

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.

Other significant implications

- 9.1 None.

This report has been approved by the following people:

Role	Name	Date of sign-off
Legal		
Finance		
Service Director(s)		
Report sponsor	Paul Clarke	23/12/2019
Other(s)	Ian Woodhead	23/12/2019

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

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Item No.	Page No.	Application No.	Location	Proposal	Recommendation
1	1 - 9	19/00763/FUL	Land North Of Onslow Road And East Of Station Road Mickleover Derby	Erection of 203 dwellings (Use Class C3) with associated infrastructure, open space and landscaping.	To grant planning permission as per the previous committee report, with additional and amended conditions as agreed with Cllr Care and arising from the Member's debate at the meeting on 21 November.
2	10 - 72	19/00491/OUT	Derby Triangle Wyvern Way Derby	Mixed use development, comprising use class B2 (general industry) and use class B8 (storage and distribution.) Associated development including site re-grading, flood alleviation works, provision of access from and alterations to Wyvern Way and safeguarding of land for the Derby and Sandiacre Canal restoration project. Approval is sought for two vehicular accesses from Wyvern Way, with all other matters to be reserved.	To authorise the Director of Strategy Partnerships, Planning and Streetpride to grant permission upon conclusion of the above Section 106 Agreement.
3	73 - 85	19/01164/FUL	The County Hotel Sinfin Lane Derby	Demolition of public house. Erection of MOT testing station, car repair workshop (Use Class B2) and use of land as hand car wash (Sui Generis).	To grant planning permission with conditions.

Committee Report Item No: 1

Application No: 19/00763/ FUL

Type: Full Planning Application

1. Application Details

1.1. Address: Land north of Onslow Road and east of Station Road, Mickleover

1.2. Ward: Mickleover

1.3. Proposal:

Erection of 203 dwellings (Use Class C3) with associated infrastructure, open space and landscaping with access details

1.4. Further Details:

Web-link to application:

<https://eplanning.derby.gov.uk/online-applications/plan/19/00763/FUL>

Brief description

Members will recall that this application was deferred at the previous Planning Control Committee meeting on 21 November to negotiate further amendments to the scheme, to improve provision of sustainable transport routes and the safeguarding of the ecological features of the site.

The previous report from 21 November committee meeting can be found in Appendix A:

<https://docs.derby.gov.uk/padocumentserver/DownloadDocument.aspx?docid=142144189>

A meeting was held with Cllr Care and attended by Paul Chamberlain on 28 November to discuss the current proposals and her suggested changes to the scheme. Following a discussion with Cllr Care it was agreed that the following amendments would be recommended to the applicant:

- Addition of a short cycle/ footpath link to be formed between a turning head at the north eastern corner of the housing development and the new cycle route/ footpath alongside the public open space.
- Addition of shared highway surface to give pedestrian and cyclist priority at turning head fronting plots 66 and 83. This will be dealt with under the Section 38 Agreement under the Highways Act negotiated with the Council's Highways team.
- Include a requirement in a landscaping condition for native planting within a landscaping scheme for both private gardens and public open space.
- Include a requirement in a landscape and ecology management plan condition for advice to new residents about protection of habitat corridors.
- Addition of a condition to secure a detailed residential Travel Plan (as recommended by the Council's Highways team).

This advice was passed onto the agent and additional information has been submitted in order to address these requirements.

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2. Representations:

Two further objections from local residents were received prior to the previous meeting and reported orally. These raise the following issues:

- Traffic impact on transport routes and increase air pollution
- Impact of proposed access onto Station Road on use of resident's driveway, would be harmful to highway safety due to resident reversing onto Station Road.

3. Consultations:

3.1. Highways Development Control:

I am content with the revised layout drawing, the proposed short link adjacent the Pump Station should be 3m wide rather than 2m.

The work the Council will be doing to enhance the new strategic cycle route through the development i.e. the provision of a Toucan crossing across Station Road, which the developer cannot deliver due to 3rd party land issues is uncertain in terms of an exact date of delivery due to its relationship with the scheme to provide a footway to the rear of the eastern parapet wall and the processes and permissions required to deliver that scheme. Therefore to fully protect public safety I suggest that a condition be imposed on any consent to the effect that:

The proposed strategic cycle route through the site shall not connect to Station Road in the vicinity of No 2 Station Road as shown on Drg No MI 138-SL-102Q and/or be available for use by the public unless or until a Toucan crossing on Station Road adjacent the cycle route is available for use by the public, unless otherwise agreed with the LPA.

Reason; In the interests of highway safety.

I also note that the short cycle link to Onslow Road would not require a separate planning consent to enable it to be delivered by the Council.

3.2. Highways Land Drainage:

Further consultation response received 18 December 2019:

I have had discussions with Alex from Bloor Homes who has provided the information below relating to the ditch. Alex has stated that there is potentially 1m from the back of footway to the top of the ditch, which is what I requested before on 13th November. From reading the email and then speaking to Alex about this it seems that half of this additional buffer width is set to be taken by a wide footway. My view is that the verge should not be narrowed alongside the ditch and that the footway from our perspective should remain standard width with maximum soft safety verge protecting the public from the ditch. I know the Highways DC colleagues will have their own opinion and reasons for this which I am unaware of.

However, the point is that the 1m verge is technically available and it is outside of the applicant's control how this is used. This is really an issue that we can discuss internally as to how this space is 'used' for best effect.

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With this in mind, whilst I am largely unsatisfied with the steepness of the ditch banks, there are options we have to mitigate this within the proposed layout. I therefore now consider that the precise arrangement of the ditch, verge and footway can be controlled through a planning condition requiring detailed design of this relationship. It needs to be balanced the need for footway widening (and the reasons for this) with safety concerns about the footway close vicinity to the ditch.

Alex has also provided me with verbal description of how the additional road area draining to the ditch is more than offset by the reduction in water discharging to the same point from the housing development. So I can accept this in response to point 5 of my email on this subject dated 7th November 2019. The other issues can be dealt with by condition after the planning committee but before construction begins.

Therefore, could you please incorporate the following planning conditions into any permission given:

1. No development shall take place on the consented development until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme shall include, as far as reasonably practicable:-
 - A sustainable drainage solution,
 - Proposals to comply with the recommendations of the Non-statutory technical standards for sustainable drainage systems (March 2015) and The SuDS Manual (CIRIA C753),
 - Provision of appropriate levels of surface water treatment defined in Chapter 26 of The SuDS Manual (Ciria C753) or similar approved.
 - Proposals to limit surface water runoff to 2l/s into the former railway cutting and 32.3l/s to the Bramble Brook tributary to the east.

Reason: To comply with the NPPF, Planning Practice Guidance for Flood Risk and Coastal Change and Core Policy CP2. In order to minimise the likelihood of drainage system exceedance and consequent flood risk off site and to ensure reasonable provision for drainage maintenance is given in the development.

2. No development shall commence until a scheme or works has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority which details controls on the mobilisation of silt and contaminants from the site via surface water to the receiving watercourses during the construction phase.

Reason: To comply with Council Policy CP16 (Green Infrastructure) and the EU Water Framework Directive by minimising the risk of pollutants from the site washing off into the local watercourses and the associated biodiversity hazards.

3. No property shall be occupied until a fully developed management and maintenance plan to ensure all surface water drainage features will be maintained for the design life of the development has been submitted to and approved in writing by the Local Planning Authority. This shall include the arrangements for adoption by any public authority, statutory undertaker or other

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arrangements to ensure that maintenance operations are fully funded throughout the design life of the development.

Reason: To comply with Planning Practice Guidance ID 7-081-20150323 and House of Commons Written Statement (HCWS161) (18th December 2014) to ensure that minimum standards of operations are appropriate and that there are clear arrangements in place for on-going maintenance.

4. No development shall commence until detailed design of the realignment of the Station Road (B5020) highway drainage ditch has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The design shall appropriately consider safety of highway users and the ability of the Highway Authority to maintain the asset.

Reason: To ensure that the ditch is safe in the public realm, considering that the introduction of the footway, the increased pedestrian exposure to risk and the need for the ditch to be realigned are all necessary to accommodate the development.

3.3. Environmental Services (Parks):

Further comments provided on 18 November 2019 and reported orally to previous meeting:

I have had a look at the play area design and have the following comments:

- The drawing appears to show the play area within a grass surface apart from the seating areas which are surfaced in a bound rubber mulch. I would strongly advise that this mulch is used beneath all items of equipment and that the items are linked to each other and the entrance areas. Otherwise the grass surface will soon degrade and become very muddy and unusable.
- Boulders should also be incorporated within the bound mulch area as siting them in grass makes maintenance very difficult and the area around the boulders will get easily worn.
- The path to the play area is shown as Grasscrete. Again I would advise this be replaced with a more durable material such as tarmac, which will require less maintenance in the long term. This should link to the tarmac footpath on the site. If the path for the access to the balancing pond needs to be Grasscrete then this first section to the play area needs to be tarmac with the path to the balancing pond leading off from this.
- Two pedestrian access gates should ideally be provided to allow for escape if necessary. Gates should be self-closing and open outwards.
- Any signage should include details of the management company and details of who to contact in the event of damage/emergency.
- Where the perimeter play area fencing abuts the grass, this should be within a 300mm minimum concrete mowing strip and the litter bin should be within a 450x450mm concrete pad to allow for ease of maintenance.

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4. 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)

CP1a)	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
CP23	Delivering a Sustainable Transport Network
AC22	Proposed Housing – Mickleover and Mackworth
MH1	Making it Happen

Saved CDLPR Policies

GD5	Amenity
H13	Residential Development – General Criteria
E17	Landscaping Schemes
E24	Community Safety
T2a)	City Council Schemes – Mickleover/ Mackworth Route
T10	Access for Disabled People

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

[http://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/policiesandguidance/planning/Core%20Strategy ADOPTED DEC%202016 V3 WEB.pdf](http://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/policiesandguidance/planning/Core%20Strategy%20ADOPTED%20DEC%202016%20V3%20WEB.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

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.

5. Officer Opinion:

5.1 Further Amendments

Following discussions with Cllr Care, the applicant has agreed to carry out the recommended amendments to the proposed site layout and submitted revised layout plans on 10 December.

The revised plans include:

- Addition of a short cycle/ foot path link between a turning head at the eastern end of the housing development and the proposed cycle route alongside the public open space.
- The formation of additional raised surfaces to all the turning heads and road junctions within the development
- Tenure of 4 affordable housing units (plots 18-19 and 27-28) amended.

These minor changes to the proposed layout reflect the recommendations agreed with Cllr Care and represent an enhancement of the housing development for the benefit of pedestrians and cyclists. There would be an improvement of pedestrian and cycle priority by creating more level surfaces within the highway, which would also make the housing areas more accessible for all users of the development. An additional off-road footpath and cycle route would provide more opportunities for sustainable travel routes at the eastern end of the development.

The recommended changes to planning conditions have been accepted and are reproduced below in Section 8.2 of the report.

The Highways Officer is generally satisfied with the proposed amendments to cycling and pedestrian facilities. He has requested that the new section of cycle link is 3 metres wide and this can be secured through the recommended planning conditions in the previous report. I also note that he has requested a condition to ensure that the cycle route connection to Station Road is not implemented and brought into use until a Toucan Crossing is formed across Station Road, to link the new path with the strategic cycle route. This is considered reasonable so that the provision of the cycle link would form a continuous route to connect with the existing route to the west of the city.

The proposed changes to the housing layout would make further contributions towards promoting walking and cycling opportunities through the development and with the wider townscape. The amendments would therefore add to compliance with the relevant policies CP23 and AC22 of the DCLP – Part 1 in terms of encouraging connectivity and accessibility through provision of sustainable transport measures.

The development as a whole is considered to be a scheme which demonstrates a high quality of urban design, which balances the need for significant new housing with providing new transport linkages with the wider area and safeguarding the important ecological and landscape features within the development. Overall, it therefore meets the intentions of Derby City Local Plan – Part 1 and saved City of Derby Local Plan Review and the overarching guidance in the NPPF (2018).

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6. Recommended decision and summary of reasons:

6.1. Recommendation:

To grant planning permission as per the previous committee report, with the following additional and amended conditions as agreed with Cllr Care and arising from the Member's debate at the meeting on 21 November.

6.2. Conditions:

Pre-commencement conditions:

3. A surface water drainage scheme to be submitted and agreed, to include sustainable drainage solution, comply with technical standards, surface water treatment and to limit run off into former railway cutting and to Bramble brook tributary to east.
4. A detailed design for the realignment of the Station Road highway drainage ditch to be submitted and agreed and shall consider safety of highway users and future maintenance of the ditch.
5. A construction management plan for control of noise/dust emissions, hours of operation and waste recycling, construction traffic routes and control of mobilisation of silt and contaminants from the site to watercourses and adjoining land to be submitted and agreed and implemented during construction period.
6. A scheme of works which details controls on the mobilisation of silt and contaminants from the site via surface water to the receiving watercourses during the construction phase to be submitted and agreed.

Pre-occupation conditions:

12. A detailed landscaping and tree planting scheme for the open spaces, landscape buffers, street trees and private gardens to be submitted. This shall include details of retained vegetation, details of species and size of new tree and shrub planting, including use of native species, grassland mix and SuDs planting and design of tree pits.
14. Details of a landscaping and ecological management plan for the long term management and maintenance of the public open space, woodland and hedgerow corridors to be submitted and agreed. This shall include details of features to be managed, constraints and objectives of management, including mitigation and enhancement of species, works schedule, organisation responsible for implementing plan, ongoing monitoring and remedial measures and information pack for householders.
23. A residential travel plan to be submitted and agreed to include details of travel survey and measures and actions to increase the use of sustainable travel options to and from development.
24. The proposed strategic cycle route through the site shall not connect to Station and/or be available for use by the public unless or until a Toucan crossing on Station Road adjacent the cycle route is made available for use by the public, unless otherwise agreed.

