



Derby City Council

**PLANNING CONTROL COMMITTEE**  
**11 February 2021**

# ITEM 8

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:

<b>Role</b>	<b>Name</b>	<b>Date of sign-off</b>
<b>Legal</b>		
<b>Finance</b>		
<b>Service Director(s)</b>		
<b>Report sponsor</b>	Paul Clarke	03/02/2021
<b>Other(s)</b>	Ian Woodhead	03/02/2021

<b>Background papers:</b>	None
<b>List of appendices:</b>	Appendix 1 – Development Control Report

**Planning Control Committee 11/02/2021  
Items to be Considered Index**

<b>Item No.</b>	<b>Page No.</b>	<b>Application No.</b>	<b>Location</b>	<b>Proposal</b>	<b>Recommendation</b>
1	1 - 12	20/00385/VAR	Land North West of Mansfield Road Breadsall Hilltop Derby	Residential development (up to 230 dwellings) and associated works including means of access - variation of condition 4 and removal of condition 20 of previously approved planning permission. DER/12/15/01520 in respect of tree protection measures and to dispense with the need to provide a footway/cycle route connection to the Great Northern Greenway	<b>To grant</b> planning permission with conditions.
2	13 - 113	19/00417/FUL	Infinity Park Way Derby	Development of a road junction and connecting link road with associated works.	<b>To grant</b> planning permission with conditions.
3	114 - 120	20/00983/FUL	5 Davids Close Derby	Single storey rear extension to dwelling (2 bedrooms and 2 en-suites)	<b>To grant</b> planning permission with conditions.

## **Committee Report Item No: 1**

**Application No: 20/00385/VAR**

**Type: Variation of Condition**

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### **1. Application Details**

**1.1. Address:** Land north west of Mansfield Road, Breadsall Hill Top

**1.2. Ward:** Derwent

**1.3. Proposal:**

Residential development (up to 230 dwellings) and associated works including means of access - variation of condition 4 and removal of condition 20 of previously approved planning permission Code No. DER/12/15/01520 in respect of tree protection measures and to dispense with the need to provide a footway/cycle route connection to the Great Northern Greenway

**1.4. Further Details:**

Web-link to application:

<https://eplanning.derby.gov.uk/online-applications/plan/20/00385/VAR>

**Brief description**

A Variation of Condition application under Section 73 has been submitted for approved outline permission DER/12/15/01520 granted in December 2016, which is for residential development of up to 230 dwellings and associated infrastructure and means of access on land adjacent to Mansfield Road at Breadsall Hill Top. The development is accessed by a roundabout junction with Mansfield Road and Bishops Drive at the entrance to Oakwood.

Reserved Matters approval (DER/05/17/00679) was given for all details of the residential development in December 2017 and construction to implement the approval is already underway. Some dwellings on the site have been completed and occupied, as well as associated access roads and landscaping works.

Permission is sought to vary Condition 4 and remove Condition 20 of the outline permission (12/15/01520).

Condition 4 is pre-commencement and requires tree protection measures to be agreed and implemented during construction, as follows:

*During the period of construction works all trees, hedgerows and other vegetation to be retained, including any which are on adjoining land but which overhang the site, shall be protected in accordance with BS:5837:2012 ("Trees in relation to design, demolition and construction") and in accordance with the following requirements:*

*1. a Tree Protection Plan and Arboricultural Method Statement shall be submitted to and agreed in writing before any development commences.*

*2. The date of construction of such protection and of its completion shall be notified in writing to and agreed in writing by the Local Planning Authority before any other site works commence.*

*The agreed protection measures shall be retained in position at all times with no use of or interference with the land contained within the protection zone, until completion of construction works, unless otherwise agreed in writing by the Local Planning Authority.*

## **Committee Report Item No: 1**

**Application No: 20/00385/VAR**

**Type: Variation of Condition**

A variation is sought to require compliance with the tree protection measures, as submitted with the current application.

Condition 20 requires the implementation of a pedestrian and cycle route connecting the development to the Great Northern Greenway and made available for public use on or before completion of the development, as follows:

*Prior to occupation of any dwellings on the site, precise details of a footway/ cycle route connection to the Great Northern Greenway from the development, including alignment, construction and surfacing materials, shall be submitted to and agreed in writing by the Local Planning Authority. The connection shall then be laid out and made available for public use, on or before the completion of the development.*

The removal of this condition is sought, for the reason that the footway/cycle route cannot feasibly be implemented from the development site to the Greenway.

During the life of the application, further tree protection information and photographs, site plans and a letter from the applicant to provide justification for removal of condition 20, have also been provided.

### **2. Relevant Planning History:**

<b>Application No:</b>	DER/05/17/00679	<b>Type:</b>	Reserved Matters
<b>Decision:</b>	Granted Conditionally	<b>Date:</b>	4 December 2017
<b>Description:</b>	Residential development (up to 230 dwellings) and associated works including means of access - approval of reserved matters of appearance, landscaping, layout and scale under outline permission Code no. DER/12/15/01520		
<b>Application No:</b>	DER/12/15/01520	<b>Type:</b>	Outline (with access)
<b>Decision:</b>	Granted Conditionally	<b>Date:</b>	15 December 2016
<b>Description:</b>	Residential development (up to 230 dwellings) and associated works including means of access		

### **3. Publicity:**

Site Notice

Statutory Press Advert

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

### **4. Representations:**

Ninety five objections have been received to the original submission, from residents, including objections from four Ward Councillors of Derwent and Oakwood. One comment has also been received from Breadsall Parish Council. The representations raise the following issues:

- The developers should build the footpath/ cycle route to the Greenway as committed to in the outline application.
- Object to removal of trees protected by tree protection measures.

## **Committee Report Item No: 1**

**Application No: 20/00385/VAR**

**Type: Variation of Condition**

---

- Trees are a wildlife corridor
- The existing public footpath to Breadsall should not be removed or closed and is a well-used route to the Greenway.
- No suitable alternative routes to Greenway except along Mansfield Road
- Unclear what is proposed in relation to trees and route to Greenway
- If no route is provided, then unofficial ones will be formed.

A further 3 objections from local residents and one from Cllr Barker have been received to the additional information submitted in December 2020.

### **5. Consultations:**

#### **5.1. Highways Development Control:**

To be reported.

#### **5.2. Natural Environment (Tree Officer):**

The proposed variation to condition 4 of DER/12/15/01520 is - *During the period of construction works all trees, hedgerows and other vegetation to be retained, including any which are on adjoining land but which overhang the site, shall be protected in accordance with BS:5837:2012 ("Trees in relation to design, demolition and construction") and in accordance with the following plans and documents: Dwg no GL0738 06 Detailed POS Landscape Proposals and Arboricultural Survey Report & Method Statement (July 15).*

*The agreed protection measures shall be retained in position at all times, with no use of or interference with the land contained within the protection zone, until completion of construction works, unless otherwise agreed in writing by the Local Planning Authority.*

Photographs have been supplied showing elements of tree protection measures in place. I have no objection to the variation of condition 4.

As long as the measures shown within the tree survey and arboricultural method statement are followed there should not be a significant impact on retained trees on and adjacent to the site.

## **Committee Report Item No: 1**

**Application No: 20/00385/VAR**

**Type: Variation of Condition**

---

### **6. 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
- CP7 Affordable and Specialist Housing
- CP16 Green Infrastructure
- CP17 Public Green Space
- CP18 Green Wedges
- CP19 Biodiversity
- CP20 Historic Environment
- CP21 Community Facilities
- CP23 Delivering a Sustainable Transport Network
- MH1 Making it Happen

#### **Saved CDLPR Policies**

- GD5 Amenity
- H13 Residential Development - General Criteria
- E13 Contaminated Land
- E17 Landscaping Schemes
- E24 Community Safety
- T15 Protection of Footpaths, Cycleways/Routes for Horse riders

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:

[http://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/policiesandguidance/planning/Core-Strategy\\_ADOPTED\\_DEC-2016\\_V3\\_WEB.pdf](http://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/policiesandguidance/planning/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:

[http://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/policiesandguidance/planning/CDLPR\\_2017.pdf](http://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/policiesandguidance/planning/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.*

## **Committee Report Item No: 1**

**Application No: 20/00385/VAR**

**Type: Variation of Condition**

---

### **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. Policy Context**

#### **7.2. Pedestrian and Cyclist Routes – removal of condition 20**

#### **7.3. Tree Protection – vary condition 4**

#### **7.4. Conclusion**

### **7.1. Policy Context**

This Section 73 application for variation of 2 conditions of the outline permission (DER/12/15/01520) for residential development of up to 230 dwellings, relates to a previous green field site and Green Wedge land, west of Mansfield Road. The site is now being developed by Redrow Homes for housing and associated infrastructure and landscaping works, under the reserved matters approval (DER/05/17/00679) granted in 2017. The development is partially completed with some plots occupied. The principal access road from Mansfield Road is also completed and in use. The surface water drainage pond for the site is also in situ in the north west corner alongside Croft Wood.

The site is in an elevated position and lies adjacent to the residential areas of Breadsall Hill Top and Oakwood, on the edge of the built-up area of the city.

The site is still allocated as Green Wedge in the adopted Derby City Local Plan - Part 1 under Policy CP18 and was granted permission for new housing, on the grounds that the benefits of significant housing delivery and a shortfall in the city's housing supply outweighed the loss of a small part of the Green Wedge. The policy requires that any new development should safeguard the function of the Green Wedge and through Policy CP18 the Council will 'ensure that development in or adjacent to a Green Wedge provides opportunities to improve the remaining Green Wedge'.

The site also lies adjacent to Green Belt, which is to the north and east of the site within Erewash borough.

The Great Northern Greenway is a strategic pedestrian and cycle path which runs along a former railway cutting to the north and west of the development site. The route is also a designated Local Wildlife Site and the woodland within the cutting is known as Croft Wood and is covered by a woodland Tree Preservation Order. They are both covered respectively under adopted Local Plan – Part 1 Policies CP19 (Biodiversity) and CP16 (Green Infrastructure). The Greenway footpath/cycle route is safeguarded through saved Policy T15 of the City of Derby Local Plan Review and overarching transport objectives in adopted Policy CP23.

### **7.2 Pedestrian and Cyclist Routes – removal of condition 20**

The outline permission gave consent for the means of access with all other matters reserved. The application site indicated the formation of a surface water attenuation pond on land to the north of development site, within the Erewash district area. This



## **Committee Report Item No: 1**

**Application No: 20/00385/VAR**

**Type: Variation of Condition**

---

was indicative at the time and proposals also suggested the provision of open space along the western boundary of the site, allowing a pedestrian/cycle link to be formed with the adjacent Great Northern Greenway. It was considered at the time that an additional linkage to the Greenway from the development would enhance access for pedestrians and cyclists and promote use of sustainable transport routes. This is controlled through condition 20 of the outline permission.

With the submission of the reserved matters scheme, the detailed layout included a relocation of the SuDs attenuation pond to the north east corner of the development site, such that it would be within the city boundary and more closely related to the development itself. This was accepted as being an appropriate drainage solution for the scheme and given that the siting of the pond was not controlled under the outline permission, there were no planning grounds for resisting the proposed drainage scheme which was put forward. The approved drainage pond is located in the north east corner of the site, abutting the boundary with Croft Wood and the Greenway route.

The site boundary of the development with the Greenway route extends along a short section, about 140 metres in length at the north east corner, which is where the attenuation pond is located. The position and sloping sides of the pond mean that it is not safe to allow for public access to be formed around the pond and accordingly the pond does not form part of the open space provision for the site. In this location, the former railway cutting has a steep woodland slope down to the cycle route, from the site boundary. If a direct link were to be formed from the housing development, a new footpath and cycle route would require substantial construction works to form a ramped path which is the required minimum of 2.5 metres in width. These works would also lead to the removal of a number of the protected trees. This is clearly not desirable both in terms of delivering an accessible route or for the protection of the woodland.

For these reasons, the applicant and developer is proposing not to implement a new pedestrian and cycle link from the development site to the Greenway and seeking to remove condition 20 from the outline permission.

During the life of the application, the applicant has been working with Highways colleagues to find a potential alternative pedestrian and cycle link to the Greenway. Possible improvements were investigated to the existing public footpath to the eastern side of the development, which already joins the Greenway. However, this right of way which runs from Mansfield Road to the north of the site is not controlled by the applicant or the City Council and improvement works to the footpath to form a cycleway are therefore not a feasible option. It has been concluded by both the applicant and the Council's Highways team, that there is no reasonable scope to form a new linkage suitable for both walkers and cyclists, between the development site and the Greenway route.

The applicant submitted an additional supporting letter in December 2020 which sets out the reasons why the formation of a new cycle and pedestrian path between the housing development and the Greenway is no longer considered feasible. In consultation with the Council's Highways Officers, it has been concluded that an appropriate cycle route and footpath, which meets the required specifications in terms of width, gradient and construction cannot reasonably be achieved, particularly given the location of the drainage pond. The Highways Officer agrees with the developer, that regrettably it would not be possible to construct a suitable path, with the site

## **Committee Report Item No: 1**

**Application No: 20/00385/VAR**

**Type: Variation of Condition**

---

constraints and steep gradients between site and the Greenway. It is therefore acknowledged that the requirements of condition 20 cannot be realistically fulfilled and for this reason, it should be removed.

It is noted that some of those who have made representations, raise concerns about the closure or removal of the existing public footpath, which runs from Mansfield Road to Breadsall Village. A short section of this path from Mansfield Road runs through the new residential development and has been resurfaced by the developers. This footpath is a public right of way which is not being closed and does form any part of the proposals to be provided under condition 20. The approved housing layout includes the formation of new paths which run through the areas of public open space and are to link with the existing footpath, which will improve pedestrian linkages and connectivity to and from the surrounding area.

### **7.3 Tree Protection – vary condition 4**

The outline permission included a pre-commencement condition to secure details of tree protection measures and implementation of those agreed measures to protect retained trees and hedgerows on and adjacent to the development site. This includes the woodland at Croft Wood, which lies along the Greenway and is covered by a Tree Preservation Order. The applicant is now seeking to vary the timing of this condition to require compliance with the tree protection information which has been submitted in support of the current application. Tree protection measures are understood to have been put in place during the construction works on the site, which have taken place thus far. The tree protection details which were submitted before works commenced on the site, were not agreed by the Council's Tree Officer before the development started and as a result condition 4 was not discharged.

A variation of the condition is therefore now being sought to seek agreement for the protection measures which have been put in place for the retained trees and for their retention through the life of the construction works on the development site.

An arboricultural survey report and method statement have been submitted with the application and further information, including site photos of the protective fencing and schedule of protection works, which have been carried out so far, have been provided during the life of the application. The trees and hedgerows which are being retained are almost all located on the site boundary and there is a short section of hedge and Ash tree in the south east corner of the site. This latter section of the development is now complete and photos have been submitted to show the protection measures for the tree and hedge during the construction works as well as post-completion.

No trees are being shown for removal as part of the tree protection measures and photos submitted show the protective fencing safeguarding the trees and hedgerows around and within the site.

The Council's Tree Officer requested the additional photos and schedule of protection measures during the life of the application to show the works which have been carried out so far. Based on the submitted information he is satisfied that with the tree protection measures, provided that they are maintained during the life of construction.

## **Committee Report Item No: 1**

**Application No: 20/00385/VAR**

**Type: Variation of Condition**

---

He is agreed that the wording of condition 4 can be amended as proposed, so that the retained trees and hedgerows would not be adversely affected during construction.

### **7.4 Conclusion**

This proposed variation of condition application seeks to amend two conditions on the outline permission for residential development. The approval which was for up to 230 dwellings and associated infrastructure and landscaping is now being delivered under the reserved matters approval, which was granted in 2017.

The amendment to the timing of condition 4 to comply with tree protection measures, has been agreed by the Council's Tree Officer. The additional information submitted by the applicant demonstrates that the retained trees and hedgerows have been and continue to be protected during the course of construction works. For these reasons, I am satisfied that the intentions of Policy CP16 (Green Infrastructure) of the DCLP – Part 1 have been appropriately met.

The removal of condition 20 would mean that an additional pedestrian/ cycle link to the Greenway from the development site will not be provided. Whilst this was identified as a sustainable transport improvement which should be delivered through the outline permission, the reality is that a new route is not achievable, with the constraints of topography and land ownership. Overall, I am of the opinion that the link is not deliverable in the form which would be required to meet highway standards.

The existing public right of way to the Greenway and Breadsall is not affected and a small section has been improved through the development site. On balance therefore, it is concluded that the removal of the condition would not undermine the sustainable transport objectives in Policy CP23 in the DCLP – Part 1 and it should be removed from the outline permission.

## **8. Recommended decision and summary of reasons:**

### **8.1. Recommendation:**

**To grant** planning permission with conditions.

### **8.2. Summary of reasons:**

The proposal is an acceptable form of residential development for this greenfield site, subject to the adherence to the attached conditions. In the opinion of the Local Planning Authority there are no over-riding highway implications associated with the overall scheme, with the provision of internal road layout and pedestrian and cycle routes and linkages. The environmental impacts on ecological and landscape features, archaeology, flood risk and surface water drainage would not be significant, subject to appropriate protection and management schemes being implemented. The adverse impacts of the proposal in regard to the loss of the openness and undeveloped character of the Green Wedge in this location are considered to be outweighed in the balance by the significant and demonstrable benefits, which are the delivery of a substantial amount of new housing and a scheme of landscape and open space enhancements to the retained area of Green Wedge. The proposed housing therefore

## **Committee Report Item No: 1**

**Application No: 20/00385/VAR**

**Type: Variation of Condition**

---

amounts to sustainable development which is appropriate in this location.

### **8.3. Conditions:**

1. Details of the reserved matters: layout, scale, appearance and landscaping  
**Reason:** Permission in outline only.
2. Reserved matters time limits  
**Reason:** Required by legislation
3. List of approved plans  
**Reason:** For avoidance of doubt.
4. .During period of construction, all trees, hedgerows and other vegetation to be retained, including any which are on adjoining land but overhang the site, shall be protected in accordance with BS:5837 (Trees in relation to design, demolition and construction) and in accordance with the drawing no.GL0738 06 – Detailed POS Landscape Proposals, Redrow Official order Code no.5730 (5/1/2018) and the Arboricultural Survey Report & Method Statement (July 2015). The agreed protection measures shall be retained in position at all times, with no use of or interference with the land contained in protection zone, until completion of construction works, unless otherwise agreed in writing by the Local Planning Authority.  
**Reason:** To ensure protection of trees during construction and retain green infrastructure.
5. No development shall commence until surface water drainage strategy is submitted and approved.  
**Reason:** To ensure appropriate level of flood resilience and minimise flood risk.
6. No development shall take place on any part or phase of the development until a SuDs Maintenance Plan for provision of maintenance of sustainable drainage system is submitted and approved.  
**Reason:** To ensure appropriate level of flood resilience and minimise flood risk.
7. No development shall commence until details of a development layout which demonstrates that overland surface water flow paths across the site and public surface water sewer outfall can be safely accommodated through the development.  
**Reason:** To ensure occupants of development are not at increased flood risk.
8. No development shall take place until a Written Scheme of Investigation for archaeological work has been submitted and approved.  
**Reason:** To safeguard any archaeological interest on, over or under ground on site.

## **Committee Report Item No: 1**

**Application No: 20/00385/VAR**

**Type: Variation of Condition**

---

9. The development shall not be occupied until archaeological site investigation and post investigation assessment has been completed in line with WSI and provision made for analysis.

**Reason:** To safeguard any archaeological interest on, over or under ground on site.
10. Details submitted for condition 1 shall include protected species surveys which have been carried out on and around the site for badgers and ground nesting birds and mitigation measures details required to safeguard and enhance biodiversity.

**Reason:** To provide updated assessment of ecological activity on and around the site
11. Details submitted for condition 1 shall include a further survey for presence of bat roosts in trees to be carried out at appropriate time of year.

**Reason:** To provide updated assessment of ecological activity on and around the site.
12. Details submitted for condition 1 shall include a landscape strategy and management plan for the development which includes planting schedules for native tree planting, hard surfacing and landscape features.

**Reason:** To ensure provision of a landscaped buffer and open space framework to enhance Green Wedge.
13. Details submitted for condition 1 shall not include development with building heights of more than 2.5 storeys in overall height.

**Reason:** In the interests of visual amenity and due to the prominence of the site in landscape.
14. Before development commences a Phase 1 study shall be completed for the site. The study report shall then be submitted to and approved in writing by the Local Planning Authority.

**Reason:** To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems.
15. Where the desktop Phase 1 study, identifies potential contamination on the site then a Phase II intrusive site investigation shall be carried out.

**Reason:** To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems.
16. Where detailed investigation report confirms that contamination exists on the site then remediation method statement be required.

**Reason:** To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems.

**Committee Report Item No: 1**

**Application No: 20/00385/VAR**

**Type: Variation of Condition**

---

**17.** No development shall commence on site until a Construction Management Plan has been submitted and approved.

**Reason:** To protect residential and environmental amenity during construction of the development.

**18.** No development shall commence on the site until, precise construction details of roundabout junction onto Mansfield Road/ Bishops Drive, have been submitted and approved.

**Reason:** To ensure the provision of a safe and suitable road and access layout for the development in the interests of traffic safety.

**19.** Development shall not commence until a wheel washing facility for construction traffic has been constructed in accordance with details to be submitted and approved.

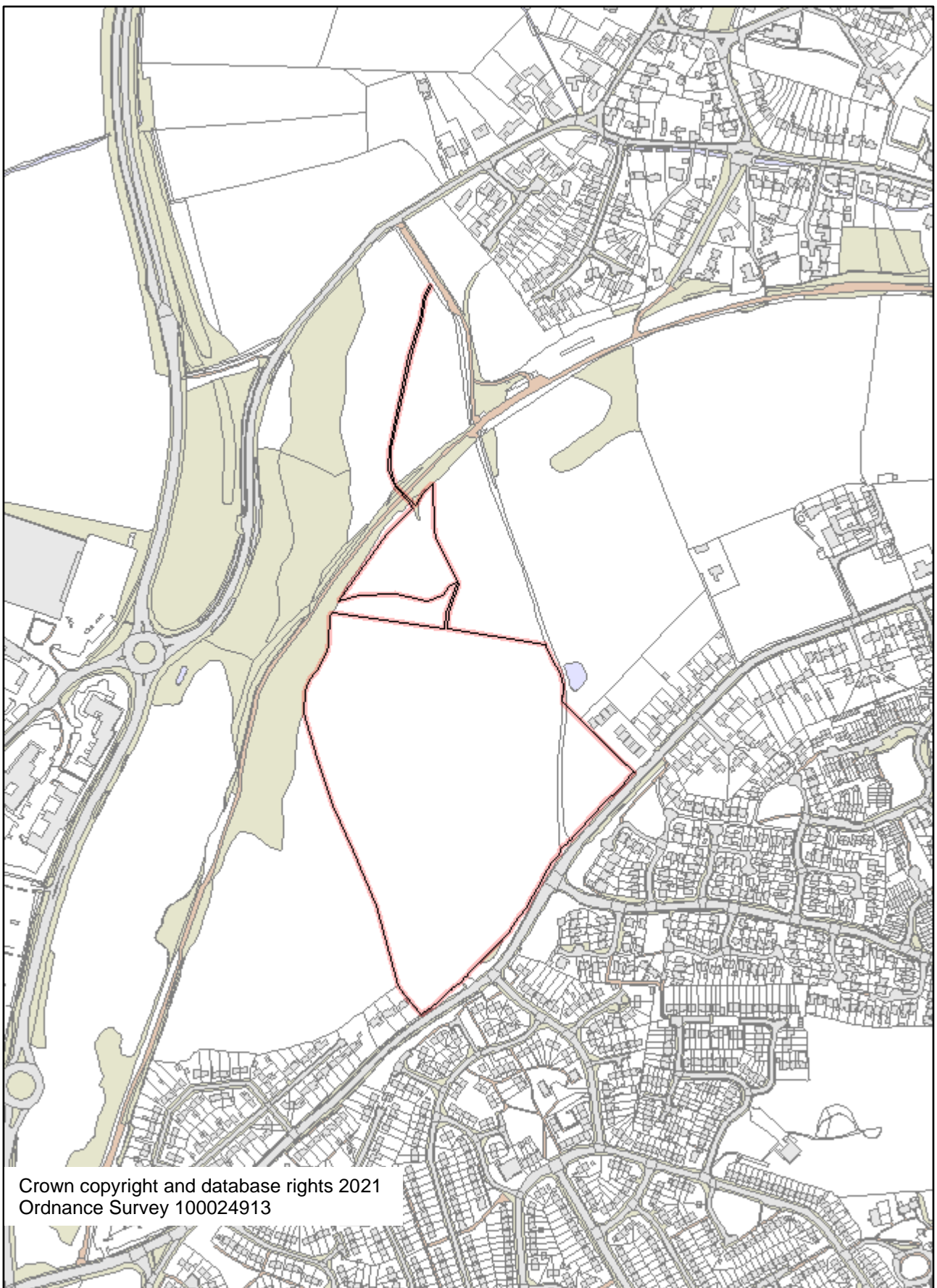
**Reason:** In the interests of traffic safety during construction of the development.

**20.** Prior to occupation of dwellings, an operational Travel Plan for the development shall be submitted and approved.

**Reason:** To encourage and provide for varied means of transport to the site.

**8.1. Application timescale:**

An extension of time target date for the application has been agreed and expires on 18 February 2021.



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## **Committee Report Item No: 2**

**Application No: 19/00417/FUL**

**Type: Full Application**

### **1. Application Details**

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#### **1. Application Details**

**1.1. Address:** Infinity Park Way, Derby

**1.2. Ward:** Sinfin

**1.3. Proposal:**

Development of a road junction and connecting link road with associated works.

**1.4. Further Details:**

Web-link to application:

<https://eplanning.derby.gov.uk/online-applications/plan/19/00417/FUL>

Description

##### **1.4.1. The Site**

The application site comprises a large area of land that extends through the southern City boundary. Land within its red edge extends to 69.3 hectares in area but the extent of the application site falls across the administrative boundaries of the City Council and South Derbyshire District Council so all of the land within the red edge is not within the bounds or control of the City Council. This is a cross boundary application which means that the same planning application proposal is under consideration by Derbyshire County Council and they will determine the southern extent of the proposal which falls outside of the Derby City boundary. Derbyshire County Council are the Highway Authority within the administrative area of South Derbyshire District Council, and they are also the applicant's in this case.

The site comprises an irregular, yet linear shaped area of land that extends to some 2.1km in length. At its southern end and in the South Derbyshire District Council area, the application site includes sections of the A50. The application sites western boundary lies adjacent to the eastern residential area of Sinfin and its northern boundaries are defined by the edges of the Sinfin Moor Park and its Local Nature Reserve (LNR). The eastern boundaries of the site are generally defined by hedgerows with its more eastern edge meeting a connecting road south of the iHub building at Infinity Park Way.

The information supporting the planning application describes the site as flat and the surrounding land is generally flat and low lying. Land levels do rise in the east towards Chellaston and in the north west around Sunny Hill. Land levels also rise to the south with a band of higher ground extending alongside the A50.

The application site extends through land that is largely agricultural fields defined by hedgerows that contain mature trees and ditches. The character of the landscape surrounding the site is similar with a pattern of flat regular fields defined by hedgerows containing mature trees, drains and ditches, narrow lanes and high voltage pylons and overhead electricity lines. The only built form within the bounds of the red edge of the application site are Ashlea Farm and the A50, both of which stand outside of the Derby City boundary.

Land within the application site stands within flood zones 2 and 3 with the majority of the land within the City boundary being in flood zone 3. Three watercourses, Main Drain, Cuttle Brook and Barrow Drain cross the application site boundary and they all



## **Committee Report Item No: 2**

**Application No: 19/00417/FUL**

**Type: Full Application**

### **1. Application Details**

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flow into the Cuttle Brook and are classed as Environment Agency Main Rivers. Main Drain and Cuttle Brook are within the bounds of the City and there are also other ditches and agricultural land drains within the vicinity.

There are no recorded public rights of way within the bounds of the application site but there are many walked routes within the area. There is public access along Sinfin Moor Lane which is fully adopted, as a road but with some restrictions. Sinfin Moor Lane crosses the application site. There is also public access within Sinfin Moor Park and the LNR. There are a number of other public footpaths that stand outside of the site and predominantly to the south.

Local Wildlife Sites (LWS) that are located within the bounds of the site include Sinfin Moor Lane Stream LWS and Cuttle Brook LWS. Close to the site are Sinfin Moor Lane Meadows LWS, Sinfin Moor Lane Park LWS, Moor Plantation LWS and Arleston Canal and Pond LWS. Sinfin Moor Park Local Nature Reserve stands adjacent to the northern site boundary and it extends, in part, into the Sinfin Moor Lane Park LWS and the Sinfin Moor Lane Meadows LWS.

The Sinfin Moor Regionally Important Geological Site (RIGS) extends across this area of agricultural land that includes the application site. It is a large area of land that has been identified as a glacial lake.

A high-pressure gas main passes beneath Deep Dale Lane, Stenson Road, Arleston Lane and crosses the application boundary at Deep Dale Lane, to the south of Ashlea Farm.

#### **1.4.2. The Proposal**

This cross-boundary application seeks full planning permission for a new road junction on the A50 (to become junction 3A) and a connecting road running in a north / east trajectory, linking to a connecting road, south of the existing iHub building at Infinity Park, some 470m southwest of Wilmore Road / Infinity Park Way.

The scheme comprises two primary elements, the first being a grade separated junction at the A50 / Deep Dale Lane overbridge. A new roundabout arrangement on Deep Dale Lane would provide four new slip roads linking to the A50, providing new, direct access onto it. The second element is a 1.6 – 1.75km length of link road which includes two access roundabouts to accommodate links to future development. Approximately 300m of the southern section of the road leading from the A50 link would comprise dual carriageway, the remaining section of road, is proposed to be a single carriageway.

The extent of road that extends within the bounds of Derby City includes approximately 0.81km of the northern section of the link road and all of this section is single carriageway. This section of the road includes the northern access roundabout. The southern access roundabout, dual carriageway section of the road and new A50 junction are within South Derbyshire District Council and outside the administrative boundary of the City Council.

Deep Dale Lane extends into the application site. Deep Dale Lane is a single carriageway road that narrows to one lane over the Trent and Mersey Canal to the south and outside the bounds of the City boundary. To the north, Deep Dale Lane

## **Committee Report Item No: 2**

**Application No: 19/00417/FUL**

**Type: Full Application**

### **1. Application Details**

---

connects under the A50 towards Stenson Fields and Sinfin. Under the proposals Deep Dale Lane will be routed through two new roundabouts under the A50.

Infinity Park Way is a single carriageway road that connects to Holmleigh Way to the south and Wilmore Road to the north and it would connect to the proposed road via an existing 4 arm roundabout. The east / west section of the road that would provide the link between the proposal and Infinity Park Way, already has the benefit of a planning permission granted in May 2016 under application ref: DER/11/15/01379 and this road has already been partially constructed.

Both the proposed link road and A50 junction have been designed as lit with new lighting columns of 12m or 15m, depending on the location. Standard highway signage is proposed along with a post and rail timber fence, proposed to be erected to demarcate the highway boundary. Steel, safety fencing is indicated as only being proposed at the A50 junction works.

The road is proposed to be constructed on a low earth mound, and this is shown to vary between some 0.5m to 2.0m above the existing ground levels. The road corridor would extend to some 28.6m in width for the dual carriageway section and some 16.3m in width for the single carriageway sections.

National cycle route 66 provides a link between Derby canal and Sinfin via Sinfin Moor Lane, connecting Chellaston and Sinfin. The route will cross the alignment of the proposed link road. A new traffic signal-controlled Pegasus crossing (for pedestrian, cycle and equestrian users) is proposed to be provided at the point where the proposed road would cross Sinfin Moor Lane.

The submitted plans show a 3m wide shared footway / cycleway along the length of the proposed road which would run alongside 4.1m wide drainage swales. The proposed surface water strategy for the road incorporates kerbs and gullies and sustainable drainage proposals and included throughout the design in the form of detention basins, balancing ponds and ditches. The balancing ponds are shown to flow into existing watercourses.

A 2.5m high acoustic barrier is proposed as part of the development to mitigate noise levels at Sinfin Moor LNR. This would extend to the west of the road, at its northern end.

Highway works that fall outside of the administrative boundary of the City Council includes alterations to the parking and emergency lay-bys on the A50. 2 no. emergency lay-bys on the A50 are to be converted to parking lay-bys and 2 no lay-bys are proposed at the southern end of the link road to provide additional parking capacity. Four maintenance hardstanding areas are also included to allow for maintenance of the A50 and the new highway.

Within the Derby City boundary some off site highway mitigation works also form part of the proposals. These include works at the Merrill Way / Boulton Lane junction. The widening of the carriageway on Merrill Way is proposed to provide a left turn lane with associated re-alignment footpaths and road markings to provide a staggered crossing on Chellaston Road. At the Infinity Park Way / Merrill Way junction, the extension of the two-lane section of Infinity Park Way is to be increased with associated amendments to the existing footway. Traffic calming measures are also proposed on Deep Dale Lane, to the north of Wragley Way.

## **Committee Report Item No: 2**

**Application No: 19/00417/FUL**

**Type: Full Application**

### **1. Application Details**

---

The red edge of the application site boundary includes Ashlea Farm and as part of the works demolition of all its buildings, outbuildings and hardstanding's is proposed. The farm and all its buildings stand outside the bounds of Derby City.

As part of the development, flood alleviation measures are proposed that will store and convey flood waters from the Barrow Drain, Main Drain, Meadow Drain and local watercourses. Two large flood compensation areas are proposed, and these are shown as being located to the west and north west of the proposed road across land that extends between the proposed road and existing residential areas at Stenson Fields. The proposed development would also include some partial watercourse diversions and works to improve some existing ditches. The route of the road requires localised watercourse diversions to take place particularly of the Barrow Drain and Ashlea Farm Drain near the A50 and outside of the City boundary.

The first flood compensation area is identified in the application as the 'western flood storage area' and it extends across a long linear area of land of some 67,000sq.m in area. This flood storage area would sit immediately to the west of the proposed road, adjacent and to the south-east of Sinfin Moor Park. Electricity pylons are located within the land proposed for the western flood storage area and they would remain in their existing locations and at the same elevation. They are indicated as becoming raised islands within the flood storage area.

The second flood compensation extends to some 94,000sq.m in area. It is identified as the 'southern flood storage area' and this would occupy land to the west of the proposed road and directly to the east of dwellings on Coltsfoot Drive, Melfort Close and Loyne Close in Sinfin.

Temporary construction compound areas and soil storage areas are identified as being located close to the iHUB, The submitted plans identify the extent of cut and fill needed as part of the earthworks and material and stockpile areas are identified in the plans to accommodate approx. 18,000 cubic m of topsoil and 24,000 cubic m of subsoil.

A Green Infrastructure Strategy (GIS) supports the application. It sets out the vision and guiding principles for the development's green infrastructure. The Strategy seeks to mitigate the developments impact on the landscape and biodiversity including measures to mitigate impacts on the Sinfin Moor Park and Local Nature Reserve. The Strategy extends to include the protection and retention of natural landscape features including hedgerows along Sinfin Moor Lane, Sinfin Moor Park and Nature Reserve. Retention of a tall line of mature poplar trees to the east of Sinfin is also outlined along with the retention of open fields to the east of Sinfin which is land that lies within the Green Wedge. Alongside this, a new landscape framework is proposed which includes new planting and the creation of various green infrastructure habitats including ponds, shrubs, reed beds and wet grassland along with the planting of new hedgerows, trees, shrubs and woodland. New green spaces that are managed for biodiversity and recreational benefits are outlined and the flood compensation areas are to be designed to offer accessible amenity space.

As this is a cross boundary application and the same proposal has been submitted to Derbyshire County Council and is under consideration by them under application reference: CD9/0319/110.

## **Committee Report Item No: 2**

**Application No: 19/00417/FUL**

**Type: Full Application**

### **1. Application Details**

---

#### **1.4.3. 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 (f) as an infrastructure project comprising the construction of a road. Given the scale of the works proposed and the nature of likely impacts, a full assessment of the environmental impacts of the project was required and an Environmental Statement (ES) supports the planning application. The ES sets out the findings of an Environmental Impact Assessment.

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 ES includes a non-technical summary and it was submitted with the application along with a Flood Risk Assessment, Sustainable Drainage Statement, Water Framework Directive Compliance Assessment, Ecological Appraisal, Great Crested Newt Report, Confidential Badger Report, Bat Survey Report, Reptile Report, Water Vole Survey Report, Phase 1 Geo-Environmental Assessment, Geotechnical Assessment, Ground Investigation Report, Mineral Assessment, Agricultural Soils Assessment, Lighting Impact Assessment, Arboricultural Assessment, Archaeology Desk Based Assessment, Geoarchaeological Desk Based Assessment, Geophysical Survey, Built Heritage Statement, Transport Assessment and a Breach Assessment.

These documents should provide a clear understanding of the potential significant effects of the proposal upon its environment.

The application identifies development parameters and a parameters plan supports the application. As the development evolves and responds to conditions on site, some minor alterations may be needed to the works that are delivered. The maximum extent of any deviation from the approved plans would need to be identified to ensure that it will continue to remain within the parameters that are established in the parameters plan. This would ensure that the extent of works to be delivered remains subject to the scope of the assessment outlined in the ES. The parameters outlined in the plan include;

- A maximum extent of flood mitigation works – the maximum reduction from existing ground level is identified as 1.40m;
- Limits of deviation for highway works – Identified as generally 1m but a maximum of 2m higher than existing ground levels, including road, footpaths, cycleways and drainage works are identified;
- The limit for the area for materials, stockpile and site compound is identified with a height limit of 3m for the stockpiles.

In the ES, the methodology used to prepare the technical chapters and the methodology used to identify and assess the likely significant environmental effects is outlined. It advises that the Design Manual for Roads and Bridges (DMRB), Volume 11 (2009) provides environmental assessment guidance for trunk roads and it has been used for assigning value or importance to environmental features and for determining the magnitude and significance of effects.

The content of the ES is outlined as being based on the following;

## **Committee Report Item No: 2**

**Application No: 19/00417/FUL**

**Type: Full Application**

### **1. Application Details**

---

- Review of the baseline situation through existing information, including data, reports, site surveys and desktop studies;
- Consideration of the relevant National Planning Policy Framework (NPPF) and accompanying National Planning Practice Guidance (NPPG), and the Statutory extant and emerging development plan policies;
- Consideration of potential sensitive receptors;
- Identification of likely significant environmental effects and an evaluation of their duration and magnitude;
- Expert opinion;
- Modelling;
- Use of relevant technical and good practice guidance; and
- Specific consultations with appropriate bodies.

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.

The EIA Regulations require that the ES identifies '*likely significant effects of the proposed development on the environment*'. In identifying the likely significance of environmental effects, they are described in broad terms as;

- adverse; detrimental or negative effects to an environmental resource or receptor; or
- beneficial; advantageous or positive effect to an environmental resource or receptor; or
- negligible; a neutral effect to an environmental resource or receptor.

This provides the ES with a seven-point scale for assessment, with major, moderate and minor effects considered for the adverse and beneficial effects creating six, the seventh being the neutral effect. The significance of effects is outlined as reflecting the relationship between two factors and these are;

- The magnitude or severity of an effect;
- The sensitivity, importance or value of the resource or receptor.

**Committee Report Item No: 2**

**Application No: 19/00417/FUL**

**Type: Full Application**

**1. Application Details**

The broad criteria for determining magnitude set out in the ES is as follows;

<b>Degrees of Magnitude and their Criteria</b>	
<b>Magnitude of Effect</b>	<b>Criteria</b>
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.

In the ES the sensitivity of a receptor is outlined as being based on the relative importance of the receptor using the scale outlined in the table below;

<b>Degrees of Sensitivity and their Criteria</b>	
<b>Sensitivity</b>	<b>Criteria</b>
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.

## **Committee Report Item No: 2**

**Application No: 19/00417/FUL**

**Type: Full Application**

### **1. Application Details**

Placement within the 7-point significance scale is outlined as being derived from the interaction of the receptor's sensitivity and the magnitude of change likely to be experienced, assigned in accordance with the table below;

<b>Degrees of Significance</b>				
<b>Magnitude Of Change</b>	<b>Sensitivity of Receptor</b>			
	<b>High</b>	<b>Medium</b>	<b>Low</b>	<b>Negligible</b>
<b>High</b>	Major	Major	Moderate	Negligible
<b>Medium</b>	Major	Moderate	Minor or Moderate	Negligible
<b>Low</b>	Moderate	Minor or Moderate	Minor	Negligible
<b>Negligible</b>	Negligible	Negligible	Negligible	Negligible

The ES identifies effects assigned a rating of Major or Moderate as being 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.

It should be noted that for some of the topic areas, impacts are assessed using discipline-specific methodology rather than the generic approach to assessment of effects as outlined above.

Specific topic areas for consideration in the ES were identified through a Scoping exercise undertaken with the City Council and Derbyshire County Council, prior to the planning application being submitted. Baseline studies are provided for each of the topic areas. They establish baseline conditions for each of the topic areas using a number of sources including desk top review of existing available data, site specific survey work and consultation. 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 and enhancement, cumulative and in-combination effects and summary.

The ES has been amended and updated during the life of the application following amendments being made to the scheme in response to the comments of consultees and through the submission of an Addendum. An addendum submitted in July 2020 was confirmed by the applicant as superseding a previous addendum submitted in July 2019. The amendments made to the scheme include changes to roundabouts proposed at the A50 junction, changes to lay bys and maintenance hard standing areas, the position of drainage swales and footpaths/cycleways, mitigation works at infinity Park Way / Wilmore Road and Merrill Way / Boulton Lane along with the

## **Committee Report Item No: 2**

**Application No: 19/00417/FUL**

**Type: Full Application**

### **1. Application Details**

---

addition of traffic calming measures at Deep Dale Lane. Revisions have also been made to the size of the materials and stockpile areas and to the design of the flood storage areas and proposed culverts. The Addendum has been supported by updated survey work, where this was deemed necessary. In addition to this further modelling work to support the Flood Risk Assessment and Breach Analysis information was submitted at the request of the Environment Agency.

The topic areas covered in the ES are as follows:

- Alternatives
- Socio Economics
- Landscape and Visual
- Biodiversity
- Cultural Heritage
- Transport and Access
- Air quality
- Noise and Vibration
- Drainage and Flood Risk
- Ground Conditions and Contamination
- Cumulative and in-combination effects.

It should be recognised that the ES considers the whole of the development identified in the red edge of the application site so includes development outside of the Derby City boundary and within the bounds of South Derbyshire District Council.

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 and any specific questions should be directed to the case officer before the meeting.

#### **1.4.4. Alternatives.**

In accordance with schedule 4, part 2 of the EIA regulations the ES outlines the proposed development alternatives that have been considered by the applicant.

The first alternative is the 'no development' option. The ES notes that this would avoid adverse effects associated with the development of greenfield land and loss of agricultural land. However, it outlines socio-economic benefits of the proposal including the delivery of the infrastructure to support the major new residential and employment development in the area, improved connectivity for communities in and around the growth areas along with a reduction in congestion on both local and strategic road networks in and around the Growth Zone area. For the 'no development' alternative, it is concluded in the ES that the socio-economic benefits of the proposed development are significant and outweigh the limited benefits of a no development alternative.



## **Committee Report Item No: 2**

**Application No: 19/00417/FUL**

**Type: Full Application**

### **1. Application Details**

---

The second alternative considered in the ES is the impacts associated with no new A50 junction but with a Phase 1 Southern Derby Integrated Transport Link (SDITL). It notes that in both the Derby City Local Plan Part 1 and that of South Derbyshire District Council, phase 1 of the SDITL is relied upon to mitigate the transport impact of the circa 2,000 dwellings identified in housing allocations. The ES indicates that transport modelling identifies that the SDITL road would not deliver the level of mitigation needed to accommodate committed developments to the same extent as the new A50 junction route proposed in this application. It predicts a 70% reduction in congestion resulting from the A50 junction with SDITL predicted to deliver only a 23% reduction in congestion. The ES concludes that the SDITL alone would not constitute a satisfactory means of successfully mitigating the impacts of committed housing and employment land allocations at Wragley Way and Infinity Park respectively.

