In light of the above, Transport Planning has no objection to the proposal".

The city centre is highly sustainable, and the development would be juxtaposed to the bus station. There are only small technical concerns from our Highways Development Control colleagues, which can be mopped up by conditions, and, in my opinion, the proposal is in line with DCLP1 policy CP23.

7.4. Protected Species

The applicant has engaged with DWT to cover off the issue surrounding protected species in the buildings that would be demolished and, subject to condition, there are no objections from the specialist consultee on these grounds. The proposal would also offer biodiversity gain and, as such, would attract support from DCLP1 policy CP16.

7.5. Other Technical Issues

The specialist comments from the Police ALO, Land Drainage colleagues and our Environmental Protection Team are all included in this report and, subject to conditions, these topic areas are all addressed.

7.6. Conclusions

In my opinion and judgment this proposal, as amended, represents the *right development, in the right place at the right time*. It has strong policy support and aligns with the thrust of the recently compiled Ambition Document, which has received valuable support from the public and other stakeholders. The proposal also receives support from the Council's Regeneration and Economic Growth Team and Marketing Derby, and it would deliver across all three strands of sustainable development. It would provide socio/environmental improvements in a rather tired part of the city centre; it would provide social benefits through an enhanced leisure offer and the economic benefits would be felt through direct employment and induced effects. Therefore, the proposed development accords with the Development when taken as a whole and I promote the recommendation accordingly.

8. Recommended decision and summary of reasons:

8.1. Recommendation:

To grant planning permission with conditions.

8.2. Summary of reasons:

In the opinion of the Local Planning Authority this proposal, as amended, represents the *right development, in the right place at the right time*. It has strong policy support and aligns with the thrust of the recently compiled Ambition Document, which has received valuable support from the public and other stakeholders. The proposal also receives support from the Council's Regeneration and Economic Growth Team and Marketing Derby, and it would deliver across all three strands of sustainable development. It would provide socio/environmental improvements in a rather tired part of the city centre; it would provide social benefits through an enhanced leisure offer and the economic benefits would be felt through direct employment and induced effects. Therefore, the proposed development accords with the Development when taken as a whole.

The conditions listed below are in an abbreviated format and will be fleshed out and properly worded before any decision is issued.

8.3. Conditions:

1. Standard time limit condition.

Reason: To accord with statutory provisions.

2. Standard approved plans and details condition.

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

3. Pre-commencement condition requiring a construction management plan or construction method statement.

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.

4. Pre-commencement condition requiring a site specific Construction Environmental Management Plan.

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.

5. Pre-commencement condition requiring a Written Scheme of Investigation for archaeological work.

Reason: In the interest of preserving below ground archaeology 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. Pre-commencement condition requiring a surface water drainage scheme.

Reason: In the interest of providing a sustainable drainage scheme 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. Pre-commencement condition requiring a Phase II Site Investigation, to determine the levels of contaminants on site, should one be required.

Reason: In the interest of protecting public health 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. Pre-commencement condition requiring a Remediation Strategy, in order to identify measures needed to mitigate the identified risks, should one be required.

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Reason: In the interest of protecting public health 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. Prior to any above ground development commencing, condition requiring a Noise Assessment, in accordance with BS 4142:2014+A1:2019 or equivalent, in respect of any plant to be installed within the development.

Reason: In the interest of preserving amenity 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. Pre-commencement condition, including any demolition works, requiring a precautionary method statement of working for bats.

Reason: In order to preserve any on-site ecology 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. Pre-occupation condition requiring precise details of any ventilation flues/extraction equipment.

Reason: In the interest of preserving visual amenity and controlling the emission of fumes and smells 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. Pre-occupation condition requiring details of the site landscaping and its maintenance and management arrangements.

Reason: To protect, manage 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.

13. Pre-occupation condition requiring implementation of the risk reduction measures detailed within any agreed Remediation Strategy.

Reason: In the interest of protecting public health 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. Pre-occupation condition requiring the submission of a full palette of external materials.

Reason: In order to ensure that the external appearance of the building and the urban garden element fronting East Street make a strong positive

contribution to the street-scene 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.

8.4. Informative Notes:

8.4.1.Highways Notes to Applicant

N1. In order to carry out any off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under the Act. Please contact: HighwaysDevelopmentControl@derby.gov.uk

N2. It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway. The applicant/developer must take all necessary action to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's/developer's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.

N3. Due to the nature of the application; the highway authority considers that it may be appropriate to assess the adjacent highway in respect of the potential for a claim for compensation made under Section 59 of the Highways Act 1980.

The applicant/developer should (prior to commencement of works) arrange for the joint 'dilapidation survey' of the highway in the vicinity of the site; to be carried out with the representative of the Highway Authority. Contact StreetPride; maintenance.highways@derby.gov.uk tel 0333 2006981

N4. Morledge and East Street are "permit" streets under the New Roads and Streetworks Act.

This means that construction and maintenance works along the roads are subject to separate authorisation by the Councils Streetworks Manager.

In practice, this means that such works are likely to be subject to controls in respect of working hours and appropriate traffic management; contact roadworks@derby.gov.uk for additional information.

N5. External Lighting to private developments.

Any artificial external lighting to the development shall be in accordance with industry guidance and best practice, having due care and consideration to either remove the introduction or to minimise the impact of artificial light on the environment, climate, and ecology.

The applicant/developer should focus on the lighting aspects of the development, including purpose, design, assessment, and all future maintenance considerations. "The right light, in the right place, at the right time, with the right controls". Consideration of energy management must be at the forefront of any design and installation, including a clear asset management

plan which focuses on how the installation is to be tested and maintained once installed.

- The following suite of documents are published within the industry as a means of guidance for designers.
- Institution of Lighting Professionals Guidance Note 01/20: 2020 Guidance notes for the reduction of obtrusive light
- Institution of Lighting Professionals Guidance Note 5/17: 2017 Using LED's
- Institution of Lighting Professionals Guidance Note 9/19: 2019 Domestic exterior lighting: getting it right!