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Informative Notes:

As per the previous report

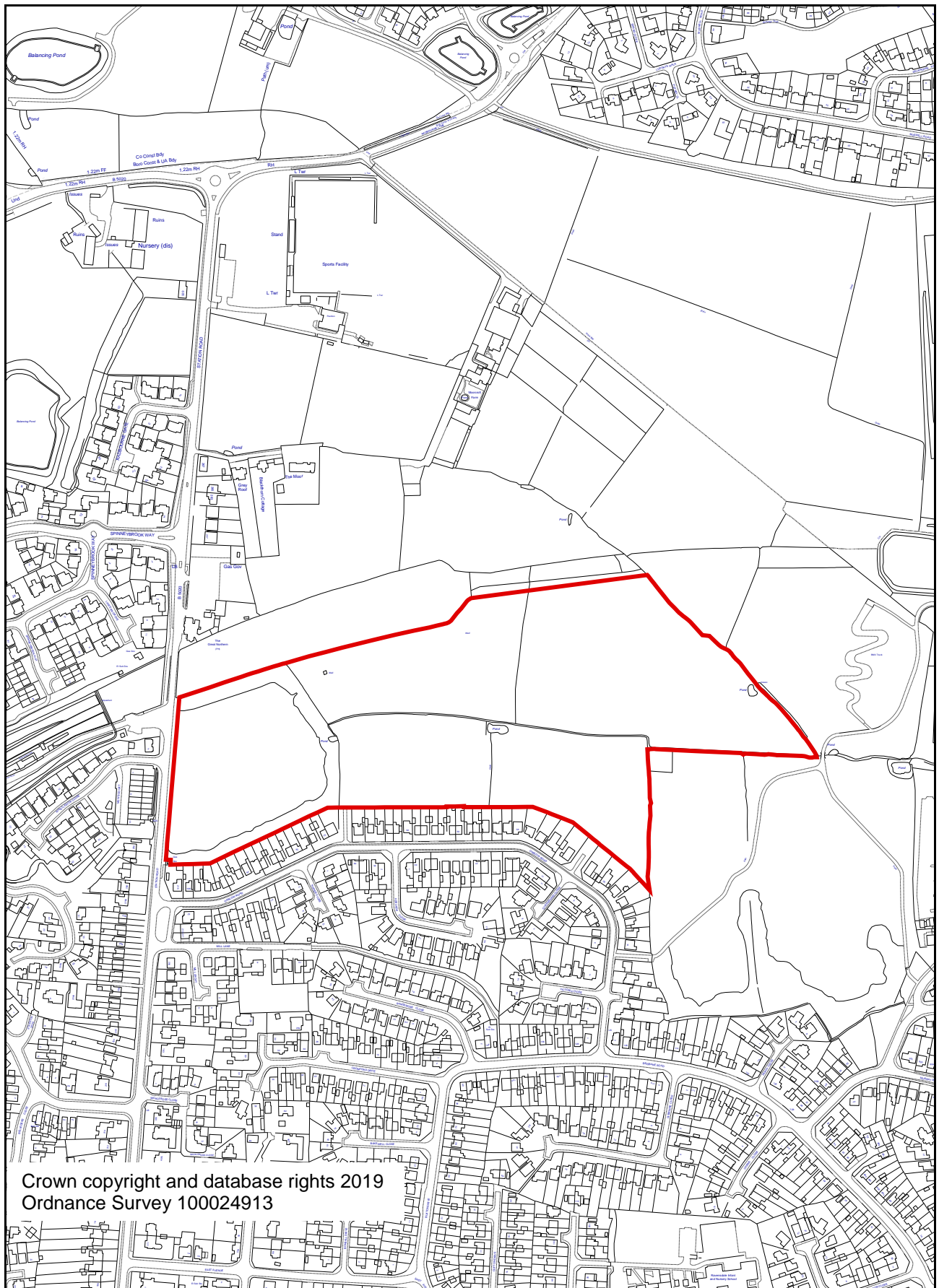
Application timescale:

An extended target date has been agreed with the applicant for 31 January 2020.

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Committee Report Item No: 2**Application No: 19/00763/FUL****Type: Full Planning Application****1. Application Details****1.1. Address:** Land north of Onslow Road and east of Station Road, Mickleover**1.2. Ward:** Mickleover**1.3. Proposal:**

Erection of 203 dwellings (Use Class C3) with associated infrastructure, open space and landscaping and access details

1.4. Further Details:

Web-link to application:

<https://eplanning.derby.gov.uk/online-applications/plan/19/00763/FUL>**Brief description**

This application seeks full permission for residential development on a green field site to the northern edge of Mickleover, close to the city boundary. The site is bordered by residential properties on Onslow Road to the south and Station Road to the western boundary. Along the northern edge of the site is a woodland corridor which forms part of the former railway route which becomes a strategic cycle path to the west of Station Road. The cycle route currently runs along Onslow Road and becomes traffic free again through a large area of existing public open space, to the east of the site, known as Mickleover Meadows.

The application site comprises of a group of five former agricultural fields, which are unmanaged grassland, separated by species rich hedgerows and trees. The site area is approximately 9.7 ha in size.

The site lies on the edge of the built up area of Mickleover, with existing residential areas to the south and west of Station Road. Part of the site is within the Mickleover and Mackworth Green Wedge which separates these two areas of the city and is characterised by open fields and recreational uses, including Mickleover Sports Club and Mickleover Meadows public open space, which lie to the north and east of the application site. Mickleover Meadows is also a designated Local Wildlife Site and some of the land is managed as a Local Nature Reserve. Murray Park Secondary School is also located to the east of the site and is inside the Wedge. The application site was previously part of the Green Wedge and a large portion was taken out of the Wedge as a housing allocation in the Local Plan – Part 1 (Core Strategy), adopted in 2017.

There are nearby greenfield sites to the north and west of Mickleover, which are currently being developed for new housing both in the city, at Hackwood Farm and Mackworth College and in neighbouring authorities on Radbourne Lane and Newhouse Farm.

The proposal is to erect 203 dwellings, with associated road layout, landscaping, public open space, attenuation pond and children's play area. The developable land on the site accords with the Local Plan allocation on approximately 5.9 ha of the site.

The housing mix comprises 145 market dwellings and 58 affordable units for rent and shared ownership. A variety of house types are proposed, which would be primarily 2 to 4 bedroom houses, with a small group of 1 and 2 bedroom bungalows. The

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houses are all two storey dwellings with some 2.5 storey units, which have accommodation in the roofspace. There would be a mix of detached and semi-detached units with the affordable units being mainly terraced houses. Many plots would have detached garages. The house types are all traditional in style and appearance, using brick and render facades with tiled rooflines and period detailing to windows, doors and porch features. There is a broad variety in the design and appearance of the house types proposed across the development. The houses are set out around a street hierarchy which incorporates a single main street leading onto side streets and private drives.

The development is to be served by a single vehicular access from Station Road, with a new junction and right turn ghost island being formed in the public highway. A pedestrian and cycle link is proposed through the development to form a more direct off-road route to link with the existing strategic cycle path. It would run along the northern edge of the housing area alongside the public open space and through the centre of the site, with a short on-road section. There would also be a new cycle/footpath link into the south east corner of the development from Onslow Road.

The proposal incorporates a substantial element of public open space provision and landscaping works, which includes retention of natural features within the site. A large area of new public open space is to be laid out at the north eastern edge of the site, which would link in with Mickleover Meadows open space and provide a landscape buffer for the development and soft edge to the Green Wedge. The open space would include new and retained tree and hedge planting, particular around the site boundaries. A SuDs balancing pond and play area would also be laid out within this space. An additional balancing pond is to be located alongside the Station Road frontage.

Most of the hedgerows within the site have habitat significance and some of these are to be retained within the development as open space corridors through the housing layout and for their habitat value. Hedgerows and trees which are on the site boundaries (except for those fronting Station Road) are shown for retention as landscape buffers. There are also three of the four ponds within the site which are shown for retention alongside existing hedgerows.

Some minor amendments have been made to the development layout during the course of the application, which include variations to some house types, boundary treatment and enclosure of the landscape buffers and amended route of the cycle path through the site.

The application is supported by various planning and technical documents and these include an Arboricultural Assessment, Archaeological reports, site contamination report, Design and Access Statement, Construction Management Plan, Ecological Appraisal and Create, Flood Risk Assessment, Framework Travel Plan and Transport Assessment, Landscape and Visual Appraisal and a Statement of Community Involvement.

2. Relevant Planning History:

None relevant.

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Neighbour Notification Letter – 78 letters sent to nearby properties

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.

Prior to submission of the application, the applicant carried out a public consultation exercise with the local community in October 2018. This included:

- Engagement with Ward Councillors and MP
- Letters to local residents
- A web site with details of the scheme and inviting online comments
- Dedicated phone line/ email for residents to comment on proposals

4. Representations:

49 letters of objection have been received to date, including to the re-consultation process. This includes a letter from the three Ward Councillors. The main areas of concern are as follows:

- Proposed access onto Station Road is unacceptable and requires complex design solution to accommodate access. It will cause congestion and visibility issues.
- Significant traffic impacts on Onslow Road from the new housing development would result and application underestimates the likely traffic impact.
- Local doctors surgeries are oversubscribed and would not accommodate the new housing
- Speed limit on Station Road approaching site should be reduced to 30mph and road safety measures implemented.
- No construction traffic should come through Micklegate.
- Travel to nearby schools should be encouraged to be non-car transport.
- Mitigation measures to prevent rat running on Onslow Road, to provide footway improvements and on-street parking restrictions, should be introduced. Road safety measures should also be implemented on Station Road and Onslow Road.
- The landscape corridor would reduce security for local residents and does not allow maintenance of vegetation.
- Hedges are of habitat importance for wildlife and should not be removed.
- The land is subject to flooding
- Arboricultural reports have insufficient information on trees on adjacent land.
- Insufficient infrastructure to accommodate the additional housing.

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- The new housing would result in a loss of privacy and amenity for nearby dwellings.
- Current housing proposal in addition to the approved housing schemes elsewhere in Mickleover is an over development of the local area.
- Public transport in Mickleover is not convenient and likely to add to congestion on local roads.
- Loss of green space to build housing is not acceptable.
- Ecology reports do not properly consider presence of Great Crested Newts in adjacent gardens on Onslow Road.

5. Consultations:

5.1. Highways Development Control:

Introduction – This application is seeking full planning consent to build houses on a site allocated for residential development in the Derby Local Plan (Part 1). During the life of the application there has been a significant level of co-operation between the developer and the Council's highway section which has resulted in a number of important features and links being able to be delivered as outlined below.

National Planning Policy Framework (NPPF) 2018

NPPF and sets out 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 will use NPPF to test the suitability of the above proposal should the application go to appeal.

Paragraph 108 of the NPPF (2018) 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.

Considering the above criteria I make 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;

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The NPPF presumes in favour of sustainable development and consequently is seeking to influence developers to put in place measures to provide opportunity and encouragement for future residents to choose to travel by non-car modes, wherever this is realistic and feasible.

The developer agreed to provide the strategic cycle routes 54 & 68 through the site replacing thus providing an alternative to the existing route which runs along Onslow Road. This forms an important link in the longer distance cycle route into the City.

Also S106 funding will:

1. enable a shared use footway/cycleway to be provided between Nos 28 and 30 Onslow Road, which will provide a useful link for residents to access the local bus service which run along Brisbane Road;
2. facilitate the provision of a 'Toucan' crossing across Station Road to provide a safe crossing point for national cycle routes 54 & 68;
3. allow the City Council to bring forward a scheme to provide a section of footway behind the existing parapet wall of the old railway bridge on Station Road, linking the development to the area in the vicinity of the Gt Northern public house.

Consequently the development is considered to be sustainable.

- b) safe and suitable access to the site can be achieved for all people; and

Access to the site is to be taken from Station Road by means of a priority junction incorporating a ghost island to provide a safe waiting space for drivers' turning right into the site, whilst not impeding through traffic. The developer is also providing a 2.5m wide footway across the site frontage.

- b) 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,

As mentioned above a ghost island is being provided to accommodate drivers' right turning into the site.

Traffic Modelling –

A comprehensive critique of the applicants Transport Assessment undertaken by Transport Planning colleagues can be found on the City's planning web site, they conclude as follows:

The submitted Transport Assessment provides a robust assessment of its impact on the local highway network. It has undertaken the necessary investigation in accordance with advice and data provided by Derby City Council and has highlighted that it will not have a severe impact. Whilst a number of junctions that have been modelled are close to or are over their capacity, it is not as a result of the proposed development, but the existing committed development in the locality.

The Travel plan outlines a number of measures and addresses travel by all modes. There is a limited bus provision to the locality of the development. As such, the travel plan must develop a strong case for those to travel by bus.

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The development plans to include the provision of a shared cycle/footpath through the development in order to deliver the route known as the “Mick-Mack”. Discussions with HDC colleagues are ongoing in regards to the alignment of this route through the site.

Recent accident data has been studied and identifies that there are no accident patterns of concern on the local highway near to the proposed development site.

Conclusion – No highway objection subject to the following conditions and notes.

- 1) Prior to any development commencing within the application area:
 - a. the proposed access including the ghost island as shown for indicative purposes only on Drg No MI138-SL-102K shall be constructed and available for use;
 - b. a wheel washing facility constructed in accordance with details to be submitted to and approved in writing by the LPA shall be fully operational;
 - c. details of the Construction Management Plan including routing for construction traffic has been submitted to and approved in writing by the LPA;
 - d. Constructional details of the internal road layout for the site shall be submitted to and approved in writing by the LPA. The details shall conform to ‘Designing Street and Places’. The housing layout shall generally conform to that shown on Drg No MI138-SL-102K unless otherwise agreed in writing with the LPA;
 - e. Details of the connection of the strategic cycle route with the existing section of path at the eastern end of the site shall be provided be submitted to and approved in writing by the LPA.

Reason: In the interests of highway safety and to ensure that the proposed road layout is designed to a standard that will produce a workable residential layout that will serve future residents adequately.

5.2. Highways Land Drainage:

Various consultation responses have been received during the course of the application to additional information submitted by the applicant. The most recent comments received November 2019 are as follows:

The applicant in response to my concerns about the private drainage in the western catchment (near to Station Road) has provided some reassurance that there are now only 8 properties draining to this western catchment, including the small pond to the east of Station Road along the boundary. I understand the topographical constraints of minimising or eliminating the need for this western catchment (ideally everything would flow eastwards at a controlled rate), and I note that since my last comments the numbers served by this private system has reduced from 23 to 8 out of 203 units.