The third option in the alternatives chapter outlines alternative alignments that have been considered for the proposed road. The ES states that the new junction on the A50 is not able to be located elsewhere or in the vicinity as it utilises the existing under bridge. It notes that the route of the road has been re-aligned following consideration of responses received to the Scoping Exercise for this ES. It indicates that this has resulted in a reduction in the length of road being proposed and movement of it to the edge of the green wedge and outside the bounds of the Sinfin Moor Park Local Nature Reserve (LNR). The socio-economic benefits of the revised alignment are identified as being unchanged but ES states that the benefits of reducing the adverse environmental impacts in missing the LNR lead to the conclusion that the benefits of the alignment now proposed, outweigh that alternative alignment.

#### **1.4.5. Socio Economics**

The baseline for the assessment of the socio-economic conditions are established in the ES and the likely effects of the development on them, are considered. The ES states that the effects of the proposal upon the human population who will live in the vicinity of the application site are the main considerations in this chapter.

In its assessment, this chapter considers National Planning Policy, Local Planning Policy, Central Government White Papers and the D2N2 Strategic Economic Plan. It considers population projections and detailed statistics relating to households, skills, deprivation, employment, business bases, wages, commuting, unemployment and economic activity. In its assessment, this chapter identifies the cross-boundary extent of the study area.

##### **Socio-Economics - Construction Effects**

The significance of construction impacts is identified as major and beneficial in the short term, due to the significant capital investment associated with the delivery of the road and a total of 371 temporary jobs that the construction would support, during the 18 month construction period with an estimated £31.6 million gross value added (GVA).

##### **Socio-Economics – Operational Effects**

In reaching conclusions on the significance of operational impacts on existing economic activity in the vicinity of the site, the impact is identified as minor beneficial

## **Committee Report Item No: 2**

**Application No: 19/00417/FUL**

**Type: Full Application**

### **1. Application Details**

---

as the impact on existing economic activity in the vicinity of the site would be low. This relates to the loss of Ashlea Farm on Sinfin Lane (which stands outside of the City boundary) as the impact of its loss to the local economy is identified as being low.

Once operational the ES indicates that a major impact of the development will be to unlock development in the surrounding area by improving the accessibility of the site. The ES states that development in the surrounding Infinity Garden Village area would create up to 5,000 jobs on site and an annual GVA contribution to the area, estimated in the ES to be around £53.6 million. The ES identifies these socio-economic impacts as significant beneficial effects in the long term.

#### **1.4.6. Landscape and Visual**

This chapter of the ES assesses the landscape quality of the application site and the resulting landscape and visual effects of the proposed development. The study area for assessment is identified as being a 3km radius from the application site.

The ES states that the landscape is relatively intact and overall, in a reasonable to fair condition. Its scenic quality is described as unremarkable in character, not displaying any pronounced sense of scenic quality such that it is out of the ordinary in landscape terms. The ES notes that the site and the area surrounding it are not subject to any landscape designations.

Given its proximity to the built-up area of Derby this landscape is identified as providing some local recreational value for the adjacent community. However, the site does not contain any designated Public Bridleways or Footpaths and the ES notes that the application site is not used for any formal recreation function. Informal recreational routes are identified in Sinfin Moor Park and Nature Reserve and Sinfin Moor Lane is an adopted road that provides walking and cycling access between Sinfin and Chellaston. The ES suggests that the sites relationship with the built-up area of the City and the A50 transport corridor means that the landscape is influenced by urbanising elements and the local landscape does not exhibit any pronounced sense of tranquillity nor any significant notion of wilderness.

The ES summarises the landscape value of the application site and the immediate landscape in which it is located as being of medium-low landscape value. It states that it is not considered to be of high landscape value, nor a valued landscape in the context of the NPPF.

In assessing landscape / townscape character, the ES considers Natural England's National Character Area (NCA) profiles which describe the general characteristics of landscape areas. It places the site and surrounding landscape in the Trent Valley Washlands NCA. In considering the East Midlands Regional Landscape Character Assessment the site and local landscape is identified as being within the Floodplain Valley's Landscape and Village Farmlands Landscape Character Area (LCA). It also notes at the local level and in The Landscape Character of Derbyshire (2014), the site falls within two of its character areas, the Wet Pastures Meadow landscape character type (LCT) and the Lowland Village Farmlands LCT.

The ES includes a landscape and visual impact assessment (LVIA) and it identifies the potential visual envelope in which the development is likely to be visible. In

## **Committee Report Item No: 2**

**Application No: 19/00417/FUL**

**Type: Full Application**

### **1. Application Details**

---

assessing impacts on visual amenity, the ES considers impacts on 13 identified visual receptors which includes; residential properties and settlements, right of way users / recreational users and highway users. It considers the different degrees of visibility and how they are impacted by landscape forms and features. The degree of visibility and amount of time are also assessed noting that some views may be partial and glimpsed as receptors move through the surrounding landscape. It is concluded in the ES that the visual envelope is limited by the combination of screening effects within the landscape.

#### **Landscape – Demolition and Construction Effects**

In reaching conclusions on landscape effects the ES indicates that demolition and construction works would have a negligible effect on the Trent Valley Washlands NCA and the regional character areas of the Flood Plain Valley LCA and Village Farmlands LCA. This is concluded given the scale of those identified character areas and the introduction of the proposed road to parts of those areas that are characterised by urban influences. The temporary and localised nature of demolition and construction impacts is noted.

Demolition and construction works are identified as having moderate adverse impacts at the local level for the County character of the Wet Pastured Meadows LCT and Lowland Village Farmlands LCT noting that construction works will result in a loss of habitat and disruption in landscape character and landscape features. These are noted as being temporary in nature and restricted to a small component of these large landscape character types.

A high-medium impact is identified for the application site and its immediate area arising from the demolition and construction works, noting that the development would result in change and disruption in local landscape character. Changes are identified as resulting from the loss of vegetation through the corridor and ground modelling associated with the flood mitigation land.

The overall effects of the demolition and construction stage on the landscape character of the application site and its immediate context is judged in the ES to be major-moderate adverse. While a level of harm is acknowledged, the ES indicates that the harm would be localised in extent within a relatively small visual envelope and the effects would be temporary and short term in their nature.

#### **Landscape - Operation Effects**

Impacts for the Trent Valley Washlands NCA and regional character areas of the Floodplain Valleys LCA and Village Farmlands LCA are again identified in the ES as negligible from the operation effects on completion of the road and the residual effects at 15 year after completion, the development being a part of those areas that are already characterised by urban influences.

For the County character areas, a moderate-minor adverse impact is identified for the landscape on completion as a result of the disruption to landscape and loss of vegetation. The ES indicates that the residual effects (after 15 years of completion) would reduce to minor adverse due to the benefits provided by the Green Infrastructure Strategy.

The ES concludes that the application site and its immediate context is judged to be of medium-low landscape value and of medium susceptibility to change. On the

## **Committee Report Item No: 2**

**Application No: 19/00417/FUL**

**Type: Full Application**

### **1. Application Details**

---

basis of a well-planned green infrastructure strategy it is indicated that the impacts and adverse effects on landscape character would not result in any significant long-term landscape harm. On completion of the development, the operation effects are identified as having a moderate adverse effect on the application site and its immediate context reducing to moderate-minor adverse effects (15 years after completion) as the green infrastructure measures are established.

#### **Visual - Demolition and Construction Effects**

Visual receptors close to the application site which includes residents on the edges of Sinfin and users of Sinfin Moor Lane along with highway users on the A50 and Deepdale Lane are identified as experiencing close range views of construction activity. The ES identifies that the visual impacts associated with construction would be limited to these localised areas of the landscape. The most marked effects are identified for residents on the edges of Sinfin with the effects judged as major-moderate adverse and therefore significant. However, none of these impacts are identified in the ES as permanent, being temporary effects resulting from the 18 month construction period.

#### **Visual – Operation Effects**

For residential receptors and settlements, visibility of the development for residents on the eastern and southern edges of Sinfin is noted as being dependent on building orientation, window positions and the level of any ground floor screening. Whilst planting and new vegetation would establish over time the ES notes that views for those residents would be afforded of vehicles, light columns and signage. On completion, the effects for these residents are identified as major-moderate adverse reducing to moderate adverse after 15 years and continuing to lessen over the longer term. Moderate–minor adverse effects are also identified for the property at Leah Farm (Sinfin Moor Lane) again, reducing to minor-adverse after 15 years and the establishment and maturing of green infrastructure. Moderate adverse impacts are also identified for Ragley Boat Stop which is a single residential property located to the south of the A50 junction and within the bounds of South Derbyshire District Council.

For public rights of way and recreational users, the ES indicates that for users of Sinfin Moor Lane, effects would be limited to a comparatively short section of the route within the vicinity of the application site. It indicates that users would view the link road through a section and the Pegasus crossing which will form the junction between Sinfin Moor Lane and the link road. Impacts for those users are identified as moderate adverse with the effects reducing to moderate-minor adverse once screening and filtering effects of the green infrastructure mature. Minor adverse – negligible impacts are identified for users of the public bridleway (north of Moor Lane) and for users of Lovers Lane.

For users of Sinfin Moor Park and the LNR the ES indicates that there would be some opportunities in which to view the link road. This is identified as being achieved from where the link road crosses Sinfin Moor Lane. At the edge of the park views of the Flood Mitigation Areas would also be achieved. The ES indicates that existing mature vegetation within the Nature Reserve coupled with new planting would filter and soften views of the link road in the long term. On completion, visual impacts for

## **Committee Report Item No: 2**

**Application No: 19/00417/FUL**

**Type: Full Application**

### **1. Application Details**

---

users of the Nature Reserve are indicated as moderate adverse reducing to minor adverse in the long term.

For highway users it is noted that they are of lower sensitivity as a receptor as they move through the landscape at comparative speed. In the long term, negligible effects are identified in the ES for highway users along Infinity Park Way noting that views of the northern stretches of the link road would be observed in the context of existing highway elements that form part of the wider experience for those users.

For highway users on Deepdale Lane the ES notes a marked change in the character of their route. Whether travelling into or out of Sinfin, users would have clear and close views of the new A50 junction and roundabout. On completion, impacts for those users is stated as minor adverse with those effects reducing to minor adverse- negligible in the long term.

For users of Arleston Lane impacts of the road on completion are indicated in the ES as minor adverse reducing to minor adverse – negligible in the long term with the maturing of the green infrastructure proposals.

The ES indicates that views of the new junction with its associated roundabout, slip roads, signage and lighting would not appear an uncharacteristic element for users of the A50 (including those exiting the new junction) within the context of the highway corridor. Effects on these users on completion of the works are stated as moderate adverse reducing to moderate – minor adverse in the long term.

The LVIA concludes that visual impacts would continue to reduce over time with impacts being moderate – minor adverse.

#### **Landscape and Visual - Mitigation and Enhancement**

This chapter of the ES notes green infrastructure as being an integral part of the proposed development and as a primary mitigation measure for landscape and visual amenity effects. From a landscape and visual perspective additional mitigation is also proposed in the form of measures secured through the Construction Environmental Management Plan and the delivery of measures to secure the appropriate management of the green infrastructure and landscape in the long term.

**ES Addendum** – Further assessment of the landscape and visual impacts associated with light pollution are presented in the Addendum following revisions which include the addition of street lighting to the proposed A50 junction and its slip roads.

Appropriate lighting designs and columns are proposed to mitigate the landscape effects which are identified as moderate adverse reducing over time to moderate – minor adverse once the green infrastructure has become established. The ES concludes that the addition of the street lighting, through the junction would not result in any unacceptable landscape effects.

The addendum indicates that visual impacts relating to the street lighting would be restricted to a localised area of landscape. It notes that the urban area of Derby impacts a level of sky glow on this landscape at present. It states that changes resulting from the lighting would be localised and observed in the context of settlement / urban edge landscape. With proposed mitigation in place, any adverse visual effects are identified as lessening over time.

## **Committee Report Item No: 2**

**Application No: 19/00417/FUL**

**Type: Full Application**

### **1. Application Details**

---

The Addendum concludes that revisions made to the application do not change the landscape and visual effects conclusions provided in the original ES.

#### **1.4.7. Biodiversity**

Survey information that supports this chapter of the ES includes, an ecological background data search, a phase I habitat survey and assessment of habitat for protected animals, bat activity surveys, bat roost surveys of Ashlea Farm buildings, breeding bird surveys, badger survey, water vole and otter survey, reptile survey and an amphibian survey. In this chapter of the ES, project impacts are identified geographically, indicating whether they are to be experienced at international, national, regional, county or local level.

One statutory site of nature conservation importance is identified as being located within 2km of the application boundary and this is Boulton Moor Site of Special Scientific Interest (SSSI) which is located approximately 1.4km to the east of the site. One site of local conservation importance is identified as Sinfin Moor LNR which lies to the northwest extent of the application site.

Two, local non-statutory designated sites are located within the application site and they are Sinfin Moor Lane Stream Local Wildlife Site and Cuttle Brook Local Wildlife Site. A further four Local wildlife Sites lie adjacent to or in close proximity to the application site boundaries. All of these non-statutory wildlife sites are identified as being of county nature conservation significance.

The field survey information in the ES identifies mature trees and hedgerows being only of local significance for habitats. Semi-improved grassland and arable fields are identified as having negligible nature conservation significance. Of all the ditches that cross the site, the Cuttle Brook and Sinfin Moor Lane stream are identified as having county nature conservation significance given that they are both identified Local Wildlife Sites.

In respect of fauna, the ES indicates that bat activity surveys confirmed that the majority of bat activity was from common and soprano pipistrelle bats but no bat roosts were identified. No rare or notable species were identified, and the ES indicates that the results are of no more than local significance, the species being common and widespread and activity levels being unremarkable given the habitats present.

A total of 29 bird species are noted as being recorded within or adjacent to the application site. 10 of those are either protected, appear on the RSPB 'Birds of Conservation Concern' as declining. A single barn owl was observed during a site walkover but no suitable nesting habitat was identified. The ES indicates that occasional use of long grassland areas for foraging by the owl may occur. The application site is therefore identified in the ES as being of local value for this species. The assemblage of birds is identified in the ES as being unremarkable and typical of urban edge and farmland habitats both locally and in the wider area and of local nature conservation significance.

The ES indicates that the site was considered to be of negligible significance to badgers, with no badger setts identified within or in close proximity to the site.

## **Committee Report Item No: 2**

**Application No: 19/00417/FUL**

**Type: Full Application**

### **1. Application Details**

---

The ES records no evidence of otter or water vole within the application site and its ditches, noting that the site provides a habitat of no more than local significance.

The ES notes that no evidence of great crested newts were observed within any of the water bodies surveyed. Smooth newt *Lissotriton vulgaris* are identified as being in all waterbodies in small numbers. Common toads are also noted in small numbers in ponds in Sinfin Moor Park. Overall, for amphibians the ES indicates that the site is considered to be of negligible significance.

#### **Biodiversity - Construction Effects**

The ES identifies adverse effects arising from construction in the absence of mitigation for designated sites. These include habitat loss and changes resulting from works to Meadow Drain (part of the Cuttle Brook LWS), Barrow Meadow (proposed) Local wildlife Site and the culverting of a small section of the Sinfin Moor Stream Local Wildlife Site (Main Drain). For other semi-natural habitats, habitat loss is identified as a result of the culverting of a section of Barrow Drain, loss of a number of hedgerows, mature crack willow trees and black poplar trees. The ES identifies these impacts as minor, the hedgerow loss being identified as being of minor to moderate significance.

In terms of habitat disturbance, construction effects are identified as arising from potential pollution of local water courses during construction which is identified as being likely to be significant at a local scale. Damage to retained habitat through construction operations are also identified as potentially significant at a local scale.

Construction effects on fauna that are identified include potential loss of bat roost habitat during demolition and tree felling work which could be significant at a local scale. Fragmentation of bat dispersal corridors through habitat loss and use of flood-lighting, are also identified as potentially being significant at a local scale. Disturbance to breeding birds is also identified during construction works leading to nest abandonment or harm which is indicated in the ES as also being significant at a local scale.

#### **Biodiversity - Operational Effects**

The operational effects on designated sites include the developments potential to disturb fauna within and users of, the Sinfin Moor Park and LNR which is identified as significant at a county scale. Without careful management, it is also indicated in the ES that hydrogeological changes to local watercourses, including the Sinfin Moor Lane Stream LWS could lead to a decline and significant effects at a local scale.

Operation effects on fauna that are identified include operation lighting and noise leading to a reduction in use of the adjacent habitats by bats and birds leading to significant effects at a local scale. Also, the link road is likely to sever badger dispersal corridors of movement leading to badger mortality from traffic and a significant effect is identified for individual badgers.

#### **Biodiversity - Mitigation and Enhancement**

The ES indicates that the development has been designed to avoid significant ecological effects and the provision of green infrastructure is an integral part of the development and a primary mitigation measure. Avoidance measures that are outlined as being built into the development include route realignment to avoid direct impacts on Sinfin Moor Park LNR and the retention of shelterbelt woodland, hedges

## **Committee Report Item No: 2**

**Application No: 19/00417/FUL**

**Type: Full Application**

### **1. Application Details**

---

and mature trees wherever possible. The green infrastructure will include a substantial area of informal space and the ES indicates that these areas will mitigate the effects of habitat loss and deliver significant biodiversity enhancement.

A Landscape and Ecological Management Plan (LEMP) is proposed to be produced for all habitats retained and created for nature conservation purposes specifically those associated with the flood compensation areas which are suggested as having the potential to compliment those already present in the adjacent LNR. Effects on the LNR are indicated as being further mitigated through the delivery of an acoustic fence that will reduce the disturbance effects of the road.

A Construction Environmental Management Plan is proposed to ensure that best working practises and adopted during the construction process and this would include pre-commencement surveys and measures to prevent disturbance of birds and other fauna know to be present locally. Effects on bats are indicated as being reduced through the sensitive design of landscape features adjacent to the road in addition to the use of modern street lighting that would reduce spill and minimise effects away from the road. The design of the road crossings over the Main and Barrow Drains are also proposed to ensure passage is possible by wildlife below the road even in times of flood.

The ES concludes that with the exception of some adjacent habitats of value such as the Sinfin Moor Park LNR, the application site itself has been heavily influenced by past intensive agricultural management that has led to a reduction in habitat and species diversity generally. As a result, few significant effects are identified in this chapter of the ES that cannot be successfully mitigated or compensated for. Overall, the ES indicates that the development will lead to a significant net gain in biodiversity.

**ES Addendum** – As a result of the addition of street lighting to the A50 during the life of the application, the addendum includes a lighting assessment that considers potential impacts arising from the additional lighting on bats. Subject to lux levels being restricted to 3.6LUX, no foraging / commuting activity would be significantly affected. Accordingly, the addendum concludes that the amendments made do not alter the biodiversity conclusions reached in the original ES.

#### **1.4.8. Cultural Heritage**

This chapter of the ES is supported by an Archaeological Desk Based Assessment, a Geoarchaeological Desk-Based Assessment, a Geophysical Survey and a Built Heritage Statement.

The Archaeological Desk Based Assessment indicates that there are no designated archaeological heritage assets located within the application site or within a 1km radius. The Geophysical Survey identified no anomalies that could be interpreted as being of archaeological interest. The Built Heritage Statement states that there are no designated or non-designated built heritage assets within the application site. It notes that within a 1km search area of the site there are a number of designated and non-designated assets that are close to it. The majority are to the south and outside of the bounds of Derby City and they include a Grade II\* registered historic park and garden associated with Old Swarkestone Hall and Swarkestone Lows Round Barrow Cemetery which is a scheduled monument and is located some 1.8km to the east of



## **Committee Report Item No: 2**

**Application No: 19/00417/FUL**

**Type: Full Application**

### **1. Application Details**

---

the site. The nearest Conservation Areas identified are again, outside the bounds of the City and include the Trent and Mersey Canal Conservation Area (295m to the south), Twyford (2.05km to the south-west), Barrow upon Trent (1.01km to the south) and Swarkestone (2.01km to the south-east).

#### **Cultural Heritage – Construction Effects**

The primary effect of construction works, is identified as the impact of ground works on any remains particularly in the flood compensation areas. Within these areas total loss / removal of any archaeological remains is identified. The road corridor itself would be constructed on a low earth mound and the ES indicates that it is likely that this will result in the partial preservation of remains beneath the road corridor. A potentially significant effect is however identified for environmental and archaeological remains within the former lake basin due to their removal by the groundworks. Whilst the ES indicates there is negligible potential for evidence of past settlement of all dates, there remains a small possibility that archaeology may be buried beneath later alluvial deposits.

#### **Cultural Heritage – Operational Effects**

The ES identifies a change within the setting of the grade II listed Trent and Mersey Canal Deep Dale Bridge and the Trent and Mersey Canal Conservation Area (both designated heritage assets within the SDDC area). The ES indicates that this is not considered to cause harm to the significance of the two heritage assets as the proposal is in keeping with the existing visual and audible qualities of the A50 which are presently experienced within their settings. The impact of the development on those heritage assets is therefore identified in the ES as neutral / not significant.

#### **Mitigation and Enhancement – Cultural Heritage**

A geo-archaeological trial programme is indicated as being undertaken that will further investigate the potential of deposits with the application site. The results of this trial work will inform the need for any further programme of fieldwork.

In conclusion, the ES identifies no significant effects on any designated heritage assets. It indicates that the work undertaken to date suggests that the importance of the archaeological and palaeo-environmental remains within the areas of the proposed impact within the site are either low or medium importance and any remains can be adequately mitigated in the form of preservation by record or where feasible, in situ.

#### **1.4.9. Transport and Access**

This chapter sets out the methodology used to assess the transport and access impacts of the development. Within the ES study area, it is indicated that the effect of predicted additional traffic on the following parameters are considered; severance, driver delay, pedestrian delay, pedestrian amenity, fear and intimidation and accidents and safety.

This chapter of the ES considers data provided in the Transport Assessment (TA) that supports the application and it assesses effects on traffic flows and highway safety. A full audit of the highway network surrounding the site and traffic counts for both the AM and PM peak hours have been used to form a base level against which the impact of the development has been assessed. Highways Safety records of the roads surrounding the site have also been assessed.

## **Committee Report Item No: 2**

**Application No: 19/00417/FUL**

**Type: Full Application**

### **1. Application Details**

---

Traffic modelling is used to assess traffic flows for the year of opening of the development which is forecast to be 2020. A future year assessment of 2030 has also been adopted to assess traffic flows when all committed and allocated development and infrastructure associated with Infinity Garden Village is in place. This chapter therefore adopts 2020 and 2030 assessment scenarios for the assessment of likely significant effects.

#### **Transport and Access – Construction Effects**

For the purpose of the assessment it is assumed that the primary construction access will initially be from Infinity Park Way until enough construction has been made on the A50 slip roads where construction access will also be possible from the A50. It is indicated that no construction vehicles will use Deep Dale Lane to access the site. An 18-month construction programme is assumed for the entire development with the A50 junction works predicted to take around 9 months.

The construction is identified as resulting in the daily generation of 83 heavy goods vehicles, 17 light goods vehicles, 83 cars, 83 vans equalling a total of 266 vehicles a day. The resulting increases in traffic flows particularly around Infinity Park Way are assessed and the ES concludes that the minimal increase in traffic during the construction phase would have a negligible impact on the road network.

The ES indicates that typically potential disruption arising from the construction is generally more localised in its effects typically noise, vibration, dust and a loss of amenity due to the presence of heavy construction traffic. It states that the nearest residential properties are located significant distances from the proposed works and disruption caused by on site construction activities would be limited. Whilst the noise, dust and vibration impacts relating to construction are considered in other chapters within the ES any potential impacts are proposed to be mitigated by the introduction of a Construction Management Plan (CMP).

The ES concludes that in relation to transport and access, the construction phase of the development would result in only a negligible effect, which would be short term and temporary in nature.

#### **Transport and Access – Operational Effects**

Traffic modelling presented in the ES predicts the traffic flows for 2020 when it is proposed the new junction and road would come into use and 2030, taking into account all committed and allocated development and infrastructure improvements associated with IGV.

The ES indicates that in terms of total traffic flow, all links beyond the proposed infrastructure will experience increases in traffic flows of less than 30% in both 2020 and 2030. Some links would experience an increase in HGV traffic. There are also several links that experience a reduction in traffic flows as a direct result of the redistribution of traffic from the existing network, to the proposed link road and junction. In terms of the change in HGV traffic, the ES indicates that the provision of the new road junction creates a more attractive route, particularly for HGV's ultimately routing on the A50 west. It is indicated that these HGV's are re-routing from elsewhere, which is the A514 to the south of Merrill Way.

## **Committee Report Item No: 2**

**Application No: 19/00417/FUL**

**Type: Full Application**

### **1. Application Details**

---

As an infrastructure only scheme it is noted that the development itself will not generate any additional traffic and will only result in the redistribution of existing traffic.

Severance is defined in the ES as separation of residents from facilities and services they use within their community caused by new or improved roads or by changes in traffic flows. The ES indicates that a major severance impact occurs at Sinfin Moor Lane where the road crosses the existing pedestrian and cycle route. In addition, major pedestrian delay impacts, major pedestrian amenity impacts, and major fear and intimidation impacts are identified at Sinfin Moor Lane. Mitigation is proposed in the form of a formal Pegasus crossing.

The ES indicates that given that the proposed development will not generate additional traffic and will only redistribute existing traffic, no road safety concerns have been identified and the effect of the development on accidents and safety is considered to be negligible with a long term permanent effect of neutral significance.

#### *Transport and Access – Mitigation and Enhancement*

During construction, the increase in traffic flows is indicated as being not material and therefore no physical mitigation measures are indicated as being required. A Construction Management Plan is proposed to be put in place to limit any disruption. A traffic signal crossing at Sinfin Moor Lane is proposed as mitigation for the operational impacts identified for this existing pedestrian and cycle route and this crossing forms part of the design of the scheme.

**ES Addendum** – In response to comments provided by consultees, further traffic modelling information has been submitted during the lifetime of this application. It identifies impacts from redistributed traffic in the PM peak at the Merrill Way / Boulton Lane junction and impacts on the Infinity Park Way / Wilmore Road in the AM Peak. Off-site mitigation measures are proposed at both junctions to ensure they operate within capacity at both the AM and PM peaks.

Other changes made to the scheme at the request of consultees include changes to lay-by provision, design changes to the roundabouts at the A50 junction, lighting on the A50 and traffic calming measures on Deep Dale Lane.

The Addendum concludes that these amendments offer no changes to the conclusions drawn in the ES on the transport and access effects of the scheme.

#### **1.4.10. Air Quality**

This chapter considers the potential effects of construction phase dust and operational phase road traffic emissions on local air quality at identified existing receptor locations. The ES identifies nine sensitive receptor locations (seven of which are within the bounds of Derby City) and provides the results of a qualitative construction phase dust assessment and a detailed road traffic emissions assessment.

It is noted that the site is not located within an existing Air Quality Management Area (AQMA). The ES notes that the Transport Consultants indicated that the proposed development will not generate any new vehicle trips during its operation but will result in the redistribution of existing traffic and it is expected to result in reductions in congestion, journey times and lengths.

**1. Application Details**

---

*Air Quality – Construction Effects*

The ES indicates that the construction phase will involve a number of activities which have the potential to impact on local air quality. These include emissions of dust generated through excavation, construction, earthworks, track-out activities, exhaust pollution from construction traffic on the local highway network and exhaust emissions from non-road mobile machinery within the construction site.

Dust arising from the demolition works at Ashlea Farm is identified in the ES as minimal and based on relevant guidance, dust emissions associated with excavation, earthworks and track-out are identified as low in terms of impacts to human health and ecology.

The ES recommends measures for inclusion in a Construction Environmental Management Plan and Dust Management Plan to minimise emissions during construction activities.

*Air Quality – Operational Effects*

Air quality impacts associated with the operational phase are primarily associated with traffic emissions. The ES provides assessment of the pollutant concentrations for the nine receptors for 2017 (base year), for 2020 and 2030 without the scheme, for 2020 and 2030 with the scheme. In all instances, predicted NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> concentrations fell below the relevant annual mean air quality objectives for all receptors and did not lead to any new exceedances of the relevant air quality objectives. The ES concludes that the impact of the development on air quality is considered to be ‘negligible’ and ‘not significant’.

*Air Quality - Mitigation and Enhancement*

The ES states that no mitigation during the operational phase of the proposed scheme is required noting that the development will relieve traffic congestion and shorten journey lengths within Derby by providing a new access to the A50 from southern Derby. During the construction phase, mitigation measures are identified in the ES to address the risks of dust impacts in the form of a Construction Environmental Management Plans and Dust Mitigation Plans.

The ES concludes that no significant residual effects on air quality are expected as a result of the construction or operation of the proposed development.

**1.4.11. Noise and Vibration**

This chapter of the ES assesses the potential effects of noise and vibration associated with the construction and operation of the development.

The main sources of construction noise are identified as including; site preparation and removal of existing structures, earthworks, construction of structures and road construction. Heavy vehicle movements on the local road network are also identified as having potential to result in elevated levels of noise and vibration for nearby receptors and noise and to a lesser extent, vibration, can arise close to areas including site compounds used for storage or welfare facilities.

In respect of construction vibration on humans, the ES states that it is considered unlikely that any impact arising from the construction phase will be significant given the large distances between the location of vibration generative works and human receptors. It goes on to state that if vibration levels are controlled to those relating to

## **Committee Report Item No: 2**

**Application No: 19/00417/FUL**

**Type: Full Application**

### **1. Application Details**

---

human annoyance, it is unlikely that buildings will be damaged by the demolition and construction vibration levels.

A baseline noise monitoring exercise was completed in school term time during December 2018 and existing daytime noise levels were measured. The ES notes that the existing and future noise climate in the area would continue to be dominated by the surrounding road network.

The four nearest existing noise sensitive receptors (NSR) are identified in the assessment and it predicts the noise impacts that would be experienced by those receptors during the construction and operational phases. Of the four NSR's identified, three are residential properties in Derby located on Coltsfoot Drive, Dale Lane and Hoveton Close. The ES notes that an impact may be experienced at other receptors, but this is likely to be equal to or less than that experienced at the four identified in the assessment. It is also noted that noise impacts on the Sinfin Moor Park Local Nature Reserve warrant consideration.

#### **Noise and Vibration – Construction Effects**

The ES identifies a moderate adverse effect for the identified receptors from construction noise with a major adverse effect over a short-term period as a result of works taking place that are close to them. Given setback distances and proposed techniques, effects from vibration are identified as temporary minor adverse effects.

#### **Noise and Vibration – Operation Effects**

The ES considers the developments potential to impact NSR's resulting from the change in noise levels due to development generated road traffic. The noise modelling presented in the ES predicts, a minor adverse effect during the daytime as a result of additional road traffic in both the short term and long term. The assessment also indicates that for some receptors, there is also predicted to be a major beneficial effect, in the short term and moderate beneficial effect in the long term.

An assessment of development generated road traffic noise on the Local Nature Reserve concludes that there is potential for a moderate adverse effect prior to any mitigation measures being implemented.

#### **Noise and Vibration - Mitigation and Enhancement**

A series of mitigation measures are outlined in this chapter to control construction noise and vibration. It states that method statements regarding construction management, traffic management, and overall site management should be prepared and the ES indicates that a Construction Environmental Management Plan would be prepared and put in place. With such mitigation in place, the ES identifies residual effects of construction noise and vibration would be reduced to temporary minor adverse significance.

Whilst mitigation is identified in the ES as not being required for the worst affected NSR's, consideration is given to noise mitigation measures for the Local Nature Reserve given the moderate adverse effect that is identified. A 2.5m acoustic fence to the west of a section of the link road is included in the noise model. The moderate adverse effect for the local nature reserve is indicated as being reduced to a permanent minor adverse effect at worst with the acoustic barrier in place.

## **Committee Report Item No: 2**

**Application No: 19/00417/FUL**

**Type: Full Application**

### **1. Application Details**

---

This chapter of the ES concludes that no significant residual effects from noise and vibration are anticipated as a result of the construction or operation of the proposed development.

**ES Addendum** - It confirms that the amendments made to the roundabouts and laybys during the lifetime of the application won't significantly alter patterns of vehicular movements and given the distances between these features and NSR's. Based on the scheme changes, the ES Addendum concludes that there has been no change to the overall impact on noise and vibration detailed in the March 2019 ES and that its conclusions remain valid.

#### **1.4.12. Drainage and Flood Risk**

This chapter notes that a Flood Risk Assessment (FRA) and Sustainable Drainage Statement (SDS) along with a Water Framework Directive Compliance Assessment (WFDCA) have been provided as separate documents to the ES but they provide a technical basis for this chapter of the ES.

This chapter assesses the following;

- Effects on surface water and groundwater;
- Effects on drainage infrastructure;
- Effects on flood risk.

The sensitive receptors that could be affected by the development are specifically identified in this chapter and they include surface water features, groundwater features and drainage infrastructure. The development is located in the floodplain of various watercourses including Barrow Drain, Main Drain and Meadow Drain as well as many unnamed field drains. These form part of the catchment of the Cuttle Brook.

##### **Drainage and Flood Risk – Construction Effects**

The construction of the highway alignment will pass, in part, through several areas of fluvial floodplain. Construction of the road will include the formation of a raised highway embankment and movement of materials within the floodplain. Hydraulic modelling has shown that when water spills out of bank of the Meadow Drain and Main Drain in particular, it conveys across the floodplain following the topography from west to east. Therefore, the linear road infrastructure will remove a volume of floodplain but will also affect floodplain conveyance and flow routes. For flood risk, a major adverse significant effect is identified in the ES, if no mitigation is put in place, as this has the potential to displace a large volume of floodplain from the current agricultural fields towards properties located to the west off Lomond Avenue, Coltsfoot Drive, Farmhouse Road and surrounding areas. Without mitigation the effect would be long term and permanent.

A major adverse construction effect is also identified for a construction workforce being present in areas at a high risk of flooding, prior to any mitigation. This is identified as a temporary, short term effect experienced while workers are on site.

The mobilisation of sediment into the local water environment from the construction phase (as a result of excavation of material and its movement by wind, vehicle tracking and surface water runoff) is identified as potentially reducing water quality

## **Committee Report Item No: 2**

**Application No: 19/00417/FUL**

**Type: Full Application**

### **1. Application Details**

---

and flow and potentially increasing the risk of flooding. Such an impact is identified as being of minor to moderate adverse significance. A minor to moderate negative significance effect is identified for the release of pollutants and other contaminants into the local water environment.

#### **Drainage and Flood Risk – Operational Effects**

The ES notes that once operational, due to its raised elevation, the proposed road and junction are not considered to be at risk from flooding.

In terms of treatment of runoff (water quality) a minor to moderate positive significance effect is identified over the long term for the existing A50 and Deep Dale Lane highway drainage which would be subject to additional levels of treatment as a result of additional interceptors proposed for the highway drainage. A minor to moderate positive significance effect is also identified for the areas given over to flood mitigation and habitat improvement as they will no longer be used as arable farmland so there will be a net reduction in diffuse pollution sources from agricultural chemicals (fertiliser, pesticides etc).

For the management of surface water run off a minor to moderate positive effect which is permanent is identified for a reduction and limitation of flows entering the existing watercourses.

Given the design of diverted channels near the A50, a reduction in flood risk to third party land is identified as a moderate positive effect in the long term. 5 new culverts are to be installed on the Barrow Drain and a minor to moderate significance effect is identified from residual flood risk because of blockage to these structures. This is identified as an in-direct effect over the long term but temporary due to the low probability of blockage. In terms of the impact on the WFD classification, the proposed development is identified as giving rise to a minor to moderate positive significance effect.

#### **Drainage and Flood Risk - Mitigation and Enhancement**

Mitigation / enhancement measures includes the formation of the two flood storage areas along with the diversion and improvement of watercourses and new culvert crossings designed to minimise the potential risk of blockage. Flow rates from existing drainage infrastructure would be restricted as far as possible and new catchment would be limited to the greenfield rate to reduce surface water flooding.

The ES indicates that construction of the flood storage areas will take place prior to any raised groundworks along the highway corridor taking place and this will ensure that flood risk issues in the construction phase can be appropriately managed and reduced to a minor adverse to negligible effect.

A Construction Environmental Management Plan (CEMP) comprising a suite of measures is proposed to reduce flood risk to construction workers and measures in the plan are proposed to include flood management and evacuation. As a result of these measures, the significance of effects on workers working within the floodplain is identified as being reduced to minor adverse.

The ES states that the proposed mitigation measures would be beneficial offering significant betterment in the operational phase to the flood risk situation across southern Derby as a whole. It states that the road itself displaces a small volume of floodplain compared to that created.

## **Committee Report Item No: 2**

**Application No: 19/00417/FUL**

**Type: Full Application**

### **1. Application Details**

---

The ES concludes that the proposed development may proceed, with the suggested mitigation in place, without any significant adverse effects in terms of drainage and flood risk. It states that the development provides enhancements where possible, providing a strategic flood management solution that provides improvements beyond what is required to support the proposed development.

**ES Addendum** - In response to the amendments made during the lifetime of this application, the ES addendum concludes that there is no change to the original judgements reached in the March 2019 ES in respect of the likely significant effects during the construction and operational phases. Whilst design changes have been made to the flood storage areas the ES addendum confirms that the ES conclusions on drainage and flood risk remain valid.

#### **1.4.13. Ground Conditions and Contamination.**

This chapter provides an assessment of the likely significant land quality effects associated with the proposed development. It sets out the baseline geological and soil conditions of the site and the chapter is supported by a number of detailed assessments and technical reports including a phase 1 and intrusive ground investigation report.

It is noted that the application site has historically been used for agricultural purposes and lacks potentially contaminative activities as a result. However, a potential risk of contamination is identified as being associated with Ashlea Farm (including tanks) and the A50 dual carriageway at the south of the site. Land uses in the surrounding area principally comprised agricultural activity with residential development adjacent to the west and in the wider area. Industrial activity is limited to the area to the north of the site.

The centre of the application site, extending from the north of the A50 to south of residential development in Sinfin is identified as being located within the Sinfin Moor Regionally Important Geological Site (RIGS).

The proposed development will incorporate widespread hardstanding along the route of the new road which will break direct contact pathways between any contamination and future site users.

It is indicated that it is assumed that unexpected contamination present on site will be appropriately dealt with during the construction phase. It is indicated that during previous ground investigations no evidence of contamination were encountered.

#### **Ground Conditions and Contamination - Construction Effects**

A possibility that the earthworks could damage the soil structure and of the topsoil is identified along with potential increase in particulate runoff into local watercourses, however, the effect in the ES is not identified as significant.

During the construction phase there is a chance that fuel / lubricant spillages could impact on soil and /or groundwater quality however the effect is identified in the ES as likely being localised and therefore not significant. Construction workers could be exposed to previously unforeseen contaminants in soils, although this is identified as



## **Committee Report Item No: 2**

**Application No: 19/00417/FUL**

**Type: Full Application**

### **1. Application Details**

---

being negligible. Construction methods and earthworks undertaken within the application site are identified as potentially affecting the RIGS.

#### **Ground Conditions and Contamination - Operational Effects**

It is assumed that as part of the construction phase, any known contamination or unanticipated contamination encountered will have been mitigated and remediated.

The ES indicates that agricultural soils displaced during the construction phase will be stock piled for re-use within the wider development allocation.

The sensitivity of future users and controlled water receptors is identified as low and the impact magnitude, prior to mitigation is low. A direct or indirect temporary minor negative effect on future users prior to the implementation of mitigation measures is identified.

Covering part of the RIGS site will lead to a permanent minor adverse effect through sealing of the strata from future investigation and study.

#### **Ground Conditions and Contamination - Mitigation and enhancement**

Conducting earthworks in accordance with good practice guidelines and with a Construction Environmental Management Plan it is indicated that topsoil damage and soil particulate run-off would mitigate to negligible effect levels. Appropriate storage of fuels (in accordance with EA guidance) should mitigate the effect of spillages effecting the impacts on local soil and ground water quality to negligible levels.

With regards to the RIGS, the ES recommends, piled foundation solutions to minimise impacts where possible and keeping cut and fill exercises as small as possible and a full watching brief during excavation works.

This chapter of the ES concludes that subject to the mitigation measures being implemented, the potential ground condition and contamination effects associated with the development during the construction and operational phases would not be significant.

#### **1.4.14. Cumulative and In Combination Effects**

The cumulative and interactive effects which are described in this chapter of the ES are outlined as comprising the following:

- Cumulative effects of the proposed development with other committed developments; and
- Interactive effects where a measure is proposed to avoid significant adverse effects gives rise to an effect elsewhere.

In terms of other committed development, the ES identifies those that make up the wider IGV proposals.

In socio-economic terms, cumulative effects are identified for population, construction, housing, economy and educational capacity and they are identified as major beneficial effects. Cumulative effects in respect of deprivation, are identified as moderate beneficial effects with the proposed schools and increased employment floorspace. Minor beneficial effects are identified for community facilities and a

## **Committee Report Item No: 2**

**Application No: 19/00417/FUL**

**Type: Full Application**

### **1. Application Details**

---

negligible effect is identified for healthcare provision noting that there are sufficient GP's, dentists and provision of other services in the surrounding area.

For landscape and visual effects, this chapter of the ES states that varying degrees of change and effects on differing landscape and visual receptors would result. Given the capacity of this landscape to absorb change and on the assumption that appropriate design and mitigation measures would be adopted to minimise effects it states that the cumulative effects on landscape character and visual amenity are unlikely to result in any unacceptable long term harm. It is stated that development of this scale provides clear opportunities to deliver a comprehensive green and blue infrastructure of habitat creation and recreational green space.

In response to biodiversity it is noted that development at Infinity Park has already delivered early habitat creation and has already delivered a significant biodiversity benefit. Overall, it is stated that the generally low biodiversity interest associated with the wider area, as a result of its intensive agricultural management and on the assumption that appropriate design and mitigation measures would be adopted to minimise effects, the ES judges that the cumulative effects on biodiversity are unlikely to result in any unacceptable and significant long term adverse effects.

For cultural heritage, minimal cumulative effects on heritage assets are identified but the ES states that more extensive effects on the Sinfin Moor glacial lake deposits would result from the delivery of the proposed development and delivery of the Infinity Garden Village. The ES states that each development will include appropriate mitigation measures.

The cumulative effects of the allocated and committed development in the local area, including committed infrastructure have been considered through the methodology used and use of the Derby area traffic model. The ES states that the proposed infrastructure has been tested to include for wider development proposals in the area, which the proposed infrastructure will serve. For transport and access, the ES therefore states that the cumulative effects of other development in the area have been taken into account in the traffic flows used in this assessment and no adverse effects are identified.

In response to noise and vibration, the cumulative effects of road traffic on receptors as indicated as not resulting in any significant adverse effects. The Infinity Garden Village Masterplan shows that there is a housing allocation which could result in new dwellings being introduced near to the infrastructure. The ES indicates that those areas will not be significantly affected by development generated noise and therefore the site's suitability for residential development should not be affected. Other, employment uses are identified as not being noise sensitive.

The ES notes that construction phase dust impacts could increase if other development were to take place simultaneously but by assessing risks and deploying appropriate mitigation the ES indicates that there should be no significant residual impacts. The ES states that the air quality assessment undertaken includes the cumulative effects on human and environmental receptors with regards to the proposed development and other committed developments and concludes that there are unlikely to be any significant air quality effects.

## **Committee Report Item No: 2**

**Application No: 19/00417/FUL**

**Type: Full Application**

### **1. Application Details**

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Only positive cumulative effects are identified for drainage and flood risk as all new developments are upheld to the same standards in that they have to ensure that risk is not increased to third parties and where possible, betterment is sought. In combination effects are stated as being measured between flood risk, ecology and biodiversity. The flood storage areas and surface water detention basins are indicated as offering a greater variety of habitat than currently exists. Designing these areas to be accessible also supports and improved landscape and accessibility of the area.

Minimal cumulative effects are identified for ground conditions and contamination as each part of the development is indicated as incorporating appropriate mitigation measures during the construction and operation process.