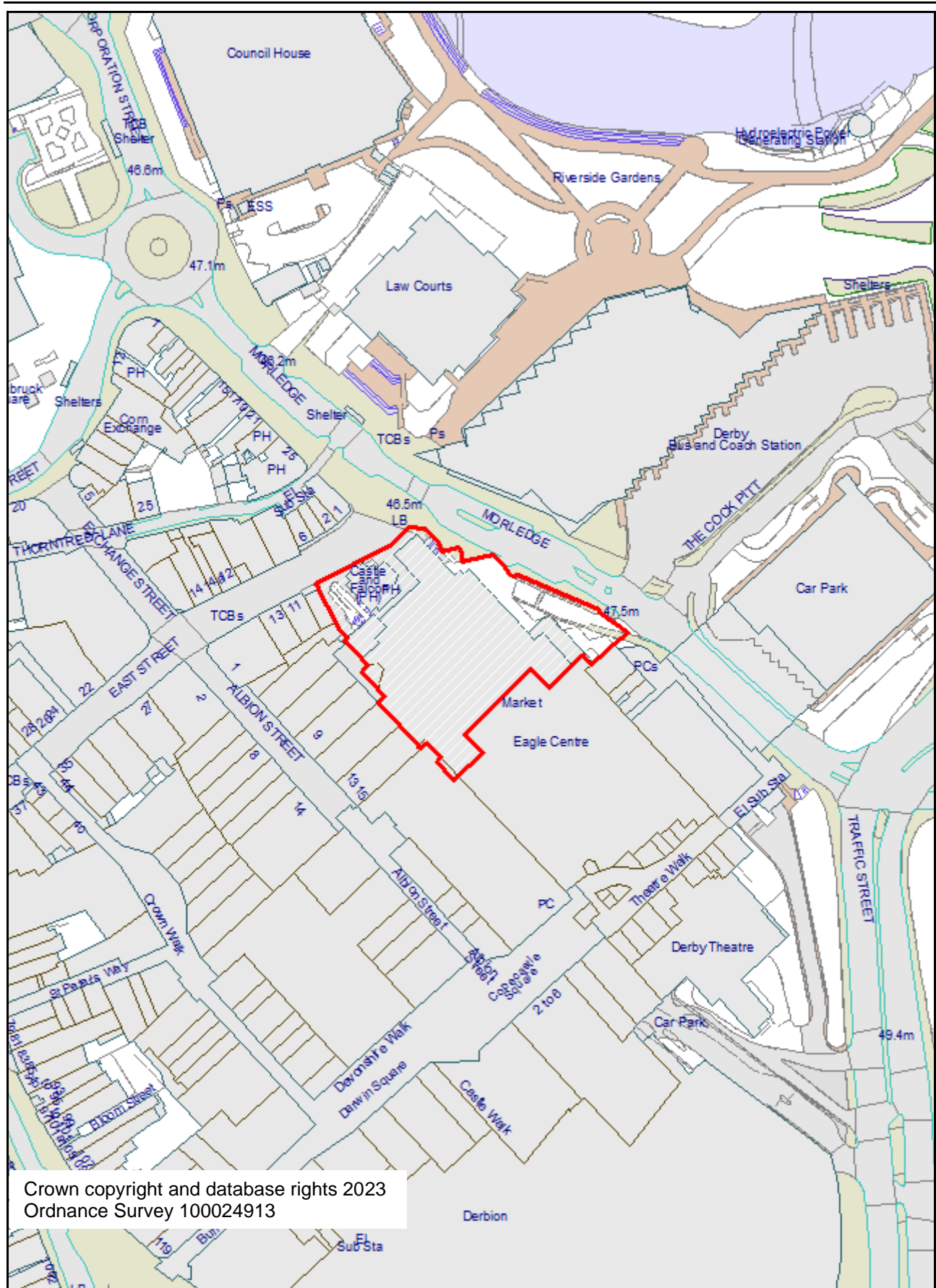
8.4.2. Notes to applicant for odour control

- The discharged point of extracted air should be at least 1m above the roof ridge of the premises and any building within 20m of the building housing the commercial unit to ensure maximum diffusion and dispersion of extracted air/steam.
- The termination of the flue shall be plain, with airflow unobstructed by a cowl/bent cowl or rain deflector to maximise the dilution and dispersion of cooking odours.
- Air extracted from the food cooking air will need to pass through a filtration system. In addition to simple grease traps activated carbon filters (or some other approved odour removal technology) shall be incorporated into the design to minimise the likelihood of cooking odours being present in the exhausted air
- NO NOISE OR VIBRATION FROM VENTILATION SYSTEM

No noise or vibration from the operation of the local exhaust ventilation system detrimental to amenity shall be perceptible in any adjoining property in the interests of the amenities of nearby occupiers

8.5. Application timescale:

An extension of time arrangement for the application, to accommodate the committee meeting, has been agreed with the agent.



Committee Report Item No: 7.4

Application No: 20/00899/CAD

**Type: Relevant
Demolition**

1. Application Details

1.1. Address: Assembly Rooms, Market Place, Derby

1.2. Ward: Darley

1.3. Proposal:

Demolition of Assembly Rooms and associated multi-storey car park

1.4. Further Details:

Web-link to application:

<https://eplanning.derby.gov.uk/online-applications/PLAN/20/00899/CAD>

Brief description

This proposal was originally presented to the meeting on 8 April 2021. A copy of that report is available via the link below.

<https://docs.derby.gov.uk/padocumentserver/DownloadDocument.aspx?docid=153862460>

Following a thorough debate members resolved to grant permission in line with the recommendation. The application was then referred to the Planning Casework Unit and it was resolved not to call in the application. The application can, therefore, be determined by the Council in its role as Local Planning Authority.

To avoid repetition, this report does not seek to address anything other than information and representations that have been received since the proposal was debated in April 2021.

Also, there is no requirement to re-open the discussion about the merits of the proposal and the previous resolution of members remains in place.

2. Relevant Planning History:

Please refer to the previous report.

3. Publicity:

Please refer to the previous report. Since the last report, a petition to 'save Derby Assembly Rooms' has been submitted. It contains 2036 signatures, and it has been formally acknowledged in line with the Council's Petitions Scheme. In a reply to the lead petitioner it has been confirmed...

...Please accept this letter as acknowledgement of receipt of the petition and confirmation that it contains 2036 valid signatures. A small number have been discounted owing to having either incomplete identifiers or duplicates of names and postcodes contained elsewhere on the Petition. Of the valid signatures, 660 have been identified as belonging to postcodes that fall within Derby City Council's administrative area.

4. Representations:

In line with the Data Protection Act and associated legislation this appraisal should not include details, or seek to identify through repeating specific comments, the individuals who have objected, supported or made general comments about the application. Therefore, to maintain anonymity, the relevant planning grounds of objection, support or comment have only been included in broad terms. It is important to note that all comments received have been fully considered as part of the application process and included in the overall 'planning balance' exercise.