Even though I still believe that this private system could be adopted by Severn Trent, the worst case scenario now seems to be that 8 properties would be drained by a private system, with the pond maintained by a wider management company. I can

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accept the worst case scenario as a possibility and forwards from there I can accept that there is no reason why the details of this private drainage system (including the adoption and maintenance) can't be managed by a planning condition. It should however be noted that this does not necessarily constitute me accepting the arrangements until more work has been done to look at alternative arrangements at a later date.

However, the second point regarding the proposed edge treatment and the realignment of the highway ditch is a little less straightforward. We have some issues with the information that has been presented to us this morning in response to my comments on 25th September/21st October. Essentially, we do not believe that there is enough space allocated in the development for the ditch. Approving the application may lead to us being in a position where we have a fixed development layout and no way of providing a suitable highway arrangement in that layout.

My initial concerns with what's been provided with the highway/ditch layout are:

1. It is not identifiable where the cross sections relate to. A chainage is given in some cases and a cross section reference in others, but these are not illustrated on a plan where these locations relate to.
2. The drawings appear to illustrate that the ditch is somewhere between 1 and 1.5m deep in most places, with sides as steep at 1:1 gradient immediately adjacent to the footway. Sides this sharp are a safety issue and I'm not sure there is room on the development layout to shallow out these gradients to a more acceptable slope. There is a ditch on that side of Station Road at present, although there is no footway so there is no risk. However this arrangement introduces a risk by introducing the footway. (In line with other developments, for ditches (watercourses) that have been diverted/amended by the development, we would look for 1:3 slopes. So the space required depends on the depth required to facilitate the development.)
3. The cross sections do not show what is on the opposite bank of the proposed realigned drainage ditch so we have been unable to evaluate this.
4. The headwall structure is overly imposing and the selected guard railing is not a safe choice for a pedestrian footway adjacent to that headwall. Any other railing or headwall may affect the required visibility splay from the development onto Station Road, which may be an issue for Highways DC colleagues. (*Note: The proposed ditches do not impact on the proposed visibility splays.*)
5. The arrangement has an increased road area, owing to the addition of the right turn lane serving the development. This increases flood risk unless the additional runoff is managed. Can the ditch take the volume of water coming from the additional surface without flooding or without taking up extra space which isn't available? What controls are being put in place on the ditch to avoid the increase in flows affecting elsewhere, including the old railway cutting which is already sensitive in flood risk terms.

There are other issues with the arrangement which could be discussed further under a planning condition, but I'll avoid these at this time as these do not affect the layout of the development at this stage. If the layout is fixed and no safe arrangement is

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possible, the only alternative would be to pipe the watercourse in its entirety. Doing this would be contrary to national and local policy relating to biodiversity and flood risk.

5.3. Natural Environment (Tree Officer):

Recommendation: Approve subject to conditions.

Observations:

Trees on and immediately adjacent the site are not protected by Tree Preservation Orders or within a Conservation Area. The nearest TPO is to the west of the site on the other side of Station Road.

The submission of an Arboricultural Assessment is welcomed and includes:

- Tree Survey
- Arboricultural Impact Assessment (AIA)
- New Tree and Hedgerow Planting
- Tree Protection Measures

The survey has carried out in July 2018. The Arboricultural Assessment recommends that it is necessary to review all comments and observations within two years of the date of the survey. Should development start after July 2020 then the tree survey must be updated and all subsequent plans updated to reflect amended recommendations.

Trees categorisation within the schedule appears to be correct. The best category tree (T19: Oak) is located on the east boundary and is shown for retention.

In my opinion the tree and hedge losses are acceptable as long as they are mitigated for.

One would expect at this time to have a draft tree protection plan. None was supplied although a tree retention plan was supplied that shows tree constraints with the proposed lay out. Principals for tree protection are laid out in section 6 of the Arboricultural Assessment and must be followed.

The Arboricultural Assessment acknowledges that trees and hedges need to be planted (with adequate soil volumes) in order to contribute to biodiversity gain (NPPF). The detailed scheme must ensure that new tree and hedge plantings contribute to a biodiversity net gain and trees and hedges have adequate access to soil volumes for them to thrive into independence in the landscape.

The appropriate/applicable elements of BS8545 should be used when designing the landscape scheme. Elements of BS5837:2012 Trees in relation to design, demolition and construction – Recommendations are also applicable.

With regards to supplying a suitable landscape/tree planting scheme the following must be provided:

- Scaled plan showing all existing vegetation and landscape features to be retained and trees and plants to be planted.

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- A schedule detailing sizes and numbers/densities of all proposed trees/plants;
 - Design of tree pit to include:
 1. Provision of access to adequate soil volumes to support the tree through to independence in the landscape and beyond (may include soil cells).
 2. Provision of root deflectors and or root barriers if appropriate.
 3. Irrigation pipe (if used).
 4. Method of securing.
 5. Whether tree protection is being used (cage/guard).
 6. Method of tree pit finish must be supplied: i.e. mulch (including depth) or tree grille/grids.

The appropriate checks/methods should be made as per the recommendations in BS8545 Table 1 and 10.5.4 through to 10.5.18 (Appendix 1).

Post-planting management and maintenance

'Post-planting management and maintenance is important if longevity in the landscape is to be achieved. A full young tree management programme with budgetary provision should be in place for all planting schemes. 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.
- Removal of tree grilles/grids when required (not envisioned within 5 years of planting).
- 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.

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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.

A Tree Protection Plan and Arboricultural Method Statement must be supplied and agreed prior to the commencement of development. The installation of the Construction Exclusion Zone (CEZ) must be as the approved TPP and installed prior to commencement of development. The positioning of the CEZ must be inspected and approved by the project Arboriculturalist prior to the commencement of development and must be fit for purpose.

A detailed Landscape Plan and schedule must be submitted and approved.

5.4. Environmental Services (Landscape and Parks):

Based on the above Application, the Parks Team comments are as follows:

- The Parks Team are in support of the landscape buffer alongside the edge of Mickleover Meadows Local Nature Reserve as they will act as a method of protecting the ponds, meadows and tree lines which have evidence of species including Great Crested Newts, Bats and Owls and along with the boundaries of the local nature reserve. However, further clarification is required on how these will be maintained on the development side, that they continue to act as a buffer to the meadows into the future.
- Further clarification and detailed designs are required for the proposed play area for the green space within the site. This to include details on the target age group of the site, types of equipment to be installed and maintenance plan. Suitably robust equipment will be required for a public park meeting current British Standards. The design and installation will need to be approved by the appropriate officer within the City Council if the area is to be adopted by the Parks & Active Living Team. Clarification is required on further management agreements for the area
- Further clarification is required on the wider green space and the provision of attenuation basin to the North-East and East of the proposed development, currently there is no proposed layout of these areas along with the design for the basin. Detailed designs are required for both elements including consideration of how these will link in with the wider natural environment and maintain/improve the environment for the wildlife of the neighbouring nature reserve
- There is a concern that the proposal may change the ground water flow within the meadows which may have a detrimental impact on the reserve and seek clarification on this
- Further detailed designs are required to demonstrate the junction of the proposed new cycle path within the development area to the current cycle

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network (Route 68) which passes through Mickleover Meadows. Again clarification on the long term management of this route is required. Any loss of hedgerow and existing trees will require appropriate compensation

5.5. Environmental Services (Land Contamination & Construction Management):

I refer to information submitted by the applicant namely Station Road Mickleover Combined Phase I Desk Study & Phase II Exploratory Investigation for Bloor Homes Midlands (Project No: D38163, dated 17 December 2018) produced by GeoDyne Limited, which has been submitted in support of the above planning application.

A draft Construction Management Plan (CMP) (ref MI138-SL-010) has also been submitted, comments are provided with respect to the proposals for noise and dust management.

Report Summary (Combined Phase I Desk Study & Phase II Exploratory Investigation)

1. GeoDyne (Geotechnical & Environmental Consultants) Combined Phase I Desk Study & Phase II Exploratory Investigation provides a pre-development contamination assessment for land off Station Road, Mickleover, Derby. The assessment is based on the proposed development of low-rise residential end-use with private gardens, soft landscaping and areas of public open space; the proposed development layout was not provided to the consultant at the time of producing the report.
2. The report states that the site comprised an irregular shaped area of land comprising five adjoining fields at the northern extent of Mickleover. A site location plan (Figure No. D38163/01) is included in Appendix I of the report, the location reflects the location plans submitted with the current application.
3. At the time of the site works (October 2018) the site comprised undeveloped grassed fields. The site history presented indicates the site remains essential unchanged since 1880s when five undeveloped fields with sporadic trees and four small ponds were noted, two additional ponds appeared on site circa 1910s and further changes to the presence of water features in the 1950s and 1960s.
4. Off-site the proposed development area is surrounded by various historical commercial/ industrial activity and residential properties. Of note the 1880s map is indicated to include features such a 'windmill (flour); 'Brick yard' in the 'Mickleover station' area and a railway cutting and tunnel present along the northern site boundary, the 1990s maps show this features is no longer present and appears to have been infilled – rough grass/vegetation is identified in its place.
5. The site inspection noted that two isolated patches of vegetation were present in the central northern portion of the site (including a concrete slab in one location) and the former wells were suspected to be present at these locations. An apparent old bridge (over the former railway) is present to the north-west of the site and the area beneath appears to have been infilled.
6. The report states that there are no man-made deposits (i.e. made ground, worked ground or landscaped ground) indicated on the geological publications

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beneath the site. The site is reported to be underlain by the Gunthorpe Member of the Mercia Mudstone Group. The bedrock geology beneath the site is designated as a Secondary B Aquifer by the Environment Agency (EA).

7. The report states that the reviewed historical publications indicate a former railway cutting immediately north of the site which appears to have been backfilled. The historical maps also indicate a former brick works with an associated excavation located to the west of the site which may have been backfilled. These features are reported to be situated with influencing distance (i.e. 250m) of the site boundary and are considered to represent potential sources of hazardous gas (carbon dioxide and methane) that may, under the right circumstances, affect the proposed development site.
8. With regards to the small potentially infilled former ponds at the site and within influencing distance around the site, the consultants has concluded that despite the potential for ground gas to result from the man-made infilled material due to the small scale of the former pond features the risk of ground gas generation is considered to be very low.
9. No preliminary conceptual model or initial risk assessment has been presented; the consultant progressed to a Phase II exploratory investigation alongside a geotechnical investigation.
10. The consultant concluded based on the on site assessment that potential contamination that may be presents includes metals, metalloids and asbestos associated with any potential localised Made Ground beneath the site; Polycyclic Aromatic Hydrocarbons (PAHs) derived from any ashy inclusions and/or carbonaceous inclusion near the surface soils; and hazardous ground gases associated with infilled former ponds at the site, however the risk of significant ground gas generation from these features is considered to be very low.
11. The consultant has concluded that off site features within potential influencing distance include: mobile contaminants such as hydrocarbons associated with the waste deposited within the former landfill to the north of the site, however only inert waste and construction/demolition materials are indicated to have been received and ground gas associated with the former landfill site and the areas of potentially backfilled / infilled ground in the vicinity of the site (including former brick works to the west)

Conclusions and Recommendations

12. The report states that no obvious visual or olfactory evidence of significant soil contamination were identified during the course of the site works such as hydrocarbons or asbestos fragments.
13. Based on the results of the ground gas monitoring undertaken, the consultant concludes no ground gas precautions in relation to methane and carbon dioxide is required.
14. The consultant concludes that based on the chemical contamination assessment undertaken on selected samples of localised made ground, surface

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topsoil and underlying Natural Strata, the soils are considered to be uncontaminated for the proposed residential with plant uptake end-use.

15. Considering the above points I agree with GeoDyne Limited in their conclusion that the site is low risk from contamination and suitable for the proposed residential scheme. No further assessment is therefore required.

Construction Management Plan (CMP)

16. Ours of operation - the submitted diagrammatic plan refers to site operating hours which do not align with the hours recommended by Derby City Council guidance on construction hours which are as follows:

Monday to Friday: 7.30am to 6.00pm

Saturday: 8.00am to 1.00pm

No noisy work on Sundays and Bank Holidays

17. Noise – the plan refers to operation of noise causing plant or power tools only to be used strictly within operational hours – it should be noted that all works should be with operational hours but in addition more prescriptive restriction on the hours of significant noise generating activities such as Piling should be outlined and adhered to. For example Piling should only be carried out for a maximum period of 4 hours within any 24 hour period and only between 10am and 4pm Monday to Friday. There does not appear to be any reference to the use of noise barriers or justification for not utilising such mitigation methods.
18. Dust/dirt – further detail and prescriptive controls are required, e.g. dust screens, wheel washing of vehicle prior to exiting the site, ensuring all vehicles with potential dust causing materials are sheeted on entry and exit from the site. The focus should be on the prevention of dust and dirt on roadways to prevent the transfer onto highways and into adjoining residential areas. Communication plans to ensure dialogue with local stakeholders should be considered.
19. The submitted plan requires amendment to provide a more robust plan that protects local residents from noise and dust. The inclusion of an appropriate condition with any decision notice is therefore advised in order to ensure the draft plan is revised and implemented, for example:

No development shall commence until a Construction Management Plan for the development has been submitted to and approved in writing by the Local Planning Authority. The approved plan shall include details of the routing of construction traffic during the construction period and shall be adhered to throughout the construction period.

The Plan all provide for:

- the parking of vehicles of site operatives and visitors
- measures to control the emission of dust and dirt during construction
- noise management procedures

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- a scheme for recycling/disposing of waste resulting from demolition and construction works.

Unless otherwise agreed in writing by the Local Planning Authority, the construction works shall comply fully with the agreed plan throughout the duration of the works and each plan shall provide detailed mitigation measures specific to each area of the works. The procedures and measures outlined in the plans will need to comply with relevant British Standards or other agreed standards or guidance that shall be specified in the plan.

5.6. Environmental Service(Health – Air Quality):

I have reviewed the application information and I would offer the following comments in relation to Air Quality implications for the development as follows.

1. The proposed scheme is relatively large, seeking the development of over 200 residential dwellings.
2. The development will inevitably have some degree of air quality impacts on the local road network due to increased traffic.
4. Construction dust emissions are also expected to cause nuisance if not properly managed.