#### **Conclusions of the ES**

The ES concludes that this ES demonstrates that there are no overriding environmental constraints which would preclude the proposed development. It states that the design of the proposed development has taken account of the likely significant environmental effects and where necessary, mitigation measures form an integral part of the proposal to ensure that the environment is suitably protected.

**Committee Report Item No: 2****Application No: 19/00417/FUL****Type: Full Application****2. Relevant Planning History:**

<b>Application No:</b>	19/00877/OUT	<b>Type:</b>	Outline Application
<b>Decision:</b>	Pending	<b>Date:</b>	
<b>Description:</b>	Application for Outline planning permission with all matters reserved except part access for up to 1,850 dwellings, a 2 form entry primary school, a local centre (including community hall, retail and other local services and facilities), public house, drive-through restaurant, petrol filling station, strategic highway infrastructure including new junction of the A50 and associated road links, public open space including children's play provision, surface water drainage infrastructure, landscaping, earthworks and ancillary supporting infrastructure.		

<b>Application No:</b>	DER/11/15/01379	<b>Type:</b>	Full Application
<b>Decision:</b>	Granted conditionally	<b>Date:</b>	10/02/16
<b>Description:</b>	Construction and laying out of a new section of highway, as an extension to the southern spur of the T12 Link Road.		

<b>Application No:</b>	DER/02/15/00211	<b>Type:</b>	Outline Application
<b>Decision:</b>	Granted conditionally	<b>Date:</b>	14/12/16
<b>Description:</b>	Residential development of up to 50 dwellings including infrastructure and associated works.		

<b>Application No:</b>	DER/05/13/00463/DCC	<b>Type:</b>	Full Application
<b>Decision:</b>	Granted conditionally	<b>Date:</b>	04/10/2013
<b>Description:</b>	Erection of link road (T12) together with the erection of temporary and permanent bridges, highway junction works, associated infrastructure and ground works.		

<b>Application No:</b>	DER/11/10/01386	<b>Type:</b>	Outline Application
<b>Decision:</b>	Granted conditionally	<b>Date:</b>	03/02/2014
<b>Description:</b>	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)		

<b>Application No:</b>	DER/11/10/01385	<b>Type:</b>	Outline Application
<b>Decision:</b>	Granted conditionally	<b>Date:</b>	03/02/2014
<b>Description:</b>	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)		

## **Committee Report Item No: 2**

**Application No: 19/00417/FUL**

**Type: Full Application**

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Planning application reference: 19/00877/OUT which is listed above, is a cross boundary application. Only a small part of the application site involved in that application falls within the bounds of Derby City, the majority of the development extending into the administrative area of South Derbyshire District Council.

### **3. Publicity:**

- 60 Neighbour Notification Letters sent on four occasions on; 24 May 2019, 18 July 2019, 22 July 2020 and 22 December 2020.
- Site Notices displayed on four occasions on; 01 May 2019, 24 July 2019, 29 July 2020 and 11 January 2021.
- Statutory Press Advert published on four occasions on; 03 May 2019, 26 July 2019, 31 July 2020 and 01 January 2021.
- Other: The applicants have submitted a *Pre-Application Engagement Statement* with the application, and it outlines Derbyshire County Council's engagement with the Local Community and Key Stakeholders, prior to the formal submission of the two cross boundary planning applications. The Statement identifies the applicant's engagement with Officers from South Derbyshire District Council, Derbyshire County Council Highways, Highways England and our own Officers.
- Local Interest groups included in the engagement are identified as Derbyshire Wildlife Trust and the Friends of Sinfin Moor Park Local Nature Reserve. In addition, engagement has been undertaken with Members and representatives of the surrounding local communities.

A range of approaches to engagement and consultation are outlined in the Pre-Application Engagement Statement and this includes delivery of some 1,714 leaflets to homes and businesses in the local area, provision of a dedicated project website on the County Council's website which served to invite feedback / comments and two public exhibitions.

The first public exhibition was held in Sinfin Library, the second in Barrow Upon Trent. The submitted Statement provides a summary of the 118 formal responses the applicants received in response to this engagement and consultation with comment provided on the issues raised and how some of those issues have been resolved in the submitted scheme.

The Pre-Application Engagement Statement also notes that this proposal is regularly discussed at the Infinity Garden Liaison Group which was set up in the Autumn of 2017 by South Derbyshire District Council. This group provides liaison between stakeholders, Councils, developers and local community representatives.

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

**4. Representations:**

Representations submitted on behalf of the Friends of Sinfin Moor Park and Nature Reserve are the only third-party representations that have been received in response to this application.

The Friends Group have submitted 3 separate responses, with their comments responding to the additional and amended information submitted during the application. The comments the group have made are detailed and the following is a summary of the issues they have raised;

- They would like clarity on the Management Company proposed for the green spaces, and the extent of the areas they would manage relative to this application and the wider Infinity Garden Village.
- The group ask if the Management Company will have to consult with Derby City Council Parks Department and local groups?
- They seek clarification on how the Management Company will be funded.
- Now that the flood storage areas have been classified as reservoirs future management and maintenance should be decided before the road is built.
- An existing wildflower meadow developed by Natural England's High Level Stewardship is adjacent to the proposed western flood storage area and it should not be subject to flood so the dredging of drains must be carried out and the costings and responsibility for doing this laid out.
- The group state that they would prefer Rolls Royce owned fields at the far eastern end of the Nature Reserve to be formally be transferred to the City Council and the group would like to control how that land is managed with funds to be provided for this to be undertaken.
- They suggest replacement of the acoustic fence with a bund as a fence can be subject to vandalism and requires maintenance. It does not have gaps to allow wildlife to pass through. They indicate that noise abatement measures are unclear and should be clarified.
- They suggest disease resistant elms and oaks should be planted around the development as well as fruit trees.
- The group would like the 'beanfield' stretch of farmland alongside Sinfin Moor Lane to be added into the extents of the park and no development upon it due to its drainage and it serving as a path into the park.
- All parts of the flood mitigation area to be accessible by the public. Footpaths and benches should be provided. Flood modelling should be undertaken to a higher level to ensure excess water from the reservoirs does not move into areas of the park.
- The golf course serves as a green boundary to the park and it should be protected and considered a community asset for the garden village.

## **Committee Report Item No: 2**

**Application No: 19/00417/FUL**

**Type: Full Application**

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- Concern over lack of plans to upgrade the park currently and the increased future population it will serve. Funding from the development should be spent on the park.
  - The new open space areas should have circular cycle / disabled access paths that link up to those in the park.
  - The cycle route should run through the new parkland to join the existing national cycle route 66 and it should be tarmacked, and sign posted.
  - There should be an entrance into the park from the road and a car park made available – concerns regarding people accessing the park, using the cyclepaths and walkways for parking.
  - Concern that Deep Dale Lane will remain the choice of route for residents who wish to access the A50 and measures to control traffic on Deep Dale Lane are insufficient.
  - Thought should be given to links from the new garden village to the park and sports pitches. The overall and wider general map of pedestrian and cycle routes through the proposed housing and industrial areas being insufficient.
  - The speed limit on the road adjacent to the park should be limited and parking on the road adjacent prohibited.
  - Local groups to be consulted on and included in details design for planting and pond designs.
  - The soil hills have been increased and may lead to flooding and rebounding of noise.

## **Committee Report Item No: 2**

**Application No: 19/00417/FUL**

**Type: Full Application**

### **5. Consultations**

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#### **5. Consultations:**

##### **5.1. Highways Development Control:**

A detailed technical note has been provided by Highways Development Control and it is provided in full as an appendix to this report.

##### **5.2. Regeneration and Major Projects:**

The Regeneration and Major Projects department fully support the proposal to develop the new A50 Junction and connecting link road through to Infinity Park Way. This development will help bring forward Infinity Garden Village, which is one of the 14 new Garden Villages announced by the Government on 2 January 2017. This planning application for a new A50 junction and link road is integral to unlocking the potential of Infinity Garden Village and delivering its objectives, including the significant quantum of new homes and employment development. The future development of Infinity Park for employment uses is a key priority for the Regeneration and Major Projects department. The proposed development will contribute towards providing a further connection between the A50 and Infinity Park. The link road proposes a connection to Infinity Park Way, but part of the road link between the iHub roundabout is missing. This part of the road needs to be constructed to complete the linkage. Once the linkage is completed, this will reduce the burden on the existing infrastructure serving Chellaston and ensure that Infinity Park Derby will attract future employers. Subject to the approval of this application, the Regeneration and Major Projects department would welcome further discussions with the applicant in developing the project.

##### **5.3. Land Drainage and Flood Defence Team:**

*The following are the second set of detailed comments provided during the application;*

Although some of the development falls outside the City boundary, this response is written in relation to the development as a whole which reflects the cross-boundary nature of the application documents and the potential impacts of the Derbyshire section of the development on the city infrastructure. It should be noted however that the opinion of the equivalent Lead Local Flood Authority for the Derbyshire area should also be taken into consideration for their area.

Our initial comments were submitted on 15th May 2019. Meetings were held between BWB (the consultant/engineers) and the two LLFAs on 29th May 2019, 19th June 2019 and 30th July 2019. These meetings as well as the responses to our initial comments contained within Appendix 1 and the other revised submissions form the basis of the comments below:

#### **Flood Risk Assessment:**

1. It is acknowledged that the Hydraulic Modelling Report which accompanies the application has now been provided to this section. However, can it be confirmed that the model is fully approved and ratified by the Environment Agency? Currently on the planning website, the EA are holding an objection based on their analysis of the validity of the model. No written text is visible that overturns this view.



## **Committee Report Item No: 2**

**Application No: 19/00417/FUL**

**Type: Full Application**

### **5. Consultations**

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2. Appendix 1 states that interactions between the proposed highway and existing watercourses has been shown on drawing IFP-BWB-XX-DR-D-557. This plan does not appear on the planning website or within the appendices of the FRA.
3. Groundwater risk has still not been satisfactorily assessed. The Appendix 1 response focuses on the unlikely impacts of groundwater on the actual operation of the highway. Our issue is more with the likelihood of groundwater ingress into the flood storage areas which would reduce their capacity to mitigate flood risk. There is also the impact of groundwater in combination with fluvial/pluvial flood risk (combined flood risk) which has not yet been addressed but which is understood by this LLFA to be a serious concern in this area of the city. Has the hydraulic model been conducted with sensitivity analysis to assess the effects of the development when the groundwater is high or when groundwater and pluvial flooding combine with fluvial flooding, including cumulative impacts with the River Trent?

The groundwater borehole samples reported in the FRA were conducted in single point in time at the end of the dry seasons (October) and may not reflect conditions that could be expected in January-March of any year.

4. Given that Western power has not raised any issue with the location of the pylons within the FSA, I won't hold this as an objection any further. However, it should be considered how this affects future maintenance of the FSA by the management company or others and should form an integral part of the management plan, which could be conditioned with approval once other issues are successfully addressed.
5. There will need to be robust arrangements in place to demonstrate that funding and operations for maintaining the FSAs and the drainage features (swales and ponds) is secure for the life of the development. The management company should demonstrate a source of funding (e.g. commuted sum or rent charge) to cover all stages of the life of the development. This is to comply with Paragraph 163 and 165 of the NPPF as well as Paragraph 054 of the Planning Practice Guidance (7-054-20150415)
6. Construction details for the culvert crossings of the new highway embankment will need to be conditioned, as recommended by BWB in their Appendix 1 Response Log.
7. More details needs to be provided on the morphology and construction details of the flood storage areas, particularly from Derby's point of view the Western Flood Storage Area. Some detail has been provided on drawing IFP-BWB-DGT-XX-DR-C-602 P5, however this lacks engineering detail, particularly as this may fall under the definition of a reservoir. I would also look for details demonstrating that the slope geometry and general access/egress is safe for maintenance operatives and unwarranted access. Furthermore, the level of the outfall from the Western Flood Storage Area is not stated. The details provided are more preliminary details rather than detailed design, although this could possibly be managed using a planning condition if necessary.

## **Committee Report Item No: 2**

**Application No: 19/00417/FUL**

**Type: Full Application**

### **5. Consultations**

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#### Sustainable Drainage

Recent meetings and written correspondence between both Derby and Derbyshire's LLFA and BWB Consulting have continued discussion on the SuDS arrangements for the proposed new highway. The issues highlighted previously in our comments of 15/05/2019 are currently being looked at by BWB Consulting and were most recently discussed at a meeting between the three parties on 30th July 2019. We are currently awaiting further details on the drainage for the proposed highway and cannot recommend full approval of the application until sufficient detail has been provided to demonstrate that the site can be drained safely and sustainably in the current application layout.

*Following the submission of additional information in the July 2020 Addendum, the following comments have been provided;*

Further to our previous correspondence, we now have no objection to the above development subject to the imposition of the following conditions: -

#### Conditions

1. No construction works shall commence until the detailed design of the Flood Risk Management scheme has been submitted to and accepted by the Local Planning Authority in consultation the EA and LLFA. The detailed design of the flood risk areas should fully address the following:-
  - a. Outfall design and measures to prevent blockage,
  - b. Evidence shall be provided that all impounded flood risk management structures greater than 10,000m<sup>3</sup> in volume have designed in accordance with the Reservoirs Act and to have the design signed off, and the construction of the features be supervised by the registered Reservoir Panel Engineer,
  - c. Detail planting scheme has been approved with the LPA

Reason: To ensure that the development is safe and the flood risk does not increase elsewhere in accordance with NPPF paragraph 160b, and 163.

#### Notes

Although the current Reservoirs Act as applicable in England only requires impounded water features greater than 25,000m<sup>3</sup> in volume be subject to a reservoir Panel Engineers approval, the Floods and Water Management Act requires that this volume be reduced to 10,000m<sup>3</sup> in future. The regulation bringing this into effect has been brought forward in Wales and Scotland and it is envisaged that England will also do so in the near future. Given the size of the features proposed and the likely change in regulations during the design life of the structures, it is recommend that the all structures retaining more than 10,000m<sup>3</sup> of water are designed and constructed under the supervision of a Panel Engineer. This is to ensure the structures will be considered safe and not place people and properties downstream at undue risk.

2. No culverts or bridge crossing an open water feature shall be constructed until the detailed design has been accepted by the Local Planning Authority in consultation with the EA, Lead Local Flood Authority and Highway Authority as appropriate.

## **Committee Report Item No: 2**

**Application No: 19/00417/FUL**

**Type: Full Application**

### **5. Consultations**

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Reason: To ensure that the development is safe and the flood risk does not increase elsewhere in accordance with NPPF paragraph 160b, and 163.

3. No construction work on watercourse diversions shall be undertaken until the detailed design of the feature has been submitted to and approved in writing by the Local Planning Authority in consultation with the EA, Lead Local Flood Authority and as appropriate.

Reason: To ensure that the development is safe and the flood risk does not increase elsewhere in accordance with NPPF paragraph 160b, and 163.

4. No development shall take place within the application site unless or until details of the method of disposal of surface water, including details of the outfall have been submitted to and approved in writing by the LPA. The surface water drainage shall include Sustainable Drainage features that shall be in accordance with:
  - a. the 1 in 30 year rainfall event retained below normal ground level, the 1 in 100 year (plus a suitable allowance for climate) change rainfall event to be retained safely on the development site. Calculations to that end are to be submitted to and accepted in writing by the local planning authority. The route of outflow from a rainfall event that exceeds that amount shall be made known to the local planning authority.
  - b. Excess surface water runoff from the development intended to discharge to a watercourse shall be outlet at a rate with a limiting device in place, the rate and volumetric discharge shall not exceeding the present or pre-developed rate.
  - c. Calculation in accordance with accordance with the SuDS Manual CIRIA report C753 to demonstrate that adequate water treatment is provided.

Reason: To ensure that the development is safe and the flood risk does not increase elsewhere and to protect the water environment in accordance with NPPF paragraph 160b,163 and Derby City Council Core Principles CP2 and CP19

5. No construction works shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and accepted in writing by the Local Planning Authority in consultation with the EA and the Lead Local Flood Authority. The CEMP should to consider
  - a. Sequence of construction to ensure flood risk is not increased during construction
  - b. Protection of the water environment during construction

Reason: To ensure that the development is safe and the flood risk does not increase elsewhere and to protect the water environment in accordance with NPPF paragraph 160b,163 and Derby City Council Core Principles CP2 and CP19

## **Committee Report Item No: 2**

**Application No: 19/00417/FUL**

**Type: Full Application**

### **5. Consultations**

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6. No construction works shall commence on any water feature until a Handover Environmental Management Plan (HEMP) has been submitted and accepted by the LPA in consultation with the EA . The HEMP shall to determine
  - a. The maintenance requirements of flood attenuation areas
  - b. The maintenance requirements of the Sustainable Drainage features
  - c. The future ownership and the financial arrangement for maintenance of
    - i. Flood storage areas
    - ii. SuDS drainage features
    - iii. Associated landscaping and environmental features

Reason: To ensure that the flood risk management and SuDS drainage features maintained such that the development remains safe and the flood risk does not increase elsewhere over time and to ensure the water environment remains protected in accordance with NPPF paragraph 160b,163 and Derby City Council Core Principles CP2 and CP19

#### **5.4. Environmental Services (Trees):**

The application is supported by a well-produced Arboricultural Assessment which includes the tree survey/schedule, an assessment of tree constraints and root protection areas.

The survey has identified numerous Willow trees that have been recorded as Veteran Trees. These are of great arboricultural importance. The Veteran tree T22 is proposed to be removed with the stem being retained on site as habitat. I note that this tree is not within the City boundary. The NPPF states 'You should refuse planning permission if development will result in the loss or deterioration of ancient woodland, ancient trees and veteran trees unless:

- there are wholly exceptional reasons;
- there's a suitable compensation strategy in place.

The development proposals include habitat creation in the form of tree planting (blocks of woodland, copses and scattered trees), open water and meadows. I am of the opinion that this habitat creation is acceptable compensation for the removal of a veteran tree (as well as the removal of sections of hedges and other trees).

Due to the linear nature of the development many of the hedges and trees within the site are shown for retention. The tree assessment survey includes the management of the veteran Willow trees which if implemented should increase their safe life expectancy.

I have no objection to the proposed development subject to the supply and agreement of a final AMS which must include a final TPP. The landscaping of the site must also be conditioned; final landscape plan must be submitted and approved.

Post-planting management and maintenance is important if longevity in the landscape is to be achieved. A full young tree management programme with

## **Committee Report Item No: 2**

**Application No: 19/00417/FUL**

**Type: Full Application**

### **5. Consultations**

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budgetary provision should be in place for the planting scheme. This management programme should be in place for at least 5 years.

A post planting management regime must be supplied and complied with to include as appropriate:

- An irrigation plan relevant to the tree species, tree size and moisture holding capacity of the soil must be supplied to detail:
  1. Irrigation frequency. Note: the period for which irrigation is required is usually two full growing seasons.
  2. Amount of irrigation (in L)
  3. It is advisable to record irrigation events so that compliance can be demonstrated.
- Mulch must be topped up as necessary (specify mulch depth).
- Stakes must be adjusted as necessary and removed when no longer required.
- Formative pruning as required.
- Failed tree planting must be replaced (must be recorded and made available to the LPA). Reasons for failure if known should also be recorded.
- If high incidences of vandalism are recorded alternative methods of staking/protection should be explored. Any deviation from the Landscape Plan/Strategy must be made in writing and agreed with the LPA.
- At the end of the 5 year condition period or Post-planting management and maintenance period a report must be supplied detailing:
  - Failed tree replacements (and reasons if known).
  - Irrigation events.
  - Photographs of landscape planting in situ at the end of the period. On large sites sample photographs may be appropriate.

#### **5.5. Environmental Services (Parks):**

Part of the application site crosses the designated Sinfin Moor Green Wedge that includes the recreational areas of Sinfin Golf Course and Sinfin Moor Park and Local Nature Reserve. These open spaces lie adjacent to the proposed junction and connecting link road that is the subject of this application. The proposed development will primarily impact on these spaces through the separation of the park and LNR from the surrounding countryside and the effect on the local landscape character through increased noise and light pollution.

Green Wedges help to define and enhance the urban structure and the Sinfin Moor Green Wedge has an important function to maintain the identity of the residential neighbourhood and provide green infrastructure not only as wildlife habitat but as recreational open space for the surrounding residential area. Sinfin Moor Park and Local Nature Reserve provide an important green asset in this part of the city which is highly valued by local residents and users and which is supported by an active and highly committed Friends Group. Part of the Local Nature Reserve is managed by

## **Committee Report Item No: 2**

**Application No: 19/00417/FUL**

**Type: Full Application**

### **5. Consultations**

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following detailed prescriptions set out as part of a Natural England Higher Level Stewardship programme. The group plays a key role in engaging with and involving the local community in accessing the natural environment. The park and Local Nature Reserve provide many benefits to the local environment and community not only in regard to their ecology but also for sport, informal recreation, health and well-being, education and general enjoyment.

A major concern is the impact that the road development will have on the park and Local Nature Reserve in particular through light, noise and vehicle pollution. Although the lighting will be directed away from the nature reserve, there is likely to be some light seepage that will impact on the character and wildlife of the reserve. Noise and vehicle pollution from the road will affect the local character and tranquillity of the park and LNR, particularly as the proposal is for the road to be raised between 0.5m and 2.0 metres above existing ground levels. A number of fields directly affected as managed as part of the Higher Level Stewardship scheme.

For this reason we would like consideration to be given to an earth bank/bund, planted with a hedge or trees, rather than the proposed acoustic fence proposed to screen the road from the park. This bank will help to screen noise, vehicle and light pollution from the new road and provide a suitable buffer to the LNR. Whilst we are aware that an earth bank will require further land take, the proposed acoustic fence raises concerns with regard to future maintenance and how the fence would affect the character of the landscape providing a physical barrier and screen in the current open outlook of the park and LNR.

The application also offers the opportunity to recreate some of the lost wetland character of Sinfin Moor linked to the drainage channels, reed beds and wet woodlands as detailed in the Geoarchaeological Desk top research document. The detailed proposals should include opportunities for the further interpretation of this landscape to include the geology and character of the area.

Sinfin Moor Lane is used extensively by pedestrians and cyclists accessing and enjoying the countryside and Local Nature Reserve. This route will be truncated by the road proposals and as this is on the corner of the reserve, careful consideration needs to be given to the design of the crossing at this point, so that the character of the reserve is preserved and adequate space is allowed for individuals approaching the crossing.

The new road and proposals for Infinity Park and the Infinity Park Garden Village are likely to have a substantial impact on the usage of the facilities offered at Sinfin Moor Park and the LNR. Consideration should be given to improving and extending the existing facilities provided by the pavilion, play area and park infrastructure including the provision of additional car parking.

The Green Infrastructure Strategy prepared for the application sets out the vision and principles which will inform the detailed planning stages. We welcome the proposals for the creation of new habitats as part of the Strategy and would request that in the design of new planting schemes, consideration be given to using native British species including disease resistant Elms.

Central to the Green Infrastructure proposals are two areas being offered as mitigation for the impact of the proposed development on the local environment

## **Committee Report Item No: 2**

**Application No: 19/00417/FUL**

**Type: Full Application**

### **5. Consultations**

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including Sinfin Moor Park and Local Nature Reserve. These are proposed to provide compensatory habitats for losses in vegetation as well as delivering accessible greenspace and habitat creation.

These include Area 1 - the area south of the LNR and to the east of the new residential development on Wragley Way and the proposed Infinity Park Garden village and Area 2 - a proposed flood alleviation area east of the football fields in Sinfin Moor Park and south of the golf course :

#### Area 1

- Clarification will be required of the mechanics by which the green infrastructure will be funded, managed and maintained in future with details of how input into specific management areas could be undertaken and how the local communities can be engaged.
- Involvement of the Parks and Active Living team in the master planning process for the design of the Green Infrastructure offered as mitigation for the development to ensure that access is fully considered and new links are appropriate and designed to connect the new landscape to the Infinity Park Garden village and Sinfin Moor Park and LNR.

#### Area 2

- If these areas are to be made accessible to the public then consideration needs to be given to improving access from the main car park into this area, as this is currently poor and access can only be gained to the area via a steep slope. There is a requirement for a suitably surfaced and graded footpath link to connect the park with this new open space;
- We have concerns about the likely noise and pollution levels from the new road and the lack of screening of the road from the park. The layout shows the road on the western side of the existing hedgerow and elevated above existing ground levels.
- The proximity of the road to the park and golf course at this NE corner will result in a loss in character which is likely to affect the current enjoyment of users of the park and golf course not least due to an increase in noise pollution.
- The golf course already suffers from flooding and we have concerns about the impact that the road may have on existing flood alleviation and links between Sinfin golf course and its associated drainage channels. We would require reassurance that these links have been investigated and that measures are put in place to assist with current drainage issues so that these are not made worse by the new road link.
- Further details are required of the proposed management plans for this area and how if this area is to be transferred to Derby City Council, this would be supported by a financial package to support its future management and maintenance.

I would advise the attaching of a suitably worded planning condition that will allow further detail to be addressed with regard to planting, access and layout of these proposed mitigation areas which will allow further details to be addressed through a full application.

## **Committee Report Item No: 2**

**Application No: 19/00417/FUL**

**Type: Full Application**

### **5. Consultations**

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#### **5.6. Environmental Services (Health – Pollution):**

##### Contaminated Land

I refer to the *Phase 1 Geo-environmental Assessment, BWB (Environment Group) BIM Document Ref: IPI-BWB-ZZ-XX-RP-YE-001\_DS\_P1*, dated August 2017, submitted in support of the above discharge of condition planning application. The original report was reviewed by this department on the 20<sup>th</sup> September. The comments on this issue of the report were 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 in a land contamination context. All comments relate to human health risks. 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.

##### Report Summary

1. The site has remained largely undeveloped throughout its history, primarily used as agricultural land. The construction of the T12 link road commenced in 2015 and is the only recent development on site. The off site history shows a gradual residential and commercial development in the surrounding area. This includes several potentially contaminative works although these are not considered to pose a significant risk to the site. A sand pit and a Marl Pit are noted within Plot C of the development, close to what is now Lowes Lane which may be a source of made ground.
2. The ground conditions are expected to comprise Topsoil and localised areas of Made Ground overlying Lacustrine Deposits of varying sand content, with some Diamicton and Sands and Gravels constrained to the southern margin. Superficial Deposits are absent across the southern part of the site, where Topsoil bears directly on to various Mudstone Bedrock lithology's below. Localised horizons of Sandstone Bedrock are present on site.
3. The nearest landfill is approximately 180m northwest of the site. There is a foundry associated with Rolls Royce located 203 m North of the site.
4. The pollutant linkage assessment undertaken by the consultant has indicated that the site represents a Moderate/Low risk to human health and a Moderate/Low to Low risk to controlled waters in the context of the current Site status. This designation has considered the low likelihood of significant concentrations of contamination, and the low permeability of underlying deposits. The Site has historically been unoccupied and undeveloped, whilst the surrounding land use has been occupied by an industrial estate, residential properties and agricultural land. It is understood that there have been no previous investigations of the site, therefore no soil or groundwater data is currently available.
5. An intrusive ground investigation appears to have been undertaken however, the purpose of the investigation was to assess the underlying ground conditions across the site and to collect soil samples for geotechnical analysis to inform preliminary foundation designs for the proposed developments and did not



## **Committee Report Item No: 2**

**Application No: 19/00417/FUL**

**Type: Full Application**

### **5. Consultations**

---

cover land contamination aspects. However, in the majority of exploratory locations natural ground with the exception of 2 trial pits.

#### Conclusions and Recommendations

6. The site represents a Moderate/Low risk to human health. However, given the low sensitivity of the proposed development I would consider the risk to be low.
7. However, some small areas of made ground have been identified on the site. I think it would be prudent to have a watching brief during construction. I would therefore recommend the following condition:

#### Reporting of Unexpected Contamination

In the event that unexpected contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

#### Noise

1. You will be aware of comments provided by this Department (Paul Travis) in May 2019 in respect of noise impacts associated with this development and in appraisal of the submitted Environmental Statement on Noise (Chapter 11).
2. I note a document submission dated April 2020 from BWB (submitted in July 2020) in response to those comments, entitled *Appendix 11.1: Response to Environmental Protection Team Comments on Noise*. I can comment on the document as follows.

#### BWB Responses to Environmental Protection Team Comments on Noise

3. The Appendix copies Paul Travis' earlier comments and provides comments in blue following relevant paragraphs where deemed necessary to comment.
4. Comments are provided with reference to potential impacts on receptors closest to the north western extent of the link road. These provide evidence that unmitigated noise levels at the nearest receptors would remain within WHO (BS8233) guidelines.
5. Regarding construction-related noise, it is accepted that such matters would be dealt with in more detail once an approved contractor has been appointed and a construction management plan (CEMP) has been developed for the scheme.
6. It is acknowledged that CRTN is the appropriate calculation method for predicting road noise and therefore the results in the ES are deemed sufficiently reliable.

## Committee Report Item No: 2

Application No: 19/00417/FUL

Type: Full Application

### **5. Consultations**

---

7. I note a reluctance to provide further data based on dwellings likely to experience greater than a +1dB increase in noise in the future scenario (2030). Whilst this is not deemed relevant under planning assessment criteria, this reference relates to the thresholds for necessitating the provision of enhanced insulation under the Noise Insulation Regulations 1975.
8. Although not specifically addressed in the assessment, I do note however that the 'specified level' under the Regulations has been shown as being unlikely to be breached at any nearby dwellings (i.e. 68dB<sub>L(A)10,18hr</sub>) and therefore does not require further consideration.
9. In addition, the proposed barrier designed for protection of the nearby LNR would add additional protection for those dwellings which happen to be located behind the barrier.
10. There is however still some concern relating to road noise from the junction/link road to potentially impact upon dwellings associated with allocated development within the Infinity Garden Village. In particular, reference is made to the eastern-most properties proposed under the residential scheme currently under application for outline permission (19/00877/OUT).
11. It is acknowledged in the ES that road noise could be high within this part of the residential development and although mitigation is proposed and shown to be suitably protective, the burden of mitigation appears to be placed on the new dwellings (in terms of building insulation and appropriate layout), with no 'at source' mitigation offered by the current application.
12. In order to provide added protection to those future dwellings, it would appear sensible to design-in mitigation 'at source' in respect of the link road, so as not to unreasonably constrain residential development coming forward within this part of the City.

#### Conclusions and Recommendations

13. Overall, the added clarification provides a degree of confidence that the scheme should not unreasonably impact upon existing dwellings and consequently, **the Environmental Protection Team does not object to the application in principle.**
14. Although short-term increases in noise following opening of the new road could be described as significant for some dwellings when considering DMRB Guidance (eastern-most properties along Hamblin Crescent, Redland Close and Moorside Crescent), it is accepted that overall ambient levels are still predicted to be within World Health Organisation (BS8233) criteria and as such, mitigation is not deemed necessary.
15. Furthermore, the increases are levelled-out over time in terms of perceived impacts, as shown by the 2030 modelling.
16. It is noted however that mitigation of noise impacts in respect of forthcoming dwellings proposed under the adjacent Infinity Garden Village development (see application ref: 19/00877/OUT) is reliant on appropriate measures being incorporated into the future dwellings, rather than via the provision of any road noise mitigation 'at source'.

## **Committee Report Item No: 2**

**Application No: 19/00417/FUL**

**Type: Full Application**

### **5. Consultations**

---

17. Subsequently, if deemed appropriate to do so, **the Environmental Protection Team would recommend that further mitigation to be provided in connection with the link road, in order to protect future dwellings proposed within the IGV development immediately to the west of the new link road in order to minimise future residential development constraints.**
18. **A conditional requirement for a detailed Construction Environmental Management Plan is also recommended, should permission be granted.**

#### Air Quality

I refer to the above planning application and I would offer the following comments in relation to air quality implications arising from the proposed scheme.

In producing the following comments, I have reviewed the following documentation:

- *Environmental Statement (Chapter 10 and related Appendices on Air Quality), Pegasus Group on behalf of Derbyshire County Council, Ref: EMS-2916, Dated: March 2019.*

#### Overview

1. The proposals include a new junction on the A50 Southern Bypass and associated connecting road link between this junction and Infinity Park Way, within the *Infinity Garden Village* (IGV) development area.
2. More specifically, the proposals include a new *dumbbell* roundabout on Deep Dale Lane with four new slip roads onto the A50, a link road routing from the new A50 junction to Infinity Park Way (at the iHUB roundabout) and a number of access roundabouts along the link road to access future development proposals.
3. Shared footway/cycleways will be provided along the link road between the new A50 junction and the existing provisions on Infinity Park Way.

#### Air Quality – ES Chapter 10

4. Chapter 10 of the ES includes an appraisal of potential air quality impacts arising from the development, assessed in terms of operational (traffic) impacts and also construction (dust) impacts.

#### Operational (Traffic) Impacts

6. A road traffic emissions assessment, using ADMS-Roads AQ modelling software, was undertaken to consider the impact of the redistribution of existing traffic on local air quality.
7. Contrary to comments made by this Team in respect of the EIA scoping assessment, the appraisal does not include any consideration of traffic impacts associated with future developments that the link road is serving, focussing solely on impacts arising from the redistribution of current traffic caused by the highway scheme alone.
8. The traffic data appears to be appropriate, however I note that queuing at junctions was modelled at 10km/hr below free flowing speeds at all junctions, which is a relatively simplistic method for assessing congestion around junctions. Given the significant variability of vehicle emissions at lower speeds,

**5. Consultations**

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a more accurate method for consideration of queuing around junctions would have been preferred.

9. The assessment is based on the premise that the overall *number* of vehicle trips across the network will be unchanged by the proposed development. The impact of the development is therefore based upon the *redistribution* of baseline traffic volumes across the network.
10. Furthermore, the appraisal assumes that the proposals will not materially affect traffic flows within the AQMA and in the city centre and therefore these have not been included in the modelling assessment. Again, this is contrary to comments provided by this Department in conjunction with the EIA Scoping exercise.
11. In terms of model verification, I note that DfT traffic data was used to verify modelled results against local monitoring data along the outer ring road (London Road, Osmaston Road and Newdigate Street). Given that an alternative set of traffic data was used in the AQ modelling completed in order to assess receptors close to the site (supplied by BWB Consulting's Transport Planning Team), any adjustments made may not be applicable to the receptor locations used.
12. The chosen receptor locations have been focussed on the area of expected greatest impact, located close to the scheme. Whilst this is a sensible approach broadly speaking, it would have been useful to see a more expanded network of receptor modelling given the strategic location of the development and its potential to give rise to significant redistribution of traffic.
13. Given that the scheme is also expected to relieve traffic from other existing commuter routes, this would also have been a useful exercise to see some of the potential benefits of the scheme.
14. Table 10.11 depicts the predicted annual mean NO<sub>2</sub> concentration increases at the receptor locations in 2020, as a result of development-generated traffic. This demonstrates a potentially significant increase in NO<sub>2</sub> (up to a maximum of 0.8µgm<sup>-3</sup> at Receptor R7, located along Deep Dale Lane close to its junction with Farmhouse Road), however this is mitigated by the fact that overall concentrations are still well below the National AQ Objectives (18.5µgm<sup>-3</sup> against the Objective Value of 40µgm<sup>-3</sup>).
15. Using the IAQM/EPUK assessment criteria, this concludes with a '*negligible impact*' at all modelled receptors.
16. Impacts associated with PM<sub>10</sub> and PM<sub>10</sub> are lower still and therefore also concluded to be '*negligible*'.
17. The report also includes modelling for a future scenario in 2030. It is not clear whether the significant commercial and residential development proposed across the IGV zone is included within this scenario, but based upon the very low results I assume that it hasn't.

**Construction (Dust) Impacts**

18. Construction dust impacts have been assessed in accordance with IAQM Guidance, which is considered to be a best practice tool under the circumstances.

## Committee Report Item No: 2

Application No: 19/00417/FUL

Type: Full Application

### **5. Consultations**

---

19. In accordance with the IAQM Guidance, dust soiling impacts on people/property arising from earthworks, construction and trackout activities are predicted to be a '*medium risk*'.
20. The document suggests that construction dust mitigation is detailed within '*Section 0*' of the report. There does not appear to be a *Section 0* in the ES and I suspect this may be a typo. I am unable to find the section in the ES which describes proposed construction dust mitigation measures.

#### Conclusions and Recommendations on Air Quality

21. Notwithstanding the apparent deficiencies in the assessment methodology, the report does seem to suggest that the development will have a negligible impact on air quality at the modelled receptor locations.
22. Whilst additional modelling would be preferred, having reviewed traffic data associated with the development, it is clear that the development provides net benefits to air quality by redistributing traffic from existing congested routes into and out of the City.
23. There is, however, still some concern regarding potential air quality impacts arising from the future significant development within the Infinity Garden Village (IGV) area, development which is only made possible as a result of the highway alterations proposed under this application.
24. Whilst it may not be relevant to consider such impacts under this standalone application for a highway improvement scheme, the concern is that proper consideration of additional traffic on the local road network arising from the extensive commercial/residential development proposed across the IGV zone has not been, and may not be, assessed as a whole, instead being assessed across several 'piecemeal' applications.
25. In reality, the proposed extensive growth in this part of the city has the potential to significantly increase traffic volumes into the City and could therefore undermine attempts to reduce air pollutant concentrations within Derby.
26. **Subsequently, it is of paramount importance that appropriate mitigation is put in place at this early stage of development of the IGV.**
27. **In particular, the Environmental Protection Team strongly recommends significant investment in sustainable and attractive transport links from the IGV zone into the City, in order to encourage, in particular, cycling/walking, but also public transport, thereby reducing the number of daily vehicle trips and thus, air quality impacts.**
28. **Whilst the current proposals for cycling infrastructure associated with the development are to be commended, I would additionally support a condition to be attached to the planning permission, securing the incorporation of a dedicated and segregated cycle lane along the full length of Deep Dale Lane, linking the proposed new A50 junction with residential development to the north, in order to help mitigate predicted air quality impacts that could arise in the future.**

## **Committee Report Item No: 2**

**Application No: 19/00417/FUL**

**Type: Full Application**

### **5. Consultations**

---

29. **In terms of construction dust impacts, I would strongly recommend that a condition is attached to the planning consent, requiring the submission and agreement of a detailed construction dust management plan.**

#### **5.7. Housing (Strategy):**

The Strategic Housing Division fully supports this application. Support for the scheme can be found in a number of key policies. The new A50 junction and link road supports the Wragley Way, housing development, a Local Plan priority. Part (a) of Policy AC18 in particular refers to this infrastructure. It states:

‘The Council will work with South Derbyshire District Council to ensure that:

- (a) new highway infrastructure is provided to help mitigate the impact of the development on the local and strategic road networks. This will include the development of, or contributions towards, the construction of the South Derby Integrated Transport Link. The potential for a new junction onto the A50 to be delivered in the future should not be prejudiced. Contributions may also be required towards improvements to the Strategic Road Network as necessary.’

This infrastructure will also bring forward the southern extension to Infinity Park Derby, Derby’s flagship regeneration project, also a Local Plan priority. Wragley Way forms part of Infinity Garden Village, which has its own policy within the South Derbyshire Local Plan.

#### **National Significance**

This development will bring forward Infinity Garden Village, which is one of the 14 new Garden Villages announced by the Government on 2 January 2017. The importance of Garden Villages is recognised in the Housing White Paper, Fixing Our Broken Housing Market, page 28, ‘The Government is already supporting a new wave of garden towns and villages, and will work with these and any future garden communities to ensure that development and infrastructure investment are as closely aligned as possible.’

#### **Regional Significance**

The new A50 junction and link road is the subject of a major funding bid to the Government’s Housing Infrastructure Fund (HIF) programme, ‘HS2 East Midlands: Toton Innovation Campus and a network of Garden Villages,’ in partnership with Nottinghamshire County Council, Derbyshire County Council and Chesterfield Borough Council. Extract from the bid page 2, ‘Infinity Garden Village, which has been formally designated a Garden Village site by central government, is specifically identified as a key HS2 garden village site in the Growth Strategy and has the potential to accommodate 4,540 dwellings. HIF funding of £29.367 million is sought for a new junction on the A50...without which only 280 of these homes can be delivered.’ Infinity Garden Village is also one of the HS2 East Midlands Growth Sites. This infrastructure will directly contribute 3,740 new homes, 5,000 new jobs and over £0.5bn Gross Value Added/GVA (a measure of productivity) to the overall HS2 target of 74,000 new jobs and £5bn GVA by 2043.

## **Committee Report Item No: 2**

**Application No: 19/00417/FUL**

**Type: Full Application**

### **5. Consultations**

---

#### Benefits

The benefits that this infrastructure will deliver are enormous:

1. 3,740 new homes.
2. 5,000 new jobs.
3. Over £0.5bn GVA.

#### Mitigation for development

The 3 Local Authority partners – Derby City Council, South Derbyshire District Council and Derbyshire County Council – have been working together with developer partners and landowners on this development for a number of years and have attempted to mitigate the impact of the development as much as possible – the road alignment reflects the least impact on the green wedge and developers have come up with a package of proposals, including a potential enhancement to the Sinfin Moor Local Nature Reserve. Similarly, the authorities have been working with Highways England for over 2 years and Highways England has supported the submission of a Business Case for the A50 junction, which will be determined shortly.

#### Consultation

Derbyshire County Council has held a number of consultation events. Local Community representatives and elected members have been kept fully informed of developments over nearly 2 years, through the Infinity Garden Village Liaison Group.

#### **5.8. Derbyshire County Council (Emergency Planning Team):**

The application will create two balancing ponds which would meet the criteria for large raised reservoirs under the Reservoir Act 1975 (i.e with a capacity to store greater than 25,000m<sup>3</sup> above ground level). As such, I would like to bring to your attention the current requirements for the reservoir owner:

- Appoint a qualified civil engineer ('construction engineer') under Section 6 of the Reservoirs Act to design and supervise the construction work.
- Provide the national reservoir safety team with a notice of their intention under Section 21 of the Reservoirs Act, not less than 28 days before work on-site is due to start.
- Appoint a supervising engineer and an inspecting engineer if the reservoirs are considered high risk.

Please note, reservoir regulation is currently under review and these requirements may change significantly in the very near future.

I believe ownership of these reservoirs has not been formalised. Consideration for ongoing maintenance and liabilities associated with reservoirs eg maintenance costs, incident costs, onsite reservoir flood plans etc should be recognised if either authority is considering ownership of either reservoir although I appreciate this is not a planning consideration.

Under current circumstances, emergency planning work is undertaken for both Derbyshire County Council and Derby City Council by an Emergency Planning Team at Derbyshire County Council. Major reservoir dam failure/collapse is currently identified on the Community Risk Registers for both Derbyshire County

## **Committee Report Item No: 2**

**Application No: 19/00417/FUL**

**Type: Full Application**

### **5. Consultations**

---

and Derby City Areas, both classify the risk as “High”. On review of the application, these reservoirs may require off site plans to be created due to their capacity. These would be multi agency plans including partner agencies and members of the Local Resilience Forum (LRF).

Neither breach analysis of the flood storage areas appear to impact any existing developments, however if any future developments are planned for this area, consideration will be needed on how these can be made safe from a potential breach. Future developments may also increase the risk profile of the reservoir and thus the emergency planning work associated with it.

I believe the Environment Agency has been consulted as part of this process but would like to re-emphasise the need for their comments as they are the statutory enforcement authority for reservoirs under the Reservoirs Act 1975.

I confirm the Emergency Planning Team has no objections to the proposed development however it is important that the above points should be taken into consideration when making a decision.

#### **5.9. Derbyshire County Council (Highways):**

*These are the latest comments that Derbyshire County Council Highways;*

Thank you for the information clarifying a number of points in relation to the above application and my concerns about the “alternative” drawings of the new road and the impact of diverted traffic on the surrounding highway network, especially on Deep Dale Lane.