5. Consultations:

5.1. City Development and Tourism:

Nothing to add to the previous report.

5.2. Marketing Derby:

Nothing to add to the previous report.

5.3. Conservation & Heritage Advisory Committee:

Nothing to add to the previous report.

5.4. Highways Development Control:

Nothing to add to the previous report.

5.5. Built Environment:

Nothing to add to the previous report.

5.6. Natural Environment (Tree Officer):

Nothing to add to the previous report.

5.7. Twentieth Century Society:

Nothing to add to the previous report.

5.8. Environmental Services (Health – Pollution):

Nothing to add to the previous report.

5.9. Historic England:

Nothing to add to the previous report.

5.10. Theatres Trust:

Nothing to add to the previous report.

5.11. Derbyshire County Council Archaeologist:

Nothing to add to the previous report.

5.12. Environment Agency:

Nothing to add to the previous report.

5.13. Derbyshire Wildlife Trust (DWT):

Since the last report, an updated ecological survey has been completed and any further comments from DWT will be reported orally at the meeting.

6. Relevant Policies:

6.1. Relevant Policies:

Nothing to add to the previous report in terms of the list of Development Plan policies, aside from the update included in paragraph 5.2 below. In this policy context there is nothing else to report and the policies of the Development Plan, together with the guidance in the Framework, remain relevant for this application.

6.2. Non-housing applications:

The Local Plan (consisting of the policies of the DCLP1 and the saved policies of CDLPR) covers the period 2011 to 2028 and was adopted on 25 January 2017. The policies of the local plan were reviewed in December 2021 in line with Regulation 10a of the Town and Country Planning (Local Planning) (England) Regulations 2017 and paragraph 33 of the NPPF, the provisions of which require Local Plan policies to be reviewed at least every 5 years. The officer led review, endorsed by the Council's Cabinet on 8 December 2021, indicated that all of the policies relevant to the consideration of this application are still up to date and carry weight in the decision making process as they remain consistent with the NPPF and there have been no changes in local circumstances that render any of the policies out of date. The application is therefore being considered in terms of its accordance with the policies of the Local Plan and any other material considerations, including the National Planning Policy Framework.

7. Officer Opinion:

Key Issues:

In this case the following issues are considered to be the main material considerations which are dealt with in detail in this section.

7.1. Additional representations

7.2. Policy context

7.3. Certificate of immunity

7.4. Protected species

7.5. Conclusion

7.1. Additional representations

The petition to save the Assembly Rooms provides the following justification:

... "This building is arguably the finest 20th century building in the City of Derby. The 'Brutalist' architectural style is currently at its nadir but as time passes it will inevitably be re-evaluated, as has happened with other, once controversial, styles. Commissioned by the City Council following an national architectural competition, it was judged to be the right design for the important civic role it was to fulfil. It was opened by HRH The Queen Mother in 1977. The designer, Neville Condor CBE of Casson Condor Architects, was a founder of the prestigious architectural practice Casson Condor Architects. Another competitor, Sir James Stirling RA, in a frank comment following the outcome (in a recording held by the British Library) generously accepted Condor's design deserved to win. Quite apart from the architectural quality of this important civic building there is a strong argument on environmental grounds for the re-use of buildings containing significant amounts of embodied energy. The City Councils' own Policy CP2 requires the council to respond to climate change by reducing carbon emissions, while its Policy CP3 places great emphasis on design. It is inconceivable that the building cannot be modified, whilst retaining its architectural qualities, to continue to fulfil its role as an entertainment venue. Surely modernisation of a substantial and robust existing structure represents better value for tax-payers money than expensive demolition and rebuilding? It would be simply disgraceful for this distinguished building to be destroyed. It would be yet another nail in the coffin of the city's architectural heritage".

These objections are addressed in the previous report together with objections raised by various consultees. The petition does not, therefore, raise new material.

7.2. Policy context

The Development Plan is the starting point for decision making. As included in Parts 5.1 and 5.2 of this report the policy context has not changed from the previous report.

7.3. Certificate of immunity

A certificate of immunity from listing is a legal guarantee that a building will not be listed for a five-year period from the date on which the certificate is issued.

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**Type: Relevant
Demolition**

An application for a certificate is made to Historic England and notice must be provided to the local planning authority. Anyone can apply, whether or not they own the building in question. As of 26 June 2013 an application for a certificate can be made at any time.

A certificate of immunity was issued for the Assembly Rooms on 13 April 2023 and the concluding remarks, following assessment of the case, are as follows:

...”After examining all the records and other relevant information and having carefully considered the architectural and historic interest of this case, the criteria for listing are not fulfilled. The Derby Assembly Rooms are therefore not recommended for listing and a Certificate of Immunity should therefore be issued”.

7.4. Protected species

An updated protected species report was compiled in July 2022 which assesses the application site and a range of protected species. The report does not highlight any substantive issues that would prevent a decision being issued. Any further comments from Derbyshire Wildlife Trust will be reported orally at the meeting.

7.5. Conclusion

This report is essentially a ‘housekeeping update’ report to provide members with an update on relevant issues following the previous report in April 2021. I am satisfied that there are no over-riding considerations to prevent a decision being issued.

8. Recommended decision and summary of reasons:

8.1. Recommendation:

To note this report and to grant planning permission with conditions as included in the previous report.

8.2. Summary of reasons:

In the opinion of the local planning authority the proposed demolition of the Assembly Room and its multi-storey car park would, subject to the conditional control of the demolition works until an acceptable long term redevelopment scheme has been secured as part of a separate application for planning permission, deliver future public benefits that would outweigh the identified “less than substantial harm” to the wider character of the City Centre Conservation Area and the setting of nearby listed buildings.

8.3. Conditions:

1. No demolition works shall take place until a scheme for the comprehensive re-development of the site has been submitted to and approved in writing by the local planning authority and until that approved scheme is covered by a contract with an approved timeframe for its implementation.

Reason: To ensure that the Assembly Rooms is not demolished in isolation of any re-development scheme and to ensure that the local planning authority has full control over the access, scale, form, layout and overall design

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**Type: Relevant
Demolition**

across this site in accordance with policies GD5, E18, E19 and E21 of the adopted City of Derby Local Plan Review and policies CP3, CP4 and CP20 of the Derby City Local Plan – Part 1: Core Strategy.