Operational Emissions

5. Whilst the location itself is of limited concern due to existing low levels of air pollution, there is concern that the addition of 200+ dwellings could inhibit the Council's attempts to reduce air pollution concentrations in areas of poor air quality, in particular, along Uttoxeter New Road and Ashbourne Road, which would be likely to be the main routes of choice for future residents into and out of the City.
6. Given the now better known health impacts arising from poor air quality, the development should be designed in order to be 'air quality neutral'.
7. I note that no air quality assessment has been completed in support of the application.
8. Whilst it is unlikely that air quality impacts from a development of this scale and in this location would justify a refusal of planning permission, **some degree of air quality mitigation is likely to be needed in order to offset the expected increases in air pollution arising from traffic generated by the scheme.**
9. **The Environmental Protection Team would therefore strongly recommend that an Air Quality Mitigation Strategy is completed for the site, to be agreed by the LPA via an appropriate planning condition, should permission be granted. All measures agreed under the Strategy should be implemented in full before the development is occupied.**
10. The AQ Mitigation Scheme should be designed in conjunction with existing and developing local air quality Plans, in particular the Council's Air Quality Action Plan and Low Emission Strategy.

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11. As part of the AQ Mitigation Strategy, I would strongly recommend the consideration of installing Electric Vehicle Charging Points in all dwellings with driveways proposed on site. This is to mitigate potential air quality impacts, but also in line with the Government's Road to Zero Strategy.

Construction Dust

12. Given the scale of the scheme and its proximity to existing residential dwellings, dust will need to be managed on site in order to avoid nuisance during the earthworks and construction phases of the development.
13. **I would strongly recommend the submission and agreement of a detailed construction dust management plan, in accordance with IAQM Guidance or other relevant dust mitigation guidance. The Plan should be agreed by condition PRIOR to commencement of any construction works on site.**

5.7. Environmental Services (Noise):

I have reviewed the application information and I would offer the following comments in relation to noise implications for the development as follows.

1. The application site is not considered to be in a particularly noisy location generally and therefore site-wide noise assessment is not considered to be necessary.
2. Being a residential scheme, the development itself is unlikely to inherently create noise that could impact upon existing receptors within the locality.
3. I do, however, have some concern regarding potential conflict with future occupants of dwellings proposed close to the existing Great Northern Public House to the north western corner of the site.
4. The Great Northern has a Premises Licence (issued under the Licensing Act 2003) which currently permits live and recorded music, both indoors and outdoors, until 01.00 hours, 7 days a week, often holding events in a marquee during the summer months. **I consider it likely that complaints about noise could arise from future occupants of any dwellings proposed within close proximity to the Pub.**
5. **Consequently, I would strongly recommend that a condition is attached to any planning consent, should it be granted, requiring consideration of potential noise nuisance arising from the Great Northern Pub and affecting future dwellings, with associated noise mitigation provided before the development is occupied.**
6. Given the scale of the scheme and its proximity to existing residential dwellings, noise will also need to be managed properly on site in order to avoid nuisance during the construction phases of the development.
7. **I would therefore strongly recommend the submission and agreement of a detailed construction noise management plan, in accordance with BS5228 and/or other relevant noise mitigation guidance. The Plan should be**

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agreed by condition PRIOR to commencement of any construction works on site.

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

5.8. Resources and Housing (Strategy):

The provision of a mixed tenure development will allow people in housing need to access quality, affordable homes. New homes are built to higher design and quality standards and with greater energy efficiency contribute towards helping those in fuel poverty.

Family accommodation is in demand in the city and this site contributes towards the strategic housing needs.

5.9. Derbyshire Wildlife Trust:**Revised comments (November 2019):**

Further to our comments dated 5th November 2019 on the above application we have now reviewed an Addendum Great Crested Newt Report prepared by fpcr dated November 2019 submitted in support of the proposal.

The addendum report provides an updated mitigation strategy based upon the recognition of the use of the gardens of properties along Onslow Road by the local great crested newt population. The updated strategy includes the maintenance of habitat dispersal corridors, the creation of new aquatic and terrestrial great crested newt habitat as part of public open space provision, a capture/translocation exercise and the incorporation of dropped kerbs and offset gullies, which are all considered to be appropriate.

However, the movement of newts between the aquatic and terrestrial habitats requires the animals to cross the internal roads at the points where the dispersal corridors are breached by the new roads thereby presenting a risk of mortality from vehicle movements. This potential risk of mortality from vehicle movements has not been fully addressed by the updated mitigation strategy.

We therefore maintain our advice as presented in our consultation response dated 5th November 2019 and expressed at the meeting held on 20th September 2019 that dialogue should be had with Natural England licensing to provide assurance that a mitigation strategy that requires newts to cross the internal roads with the risk of mortality from vehicle movements would be acceptable as part of the granting of a licence.

We advise that the conditions recommended in our previous response of 14th August 2019 remain relevant.

Original comments (August 2019):

The application for residential development of 203 dwellings is supported by the following ecological reports:

- Ecological Appraisal prepared by fpcr dated May 2019
- Great Crested Newt Report prepared by fpcr dated May 2019

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The 2019 Ecological Appraisal is based upon an Extended Phase 1 Habitat Survey completed on 24th July 2018 and provides an update to survey work carried out in 2013. The survey identified the site to comprise five field compartments bounded by well-established native hedgerows with mature and semi-mature trees. Three ponds are located within the site. The Trust is aware of records for great crested newt spanning a number of years from ponds on both the site and in the gardens of properties on Onslow Road directly adjacent to the sites southern boundary. The continued presence of breeding great crested newts on the site was confirmed by a targeted great crested newt survey carried out in 2018 as presented in the Great Crested Newt Survey report prepared by fpcr dated. May 2019. Although the ecological consultants are aware of the records for great crested newt in the gardens of properties on Onslow Road as shown on the Desk Study and Consultation Results Plan included as Figure 1 of the 2019 Ecological Appraisal these have not been considered further in the proposed mitigation measures. A survey carried out by AECOM in 2017 confirmed a pond in one of the gardens on Onslow Road to be a breeding pond and we are also aware of great crested newts using the gardens on Onslow Road for hibernation. As currently submitted, the layout does not facilitate the movement of great crested newts between the ponds on the site and the ponds and gardens of properties of Onslow Road with the proposed road network, particularly the road running east-west through the site, presenting a barrier to movement with an increased risk of road mortality. Without appropriate mitigation and the provision of green corridors linking to the Onslow Road properties the population of great crested newts using the gardens of Onslow Road will be isolated. It is not clear how the internal road system will allow for the continued movement of great crested newts between the ponds and terrestrial habitat both on and off the site and avoid the risk of road mortality.

The Great Crested Newt Survey report May 2019 has rightly stated that although no ponds will be lost to the proposed development, a Natural England licence will be required due to the loss of suitable terrestrial GCN habitat within 250m of the breeding ponds. It is important that appropriate mitigation, compensation and enhancement are provided to maintain the favourable conservation status of the local GCN population as part of the licensing process. A broad mitigation strategy is included in section 7 of the GCN survey report. Unfortunately the mitigation strategy does not consider the presence of GCN in the gardens of properties along Onslow Road directly adjacent to the development site. Given that it is likely that the animals are part of a single meta-population that move between the ponds on the development site and the gardens on Onslow Road the mitigation needs to be revised to include the animals moving to the Onslow Road gardens and measures put in place through a revised layout to provide connectivity across the site in a north-south direction and avoid severance by the internal access road. Details also need to be provided in respect of maintaining connectivity for the continued movement of great crested newts between the ponds and terrestrial habitat both on and off the site and avoid the risk of road mortality. At the very minimum it is important that hedgerow H10, which provides a corridor between the known GCN breeding pond and the gardens of Onslow Road on the southern boundary, is fully retained to maintain the north/south connectivity. Section 7.6 of the Great Crested Newt Survey report dated May 2019 indicates that as part of mitigation there will be the creation of enhanced

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terrestrial great crested newt habitat in the north-east of the site incorporated within the proposed public open space. Such provision is not evident from the submitted Landscape Concept Plan. It is also not clear how connectivity will be maintained to allow the safe movement of newts from the breeding pond to the area of public open space in the north-east given that the route is severed by an internal road.

As the works will need to be undertaken under a Natural England licence to derogate from the offence of destruction of Great Crested Newt terrestrial habitat (place of shelter), we advise the Council that in reaching a decision the Council should demonstrate how the three tests set out at Regulation 55 of the Conservation of Habitats and Species Regulations 2017 have been considered, and state the evidence for conclusions drawn on each test as to whether the test can be met. The three tests set out within Regulation 55 are as follows:

- (i) The action will be undertaken for the purpose of preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment (Regulation 55(2)(e))
- (ii) That there is no satisfactory alternative (Regulation 55(9)(a))
- (iii) That the action will not be detrimental to the maintenance of the population of the species concerned at favourable conservation status in their natural range (Regulation 55(9)(b))

While we are unable to advise on the first two “non-ecology” tests, we would advise that on the basis of the proposed mitigation outlined in section 7 of the Great Crested Newt Survey report prepared by fpcr dated May 2019 we do not consider the mitigation to be appropriate as it has failed to take into account the movement of animals that form the same meta-population between the ponds on the development site and the ponds and gardens of the adjacent properties on Onslow Road. As such, we are not confident that the favourable conservation status of the local great crested newt population will be maintained and, as such, that test (iii) will be met.

All the hedgerows contain at least 80% native species and, as such, meet the definition of hedgerow priority habitat (Habitat of Principal Importance). We are of the view that the hedgerows provide a well-established network of corridors along which species, including great crested newt, can disperse. The hedgerow network also provides foraging and commuting routes through the site for the local bat population. It is understood from the report that all hedgerows and ponds on the site are to be retained, which is welcomed. However the submitted layout clearly shows the loss of hedgerows in addition to those sections required for the formation of access roads. Hedgerow H10 is a particular case in point which is disappointing given that the hedgerow forms a corridor along which great crested newts can migrate from the known breeding pond to the ponds and gardens of properties on Onslow Road. It is important that all hedgerow, trees and ponds proposed for retention are protected from damage by the erection of suitable protective fencing. Such details should be included in a Construction and Environment Management Plan (CEMP: Biodiversity) required by a pre-commencement planning condition.

Mickleover Meadows Local Nature Reserve and Local Wildlife Site is located directly adjacent to the eastern boundary of the application site. We advise that the

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development is unlikely to have any significant effects on the LNR/LWS as long as suitable alternative greenspace is provided to offset recreational pressure from incoming residents affecting the integrity of the local nature reserve. The proposed area of public open space in the north-east corner of the site as shown on the Landscape Concept Plan could contribute to mitigating for these impacts providing that the development provides a long-term commitment to the management of this area in accordance with an agreed Landscape and Ecological Management Plan (LEMP) as part of a S106 obligation.

The submission and approval of a Landscape and Ecological Management Plan (LEMP) should be secured by a planning condition.

Hedgehog has been recorded nearby on Mickleover Meadows LNR. Despite the presence of hedgehog in the vicinity of the application site having been recognised as shown on the Desk Study and Consultation Results Plan included as Figure 1 of the 2019 Ecological Appraisal it is disappointing that this priority species (Species of Principal Importance) has not been considered further in terms of mitigation. Planning Practice Guidance: Natural Environment, July 2019 places particular emphasis on providing safe routes for hedgehogs. We therefore recommend that a condition to secure a hedgehog mitigation strategy is attached to any permission.

We have considered the Landscape Concept Plan and express disappointment that large areas of the public open space are proposed for seeding with amenity grass seed. We would expect the provision of areas of wildflower meadow and areas of rough grassland throughout the scheme to provide biodiversity benefit and suitable terrestrial habitat for the local great crested newt population. Section 7.6 of the Great Crested Newt Survey report dated May 2019 indicates that as part of mitigation there will be the creation of enhanced terrestrial great crested newt habitat in the north-east of the site incorporated within the proposed public open space. Such provision is not evident from the submitted Landscape Concept Plan.

5.10. Derbyshire County Council Archaeologist:**Revised comments (October 2019):**

Comments: Thank you for re-consulting on these amended plans. My previous recommendations (June 2019) were based on an interim report on the archaeological evaluation of the site and I note, almost four months later, that the evaluation report is not finalised or submitted to Derbyshire HER. Although I am able to base a planning recommendation on the interim report, as before, it is essential that the evaluation report is finalised with appropriate specialist work on the pottery and environmental samples, to prevent delays in scoping post-consent stages of work on the site.

My conclusions and recommendations remains as per previous comments.

Romano-British activity was identified in Trench 16 in the eastern corner of the site, comprising cut features with fills containing pottery, burnt bone and charcoal indicative of Roman-British settlement activity. This suggests a clear level of significance for Romano-British archaeology towards the site's eastern extent.

In addition, the well-preserved remains of four brick clamp kilns were encountered, possibly of 19th century date and associated with construction of the adjacent railway, though this has yet to be confirmed. The clamps appear likely to preserve

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evidence of the production sequence and methodology for brick-making, and a number of additional clamps are visible on the geophysical survey in the northern part of the site. This northern part of the site therefore has been shown to contain rare structural evidence for the brickmaking process at this period, with a high level of preservation.

The archaeological remains within the site are of local-regional (19th century brick-making) and regional (Romano-British settlement) importance; a significant part of this importance lies in their potential to contribute to research agendas through the excavation and recording process. I therefore advise that the archaeological remains do not constitute an objection to development in terms of the policies at NPPF chapter 16, rather that they should be subject to a post-consent programme of excavation and recording in line with NPPF para 199.

This post-consent scheme would focus on area excavation and recording of the relevant areas of archaeological interest, followed by appropriate post-excavation analysis, reporting, archiving and dissemination.

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

"a) No development shall take place until a Written Scheme of Investigation for archaeological work has been submitted to and approved by the local planning authority in writing, and until any pre-start element of the approved scheme has been completed to the written satisfaction of the local planning authority. The scheme shall include an assessment of significance and research questions; and

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

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

"c) The development shall not be occupied until the site investigation and post investigation 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."

5.11. Environment Agency:

No comments on the proposal.

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5.12. Police Liaison Officer:

Revised comments (November 2019):

I think we are approaching agreement if not entirely there.

The southern boundary seems to be agreed as secured and gated excepting the newt corridor which would be fenced with an adapted section of close boarding.