I understand that:-

- The application is to be considered as an infrastructure only application
- The “alternative” drawings ‘Link Road Alternative Horizontal Alignment’ IFP-BWB-HGT-A0-DR-C-0650 S8 Rev P2 (last revision date 09.04.20) and ‘Link Road Alternative Option Long Sections’ ref IFP-BWB-HGT-A0-DR-C-0651 S8 Rev P2 (last reviewed 26.11.19) supersede the drawings previously submitted
- Details of existing traffic flows on the network should be available in the Transport Assessment. A condition can be included requiring the monitoring of the impact of diverted traffic on the network (Stenson Road/Wragley Way, Deep Dale Lane south of the A50, A5132/A514) once the new junction and road are taken into use and the need for appropriate mitigation
- Improvements on Deep Dale Lane north of the A50 are included in the proposal (indicated on Drawing DR-TR-113 S2/P5) and can be conditioned for submission for approval and implemented prior to the new junction being taken into use.

The application is for full planning permission for a new grade separated junction onto the A50 Trunk Road from Deep Dale Lane and a connecting link road to Infinity Park within Derby City and all associated works.

The application is being considered as an infrastructure only application. However, the traffic impacts from the development that the new junction and road will ultimately



## **Committee Report Item No: 2**

**Application No: 19/00417/FUL**

**Type: Full Application**

### **5. Consultations**

---

serve will give rise to impacts across the wider highway network including the Strategic Road Network (SRN).

The County Highway Authority is satisfied that the infrastructure, the subject of the application, will be commensurate to the quantum of development that it is expected to serve and is satisfied that the modelling is adequate to demonstrate that the capacity of the junction and new road can accommodate that anticipated development. However, these conclusions are predicated upon the delivery of an east - west link, between Infinity Park and the primarily residential development south of Wragley Way, which does not form part of this application. The east – west link is essential for the overall function of the proposed future development. You should be aware that the dumbbell junction arrangement has not been designed with sufficient capacity to accommodate ALL the development traffic. The traffic modelling underpinning the transportation assessment assumed a direct connection between the two principal residential and employment land uses

Based on this understanding, there are no objections to the proposal from the highway point of view subject to the following conditions being included in any consent in the interests of highway safety.

1. No development shall be commenced until a temporary access for construction purposes has been provided in accordance with a detailed design first submitted to and approved in writing by the County Planning Authority. The access shall be retained in accordance with the approved scheme throughout the construction period, or such other period of time as may be agreed in writing by the County Planning Authority, free from any impediment to its designated use.
2. No development shall take place until a construction management plan or construction method statement has been submitted to and been approved in writing by the County Planning Authority. The approved plan/statement shall include details for the storage of plant and materials, site accommodation, loading, unloading of goods' vehicles, parking of site operatives' and visitors' vehicles, routes for construction traffic (including measures to ensure that vehicles do not use Deep Dale Lane to the south of the A50), hours of operation, method of prevention of debris being carried onto highway and any proposed temporary traffic restrictions. The approved details shall be adhered to throughout the construction period.
3. Prior to the proposed works, the subject of the application, first being taken into use, improvements shall be made to Deep Dale Lane north of the A50 to accommodate the increase in traffic – vehicular, cyclists & pedestrian, which will result from diverted trips to use the new junction and road. The improvements shall be laid out and constructed in accordance with a scheme first submitted to and approved in writing by the County Planning Authority.
4. The proposed works, the subject of the application, shall not be first taken into use until they have been laid out, constructed, drained and lit to adoptable standard generally in accordance with the approved application drawings but specifically in accordance with detailed designs first submitted to and approved in writing by the County Planning Authority in consultation with the County

## **Committee Report Item No: 2**

**Application No: 19/00417/FUL**

**Type: Full Application**

### **5. Consultations**

---

Highway Authority to ensure safe and suitable access for all users in the interests of highway safety.

5. Prior to any works commencing on site full details of a monitoring program for the Stenson Road/Wragley Way, Deep Dale Lane south of the A50, A5132/A514 junctions shall be submitted to and agreed in writing with the County Planning Authority. The monitoring program shall consider pre, during and post implementation traffic levels on the existing highway network and any effects of diverted traffic once the new network is operational. The monitoring programme shall be implemented as agreed unless the County Planning Authority gives written approval to any variation and shall continue for a period of 6 months of the new roads being opened to vehicular traffic.
6. The results of the monitoring program shall be submitted to the County Planning Authority for consideration within 1 month of the survey period ending together with details of any mitigation required to offset any identified detrimental highway safety impacts at the monitored locations. Any highway improvement works shall then be implemented in accordance with the agreed details and a programme first submitted to and approved in writing by the County Planning Authority.

I would welcome your advice regarding advisory notes and whether you consider them to be necessary. Under normal circumstances the Highway Authority would include a wide range of notes for the applicant relating to Sections 38, 72, 149, 151, 163, 184 and 278 of the Highways Act 1980 and Sections 50 and 86 of the New Roads and Streetworks Act 1990 including the processes and timescales associated with them. However, on the proviso that the above road scheme is to be promoted and managed as a public project by the County Council, in its capacity as Highway Authority, these notes may not be appropriate for this application.

#### **5.10. South Derbyshire District Council (Planning and Strategic Housing):**

With reference to your consultation on the above proposal, I am writing to advise you that following the above application being reported to the Planning Committee of South Derbyshire District Council, the following comments (as set out in the Committee report) should be taken into account.

Development Plan Policies - The relevant policies are: 2016 Local Plan Part 1 (LP1): S1 (Sustainable Growth Strategy), S2 (Presumption in Favour of Sustainable Development), S4 (Housing Strategy), S5 (Employment Land Need), S6 (Sustainable Access), H15 (Wragley Way, South of Derby), E1 (Strategic Employment Land Allocation), E4 (Strategic Location for Sinfin Moor Employment Site Extension), SD1 (Amenity and Environmental Quality), SD2 (Flood Risk), SD3 (Sustainable Water Supply, Drainage and Sewerage Infrastructure), SD4 (Contaminated Land and Mining Legacy Issues), SD5 (Minerals Safeguarding), BNE1 (Design Excellence), BNE2 (Heritage Assets), BNE3 (Biodiversity), BNE4 (Landscape Character and Local Distinctiveness), INF2 (Sustainable Transport), INF4 (Transport Infrastructure Improvement Scheme) and INF7 (Green Infrastructure); and 2017 Local Plan Part 2 (LP2): BNE5 (Development in the Countryside), BNE7 (Trees, Woodland and Hedgerows), BNE10 (Heritage) and INF13 (Infinity Garden Village).

## **Committee Report Item No: 2**

**Application No: 19/00417/FUL**

**Type: Full Application**

### **5. Consultations**

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Relevant Local Guidance - South Derbyshire Design Guide SPD

Planning Considerations - It is important to recognise that the wider Infinity Garden Village (IGV) proposals are to be informed by a Development Framework Document (DFD) as agreed by the City, County and District authorities and the development consortium. This document has been prepared in liaison with a number of local Ward Members, Parish Councils and other local groups and forums, and sets out a vision and key objectives for IGV. It is considered that the junction and link road form a key aspect of the DFD in ensuring the impacts of the South Derby Growth Zone (SDGZ) can be satisfactorily accommodated without

significant harm to surrounding communities, routes and associated services and facilities. With this in mind, it is first recommended that this Council make clear its support for the applications made, noting that the delivery of the road is of paramount importance in unlocking the SDGZ area for development, so to enable the delivery of identified housing and employment needs for the District, as well as the City. This would accord with the strategic objectives of the Local Plan, in particular policies S4, S5, H15, E1, E4 and INF4, as well as according with the objectives of policy INF13. The summary of the Environmental Statement (ES) identifies the key environmental, social and economic foci of the development, setting out the negative and positive impacts arising in each case. It is recommended that the consultation process that each authority is carrying out with the statutory and technical consultees is utilised to inform the determination of the applications such that it is not considered the Council needs to comment on matters of socio-economics, cultural heritage, noise and vibration, air quality, ground conditions and landscape and visual impacts – those matters more appropriately dealt with by those consultees or it considered that the effects of the development would be acceptable at a District level. Accordingly, it is recommended that the Council's response should support the comments of those consultees. The remaining topics are covered below.

Transport and access - Further to the above observations as to the benefits of the junction and link road, there are two matters which require further consideration. Firstly, the link road would act as a barrier to east/west movement of pedestrians and cyclists – particularly for those living in the housing created off Wragley Way to the west (or already residing in Sinfin and Stenson Fields) and either working in the employment area or attending the new secondary school to the east. It is imperative that, as part of delivering the sustainable live/work objectives within the DFD, that IGV is 'permeable' for sustainable modes of transport. With this in mind, a single Pegasus crossing at the junction of Sinfin Moor Lane is not considered adequate to ensure safe and suitable means of access for all users, pursuant to policy INF2 and paragraph 108 of the NPPF. Indeed, the desire line of this existing route is lost by the considerable offsetting of the crossing from the lane, and it is not evident why this cannot be achieved much closer to its existing alignment. It should be acknowledged that further crossings would be required, and indeed shown within a revision to the proposals. The dual carriageway would be unattractive for crossing, such that non-vehicular traffic would likely migrate towards the roundabout at the northern end of this dualled section before seeking to cross. With this in mind, some form of signal control should be introduced on the northern and southern arms of this roundabout. It is not considered a single crossing to the north alone would be sufficient given the desire lines for pedestrians and cyclists and the position of housing relative to

## **5. Consultations**

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employment opportunities and walking routes to school. A further crossing, with physical narrowing of the carriageway by means of build outs (similar to that achieved through Pride Park, Derby) should also be deployed. It should also be recognised that these additional features may need factoring into any modelling of traffic flows. Secondly, the effect of 'opening up' this area of southern Derby to a new opportunity to connect with the A50 needs to be further explored in respect of the impact on the local road network. Whilst it is recognised that any subsequent housing and employment applications within IGV will need to address their own impacts accordingly, the current proposal would provide connectivity both for traffic within Sinfin and Stenson Fields to travel out of the City to the A50, it would also provide a new route into it. Existing routes from the A38 at Littleover and the A514/A50 interchange at Chellaston are already known to suffer from congestion northwards into the City during peak times. The opening up of a north/south route through Sinfin and/or Stenson Fields has the potential for commuters to take this alternative route instead, perhaps with detrimental impacts. The Transport Assessment does not appear to consider these issues. In the same vein, the Transport Assessment also does not delve into the effects on Deep Dale Lane south of the new A50 junction. Here, this route is wholly unsuitable for heavy traffic flows and larger vehicles, particularly given the canal bridge over the Trent and Mersey Canal. The junction with the A5132 would also likely be affected as well as the junction of the A5132 and A514 in Swarkestone. There should be consideration of how the new junction might provide a 'short-cut' for eastbound traffic using the A50 to access the A514 when they presently must travel further to the A50/A514 island first. This would be a particular issue if the A50 were congested or blocked further east. In addition, traffic travelling from the south across the causeway at Swarkestone may also choose to travel towards the new junction at Deep Dale Lane if the A514 approach to the A50 is congested and/or the A50 is suffering from congestion or blockage. The Transport Assessment needs to consider these potential impacts by way of further sensitivity testing.

Biodiversity - The survey work in respect of ecological and botanical matters should be considered by the Wildlife Trust. The proposal would however affect some existing trees and hedgerow along the line of the route. Much of that to be lost around the A50 junction is relatively young, having been planted at the time the A50 was created. These losses are not felt to be of significant concern with it possible to provide compensatory habitat through the design and conditions stages. There are, however, a couple of sections where trees would be lost – namely part of the line of Poplars which form a visual barrier through the IGV, as well as cover either side of Sinfin Moor Lane, where that would be intersected. Despite this, the alignment would have the least possible effect with tree cover either fragmented or largely non-existent at these points, with hedgerow lost capable of being compensated for by way of new hedgerow following the line of the proposed link road. With this in mind, it is not considered that statutory protection of trees is warranted, nor reasonable given the wider need and benefits of the proposal, although conditions should be applied to ensure protection of trees and hedgerows during the course of the development. A few veteran trees have been identified and both policies BNE3 and BNE7 advocate a high level of protection to such features, classified as 'irreplaceable habitat' in the NPPF. Of those in South Derbyshire, they are mostly sufficiently distant from the road alignment so not to raise concern, subject to generous protection buffers. There is

## **Committee Report Item No: 2**

**Application No: 19/00417/FUL**

**Type: Full Application**

### **5. Consultations**

---

however two which border housing in Sinfin which require particular attention when it comes to providing drainage and flood plain compensation, and ground works should be designed to exclude the buffer zones in their entirety. There is a further single veteran tree immediately adjacent to the road where it links to the existing T12 spur within the City. An access is shown to lead into its protection area. Efforts should be made to ensure this access does not remain in the position shown, with it moved accordingly.

Drainage and Flood Risk - It should be recommended that the advice of the respective Lead Local Flood Authority (LLFA) is taken into account when determining the respective applications. The capacity for drainage should be sufficient to cater for the 40% plus climate change scenario. However, the design of the drainage should recognise the concept of integrated 'green' and 'blue' infrastructure as envisaged by the DFD. The water bodies created should be designed so they can serve for multiple purposes – for recreation, for biodiversity gain, for air quality purposes and for visual relief. Ultimately, such features need to compliment both the LNR to which they would relate and the purposes of Green Wedge in the City. A range of treatment trains should be utilised to improve water quality, offer differing habitats and provide visual interest.

Design - It is noted that the application is made in full with some scope for deviation from the alignment shown. Nonetheless, and notwithstanding the above comments regarding east/west non-vehicular movements, the route is shown to carry a nominal 1.5m verge between the carriageway and the cycle paths either side. The concept set out in the DFD is to provide for a dominant green 'setting' to the wider development. Such a narrow width would compromise the ability to provide tree planting within such a verge, noting that tree planting offers a feeling of segregation and safety for pedestrians and cyclists, whilst also providing shade to surfaces in hot weather (reducing heat island effects) and assisting in filtering pollutants. Given the nature of the route and its intended purpose, it is felt to be particularly important to make allowance for adequate tree planting and their establishment. It is recommended that the verge be widened to 2.5-3m, with these verges continued around the proposed roundabouts also. Furthermore, the A50 junction makes no provision for pedestrian and cycle movements south through the underpass and continuing down Deep Dale Lane. Whilst it is recognised there would be little demand for pedestrian movements, there would still be a residual desire for those utilising the route presently for recreational purposes – especially given the Trent and Mersey canal offers wider links through the District. The scheme should be amended to make allowance for such provision. This would include some form of cycle or pedestrian route on the eastern side of the dual carriageway section.

Summary - Subject to the above observations being fully taken into account and, where necessary, being appropriately addressed; this authority raises NO OBJECTION to the proposals.

#### **5.11. Derbyshire County Council (Landscape Architect):**

##### **Landscape Assessment**

The LVIA correctly identifies that the new junction and link road are located within the Trent Valley Washlands National Character Area (NCA) and crosses the Lowland

## **Committee Report Item No: 2**

**Application No: 19/00417/FUL**

**Type: Full Application**

### **5. Consultations**

---

Village Farmlands and Wet Pasture Meadows Landscape Character Types (LCT) as defined and described in the 'Landscape Character of Derbyshire' publication. The junction with the A50 is located entirely within the Lowland Village Farmlands LCT with the link road extending northwards to cross the Wet Pasture Meadows LCT. The impact on these two LCTs has been assessed together and concluded that the landscape effects would be *Moderate adverse* during construction reducing to *Minor adverse* 15 years post-completion with the justification for this judgement being that only a small part of each LCT is affected. It is my view that scale alone is not the key justification for assessing impact with respect to landscape character. Whilst settlement and highway infrastructure are components of the Lowland Village Farmlands LCT, it is not a key characteristic of the Wet Pasture Meadows LCT, which is described in the Derbyshire landscape character assessment as "*A flat, low-lying mixed farming landscape, with regular and geometric field patterns.... Largely uninhabited with very occasional, large, red brick farmsteads*". As such, whilst I would accept that the inclusion of the new highway junction would have a long-term minor adverse effect on the Lowland Village Farmlands, I do think the effects on the Wet Pasture Meadows would be greater than assessed in both the short and long-term. However, it is difficult to address this impact in isolation given that the wider development of Infinity Park will lead to almost the entire loss of Wet Pasture Meadows as a Landscape Character Type within Derbyshire, and this development already has planning permission or is at least allocated for development. Direct impacts on the landscape fabric of the area relate to the loss of arable farmland, hedgerows and occasional trees, both directly as a result of the road construction but also as a consequence of some of the mitigation proposals such as flood alleviation. It is not obvious whether these more indirect impacts have been assessed as part of the LVIA but the scale of the flood alleviation works is significant, located close to properties at Sinfyn and potentially over-engineered to ensure that they function, and as a consequence could introduce adverse effects closer to people than the proposed road. I think overall the proposed scheme (and wider Infinity Park development) is unlikely to accord with South Derbyshire District Council's Policy BNE4:

Character and Local Distinctiveness which "*seeks to ensure the character, local distinctiveness and quality of South Derbyshire's landscape and soilscape will be protected and enhanced through the careful design and sensitive implementation of new development*", although this appears to have been disregarded in allocating the land for development.

#### Visual Assessment

The LVIA has identified a number of receptors within the locality that might be affected by the proposed road corridor including local residents, footpath users and highway users. The nature of the land and the southern edge of Derby ensure that views are generally confined to vantage points close to the site as reflected in the representative visual envelope (Figure 6.10) and 16 representative viewpoints have been identified.

The receptors most likely to be impacted by the proposed development are residents on the eastern and southern edge of Sinfyn and recreational users along Sinfyn Moor Lane, particularly where the lane crosses the proposed new road, and this is reflected in the LVIA. I would concur with the judgements in the LVIA that these

## **Committee Report Item No: 2**

**Application No: 19/00417/FUL**

**Type: Full Application**

### **5. Consultations**

---

effects would be Major moderate adverse during construction reducing to Moderate adverse 15 years post completion by virtue of the fact that we will be left with a modern highway on a raised embankment crossing what is a relatively open landscape. However, as with landscape effects, the visual effects need to be considered in the round in the full knowledge that Infinity Park will introduce more significant visual impacts as a consequence of the proposed mixed use development, so in relative terms the road makes a modest contribution to the overall visual effects of the wider development.

#### **Detailed Considerations**

The LVIA tends to assess the road proposal in the broadest context and doesn't focus on detailed design proposals and provided effects are not deemed to be significant then needn't propose appropriate mitigation. There are proposed details that are concerning that do potentially lead to landscape and other environmental impacts and where some redesign could lessen the overall harm.

1. I note that the roundabout north of the Ashlea Farm is located directly on the line of the existing Barrow Drain. It was explained to us at the site visit that it was located in this position so that it could facilitate a westerly link to the north of the Drain and an easterly link to the south. As a result we have a junction arrangement that delivers the maximum impact on the Drain crossing it twice with a section of the open waterway running through the centre of the traffic island. Could this junction not simply be reverted to a conventional signalled, offset crossroad where the main carriageway only needs to cross the Drain at a single point?

2. I note that at various points around the road corridor the drawings appear to show small ponds e.g. adjacent to the above referenced roundabout (Areas D & E on the plans). These are shown as highly engineered and somewhat alien features within the landscape. Firstly, what is the purpose of these features given that there is more extensive flood alleviation works proposed to the west of the new road corridor and can we assume that they are purely schematic and would be subject to design refinement? Is it possible that these features could be the subject of a planning condition so that we can have some control over their visual appearance and function?

3. The new road corridor requires the realignment of Sinfin Moor Lane to create a crossing point. The proposed drawings show an odd arrangement that requires a very abrupt turn in the route to allow for an at-grade crossing of the new road on embankment. Rather than realigning the route as shown, couldn't the route be realigned earlier so as to make a less abrupt diversion and create a route that would appear much more aligned to the desire line? It appears that this still could be achieved within the current red line boundary.

It is my view that it would be difficult to contend that the proposed junction and new link road would in isolation have a significant adverse effect on either the landscape or visual amenity of the Sinfin Moor area although it would clearly be at odds with the established landscape character. However, cumulatively with the wider development of Infinity Park the new road corridor will have a wholesale effect on the current character of the Wet Pasture Meadows LCT to the point that it would effectively lead to almost the entire loss of an LCT defined and described in the 'Landscape Character of Derbyshire' document. It can only be assumed in the allocation of this

## **Committee Report Item No: 2**

**Application No: 19/00417/FUL**

**Type: Full Application**

### **5. Consultations**

---

land for redevelopment that this effect has been considered in the planning balance and that overall it is considered that the greater public benefit of developing the wider site significantly outweighs the clear and obvious adverse landscape, visual and other environmental effects.

#### **5.12. Derbyshire County Council Archaeologist:**

Thank you for re-consulting on this planning application. The application is accompanied by an Environmental Statement including a chapter on cultural heritage and archaeology and incorporating the results of archaeological desk-based assessment and geophysical survey, and a geo-archaeological assessment of the site. I have been consulted on several occasions throughout the pre-application process by the applicant's archaeological consultant and have provided comments on various stages of the assessment work and proposals.

In general this work suggests that the potential for 'conventional' below-ground archaeology is low, with no targets identified in the geophysics or walkover. Much of the site is however associated with the geo-archaeological remains of a late-glacial lake, and this may contain some deposits of archaeological or palaeo-environmental importance, which might enable the sequential development and chronology of the lake to be understood or even identify late Palaeolithic activity associated with exploitation of lake margins.

It is recommended in the geo-archaeological assessment that this potential be tested and mapped through a sequence of boreholes and test pits along the proposed route, as the first stage of refining the understanding of archaeological significance within what is an extensive area. If important remains are identified then further stages (for example auger transects, trial trenches, area strip, with associated analysis of material) could be required to further map significance and then to mitigate the impacts of the scheme proposals under NPPF para 199.

The applicant has provided 'roadmapping' information in relation to the proposed archaeological/geo-archaeological scheme within the submitted Environment Statement Addendum at Chapter 8 and the associated table, which sets out the proposed timetable for carrying out the work following consent but before commencement of the development. I am therefore satisfied that the archaeological interest can be accommodated through a post-consent scheme of work in line with NPPF para 199, secured by planning conditions as follows:

"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, in line with the proposals at Chapter 8 of the Environmental Statement Addendum (Pegasus Group EMS.2916 July 2019) 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



## Committee Report Item No: 2

Application No: 19/00417/FUL

Type: Full Application

### 5. Consultations

---

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 assessment 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 analysis, publication and dissemination of results and archive deposition has been secured."

#### **5.13. Environment Agency:**

*Following submission of additional information and modeling in the ES Addendum and following the submission of Breach Modelling, the Environment Agency provided the following comments;*

After review of the additional information, the Environment Agency are satisfied to remove our objection, as detailed in our response dated the 14<sup>th</sup> September 2020. Our updated response is as follows, which includes five conditions we would like to see on the decision notice.

##### Environment Agency Position

The Environment Agency has **no objections** to the proposed development subject to the following conditions being included on the decision notice.

##### Flood Risk

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.

##### 1. Condition

The development shall be carried out in accordance with the submitted flood risk assessment (ref: NTT-2534\_FRA version P05, produced by BWB, dated 31/03/2020), technical note (ref: NTT2534, produced by BWB, dated 11/09/2020) and breach assessment summary note (ref: NTT-2534\_SN version P01, produced by BWB, dated 17/11/2020) and the following mitigation measures it details:

1. Finished highway level shall be set no lower than the modelled 1% Annual Exceedance Probability (AEP) event including a 50% allowance for climate change and freeboard of 600mm. (flood risk assessment (ref: NTT-2534\_FRA version P05 p34).
2. The crest heights of the flood bunds associated with each of the flood storage areas will be set no lower than:
  1. 39.7m Above Ordnance Datum (AOD) for the Western Flood Storage Area

## **Committee Report Item No: 2**

**Application No: 19/00417/FUL**

**Type: Full Application**

### **5. Consultations**

---

2. 39.13mAOD for the Southern Flood Storage Area.
3. The soffit levels of all structures proposed in or over a main river shall be set no lower than the modelled 1% AEP event including a 50% allowance for climate change and freeboard of 600mm. (technical note ref: NTT2534 p3).

These mitigation measures shall be fully implemented prior to completion of the highway 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 ensure that the development will be safe from the risk of flooding and will not increase flood risk to others.

#### **2.Condition**

In the event that the detailed design of the development alters the designs so far reviewed, to the extent that flood risk to and from the development is materially altered, an updated Flood Risk Assessment (supported by revised hydraulic modelling) shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Environment Agency.

Reason: To ensure that the development will be safe from the risk of flooding and will not increase flood risk to others.

#### **Important information to the LPA**

##### **Compliance with the Reservoirs Act 1975**

The applicant has confirmed that the two structures referred to as the Western Flood Storage Area (WFSA) and Southern Flood Storage Area (SFSA) will be classified as large raised reservoirs (i.e. with capacity to store greater than 25,000m<sup>3</sup> above ground level) and will require compliance with the Reservoirs Act 1975. The Environment Agency are the enforcement authority for the Reservoirs Act 1975 and under this Act it is a requirement that the reservoir owner:

1. Appoint a qualified civil engineer ('construction engineer') under Section 6 of the Reservoirs Act to design and supervise the construction work. Details of suitably qualified engineers can be found here <https://www.gov.uk/reservoirs-a-guide-for-owners-and-operators>.
2. Provide the national reservoir safety team with a notice of their intention under Section 21 of the Reservoirs Act, not less than 28 days before work on-site is due to start.
3. Appoint a supervising engineer and an inspecting engineer if the reservoirs are considered high risk.

We strongly advise that the LPA consult their emergency planners regarding the creation of these reservoirs at the earliest opportunity. The Planning Practice Guidance states that Local planning authorities are advised to consult with their emergency planning officers as early as possible regarding any planning applications which have implications for emergency planning. Where issues affecting emergency services are identified it may be relevant to contact the local resilience forum which prepare for local incidents and catastrophic emergencies. Or in some cases, it may

## **Committee Report Item No: 2**

**Application No: 19/00417/FUL**

**Type: Full Application**

### **5. Consultations**

---

be appropriate for the local planning authority to consult the emergency services on specific emergency planning issues related to creation of new reservoirs.

#### Future development in the area

While reservoir flooding is extremely unlikely to happen providing the reservoir is appropriately managed and maintained, the failure of a reservoir has the potential to cause catastrophic damage due to the sudden release of large volumes of water with little or no warning. The applicant has provided the results of a breach modelling exercise (Breach Assessment Summary Note, IPI-BWB-ZZ-XX-RP-YE-0004\_SN P01, 17/11/2020) which demonstrates that in the event of a breach of the proposed reservoirs no existing developments are put at increased flood risk.

The creation of new reservoirs in this location introduces a residual risk that was not previously present. Any future developments proposed within the vicinity of these reservoirs will need to demonstrate that they can be made safe and that this residual risk can be appropriately managed. For any future developments in this location the local planning authority will need to evaluate the potential damage to buildings or loss of life in the event of dam failure, compared to other risks, when considering whether development is appropriate in this location.

#### Groundwater and Contaminated Land

The Environmental Statement states that,

“No evidence of contamination has been recorded during ground investigations. Due to the lack of development history and shallow soils being largely cohesive, the risk to both human health and controlled water receptors was considered to be low.” We are satisfied with this assessment of risk to controlled waters but would like to request the inclusion of the following condition on any planning permission granted for the site.

#### 3. Condition

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 170 of the National Planning Policy Framework.

#### **Biodiversity**

##### Environmental Statement Chapter 15 Summary

It states that ‘A Landscape and Ecological Management Plan (LEMP) will be produced for all habitats retained and created for nature conservation purposes, specifically those associated with the flood compensation areas, which have the potential to complement those already present in the adjacent LNR.’

So we ask that the following condition is included on the decision notice and would

## **Committee Report Item No: 2**

**Application No: 19/00417/FUL**

**Type: Full Application**

### **5. Consultations**

---

like to see a copy of the LEMP prior to commencement of works. Culverting proposed as part of this development could have an unacceptable effect on the ecological value of the Sinfin Moor Lane Stream LWS and of Barrow Drain at this site. Ecological enhancements that have been proposed will require a management plan to be in place. This will ensure the landscape provides a maximum benefit to people and the environment.

In light of the above, the proposed development will only be acceptable if a planning condition requiring a landscape management scheme is included.

This approach is supported by paragraphs 170 and 175 of the National Planning Policy Framework (NPPF) which recognise that the planning system should conserve and enhance the environment by minimising impacts on and providing net gains for biodiversity. If significant harm resulting from a development cannot be avoided, adequately mitigated, or as a last resort compensated for, planning permission should be refused. Without this condition we would object to the proposal because it cannot be guaranteed that the development will not result in significant harm to Sinfin Moor Lane Stream LWS and of Barrow Drain.

#### 4. Condition

No development shall take place until a landscape and ecological management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas (except privately owned domestic gardens), has been submitted to, and approved in writing by, the local planning authority. The landscape and ecological management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the local planning authority. The scheme shall include the following elements:

- details of maintenance regimes
- details of any new habitat created on-site including permanent water features
- details of treatment of site boundaries and/or buffers around water bodies
- details of management responsibilities
- details of Himalayan Balsam Control
- details of Mammal underpasses
- details of hedgerows to be retained and management plan
- details of bat roost installation features

Reason: To ensure the protection of wildlife and supporting habitat. Also, to secure opportunities for enhancing the site's nature conservation value in line with national planning policy.

#### **Information to the LPA/Applicant – Biodiversity**

##### **Environmental Statement Chapter 7 Biodiversity**

We welcome the proposals for an otter ledge/ramp in 7.6.22 as well as the incorporation of mammal underpasses into road design at sensitive locations eg. Barrow Drain, Main Drain, especially as within the Water Vole and Otter Report,

## **Committee Report Item No: 2**

**Application No: 19/00417/FUL**

**Type: Full Application**

### **5. Consultations**

---

FPCR, March 2019 it states that this area is a potentially suitable commuting route for otter.

#### Ecological Appraisal, FPCR, Feb 2019

We welcome the statement on page 16 'where possible it would be beneficial if an area of permanent water could be created to maximise its biodiversity value.' especially as within the Environmental Statement 7.7.8 it states 'culverting small sections of Sinfin Moor Lane Stream LWS and of Barrow Drain.' We agree with proposal on page 16 to control Himalayan Balsam on site.

#### Bat report

We agree that hedgerows should be retained and protected especially where bat activity is concentrated. And that a sensitive lighting scheme should be adopted. We agree with installation of bat roost features on retained trees.

#### Water Vole report FPCR March 2019

The Water Vole survey was carried out at the end of September 2016. This is not optimal survey time and also the report findings are out of date. We agree with **Section 5.3** that a pre-commencement water vole survey should be undertaken in advance of any works being carried out within 5m of the ditches. The survey should be undertaken by a suitably qualified ecologist.

#### Water Quality

##### 5. 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: To prevent silt pollution of the Cuttle Brook and its tributaries.

#### **5.14. Natural England:**

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.

#### Best and Most Versatile Agricultural Land or Minerals and Waste reclamation

From the documents accompanying the consultation we consider this application falls outside the scope of the Development Management Procedure Order (as amended) consultation arrangements, as the proposed development would not appear to lead to the loss of over 20 ha 'best and most versatile' agricultural land (paragraph 170 and 171 of the National Planning Policy Framework). For this reason we do not propose to make any detailed comments in relation to agricultural land quality and soils, although more general guidance is available in Defra *Construction Code of Practice for the Sustainable Use of Soils on Construction Sites*, and we recommend

## **Committee Report Item No: 2**

**Application No: 19/00417/FUL**

**Type: Full Application**

### **5. Consultations**

---

that this is followed. If, however, you consider the proposal has significant implications for further loss of 'best and most versatile' agricultural land, we would be pleased to discuss the matter further.

#### **Green Infrastructure**

Multi-functional green infrastructure can perform a range of functions including improved flood risk management, provision of accessible green space, climate change adaptation and biodiversity enhancement.

Natural England welcomes the green infrastructure (GI) element of the proposal as set out on the illustrative masterplan. In particular we welcome the:

- Creation of an inter-connected mosaic of habitats, including woodland and scrub, across the proposed green infrastructure;
- Creation of species-rich grassland that are characteristic of the county;
- Creation of a network of wetland features as part of the flood compensation and sustainable drainage schemes;
- Planting of woodland copses, scrub and standard trees.

In order to secure a comprehensive scheme of green infrastructure creation, Natural England would advise the attaching of a suitably worded planning condition which would allow further detail to be addressed through a subsequent full application.

Additional evidence and case studies on green infrastructure, including the economic benefits of GI can be found on the Natural England Green Infrastructure web pages.

Following re-consultation on amendments made to the proposals, Natural England commented as follows;

The advice provided in our previous response applies equally to this amendment although we made no objection to the original proposal. The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

#### **5.15. Derbyshire Wildlife Trust:**

The application seeks permission for the development of a new road junction and connecting link road and includes the demolition of a farm and related buildings.

A suite of comprehensive ecological surveys completed by FPCR in respect of a range of appropriate species has provided a robust assessment of the ecological interest associated with the development area. The scope of the ecological survey work has been informed by an appropriate data search with relevant local nature conservation organisations for existing biological data.

The following ecological reports have been reviewed:

- Environmental Statement Chapter 7 Biodiversity
- Ecological Appraisal prepared by FPCR dated February 2019
- Great Crested Newt Report prepared by FPCR dated March 2019
- Confidential Badger Report prepared by FPCR dated March 2019

## **Committee Report Item No: 2**

**Application No: 19/00417/FUL**

**Type: Full Application**

### **5. Consultations**

---

- Bat Survey Report prepared by FPCR dated March 2019
- Reptile Report prepared by FPCR dated March 2019
- Water Vole Survey Report prepared by FPCR dated March 2019

The survey area is dominated by intensively managed agricultural, largely arable, land with a network of native hedgerows that meet the definition of priority habitat (Habitat of Principal Importance). The scheme will result in the loss of at least 1455m of native hedgerow priority habitat.

The Sinfin Moor Lane Stream LWS bisects the site centrally. The loss of a small localised section of bankside habitat due to culverting is considered to be of minor significance only to the LWS. From a review of historic and current data we concur that great crested newts are likely to be absent from the site.

No bats were recorded emerging from or re-entering the farm buildings during three nocturnal surveys and bat activity was generally low across the site. We support the recommendation in the Landscape and Lighting section of the Bat Survey report for a sensitive lighting scheme and advise that the submitted Lighting Impact Assessment and the Lighting Proposals Plan appear to accord with the recommendations in section 5.12 of the Bat Survey report.

Overall, we advise that sufficient information in respect of European Protected Species (Bats and Great Crested Newt) has been submitted to enable the local planning to discharge its duty in respect of the requirements of The Conservation of Habitats and Species Regulations 2017 and determine the application.

No evidence of badger setts were noted within the site boundary or within 30m. However, badger field signs were noted outside of the site boundary. We therefore support the recommendation in section 5.4 of the Badger Survey report for a pre-commencement badger survey to be undertaken approximately 3 months prior to the commencement of works. This should be secured as a condition of any consent.

No evidence of reptiles, water vole or otter was recorded during targeted surveys. From the submitted evidence we concur that reptiles, water vole and otter are likely to be absent from the site. We support the recommendation in section 5.3 of the Water Vole Survey Report for a pre-commencement survey for water vole to be undertaken in advance of any works being carried out within 5m of the ditches which should be secured by a condition attached to any consent.

The habitats present on the site provide suitable opportunities for nesting birds. We therefore recommend that a condition to secure the following is attached to any permission:

No initial ground and vegetation clearance works or building demolition shall take place between 1<sup>st</sup> March and 31<sup>st</sup> August inclusive unless a survey to assess the nesting bird activity on the site during this period and a scheme to protect the nesting birds has first been submitted to and approved in writing by the Local Planning Authority. No vegetation or buildings shall be removed between 1<sup>st</sup> March and 31<sup>st</sup> August inclusive other than in accordance with the approved bird nesting protection scheme.

## **Committee Report Item No: 2**

**Application No: 19/00417/FUL**

**Type: Full Application**

### **5. Consultations**

---

We are generally supportive of the submitted Overall GI Masterplan which includes a substantial area of informal open space, comprising a range of semi-natural habitats. We would expect the replanting of a sufficient extent of species rich native hedgerows to compensate for the loss.

The submission and approval of a Construction and Environmental Management Plan (CEMP) and a Landscape and Ecological Management Plan (LEMP) should be secured by planning conditions as follows:

*“No development, including preparatory works, shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following:*

- (a) a risk assessment of potentially damaging construction activities;*
- (b) identification of biodiversity protection zones (e.g. buffers to trees and hedges or to protected wildlife habitat);*
- (c) practical measures (both physical measures and sensitive working practices, such as protective fencing, exclusion barriers and warning signs) to avoid or reduce impacts during construction (particularly in relation to works within canopy and root protection areas for hedgerows or protected trees);*
- (d) the location and timing of sensitive works to avoid harm to biodiversity features (in relation to breeding birds in particular);*
- (e) the times during construction when specialist ecologists need to be present on site to oversee works (as required);*
- (f) responsible persons and lines of communication; and*
- (g) the role and responsibilities on site of an Ecological Clerk of Works (ECoW) or similarly competent person (as necessary).*

*The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless the ECoW otherwise sets out alternative details which are subsequently agreed by the Local Planning Authority.”*

*“Prior to the first use of the development a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority.*

*The content of the LEMP shall include the following:*

- a) Description and evaluation of features to be managed;*
- b) Ecological trends and constraints on site that might influence management;*
- c) Aims and objectives of management, including mitigation and enhancement for species identified on site*
- d) Appropriate management options for achieving aims and objectives;*
- e) Prescriptions for management actions;*
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a twenty-year period);*



## **Committee Report Item No: 2**

**Application No: 19/00417/FUL**

**Type: Full Application**

### **5. Consultations**

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- g) Details of the body or organisation responsible for implementation of the plan, along with funding mechanism(s) for that body or organisation; and*
- h) Ongoing monitoring and remedial measures, including where monitoring shows that conservation aims and objectives of the LEMP are not being met.*

*The approved plan shall be implemented in accordance with the approved details.”*

*Following re-consultation on the ES Addendum, DWT commented as follows;*

We have reviewed the information provided in the Environmental Statement Revised Addendum documents dated July 2020 with particular consideration of Chapter 7 Biodiversity. Appropriate consideration has been given to potential ecological impacts associated with the inclusion of additional lighting and the creation of lay-bys as part of the proposed amendments.

On the basis of the results of bat activity surveys which found no bat roosts within the areas to be affected by the additional lighting and given the proposed level of lighting we concur that the lighting should not have an unacceptable impact on bats.

We concur that the creation of new lay-bys should not result in the loss of any habitats of substantive nature conservation value. We are satisfied that the new tree and hedge planting should compensate for the removal of vegetation and that the proposed Green Infrastructure of the overall scheme should deliver a significant net gain in biodiversity. Overall, on the basis of the submitted revised information we advise that there should be no additional ecological impacts associated with the proposed amendments.

#### **5.16. Historic England:**

Thank you for your letter of 23 December 2020 regarding further information on the above application for planning permission. On the basis of this information, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

#### **5.17. Highways England:**

Referring to the planning application referenced above, and consultation dated 18 July 2019, for the demolition of Ashlea Farm and related building, and development of a junction and connecting link road with associated works, located at Infinity Park Way, Derby, notice is hereby given that Highways England’s formal recommendation is that we: recommend that conditions should be attached to any planning permission that may be granted (see Annex A – Highways England recommended Planning Conditions).

HIGHWAYS ENGLAND (“we”) 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.

## **Committee Report Item No: 2**

**Application No: 19/00417/FUL**

**Type: Full Application**

### **5. Consultations**

---

This response represents our formal recommendations with regards to planning application ref 19/00417/FUL and has been prepared by Steve Freek.

Highways England has previously issued a holding recommendation for this application in November 2020 where we advised the applicant of outstanding issues related to the Transport Assessment (TA) and the need for DfT approval for the proposed A50 Junction.

We clarified in previous responses that whilst we no longer have comments to provide in relation to the TA, the need for DfT approval for the junction remains, and as such the application should not be determined until DfT approval has been received.

A letter received from DfT dated 7 January 2021 confirmed that the Secretary of State considers that a Departure from Circular 02/2013 policy to allow a new junction would not impact negatively on the users of the SRN. The letter also considered that the boundary related conditions as set out below should be attached to any grant of planning permission. As a result, our previous recommendation that this application should not be consented until DfT approval has been received, can now be removed.

As the application abuts the A50 trunk road, there are several items to address to ensure the development does not negatively impact the operation of the highway or affect the physical integrity of Highways England's asset. Highways England recommends the following conditions should be attached to any grant of planning permission:

#### Highway Infrastructure

Condition: No part of the proposal hereby permitted shall commence until a scheme in broad accordance with that shown in drawing A50 Junction 3A General Arrangement IFP-BWB-GEN-XX-TR-001 S3 P11 (or as otherwise amended during detailed design) has been submitted to and approved in writing by the local planning authority in consultation with Highways England. The scheme shall comply with the design requirements and procedures of the Design Manual for Roads and Bridges as required by Highways England, including those relating to road safety audits and Walking, Cycling & Horse-Riding Assessment and Review (WCHAR). The approved

Highways England Planning Response (HEPR 16-01) January 2016 scheme shall be implemented and completed in full, in accordance with the approved details.

#### Drainage

BWB were provided with 'As Built' drawings from Highways England for this section of the A50, so should be able to take locations of existing drainage outfalls and ditches into account in their design. The applicant should be aware that in accordance with DfT Circular 02/2013 paragraphs 49 and 50, no water run-off that may arise from the development will be accepted into the highway drainage systems. As such no new connections into those systems from third party development and drainage systems shall be allowed.

Condition: No part of the proposed works shall commence until details of all surface water drainage matters have been submitted to and approved in writing by the Local Planning Authority in consultation with Highways England. The works shall be carried out in accordance with the approved scheme.

## **Committee Report Item No: 2**

**Application No: 19/00417/FUL**

**Type: Full Application**

### **5. Consultations**

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#### Geotechnics

We note that a bund is proposed along the eastbound side of the A50, though details of measures regarding drainage of the bund to prevent slippage should be provided. This should consider bund weight and pipe specifications for drainage that lies beneath the bund to ensure the bund does not damage the proposed drainage system.

Condition: No part of the proposed works shall commence until details of the boundary treatment adjacent to the A50 trunk road boundary have been submitted to and approved in writing by the Local Planning Authority in consultation with Highways England. The approved boundary treatment shall thereafter be constructed in accordance with the approved plans and maintained in perpetuity.

#### Street Lighting

If any lighting columns are to be erected towards the bottom of the slip roads of the new A50 junction, consideration should be given to future maintenance by installing column on the near side as well as providing a full width hard shoulder to avoid the need for full closure of the slips for maintenance work.

Condition: No part of the proposed works shall commence until an assessment of the potential risk to motorists using the A50 arising from any temporary and task lighting, and any light glint and glare emitting from vehicles using the development access road (s), has been carried out. Any necessary mitigation scheme identified shall be approved in writing by the Local Planning Authority in consultation with Highways England. The approved mitigation scheme shall thereafter be constructed in accordance with the approved plans and maintained in perpetuity.

Reason: To ensure that the A50 trunk road continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10(2) of the Highways Act 1980, in the interests of road safety and to maintain the integrity of the strategic road network.

#### CEMP

Condition: No part of the proposal hereby permitted shall commence until a Construction Environmental Management Plan (CEMP) incorporating a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the local planning authority in consultation with Highways England. The development shall be carried out in accordance with the approved plan.

Reason: To ensure that the A50 trunk road continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10(2) of the Highways Act 1980, in the interests of road safety and to maintain the integrity of the strategic road network.

#### INFORMATIVE NOTE TO APPLICANT

The highway mitigation work associated with this consent involves works within the public highway, which is land over which you have no control. Highways England 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 Highways England Section 278 Service Delivery Manager David Steventon to discuss these matters at [david.steventon@highwaysengland.co.uk](mailto:david.steventon@highwaysengland.co.uk)

## **Committee Report Item No: 2**

**Application No: 19/00417/FUL**

**Type: Full Application**

### **5. Consultations**

---

The applicant should be made aware that any works undertaken to Highways England network are carried out under the Network Occupancy Management policy, in accordance with Highways England procedures, which currently requires notification/booking 3 months prior to the proposed start date. 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@highwaysengland.co.uk](mailto:Area7networkoccupancy@highwaysengland.co.uk)

#### **5.18. Police Liaison Officer:**

I've no comments to make regarding the planned demolition and road scheme proposed.