2. The development hereby permitted shall begin before the expiration of five 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.

3. Condition to accommodate all submitted documents which need to be adhered to during the implementation of demolition and associated works.

Reason: To ensure all demolition works proceed safely and in line with the submitted information and to accord with policies GD5, E18, E19 and E21 of the adopted City of Derby Local Plan Review and policies CP3, CP4 and CP20 of the Derby City Local Plan – Part 1: Core Strategy.

4. Condition to accommodate a scheme of works to remove and retain the Jacobean ceiling within the Assembly Rooms prior to any building demolition commencing.

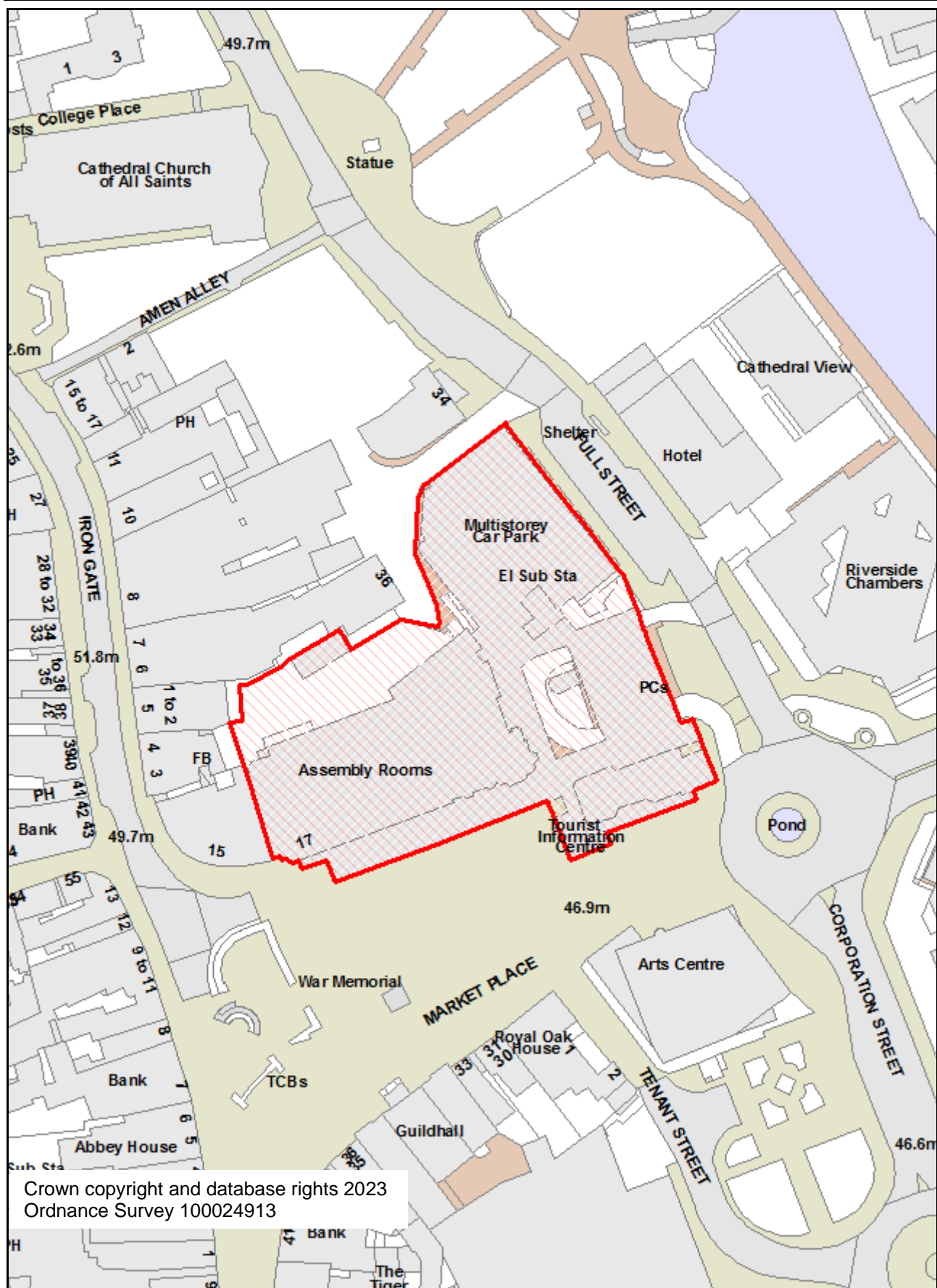
Reason: To ensure this important part of the internal fabric of the Assembly Rooms is retained for future generations and to accord with policy CP20 of the Derby City Local Plan – Part 1: Core Strategy.

5. Condition regarding the desk-based assessment and WSI for trial trenching, prior to any demolition works.

Reason: To ensure that any below ground archaeology is properly explored and preserved and to accord with policy E21 of the adopted City of Derby Local Plan Review.

8.4. Application timescale:

An extension of time has been agreed to accommodate the committee meeting and the time required to issue the decision. This date is 21 July 2023.



**Delegated decisions made between
01/05/2023 and 31/05/2023**

Application No:	Application Type	Location	Proposal	Decision	Decision Date
20/00556/FUL	Full Application	244 Stenson Road Derby DE23 1JL	Retention of single storey rear extension to dwelling house (dining room and kitchen), the installation of rear dormers and a new window to the second floor side elevation	Approval	18/05/2023
21/00834/FUL	Full Application	97B Carlton Road Derby DE23 6HE	Two storey and single storey side and rear extensions to dwelling house (utility, kitchen, two en-suites, bathroom, bedroom and balcony) Roof alterations to include installation of a rear dormer to form rooms in the roof space (two bedrooms) and erection of an outbuilding (garage)	Approval	04/05/2023
22/00551/OUT	Outline Application	Land At The Rear Of 28 Madison Avenue Derby DE21 6JA (access Off Aylesbury Avenue)	Residential development - one dwelling (Use Class C3)	Refused	26/05/2023
22/00750/FUL	Full Application	Dog And Moon 16 Sadler Gate Derby DE1 3NF	Erection of a timber pergola, two timber structures with bar and food servery. Installation of a new awning to the front elevation and external lighting.	Approval	05/05/2023
22/00751/LBA	Listed Building Consent - Alterations	Dog And Moon 16 Sadler Gate Derby DE1 3NF	Erection of a timber pergola, two timber structures with bar and food servery. Installation of a new awning to the front elevation and external lighting.	Approval	02/05/2023
22/00892/FUL	Full Application	Land At St Josephs RC Church Burton Road Derby	Erection of dwelling (Use class C3)	Refused	11/05/2023
22/00929/FUL	Full Application	Osibiston House 49 Gravel Pit Lane Derby	Single storey rear extension to dwelling house	Approval	22/05/2023