I still have reservations about the northern edge around plots 66/67.

There is a currently an informal footpath along the eastern edge of the site, dropping down into woodland from Station Road. It's visually enclosed for the first section by woodland, then meanders into less dense planting and is less defined, but definitely a feature. My concern is that a connection will develop onto this link from the newly laid footpaths of the proposal, which will cause problems for housing nearby, particularly plots 66 and 67 which are closest and have parking tight up to the boundary.

It's appreciated that a high close boarded fence would be too visually intrusive, conversely a 1.2m high post and rail fence would only be a symbolic barrier. There needs to be a compromise, probably a combination of existing/ new planting, and suitable fencing to strongly discourage such a connection, and direct foot use to within the site, along formal where it is overlooked, shared and lit. I don't think this path is a right of way so perhaps the link just needs closing off at a single point to achieve the above? Could it be held in abeyance as a condition if time is tight?

On the matter of A frames, I've suggested this as more effective than bollards, but if you recall also said that if used in tandem with fencing (up to retained hedging) this would need to be more robust than post and rail or it will just be broken through and the A frame by-passed. Maybe again one to be held as a condition if it can't be agreed upon before committee

Original comments (June 2019):

From a perspective of reducing crime and anti-social behaviour through design the layout proposed is broadly acceptable with attention drawn to matters of an improved building outlook and boundary treatment in key areas.

The layout is naturally heavily influenced by existing landscaping, particularly tree belts and mature hedges. The layout responds to these constraints in most areas, with secure outward looking blocks and back to back gardens.

Layout:

The block for plots 144-149 has two narrow passages for foot access between plots 147 and 148, and to the side of plot 144.

There is also an uneasy relationship between frontage access and adjacent plot 138.

I'd advise that these two routes are removed, and the block closed, as access to the associated parking court could easily be taken from a gated rear garden access point, provided that the gate in question was adequately specified and key lockable from both sides.

The rear garden fencing would allow a view of associated vehicles if half open trellised.

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Gating:

This principle of key locking from both sides should extend to any shared garden access gate, some of which are indicated on site plans, with some shared accesses not being shown as secured.

Such shared gated should be added to the origin of foot access routes for plots 19-22, 89-94 and 109-111. On the site plan gating is noted as being optional. I've queried this with the applicants agent, but as yet not had clarification

Peripheral Boundaries:

The southern edge of the site has a landscape buffer which provides an unsecured strip of open land between existing and proposed housing.

This will need to be secured at strategic points to prevent general access, with gating to provide for maintenance access.

The boundary will need to be more robust than the generally proposed garden boundaries, and probably specified to allow for free passage of wildlife

Accordingly I'd advise an acceptable metal rail fence of 2m in height to secure points next to plots 162, 186, 187 and 203.

(What is to happen to the existing field access between numbers 72 and 74 Onslow Road and its relationship with the rear of plot 186).

The northern boundary has a desire line running into the tree belt situated at the north-west corner of the site.

I'd consequently recommend an improvement of the specification of the rear garden boundaries for plots 13-17 and 23 up to a height of 2m, either fully close boarded, or 1.8m close boarded with a 300mm trellis, including the enclosing of the side of plot 23 where a knee rail is indicated (unless side outlook is improved as indicated later).

The open boundary with knee rail between plots 54 and 55 should be enclosed with 2m fencing along the outer edge of the site, and boundary in front of plots 67 and 68 better defined up to the road turning head in front of plot 66.

House treatment:

The well specified Brooke and Lyttelton house types form the majority of key plots across the site. There are other key plots, mostly end terraces where outlook is absent, for Sinclair, Sorley and Swift house types.

Pairs of semi-detached house for these types have the opportunity to add side windows to kitchen and living areas where an outlook would be desirable. The four block single and mixed types do not unless built handed to as shown.

My recommendation would be to take a look at the following plots and reconsider/confirm outlook.

Sorley:

137 – a weak outlook facing the footpath/cycle link.

108 – a corner plot

113 – facing a hedge buffer

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126 – facing a hedge buffer

149 – facing a site edge hedge buffer.

Sinclair:

150 – facing a parking court

130/131 – a prominent semi-detached pair.

23 - facing peripheral woodland (unless obscured by replacement fencing)

53 – facing a hedge buffer (gate set half way back linking to a knee rail? Need of clarification)

Swift:

115/116 – facing a parking court. To be treated as 117/118.

132/133 – confirm to be treated.

Foot/cycle links

The newly proposed link leading out between number 28 and 30 Onslow Road looks a little restricted in its relationship with adjacent new plots, with proximity being much closer than for existing housing.

The RID type house at plot 161 isn't included within online plans (also plot 199) so the relationship between this plot and the footpath is unclear. If there is no opportunity to further ease definition I'd suggest that the footpath has a boundary edge such as a 1.2m rail.

As the existing national cycle route currently running around the site is to be diverted through it, there will need to be restrictions placed at key transition points to prevent use by motor cycles, my suggestion being at the Station Road access point, Onslow Road access point and at a point to the north-east of the site which can effectively link in to other boundary treatment.

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)

- CP1a) 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

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CP18	Green Wedges
CP19	Biodiversity
CP23	Delivering a Sustainable Transport Network
AC22	Proposed Housing – Mickleover and Mackworth
MH1	Making it Happen

Saved CDLPR Policies

GD5	Amenity
H13	Residential Development – General Criteria
E17	Landscaping Schemes
E24	Community Safety
T2a)	City Council Schemes – Mickleover/ Mackworth Route
T10	Access for Disabled People

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

http://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/policiesandguidance/planning/Core%20Strategy_ADOPTED_DEC%202016_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

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. Policy Context**
- 7.2. Design and Amenity**
- 7.3. Highways and Transport Implications**
- 7.4. Open Space and Green Wedge**
- 7.5. Ecology and Trees**
- 7.6. Other Environmental Impacts**
- 7.7. Section 106 and Conclusion**

7.1. Policy Context

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This is a full application which seeks permission for a residential development of 203 dwellings, associated public open space and landscaping on land north of Onslow Road in Mickleover. The land is allocated in the adopted Derby City Local Plan – Part 1 (Core Strategy) (DCLP) as part of a strategic housing location, involving land in both Mickleover and Mackworth. Policy AC22 identifies the land for up to 200 new high quality homes and sets out the specific policy requirements for development of the allocated sites.

In the Housing Market Area (HMA) Derby City is unable to meet its housing need within boundaries and under the Duty to Cooperate the three LPA have agreed that some 5,388 dwellings will need to be met in South Derbyshire and Amber Valley in the plan period to 2028. This approach was found ‘sound’ by the Inspector examining the Derby City local plan and Amber Valley BC (AVBC) made no representations that this was unsound. Amber Valley’s contribution to this unmet need is 2,375 and was taken into account in terms of the housing ‘requirement’ in the emerging local plan that AVBC had submitted for examination.

However, AVBC has withdrawn its emerging local plan, published an updated 5 year supply calculation claiming a 5.41 year supply based on the ‘standard method’ which takes no account of the unmet need in Derby which it had agreed to meet by 2028.

Derby City Council has made representations to AVBC that the unmet need in Derby is a material consideration to which significant weight should be given when determining housing planning applications in Amber Valley.

However, given that meeting this unmet need is now unlikely to feature in an adopted local plan for some time, it does not have the benefit of being ‘plan led’. There may well be a delay in meeting this need in Amber Valley. This is a material consideration to take into account in determining housing planning applications in Derby and would suggest that additional weight should be given to the benefit of boosting the supply of housing in Derby.

The policies in the National Planning Policy Framework (2018) are also relevant to the delivery of new housing. Of particular relevance to this application, the Framework requires that the planning system is genuinely plan led and seeks to boost the supply of housing and use land effectively. The policies of the development plan are consistent with the Framework.

Policy CP6 (Housing Delivery) of the DCLP – Part 1 sets out the housing target for the city between 2011 and 2028. The target is that a minimum of 11,000 new and high quality homes are provided during this period. The policy also sets out that an appropriate mix of size, tenure and density of dwellings is provided. This site sits within a strategic location and is specifically allocated to contribute towards meeting this target.

The application site is located on the northern periphery of Mickleover to the east of Station Road and to the north of existing housing on Onslow Road. The land was part of the Green Wedge which separates Mickleover and Mackworth, before it was allocated for housing in the Local Plan – Part 1, which was adopted in January 2017. The Wedge in this area was narrowed as a result of the two housing allocations being made in the Local Plan. The two areas of land have been allocated as new

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strategic housing growth areas; one on the Mickleover side (Onslow Road) and one on the Mackworth side of the Wedge (the Former Mackworth College Playing Fields).

The housing allocation on the Mackworth side (former Mackworth College Playing Fields) is virtually complete with over 200 new homes having been built. This has already created a visual narrowing of the green area between Mickleover and Mackworth.

The housing allocation in the DCLP – Part 1 means that the principle of residential use of the Onslow Road site is established through the plan making process. In fact, it is not only acceptable, but the housing growth strategy for the city requires that the site is delivered for housing in order to meet identified housing needs. The policy allocation is for up to 200 units, whilst the proposal is for 203 dwellings, so it is slightly higher than the intended number of residential units. However, in the context of the need to boost housing supply, maintain a 5 year housing supply and the fact that a significant part of Derby's housing needs are being exported to neighbouring authorities, I consider that it is acceptable to increase the dwelling numbers on the site as long as the impacts of doing so do not render the development unsustainable in other ways. This requires consideration of how the proposed development fits in with the character of the area and the existing residential densities. It is unlikely that an additional three dwellings would have such a detrimental impact so as to change the nature of the development.

The proposed location for new housing is sensitive and Policy AC22 sets out a range of specific requirements which must be met to ensure that development is acceptable, appropriate and sustainable.

It is important to note that the policies map for the Part 1 Local Plan identifies the developable area of the site, which is that which can be developed for residential use. The red line application site includes a larger area than the allocation, but the housing element must be contained within the area identified on the policies map so that a viable Green Wedge is maintained between Mackworth and Mickleover. Any housing development outside this area to the north or east would be in the Wedge and therefore contrary to the Green Wedge Policy CP18 in the Part 1 Local Plan.

The land which forms part of the application site and which remains in the Green Wedge is the north eastern part of the site and lies to the north of Mickleover Meadows open space. It is important that this area only includes uses compatible with the Green Wedge, set out in Policy CP18. Crucially, the proposed housing and main built form of the proposal would sit outside of the Wedge in the area allocated for housing. The Green Wedge part of the site is identified for the proposed area of public open space and drainage attenuation pond, which are uses compatible with the Policy.

The requirements of Policy AC22 promote the delivery of high quality, mixed tenure housing which embraces high design standards and reflecting the sensitivity of the greenfield location and proximity of existing residential properties. The policy also requires that vehicular access be taken from Station Road and contributions be made towards any highways infrastructure which is needed. Contributions should also be sought to primary and secondary school provision if needed. The Hackwood Primary School has recently opened and would fulfil the primary education provision for the

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proposed development. The policy also seeks to minimise the adverse impact of development on the openness of the Green Wedge, by the creation of open space and retention of green infrastructure, including existing trees and hedgerows to soften the edge of the narrowed Wedge. In addition, existing features of ecological importance should be retained and opportunities to enhance biodiversity should be taken where possible.

Policy CP7 (Affordable and Specialist Housing) requires that a maximum of 30% affordable housing is provided on sites of more than 14 dwellings and that is relevant in this case. The policy requires a mix of affordable housing tenures to be agreed by the Council and allows flexibility subject to development viability, which must be justified by the applicant.

In terms of the more general planning policy principles, in particular policies CP1(a), CP2, CP3 and CP4 of the DCLP – Part 1 and saved policies GD5 and H13 of the CDLPR are all relevant. These are general development policies which seek to ensure that a sustainable and acceptable form of development is provided and that development is appropriate in the environment in which it will sit.

It is particularly important and a requirement of Policy AC22, that this site should be developed to high design standards due to the sensitivity of the adjacent Green Wedge location and the proximity to existing properties on Onslow Road.

Particular criteria within CP3 seek to optimise development densities and seek high quality architecture which is well integrated into its setting and exhibits locally inspired or distinctive character. This is important given the need to balance meeting housing needs in the city with ensuring high quality developments.

It is important that development sites in the city are developed at optimal densities to make efficient use of land because Derby City is constrained and is relying on neighbouring authorities to meet some of its housing needs. While seeking to deliver appropriate densities and ensure the efficient use of land, the other principles of sustainable development have great importance.

Policy H13 (Residential Development – General Criteria) should be considered in terms of the consistency of the proposal with each of the criteria. These include that a satisfactory form of development and relationship to nearby properties can be created, that urban forms, designs and layouts facilitate higher densities and energy efficiency, that a high quality living environment and layout of buildings and open spaces creates an interesting townscape and urban form and that good standards of privacy and security are provided. In this context it is important to consider the relationship of the proposed new homes with the existing properties on Onslow Road. This is reinforced by saved Policy GD5 which seeks to ensure that the amenity of the development site and buildings and that of nearby areas is not unacceptably harmed by proposals.

Policy CP2 sets out a wide range of aspirations and requirements for consideration including the sustainable location of development, energy and water efficiency, sustainable design and construction, the use of renewable energy and drainage and flood mitigation. Mitigating for and adapting to the impacts of climate change is increasingly important and the Council requires that appropriate actions are taken as part of development proposals to achieve these ambitions. As a housing allocation in

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the adopted Local Plan, the general location is considered to be sustainable for residential development so the issues for consideration relate more to the sustainability of the detailed matters, such as flood mitigation and drainage. A sustainable drainage solution is proposed for the development to minimise flood risk and provide on- site water attenuation.

7.2. Design and Amenity

Whilst the principle of up to 200 dwellings on the allocated site, has been established through the Local Plan process, the proposal is for 203 new homes, which must be considered against the requirements set out in Policy AC22. It is acceptable to slightly increase the number of units provided on the site, as long as the new housing incorporates high design standards and a mix of sizes and tenures and respects the existing character and sensitive nature of the location.