#### **5.19. East Midlands Airport Aerodrome Safeguarding Authority:**

We have the following comments:

- Any temporary or permanent street lighting to be capped at the horizontal to prevent upward spill/glare to pilots approaching the airport on runway 09 or to ATC controllers in the EMA ATC Tower.
- Whilst the site is beyond the 6km radius of East Midlands Airport (within which all crane operations must be advised to the airport), it does lie close to the flightpath between EMA and the Royal Derby Hospital. This route is a low level flight area for the local Air Ambulance based at EMA. Therefore, any cranes to be used to erect lighting or signage on the new A50 junction or the new Infinity Park link roads must first consult with East Midlands Airport Safeguarding Department to determine if there would be any potential conflict.
- Consultation with the Airport is required for any materials used that may cause Glint & Glare to aircraft using the Airport or Air Traffic Control. A Glint & Glare assessment may be required – please liaise further on this aspect. Email [ops.safety@eastmidlandsairport.com](mailto:ops.safety@eastmidlandsairport.com) with reference number 2019-S26.
- No excessive dust or smoke to be produced by the site during construction and after completion. If excessive Dust or smoke are likely, robust mitigation measures will be required.

#### **5.20. Western Power:**

Whilst not wishing to object to this proposal I would draw your attention to the presence of our 11,000 Volt overhead lines and underground cables which will need diverting in order for this work to be carried out in a safe manner, and the developers should refer to the HSE publications GS6 & HSG47 before and during any construction. This is particularly important for Lea Farm which looks to be remaining, whereas Ashlea Farm looks to be going as part of the works. Whilst it is easy to disconnect this line we will need to charge for resupplying Lea Farm from elsewhere in order that we can remove all our apparatus from the work zone.

**Committee Report Item No: 2**

**Application No: 19/00417/FUL**

**Type: Full Application**

**5. Consultations**

---

**5.21. Cadent Gas:**

Looking at the above planning application, we would at this time object. We have 2 High pressure gas pipelines running through where a new traffic roundabout will be. I have not seen any mention of these high pressure gas pipelines or plant protection measures that would be necessary to protect the integrity of these assets. We hold a deed of grant for an easement on these pipelines and no development can take place in the easement without Cadent written permission. We would remove the objection when we were satisfied the HP gas pipelines would be protected to our satisfaction.

*Subsequent comments provided are as follows;*

After discussions with the applicant we will remove our objection but we would be most grateful if you could place an informative with the applicant that cadent gas must be contacted and liaised with before any development takes place near the high Pressure gas pipelines.

## **Committee Report Item No: 2**

**Application No: 19/00417/FUL**

**Type: Full Application**

### **6. Relevant Policies**

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#### **6. 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
- CP1(b) Placemaking Principles for Cross Boundary Growth
- CP2 Climate Change
- CP3 Placemaking Principles
- CP16 Green Infrastructure
- CP18 Green Wedges
- CP19 Biodiversity
- CP20 Historic Environment
- CP23 Delivering a Sustainable Transport Network
- CP24 Transport Infrastructure
- AC15 Land South of Wilmore Road, Sinfin (Infinity Park Derby)
- AC18 Wragley Way
- MH1 Making it Happen

#### **Saved CDLPR Policies**

- GD5 Amenity
- E12 Pollution
- E13 Contaminated Land
- E17 Landscaping schemes
- E21 Archaeology
- E30 Safeguarded Areas around Aerodromes
- 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:

[http://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/policiesandguidance/planning/Core-Strategy\\_ADOPTED\\_DEC-2016\\_V3\\_WEB.pdf](http://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/policiesandguidance/planning/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:

[http://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/policiesandguidance/planning/CDLPR\\_2017.pdf](http://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/policiesandguidance/planning/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.*

## **Committee Report Item No: 2**

**Application No: 19/00417/FUL**

**Type: Full Application**

### **6. Relevant Policies**

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For Members information, the relevant development plan policies from the South Derbyshire Local Plan (Part 1 and Part 2) are listed below. It is expected that a full assessment of the proposal for the parts of the development within South Derbyshire, is undertaken, against those policies by Derbyshire County Council in determining the application under their consideration.

#### **South Derbyshire Local Plan Part 1**

Policy S1	Sustainable Growth Strategy
Policy S2	Presumption in Favour of Sustainable Development
Policy S4	Housing Strategy
Policy S5	Employment Land Need
Policy S6	Sustainable Access
Policy H1	Settlement Hierarchy
Policy H15	Wragley Way (South of Derby)
Policy E4	Strategic Location for Sinfin Moor Employment Site Extension
Policy SD1	Amenity and Environmental Quality
Policy SD2	Flood Risk
Policy SD3	Sustainable Water Supply, Drainage and Sewerage Infrastructure
Policy SD4	Contaminated Land and Mining Legacy Issues
Policy BNE1	Design Excellence
Policy BNE2	Heritage Assets
Policy BNE3	Biodiversity
Policy BNE4	Landscape Character and Local Distinctiveness
Policy INF2	Sustainable Transport
Policy INF4	Transport Infrastructure Improvement Schemes
Policy INF7	Green Infrastructure

#### **South Derbyshire Local Plan Part 2**

Policy BNE5	Development in Rural Areas
Policy BNE7	Trees, Woodland and Hedgerows
Policy BNE10	Heritage
Policy INF13	Southern Derby Area and Infinity Garden Village

## **Committee Report Item No: 2**

**Application No: 19/00417/FUL**

**Type: Full Application**

### **7. Officer Opinion**

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#### **7. Officer Opinion:**

##### **Key Issues:**

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

##### **7.1. Overarching Policy Issues**

##### **7.2. Impact on Green Wedge and Landscape Matters**

##### **7.3. Highway Implications**

##### **7.4. Flood Risk and Drainage**

##### **7.5. Biodiversity Impacts**

##### **7.6. Amenity Issues – including Noise and Vibration, Air Quality, Light Intrusion and Visual Impacts**

##### **7.7. Ground Conditions and Contamination**

##### **7.8. Archaeology and Heritage**

##### **7.9. Planning Balance and Conclusion**

#### **7.1. Overarching Policy Issues**

Infinity Garden Village (IGV) is one of 14 new garden villages that are proposed to be delivered in England. The IGV extends across the areas of growth at the south of the City in the Sinfin and Chellaston wards that are committed in our Local Plan allocations and those of South Derbyshire District Council. This area of major growth is identified in both Local Plans as the South Derby Growth Zone (SDGZ). It includes around 117ha of new employment land as an extension to Infinity Park Derby; around 2,130 new homes on land at Wragley Way, supported by a primary school, local centre and a network of blue and green infrastructure; a new secondary school and the delivery of new transport infrastructure including the Southern Derby Integrated Transport Link (SDITL) and a new junction on the A50.

Both the City Council and South Derbyshire District Council recognise that the construction of a new junction and link road are essential to help delivery of the SDGZ. A number of policies within Derby City's and South Derbyshire's Local Plans make reference to the construction of a new junction on the A50 and a link road serving the development proposed to the south of the City.

Local Plan Policy CP24 supports the delivery of the Council's transport strategy and it includes SDITL as part of its initiatives. Derby City Local Plan Policies AC15 and AC18 also make direct reference to a new link road from the A50. Policy AC18 relates to the southern urban extension to the City at Wragley Way and states;

*'...the City council will work with South Derbyshire to ensure that new highway infrastructure is provided to help mitigate the impact of the development on the local and strategic road networks. This will include the development of, or contributions towards, the construction of the South Derby Integrated Transport Link. The potential for a new junction onto the A50 to be delivered in the future should not be prejudiced.'*



## Committee Report Item No: 2

Application No: 19/00417/FUL

Type: Full Application

### 7. Officer Opinion

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South Derbyshire's requirement for the SDITL and potential connecting junction to the A50 is contained within their Local Plan, policies H15 and INF4 being the most relevant.

The *Infinity Garden Village Development Framework Document* (DFD) has been jointly prepared by South Derbyshire District Council, Derbyshire County Council, the City Council and the Development Partners for IGV along with the IGV Liaison Forum. It represents a joint statement on the approach to be taken by all stakeholders, towards the delivery of the IGV project. It is not a supplementary planning document, but it provides a framework and masterplan for delivery and a key component of the garden village is identified in the DFD as the SDITL and a new junction on the A50.

The principle of a new link to the A50 and route through this part of the City, is therefore implicit in our Local Plan Policy and it is considered a necessary piece of infrastructure to support the wider delivery of development on this southern edge of the City. Clear support for this proposal has been expressed by the Council's Strategic Housing Division and Regeneration and Major Projects colleagues who note that the road would provide the infrastructure to support the Wragley Way housing development and the southern extension to Infinity Park, Derby's flagship regeneration project.

A strong presumption in favour of sustainable development runs through the NPPF which indicates that the three strands of sustainable development, economic, social and environmental need to be pursued in mutually supportive ways. Paragraph 72 states that the supply of large numbers of new homes '*can often be best achieved through planning for larger scale development, such as new settlements or significant extensions to existing villages and towns provided they are well located and designed and supported by the necessary infrastructure and facilities.*' Other sections of the NPPF go on to require that sustainable communities are supported by sufficient access to services and employment opportunities and that conditions should be created in which businesses can invest, expand and adapt.

This proposal therefore seeks to deliver a **key part of the infrastructure** that would unlock land allocated for employment and housing proposed at Infinity Park and IGV and is a key part of the strategic growth that is planned at the southern edge of Derby. The ES provides a detailed picture of the socio-economic situation in Derby and South Derbyshire and the socio-economic impacts that would arise from the planned growth. The conclusions it draws are that significant socio-economic benefits would arise from delivery of this key section of infrastructure in the SDGZ and those conclusions are echoed by colleagues in Housing and Regeneration and are accepted. They provide benefits arising from this proposal that need to be afforded significant weight in the determination of this application.

Whilst the principle of forming a new key route through this part of the City is implicit in our Local Plan policies and would provide the infrastructure supported by paragraph 72 of the NPPF, this application is for full planning permission and it provides the detailed design and alignment for the proposed link to the A50. The route of the proposed road, within the City boundary, runs through the Sinfin Moor Green Wedge and an area of nature conservation. The application site also abuts the Sinfin Moor LNR and an area designated for new or extended public open space.

## **Committee Report Item No: 2**

**Application No: 19/00417/FUL**

**Type: Full Application**

### **7. Officer Opinion**

---

In determining the application, detailed consideration is therefore required of all relevant planning policies to ensure that the design and alignment of the proposal is suitable, to ensure all three strands of sustainable development are met by the proposal and to ensure that any necessary mitigation is secured. The detailed matters discussed further in this report will consider the acceptability of the proposal in relation to all policy requirements.

#### **7.2. Impact on Green Wedge and Landscape Matters**

Through Local Plan Policy CP18, the Council seeks to retain the form and function of the City's Green Wedges. CP18(a), lists the uses which are considered to be appropriate for a Green Wedge and the construction of a road is in conflict with the criterion.

This conflict does however, need to be balanced with the need to deliver two cross-boundary strategic sites which sit on either side of this Green Wedge; namely Wragley Way and Infinity Park Derby. The requirement for a road in this location being outlined in the respective policies which cover both of those land allocations.

The route of the proposed road and its impact on both the Green Wedge and the Sinfyn Moor Local Nature Reserve (LNR) has been part of the long-standing negotiations between the City Council, South Derbyshire District Council and the applicant. Early iterations of the route were sited further west which would have resulted in a detrimental impact on the openness of the wedge and encroachment into the LNR. Detailed consideration of earlier iterations form part of the 'alternatives' considered in detail in the ES. As a result of negotiations, the alignment of the road is now proposed to extend to the most easterly possible position within the Green Wedge. By pushing the alignment of the road to the periphery of the Wedge helps to reduce its impact.

Policy AC15 relates to the employment land at Infinity Park Derby and it includes an indicative plan showing the extent of several environmental measures which will be delivered through the development of Infinity Park. Key to mitigating the impact is the creation of a landscape buffer running along its edge, and it is noted that the route of the road will not encroach into this buffer.

Within the SDGZ / IGV area, our Local Plan allocations allow for an extension of employment land southwards and up to the City's southern boundary with South Derbyshire (AC15) but retain a Green Wedge between the existing built up area of Sinfyn and the AC15 allocation. This area of Green Wedge seeks to act, amongst other things, as a buffer between residential and commercial uses; a role that will be more important as the allocations in South Derbyshire begin to be built out. It is acknowledged that securing the movement of the road towards the western edge, would allow a more meaningful extent of green wedge to be maintained as it extends towards the southern edge of the City, than was originally proposed. Aligning the road along the edge of the Green Wedge would also provide it with a clear defensible boundary.

The information supporting this planning application recognises the conflict between the road alignment and our Green Wedge policy. The Planning Statement that supports the application calculates the area of carriageway that extends within the

## **Committee Report Item No: 2**

**Application No: 19/00417/FUL**

**Type: Full Application**

### **7. Officer Opinion**

---

Green Wedge as extending to some 3.1 hectares. It goes on to show how part of the northern flood alleviation area which extends to 8.04 hectares will deliver green space, as part of the development, on land that currently forms part of the employment land allocation. The suggestion is made that this identified area could be considered as an area of extension to the green wedge in future Local Plan Policy and thereby compensate for the loss arising as a result of the road's alignment. This would need to be considered in detail through the Local Plan process but it identifies the extent of the delivery of new formal green space alongside the existing Green Wedge allocation.

One of the key issues to also consider, in terms of green wedge policy, is to ensure that the detailed design and alignment of the new road meets as far as possible, the criteria set out in the policy, in order to ensure that the openness and undeveloped character of the wedge is not compromised. In this regard it is clear that the proposal will have a negative impact on the wedge, introducing a linear form of development running north-south, in an elevated position with its associated development including roundabouts, signage, lighting columns and acoustic fencing. The flood alleviation areas will also introduce changes to levels and local landform.

Colleagues in our Parks Department have stressed the important function of the Green Wedge and the role of Sinfin Moor Park and the LNR in providing an important green asset in this part of the City. They note the separation of the Park and LNR from the surrounding countryside as a result of the proposal.

Colleagues in our Parks Department have also noted effects arising for local landscape character resulting in part, from the physical separation provided by the road along with increased noise and light pollution. The ES suggests that the sites relationship with the built-up area of the City and the A50 transport corridor currently means that this landscape is influenced by urbanising elements and the local landscape does not exhibit any pronounced sense of tranquillity nor any significant notion of wilderness. Its detailed analysis of the construction and operation effects of the proposal on the landscape, conclude that on the basis of a well-planned green infrastructure strategy landscape effects can be suitably mitigated and no significant long-term landscape harm would result.

Whilst the ES notes the proximity of the application site to the City and urbanising influences including the A50, direct impacts on the landscape would result from the loss of farmland, hedgerows and trees that would arise not only from the route of the road but also from the delivery of the flood storage areas. The Arboricultural Impact Assessment that supports the application indicates that the linear nature of the proposal allows for much of the tree stock on site to be retained and it is clear from the information supporting the application that tree and hedgerow removal is only to be undertaken, where necessary and our Tree Officer has not raised any objections to the application. While existing landscape features are to be retained, where possible, hedgerow and some tree removal will clearly offer landscape changes.

Comments provided by the Landscape Architect at the County Council help to inform consideration of the landscape effects of the proposal and based on their comments, the methodologies and the guidance used to inform the landscape effects in the ES are considered appropriate. Whilst the Landscape Architect at the County Council advises that it would be difficult to contend that the proposed junction and new link

## **Committee Report Item No: 2**

**Application No: 19/00417/FUL**

**Type: Full Application**

### **7. Officer Opinion**

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road would, in isolation, have a significant adverse effect on either the landscape or visual amenity of the Sinfin Moor area, he notes that the proposal would clearly be at odds with the established landscape character. This has to be acknowledged, as the built form of the new road and junction would offer a marked change to a landscape that currently stands primarily as agricultural land. Also, the Landscape Architect comments that cumulatively with the wider development of Infinity Park, the new road corridor will have a wholesale effect on the current character of the Wet Pasture Meadows LCT to the point that it would effectively lead to almost the entire loss of an LCT defined and described in the 'Landscape Character of Derbyshire' document. This resulting impact is therefore considered to be greater than that assessed in the ES in terms of its impact on the Wet Pastures Meadow LCT and this cumulative effect needs to be weighed in the planning balance.

Overall, the landscape impact of the new road has to be considered on the understanding that significant areas alongside it are allocated for the delivery of Infinity Park and Wragley Way. Although these sites are not yet fully built out, when delivered, they will significantly change the landscape setting in which the new road is to be experienced.

It is recognised that alongside the changes to the Green Wedge and wider landscape, the development includes a comprehensive package of landscape and habitat proposals. They form a key part of the measures proposed to mitigate the environmental effects of the development, outlined in the ES. A key requirement of Policy CP18 is the requirement, through criterion (j), to ensure that development provides opportunities to improve the remaining wedge. Information provided as part of this application, and the congruent application for 1,850 dwellings (19/00877/OUT) indicates that additional vegetation will be introduced within the Wedge. Extensive improvements are proposed to be made to it including flood mitigation measures, planting and improved public access. The retention of a number of natural features, the creation of a new wetland habitat and woodland and hedgerow planting are all welcome as they will improve the remaining Wedge.

Central to the Green Infrastructure proposals are two areas being offered as mitigation for the impact of the proposed development on the local environment including Sinfin Moor Park and the LNR. They are proposed to provide compensatory habitats and losses in vegetation as well as delivering accessible greenspace and habitat creation. The benefits that will arise from the areas being offered as part of the green infrastructure need to be weighed in the planning balance. Colleagues in Parks note that the existing park and LNR provides many benefits to the local environment and community not only in regard to their ecology but also for sport, informal recreation, health and well-being, education and general enjoyment. The green infrastructure proposals would support those benefits and provide extended publicly accessible spaces, providing extensions to the green infrastructure that supports this developing area of the City.

As outlined by colleagues in Parks and stressed in the representations made by the Friends of Sinfin Moor Park and LNR Group, the detailed layout and effective management of the green infrastructure spaces will be key to ensuring they deliver the level of mitigation identified for the Green Wedge and wider landscape and key to their long term success. Conditions of planning permission are proposed to ensure

## **Committee Report Item No: 2**

**Application No: 19/00417/FUL**

**Type: Full Application**

### **7. Officer Opinion**

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that clear layout, design, access and planting details, along with clarification on funding, management and maintenance details are secured to ensure successful delivery of the green infrastructure proposals in the long term. The imposition of such a condition is supported by Natural England who welcome the inclusion of the green infrastructure as part of the proposal.

Overall, negotiations have been successful in moving the alignment of the proposed road to the west of the green wedge, thereby reducing its impact on the wedge's openness and undeveloped character. The road would provide a defensible barrier along the western edge of the Green Wedge in the future, but this alignment would also form a significant barrier alongside Sinfin Moor Park and the LNR. While landscape changes would arise as a result of this proposal, they need to be considered in the context of emerging development at Infinity Park and Wragley Way, as promoted by our Local Plan policies. Built form will emerge over time, thereby changing the open landscape setting of the road anyway and the currently extended open links that the Park and LNR have with the existing agricultural fields. The scale of the green infrastructure proposed as part of this development is significant and it is accepted that it will provide suitable mitigation for those landscape effects, over time. However, provision of a new road conflicts with the list of uses Policy CP18 deems to be appropriate within the Green Wedge and this conflict needs to be weighed in the planning balance.

#### **7.3. Highway Implications**

It is understood that the existing highway infrastructure in this part of the City is not sufficient to accommodate the level of development proposed in our Local Plan and that of South Derbyshire District Council. This proposed road and link to the strategic road network, seeks to deliver part of the infrastructure requirements that will be needed to support this planned growth. This proposal will provide access and infrastructure to facilitate development in the SDGZ and it provides phase I of the SDITL.

At the request of consultees, further traffic modelling has been undertaken during the course of the application in respect of impacts on junctions on the strategic and local highway network and amendments have been made and presented in the ES Addendum. The TA states that the design and assessment work has concluded that the proposed infrastructure is a suitable and deliverable highway infrastructure solution that is necessary to deliver planned and aspirational growth in south Derby.

These conclusions are based on the premise that alternative routes will also be available and will come forward with the delivery of an east - west link, between Infinity Park and the primarily residential development south of Wragley Way. That east – west link, which is not delivered by this proposal, is acknowledged as being essential for the function of proposed development across IGV.

The applicants Planning Statement notes that the DFD anticipates delivery of a new link to the A50 and this link between the A50 and T12 will provide the first phase of the SDITL. It indicates that delivery is proposed in this manner so that phase 1 delivers a dedicated access to Infinity Park and will alleviate pressure on the A50 Bonnie Prince junction.

## **Committee Report Item No: 2**

**Application No: 19/00417/FUL**

**Type: Full Application**

### **7. Officer Opinion**

---

Our Highway Officers are satisfied with the modelling undertaken to assess the impact of the proposal. They have provided a detailed technical note that addresses all the highway related issues arising from the proposal and it is included as an appendix to this report. It is noted that they identify the impact of the road being different to that created by the wider development coming forward in the SDGZ and that the highway impacts associated with proposals across Infinity Park and Wragley Way will need to be dealt with and considered in detail through separate planning applications. It is noted that the County Highway Authority have stated that the dumbbell junction arrangement proposed as part of the A50 junction, does not have sufficient capacity to accommodate all development traffic associated with IG. Whilst this element of the proposal stands outside of the jurisdiction of the City Council, it is noted that the junction and link road does not provide all the highway infrastructure that will be needed to support the wider SDGZ and IG proposals. Subsequent applications for developments within the wider area will need to be supported by their own highway infrastructure and any mitigation proposals deemed to be necessary.

It is understood that once operational, the junction and link road subject of this planning application would not be traffic generating, with impacts limited to the redistribution of existing traffic and the proposal has been assessed on those terms.

Our Highway Officers indicate that the scheme will provide significant benefits in terms of reducing delays and vehicle kilometres across Derby's network. The proposal offers overall improvement in highway terms as the new junction will optimise route choices through this area of the City. However, there will be points on the network that see increases in traffic and in particular, Stenson Road, south of Blagreaves Lane, Merrill Way and the intersection of Infinity Park Way and Wilmore Road are identified by our Highway Officers. Whilst some off site mitigation works now form part of the application and can be secured through the conditions of planning permission, it has to be noted that as a result of this proposal, some points on the Derby highway network will see increases in traffic.

The ES assessment of the transport and access effects of the proposal concludes that only negligible effects arise for transport and access as a result of the construction phase for the junction and link road and these would be short term and temporary. It is indicated that a Construction Management Plan would be put in place to limit any disruption and our Highway Engineers have recommended the inclusion of a condition to require such a plan to be submitted.

The ES also identifies a major severance impact of the development at Sinfin Moor Lane where the road crosses the existing pedestrian and cycle route. In addition, major pedestrian delay impacts, major pedestrian amenity impacts, and major fear and intimidation impacts are identified at Sinfin Moor Lane as a result of this crossing point. Proposed mitigation in the form of the Pegasus crossing has not generated any highway related concerns and is deemed to offer a reasonable solution to enable cyclists, pedestrians and horse riders to safely cross the road at this point.

South Derbyshire District Council have raised concern regarding the lack of pedestrian / cycle routes but the design includes provision for safe north – south cycle access and also allows for future east – west links to be accommodated. Revisions made during the application to amend the position of the swales and

## **Committee Report Item No: 2**

**Application No: 19/00417/FUL**

**Type: Full Application**

### **7. Officer Opinion**

---

cyclepaths / footway provide greater separation between cyclists / pedestrians and the carriageway thereby improving safety for users. Conditions of planning permission are proposed to secure details relating to access and recreational routes for the green infrastructure proposed as part of this proposal. This would further improve access and connectivity in this areas and is welcomed. A key policy requirement of both Local Authorities Plans' seeks to promote greater travel choices through the delivery of new walking and cycling networks. The Planning Statement indicates that the new routes will be created, and they will link with existing routes in the area which accords with the requirements of Policy CP23.

Highways England have a responsibility to ensure access to the Strategic Road Network (SRN) does not interfere with safety. They have sought additional modelling information and changes to the design of the proposal where it directly impacts on the A50. Following approval of the proposal by the Department for Transport (DfT) on the basis that the new junction would not impact negatively on the users of the SRN, Highways England have confirmed the lifting of the holding recommendation they had made in response to the application. Based on the approval of the junction by DfT and Highways England, we have confidence that the link to the A50 and its junction design is acceptable and we have confidence that the necessary approvals are in place for the future delivery of the link to the A50.

This is a cross boundary application and whilst the City Council can only determine the acceptability of the northern section of the proposed road in highway terms, the remainder of the route needs to be deemed to be policy complaint to be acceptable. The City Council need to have confidence that the route we are considering has appropriate linkages and a suitable destination. In that regard, it is noted that South Derbyshire District Council, Derbyshire County Council Highways and Highways England have all confirmed that they do not object to the amended proposal.

Overall, the proposed road would reduce pressure on the surrounding highway network and provide a new and direct connection to the SDGZ / IGV area. It has to be noted that some points on the Derby City network will see increases in traffic, but this has to be considered alongside the significant benefits in reducing delays and vehicle kilometres across Derby's network. Paragraph 109 of the NPPF states that '*development should only be prevented or refused on highway safety grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe*'. Based on the lack of any formal objections from statutory consultees on the grounds of highway impacts, it is considered that the development should not be prevented or refused on highway safety grounds, in accordance with paragraph 109 of the NPPF.

#### **7.4. Flood Risk and Drainage**

The City Council's SFRA1 indicates that, within the City, the application site falls within Flood Zones 2 and 3 and in South Derbyshire, part of the route falls within Flood Zone 2. Both Local Plans' contain policies which address flood risk and both reflect national guidance in seeking to ensure that the sequential approach is followed and, where development is situated in high risk areas, appropriate mitigation measures are employed.

The sequential test requires an applicant to demonstrate that, in areas of high flood risk, development cannot be accommodated elsewhere. This is addressed in the

## **Committee Report Item No: 2**

**Application No: 19/00417/FUL**

**Type: Full Application**

### **7. Officer Opinion**

---

applicants Flood Risk Assessment (FRA). It notes that in the absence of alternative sites capable of providing strategic level employment growth that are also capable of providing links to existing manufacturing facilities in the south of the City along with direct access onto the strategic road network.

The FRA states that the proposals are crucial in the implementation of Core Strategy objectives in the undertaking of strategic economic growth set out in both local plans within the south of Derby City. It is acknowledged that the principle of developing this land has already been assessed at a strategic level by both Local Authorities in bringing forward those local plan allocations. It is agreed that it would be difficult to argue that this proposal could be in an area of lower flood risk as this is an application which will help deliver strategic local plan allocations and help bring forward the SDGZ. For these reasons, the proposals are considered to be in line with the sequential test and it is deemed to be passed in this case.

In determining the drainage and flood risk impacts of the development, consideration has to be given to the requirements of Local Plan Policy CP2 part (m) which states that the Council will:

*...ensure that development is flood resilient and resistant, that unacceptable harm would not be caused to people or property through flooding and that development will not lead to an increased risk of flooding elsewhere...*

The NPPF specifies that planning applications should demonstrate through production of a site-specific flood risk assessment that development in flood prone areas can be made safe and will not increase flood risk elsewhere. At paragraph 161 the NPPF also requires the exception test to be passed and for the development to provide wider sustainability benefits that outweigh the flood risk and demonstrate that the development will be safe for its lifetime without increasing flood risk elsewhere.

The applicant's Flood Risk Assessment (FRA) examines the risk of flooding while the Sustainable Drainage Statement provides the applicant's solution and the impact of the development, in terms of drainage and flood risk, is assessed in the ES.

The proposed new highway alignment will pass, in part, through several areas identified as fluvial floodplain (flood zone 3b). Construction of the road will include the formation of a raised highway embankment and movement of materials within the floodplain. Hydraulic modelling that supports this application has shown that when water spills out of bank of the Meadow Drain and Main Drain in particular, it conveys across the floodplain following the topography from west to east. Therefore, the linear road infrastructure will remove a volume of floodplain but will also affect floodplain conveyance and flow routes. A major adverse significant effect is identified in the ES as resulting from this, if no mitigation is put in place, as this has the potential to displace a large volume of floodplain from the current agricultural fields towards properties located in Sinfin.

To mitigate this impact, the western and southern flood storage areas are significant flood alleviation measures that form part of this proposal. They are designed to store and convey flood waters from the Barrow Drain, Main Drain, Meadow Drain and local watercourses.



## **Committee Report Item No: 2**

**Application No: 19/00417/FUL**

**Type: Full Application**

### **7. Officer Opinion**

---

In the planning application submission, the flood alleviation areas are shown to manage flood risk, removing both the highway alignment and significant areas of third-party land from the flood zone including flood zone 3. It is indicated in the supporting documents that it is the intention that the flood storage areas will compensate both for the loss of direct floodplain volume associated with the highway footprint but also the impacts on conveyance of water across the floodplain.

As 'essential infrastructure' serving a key link between Derby and South Derbyshire, the proposed road is classified as 'highly vulnerable' in flood risk terms. Therefore, to ensure that the development is designed for its lifetime (over 100 years) and takes account of predicted future change in peak river flows caused by climate change, an allowance of 50% has been applied to the design flood considered within the FRA. Information supporting the FRA shows that following the implementation of the western and southern flood storage areas, along with the proposed watercourse realignments, the proposed A50 junction and link road would be removed from the floodplain up to and including the 1 in 100 year +50% event.

The submitted FRA indicates that the existing flood mechanism of water spill out of the right bank of the Cuttle Brook over Sinfin Moor and into the Main Drain needs to be preserved to prevent an increase in flood level downstream of the Cuttle Brook and the River Trent. The design of the western flood storage area allows for this and the proposed highway would act as an impounding structure at its southern end. A bund, to the same level, would need to be constructed along the western edge to prevent the flooding of the Sinfin golf course. This would tie into the existing high ground at the northern section of the golf course.

The FRA also indicates that it is the intention of the southern flood storage area to mimic the existing flood mechanism of water spilling out of the Barrow Drain and being directed into the Main Drain. The gradient of this flood storage area would therefore slope from south to north.

The ES states that the flood storage areas would offer significant betterment and enhancement to the flood risk situation across southern Derby as a whole, providing a strategic solution to flooding from the Barrow Drain, Main Drain and Meadow Drain. They are identified in the planning application as providing strategic management of fluvial flood risk and the ES identifies an impact of moderate to major positive significance for the management of flood risk. It is for this reason most of the flood risk impacts identified in the ES during the operational phase are beneficial as the strategic flood risk solution is stated as offering a significant betterment to the current solution.

Local Plan Policy CP2 part (p) encourages the use of Sustainable Drainage Systems (SuDS) in all new development. The Sustainable Drainage Statement that supports the application sets out how the proposed road will be drained and provides the reasoning behind the chosen design. It suggests that after considering the sites constraints and development aspirations, the necessary surface water volume would be located in swales and detention basins located adjacent to the road alignment with suitable outfalls to adjacent watercourses.

The Sustainable Drainage Statement indicates that vegetation will improve water quality through removing sediment, buoyant materials and pollutants. The swales

## **Committee Report Item No: 2**

**Application No: 19/00417/FUL**

**Type: Full Application**

### **7. Officer Opinion**

---

and detention basins are identified as providing benefits to biodiversity and provide a visual amenity alongside the road. Part of adopting a sustainable approach to surface water management includes the restriction of flow rates to an equivalent greenfield run off rate (QBAR) and provision of storage to hold the additional volume of water before releasing it at the controlled rate. A restricted runoff rate is stated as being necessary to provide attenuated storage to balance the excess volume in a safe manner within the site. The proposed surface water drainage solution does not intend to use infiltration as a means of discharge, rather route run-off via gravity to surface water bodies. This is because, given the underlying geology, the site has limited infiltration potential.

Information supporting the application indicates that the southern flood storage area is not required to offset the impact associated with this proposal but, for logistical reasons, it is proposed to provide a strategic solution to managing flood risk across the wider southern Derby area that will support delivery of IGv.

The input of our Land Drainage Team and the Environment Agency (EA) are essential to the assessment of the flood risk and drainage impacts of this development. Detailed discussions have taken place between both parties and the applicants' consultants through the life of this application with further detail, and modelling information being sought and provided as part of the ES Addendum. Both Land Drainage colleagues and the EA have confirmed that they are satisfied that they can withdraw earlier objections to the proposals. This is on the basis that any permission granted is subject to a series of conditions which would secure, amongst other details, engineering design information for the flood storage areas, detention basins, swales and culvert crossings between the proposed highway and existing watercourses. Measures to protect water quality during the construction phase are also proposed to be secured by condition.

Land Drainage colleagues have highlighted that both flood storage areas will place a significant burden on whoever owns them and the financial arrangements for their maintenance is a major consideration. The EA have confirmed that the flood storage areas will be classified as large raised reservoirs (i.e. with capacity to store greater than 25,000m<sup>3</sup> above ground level). The EA are the enforcement authority in relation to reservoirs and they will ensure that the proposals comply with the Reservoirs Act 1975. They have recommended that notes be added to the decision notice which formally inform the applicant of the Act's requirements.

The EA also sought the submission of detailed breach analysis, prior to withdrawing their objections to the application. They have advised that the breach analysis modelling demonstrates that in the event of a breach of the proposed reservoirs, no existing developments are put at an increased flood risk. The creation of the reservoirs does however introduce a residual risk in terms of the breach scenario and the EA have indicated that all future development will need to demonstrate that they can be made safe and this residual risk can be managed. The EA also advised that the Emergency Planner should be consulted on the breach information.

The Emergency Planning Team have been consulted on the application and they raised no objection to the application, noting that breach associated with either of the flood storage areas would not impact any existing development. They stress a need for clarity relating to maintenance costs, incident costs and onsite reservoir flood

## **Committee Report Item No: 2**

**Application No: 19/00417/FUL**

**Type: Full Application**

### **7. Officer Opinion**

---

plans. They also state that any future development in the area will need to consider how they can be made safe from potential breach and that future development may increase the risk profile of the reservoirs.

Based on the advice provided by Land Drainage colleagues, the EA and the Emergency Planning Team we have confidence that the flood risk and drainage impacts of the proposal have now been suitably modelled and assessed and that the mitigation measures proposed address the flood risk. Based on the consultees detailed comments the development could proceed without increasing flood risk to the wider catchment. In this respect the proposals would meet with the requirements of Local Plan Policy CP2 and the NPPF.

However, any planning permission granted would need to be subject to detailed conditions, as recommended by the consultees to ensure that the flood alleviation areas and the drainage features are suitably designed and managed in the long term. This will involve the need for a suitably qualified and registered Reservoir Panel Engineer and provision of robust arrangements to demonstrate the funding and operations for maintaining the flood storage areas. Those conditions would be vital to ensure that a policy-compliant solution is delivered.

#### **7.5. Biodiversity Impacts**

The construction of the road and the new junction will have an impact on green infrastructure and biodiversity as a result of developing on greenfield land. In addition, the application site extends through and close to, a number of wildlife designations.

Within the bounds of the application site are two non-statutory designated sites; the Sinfin Moor Lane Stream Local Wildlife Site (LWS) and the Cuttle Brook LWS and this extends widely as it includes a network of waterways and ditches. The application site is also in close proximity to a number of designated wildlife sites. The Ecological Appraisal notes the designated sites of Boulton Moor, a site of special scientific interest (SSSI) which is located 1.4km to the east of the proposed development and Sinfin Moor LNR which is much closer, to the north-western extent of the application boundary.

Local Plan Policy CP16 set's out the overarching strategy for the protection and enhancement of the City's Green Infrastructure network. Criterion (m) of CP16 requires that applicants' proposals should fully understand any impacts and provide suitable mitigation. Policy CP19 seeks to protect, enhance and strengthen biodiversity and geodiversity in the City. The policy concludes by stating:

*Proposals for development in, or likely to have an adverse effect (directly or indirectly) on a Locally Designated Site such as Local Nature Reserves, Local Wildlife Sites, Local Geological Sites and/ or ancient woodlands, veteran trees and hedgerows or wildlife corridors, priority habitats and species will only be exceptionally permitted where:*

- 1. they cannot be located on alternative sites that would cause less or no harm;*
- 2. the benefits of the development clearly outweigh the impacts on the features of the site and the wider network of natural habitats; and*

## **Committee Report Item No: 2**

**Application No: 19/00417/FUL**

**Type: Full Application**

### **7. Officer Opinion**

---

3. *adequate mitigation or, as a last resort, compensation measures are provided.*

*Where development proposals have the potential to impact on a natural heritage asset, including where sites are derelict, vacant or previously developed, the Council will require a supporting ecological site assessment to be submitted in conjunction with the planning application. The assessment should identify the nature and extent of any impact and mitigating measures that need to be taken.*

Our Local Plan Policy recognises that the construction of a road from the A50 is essential for the successful delivery of the SDGZ and that, through negotiations with the applicant, the route of the road has been revised to minimise the impact not only on the Green Wedge but also on the various wildlife designations. It can therefore be argued that the alignment of the route is now addressing the first two requirements of this Policy. In order to reach conclusions on biodiversity and green infrastructure overall, the impacts need to be fully understood and any mitigation measures proposed, deemed to be sufficient.

The Environmental Statement contains a suite of surveys for flora and fauna and is supported by a detailed Ecological Appraisal. In response to statutory sites, the Ecological Appraisal indicates that in the absence of mitigation, the Sinfin Moor LNR could experience adverse effects including increased pollution during construction and disturbance during operation. This is a concern that has been raised by colleagues in Parks and by the LNR Friends Group. In relation to non-statutory sites including the Sinfin Moor Lane Stream LWS and Cuttle Brook LWS the Ecological Appraisal indicates that a mitigation strategy should be followed in order that effects on these sites is minimised.

The development is identified by Derbyshire Wildlife Trust (DWT) as resulting in the loss of at least 1455m of native hedgerow priority habitat along with 130m of Barrow Drain and a small number of crack willow trees. While damage and disturbance for bat roosts and nesting birds is identified in the ES, the impact is deemed in the ES to be of local level significance. The survey information and ES overall, do not identify significant adverse effects arising from the development for bats, birds, barn owls and no evidence of otter, water vole or great crested newts are identified.

The ES concludes that with the exception of some adjacent habitats of value such as the Sinfin Moor Park LNR, the application site itself has been heavily influenced by past intensive agricultural management that has led to a reduction in habitat and species diversity generally. As a result, few significant effects are identified in the Biodiversity chapter of the ES that it suggests cannot be successfully mitigated or compensated for. The Appraisal indicates that where possible, hedgerows should be retained, or their loss compensated for by replacement hedgerow or scrub planting. It recommends that the attenuation features should be designed to maximise biodiversity, planted with native species and sensitively managed to increase their ecological value for local wildlife such as nesting birds. With such measures in place, the ES indicates overall, that the development will lead to a significant net gain in biodiversity.

The findings of the Ecological Surveys have informed the mitigation measures and the Green Infrastructure Strategy that is proposed to mitigate the biodiversity impacts of the development. The views of DWT, Natural England, the Environment Agency

## **Committee Report Item No: 2**

**Application No: 19/00417/FUL**

**Type: Full Application**

### **7. Officer Opinion**

---

and our colleagues in Parks are important to determine whether the appropriate surveys have been carried out and whether the conclusions drawn in those surveys and the ES, for the impact the proposal may have on biodiversity and the green infrastructure network, are suitably robust.

DWT note the comprehensive ecological surveys are for a range of appropriate species and that they provide a robust assessment of the ecological interest associated with the development area. They do not raise objections to the application. The Trust advise that sufficient information in respect of European Protected Species (Bats and Great Crested Newt) has been submitted to enable the local planning to discharge its duty in respect of the requirements of The Conservation of Habitats and Species Regulations 2017. They have recommended that pre-commencement survey work should be carried out in relation to badger and water vole, but these should be secured by suitably worded planning conditions along with a condition controlling works in relation to the bird nesting season.

In relation to designated sites, Natural England advise that they consider that the proposed development will not have significant adverse impacts on designated sites and they raise no objection to the application.

The Green Infrastructure proposals that form part of the application will include a substantial area of informal space and the ES indicates that these areas will mitigate the effects of habitat loss and deliver significant biodiversity enhancement. A Landscape and Ecological Management Plan is proposed to be produced for all habitats retained and created for nature conservation purposes specifically those associated with the flood compensation areas which are suggested as having the potential to compliment those already present in the adjacent LNR. Effects on the LNR are indicated as being further mitigated through the delivery of the acoustic fence that will reduce the disturbance effects of the road. Effects on bats are indicated as being reduced through the sensitive design of landscape features adjacent to the road in addition to the use of modern street lighting that would reduce spill and minimise effects away from the road. The design of the road crossings over the Main and Barrow Drains are also proposed to ensure passage is possible by wildlife below the road even in times of flood.

DWT have advised that they are generally supportive of the submitted Green Infrastructure Masterplan which includes a substantial area of informal open space, comprising a range of semi-natural habitats. They advise that they expect the replanting of a sufficient extent of species rich native hedgerows to compensate for the loss. Our Tree Officer has also advised that the habitat creation proposed is acceptable compensation for the removal of a veteran tree as well as the removal of sections of hedges and other trees. DWT and the Tree Officer recommend the imposition of planning conditions which includes requirements for the submission of a final Arboricultural Method Statement, a Tree Protection Plan, a Construction and Environmental Management Plan and a Landscape and Ecological Management Plan. The imposition of such conditions would be reasonable and would ensure a level of control over the construction impacts on the area, suitable landscaping and the ongoing management of the resulting landscape.

Natural England have commented that multi-functional green infrastructure can perform a range of functions including improved flood risk management, provision of

## **Committee Report Item No: 2**

**Application No: 19/00417/FUL**

**Type: Full Application**

### **7. Officer Opinion**

---

accessible green space, climate change adaptation and biodiversity enhancement. They advise that they welcome the green infrastructure element of the proposal as set out on the illustrative masterplan. In order to secure a comprehensive scheme of green infrastructure creation, Natural England also suggest attaching of a suitably worded planning condition which would allow further detail to be submitted and assessed.

In assessing the biodiversity impacts of the proposals the Environment Agency also support the requirement for a Landscape and Ecological Management Plan to be a condition of any planning permission granted, stating that without such control and measures in place, they would object to the application based on culverting proposed as part of this development potentially having an unacceptable effect on the ecological value of the Sinfin Moor Lane Stream LWS and of Barrow Drain. They advise that the ecological enhancements will require a management plan to be in place.

The input provided by Derbyshire Wildlife Trust, Natural England, our Tree Officer and the Environment Agency provides assurances on the robustness of the survey information that supports the biodiversity chapter of the ES and the suitability of the mitigation proposals put forward in the green infrastructure strategy. The applicant's approach, as set out in the Green Infrastructure Strategy is welcomed. It intends to create a coherent Green Infrastructure network linking the countryside, the South Derby Growth Zone and the City which is an approach required in both authorities Local Plans. There is a clear intention for the green infrastructure to compliment the LNR and the conditions suggested by the statutory consultees will deliver the level of information and detail, the Friends Group clearly wish to secure. The Infinity Garden Village DFD outlines an aim to deliver comprehensive blue and green infrastructure and the proposals would accord with those aims. This approach is supported by paragraphs 170 and 175 of the NPPF which recognises that the planning system should conserve and enhance the environment by minimising impacts on and providing net gains for biodiversity.

#### **7.6. Amenity Issues - including Noise and vibration, Air Quality, Light Intrusion and Visual Impacts**

##### **NOISE**

Air quality, noise, vibration and light intrusion are important considerations in determining this application and both Local Plans have policies dealing with these issues. For the City Council amenity impacts arising from those issues are covered in saved policy GD5 and it 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.

Saved policy E12 also advises that planning permission will not be granted for development which would generate pollutants (including noise) that would be unacceptably detrimental to health and amenity of users of the development, users of adjoining land or the environment.

The introduction of a new road across land that presently stands as green fields, will result in some change in respect of noise but it is acknowledged that the site stands

## **Committee Report Item No: 2**

**Application No: 19/00417/FUL**

**Type: Full Application**

### **7. Officer Opinion**

---

close to the urban areas of Sinfin and Chellaston as well as a number of existing highways including the A50. The prevailing acoustic environment does provide a basis on which Planning Practice Guidance advises, noise impacts should be considered against when considering whether a development will give rise to adverse effects.