DE21 7DB

22/01051/FUL	Full Application	10 Moorland Road Derby DE3 9FX	Two storey rear and single storey front extension to dwelling house, alterations to roof and the installation of render	Approval	09/05/2023
22/01090/FUL	Full Application	39 Stenson Road Derby DE23 1JD	Installation of a dual pitched roof to an existing outbuilding to create a first floor - retrospective application	Approval	10/05/2023
22/01258/FUL	Full Application	171 Derby Road Chellaston Derby DE73 5SB	Demolition of dwelling house. Erection of replacement dwelling house, ancillary garden outhouse (Use Class C3) and associated ground works	Approval	18/05/2023
22/01349/OUT	Outline Application	Land At The Rear Of 104 Fairfield Road Derby DE23 6PH	Residential development (six dwellings) - Use Class C3	Refused	05/05/2023
22/01560/FUL	Full Application	Land At The Front Of 129 Derby Road Chellaston Derby DE73 5SB	Erection of a dwelling house (Use Class C3) and all associated ground works	Approval	05/05/2023
22/01599/FUL	Full Application	Barclays Bank Building St James Street Derby DE1 1QZ	Change of use from offices to seven apartments (Use Class C3) including alterations to the facades to reinstate windows	Approval	26/05/2023
22/01617/FUL	Full Application	Crown And Arrows Sinfin Avenue Derby DE24 9JA	Change of use from public house (Sui Generis) to bar and grill (Sui Generis/Use Class E), extensions and change of use of upper floors to from 11 apartments (Use Class C3) and all associated ground works	Approval	16/05/2023
22/01627/TPO	Works to a tree with a TPO	15 Highfield Gardens Derby DE22 1HT	2m lateral crown reduction, crown raise to 4m and crown clean of a Cedar tree protected by Tree Preservation Order no. 258	Approval	11/05/2023
22/01732/RES	Reserved Matters	Castleward Boulevard / Liversage Street / John Street / New Street / Canal Street	Demolition of light industrial buildings on phases 3B & 4A. Residential development comprising 112 dwellings including 4 storey	Approval	05/05/2023

		Derby DE1 2LQ	residential apartments and 2-3 storey houses, with 71 car parking spaces. - Approval of Reserved Matters of access, appearance, landscaping, layout and scale under Outline permission 05/12/00563 subsequently varied by planning permissions 01/18/00093 and 03/18/00424 to bring the outline approval in line with the current development proposals.		
22/01905/FUL	Full Application	51 - 53 Abbey Street Derby DE22 3SJ	Change of use from recruitment office (Use Class E) to a private hire taxi office (Sui Generis)	Approval	22/05/2023
22/01959/FUL	Full Application	Site Of Former Garrandale Buildings Alfreton Road Derby DE21 4AA	Erection of a builders' merchant (Sui Generis) and for use within Classes E(g)(iii)/B2/B8) for the display, sale and storage of building timber and plumbing supplies, plant and tool hire, outside display and storage racking with associated car parking, servicing arrangements and fencing	Approval	25/05/2023
22/01963/FUL	Full Application	3D North Street Littleover Derby DE23 6BJ	Single storey front, side and rear extensions to dwelling house. Erection of an outbuilding and alterations to ground levels with re-building of retaining boundary walls	Approval	22/05/2023
22/01971/FUL	Full Application	212 Birchover Way Derby DE22 2RT	Single storey rear extension to dwelling house	Approval	12/05/2023
22/01975/FUL	Full Application	23 Langley Road Derby DE21 7HY	Two storey side and single storey rear extensions to dwelling house	Approval	25/05/2023
23/00026/TPO	Works to a tree with a TPO	6 The Close Littleover Derby DE23 6PA	Felling of a Silver Birch tree protected by Tree Preservation Order no. 280	Approval	25/05/2023
23/00030/FUL	Full Application	42 Albert Road Derby DE21 6SJ	Single storey rear extension to dwelling house (living/dining space) and formation of raised patio area	Approval	19/05/2023

23/00037/ADV	Advertisement Consent	1 Midland Road Derby DE1 2SN	Display of various signage	Refused	18/05/2023
23/00050/FUL	Full Application	Prosperity House Gower Street Derby DE1 1SB	Installation of digital communication equipment to include a replacement ten metre tower supporting 12 antenna and ancillary development	Refused	25/05/2023
23/00059/FUL	Full Application	Unit 11 St Modwen Park Calvus Way Derby DE21 6YN	External alterations including installation of sprinkler tanks, fencing, ventilation/extraction stacks to the roof, windows, tank farm and mezzanine workshop area	Approval	18/05/2023
23/00068/FUL	Full Application	3 Argyll Close Derby DE21 7QT	First floor rear extension to dwelling house (bedroom), installation of a new window to the first floor side elevation and erection of an outbuilding (garage)	Approval	31/05/2023
23/00079/PNRIA	Prior Approval - Commercial to Resi	4A And 5 Bramble Street Derby DE1 1HU	Change of use from commercial, business and service (Use Class E) to six apartments (Use Class C3)	Prior Approval Approved	19/05/2023
23/00114/FUL	Full Application	Unit 14 Prime Enterprise Park Prime Parkway Derby DE1 3QB	Installation of four new windows at first-floor level	Approval	10/05/2023
23/00138/FUL	Full Application	Land At The Side Of 44 Dryden Street Derby DE23 8AT	Erection of a dwelling house (Use Class C3)	Refused	18/05/2023
23/00172/FUL	Full Application	Land On The West Side Of Alfreton Road Derby	Erection of a Veterinary Practice unit and all associated ground works	Approval	10/05/2023
23/00175/FUL	Full Application	11 Waldene Drive Derby DE24 0GZ	Demolition of existing garage and rear extensions. Single storey side and rear extensions to dwelling (garage, living room, bedroom and enlargement of kitchen/dining area) and installation of render	Application Withdrawn	31/05/2023