The application is supported by a Design and Access Statement, which includes a 'Building for Life 12' assessment and sets out the parameters and constraints which influence the development of this green field site. A Landscape and Visual Appraisal has also been carried out which illustrates the landscape context of the land, which is located in and adjacent to the Green Wedge. The detailed layout responds to the landscape and ecological features on and around the site as well as its edge of city location. Most hedgerows and trees through and around the edge of the site are incorporated into the scheme, which help to soften the visual impacts on the Wedge.

The urban design approach taken reflects the general character of existing housing and other committed developments in this area. This involves the provision of a broad mix of house types, comprising 1 to 4 bedroom houses and a small number of bungalows. The house types are traditional in style and appearance and predominantly two storey, with some two and half storey units, with accommodation in the roofspace. There is to be 58 affordable housing units pepper potted around the site, which are for rent and shared ownership. The house types are faced in brick and/or render with tiled rooflines and many have period detailing, including projecting bay features, porch canopies and pitched roof dormers. The application suggests a housing density of around 34 dwellings per hectare, which is relatively low and comparable with the other housing areas in this part of the city.

The housing layout is formed around a single main street running the length of the site, with side streets leading into private drives and courtyards. The plots are arranged mostly in street blocks, with dwellings fronting onto the road and enclosed rear gardens. Some groups of dwellings also front onto open space corridors of retained hedgerow and trees. Following amendments to the housing layout requested by the Police Liaison Officer, house types with additional windows in flank elevations have been introduced to ensure good natural surveillance over streets and pedestrian routes.

Revisions to widen the mix of boundary treatment through the development have also been made to enhance the streetscene and ensure a safe living environment is provided for future occupants. The provision of a suitable boundary treatment to secure part of the northern boundary with the woodland in the former railway cutting

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for the benefit of future residents is still subject to discussion between the applicant and the Police Officer and I am satisfied that this can be controlled by condition.

The house plots all have private parking with two spaces per unit, either with side driveways and garages or frontage parking in private drives. Junctions and sections over open space corridors would have raised tables for traffic calming and give pedestrian priority through the development. A new cycle link is also proposed across the northern part of the housing layout to join up with the strategic cycle route from the city centre to the west of Mickleover.

The overall balance of housing mix, street blocks and network of open spaces is considered to create a well thought out and integrated scheme, which would provide linkages for pedestrians and cyclists to the wider areas of Mickleover and the rural edge. The development layout scores well against 'Building for Life 12' and is considered to fulfil the intentions of Policy AC22 in terms of its urban design credentials and meets the place making objectives of Policies CP3 and CP4 and saved Policy H13.

In terms of residential amenity, the proposed housing layout is generally considered to form high quality living environment for the future residents. The creation of defined spaces and streets, with clear public and private realm, would provide good defensible space for the residents. The revisions to the gated areas and the hierarchy of boundary treatment around dwellings, following advice from the Police Liaison Officer has enhanced the layout and ensured the provision of a secure environment and well defined spaces for the residents. The arrangement of streets and residential plots would provide defensible private space for each dwelling well related to their parking and to the street. Discussions with the applicant have taken place in relation to provision of appropriate secure anti-vehicle barriers to the entrances to the footpath/ cycle routes. Bollards and motorcycle barriers have been proposed, although these have not been finally agreed by the Police Officer, so they can be controlled by a suitable planning condition.

Existing residential properties lie to the south of the site, on Onslow Road and comprise of detached houses within generous curtilages. Houses on the north side of the road back onto the development site, where a 3 metre wide "landscape buffer" is to be retained between the rear gardens of the new residential plots and the existing properties. This buffer is a corridor of retained hedgerow and trees along the southern boundary, which would separate the existing and proposed houses as a form of screening and habitat retention.

Distances of some 25 to 30 metres between rear principal elevations would be achieved and with the hedgerow corridor in the middle, there would not an excessive loss of privacy for existing residents. Land levels are also similar across the site to Onslow Road, so that the new dwellings would not be at a much higher floor level than existing, with no material massing or oppressive impacts as a result for neighbouring properties. To the western end of the site, there is plantation of native trees, about 8-9 metres wide which borders the south boundary and is to be retained as a buffer with the new housing. This will provide an effective screen which should minimise any adverse impacts on resident's amenity. The plantation corridor is

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proposed to be securely gated to prevent public access and ensure a safe environment for existing and future residents.

Overall, the revisions to the layout and design of the development would not result in any significant harm to residential amenity of nearby properties and proposed dwellings, which is in line with the amenity requirements of saved Policy GD5.

7.3. Highways and Transport Implications

Policy AC22(c) requires that for new development of this site for housing, the vehicular access be taken from Station Road. This is what is proposed in the application. The main relevant transport policy is the DCLP – Part 1 Policy CP23 (Delivering a Sustainable Transport Network) and saved CDLPR Policy T10 (Disabled Access).

Access and Layout

The proposed 203 dwellings would all be served off a single principal access road, with associated junction improvements proposed on Station Road. These would be in the form of a new right turn lane ghost island at the new junction and formation of a new 2.5 metre wide footway along the Station Road frontage of the site. There is currently no footway along the eastern side of Station Road. The current hedgerow and trees along the front boundary would be removed to form the footway and visibility splays for the proposed access. The Highways Officer is satisfied that the design and layout of the proposed access onto Station Road and associated highway improvements would form a safe and suitable access as required in the NPPF (2018).

The internal road layout would form a hierarchy of streets served off the principal access road, leading to smaller streets and private driveways. The use of raised tables at key junctions and straight sections would assist traffic calming through the development. Off-street parking is provided for all house plots, with two spaces allocated for each dwelling. There are no concerns raised about the highways design, in terms of accessibility and public safety.

Transport Implications

The application is supported by a full Transport Assessment (TA) and Framework Travel Plan. The TA fully assesses the traffic impacts arising from the development on the local highway network. Whilst the traffic generation from the proposal would be significant given that the site is currently a greenfield, I note that Transport Planning colleagues are satisfied that the impacts on the network are not considered to be severe. There are existing congestion issues on the Station Road corridor, although the proposed development would not have a material impact on those junctions and the additional impacts of the proposal are not considered to be significant.

The submitted Travel Plan includes a package of measures to encourage sustainable travel and work towards a 10% reduction in vehicle trips. Transport colleagues are satisfied that these measures could be developed further through a more detailed Travel Plan, which can be secured through a planning condition. I note there are some concerns about limited bus travel provision in the local area; however

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additional measures to increase bus use among local residents should be included in the final Plan.

The agreed Section 106 package of highway contributions for the scheme includes funding of off-site highway works to improve pedestrian and cycle facilities in the local area. The agreed contributions are as follows:

- a) Toucan crossing is proposed over Station Road towards the northern end of the site to provide safe crossing to the strategic footpath/ cycle route (Route 68) path to the west of the city.
- b) A shared use footway/ cycle route is proposed to be provided between Nos 28 and 30 Onslow Road, which will provide a useful link for residents to access the local bus service which run along Brisbane Road.
- c) A scheme to provide a section of footway behind the existing parapet wall of the old railway bridge on Station Road is proposed, which would link the development to the north, to the area in the vicinity of the Gt Northern public house.

Pedestrian and Cycle connections

Although not within the application site, saved CDLPR Policy T2, identifies the former Mickleover/Mackworth railway line, which lies to the north of the site as a proposed major transport project. It is currently a woodland corridor and outside the red line of the development site. The policy promotes opportunities to connect to the city centre and to the countryside to the west, by providing improved access for walking and cycling. Whilst the former railway line does not provide an opportunity for an off-road pedestrian and cycle route under this application, the aspiration to deliver connections to the existing strategic cycle network are set out in Policy AC22 (e). This requires development of this site to improve the cycle network by linking routes 54 and 68, which run along the former railway line to the west and east of the site.

The proposal includes the provision of a multi-use footpath and cycle route through the development site, which links with Route 68, the existing path through Mickleover School Meadows to the city centre to the east of the site and to Station Road to connect with the former railway line and Route 54 towards Etwall. The 3 metre width route would be largely off-road, using designated paths, through the public open space and to egress onto Station Road. There would also be sections on widened footway through the northern part of the housing development. Some amendments to the latter sections were made during the course of the application to satisfy Highways Officer's concerns about providing a short part of the route on residential streets, shared with traffic.

The inclusion of a new dedicated pedestrian and cycle route through the development is welcomed and provides the important linkage between the existing cycle and footpath network and implement a continuous link into the city centre from the countryside to the west of the city. The new section of off-road cycle route would also deliver improved connectivity for sustainable travel for commuting and leisure purposes from Mickleover into the centre.

An additional footpath/ cycle linkage would also be formed onto Onslow Road, which would use an existing field access between dwellings, which is currently laid out as

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amenity grass and has an access onto the highway. This would further enhance the connectivity of the development to the existing housing area of Mickleover.

Overall, the development would have acceptable impacts on the local highway network and make contributions towards enhancing sustainable modes of travel, with no adverse impacts on highway safety, subject to the compliance with the recommended transport conditions. I am therefore satisfied that the highway related requirements of Policy CP23 and AC22 of the DCLP – Part 1 are adequately met.

7.4. Open Space and Green Wedge

Policy CP18 of the DCLP – Part 1 sets out the purpose and function of Green Wedges in the city and lists the potential appropriate land uses which could be implemented within those Wedges. Green Wedges are an important mechanism for defining the structure of the city, identifying different neighbourhoods and allowing the open countryside to penetrate into the heart of the city.

The original Green Wedge between Mickleover and Mackworth was narrowed through the allocation of two housing sites, as part of the Core Strategy – Local Plan Part 1 process, identifying one north of Mickleover (Onslow Road) and one south of Mackworth. Although the wedge has been narrowed it still functions to serve its purpose and it is important that the open character of the remaining wedge is maintained and strengthened where possible.

The part of the proposal for this site, which sits within the Green Wedge, would be for the provision of public open space and a surface water drainage pond. Both these uses are appropriate in the wedge, as set out in CP18 and are also consistent with criterion f) of Policy AC22, which seeks to minimise the impact on the mouth of the wedge and provide improvements within it, in the form of new green space. It is therefore entirely logical for the open space to support the new residential development to be located in the adjacent Green Wedge.

Policy CP17 sets out the Council's aspiration to enhance and improve a network of open spaces. The quality of new open spaces is particularly important given the growth requirements within the city. The land where the housing is proposed is open, green land and will be lost to built development and it is therefore important to retain high quality green space on the wider site.

The proposed open space and green infrastructure for the development is set out on a landscape concept plan, submitted in support of the application. The Design and Access Statement indicates that around 3.84 ha of the overall site would be given over to green infrastructure or 40% of the development area. The plan shows the inclusion and retention of most of the existing habitat features within the site, including ponds, trees and hedgerows; the creation of new habitat in the form of native trees, shrubs and hedge planting both within the open space and the built area of the development; an attenuation pond, as part of the SuDs drainage scheme and a childrens play area in the new open space. The proposed area of public open space for the scheme is to be laid out on existing open land to the north east of the proposed development site. It would be large in size and connect with the Mickleover School Meadows local wildlife site to the east and the railway cutting woodland plantation to the west, providing a continuous green corridor along the north and

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eastern boundaries of the site, to visually soften the edge of the housing development, where it meets the Green Wedge. The links between these areas of green infrastructure are important since it forms part of a network of open spaces, wildlife corridors and public rights of way on this western edge of the city.

The Councils Parks team are supportive in principle of the open space and landscape proposals, subject to details of design and future maintenance being agreed, in relation to the landscape buffer with the local wildlife site, childrens play area and the attenuation pond. The applicant has advised that all the open space, landscape features and drainage ponds would be maintained by a private management company, although an appropriate management and maintenance regime to safeguard the habitat features and SuDs in particular would be controlled through a suitable condition.

Overall, the proposed development would provide a substantial amount of green infrastructure, which includes a large area of public open space and retained habitat corridors. The proposals include connections between these areas and the new housing and with the wider townscape through the provision of footpath and cycle routes which link with the existing open spaces and green corridors to the east and west of the site. The proposals should deliver high quality open spaces for recreation, to improve the character and access to the Green Wedge and to enhance biodiversity. These are all qualitative benefits which meet the intentions for provision of open space and green infrastructure in Policies CP16 and CP17 and the site specific Policy AC22.

7.5. Ecology and Trees

Policy CP16 (Green Infrastructure) seeks to minimise and mitigate impacts on green infrastructure, including trees and biodiversity through development and wherever possible provide net gains.

The application site is former agricultural land which is subdivided by hedgerows and has various individual trees and tree plantations along the hedge boundaries. There is no Tree Preservation Order covering the site. An Arboricultural Assessment has been submitted in support of the application, which includes a survey of all the trees and hedgerows on the site and some trees along the southern boundary which are within the rear gardens of properties on Onslow Road. Many of the trees, including the plantations are categorised as Category B, which are those of moderate quality, with a life expectancy of 20 years or more. These generally are trees which should be considered for retention within a development. One Oak tree on the north eastern boundary of the site is a Category A tree, which is of the highest quality and considered to have potential to make a lasting contribution to public amenity.

The proposed site layout shows the retention of most of the trees and hedgerows on and around the perimeter of the site and their integration into the housing development to provide a network of green infrastructure, which runs through the site and connect with the Green Wedge and existing public open space. The incorporation of these important landscape features is welcomed and would help to assimilate the new built form into the rural edge and wider townscape. The retained trees and hedgerows would be complemented by additional native tree and hedge

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planting within the housing layout as well as the new area of open space. The main element of removal is along the Station Road frontage, where the hedgerow and associated trees would be taken out to form the principal access and visibility splays for the development. They will however, be replaced with new hedge and tree planting on the front boundary with the widened highway.

The Tree Officer is satisfied with the content of the Arboricultural Assessment and accepts its recommendations in terms of tree and hedge losses and the biodiversity gains arising from the proposed tree and hedge planting. The impacts on trees and hedges are therefore considered acceptable, subject to planting details and tree protection measures being secured by means of suitable planning conditions.

Overall, I am satisfied that the development would not have significant harmful impacts on the existing landscape features within the site and any harm is to be mitigated by the planting proposals which would form part of the landscaping scheme for the development and public open space, which would provide net gains in green infrastructure within the site. The intentions of DCLP –Part 1 Policy CP16 are therefore satisfactorily met.