One of the most notable effects identified for noise in the ES are significant effects from construction activities. The ES suggests a suite of mitigation measures which are deemed to be reasonable to control noise associated with construction operations and is controllable through provision of a Construction Environmental Management Plan (CEMP) which can be secured by conditions of planning permission. Our Environmental Protection Team have advised that any such plan should be supported by a noise assessment once the detailed demolition, construction activities and plant that will be used to deliver the development, are known.

A significant noise impact is identified in the ES for the Sinfin Moor Park LNR and to control the noise impact, the application includes a 2.5m high acoustic barrier along the western side of a section of the new link road. It is clear that the Friends Group consider a bund would offer a better acoustic barrier given the visual and maintenance impacts resulting from the provision of a fence. Whilst this view can be appreciated, a bund would include significant land take and regrading and the design of the development does not offer the space for this to be accommodated.

The detailed specification of the acoustic barrier is proposed to be determined at the detailed design stage so would be subject of conditions of planning permission. However, with the acoustic barrier in place, the submitted modelling indicates that the impact on the LNR is reduced to a permanent minor adverse effect. It is noted that the Friends Group of the LNR have raised noise impacts as a concern as have our colleagues in Parks.

Our Environmental Protection Team have sought clarification on several points relating to the modelling data and the ES findings, particularly in relation to operational noise and its effect on nearby residential properties. The applicant has responded to those points in the ES Addendum.

Our Environmental Protection Team colleagues note that the predictions indicate the acoustic barrier will reduce noise levels in a large proportion of the LNR to below the upper guideline value, but not all of the LNR (i.e. those parts of the LNR closest to the proposed road). In respect of nearby dwellings, our Environmental Protection colleague note that the proposed barrier designed for protection of the LNR would add additional noise protection for those dwellings which happen to be located behind it. They advise that short-term increases in noise following opening of the new road could be described as significant for some dwellings when considering DMRB Guidance (eastern-most properties along Hamblin Crescent, Redland Close and Moorside Crescent), but it is accepted that overall ambient levels are still predicted to be within World Health Organisation (BS8233) criteria and as such, mitigation is not deemed necessary. Environmental Protection colleagues note that those increases are levelled-out over time in terms of perceived impacts, as shown by the 2030 modelling that is presented in the ES.

## **Committee Report Item No: 2**

**Application No: 19/00417/FUL**

**Type: Full Application**

### **7. Officer Opinion**

---

Our Environmental Protection Team colleagues have advised that the appropriate calculation method for predicting road noise has been used to assess the noise and vibration effects of the proposal and therefore the results in the ES are deemed to be sufficiently reliable and are accepted. However, they express some concern relating to road noise from the junction and link road and its potential to impact upon proposed dwellings that form part of the allocated development within the Infinity Garden Village. It is acknowledged in the ES that road noise could be high within the eastern-most properties proposed under the residential scheme currently under consideration under outline planning application ref: 19/00877/OUT. Although mitigation is proposed and shown to be suitably protective, colleagues note the burden of mitigation appears to be placed on the new dwellings (in terms of building insulation and appropriate layout), with no 'at source' mitigation offered by the current application. Environmental Protection Team colleagues recommend that to protect those future dwellings mitigation should form part of the junction and link road, so as not to unreasonably constrain future residential development. The imposition of a suitably worded condition is deemed reasonable to enable mitigation options to be considered as part of this proposal in order to reduce the constraints on the residential development coming forward within the wider Garden Village.

Environmental Protection Team Colleagues have been able to confirm that they raise no objections to the application on noise grounds subject to conditions being imposed as indicated. Given the conclusions reached in the ES and based on the assurances provided by our colleagues, that appropriate calculation methods have been used to predict road noise, it is considered that appropriate mitigation measures can be secured through conditions of planning permission to ensure that the noise and vibration effects of the development do not result in undue detriment to residential amenity in the surrounding area. In residential amenity terms, the noise and vibration impacts of the development therefore offer no conflict with the aims of saved local plan policies GD5 and E12.

Whilst a noise increase will result in some areas of the LNR, even with the acoustic screen in place, the noise and vibration impacts associated with the development are not deemed sufficiently harmful to the wider amenities of the area to give a basis on which this application should be refused.

#### **AIR QUALITY**

In respect of air quality, the air quality chapter of the ES considers the results of a qualitative construction phase dust assessment and a detailed road traffic emissions assessment in reaching its conclusions on air quality. Based on the comments provided by colleagues in our Environmental Protection Team, it is considered that those assessments have been undertaken using appropriate methodologies and the conclusions drawn in the Air Quality chapter of the ES are accepted.

Paragraph 180 of the NPPF requires that planning decisions should ensure that new development is appropriate for its location taking into account 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 the wider area to impacts that could arise from the development. Such requirements need to be considered in



## **Committee Report Item No: 2**

**Application No: 19/00417/FUL**

**Type: Full Application**

### **7. Officer Opinion**

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light of Derby's need to tackle roadside nitrogen dioxide concentrations and implement its Clear Air Zone (CAZ).

Environmental Protection Team colleagues commend the cycling infrastructure proposed to be delivered as part of this development but note that significant investment in sustainable and attractive transport links needs to be secured to encourage cycling, walking and use of public transport in this area in order to reduce air quality impacts in the long term. Whilst those colleagues acknowledge that control over such measures extends beyond the scope of this planning application, a wider and more integrated assessment relating to air quality and potential solutions for the whole SDGZ and IVG area would have been preferable. It is however acknowledged, that the proposals incorporate both cycle and pedestrian links and this infrastructure will serve to support new (future) links to the existing employment areas to the north and proposed employment and housing land allocations to the east and west.

Colleagues in the Environmental Protection Team note that the link road and junction proposed in this application appears to provide net benefits to air quality by redistributing traffic from existing congested routes into and out of the City and providing alternative routing options. Accordingly, our Environmental Protection Team support the application from an air quality perspective advising that it is an essential part of ensuring that the air quality impacts of the wider Infinity Garden Village development are mitigated as far as possible.

The NPPF advises that '*...opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement...*' It is clear that this proposal would accord with this aim as it would provide the infrastructure and alternative routing options that will be needed to start to address the wider air quality impacts that will require detailed discussion as development across the wider SDGZ / IGV continues to come forward. Subject to the recommended conditions to control air quality impacts during the construction phase, no substantive objections to this proposal are raised on air quality grounds with no conflict considered to be arising in respect of saved policies E12 and GD5.

#### **LIGHT INTRUSION**

The ES is supported by a Lighting Impact Assessment. It reviews the effects of new lighting and reviews methods of lighting which ensure safe use of the proposed network whilst limiting potentially obtrusive effects on receptors that may have a negative response to changes in their lighting condition. Direct effects considered include light spill, sky glow and glare. It notes that legislation, British standards and good practice guidance indicate the development requires new exterior lighting for purposes of vehicular and pedestrian safety.

The Lighting Impact Assessment notes that existing exterior lighting within the study area is minimal, infrequent or intermittent. The proposed site does not contain existing permanent external lighting including Deep Dale Lane which is currently unlit.

The Assessment outlines a strategy to minimise light pollution in all its forms. Potential significant effects from the construction phase lighting on residential and

## **Committee Report Item No: 2**

**Application No: 19/00417/FUL**

**Type: Full Application**

### **7. Officer Opinion**

---

wildlife / habitat receptors are to be managed as part of the Construction Environmental Management Plan which would be secured through conditions of planning permission and with effects only lasting for the duration of the construction phase.

The ES notes that neither the application site nor the surrounding area are subject to 'dark sky' policies and that the urban area of Derby impacts a level of sky glow on this landscape at present. It indicates that changes to the increase in lighting would be localised in their extent and would be observed in the context of settlement / urban edge landscape.

The highway lighting design presented indicates the potential significant effects from new lighting for the proposed development can be adequately managed and all tested parameters are expected to meet recommended guidance benchmarks. The Assessment indicates that potentially significant effects from the operational phase lighting on residential and wildlife / habitat receptors can be managed to create a minimal nighttime impact with the most noticeable effect expected to remain is sky glow.

For the closest residents on the edges of Sinfin, sky glow would be a noticeable effect given that the land that the road is to extend across is currently rural and largely unlit. The establishment of green infrastructure over time, will help to reduce such impacts and it is not considered that the resulting effects of sky glow would be so detrimental to the amenities of those residents as to warrant a refusal of this application. It is recommended that conditions of planning permission are imposed to control the precise details of the lighting design to ensure impacts are mitigated as far as possible. This would also enable further consultation with East Midlands Airport, if deemed necessary, once the final layout and proposals for the lighting design are available. With such a condition in place, it is considered that impacts relating to light intrusion are acceptable with no conflict arising in respect of policies GD5 and E12.

#### **VISUAL AMENITY**

It is agreed with conclusions drawn in the ES that the nature of the local topography combined with the southern edges of the City, would restrict views of the site to those that are close to it and the visual receptors assessed in the landscape and visual section of the ES are considered suitable and sufficient for those impacts of the development to be understood.

Visual receptors close to the application site which are identified in the ES includes residents who live on the edge of Sinfin. The ES identifies significant visual effects associated with construction works for those residents but only over a temporary period whilst the construction works take place. In the longer term, whilst planting and new vegetation would establish over time the ES notes that views for those residents would be afforded of vehicles, lighting columns and signage. This is clearly a marked change from the existing open views and is an expected impact given that the proposal includes a new road, on a raised embankment, crossing an existing open landscape.

On completion of the road, the effects for residents on the edges of Sinfin are identified in the ES as major-moderate adverse reducing to moderate adverse after

## **Committee Report Item No: 2**

**Application No: 19/00417/FUL**

**Type: Full Application**

### **7. Officer Opinion**

---

15 years and continuing to lessen over the longer term. As with the landscape effects, key to minimising visual effects will be the establishment of suitable green infrastructure and the ES outlines such intentions. As indicated in response to landscape matters, conditions are proposed to ensure suitable delivery and maintenance of the green infrastructure strategy in the long term. Adherence to a Construction Environmental Management Plan will also assist in reducing adverse impacts for those residents during the construction phase of the works.

For public rights of way and recreational users, the ES indicates moderate adverse effects for users of Sinfin Moor Lane with the effects reducing to moderate-minor adverse once screening and filtering effects of the green infrastructure mature.

For users of Sinfin Moor Park and the LNR the ES indicates that there would be some opportunities in which to view the link road. This is identified as being achieved from where the link road crosses Sinfin Moor Lane. At the edge of the park views of the Flood Mitigation Areas would also be achieved. The ES indicates that existing mature vegetation within the Nature Reserve coupled with new planting would filter and soften views of the link road in the long term. It is accepted that the green infrastructure will soften views of vehicles and the highway elements over time. On completion, visual impacts for users of the Nature Reserve are indicated as moderate adverse reducing to minor adverse in the long term.

Visual effects are therefore noted as arising for residents in Sinfin, recreational users of Sinfin Moor Lane and users / visitors of the Sinfin Moor Park and LNR. While the green infrastructure is an integral part of the proposed development and is a primary mitigation measure for visual effects this will take time to establish and some loss of 'amenity' would result in the time it takes for it to become established. This offers some conflict with the aims of Saved Local Plan Policies GD5 and E12.

The visual impacts do need to be weighed in the planning balance but also considered in the full knowledge that IGV will introduce more significant visual impacts for those receptors, when the wider development comes forward. The Council is seeking to support growth in this area of the City and this cannot be delivered without visual changes to this landscape. On this basis, the road proposal makes only a small contribution to the anticipated visual effects and in determining whether this application can be supported, the proposed green infrastructure is considered to be suitably comprehensive to provide mitigation of the roads visual impact over the long term. On this basis, the visual effects of the proposal are not deemed to give a basis on which this application should be resisted.

Overall, the amenity impacts of the road proposal, in terms of noise and vibration, air quality, light intrusion and visual amenity are considered to be suitably assessed in the ES and documents that support this application, for the impacts to be understood and considered. Whilst the visual impacts in particular, offer some conflict with policies GD5 and E12 it is considered that a suite of conditions can control constriction impacts and long term effects to enable amenity impacts to be managed to an acceptable level commensurate with an area of the City that is to be subject to a significant level of growth. It is noted that the publicity undertaken as part of the determination of this planning application has generated only one response from third parties and that has been submitted on behalf of the Friends of Sinfin Moor Park Local Nature Reserve who have offered comments. No other third-party

## **Committee Report Item No: 2**

**Application No: 19/00417/FUL**

**Type: Full Application**

### **7. Officer Opinion**

---

representations have been received including objections. Given the scale of the proposal, this is unusual. As encouraged by our Statement of Community Involvement, the applicants have undertaken extensive consultation at the pre-application stage and it appears that third parties may feel they have had an opportunity to become informed and comment on the scheme as part of that process. In determining this application and considering the amenity impacts arising for residents, it is noted that no third-party objections have been received.

#### **7.7. Ground Conditions and Contamination**

The ES identifies topsoils across the site as being of varying thicknesses of up to 0.45m with approximately 78.5% of the application site as falling within agricultural land classification subgrade 3b due to slow permeability and seasonal waterlogging. Natural England have commented on the application and have confirmed that they do not object to the development relative to agricultural land loss or impacts on soils.

The ES outlines a commitment to appropriate handling and storage of soils during the construction period. The ES outlines measures to store and re-use soils as part of the delivery of the development and wider development on Infinity Park. This is a sustainable use of the existing soil resource limiting the amounts needing to be imported and exported out of the site. The ES also outlines measures for the handling and storage of soils and other materials on site during the construction phase of the works to ensure the site and its surroundings are not affected by pollution. Both the Environment Agency and colleagues in Environmental Protection have recommended the imposition of conditions to ensure any contamination not previously identified, is suitably managed and remediated and such a condition is included in the list of planning conditions that are proposed. This would ensure that any contamination that is subsequently found is suitably remediated in accordance with saved policy E13.

The ES identifies that the site lies within the Sinfin Moor RIGS and policy AC15 requires proposals to take proper account of the local geological site designation covering the area. RIGS generally represent geological features of County level interest and to mitigate the impact of the works, a timetable and method of archaeological investigation has been set out and the County Archaeologist has agreed that a post consent scheme of works would secure suitable assessment and recording.

Overall, it is considered that the development does not result in any ground condition or contamination effects that cannot be suitably mitigated by conditions of planning permission and the development is considered acceptable on that basis.

#### **7.8. Archaeology and Heritage**

Sections 66(1) and 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 require the authority to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses and pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. The ES provides suitable assessment, using relevant guidance, of the heritage assets within the application site and its surrounding area as required by the NPPF. It is accepted that the only designated heritage assets impacted by the proposal are the grade II listed

## **Committee Report Item No: 2**

**Application No: 19/00417/FUL**

**Type: Full Application**

### **7. Officer Opinion**

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Deep Dale Lane Bridge and the Trent and Mersey Canal Conservation Area whose wider settings are identified in the ES as being changed by the proposal. Such impacts will need to be weighed in the balance reached by the County Council in the determination of their application for the southern section of the road as both of those assets are located in South Derbyshire. For the City, no designated heritage assets are identified as being impacted by the works and it is noted that Historic England have confirmed that they do not wish to comment on this application.

Impacts relating to the sites 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 135 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.

The ES identifies the potential for below ground archaeology to be low. However, the County Archaeologist has advised that much of the site is associated with the geo-archaeological remains of the late-glacial lake, and this may contain some deposits of archaeological or palaeo-environmental importance, which might enable the sequential development and chronology of the lake to be understood or even identify late Palaeolithic activity associated with exploitation of lake margins. The County Archaeologist notes that the ES Addendum addresses requirements for provision of a timetable for the method of archaeological investigation and on that basis he is satisfied that the archaeological interest of the site can be accommodated through a post consented scheme of works. This can be secured by condition of planning permission in accordance with the requirements of policy E21 and paragraph 199 of the NPPF.

Paragraph 135 of the NPPF indicates that in weighing applications that affect directly or indirectly affect non-designated heritage assets, a balanced judgement will be required. The archaeological impacts of the proposal are not deemed to be significant enough to warrant a refusal of this proposal given the lack of any substantial objections to the scheme from our Statutory Consultee and given that a reasonable means for addressing the archaeological interest within the site can be addressed through conditions of planning permission.

#### **7.9. Planning Balance and Conclusion**

The application, as amended during its life, has been properly considered in accordance with the relevant policies in the Development Plan. The key issues requiring consideration in determining this application are outlined in detail in this report and based on the advice provided by consultees, it is considered that the information in the ES is sufficient to enable the environmental effects of the proposal to be fully considered.

The ES outlines the alternatives considered by the applicant to the proposal and in its consideration of the 'no development' option, the ES makes clear, that without the necessary infrastructure to support growth in the SDGZ and IGV, the significant socio-economic benefits identified as arising from that growth, cannot be delivered.

## **Committee Report Item No: 2**

**Application No: 19/00417/FUL**

**Type: Full Application**

### **7. Officer Opinion**

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The SDGZ land allocations in the Derby City and South Derbyshire District Local Plans, include the SDITL as a means to mitigate the transport impact of the circa 2,000 dwellings identified in housing allocations along with growth at Infinity Park. Through transport modelling and the consideration of 'alternatives' in the ES it is indicated that the SDITL would not deliver the level of mitigation needed to accommodate committed developments to the same extent as a new A50 junction and route, as proposed in this application. The application demonstrates that the application would provide significant benefits to Derby's highway network although there will be some points on the network that see increases in traffic.

A major impact of this infrastructure will be to unlock development in the surrounding area by improving the accessibility of the site. Socio-economic impacts include the creation of up to 5,000 jobs and an annual gross value-added contribution to the area, estimated in the ES to be around £53.6 million. On this basis, strong support for this development is expressed by colleagues in Regeneration and Major Projects and our Strategic Housing team.

Whilst the proposal would support the Council's strategic vision for the SDGZ and IGV the alignment of the proposed road conflicts with Local Plan Policy CP18 as this is not a use that is listed within the Policy as being appropriate in the green wedge. The alternative alignments considered in the ES show how consideration has been given to limiting the impact of the route on the wedge and it accepted that the alignment proposed in the application allows a meaningful green wedge space to be retained. The road will also form a defensible boundary to the green wedge in the long term. It is considered that an appropriate balance has now been struck between retaining a meaningful area of green wedge and the alignment of a deliverable route that will open up the development opportunities outlined in our Local Plan and that of South Derbyshire District Council.

The green infrastructure proposals proposed to be delivered as part of the application provide scope for flood alleviation and sustainable drainage measures but also provide improved green space which is a key aspiration of the IGV. This green infrastructure will also assist in the long-term management of this part of the Green Wedge. The formation of the two flood storage areas and works to culverts and other watercourses in the areas, provides a strategic solution to the management of flood risk. Whilst the scheme balances flood risk associated with the wider delivery of development in the IGV, the flood storage areas are categorised as reservoirs and risks associated with breach will require consideration in any applications for development in this area of growth. Statutory consultees have made it clear that the reservoirs are only acceptable on the basis that they are suitably designed, constructed and maintained in the long term and conditions of planning permission are to be imposed to control such requirements.

The landscape, visual, amenity and biodiversity impacts have been assessed and key to mitigating the impacts identified in the ES will be securing the delivery of a suitable design and management of green spaces as proposed in the green infrastructure proposals that support the application and the conditions of planning permission outlined in section 8.3 and considered necessary to secure delivery of those important elements of this scheme. Compensatory green spaces would create

## **Committee Report Item No: 2**

**Application No: 19/00417/FUL**

**Type: Full Application**

### **7. Officer Opinion**

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stronger ties with the adjacent Sinfin Moor Park and LNR and the proposals are considered to provide net gains in biodiversity.

Cumulative adverse impacts are identified for the landscape Wet Pastures Meadow LCT and the Sinfin Moor RIGS. Such impacts are however assumed as arising as a result of the land allocations for the SDGZ in both Local Plans.

It is concluded 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 identified in the Development Plan. It is considered that the socio-economic benefits arising from the delivery of this infrastructure outweighs any adverse effects that have been identified. Therefore, the proposed development, as amended, is considered to accord with the Development Plan when considered as a whole and subject to conditions as outlined in the report, the proposed development is considered to be acceptable.

A Grampian condition is proposed to be included which would stop any works taking place on the delivery of any part of the development in the Derby City area, prior to the connecting section of road and application ref: CD9/0319/110 being granted planning permission by Derbyshire County Council. This is to ensure comprehensive delivery of the proposal.

## **Committee Report Item No: 2**

**Application No: 19/00417/FUL**

**Type: Full Application**

### **8. Recommendation**

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#### **8. Recommended decision and summary of reasons:**

##### **8.1. Recommendation:**

To grant planning permission with conditions.

##### **8.2. Summary of reasons:**

The proposal has been considered against the Adopted City of Derby Local Plan Review policies, the National Planning Policy Framework where appropriate and all other material considerations. In the opinion of the Local Planning Authority, provision of a new road and link to the A50, through this southern part of the City, is established in the development plan. The core principles of the National Planning Policy Framework support the promotion of sustainable economic development and the proposal is a key part of the infrastructure that will support the delivery of the South Derby Growth Zone and Infinity Garden Village. The road is deemed to be acceptable in highway safety terms and provides for the needs of pedestrians and cyclists. It would form a new route that would impact upon route choices across the Derby City highway network and while some areas will see increases in traffic as a result of the proposal, some off-site highway works are included to assist in mitigating impacts arising for some existing routes within the City. The Environmental Statement provides sufficient information necessary to identify and assess the main effects the works are likely to have on the environment. Suitable mitigation is proposed to mitigate effects arising in respect of noise and vibration, air quality, light intrusion, ground conditions, contamination, archaeology and heritage. The alignment of the route conflicts with Green Wedge policy as it would introduce built form to an area protected for its openness. However, the comprehensive green infrastructure proposals that form part of the application would assist in improving areas of the existing green wedge and also mitigate adverse impacts identified as arising for visual and landscape receptors. The green infrastructure strategy would deliver net gains in biodiversity and form an integral part of the flood management strategy for the development. Subject to the conditions detailed in the decision notice, the flood alleviation and drainage measures offer betterment and enhancement to the flood risk situation in this part of the City. Any adverse impacts arising for the Green Wedge, existing highway network and landscape and visual receptors are considered to be outweighed by the significant socio-economic benefits arising from the proposal.

##### **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. This will also enable a consistency in the approach to the wording of conditions, given the cross-boundary nature of this application as the wording can be agreed with Derbyshire County Council, prior to the decision being issued. If there are any over-riding issues with the inclusion/exclusion or the wording of any particular condition(s) the Chair and Vice Chair will be consulted to agree a way forward.

#### **General Conditions**

1. Condition relating to time limits - five years from the date of the permission.



## **Committee Report Item No: 2**

**Application No: 19/00417/FUL**

**Type: Full Application**

### **8. Recommendation**

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2. Condition relating to the full list of approved plans and documents.
3. Condition requiring a planning permission to be in place for the connecting section of link road and A50 junction (under consideration by Derbyshire County Council under application ref: CD9/0319/110) prior to development commencing.

#### Highways conditions

4. Condition requiring that the A50 junction and link road shall not open until the off site highway works and traffic calming scheme on Deep Dale Lane have been provided in accordance with agreed details.
5. Condition requiring improvements being made to deep Dale Lane, north of the A50.
6. Condition stating that the road will be constructed under a S8 Agreement Highways Act 1980 (as amended) and along the alignment specified in the approved plans.

#### Flood Risk / Drainage Conditions

7. Condition requiring detailed design of flood risk management scheme to be submitted and agreed. Details to include outfall design, evidence that structures design accords with the Reservoirs Act and construction to be supervised by a registered Reservoir Engineer Panel Engineer.
8. Condition requiring that no culverts or bridge crossings or open water features to be constructed until detailed designs have been submitted and agreed.
9. Condition requiring no construction on watercourse diversions to be undertaken until detailed designs have been submitted and agreed.
10. Condition requiring that no development shall take place until details of the method of disposal of surface water, including details of the outfall have been submitted and agreed. Surface water drainage shall include sustainable drainage features in accordance with defined criteria.
11. Condition requiring the submission of a Handover Environmental Management Plan (HEMP) to determine various details relating to maintenance and ownership of flood alleviation areas and the financial arrangements for long term maintenance and management.
12. Condition requiring the development to be carried out in accordance with the submitted Flood Risk Assessment.
13. Condition requiring the submission of a scheme to treat and remove suspended soils from surface water run-off during construction.

#### Noise Conditions

14. Condition requiring the submission of a scheme of noise mitigation for the traffic noise generated once the development is operational.
15. Condition requiring design and siting details along with technical specification for the acoustic fence and a precise timetable for its delivery.

#### Contaminated Land Condition

16. Condition relating to the treatment of contamination not previously identified.

## **Committee Report Item No: 2**

**Application No: 19/00417/FUL**

**Type: Full Application**

### **8. Recommendation**

---

#### Archaeology Condition

17. Condition requiring the submission and approval of a detailed Written Scheme of Investigation (WSI) for archaeological work and for the development to be carried out in accordance with the agreed WSI and provision for analysis, publication, and dissemination of results.

#### Ecology / Green Infrastructure Conditions

18. Condition requiring the submission of a detailed hard and soft landscaping scheme, to be based on the principles set out in the Green Infrastructure Strategy. Scheme to include precise details for layout, planting and access.
19. Condition requiring the submission and approval of a detailed Landscape and Ecological Management Plan (LEMP). Plan to include planting details, design objectives, management responsibilities and maintenance schedules.
20. Condition requiring the submission of the results of a pre-commencement badger survey, to be undertaken 3 months prior to commencement of works.
21. Condition requiring the submission of the results of a pre-commencement survey for water vole.
22. Condition requiring the submission of a scheme for the provision of mammal underpass beneath the link road.
23. Condition requiring the submission of a final Arboricultural Method Statement and a final Tree Protection Plan.
24. Condition controlling the timing of ground and vegetation clearance works relative to the bird nesting season.

#### Environmental Protection Conditions

25. Condition requiring the submission and approval of a detailed Construction Environmental Management Plan (CEMP) which shall include a detailed construction dust management plan.
26. Condition requiring the submission of precise design details for all lighting.

#### **8.4. Informative Notes:**

The applicants attention is drawn to the presence of 11,000 Volt overhead lines and underground cables which will need diverting in order for this work to be carried out in a safe manner, and Western Power have advised that you should refer to the HSE publications GS6 & HSG47 before and during any construction. They have advised that this is particularly important for Lea Farm and whilst it is easy to disconnect this line they will need to charge for resupplying Lea Farm from elsewhere in order that they can remove all our apparatus from the work zone. The applicant is advised to contact Western Power directly for further advice and information.

In accordance with the comments provided by the Aerodrome Safeguarding Authority for East Midlands Airport, the applicant's attention is drawn to the new procedures for crane and tall equipment notifications;

<https://publicapps.caa.co.uk/docs/33/CAP1096%20E2.1%20September%202020%20FINAL.pdf>

## **Committee Report Item No: 2**

**Application No: 19/00417/FUL**

**Type: Full Application**

### **8. Recommendation**

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The highway mitigation work associated with this consent involves works within the public highway, which is land over which you have no control. Highways England 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 Highways England Section 278 Service Delivery Manager David Steventon to discuss these matters at [david.steventon@highwaysengland.co.uk](mailto:david.steventon@highwaysengland.co.uk)

The applicant should be made aware that any works undertaken to Highways England network are carried out under the Network Occupancy Management policy, in accordance with Highways England procedures, which currently requires notification/booking 3 months prior to the proposed start date. 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@highwaysengland.co.uk](mailto:Area7networkoccupancy@highwaysengland.co.uk)

The conditions outlined will require works to be undertaken in the public highway, which is land subject to the provisions of the Highways Act 1980 (as amended) and over which the applicant has no control. In order for these works to proceed, the applicant is required to enter into an agreement under S278 of the Act. Please note that under the provisions of S278 Highways Act 1980 (as amended) commuted sums will be payable in respect of all S278 works.

Deepdale Lane within Derby City shall have a minimum carriageway width of 5.5 metres.

#### **Compliance with the Reservoirs Act 1975**

The applicant has confirmed that the two structures referred to as the Western Flood Storage Area (WFSA) and Southern Flood Storage Area (SFSA) will be classified as large raised reservoirs (i.e. with capacity to store greater than 25,000m<sup>3</sup> above ground level) and will require compliance with the Reservoirs Act 1975. The Environment Agency are the enforcement authority for the Reservoirs Act 1975 and under this Act it is a requirement that the reservoir owner:

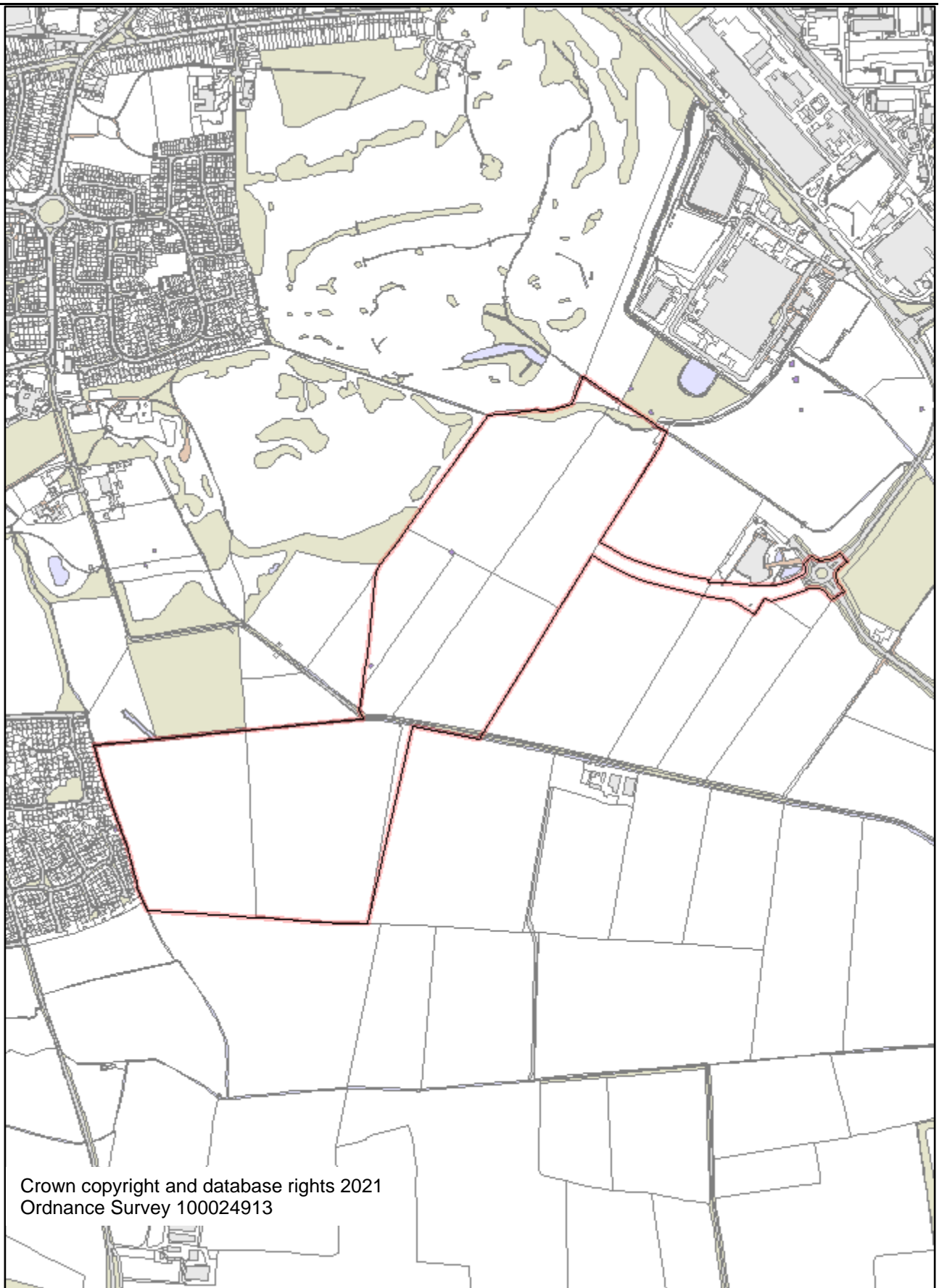
- Appoint a qualified civil engineer ('construction engineer') under Section 6 of the Reservoirs Act to design and supervise the construction work. Details of suitably qualified engineers can be found here <https://www.gov.uk/reservoirs-a-guide-for-owners-and-operators>.
- Provide the national reservoir safety team with a notice of their intention under Section 21 of the Reservoirs Act, not less than 28 days before work on-site is due to start.
- Appoint a supervising engineer and an inspecting engineer if the reservoirs are considered high risk.

#### **8.5. S106 requirements where appropriate:**

None

#### **8.6. Application timescale:**

An extension of time is being sought to allow for the Committee timeframe and the subsequent agreement of conditions.



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**Location:** Infinity Park Way Derby

**Case Officer:** Sara John

**App No:** 19/00417/FUL

**Proposal:** Full Planning Permission - Demolition of Ashley Farm and related buildings off Deep Dale Lane, and the development of a new all movement junction on the A50(T) and connecting link road to Infinity Park Way, with associated works. Including street lighting columns, footway/cycleway, construction of earth mounds, flood compensation areas, acoustic fencing and landscaping.

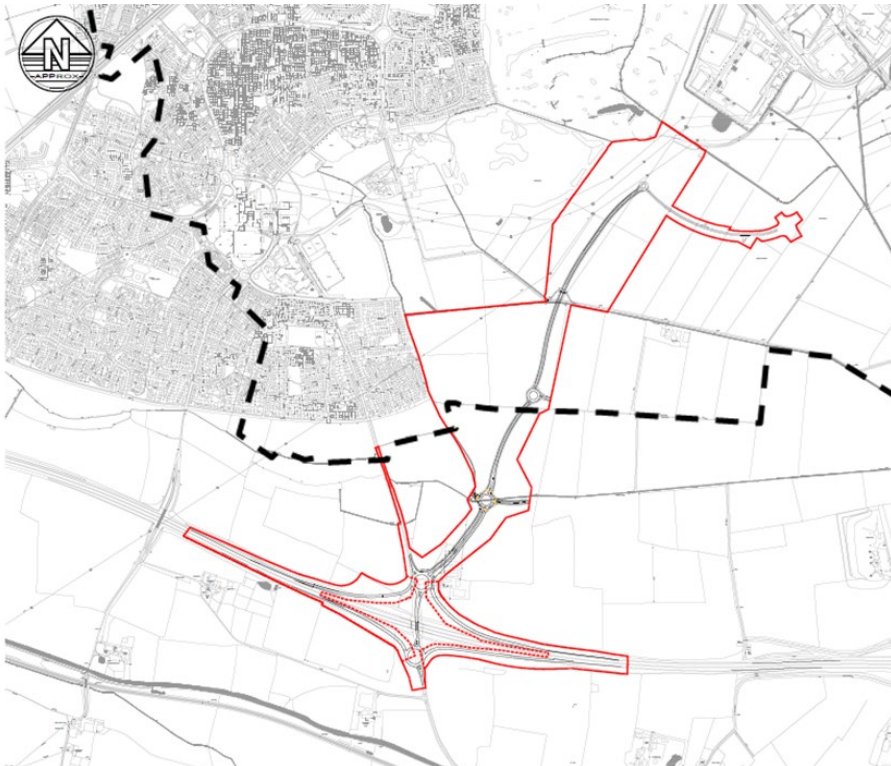
**Comments:**

**1) Introduction**

This application is for a new A50(T) junction at Deep Dale Lane and highway infrastructure, which will form part of the Southern Derby Integrated Transport Link (SDITL), to provide an access link into Infinity Park and T12. The application, which is being made by Derbyshire County Council, crosses two Planning Authorities' and Local Highway Authorities' administrative boundary.

Further, the new A50(T) junction is located on Highways England's strategic road network (SRN). As such, Highways England is a statutory consultee in the Planning Application process and also, under the 2015 Infrastructure Act, has a responsibility to ensure access to its network does not interfere with safety. The Secretary of State, guided by Highways England, has the power of direction to restrict planning permission by the local planning authority.

**Figure 1** below sets out the red edge of the application and also identifies the administrative boundary between Derby City Council, South Derbyshire District Council and Derbyshire County Council.



**Figure 1: Scheme Outline and Derby City and Derbyshire County Council/South Derbyshire District Council Boundary.**

Much of the proposed infrastructure sits outside the control of Derby City Council. As such, the main focus for the Council is the wider impacts on the highway network that the new junction has on route choice across Derby's network. This impact is separate to any impact that the associated land use development creates and this will be dealt with through a separate outline application.

### 2) Planning Policy

Although this is an application for new infrastructure, rather than land use development, the new A50(T) junction (Junction 3a) and new link road provides the access and infrastructure to facilitate the development of Infinity Park Derby. The new link road also provides part of the connection that will form Phase 1 of the Southern Derby Link Road (SDLR).

The SDLR is a pre-requisite of the Wragley Way housing development coming forward in South Derbyshire.

**Derby City Local Plan Part 1** – CP24 of the Local Plan specifically says that the Council will work with partners to deliver the Council's long term transport strategy in association with the Local Transport Plan and support the implementation of strategic proposals and initiatives that help create an economically and environmentally sustainable transport network. Specifically CP24 says in determining the final route and design of the SDLR, regard should be had to the following issues:

- (a) minimising the impact on the environment and natural features, including the impact on noise and residential amenity;
- (b) taking full account of recreational routes along, or affected by, the link;
- (c) safeguarding the option to restore the Derby and Sandiacre Canal for navigation; and
- (d) providing for the needs of pedestrians, cyclists and disabled people.

Whilst the A50 Junction is located in Derbyshire County Council's administrative area, the integrated design of the new junction with the link roads will provide a consistent multi-modal standard across the network serving the Southern Derby Growth area.

### 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 108 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 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.***

Paragraph 109 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.**

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

***a) Appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;***

The NPPF presumes in favour of sustainable development and consequently is seeking to influence developers to put in place measures to provide opportunity for visitors to choose to travel by non-car modes, wherever this is realistic and feasible.

The application is not the usual development proposal and is required in order to provide access to Infinity Park and the Southern Derby Growth Zone area. However, the scheme will provide the basis of the infrastructure that will feed into the new growth and provide connections between employment, the residential area of Sinfin and wider communities to the south of Derby.

**Cycling and Walking** – by the very nature of walking, this mode of travel is used for short journeys i.e. to school, to the local shops and for leisure etc. The Manual for Streets (DfT, 2007) promoted the concept of walkable neighbourhoods and these are typically characterised by having a range of facilities within 10 minutes' walking distance (about 800m) of residential areas. However, 800 metres should not be taken as an upper limit and average walking distances outside of London for education, commuting and personal business are around 1 kilometre.

Cycling is one of the most sustainable forms of transport, and increasing its use has great potential. To release this potential, highways, public spaces and other rights-of-way need to be organised accordingly. Generally 80% of cycle journeys are less than 8 kilometres and 40% less than 3 kilometres.

A shared 3 metre footway/cycleway will be provided along the link road between the new A50 junction and the existing provisions on Infinity Park Way. A new traffic signal controlled Pegasus crossing will be provided at Sinfin Moor Lane to facility the safe crossing of the link road by the existing pedestrian, cycle and equestrian movements. A connection will be provided to the new footway/cycleway from Sinfin moor Lane. A gated vehicle access will also be provided for access and maintenance. The infrastructure, such as ducting etc, for a traffic signal controlled crossing, will also be provided by the southern development access roundabout. This infrastructure is being provided at this stage to facilitate the future introduction of a crossing once the adjacent developments are progressed.

An onward connection to Deep Dale Lane will be provided both north and south of the A50 junction. The northern connection will ultimately be realigned and connect into the primary infrastructure provided as part of the housing allocation. If there is an

interim period between the completion of the junction and link road and the completion of the housing allocation primary infrastructure then a scheme will be implemented to improve the standard of the northern section of Deep Dale Lane, whilst also mitigating and deterring the use of Deep Dale Lane to access the wider Sinfin area.

Deep Dale lane does not currently have a footway/cycleway link from the junction with Wragley Way south. As part of the proposals for Application No 02/15/00211, which has been granted conditionally, a 3 metre link to its boundary with the County Council will be provided. Eventually, Deep Dale Lane will be severed at this point by a new east west link road, and Deep Dale Lane to the south will become a traffic free lane to the A50 (T) New Junction.

**Public Transport** – The new Junction and link road will provide an important connection between Sinfin and the employment at Infinity Park Derby. It will provide opportunities for new intra-urban bus service routes to potentially extend or loop around to include Sinfin and Infinity Park Derby. This potentially could solve the problem of providing public transport to the Rolls Royce area, which has failed in the past due to a lack of demand.

Further with a direct link onto the A50(T), the new junction provides the possibility for inter-urban services between Derby and locations such as the airport.

**Travel Plan** – The application does not include a travel plan because it is for infrastructure only. However, it is expected that any development in this area will include a comprehensive travel plan.

**●● safe and suitable access to the site can be achieved for all people; and**

The A50 junction comprises two priority controlled roundabouts with two lane entries and two lanes on the circulatory carriageway. A segregated left turn lane from the new link road to the A50 eastbound on slip is also provided. The two on slips will be comprise two lanes and merge into one prior to joining the A50. The off slips will be single lanes with hard should, which flare to two lane entries at the roundabouts. 5.3 The link road will be a dual carriageway for the first stretch up to the first development access roundabout. Beyond this the link road will be a single carriageway road. A 40mph design speed has been assumed with both the link road and junction being street lit. The link road will ultimately connect to Infinity Park Way at the iHUB roundabout. The east west section of the link road is already consented under planning permission reference 11/15/01379 and has been partially constructed by Derby City Council.

For indicative purposes the proposed works are shown in Drawing IFP-BWB-GEN-XX-DRTR-103 and reproduced in Figure 2 below.



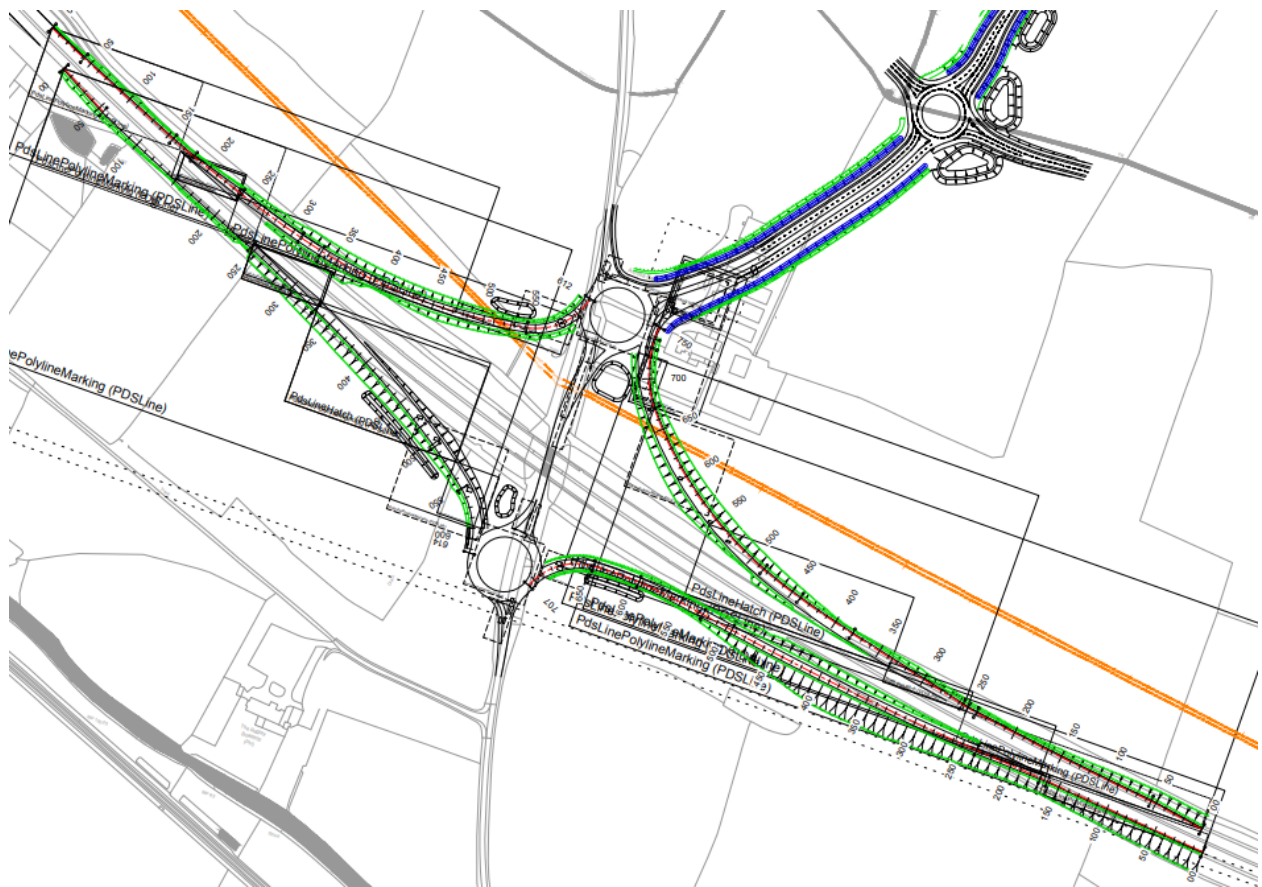


Figure 2: Proposed A50(T) Junction Layout

●● ***improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.***”

NPPF is suggesting 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**

The link Road has been modelled using the Greater Derby Area Transport Model (GDATM). This is a strategic variable demand multi-modal transport model, which provides a prediction of the likely changes in traffic patterns as a result of the new junction and link road.