23/00189/FUL	Full Application	Osmaston Park Moor Lane Derby DE24 9HY	Erection of a distribution booster station with associated infrastructure and landscaping	Approval	17/05/2023
23/00191/FUL	Full Application	5 Oulton Close Derby DE24 9DU	First floor side extension to dwelling house (bedroom and enlargement of bedroom) and installation of a canopy to the front elevation	Approval	09/05/2023
23/00198/FUL	Full Application	9 Courtland Drive Derby DE24 0GL	Erection of an outbuilding (annexe accommodation)	Approval	18/05/2023
23/00212/FUL	Local Council Own Development Reg 3	Land At Oakleigh Avenue Derby	Formation of three parking bays	Approval	04/05/2023
23/00213/FUL	Local Council Own Development Reg 3	314 Osmaston Park Road Derby DE24 8FB	Formation of a vehicular access	Approval	10/05/2023
23/00225/LBA	Listed Building Consent - Alterations	Middleton House 27 St Marys Gate Derby DE1 3JR	Alterations in association with the conversion of existing caretakers lodge including a new rear extension into a dwelling house	Approval	25/05/2023
23/00233/FUL	Full Application	131 Derby Road Chellaston Derby DE73 5SB	Single storey front, side and rear extensions to dwelling house (garage, gym/games room and living/dining area) and erection of a front boundary wall	Approval	19/05/2023
23/00238/FUL	Full Application	10 West Row Derby DE22 1DN	Installation of replacement windows	Approval	09/05/2023
23/00258/ADV	Advertisement Consent	Pendragon House Sir Frank Whittle Road Derby DE21 4AZ	Display of one internally illuminated free standing sign - retrospective application	Approval	25/05/2023
23/00266/FUL	Full Application	18 Sackville Street Derby DE23 8TD	Change of use from a dwelling house (Use Class C3) to a seven bedroom (seven occupant) house in multiple occupation (Sui Generis) including installation of rear dormers	Approval	12/05/2023

23/00278/FUL	Full Application	Fennel Cottage 11 Limes Avenue Derby DE3 0DB	Erection of boundary fencing - retrospective application	Refused	02/05/2023
23/00286/FUL	Full Application	4 Loudon Street Derby DE23 8ER	Sub-division of existing first floor apartment to create two apartments (Use Class C3)	Approval	22/05/2023
23/00290/TPO	Works to a tree with a TPO	22 Park Lane Allestree Derby DE22 2DT	Crown raise to 4m and reduction of overhanging branches by up to 7m of two trees protected by Tree Preservation Order no. 235	Approval	10/05/2023
23/00291/FUL	Full Application	42 Derwent Avenue Derby DE22 2DQ	Two storey side and single storey rear extensions to dwelling house (laundry room, kitchen/diner and enlargement of bathroom) and installation of a dormer to the rear elevation to form rooms in the roof space (bedroom, en-suite and storage)	Refused	16/05/2023
23/00294/FUL	Full Application	12 Tennessee Road Derby DE21 6LE	Single storey front and side extensions to dwelling house (porch and garage)	Refused	18/05/2023
23/00296/FUL	Full Application	25 Winchester Crescent Derby DE21 4EN	Two storey side extension to dwelling house (bedroom, bathroom and enlargement of kitchen/dining area)	Refused	25/05/2023
23/00298/CLP	Lawful Development Certificate -Proposed	100 Belper Road Derby DE1 3EQ	Installation of solar panels to the single storey flat roof to the rear elevation	Refused	18/05/2023
23/00318/FUL	Full Application	34 Mickleover Manor Derby DE3 0SH	Single storey side/rear extensions to dwelling house (outbuilding/workshop and enlargement of dining area)	Approval	04/05/2023
23/00319/FUL	Full Application	80 Chester Green Road Derby DE1 3SF	Single storey side/rear extension to dwelling house (enlargement of kitchen)	Approval	19/05/2023
23/00322/CAT	Works to Trees in a Conservation Area	All Saints Vicarage Etwall Road Derby	Various works to trees within the Mickleover Conservation Area	Raise No Objection	05/05/2023

DE3 0DL

23/00324/FUL	Full Application	Land Adjacent To 16 Dulwich Road Derby DE22 4HG	Erection of a dwelling house (Use Class C3)	Refused	16/05/2023
23/00325/FUL	Full Application	Royal Derby Hospital Uttoxeter Road Derby DE22 3NE	Retention of a single storey ward building and adjoining link - retrospective application	Approval	25/05/2023
23/00328/FUL	Full Application	3 Burghley Way Derby DE23 4TD	Single storey side extension to dwelling house (enlargement of kitchen)	Approval	03/05/2023
23/00329/FUL	Full Application	43 Hill Crest Road Derby DE21 6FJ	Single storey rear extension to dwelling and detached outbuilding - retrospective application	Approval	22/05/2023
23/00332/FUL	Full Application	18 Main Avenue Derby DE22 2EG	First floor rear extension to dwelling house (en-suite) and installation of a new window to the first floor side elevation	Approval	02/05/2023
23/00333/FUL	Full Application	71 Kirkleys Avenue South Derby DE21 7FY	Single storey rear extension to dwelling house	Approval	03/05/2023
23/00338/FUL	Full Application	22 Kingsbury Road Derby DE22 4JQ	Single storey front extension to dwelling house (porch)	Approval	03/05/2023
23/00341/FUL	Full Application	The County Ground Nottingham Road Derby DE21 6DA	Erection of a single storey free standing public amenities block	Approval	25/05/2023
23/00344/FUL	Full Application	Kingsway View Care Home Kingsway Derby DE22 3LZ	Change of use of five ancillary rooms to five en-suite bedrooms (to increase total bed spaces to 85) together with formation of two additional parking spaces and cycle parking	Approval	04/05/2023
23/00347/TPO	Works to a tree with a TPO	Derby Grammar School Rykneild Road Derby	Removal of one overhanging branch of a Sycamore tree and felling of Sycamore tree protected by Tree Preservation Order No 78	Approval	02/05/2023

DE23 4BX
(trees Adjacent To 9 Lakeside Drive)