The application site and the surrounding landscape are sensitive for their ecological importance and this is recognised in Policy AC22, which requires development to take account of and mitigate for impacts on the nearby wildlife site and habitat features within the site, including hedgerows and ponds. The policy also seeks to enhance biodiversity as part of any new development.

An Ecological Appraisal was submitted in support of the application, which assesses the ecological value of features in and around the site and potential mitigation to protect and enhance the biodiversity. The adjacent Local Wildlife Site, which lies to the east of the site, is Mickleover School Meadow and this is part of the existing public open space. Onslow Road pond and drainage ditch is identified as a potential wildlife site and this features runs east to west through the centre of the site, alongside one of the hedgerows. The appraisal identifies three ponds within the site which are all located alongside hedgerows, which are known to be used by Great Crested Newts. They are also known to occupy ponds at properties on Onslow Road, which Derbyshire Wildlife Trust has highlighted although this is not picked up the applicant's appraisal. Ten hedgerows were recorded in the appraisal and are noted as being mature and overgrown and are considered to be "habitats of principal importance". The site also is of habitat value to other protected species, including bats, badgers and hedgehogs.

All three ponds and most of the hedgerows are proposed to be retained as part of the new open space areas and green infrastructure within the development. However, Derbyshire Wildlife Trust raised concerns that appropriate mitigation for safeguarding the Great Crested Newts had not been considered in the appraisal, particularly in relation to the potential movement of the newts between the ponds on the site and those on the Onslow Road gardens to the south. Discussions with the applicant identified that a section of hedgerow to the southern boundary which was shown for removal on the original layout, would be a suitable link from Onslow Road to the ponds on the site, since the hedgerows provide movement corridors for newts, as well as other wildlife. This section of hedgerow is now to be retained between plots 171

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and 172, to provide a link from the landscape buffer on the southern boundary to the ponds in the centre of the site. A means to allow newts to cross the proposed internal roads between the hedgerows was also discussed, although any mitigation measures would require a Natural England licence, as part of a full mitigation strategy for the impact on the newt habitat. Having regard to DWT's revised comments that routes for newts to cross roads should be agreed pre-determination, it is acknowledged that there are accepted methods which must be agreed with Natural England before construction of the development. I am therefore satisfied that this matter can now be dealt with appropriately through a planning condition.

The retention of the hedgerows is welcomed both to maintain and enhance the habitat value of the site and as significant landscape features, which would give distinctiveness and character to the development. The hedgerows to the north and eastern part of the site would form the boundaries of the new public open space and the framework for new landscaping and native planting in the open space. Derbyshire Wildlife Trust is supportive of their retention and inclusion in the open space in principle, since they would create a buffer with the existing local wildlife site to the east of the site.

However, the Trust has expressed concerns about the proposed use of amenity grassland mix for the public open space, rather than wildflower meadow and rough grassland. In my view, there is scope to incorporate all of these types of grass seed, to give both biodiversity benefits and provide for recreational use, given the large size of the proposed open space. These planting details would form part of a detailed landscaping plan, which can be appropriately dealt with by a suitable planning condition.

Following the revisions to the proposed site layout to accommodate the additional hedgerow corridor to provide routes for Great Crested Newts, between the existing ponds, I am satisfied that sufficient information has been submitted to be confident that the newts and their habitat would be adequately safeguarded through the proposed development. The issue of providing suitable road crossings for the newts can reasonably be addressed through a mitigation strategy, which must be agreed with Natural England post-determination and subject to a pre-commencement condition. The development as a whole would in my view maintain and enhance the high ecological significance of the site and minimise impacts on the adjacent wildlife site, such that the requirements of Policy CP19 for safeguarding and enhancing biodiversity are appropriately met.

7.6. Other Environmental Impacts**Drainage & Flood Risk**

The application site is in an area which is classified as Flood Zone 1 and is therefore identified as being at low flood risk. Whilst there is a low risk of flooding in this location, the Land Drainage Officer advises that the site is in a sensitive catchment, where there have been recent flood risk issues in the local area. A surface water drainage scheme, which incorporates SuDs features, is proposed for the development. Given that this is a green field site and a major development, a SuDs scheme is required for this proposal, in order to minimise the potential flood risk to future occupants and the wider area.

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In support of the application a Flood Risk Assessment and Drainage Strategy have been submitted and further drainage details provided to the Land Drainage Officer during the course of the application, to address his concerns about the layout and design of the proposed surface water drainage scheme. A few of those concerns are still outstanding at the time of writing the report and if addressed before committee, then any amended information will be reported at the meeting.

The proposed drainage strategy for the development includes the creation of a large surface water attenuation pond within the open space at the eastern edge of the site and a further smaller pond to the northwest corner, fronting Station Road. Both ponds are intended to be planted as habitat areas as well as having a drainage function. The drainage scheme would also include use drainage ditches and permeable paving to achieve further on site attenuation.

The Land Drainage Officer still has unresolved concerns about the construction design of the proposed small pond/ ditch to the northwest boundary of the development, which fronts Station Road and in particular, the required gradients for those features to ensure public safety. These are detailed considerations which could be subject to a pre-commencement condition once the principles of the layout and depth of the pond and ditch have been agreed.

The future maintenance and management of the on-site drainage scheme is proposed to be carried out by a management company, who would also manage the open space areas. The details and operation of the maintenance regime should be controlled through a suitable planning condition to secure appropriate management of those features.

The use of a comprehensive SUDs drainage scheme for the development, to meet the surface water drainage requirements for the site, is broadly welcomed. The location of two ponds is accepted by the Land Drainage Officer, although the specific design of the attenuation pond and ditch in the north western corner will require further negotiation with Land Drainage colleagues to achieve an acceptable design. Subject to this part of the drainage scheme being agreed and compliance with suitable detailed conditions, the proposed SuDs drainage solution would be acceptable to mitigate flood risk in the wider area and accord with the SuDs requirements of Policy AC22 and the flood risk intentions of Climate Change Policy CP2 of the DCLP – Part 1 and the technical flooding requirements of the NPPF.

Noise and Air Quality

The Council's Environmental Health Officer has considered the proposed housing development in the context of potential noise impacts on the future residents and the potential air quality implications of the development for the wider townscape. The application is not supported by any assessments of these environmental impacts.

In respect to noise impacts, the main concerns raised by the EHO are from potential disturbance to the future occupants of the development from the nearby Great Northern public house, to the north of the site. It is understood that the pub has a licence for late night music and events both indoors and outdoors until 1am, 7 days a week which could result in adverse noise impacts on the occupants of the new dwellings. The EHO advises that events have been held in a marquee in the summer months, although the pub has built recently a function room extension to house

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events, so this may no longer be create the same level of noise impact. However, I note his recommendation for a condition to assess any potential noise nuisance for the new properties and mitigation measures if required.

The EHO has also raised possible noise issues for existing residents, which may arise from the construction phase of the development. Control measures would normally be incorporated into the construction management plan, which would be required through a pre-commencement planning condition.

In relation to air quality, the EHO is concerned with the potential impacts of the increase in traffic generation on air pollution levels in this part of the city. Given that the site is currently a green field, there would clearly be a significant rise in vehicle movements associated with the new housing, which could give rise to increased concentrations of poor air quality. In response to this concern, a mitigation strategy is recommended to offset the expected air quality impacts of traffic generation. This can be suitably addressed by use of planning condition to secure a scheme of measures to mitigate for poor air quality, which should include the introduction of electric charging points in the proposed dwellings.

Overall, I am satisfied that both the potential air quality and noise impacts identified by the EHO can be appropriately be mitigated through the recommended conditions and accordingly there would not be any significant harm to residential amenity as required by saved Policy GD5 of the CDLPR.

Archaeology

This green field site is believed to have significant archaeological interest as a result of a geophysical survey carried out on the site, in support of the application. A site evaluation has been undertaken, which found evidence of brick production dating back to the 19th Century. Evidence of earlier activity was also present, which suggested Romano- British settlement at the eastern end of the site. The County Archaeologist considers that the archaeological remains found on the site are of local-regional importance.

He advises that their presence does not amount to an objection to development, but rather should be subject to a programme of excavation and recording prior to any development commencing. A planning condition is recommended to secure a site excavation and subsequent reporting to investigate the areas of archaeological significance. I am satisfied that this matter can be dealt with by suitable conditions and accordingly the proposal would address the requirements of the saved archaeology Policy E21 and overarching heritage guidance in the NPPF.

7.7. Section 106 and Conclusion**Section 106 Package**

The applicants have agreed to provide a full, policy compliant package of mitigation measures that will be secured through a Section 106 Agreement. The package includes provision of 29% affordable housing, which would be spread across the site and includes a mix of house types. This was reduced slightly from their original offer of 30% to include 3 wheelchair bungalows at our request to meet a specific housing

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need. The rest of the Section 106 package includes on-site open space, including provision of children's play area and SPD compliant contributions towards primary education, transport (including footway improvements, toucan crossing and other sustainable modes of transport improvements), community centres, swimming facilities, fitness centres and health facilities.

Conclusion

The land at Onslow Road, Mickleover is part of a strategic housing allocation in the Derby City Local Plan – Part 1. It is allocated to deliver up to 200 new homes in that location in order to contribute meeting the Council's housing target of 11,000 new homes for the period 2011 to 2028. The principle of housing has been already established on the part of the site which is to be developed for housing and the development area reflects the local plan allocation in Policy AC22. The proposal is for 203 dwellings is higher than set out in the local plan. However, the number in the plan was indicative and as long as the proposals meet other Local Plan and national policy objectives the three extra dwellings are considered to be acceptable.

This is a sensitive location in terms of its landscape setting and ecological significance and it is therefore important that the proposal integrates with the rural edge and retains green infrastructure, which contributes significantly to its character. The site borders and includes the Green Wedge, which lies immediately to the east and north of the housing allocation and includes important groups of trees and hedgerows, which have significant landscape and habitat value. The development would successfully incorporate these features and relates well to the Wedge, through a comprehensive landscaping scheme and provision of open space, which provides additional native planting to soften the visual impact of the new housing on the wider landscape.

There is a requirement in Policy AC22 to achieve a high design standard of development, having regard for the sensitivity of the location and nearby properties on Onslow Road. The design principles are set out in the placemaking and character Policies CP3 and CP4. Following amendments to the housing layout, the proposal would form a high quality urban design and living environment for both existing and future residents, which takes reference from the character of existing housing areas in Mickleover and meets the intentions of those policies and over-arching design guidance in the NPPF.

Overall, the proposal would deliver a high quality sustainable housing development in this sensitive, edge of city location, providing new housing to contribute towards the city's housing need. The development also includes new connections for pedestrians and cyclists to the existing facilities in the wider townscape and open countryside to the west of the city.

The development is therefore considered to be compliant with the design and environmental requirements of the housing allocation Policy AC22 and the general intentions of relevant policies in the Derby City Local Plan – Part 1 and saved City of Derby Local Plan Review and the over-arching guidance in the NPPF.

8. Recommended decision and summary of reasons:

Committee Report Item No: 2**Application No: 19/00763/FUL****Type: Full Planning Application****8.1. Recommendation:**

- A. To authorise** the Director of Strategy Partnerships, Planning and Streetpride to negotiate the terms of a Section 106 Agreement to achieve the objectives set out below and to authorise the Director of Governance to enter into such an agreement.
- B. To authorise** the Director of Strategy Partnerships, Planning and Streetpride to **grant permission** upon conclusion of the above Section 106 Agreement.

8.2. Summary of reasons:

The proposal is an acceptable form of residential development for this green field site and Green Wedge, subject to adherence to the attached conditions and amounts to the provision of a comprehensive detailed design and layout for the site, a satisfactory living environment and including integrated landscape and open space strategy, retention of existing ponds, trees and hedgerow features within the built up area of the development. In the opinion of the Local Planning Authority there are no over-riding highway implications associated with the overall scheme and it includes the provision of appropriate walking and cycling routes and linkages with the existing footpath and cycle network. 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 proposal would deliver significant housing, to address the city's housing need and is considered appropriate in this edge of city location.

8.3. Conditions:

- 1. 3 year time limit condition
- 2. Approval of specified plans condition

Pre-commencement conditions

- 3. Tree protection plan and arboricultural method statement to be submitted for protection of retained trees and hedges and for method of working
- 4. A construction management plan for control of noise/ dust emissions, hours of operation, construction traffic routes and waste recycling to be submitted and implemented through construction period.
- 5. A construction environmental management plan for protection of biodiversity from construction activities, to be submitted and implement through construction period
- 6. A mitigation strategy for protection of routes and habitat for Great Crested Newts to be submitted and obtain a Natural England licence, before any works are commenced.
- 7. A hedgehog mitigation strategy for duration of construction works and measures to allow movement of hedgehogs through the development to be submitted and implemented during construction phase and before occupation of units.
- 8. A written scheme of investigation for archaeological works to be submitted and works completed on site.

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9. The vehicular access onto Station Road including Ghost Island to be constructed and made available for use before development commences.
10. A wheel washing facility for use during construction to be erected in accordance with details to be agreed.
11. Design and construction details of the internal road layout for the development to be submitted before works are commenced.

Pre-occupation conditions

12. A detailed landscaping and tree planting scheme for the open spaces, landscape buffers and street trees to be submitted to include retained vegetation, details of species and size of new tree and shrub planting, grassland mix and SuDs planting and design of tree pits.
13. Landscaping scheme to be implemented and maintained.
14. Details of a landscape and ecological management plan for the long term management and maintenance of the public open spaces and woodland and hedgerow corridors to be agreed and implemented.
15. External materials to be used in development, as shown on submitted materials layout, unless otherwise agreed.
16. Boundary treatment to be used in development, as shown on submitted boundary layout, unless otherwise agreed, with exception of the following, where details to be submitted and agreed:
 - a) Boundary details for northern boundary of private drive to Plots 66 and 67
 - b) Anti- vehicle barriers to entrance to footpath/ cycle routes
17. Details of treatment of connection of footpath/cycle route to eastern boundary of the site, with the existing strategic cycle path (Route 68) to be submitted.
18. An assessment of potential noise nuisance arising from the activities at the Great Northern public house, affecting proposed dwelling and where necessary details of mitigation measures to be implemented before occupation.
19. An air quality mitigation strategy to be completed for the development and any agreed measures implemented before occupation.
20. An archaeological post investigation assessment and report to be completed and submitted before occupation.
21. Details of a management and maintenance arrangement for the surface drainage scheme, including SuDs elements and adoption of surface water drainage features to be submitted before occupation.
22. The development to be carried out in accordance with the surface water drainage scheme, including SuDs features submitted and approved.