The modelling work tested the impact of the new junction and link road only, against a forecast 2020 and 2033 year, which included committed development, which comprises of the allocated employment land at Infinity Park and the Wragley Way housing development.

The link road and new junction have been tested against the much larger proposed Derby Southern Growth Zone development scenario in order to inform the design capacity of the infrastructure. It should be noted that the SDGZ is now identified as a new Garden Village, and these terms have been used interchangeably to describe the same development profile. Further, a VISSIM micro simulation model has been

developed in order to satisfy Highways England that the junction design has the capacity to cope with future planned development growth. However, this information does not form part of the transport assessment that was submitted with the planning application.

**Traffic Impact – General Impacts of the Scheme**

Figure 3 and 4 show the net change in traffic with and without the new A50(T) Junction and the new link road to T12 and Infinity Park for the AM Peak (0800-0900) and PM Peak (1700-1800).

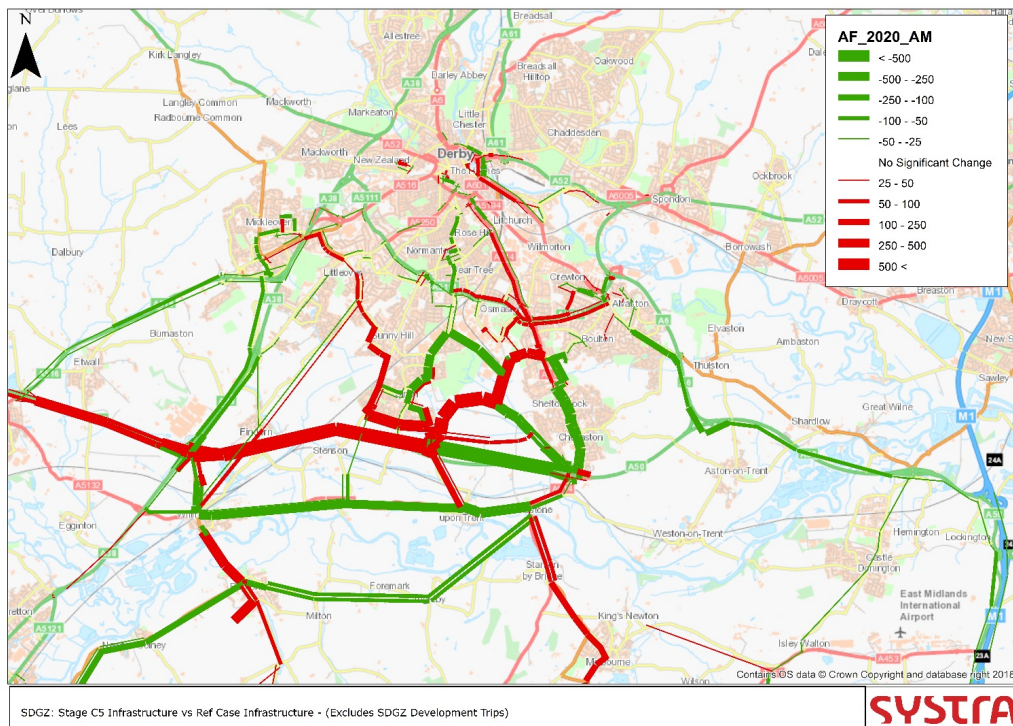


Figure 3: AM Peak (0800-0900) Change in Traffic Flows with the A50(T) Junction.

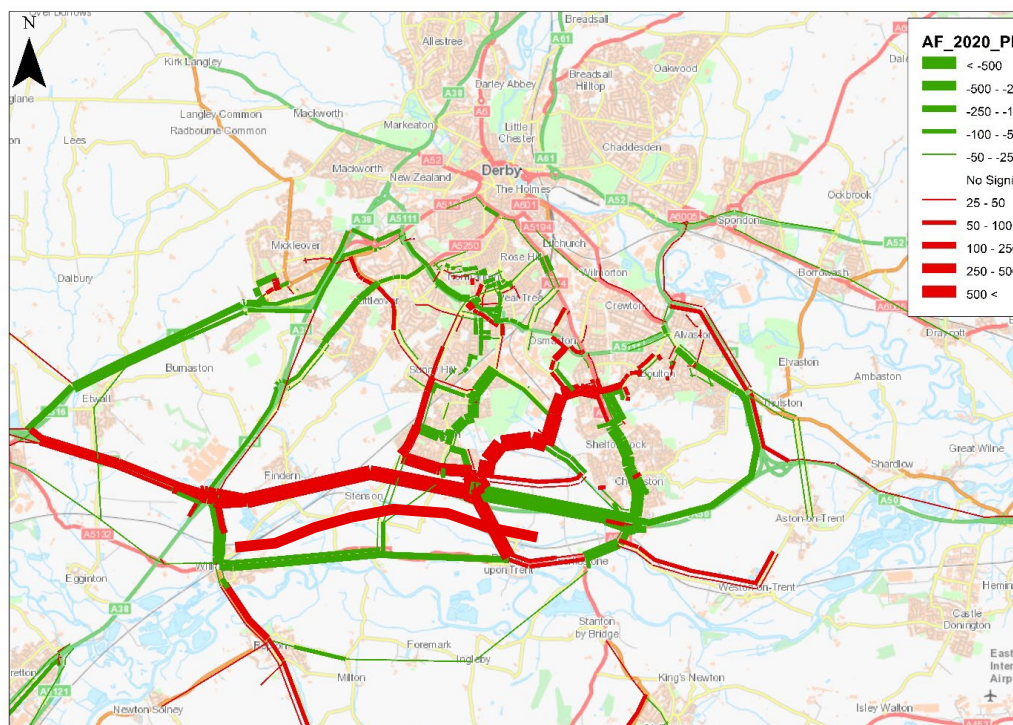


Figure 4: PM Peak (1700-1800) Change in Traffic Flows with the A50(T) Junction.

The green bandwidths show reductions in traffic and the red bandwidths increases in traffic.

Across the Derby Network there is an overall improvement, with the majority of the network showing a reduction in traffic flows in both the AM and PM Peak periods. This is as a result of the new junction optimising route choices and allowing direct access to the A50(T) from the south west sector of Derby, for example, rather than using local roads and the Outer Ring Road. As a consequence traffic also decreases on the A38(T), as traffic that would normally route via the Outer Ring Road uses the A50(T) and new junction.

The reduction in traffic on the Outer Ring Road has knock-on impacts on the rest of the network and there are a number of small changes in route choices between the Outer Ring Road and Inner Ring Road as some routes become more attractive.

Conversely, there are links that are predicted to increase in traffic. For example, Stenson Road as a consequence of local traffic from the Sinfin and Littleover area that is attracted to use the new junction. These impacts are discussed in more detail in Section 3.0.

Traffic is also attracted to and from the Alvaston/Allenton area via Boulton Lane/Merrill Way in the AM Peak and Merrill Way/A514 in the PM Peak. T12 and the new link road to the A50(T) junction offers a journey length decrease of around 2 km from the A514/Merrill Way Junction to the A50 at Deep Dale Lane . This has the benefit of re-routing traffic from the A6 and A514 corridors. For example, the A514 link between the High Street Chellaston and Bonnie Prince Charlie Junction decreases by around 350 two-way in the AM Peak and 200 in the PM Peak. Traffic on T12 through Chellaston also decreases by around 250 to 350 vehicles two-way in the peaks. However, with the additional growth projected as part of the Infinity Park Village and Growth Zone, it is likely that this will push some of this traffic back onto these corridors in the future.

Further, Deep Dale Lane to the south of the A50(T), which the model predicts will attract around 200 vehicles, in the AM Peak and PM Peak, from the south east of the new A50(T) Junction such as from Weston and Aston-on-Trent.

There is a question over the attractiveness of Deep Dale Lane in reality. DATM is a strategic model that is a general representation of the real world based on average capacity and speedflow statistics. The alignment of Deep Dale Lane between the A50(T) and A5132 is particularly poor, with an almost ninety degree bend and single carriageway width over the canal bridge. As such, the model is probably overestimating the attractiveness of this route. However, it is a logical route choice to the new junction and so will attract some traffic. It should be noted that this link is in South Derbyshire and an issue for Derbyshire County Council as the Highway Authority.

Officers and members need to understand that the scheme will provide significant benefits in terms of reducing delays and vehicle kilometres across Derby's network. However, there will be points on the network that see increases in traffic. In particular, the sections on Stenson Road south of Blagreaves Lane, potentially Merrill Way and the intersection of Infinity Park Way and Wilmore Road. **Appendix A** provides a more detailed summary of the flow changes in these areas for the weekday AM Peak (0800-0900) and PM Peak (1700-1800) periods.

### **Junction Analysis**

Detailed junction modelling has been undertaken in the transport assessment (TA) at key junctions using industry standard software. The junctions assessed in Derby included:

Blagreaves Lane/Stenson Road Signal junction

Sinfin Railway Bridge Signal One-way Working

Wragely Way/Deep Dale Lane junction – Priority Junction

Wilmore Road/Sinfin Lane junction – Signal Junction

Wilmore Road/Infinity Park Way junction- Signal Junction

Infinity Park Way/iHub Access junction - Priority Junction

Merrill Way/A514/Boulton Lane – Signal Junction

The Transport Assessment considered the operation of the base conditions using 2018 observed traffic flows, growthed to an opening year of 2020<sup>1</sup>. These were compared against the modelled DATM 2020 Do Something<sup>2</sup> flows with the new link road and A50(T) junction constructed. Further, a sensitivity test was undertaken applying the difference in the 2020 modelled flows, with and without the new link road and A50(T) junction, to the observed growthed 2020 traffic. The reason for this is that DATM is a strategic model and the validated acceptability of base flows can differ materially, particularly when considering traffic changes on individual junctions and turning movements.

The following sections summarise the results and identify any material consequences that the A50(T) junction has on Derby's junctions.

#### **Blagreaves Lane/Stenson Road Signals**

The flows on Stenson Road, northbound into the city, increase by around 100 vehicles during the AM Peak (0800-0900). During the PM Peak (1700-1800) the northbound traffic on Stenson Road increases through Blagreaves Junction by around 140 vehicles. The junction modelling suggests that these changes in flows do not significantly change the performance of the junction in terms of delays and queues. Partly this is because decreases on other arms balance out the flows.

The Blagreaves junction was recently signalised to improve capacity and pedestrian safety. It should be noted, that capacity at this junction cannot be increased without taking third party land or removing the pedestrian crossing facilities. As such, if any increases northbound do start to increase queues then there is little that can be done to increase capacity.

#### **Stenson Road Railway Bridge**

Stenson Road Railway Bridge is a pinch point on the network. In the AM Peak it is predicted that traffic increases northbound by 127 and in the PM Peak by 218

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<sup>1</sup> Growthed traffic is adjusted using based on the National Traffic Growth Forecasts provided by the Department for Transport.

<sup>2</sup> The Do Something term is used to describe the modelling scenario that includes the development scheme, in this case the A50(T) Junction and link road.

vehicles. The consequence of this is an increase in queue of 54 metres in the AM Peak and 102 metres northbound in the PM Peak.

There are already complaints about the signals on the Stenson Road Railway Bridge, and a demand to widen the bridge to allow for two-way traffic. However, the bridge is not owned by the City Council, and any scheme to widen it would cost between £5 and £10 million and possibly require third party land. Further, the bridge currently acts as a control to regulate the amount of traffic that can flow northbound into the City. Removing this constraint would simply push more traffic to arrive quicker at the Goodsmoor Road/Blagreaves Lane Junction. The consequence would be to move the queues from the Stenson Road Bridge from one location to another. The City Council has only just finished an improvement scheme at the Blagreaves Lane junction and increased capacity can now only be achieved by taking third party land.

### **Wilmore Road/Sinfin Lane Signals**

The modelling suggests that currently the Wilmore Road/Sinfin Lane Junction operates within capacity. Casual site visit observations concur with these results, although, it was noted that traffic did queue back from the Outer Ring Road and slow moving southbound traffic, which has an impact on the exit capacity.

The forecast modelling in 2020 with the A50(T) Junction, suggests that in the AM Peak the operation of the junction improves and does not significantly change in the PM Peak. Indeed, the strategic modelling predicts that traffic will decrease as a result of the A50(T) Junction. This is traffic that currently accesses the Rolls Royce works via Sinfin Lane and Wilmore Road, now uses the new link road from the A50(T) Junction.

### **Wilmore Road/Infinity Park Way**

The modelling suggests that the Wilmore Road/Infinity Park Way junction is currently running within capacity in both the AM and PM Peak. It should be noted that in the past there have been junction operation issues, particularly during the AM Peak, that causes queuing on Infinity Park Way. This was caused by traffic queuing on Wilmore Road from the Merrill Way junction blocking the exit for right turning vehicles from Infinity Park Way. The re-alignment of Victory Road and new roundabout layout at Merrill Way/Wilmore Road has improved the flow of traffic and helped this problem.

In the AM Peak, there is an increase of 280 vehicles on Infinity Park Way between the I-hub Junction and Wilmore Road junction. This is as a result of the new traffic attracted to use T12 and the A50(T) junction from Alvaston and Allenton. As a result the queues on Infinity Park Way increase from 74 metres to 260 metres.

In the PM Peak around 400 vehicles are predicted to increase northbound between Infinity Park Way and Wilmore Road, and around 185 southbound. As such, the operational performance of the junction in the PM Peak is predicted to decrease but still operate within capacity. Although there is a greater change in the PM Peak, there is more capacity in the operational capacity because the junction flows are more balanced across the arms. The Junction struggles in the AM Peak because of the heavy right turn from T12 onto Wilmore West arm.

### **Merrill Way/A514/Boulton Lane**

DATM predicts that in the AM Peak there will be an increase in traffic of around 158 vehicles from Merrill Way northbound on the A514. In the PM Peak there is an increase of around 250 vehicles with about two thirds moving across the junction eastbound on Boulton Lane and one third turning left northbound onto the A514. In

addition, there is also an increase of around 150 vehicles westbound on Merrill Way, which is a consequence of small increases on the other arms.

The modelling predicts that in the AM Peak the junction will operate just over capacity. However, in the PM Peak the already saturated junction decreases in operational capacity even further. As a consequence queues on Merrill Way increase from 115 metres to 638 metres. On Chellaston Road North in the southbound direction the queues increase from 316 metres to 511 metres.

### **Wragley Way/Deep Dale Lane**

The operation of Wragley Way/Deep Dale Lane priority controlled T-junction has been modelled using Junctions 9. A summary of the results is provided in Table below.

The modelling indicates that currently there are no operational problems and that the junction operates under 50% capacity. This is not surprising considering the traffic flows on Deep Dale Lane and Wragley Way are relatively low. For example the two-way flows on Wragley Way are around 500 vehicles and Deep Dale Lane 400 vehicles in the AM and PM Peaks. The A50(T) will attract around 300 additional two-way vehicles in the AM Pak and 500 in the PM Peak. However, because of the existing traffic flows and capacity the junction is predicted to still operate within capacity.

### **Wider Off-site Mitigation**

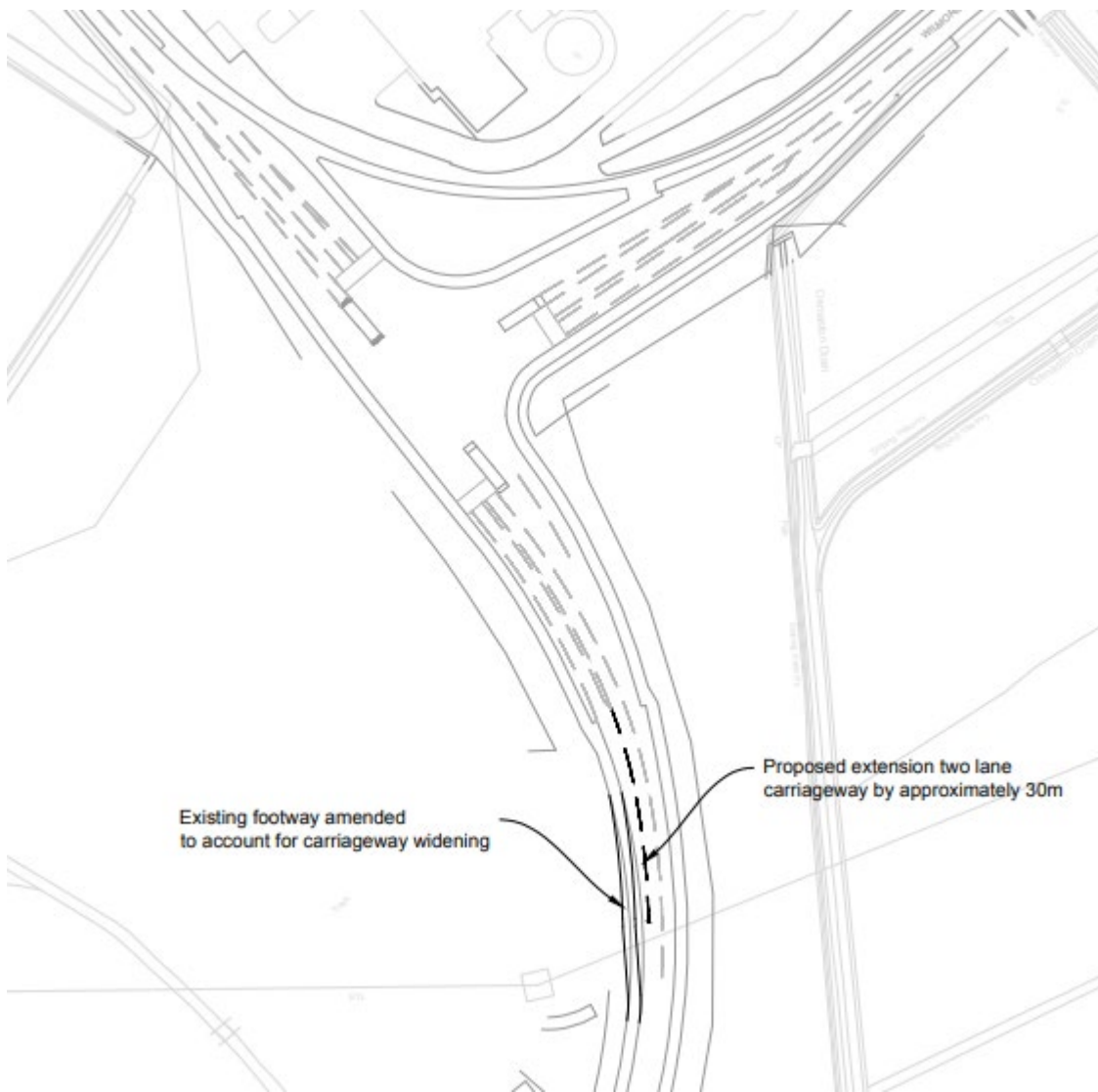
The junction modelling identifies that there will be impacts on the Stenson Road rail bridge, Infinity Park Way/Wilmore Road and Merrill Way/A514 junctions.

There is little that can be done to improve the single way working on Stenson Road Railway Bridge without replacing the bridge. Such a scheme would be outside the planning process because of ownership, cost and potential need for third party land. Further, the benefit of replacing the bridge is questionable and the removal of any queues will simply be moved to the Goodsmoor Road/Blagreaves Lane Junction.

The applicant has put forward mitigation schemes to improve the operation of Infinity Park Way/Wilmore Road and Merrill Way/A514 junctions.

Further, the public consultation exercise carried out by the applicant identified local concerns regarding potential increases in traffic on Deep Dale Lane associated with the new junction on the A50. Initially, the new junction will provide a direct connection to the A50 and will potentially be an attractive route for Sinfin traffic with an origin/destination towards the A50. However, with the Wragley Way housing proposal the distributor road through the development will change the road layout and route choices in the area. Basically the distributor road will form a new link to the A50 junction and join with the new link road from the A50 to T12 to form the SDITL. As such the section from Wragley Way to where the SDITL crosses Deep Dale Lane will become closed to traffic and from a quiet lane for access only. As such the applicant is putting forward a traffic calming scheme for Deep Dale Lane north of Wragley Way.

**Wilmore Road/Infinity Park Way (Drawing IFP-BWB-GEN-XX-DR-TR-116)** - To seek to mitigate the additional traffic impact the applicant is proposing to Extension of the two lane section of the northbound section of Infinity Park Way, on the approach to Wilmore Road signals, by approximately 30m. This will require widening the north eastern carriageway (see Figure 5 below).



**Figure 5: Wilmore Road/Infinity Park Way Improvement.**

**Merrill Way/A514/Boulton Lane (Drawing IFP-BWB-GEN-XX-DR-TR-115)** - To seek to mitigate the additional traffic impact the applicant is proposing to provide a left turn lane on Merrill Way and convert the hatching on Chellaston Road north to provide a right turn lane (see Figure 6).

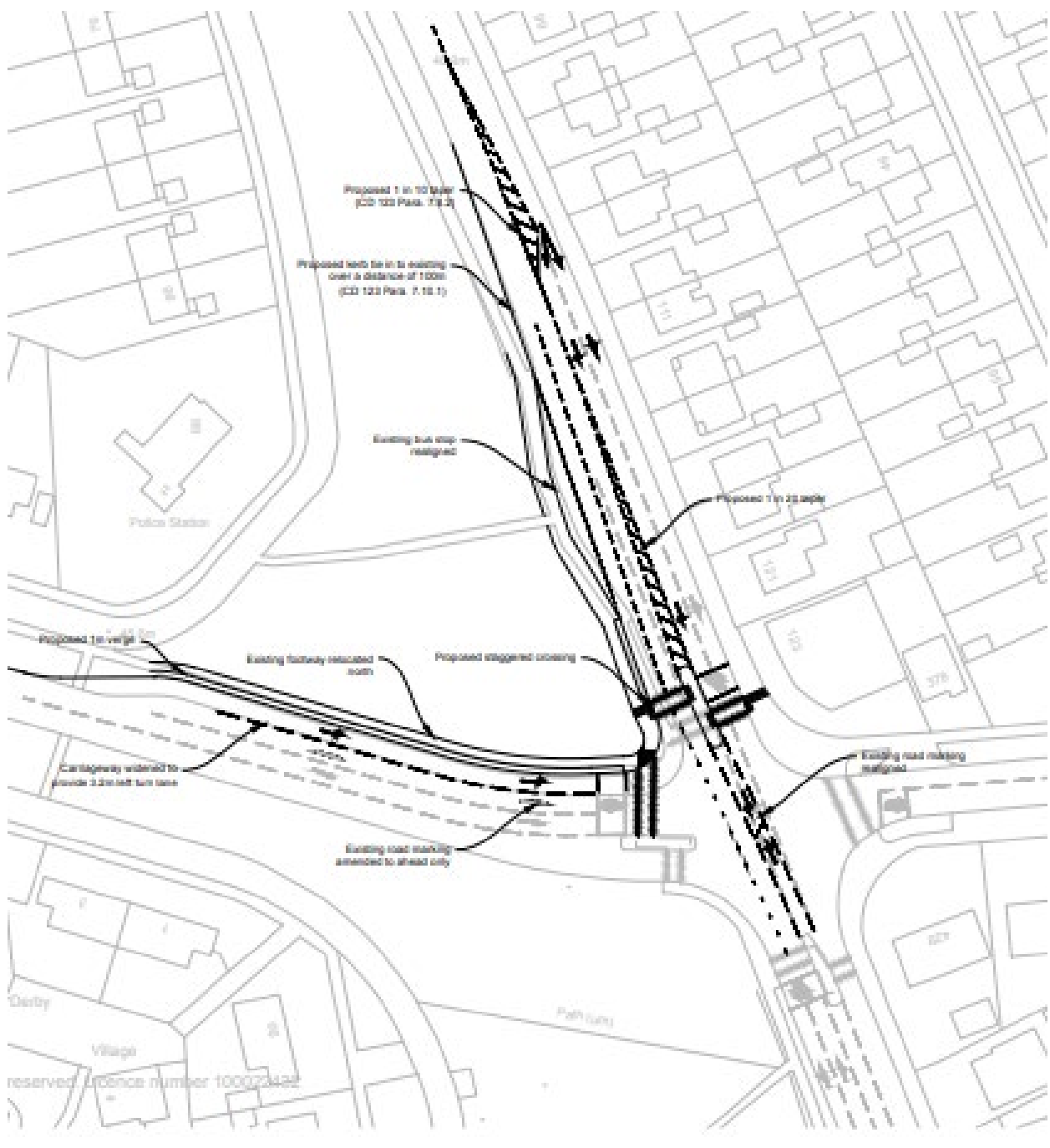


Figure 6: Merrill Way/A514/Boulton Lane Improvement

### Wragley Way/Deep Dale Lane

As a result of the public consultation exercise and the junction design works, a traffic calming scheme on Deep Dale Lane is proposed. This will comprise a 'gateway' feature, at the terminal 30 mph signs to include 'welcome' type signage and surface treatment to highlight a change in road speed and environment. Further, a 'bus friendly' plateau at the Wragley Way/Deep Dale Lane priority junction will be constructed.



## Suggested Conditions and Notes

### 1) Off-site Works

The proposed link road and A50 junction shall not open to the public unless or until following features have been provided in accordance with details to be submitted and approved in writing by the LPA:

- I. The proposed off site works at the junction of Wilmore Road/Infinity Park Way, as shown for indicative purposes on drawing (IFP-BWB-GEN-XX-DR-TR-116).
- II. The proposed off site works at the junction of Merrill Way/A514/Boulton Lane, as shown for indicative purposes on drawing (IFP-BWB-GEN-XX-DR-TR-115).
- III. The proposed traffic calming scheme on Deep Dale Lane, though the existing residential area, these works will specifically include:
  - A carriageway plateaux and the junction of Deep Dale Lane and Wragley Way, the plateaux shall be designed to accommodate buses.
  - School safety measure around Ash Croft Primary School, such as surface treatment of area, footway improvements, dropped crossings on desire lines near school pedestrian accesses.
  - A new gateway feature at the terminal signs with associated road markings.
- I. Derbyshire County has specified a condition relating to Deep Dale Lane. For consistency this condition should be included to cover the length of Deep Dale Lane within the LPA boundary of Derby City Council.

Prior to the proposed works, the subject of the application, first being taken into use, improvements shall be made to Deep Dale Lane north of the A50 to accommodate the increase in traffic – vehicular, cyclists & pedestrian, which will result from diverted trips to use the new junction and road.

**Reason:** In the interests of highway safety and to ensure the free and safe flow of traffic, cyclists and pedestrians.

### 2) Road Construction

The proposed link road that is to be constructed within Derby City Council's administrative area by Derbyshire County Council, will be done under a S8 agreement Highways Act 1980 (as amended).. The road will be constructed to DMRB standards following the horizontal alignment shown on the drawing IFP-BWB-HGT-AO-DR-C-0650.

### 3) Construction Management Plan

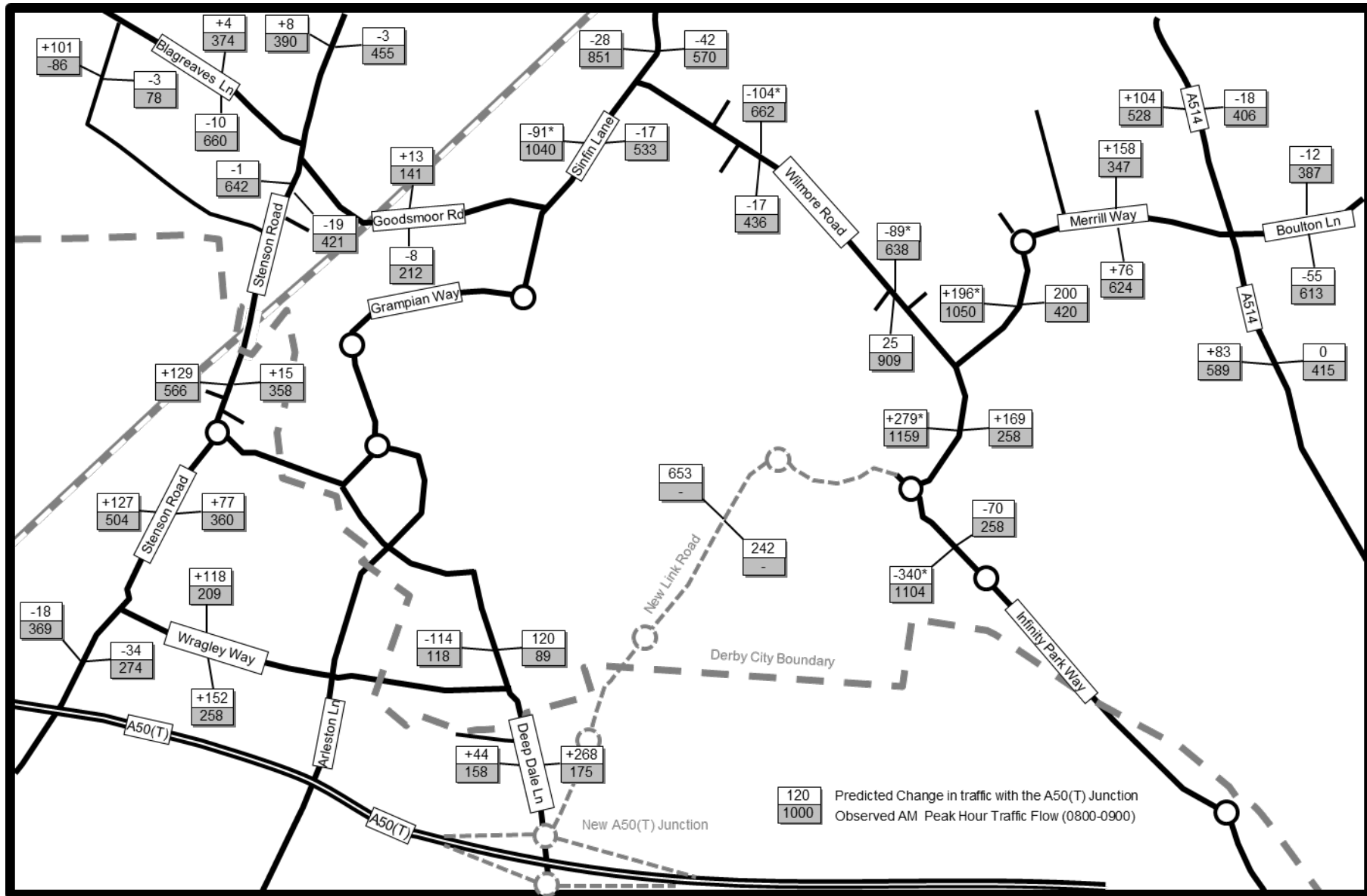
No works shall commence unless or until details of the Construction Management Plan, including routing for construction traffic and wheel washing facilities and wider road cleaning regime, has been submitted to and approved in writing by the LPA. No construction traffic shall use Deep Dale Lane.

### Notes to Applicant

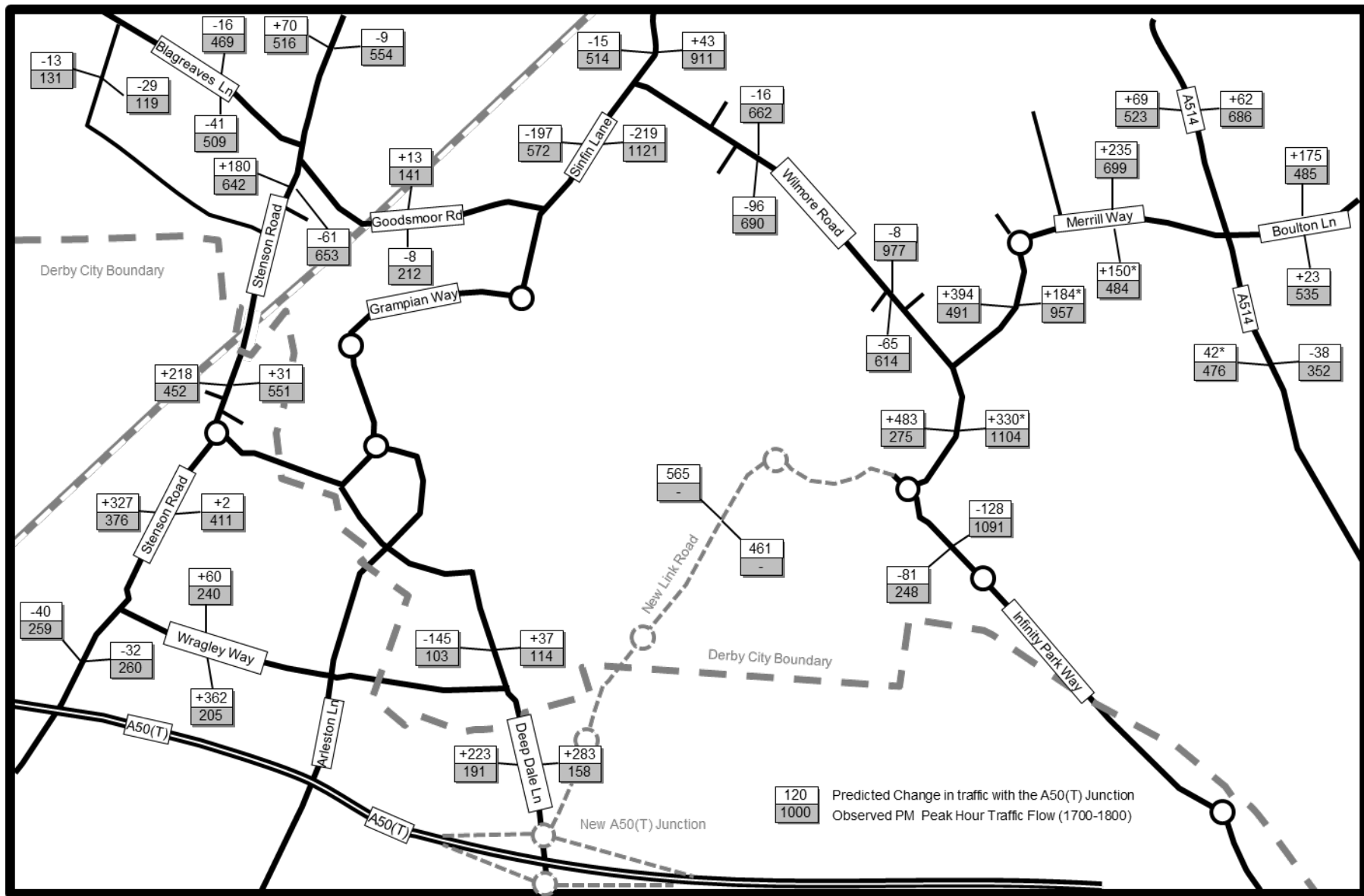
1) The above conditions require works to be undertaken in the public highway, which is land subject to the provisions of the Highways Act 1980 (as amended) and over which you have no control. In order for these works to proceed, you are required to enter into an agreement under S278 of the Act. Please note that under the provisions of S278 Highways Act 1980 (as amended) commuted sums will be payable in respect of all S278 works.

2) Deepdale Lane within Derby City shall have a minimum carriageway width of 5.5 metres.

**Appendix A**



**AM Peak 0800-0900 Predicted Change in Traffic Flows with Proposed A50(T) Junction**



PM Peak 1700-1800 Predicted Change in Traffic Flows with Proposed A50(T) Junction

## **Committee Report Item No: 3**

**Application No: 20/00983/FUL**

**Type: Full Application**

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### **1. Application Details**

1.1. **Address:** 5 David's Close, Derby

1.2. **Ward:** Chellaston

1.3. **Proposal:** Single storey rear extension to dwelling (2 bedrooms and 2 en-suites)

#### **1.4. Further Details:**

Web-link to application:

<https://eplanning.derby.gov.uk/online-applications/plan/20/00983/FUL>

#### **Brief description**

5 David's Close is a residential plot situated on the south side of the street. The site is flanked by residential plots to the west, south and east. A single-storey semi-detached house stands at the approximate centre of the plot with the areas behind and in front in use as garden space and hardstanding for vehicle parking. Land levels on and around the site fall gently to the south.

The application seeks permission for a single storey rear extension measuring 4.5 metres by 8.38 metres with a flat roof with a height measuring 2.55 metres. The extension would accommodate two bedrooms. The application has been amended to make corrections to the existing layout and block plan. The amended plans and information can be viewed on the eplanning page for this application.

### **2. Relevant Planning History:**

None.

### **3. Publicity:**

Neighbour Notification Letters have been sent to three addresses.

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

### **4. Representations:**

Two neighbour comments have been received in objection and raise the following points:

- Lack of guttering could cause damp problems to the proposed extension and the adjoining house;
- One of the proposed bathrooms may discharge extracted air onto the attached neighbours wall;
- Nearby houses have generally extended into their roofspace, not their rear gardens;
- The plans originally submitted show an incorrect existing layout;
- An increase in bedrooms may result in increased parking pressure, activity and noise on and around the site;

## **Committee Report Item No: 3**

**Application No: 20/00983/FUL**

**Type: Full Application**

- 
- The extension would result in massing and overshadowing effects to neighbouring plots;
  - A garden tree on the site has been removed;
  - The amount of rear garden space available on the site following the development would be so reduced as to be unusable.

Councillor Ingall has also objected to the proposed development on the grounds that it would represent over-development of the site and has requested that it be considered by the Planning Control Committee.

### **5. Consultations:**

None.

### **6. 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)

- CP3 Placemaking Principles
- CP4 Character and Context
- CP16 Green Infrastructure
- CP19 Biodiversity
- CP23 Delivering a Sustainable Transport Network

#### Saved CDLPR Policies

- GD5 Amenity
- H16 Housing Extensions

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:

[http://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/policiesandguidance/planning/Core-Strategy\\_ADOPTED\\_DEC-2016\\_V3\\_WEB.pdf](http://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/policiesandguidance/planning/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:

[http://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/policiesandguidance/planning/CDLPR\\_2017.pdf](http://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/policiesandguidance/planning/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.*

**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. Visual Amenity & Design**

**7.2. Residential Amenity**

**7.3. Fall-back Position**

**7.4. Other Matters**

**7.1. Visual Amenity & Design**

Saved policy H16 Housing Extensions states that permission will be granted for extensions to residential properties provided that *"there is no significant adverse effect on the character and appearance of the dwelling or the streetscene"* taking into account design, massing, visual prominence and materials. The principle of good design is reinforced by adopted policies CP3 Placemaking Principles and CP4 Character and Context which seek to ensure high quality design and a good relationship between proposed development and existing buildings and the local area, and by section 12 of the National Planning Policy Framework (Achieving well-designed places).

In this case, the proposed extension would have a minimal visual presence in the streetscene as it would be just visible from points to the east of the site. It would, however, be mostly screened by existing boundary treatments and other structures intervening between the site and the street meaning that this presence would be very slight. The design proposed is appropriate to a residential context. In my opinion, the proposed building form and use of materials are sufficiently sympathetic to the host building and its context. The proposed extensions are unlikely to result in a significant adverse effect on the dwelling or the streetscene. My overall opinion is that the implications of the proposed works in respect of visual amenity are acceptable and that the proposal would comply with saved policy H16 of the City of Derby Local Plan Review and adopted policies CP3 and CP4 of the Core Strategy (Part 1).

**7.2. Residential Amenity**

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. The policy is reinforced by the provisions of saved policy H16 Housing Extensions which also requires the creation of a "satisfactory living environment" which in turn is supported by the National Planning Policy Framework, which states that *"planning policies and decisions should ensure that developments [create] a high standard of amenity for existing and future users"* (paragraph 127). With specific regard to highways impacts, adopted policy CP23 requires that new development is not permitted *"where it would cause, or exacerbate, severe transport problems"*.

The proposed extension would be visible from surrounding residential plots and so would have some impact on residential amenity. In particular, the adjacent residential

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plots to the west and east would be subject to increased massing and overshadowing effects. This impact could not be convincingly described as constituting unacceptable harm, in my opinion, for the reason that the proposed structure would be limited to a single storey on a relatively modest footprint and slightly off-set from the site's boundaries which would limit these effects significantly.

The "45 degree rule" would not be broken when applied to the nearest affected window at either of the adjacent plots which strongly suggests that any additional massing or overshadowing effects would not meet the description of "unacceptable harm" contained in policy GD5. The proposed extension would be sufficient distant from other neighbouring plots to substantially limit any negative amenity effects. With regard to the relatively small area of rear garden that would be left available should the proposed extension be built, there is no basis in the development plan or any other relevant local or national policy for requiring a specific amount of garden area. The plot has a relatively large front garden, similar in area to the rear garden as it currently exists, and to resist the proposal on a lack of rear garden area would not, in my opinion, be justified with regard to planning policy or in the protection of the public interest.

The creation of two additional bedrooms could, assuming those rooms were used as bedrooms and not for another residential purpose, increase the amount of accommodation available on the site to five bedrooms and, if occupied, increase the number of people living in the house resulting in associated increases in activity, noise, parking pressure and traffic. Again, although such increases are possible, the degree of activity likely to be generated by the amount of additional accommodation proposed is very unlikely to rise to the level specified in GD5 (that of "unacceptable harm") or, with regard to traffic generation and parking in particular, the test contained in adopted policy CP23 – to cause or exacerbate "severe transport problems".

It is my opinion that the implications of the proposed works for neighbouring residential plots would remain within reasonable limits, and that a satisfactory living environment would be maintained for occupants of the application site and neighbouring plots. Overall, it is my opinion that the implications of the proposal for residential amenity would be acceptable and in compliance with saved policies GD5 and H16 of the City of Derby Local Plan Review, adopted policy CP23 of the Core Strategy (Part 1), and paragraph 127 of the National Planning Policy Framework.

### **7.3. Fall-back Position**

The concept of a "fall-back position" relates to development that could take place if planning permission for the current proposal is not granted. Case law has established that in order to be a material consideration for decision makers, there has to be a "real prospect" of the fall-back development coming forward. Determining whether there is a "real prospect" of this is also a matter of planning judgement to be taken by the decision makers (i.e. members of the committee) but it should be noted that case law has also established that for a prospect to be a "real prospect" it does not have to be probable or likely, and that a possibility that the alternative development will come forward is sufficient. I suggest that the fact that the application in question here has been submitted demonstrates that there is a desire from the applicant to extend the house, and that this is sufficient to demonstrate that there is a real prospect of an

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alternative development coming forward that constitutes a fall-back position, as follows:

Householder permitted development rights allow for a single storey rear extension to the house with a depth of up to three metres with a roof height no higher than the existing roof or an eaves height higher than the existing. Where an extension would be within two metres of the boundary the height at the eaves cannot exceed three metres.