23/00352/ADV	Advertisement Consent	Unit 2 Smartparc Food Hub Evolution Way Derby DE21 7UN	Display of various signage	Approval	04/05/2023
23/00357/TPO	Works to a tree with a TPO	The Bemrose School Uttoxeter New Road Derby DE22 3HU	Removal of branches from two Pine trees protected by Tree Preservation Order no. 475	Approval	05/05/2023
23/00359/FUL	Full Application	43 St Cuthberts Road Derby DE22 3JX	Single storey rear extension to dwelling (kitchen/living space) and installation of a rear dormer to form rooms in the roof space	Approval	05/05/2023
23/00360/FUL	Full Application	44 Leopold Street Derby DE1 2HF	Change of use from a six bedroom (six occupant) house in multiple occupation (Use Class C4) to a seven bedroom (seven occupant) house in multiple occupation (Sui Generis)	Approval	19/05/2023
23/00366/FUL	Full Application	16 Elmtree Avenue Derby DE24 8ET	Single storey side/rear extension to dwelling house (kitchen/dining/living space and bedroom)	Approval	23/05/2023
23/00367/CLP	Lawful Development Certificate -Proposed	25 Wimbledon Road Derby DE22 4ED	Single storey side extension to dwelling house (bedroom)	Approval	10/05/2023
23/00369/CAT	Works to Trees in a Conservation Area	Cranfield Lodge 63A Duffield Road Derby DE22 1AA	Felling of a Horse Chestnut tree within the Strutts Park Conservation Area	Approval	11/05/2023
23/00370/FUL	Full Application	1 Copes Way Derby DE21 4NU	Two storey side and rear and single storey front and rear extensions to dwelling house (porch, office, guest room, en-suite, utility, kitchen/dining area, master bedroom, en-suite and bathroom)	Approval	22/05/2023
23/00372/TPO	Works to a tree with a TPO	1 Longshaw Gardens	Felling of a Juniper tree protected by Tree	Approval	18/05/2023

		Derby DE24 0EY	Preservation Order No. 334		
23/00373/FUL	Full Application	9 Islay Road Derby DE24 9LG	Two storey side and first floor rear extensions to dwelling house (hall, utility, study, sitting room and three bedrooms)	Approval	10/05/2023
23/00377/FUL	Full Application	6 Gladstone Close Derby DE73 6RR	Single storey extension to front, two storey side, single storey rear extension. (sitting room, kitchen, bedroom extension, garage and en-suite bathroom)	Approval	05/05/2023
23/00378/FUL	Full Application	Castle Education Centre Copeland Street Derby DE1 2PU	Siting of a container at education centre for the storage of equipment.	Approval	22/05/2023
23/00379/FUL	Full Application	1 Nevinston Avenue Derby DE23 1GU	demolition of existing rear extension, erection of single storey side and rear extension (playroom, sitting room)	Approval	16/05/2023
23/00380/FUL	Full Application	142 Ashbourne Road Derby DE22 3AH	Change of use from Use Class E (Commercial gallery and workshop) to four apartments (Use Class C3) with construction of roof dormers, and reinstatement of original entranceways	Approval	11/05/2023
23/00384/FUL	Full Application	118 Wragley Way Derby DE24 3DZ	Change of use from dwelling (Use Class C3) to children's carehome (Use Class C2)	Approval	18/05/2023
23/00386/FUL	Full Application	38 Park Grove Derby DE22 1HD	Single storey rear extension (enlargement of kitchen)	Approval	24/05/2023
23/00391/ADV	Advertisement Consent	Kentucky Fried Chicken Foresters Park Centre Sinfin Lane Derby DE23 8AG	Installation of various signage	Approval	18/05/2023
23/00392/FUL	Full Application	57 Fairbourne Drive Derby DE3 0SA	Single storey side and two storey rear extension to dwelling house	Approval	12/05/2023

23/00395/FUL	Full Application	Kings Treatment Centre Royal Derby Hospital Uttoxeter Road Derby DE22 3NE	Proposed Rooftop Extension to the Kings Treatment Centre	Approval	25/05/2023
23/00397/CLP	Lawful Development Certificate -Proposed	100 Belper Road Derby DE1 3EQ	Replacement of roof tiles to match existing together with the installation of eight PV Solar Panels	Approval	18/05/2023
23/00398/FUL	Full Application	Ihub Nuclear Skills Academy Infinity Park Infinity Park Way Derby DE24 9FU	New permanent smoking shelter, vehicle access barrier and 7 timber palisade fencing external plant compounds.	Approval	25/05/2023
23/00401/CAT	Works to Trees in a Conservation Area	40 Belper Road Derby DE1 3EN	Re-pollarding of three Lime trees and reduction of a Holly tree within the Strutts Park Conservation Area	Raise No Objection	18/05/2023
23/00404/VAR	Variation of Condition	Rolls Royce Plc Raynesway Derby DE21 7BE	Demolition of South wing and extension to office building (staircase enclosure) - variation of condition 2 of previously approved permission 21/02000/FUL to alter cladding and window and door positions	Approval	26/05/2023
23/00405/FUL	Full Application	Thornhill Lodge Guest House 6 - 8 Thornhill Road Derby DE22 3LX	Change of use of dwelling to guest house and alterations to entrance	Approval	19/05/2023
23/00412/FUL	Full Application	647 Nottingham Road Derby DE21 6RU	Single storey side and rear extension to dwelling house (enlargement of kitchen/diner) and erection of outbuilding (garden room)	Approval	18/05/2023
23/00415/FUL	Full Application	126 Waterford Drive Derby DE21 6TJ	Installation of Air Source Heat Pump	Approval	23/05/2023
23/00417/FUL	Full Application	33 Western Road Mickleover Derby DE3 9GN	Extensions and alterations to existing garage including installation of dormers to front and rear to create ancillary accommodation	Approval	18/05/2023