An extension of up to six metres would be allowed under the “prior approval” regime (i.e. an application is submitted and neighbours consulted but the application is not subject to all of the usual planning assessments). If any adjoining owner or occupier were to object to such a prior approval proposal, the impact of the extension on the amenity of any adjoining premises must be assessed by the Local Planning Authority and a determination made as to whether approval is given. Given that neighbour objections have been received with regard to the current application, it seems likely that the Local Planning Authority’s prior approval would be required for such a development. In light of the residential amenity impacts of the current proposal as discussed above, it is also likely that the prior approval of the Local Planning Authority would be given.

In my opinion both scenarios are possible if the current application is refused permission and so constitute a reasonable fall-back position that should be a material consideration in this decision.

#### **7.4. Other Matters**

The details of the bathroom extraction and gutters are matters controlled under Building Regulations and so are not relevant to this assessment. At the time of the site visit, the tree mentioned in one of the neighbour responses had already been felled. Whether or not this was to facilitate the proposed development or not is not clear from the application documents. Members may wish to discuss whether it is appropriate to impose a condition on any permission relating to the tree and any mitigation or compensation for its loss under the duty imposed by section 197 of the Town and Country Planning Act 1990. The tree was not subject to a Tree Preservation Order.

### **8. Recommended decision and summary of reasons:**

#### **8.1. Recommendation:**

**To grant** planning permission with conditions.

#### **8.2. Summary of reasons:**

The proposed extension would be acceptable with regard to visual and residential amenity and the site is large enough to accommodate the proposed development without significant harm to the living environments of occupants of the application building or neighbouring plots occurring. A reasonable fall-back position exists which could result in a comparable extension being built under householder permitted development rights or a larger extension under the prior approval regime.



**Committee Report Item No: 3**

**Application No: 20/00983/FUL**

**Type: Full Application**

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**8.3. Conditions:**

1. Standard time limit condition TL01

**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 TP01

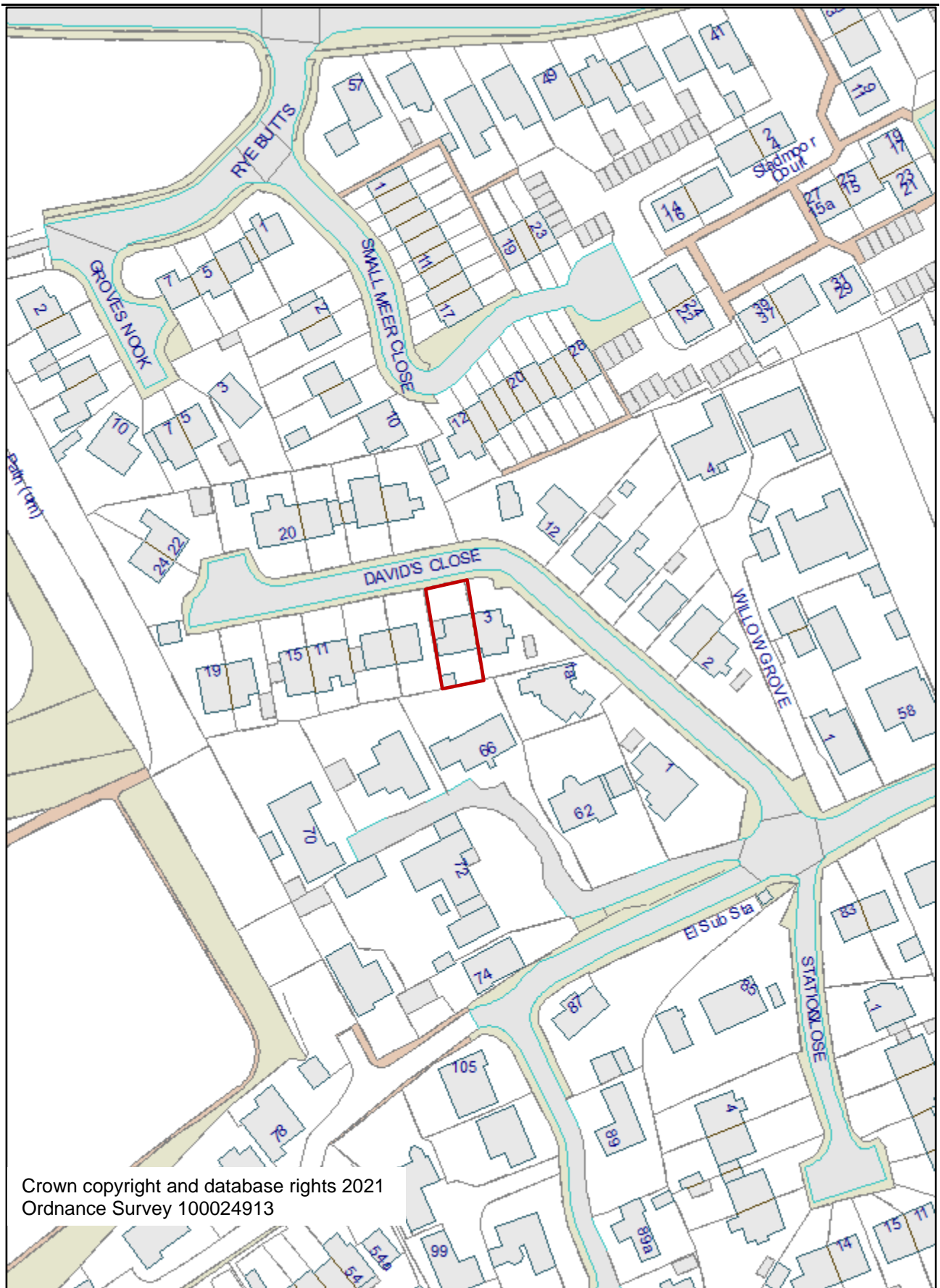
**Reason:** For the avoidance of doubt.

3. Standard materials condition MM26

**Reason:** Visual amenity and the character of the area

**8.4. Application timescale:**

The determination period expired on 14.10.2020 and an extension of time is in place until 18.2.2021.



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**Delegated decisions made between  
Between 01/12/2020 and 31/12/2020**



Application No:	Application Type	Location	Proposal	Decision	Decision Date
05/18/00708	Compliance/Discharge of Condition	33 Bowmer Road Derby	Erection Of Five Flats (Use Class C3) - Discharge Of Conditions 3, 4, 5 And 6 Of Previously Approved Permission DER/07/16/00929	Discharge of Conditions Complete	10/12/2020
19/00827/FUL	Full Application	454 Stenson Road Derby DE23 1LN	Two storey side and rear, single storey front and side and first floor rear extensions to dwelling house (porch, study, utility, shower room, bathroom, bedroom and enlargement of bedroom).	Approval	02/12/2020
19/01070/FUL	Full Application	Land Between 42 And 46 Middleton Avenue Derby DE23 6DN	Erection of a dwelling (Use Class C3) and felling of a Eucalyptus tree protected by Tree Preservation Order no. 492	Approval subject to Section 106	09/12/2020
19/01582/FUL	Full Application	Fireplace Workshop Ltd Wyvern Way Derby DE21 6PS	Demolition of existing retail unit. Erection of a retail unit (Use Class A1), landscaping, revised parking and access and associated works	Approval	04/12/2020
19/01675/FUL	Full Application	St Benedict Catholic School And Performing Arts College Duffield Road Derby DE22 1JD	Erection of 1.8m high boundary fence	Approval	18/12/2020
19/01744/FUL	Full Application	Allestree Hall Allestree Park Derby DE22 2EU	Change of use of hall to wedding venue/guest accommodation (Use Class Sui Generis and C1) and change of use of stable block to guest accommodation/hotel. (Use Class C1). Formation of additional car parking spaces, restoration of walled garden, and ancillary works including change of use of existing	Approval	17/12/2020

Application No:	Application Type	Location	Proposal	Decision	Decision Date
19/01745/LBA	Listed Building Consent - Alterations	Allestree Hall Allestree Park Derby DE22 2EU	outbuilding to cafe (Use Class A3). Change of use of hall to wedding venue/guest accommodation (Use Class Sui Generis and C1) and change of use of stable block to guest accommodation/hotel. (Use Class C1). Formation of additional car parking spaces, restoration of walled garden, and ancillary works including change of use of existing outbuilding to cafe (Use Class A3) and retention of turncoated steel to ridge of rear range with lead flashings.	Approval	17/12/2020
20/00047/FUL	Local Council Own Development Reg 3	Land At The Front Of 13-27 Birdcage Walk Derby	Installation of hardsurfacing and change of use from public open space to form driveway accesses	Approval	11/12/2020
20/00072/FUL	Full Application	Bramble House Kingsway Hospital Kingsway Derby DE22 3LZ	Demolition of existing buildings and erection of three accommodation blocks comprising an 80 bed care home (Use Class C2) and 66 extra care assisted living units (Use Class C3) accessed from Kingsway, associated car parking and landscaping.	Approval	23/12/2020
20/00079/VAR	Variation of Condition	Land To The South Of 19 - 21 Old Hall Road Derby (Access Via The Hollow)	Erection of two detached dwelling houses and two garages - removal of conditions 5 and 8 and variation of condition 2 of previously approved planning permission Code No. 07/18/01079 to amend the landscaping scheme and surface water disposal	Approval	23/12/2020
20/00250/LBA	Listed Building Consent - Alterations	8 Cornhill Derby DE22 2FT	Installation of six replacement windows	Approval	02/12/2020
20/00383/OUT	Outline Application	Land At The Side Of 9 Vicarwood Avenue Derby	Residential development - one dwelling	Approval	18/12/2020

Application No:	Application Type	Location	Proposal	Decision	Decision Date
20/00430/FUL	Full Application	DE22 1BX Millbrook Snelsmoor Lane Derby DE73 6TQ	First floor side extension to create one additional bedroom and en-suite	Approval	22/12/2020
20/00449/NONM	Non-Material Amendment	Land North Of Allan Avenue/Pritchett Drive Littleover Derby	Erection of a maximum of 80 dwellings and associated drainage and highway infrastructure - approval of reserved matters of access, appearance, landscaping, layout and scale of previously approved outline permission code no. DER/12/14/01678 - non-material amendment to previously approved planning permission 08/18/01313 to amend the visitor parking space to an allocated parking space for plot 79	Approval	11/12/2020
20/00485/FUL	Full Application	43 Wardwick Derby DE1 1HJ	Change of use from office (Use Class B1) to an eight bedroom house in multiple occupation (Sui-Generis)) at first and second floor level	Approval	02/12/2020
20/00486/LBA	Listed Building Consent - Alterations	43 Wardwick Derby DE1 1HJ	Works to listed building in association with a change of use from office (Use Class B1) to an eight bedroom house in multiple occupation (Sui-Generis)) at first and second floor level	Approval	02/12/2020
20/00583/FUL	Full Application	16 Derwent Avenue Derby DE22 2DQ	Two storey and single storey rear extensions to dwelling house (en-suite and enlargement of dining and living areas) and installation of a canopy to the front elevation	Application Withdrawn	01/12/2020
20/00612/LBA	Listed Building Consent - Alterations	4 The Square Mickleover Derby DE3 0DD	Installation of replacement windows	Approval	02/12/2020
20/00617/PNRT	Prior Approval - Telecommunications	Land Corner Stanier Way/Stepensons Way Derby	Installation of 20m monopole, wraparound Cabinet and associated ancillary works	Approval	10/12/2020

Application No:	Application Type	Location	Proposal	Decision	Decision Date
20/00646/FUL	Full Application	DE21 6BF Telecommunications Mast On Rooftop Holy Trinity Church 117 London Road Derby DE1 2QS	Installation of a radio link dish on a 1m long support pole	Approval	18/12/2020
20/00649/FUL	Full Application	93 Palmerston Street Derby DE23 6PF	Erection of an outbuilding (garden store/playhouse)	Approval	10/12/2020
20/00755/FUL	Full Application	7 Porter Place Derby DE21 7SY	Single storey rear extension to dwelling house (sun lounge)	Approval	03/12/2020
20/00784/FUL	Full Application	Fairway Service Station Uttoxeter Road Derby DE3 9GE	Installation of electric vehicle charging points with a compound to enclose a sub-station, power cabinet and low-voltage enclosure	Approval	01/12/2020
20/00797/FUL	Full Application	13 Earls Crescent Derby DE21 2QB	First floor side and single storey rear extensions to dwelling house (bedroom, ensuite, living area and enlargement of kitchen)	Approval	22/12/2020
20/00807/FUL	Full Application	2 The Croft Derby DE23 1DQ	Single storey side extension to dwelling house (kitchen/dining/living area and bedroom)	Approval	16/12/2020
20/00811/FUL	Full Application	1 Devonshire Avenue Derby DE22 2AU	Single storey side/rear extension to dwelling house (enlargement of kitchen) and alterations to the rear patio area	Approval	08/12/2020
20/00813/FUL	Full Application	Flat 2 30 Stone Hill Road Derby DE23 6TJ	Hip to gable roof alteration and installation of a rear dormer to form rooms in the roof space (bedroom and bathroom)	Refused	14/12/2020
20/00826/LBA	Listed Building Consent -	2 Midland Place	Installation of a replacement boiler, a new	Approval	01/12/2020

Application No:	Application Type	Location	Proposal	Decision	Decision Date
	Alterations	Derby DE1 2RR	W.C. and sink		
20/00860/FUL	Full Application	75 Goodwood Drive Derby DE24 0SQ	First floor front and rear extensions to dwelling house (enlargement of bedroom and bathroom)	Approval	16/12/2020
20/00876/FUL	Full Application	1 Haines Close Derby DE24 9PJ	Two storey side and single storey side and rear extensions to dwelling house (lounge, shower room, guest room, bathroom, utility, kitchen, three bedrooms and en-suite)	Approval	08/12/2020
20/00878/FUL	Full Application	500 Nottingham Road Derby DE21 6PF	Two storey (ground floor and basement level) rear extension to dwelling house (lounge, shower room and enlargement of kitchen/dining area) and associated ground works	Approval	18/12/2020
20/00891/DISC	Compliance/Discharge of Condition	Land At The Side Of 38 Farnway Derby DE22 2BQ	Erection of a dwelling (Use Class C3) - Discharge of condition 4 of previously approved permission 20/00351/FUL	Discharge of Conditions Complete	03/12/2020
20/00893/FUL	Full Application	25 Evans Avenue Derby DE22 2EL	Erection of an outbuilding (annexe accommodation)	Approval	04/12/2020
20/00923/FUL	Full Application	3 Tresillian Close Derby DE22 2AG	Alterations to roof to create additional bedroom and bathroom at first floor level and installation of dormer windows on front and rear of dwelling house	Approval	23/12/2020
20/00924/FUL	Full Application	17 Colwyn Avenue Derby DE23 6HH	Installation of an additional dormer to the rear elevation	Approval	21/12/2020
20/00949/ADV	Advertisement Consent	432 Stenson Road Derby DE23 1LN	Erection of three internally illuminated fascia signs, internally illuminated ATM signage and various other signage.	Approval	18/12/2020

Application No:	Application Type	Location	Proposal	Decision	Decision Date
20/00951/FUL	Full Application	103 Dale Road Spondon Derby DE21 7DJ	Two storey side and rear extension to dwelling house (garage, enlargement of kitchen, 2 bedrooms, enlargement of bedroom and ensuite)	Approval	21/12/2020
20/00988/FUL	Full Application	Former Pear Tree Library Pear Tree Road Derby DE23 8NQ	Change of use from Library (Use Class D1) to market at ground floor and community uses at first floor (Mixed Use)	Approval	10/12/2020
20/00990/PNRT	Prior Approval - Telecommunications	Land Corner Nottingham Road And Chaddesden Lane (outside The Park Public House) Chaddesden Derby DE21 6PF	Installation of 20m high monopole together with wraparound Cabinet and associated ancillary works.	Approval	04/12/2020
20/00998/FUL	Full Application	40 Carsington Crescent Derby DE22 2QZ	Two storey rear extension to dwelling house (living room, utility, w.c, and two bedrooms)	Approval	08/12/2020
20/01007/FUL	Full Application	9 Broadway Park Close Derby DE22 1BU	Erection of an outbuilding (garage)	Approval	01/12/2020
20/01019/FUL	Full Application	101 Dale Road Spondon Derby DE21 7DJ	Two storey side/rear and single storey rear extensions to dwelling house (office, utility and two bedrooms)	Approval	21/12/2020
20/01024/FUL	Full Application	Gate Keepers Cottage Mickleover Manor Derby DE3 0SH	Single storey extension to dwelling house	Approval	23/12/2020
20/01026/FUL	Full Application	6 Gertrude Road	Installation of a dormer to the front elevation	Refused	14/12/2020



Application No:	Application Type	Location	Proposal	Decision	Decision Date
		Derby DE21 4JP	of roof		
20/01057/VAR	Variation of Condition	198 Francis Street Derby DE21 6DF	Two storey extension to dwelling house (lounge and bedroom), installation of canopy to front elevation, enlargement of garage and erection of boundary wall/railings and steps - Variation of condition 2 of previously approved planning permission 05/12/00605 to amend the front retaining walls, steps and garage	Approval	18/12/2020
20/01096/VAR	Variation of Condition	Site Of Former Derbyshire Royal Infirmary London Road Derby DE1 2QY	Erection of 796 dwellings comprising 773 dwellings and apartments, conversion of Wilderslowe House into 10 apartments conversion of nos 123-129A Osmaston Road into 12 apartments, alteration and refurbishment of The Lodge together with conversion and extension of the 'Pepper pot' buildings into a cafe, exhibition/meeting space, and gym/fitness facilities. Relocation of the listed Queen Victoria statue, together with formation of vehicular access, public open space, landscaping and associated engineering works - Variation of condition 16 of previously approved planning permission Code No. 18/01677/FUL to allow landscaping works to take place pre-occupation rather than pre-commencement	Approval	10/12/2020
20/01104/TPO	Works to a tree with a TPO	Trevayler Residential Care Home 309 Burton Road Derby DE23 6AG	Cutting back of branches to give 2m clearance of the property, crown lift to 4m and crown clean of Beech and Cedar trees and crown lift branches overhanging the property by 4m and cutting back of branches to give 2m clearance of the property of Lime and Beech protected by Tree Preservation Order No 278	Approval	23/12/2020
20/01106/OUT	Outline Application	Land At The Side Of 1 Corfe Close Derby DE23 1HW	Residential development - one dwelling (Use Class C3)	Refused	10/12/2020

Application No:	Application Type	Location	Proposal	Decision	Decision Date
20/01133/LBA	Listed Building Consent - Alterations	Middleton House 27 St Marys Gate Derby DE1 3JR	Internal design changes to use the basement area for residential use and the introduction of 'pod' structures to bathrooms and staircases	Approval	18/12/2020
20/01141/FUL	Full Application	2 Hillsway Chellaston Derby DE73 6RN	Single storey front extension to dwelling house (porch and W.C.)	Approval	23/12/2020
20/01143/FUL	Full Application	29 Manor Road Littleover Derby DE22 3HZ	Single storey front, side and rear extensions to dwelling house (lounge and enlargement of porch and kitchen area) and installation of a new roof to the existing single storey rear projection	Approval	03/12/2020
20/01144/FUL	Full Application	76 Gravel Pit Lane Derby DE21 7DB	Two storey side extension and single storey rear extension to dwelling house (hall, w.c, utility room, family area and enlargement of two bedrooms)	Approval	15/12/2020
20/01145/OUT	Outline Application	Land At The Side Of 4 Haddon Drive Allestree Derby DE22 2LT	Residential development (one dwelling) - Use Class C3)	Approval	22/12/2020
20/01152/FUL	Full Application	62 Dalkeith Avenue Derby DE24 0BG	Two storey and single storey rear extensions to dwelling house (lounge, bedroom, en-suite and enlargement of kitchen)	Approval	02/12/2020
20/01155/FUL	Full Application	Abbey Lodge Student Village Lonsdale Place Derby DE22 3NX	Change of use from student accommodation (Sui Generis) to short term let accommodation (Sui Generis) for a temporary period of up to two years	Approval	01/12/2020
20/01161/FUL	Full Application	1 Springfield Derby DE23 6EZ	Change of use from dwelling house (Use Class C3) to a house in multiple occupation (Sui Generis Use) including a two storey rear extension	Refused	08/12/2020

Application No:	Application Type	Location	Proposal	Decision	Decision Date
20/01183/FUL	Full Application	Land At The Rear Of 241 Uttoxeter New Road Derby DE22 3LJ (Access Of Rowditch Avenue)	Erection of five apartments (Use Class C3)	Refused	23/12/2020
20/01184/DISC	Compliance/Discharge of Condition	Land At The Side Of 47 Trent Street Derby DE24 8RY	Erection of two dwelling houses (use class C3- discharge of condition 4 of previously approved permission 19/00231	Discharge of Conditions Complete	17/12/2020
20/01195/FUL	Full Application	21 Middleton Avenue Derby DE23 6DN	Two storey and single storey rear extensions to dwelling house (family room, W.C., shed, bedroom and en-suite)	Approval	03/12/2020
20/01210/FUL	Full Application	8 Chaddesden Park Road Derby DE21 6HD	Installation of a dormer window and roof lights to the side elevation to form rooms in the roof space (bedroom and en-suite)	Approval	18/12/2020
20/01211/FUL	Full Application	56 Osmaston Road Derby DE1 2HU	Change of use from dental surgery and first floor flat (Use Classes E(e) and C3) to a six bedroom, eight occupant house in multiple occupation (Sui Generis use)	Approval	16/12/2020
20/01220/TPO	Works to a tree with a TPO	5 Cardinal Close Derby DE21 4TH	Deadwood, height reduction by 3-4m, reduction of the eastern aspect by 1-3m, northern aspect by 1-2m and cutting back of out of shape limbs to the western aspect of an Oak tree protected by Tree Preservation Order no. 124	Approval	08/12/2020
20/01231/FUL	Full Application	239 Stenson Road Derby DE23 1JN	Single storey rear extension to dwelling house (kitchen/dining area) and formation of a raised patio	Approval	04/12/2020
20/01234/FUL	Full Application	34 Heronswood Drive Derby DE21 7AX	Two storey side and single storey front, side and rear extensions to dwelling house (hall, lounge, storage, utility, W.C., play room, dining area, bedroom and bathroom)	Approval	01/12/2020

Application No:	Application Type	Location	Proposal	Decision	Decision Date
20/01237/TPO	Works to a tree with a TPO	Public Footpath Crossdale Grove Derby	Crown lift branches along footpath to 2.5m above ground level of a mixed Broadleaf group protected by Tree Preservation Order No 31	Approval	08/12/2020
20/01238/TPO	Works to a tree with a TPO	Footpath From Gilderdale Way To Footpath Near Littledale Close Derby	Felling of five Ash trees, crown lift to 4.5m, crown clean and deadwood of an Oak tree and crown lift lower branches overhanging the footpath of a mixed Broadleaf group protected by Tree Preservation Order no. 31	Approval	08/12/2020
20/01245/FUL	Full Application	29 Richmond Avenue Derby DE23 1DL	Single storey side and rear extensions to dwelling (garage, sitting room, kitchen/dining area, utility, study and bathroom)	Approval	04/12/2020
20/01249/FUL	Full Application	621 Nottingham Road Derby DE21 6RU	Erection of two outbuildings (garden/bike storage) and (games room/art studio)	Approval	18/12/2020
20/01250/FUL	Full Application	26 Woodminton Drive Derby DE73 6RZ	Single storey side extension to dwelling house (utility)	Approval	08/12/2020
20/01251/FUL	Full Application	46 Carsington Crescent Derby DE22 2QZ	Single storey front and rear extensions to dwelling house (utility and kitchen/sitting room), installation of a new roof over the existing garage/front projection and formation of a raised patio area to the rear	Approval	08/12/2020
20/01252/TPO	Works to a tree with a TPO	47 Rosamonds Ride Derby DE23 6JS	Various works to Ash trees protected by Tree Preservation Order no. 37	Approval	08/12/2020
20/01256/FUL	Full Application	459 Uttoxeter New Road Derby DE22 3ND	Change of use from dwelling house (Use Class C3) to a seven bedroom house in multiple occupation (Sui Generis Use) including a single storey rear extension	Approval	01/12/2020
20/01258/FUL	Full Application	152 Sancroft Road Derby	Two storey side extension to dwelling house (gym, utility, W.C., bedroom, en-suite and	Approval	02/12/2020

Application No:	Application Type	Location	Proposal	Decision	Decision Date
		DE21 7LD	balcony) and installation of timber cladding		
20/01259/TPO	Works to a tree with a TPO	Footpath From Benmore Court To Limedale Avenue Derby	Crown lift to 2.5m of various Broadleaf trees protected by Tree Preservation Order No 31	Approval	08/12/2020
20/01260/ADV	Advertisement Consent	509 Nottingham Road Derby DE21 6NA	Display of one internally illuminated fascia sign and one internally illuminated projecting sign	Approval	02/12/2020
20/01261/TPO	Works to a tree with a TPO	Public Open Space Smalley Drive Derby	Crown lift to 2.5m and cutting back of previously cut stubs to suitable pruning points of a group of Broadleaf trees protected by Tree Preservation Order no. 31	Approval	10/12/2020
20/01262/FUL	Full Application	2 Kingston Street Derby DE1 3EZ	Installation of a new window to the front elevation	Approval	02/12/2020
20/01263/TPO	Works to a tree with a TPO	Public Open Space Off Wheatsheaf Close And Morley Road Derby DE21 4TD	Various works to trees protected by Tree Preservation Order No 31	Approval	10/12/2020
20/01264/TPO	Works to a tree with a TPO	32 Blagreaves Lane Derby DE23 1FH	Crown lift to 4m and reduce canopy to previous reduction points (approximate 3m reduction) of a Lime tree protected by Tree Preservation Order no. 36	Approval	16/12/2020
20/01266/FUL	Full Application	32 Gosforth Road Derby DE24 8HU	Renovation of the existing building (including external cladding, replacement of doors, windows and roller shutter) for B8 use and erection of three new buildings (Use Classes B8 and B2)	Approval	17/12/2020
20/01268/VAR	Variation of Condition	21 Vicarage Avenue Derby DE23 6TQ	Demolition of bungalow. Erection of a replacement dwelling house (Use Class C3) - Variation of condition 2 and condition 10 of previously approved application code No. 19/01341/FUL	Approval	14/12/2020

Application No:	Application Type	Location	Proposal	Decision	Decision Date
20/01273/FUL	Full Application	61 Cavendish Avenue Derby DE22 2AS	Single storey side extension to dwelling (enlargement of kitchen)	Approval	10/12/2020
20/01274/TPO	Works to a tree with a TPO	Coney Grey South Drive Darley Abbey Derby DE1 3ET	Crown reduction by 5m of Silver Birch tree protected by Tree Preservation Order No 506	Approval	16/12/2020
20/01275/CAT	Works to Trees in a Conservation Area	Coney Grey South Drive Darley Abbey Derby DE1 3ET	Crown reduction of Sycamore tree by 3m.	Approval	14/12/2020
20/01282/FUL	Full Application	29 Chantry Close Derby DE3 0TG	Two storey side extension and single storey rear extension to dwelling house	Refused	11/12/2020
20/01283/NONM	Non-Material Amendment	Site Of The Moorways Sports Centre Moor Lane Derby DE24 9HY	Erection of a leisure centre (Use Class D2) including a 50M swimming pool, leisure water including water slides, fitness suite, studios and other complementary uses with associated parking, drainage and related infrastructure. Demolition of store - non- material amendment to previously approved planning permission 19/01206/FUL to amend the height of the boiler flue at roof level	Approval	15/12/2020
20/01287/FUL	Full Application	247 Osmaston Park Road Derby DE24 8DA	Formation of a vehicular access	Refused	10/12/2020
20/01291/TPO	Works to a tree with a TPO	111 Rykneld Road Derby DE23 4AJ	Crown reduction by 1.5m to the house side, cutting back of branches to give 2m clearance of the lighting column and removal of epicormic growth to the base of a Horse Chestnut tree protected by Tree Preservation Order no. 35	Approval	16/12/2020

Application No:	Application Type	Location	Proposal	Decision	Decision Date
20/01297/FUL	Full Application	32 Kingston Street Derby DE1 3EZ	Single storey side/rear extension to dwelling house (enlargement of kitchen) and installation of a new roof to the existing single storey rear projection	Approval	16/12/2020
20/01299/CLP	Lawful Development Certificate -Proposed	5 Woodsorrel Drive Derby DE21 2UF	Single storey rear extension to dwelling house (family room) and replacement of garage door with window.	Approval	18/12/2020
20/01302/CAT	Works to Trees in a Conservation Area	Mickleover House Orchard Street Derby DE3 0DF	Various works to trees within the Mickleover Conservation Area	Approval	04/12/2020
20/01303/CLE	Lawful Development Certificate -Existing	24 Davenport Road Derby DE24 8AX	Change Of Use From Dwelling House (Use Class C3) To A House In Multiple Occupation (Use Class C4)	Approval	14/12/2020
20/01305/FUL	Full Application	68 Stenson Road Derby DE23 1JE	Two storey side extension to dwelling house (dining room, utility, wet room and bedroom)	Approval	11/12/2020
20/01307/FUL	Full Application	42 Belper Road Derby DE1 3EN	Single storey rear extension to dwelling house (kitchen/dining area)	Approval	11/12/2020
20/01308/FUL	Full Application	90 Parkway Derby DE73 5QA	Single storey side and side/rear extensions to dwelling house (porch, sun lounge and enlargement of living area)	Approval	14/12/2020
20/01309/FUL	Full Application	17 Devonshire Avenue Derby DE22 2AU	Two storey side and single storey front extensions to dwelling house (utility room, study, W.C., bedroom, en-suite and enlargement of hall)	Approval	16/12/2020
20/01310/CLP	Lawful Development Certificate -Proposed	31 North Street Derby DE1 3AZ	Single storey rear extension to dwelling house (shower room and utility)	Approval	14/12/2020

Application No:	Application Type	Location	Proposal	Decision	Decision Date
20/01311/FUL	Full Application	47 Kedleston Road Derby DE22 1FL	Installation of replacement windows to the front elevation	Approval	17/12/2020
20/01312/FUL	Full Application	66 Cadgwith Drive Derby DE22 2AE	Two storey rear and single storey front extension to dwelling house (porch, kitchen/sitting area and enlargement of two bedrooms)	Approval	16/12/2020
20/01314/CLP	Lawful Development Certificate -Proposed	13 Lothlorien Close Derby DE23 2RY	Single storey rear extension to dwelling house (snug and enlargement of kitchen/dining area)	Approval	14/12/2020
20/01316/CLP	Lawful Development Certificate -Proposed	1 Berry Park Close Derby DE22 2XD	Single storey rear extension to dwelling house (sun room)	Approval	16/12/2020
20/01317/CLP	Lawful Development Certificate -Proposed	384 Duffield Road Derby DE22 1ER	Proposed single storey side/rear extension to dwelling house (utility, W.C. and enlargement of kitchen)	Refused	18/12/2020
20/01319/FUL	Full Application	30 Willowcroft Road Derby DE21 7FQ	Formation of vehicular access	Approval	18/12/2020
20/01321/FUL	Full Application	29 Partridge Way Derby DE3 9XB	Use of existing garage as office	Approval	22/12/2020
20/01323/FUL	Full Application	41 Hillsway Littleover Derby DE23 3DU	First floor rear extension to dwelling house (two bedrooms) and formation of a dormer in rear roof	Approval	22/12/2020
20/01324/FUL	Full Application	14 Midland Road Derby DE1 2SN	Change of use from Off Licence /Convenience Store (Use Class Ea) to hot food takeaway (Sui Generis)	Approval	18/12/2020
20/01325/FUL	Full Application	23 Lakeside Drive Derby DE23 3US	Two storey side and rear, first floor and single storey side extensions to dwelling house (garage, store, utility, bedroom, dressing	Approval	18/12/2020



Application No:	Application Type	Location	Proposal	Decision	Decision Date
			room, en-suites, bathroom and enlargement of kitchen and two bedrooms) - amendment to previously approved permission 20/00836		
20/01327/FUL	Full Application	273 Boulton Lane Derby DE24 9FW	Two storey side extension to dwelling house (en-suite and enlargement of kitchen/diner, bedroom and bathroom)	Refused	18/12/2020
20/01329/NONM	Non-Material Amendment	Land To Rear Of Marble Hall At The Former Rolls Royce Site Nightingale Road Derby DE24 8FL	Erection of 406 Dwellings with associated Car Parking and Landscaping together with Refurbishment of 5 Existing Dwellings and all associated works incorporating comments/amendments raised by highways during S38 Technical approval process - Non material amendment to previously approved permission 11/17/01432 to incorporate highways comments	Approval	15/12/2020
20/01330/FUL	Full Application	38 Hill Top Derby DE21 4FX	Change of use from one dwelling house to two semi detached dwelling houses	Approval	22/12/2020
20/01331/FUL	Full Application	12 Milbank Close Derby DE22 4HJ	Single storey front extension to dwelling house (bedroom)	Approval	18/12/2020
20/01332/ADV	Advertisement Consent	35 Corn Market Derby DE1 2DG	Display of externally illuminated projecting sign and fascia sign	Approval	14/12/2020
20/01333/LBA	Listed Building Consent - Alterations	35 Corn Market Derby DE1 2DG	Display of externally illuminated projecting sign and fascia sign	Approval	14/12/2020
20/01335/TPO	Works to a tree with a TPO	42 Saundersfoot Way Derby DE21 2RH	Crown reduction by 2 metres of Oak Tree. Protected by Tree Preservation Order No. 247	Approval	23/12/2020

Application No:	Application Type	Location	Proposal	Decision	Decision Date
20/01336/FUL	Full Application	152 Vicarage Road Mickleover Derby DE3 0EG	Single storey rear extension to dwelling house (kitchen)	Approval	22/12/2020
20/01337/FUL	Full Application	12A The Hollow Mickleover Derby DE3 0DH	Single storey front & rear extensions to dwelling house (porch, bay window and kitchen)and erection of outbuilding to provide games room and gym	Approval	22/12/2020
20/01343/TPO	Works to a tree with a TPO	2 Dovestone Gardens Derby DE23 4EJ	Crown reduction by 2m of Yew Tree protected by Tree Preservation Order No 322	Approval	22/12/2020
20/01345/TPO	Works to a tree with a TPO	Faraway Tree Day Nursery Bedford Close Derby DE22 3HQ	Reduction of height by 3-4 metres and crown reduction by 2-3 metres of Lime tree and crown raising to 4 metres of Acacia tree protected by Tree Preservation Order No 533	Approval	23/12/2020
20/01347/FUL	Full Application	2B Weirfield Road Derby DE22 1DH	Two storey side and single storey rear extension to dwelling house (kitchen, utility room, w.c. and enlargement of bathroom)	Approval	18/12/2020
20/01348/FUL	Full Application	14 Stornoway Close Derby DE24 3LL	Erection of carport canopy	Approval	22/12/2020
20/01349/FUL	Full Application	59 Oakover Drive Derby DE22 2PR	First floor and single storey side extensions to dwelling house (utility room/w.c. and enlargement of bedroom)	Approval	22/12/2020
20/01352/PNRH	Prior Approval - Householder	6 Hawksdale Close Derby DE73 6PS	Single storey rear extension (projecting beyond the rear wall of the original house by 4m, maximum height 3.5m, height to eaves 2.2m) to dwelling house	Prior Approval Not Required	02/12/2020
20/01353/CAT	Works to Trees in a	The Coach House	Removal of Yew Tree within Mickleover	Approval	10/12/2020

Application No:	Application Type	Location	Proposal	Decision	Decision Date
	Conservation Area	The Green Mickleover Derby DE3 0DE	Conservation Area		
20/01354/FUL	Full Application	Bemrose Chambers 43A Green Lane Derby DE1 1RS	Conversion of garage to ground floor apartment	Approval	22/12/2020
20/01359/FUL	Full Application	Land Rear Of 79 Palmerston Street And To The Side And Rear Of 74-80 Fairfield Road Derby	Erection of a dwelling house (Use Class C3) and associated ground works	Approval	23/12/2020
20/01361/FUL	Full Application	5 Bank View Road Derby DE22 1EL	Two storey side and single storey rear extensions to dwelling house (garage, W.C., two bedrooms and enlargement of kitchen/dining area)	Approval	22/12/2020
20/01362/FUL	Full Application	10 Kernel Close Derby DE23 3SA	First floor front and side and single storey front extensions to dwelling house (porch, bedroom, balcony, en-suites and enlargement of bedroom)	Approval	22/12/2020
20/01364/FUL	Full Application	222 Ladybank Road Derby DE3 0RS	Two storey side and single storey front and rear extensions to dwelling house (porch, store, W.C., bedroom and enlargement of living space and bathroom)	Approval	22/12/2020
20/01366/PNRH	Prior Approval - Householder	135 Osmaston Park Road Derby DE23 8WL	Single storey rear extension (projecting beyond the rear wall of the original house by 6m, maximum height 3m, height to eaves 3m) to dwelling house	Prior Approval Not Required	02/12/2020
20/01367/FUL	Full Application	4 Hillsway Chellaston Derby DE73 6RN	Single storey front extension to dwelling house (W.C. and enlargement of hall)	Approval	23/12/2020

Application No:	Application Type	Location	Proposal	Decision	Decision Date
20/01370/TPO	Works to a tree with a TPO	38 Porters Lane Derby DE21 4FZ	Felling of a Horse Chestnut tree protected by Tree Preservation Order no. 124	Approval	23/12/2020
20/01371/FUL	Full Application	101 Rykneld Road Derby DE23 4AJ	Single storey front, side and rear extensions to dwelling house (porch, shower room, utility and sitting/dining area)	Approval	23/12/2020
20/01372/CLP	Lawful Development Certificate -Proposed	127 Birchover Way Derby DE22 2DB	Single storey side extension to dwelling (Bathroom.)	Approval	23/12/2020
20/01380/FUL	Full Application	48 Redwood Road Derby DE24 9LA	Single storey front, side and rear extensions to dwelling house (utility room, lounge, hallway, bathroom, study and enlargement of kitchen)	Approval	23/12/2020
20/01381/FUL	Full Application	5 Lynton Street Derby DE22 3RW	Installation of external wall insulation	Approval	23/12/2020
20/01386/FUL	Full Application	59 Otter Street Derby DE1 3FD	Single storey side extension to dwelling house (enlargement of kitchen/dining area) and installation of roof lights to the front and rear elevations	Approval	23/12/2020
20/01387/DEM	Demolition - Prior Notification	Derwent Power Station Holme Lane Derby DE21 7BS	Demolition of power generation and steam producing plant, utilities and secondary process plant together with water and fuel oil storage tanks	Approval	16/12/2020
20/01388/FUL	Full Application	7 Highgrove Drive Derby DE73 5XA	Two storey side/rear and first floor side extensions to dwelling house (bedroom, shower room and enlargement of kitchen)	Approval	23/12/2020
20/01390/FUL	Full Application	1 Lodge Way Derby DE3 9BE	Single storey side extension to dwelling house (hall, sitting room, bedroom and shower room)	Approval	23/12/2020

Application No:	Application Type	Location	Proposal	Decision	Decision Date
20/01394/FUL	Full Application	11 Drysdale Road Derby DE3 0PR	Single storey front and side/rear extensions to dwelling house (porch and bedroom/snug)	Approval	23/12/2020
20/01396/OUT	Outline Application	Land At The Side Of 28A Cavendish Way Derby DE3 9BJ	Residential development (one dwelling) - Use Class C3	Refused	23/12/2020
20/01397/FUL	Full Application	31 Chapel Street Spondon Derby DE21 7JP	Change of use from congregation hall and education centre (Use Class F1) to a mixed use performing arts school and fitness centre (Use Classes F1 and E)	Approval	23/12/2020
20/01400/TPO	Works to a tree with a TPO	32 Binscombe Lane Derby DE21 2AZ	Various works to an Oak tree protected by Tree Preservation Order No 477	Approval	23/12/2020
20/01403/FUL	Full Application	153 Brighton Road Derby DE24 8TB	Change of use of part of launderette (Sui Generis use) and one flat (Use Class C3) to form five flats (Use Class C3) including a front lobby extension and roof alterations to include a hip to gable conversion and installation of dormers to the front and rear elevations	Approval	23/12/2020
20/01409/FUL	Full Application	12 Good Hope Court Derby DE24 1AR	Single storey front extension to dwelling house (office)	Approval	23/12/2020
20/01415/NONM	Non-Material Amendment	9 Albert Road Derby DE21 6SL	Single storey rear extension to dwelling house (wet room and enlargement of kitchen) and installation of an access ramp - non-material amendment to previously approved planning permission 19/01365/FUL to amend the rear window design and location and front access ramp	Approval	10/12/2020
20/01420/CLP	Lawful Development Certificate -Proposed	240 Kedleston Old Road Derby	Change of use from dwelling house (Use Class C3a) to residential with care (Use Class C3b)	Approval	23/12/2020

Application No:	Application Type	Location	Proposal	Decision	Decision Date
		DE22 1GA			
20/01428/FUL	Full Application	77 Elms Avenue Derby DE23 6FB	Single storey rear extension to dwelling house (enlargement of kitchen/dining area)	Approval	23/12/2020
20/01429/NONM	Non-Material Amendment	41A Hill Cross Avenue Derby DE23 1FW	First floor front and two storey and single storey rear extensions to dwelling house (two bedrooms, en-suite and enlargement of kitchen/dining area and bedroom) - Non-material amendment to previously approved planning permission 03/17/00278 to amend the materials and change the roof design of the single storey rear extension	Approval	04/12/2020
20/01446/PNRH	Prior Approval - Householder	36 Carlton Avenue Derby DE24 9EJ	Single storey rear extension (projecting beyond the rear wall of the original house by 5.29m, maximum height 3m, height to eaves 2.4m) to dwelling house	Prior Approval Not Required	16/12/2020
20/01451/PNRH	Prior Approval - Householder	6 Lang Road Derby DE24 0GB	Single storey rear extension (projecting beyond the rear wall of the original house by 4m, maximum height 3.5m, height to eaves 2.5m) to dwelling house	Prior Approval Not Required	16/12/2020
20/01466/CAT	Works to Trees in a Conservation Area	61 Mile Ash Lane Derby DE22 1DE	Crown reduction by 2 metres of a False Acacia tree within the Darley Abbey Conservation Area	Approval	23/12/2020
20/01468/PNRT	Prior Approval - Telecommunications	Pavement Adjacent To Bus Shelter And The Mallard PH Uttoxeter New Road Derby	Erection of an 18m high monopole, equipment cabinets and ancillary works	Application Withdrawn	15/12/2020
20/01475/PNRH	Prior Approval - Householder	94 Beech Avenue Derby DE24 0DZ	Single storey rear extension (projecting beyond the rear wall of the original house by 6m, maximum height 3m, height to eaves 3m) to dwelling house	Prior Approval Not Required	23/12/2020

Application No:	Application Type	Location	Proposal	Decision	Decision Date
20/01479/VAR	Variation of Condition	Site Of Former Normanton Service Station 166 Normanton Road Derby DE23 6UX	First floor extension to retail unit to form a restaurant (Use Class A3) - Variation of condition 2 of previously approved planning permission Code No. 20/00171/FUL to include a first floor balcony to the eastern elevation	Approval	23/12/2020
20/01480/ADV	Advertisement Consent	Site Of Former Normanton Service Station 166 Normanton Road Derby DE23 6UX	Display of one internally illuminated fascia sign and one non illuminated fascia sign	Approval	23/12/2020
20/01486/CAT	Works to Trees in a Conservation Area	33 Park Road Spondon Derby DE21 7LN	Felling of a Conifer tree within the Spondon Conservation Area	Approval	23/12/2020
20/01511/PNRH	Prior Approval - Householder	32 Cockayne Street South Derby DE24 8JT	Single storey rear extension (projecting beyond the rear wall of the original house by 5.1m, maximum height 3m, height to eaves 3m) to dwelling house	Prior Approval Not Required	23/12/2020
20/01526/DISC	Compliance/Discharge of Condition	2 Rykneld Way Derby DE23 4AS	Demolition of bungalow. Erection of a dwelling house (Use Class C3), garage and a boundary wall with gates - Discharge of condition 3 of previously approved planning permission 19/00888/FUL	Discharge of Conditions Complete	02/12/2020