23/00428/PNRT	Prior Approval - Telecommunications	Highway Verge London Road Derby (adj. Lichfield Drive)	Erection of a 15m monopole, equipment cabinets and ancillary development	Refused	18/05/2023
23/00435/FUL	Full Application	25 Crich Avenue Derby DE23 6ET	Single storey side and rear extension to dwelling house (dining room, utility room and enlargement of kitchen)	Approval	23/05/2023
23/00436/FUL	Full Application	14 Evans Avenue Derby DE22 2EJ	Two storey and single storey extensions to dwelling house (sunroom, study, utility room, dressing room, en-suite and enlargement of living room, kitchen and 3 bedrooms)	Approval	22/05/2023
23/00437/VAR	Variation of Condition	605 Burton Road Derby DE23 6EJ	Extensions to dwelling house ((hallway, utility, bedroom, en-suite bathroom and enlargement of kitchen/dining room and 2 bedrooms)- Variation of Condition No.2 of previously approved application Code No. 22/00601/FUL to amend the approved plans	Refused	23/05/2023
23/00438/FUL	Full Application	62 Huntley Avenue Derby DE21 7DU	Single storey front extension to dwelling house (hall, wet room and enlargement of lounge)	Approval	23/05/2023
23/00441/FUL	Full Application	9 Leafenden Close Derby DE22 1JP	Single storey rear extension (utility room and home office) and first floor side extension (bedroom and en-suite) to dwelling house	Refused	25/05/2023
23/00444/CLP	Lawful Development Certificate -Proposed	27 Crich Avenue Derby DE23 6ET	Extension to dwelling house (single storey rear extension and side facing dormer)	Approval	31/05/2023
23/00445/FUL	Local Council Own Development Reg 3	St James Church Of England Infant And Nursery School Leonard Street Derby DE23 8EG	Erection of free standing 'learning pod' classroom.	Approval	31/05/2023
23/00446/TPO	Works to a tree with a TPO	30 Keats Avenue Derby DE23 4ED	Crown reduction by 3m and removal of deadwood of a Silver Birch tree protected by Tree Preservation Order no. 357	Approval	22/05/2023
23/00448/FUL	Full Application	10 Newlyn Drive Derby	Two storey front, side and rear extensions to dwelling house - Retrospective application	Approval	23/05/2023

DE23 8DP

23/00453/FUL	Full Application	5 Eastwood Drive Derby DE23 6BP	Two storey side extension to dwelling house (garage, bedroom and en-suite) with room in the roof space	Approval	23/05/2023
23/00457/TPO	Works to a tree with a TPO	2 Tiber Close Derby DE24 0TQ	Crown lift over the road, cutting back of branches to give clearance of the building, crown clean and removal of dead wood of an Oak tree protected by Tree Preservation Order No. 563	Approval	25/05/2023
23/00459/TPO	Works to a tree with a TPO	Greenwich Gardens 34 Greenwich Drive North Derby DE22 4BH	Felling of two Hawthorn trees and crown reduction by two metres on the building side of three Maple trees protected by Tree Preservation Order No. 293	Approval	25/05/2023
23/00466/FUL	Full Application	2B East Avenue Derby DE3 9FR	Two storey and single storey front extensions to dwelling house (garage, utility, store, bedroom and en-suite) and installation of a canopy to the front elevation	Approval	25/05/2023
23/00467/ADV	Advertisement Consent	Renault Fiat And Dacia Building Bristol Street Motors Sir Frank Whittle Road Derby DE21 4RX	Display of various signage	Approval	25/05/2023
23/00473/PNRPV	Prior Approval - PV on Non-Domestic	College Park Normanton Road Derby DE1 2GH	Installation of roof mounted solar panels	Approval	25/05/2023
23/00478/PNRH	Prior Approval - Householder	27 Ravensdale Road Derby DE22 2SZ	Single storey rear extension (projecting beyond the rear wall of the original house by 4m, maximum height 2.6m, height to eaves 2.2m) to dwelling house	Prior Approval Not Required	05/05/2023
23/00484/CAT	Works to Trees in a Conservation Area	Old Mill Offices Darley Abbey Mills Haslams Lane Derby DE22 1DZ	Crown lift to 4-5m and reduction from the building by 3-4m of four Sycamore trees within the Darley Abbey Conservation Area	Raise No Objection	05/05/2023

23/00485/FUL	Full Application	131 Elton Road Derby DE24 8EG	Two storey and single storey rear extensions to dwelling house (living/dining/kitchen space and bedroom)	Approval	31/05/2023
23/00486/VAR	Variation of Condition	24 Nevinson Drive Derby DE23 1GX	Two storey and single storey side and rear extensions to dwelling house (bedroom, en-suite, bathroom, W.C. and enlargement of kitchen and lounge) - Variation of condition 2 of previously approved application No. 20/01198/FUL to amend the approved plans to omit the rear extension and amend the side extension	Approval	23/05/2023
23/00487/FUL	Full Application	31 Goldcrest Drive Derby DE21 7TN	Two storey side extension to dwelling house (garage, pantry, en-suite and enlargement of kitchen/dining area and bedroom)	Refused	31/05/2023
23/00491/ADV	Advertisement Consent	The Condor Victoria Street Derby DE1 1ES	Display of various signage	Approval	31/05/2023
23/00493/FUL	Full Application	Unit 4 Bradshaw Retail Park Bradshaw Way Derby DE1 2QB	Alterations to retail unit to include installation of screens and double doors	Approval	31/05/2023
23/00498/CAT	Works to Trees in a Conservation Area	10 The Green Mickleover Derby DE3 0DE	Crown reduction by 1m of a Plum tree within the Mickleover Conservation Area	Raise No Objection	25/05/2023
23/00499/TPO	Works to a tree with a TPO	Woodlands 18 Park Lane Littleover Derby DE23 6FX	Felling of a Tulip tree protected by Tree Preservation Order no. 127	Approval	18/05/2023
23/00508/CAT	Works to Trees in a Conservation Area	36 St Nicholas Place Milford Street Derby DE1 3GD	Crown reduction by 2m of Cotoneaster and Hazel trees within the Strutts Park Conservation Area	Raise No Objection	22/05/2023

23/00510/FUL	Full Application	19 Dovedale Rise Derby DE22 2RE	Two storey rear extension to dwelling house (sun room and bedroom)	Approval	23/05/2023
23/00515/TPO	Works to a tree with a TPO	26B Church Lane Darley Abbey Derby DE22 1EY	Crown lift to 6m of two Copper Beech trees and felling of a Horse Chestnut tree protected by Tree Preservation Order no. 154	Approval	31/05/2023
23/00520/FUL	Full Application	55 Moorway Lane Derby DE23 2FR	Two storey rear extension to dwelling house (kitchen/dining area, bedroom, en-suite and enlargement of bedroom) and alterations to the front elevation bay window	Approval	23/05/2023
23/00534/PNRT	Prior Approval - Telecommunications	Highway Verge Fellow Lands Way Derby (adjacent To Leys Field Gardens)	Erection of a 15m high monopole, equipment cabinets and ancillary development	Refused	18/05/2023
23/00551/CAT	Works to Trees in a Conservation Area	Mill House Darley Street Derby DE22 1DX	Felling of a Pine tree within the Darley Abbey Conservation Area	Application Withdrawn	24/05/2023