8.4. Informative Notes:

- 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

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are required to enter into an agreement under S278 of the Act. Please contact Robert Waite Tel 01332 642264 for details. Please note that under the provisions of S278 Highways Act 1980 (as amended) commuted sums will be payable in respect of all S278 works.

- 2) Derby City Council operates the Advanced Payments Code as set out in sections 219 to 225 Highways Act 1980 (as amended). You should be aware that it is an offence to build dwellings unless or until the street works costs have been deposited with the Highway Authority.
- 3) For details of Designing Streets and Places and other general construction advice please contact Robert Waite Tel 01332 642264.

8.5. S106 requirements where appropriate:

The application would deliver a package of contributions which are as follows:

On-site

- 29% affordable housing provision
- Public open space and childrens play area

Off-site

- primary education
- transport improvements to Station Road corridor (including footway improvements, toucan crossing and other sustainable modes of transport improvements)
- community centres
- swimming facilities and fitness centres
- health facilities

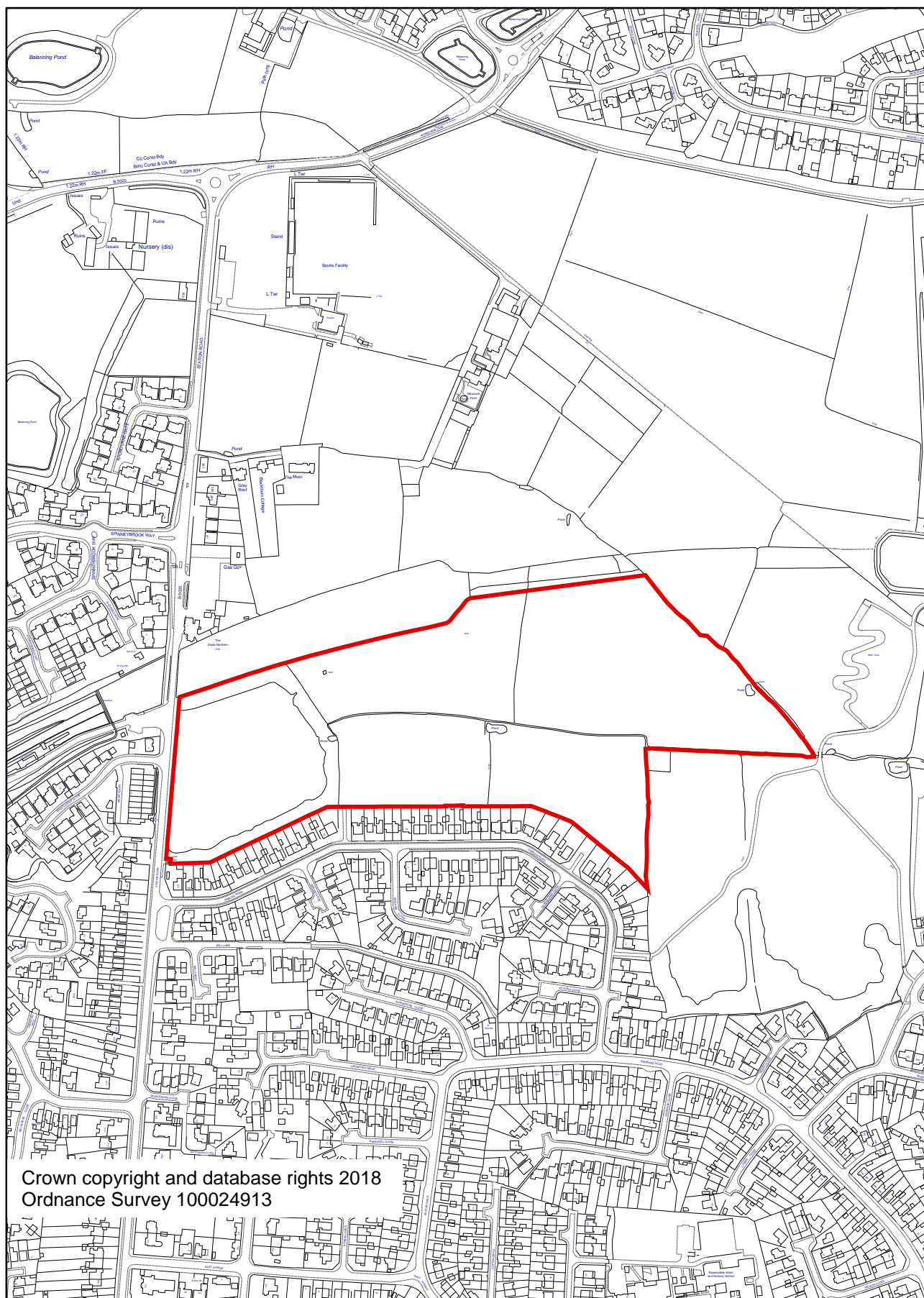
8.6. Application timescale:

The target date for determination was the 22 August 2019. It is being brought to committee due to number of third party objections and an extension of time for a decision date will be agreed with the applicant.

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1. Application Details

1.1. Address: Derby Triangle, Wyvern Way, Derby.

1.2. Ward: Chaddesden

1.3. Proposal:

Mixed use development, comprising use class B2 (general industry) and use class B8 (storage and distribution) and associated development including site re-grading, flood alleviation works, provision of access from and alterations to Wyvern Way and safeguarding of land for the Derby and Sandiacre Canal restoration project. Approval is sought for two vehicular accesses from Wyvern Way, with all other matters to be reserved.

1.4. Further Details:

Web-link to application:

<https://eplanning.derby.gov.uk/online-applications/plan/19/00491/OUT>

Link to previous application's Committee Report:

<https://docs.derby.gov.uk/padocumentserver/DownloadDocument.aspx?docid=86353407>

Summary

This planning application seeks permission for the re-development of the site known as Derby Triangle on land off Wyvern Way. The application is in outline format with all matters reserved except for two points of access.

The description of development has been amended during the life of the application and now relates to B2 (General Industry) and B8 (Storage and Distribution) use classes only. For clarity the additional use classes B1 and A use classes have been removed. The application also includes the re-grading of the site, flood alleviation works and safeguarding of land associated with the widening of Wyvern Way and the Derby and Sandiacre canal restoration project.

The application site is located on the southern side of Wyvern Way and the Wyvern Business Park. The site itself is bounded by the public highway of Wyvern Way and Derwent Parade to the north, by the railway line to the south-east and by the River Derwent to the southwest and west. The site is relatively flat with the exception of the river banks, with the river sitting some 5 metres below the site, and an existing embankment which can be viewed from Wyvern Way. There is an existing drainage ditch towards the north-eastern corner of the site which links from the Stanier Way pumping station to the river.

Works relating to the A52 Junction Improvement Scheme (A52 Scheme) are evident across the application site through the siting of their compound at the eastern end of the site and drainage works to the north-western corner of the site. The frontage of the application site, along Wyvern Way, has also been altered as the A52 Scheme progresses on site.

The application site itself site within a large commercial area including Wyvern Retail Park to the north which is primarily retail in nature; Wyvern Business Park to the north-east which accommodates a number of office blocks and a hotel and Pride

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Park to the south which is mixed use in character accommodating leisure facilities, offices and car sales. The wider area is accessed via three main points, from the A52, London Road and the Inner Ring Road allowing connections with the wider transport network of the M1 Motorway, Alvaston Bypass, A38 and A50. The application site is also accessible to the city's Railway and Bus Stations with Pride Park benefiting from an entrance directly to the Railway Station.

The site, since ceasing as an aggregate extraction site and then landfill has been unused until recently as the A52 Scheme commenced on site. However it is important to note that the highways works are not utilising the entire application site. The site was capped and profiled approximately 9 years ago and since this time has been left unmaintained.

Network Rail currently benefit from access to the site which allows access to the railway line and their Chaddesden Sidings Offices, off Chequers Road which is accessed under Derwent Parade bridge. Network Rail have confirmed that they use this access for emergencies. Once the Our City Our River (OCOR) works have been completed access under the Derwent Parade bridge will be affected however two points of access from the development site have been secured under the enabling works application (DER/08/17/01099). This outline planning application seeks to maintain a form of access for Network Rail for such emergencies.

The proposed development is considered in elements, the development site itself, the provision of the Our City Our River conveyance corridor, the A52 scheme and the safeguarding of the Derby and Sandiacre Canal. Full consideration also needs to be given the environmental information provided in the Environmental Statement and subsequent Addendum report, submitted under the requirements of the EIA Regulations. The Environmental Statement has been amended and updated during the life of this application.

Proposed Development

This element of the application is in outline format. The application site covers an area of approximately 29.5 hectares and is accompanied by a Parameters Plan (Drawing No. P002 Revision P13) that suggests an achievable layout for bringing forward the following development:

<u>Land Use</u>	<u>Developable Area (NSA) in Hectares</u>
B2 General Industry	4.586 ha
B8 Storage and Distribution	10.92 ha
Primary Access Roads and Infrastructure	2.09 ha
Ponds and Swales (development drainage scheme)	1.78 ha
Existing Highway Land/Road (Wyvern Way)	1.79 ha
Highway Improvements (A52 Scheme)	1.72 ha
Flood Attenuation (OCOR Conveyance Corridor)	4.40 ha
Safeguarded Canal Route	1.89 ha

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The submitted indicative layout plan and parameters plan identifies areas for development, the requirements of the development such as internal road layout and drainage scheme along with policy compliant aspects such as safeguarded canal route, A52 scheme and OCOR conveyance corridor. It is important to note that from the 29.5 hectares only 15.506 hectares are developable for the B2 and/or B8 uses. The site is therefore extremely constrained.

The design, precise layout of the development site and its external appearance along with landscaping are all reserved matters and will be dealt with during subsequent applications.

Our City Our River

The application site lies within 'Package 3' works for the Our City Our River flood defence scheme. There is an existing flood bank along the river edge which will be removed as part of the proposed works. The aim is to open up and widen the river corridor to increase water capacity. The works involve the removal of the existing river banks and the installation of a new embankment measuring 670 metre in length, 20 metre wide and 3 metre high along with the lowering of existing ground levels to form a 45 metre wide flood conveyance corridor.

The applicant has submitted a separate application for these works under code no. DER/08/17/01099 however no works have commenced on site, to date. This application has been subject to a non-material amendment under code no. 19/01351, as set out below.

A52 Scheme

Derby City Council as the Highway Authority is currently implementing the A52 Scheme, under code no. 01/16/00087. The scheme will improve part of the A52 and its junction with the Wyvern Retail Park. Members will be aware of this scheme and elements of this scheme which have already been completed on site.

Since the submission of the 2014 application (11/14/01570) which has now been withdrawn, the applicant, St Modwen Developments have worked with the Council in order to consider the impacts of their proposed development and the land requirements of the A52 Scheme. It should be noted that the red edge of this application incorporates some of the A52 scheme which is required to provide access to the development site and also mitigate its impacts. This includes:

- Widening of Wyvern Way
- Signalisation of the development access and Pullman Road
- Enlargement and signalisation of Stanier Way Roundabout
- Provision of the development site accesses at Stanier Way and Pullman Road junctions

It is envisaged that the above works will be carried out by the Council as part of the A52 scheme, works having commenced on site, and the applicant having agreed to financially contribute to the A52 Scheme in advance to enable timely delivery of the works which are required to support the development and to provide access to the site. Conditions are recommended in Section 8 of this report to ensure that these works are complete prior to the site being occupied/brought into use. I do not

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consider it necessary for this condition to restrict any development on the site. This matter will be discussed further in Section 7 of this report.

The developers' contribution to the A52 Scheme will be secured by way of Section 106 Agreement and rights provided under a spoil licence. It is important to note that this Section 106 and the licence sit outside of the Section 106 that forms part of this planning application and therefore are not referred to in Section 8 of this report.

Derby and Sandiacre Canal

The line of the Derby and Sandiacre Canal runs along the southern side of the application site. Saved policy L9 requires that this route is safeguarded to allow the canal to be restored. The submitted parameters plan confirms that this route has been safeguarded. The Canal Trust has been consulted as part of this application process and their comments are set out in Section 5 of this report.

Environmental Statement

In the Environmental Statement (ES) the impact methodology used to assess the significance of effects from specific topic areas is outlined in detail in Chapter 3 of the ES. The methodology confirms the Scoping Process, Temporal Scope and Spatial Scope along with setting out the Significance Criteria, Baseline Conditions, Data Limitations, Construction Effects, Operational Effects, Mitigation and Monitoring and the Assessment of Cumulative Effects. The ES also considers inter-relationships and the Summary of the Effects and provides a Conclusion.

The ES follows the scope of the ES previously submitted in support of application 11/14/01570, as set out within the Council's letter received by the applicant 30 April 2014. This letter confirmed that the proposed development was EIA development and an Environmental Impact Assessment should be submitted. The development is considered to be EIA development as a result of the cumulative impacts of this development and other surrounding developments (code nos.12/11/01496 and 10/11/01174). These impacts are the size and scale of the development which would be significant; a more intensive use of the site as the site was previously undeveloped and because the development is likely to change the characteristics of the area. Furthermore, the proposed development has the potential to significantly impact upon the surrounding road network, resulting in greater noise and air quality emissions.

The Council agreed with the developer that the topics considered under the previous ES are still relevant and therefore should be scoped into the Statement. It was also agreed that Heritage, due to the previous use of the site could be scoped out of the Statement. Heritage was also scoped out of the previous 2014 ES. That being said the Statement has been updated to reflect the 2017 EIA Regulations, and now includes information in relation to Climate Change and Accidents and Disasters.

In terms of the scope of the assessments, the Temporal Scope considers the likely impacts that will arise from the construction and operation of the proposed development. Construction impacts are those arising from construction, for example temporary use of land and temporary changes in traffic movements. Operational impacts include new or modified infrastructure, the uses of the development and operational traffic. The significance of these effects is assessed on the baseline conditions. The Spatial Scope considers the geographical area that potentially could

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be affected by the development. It considers the physical extent of the proposed development, the nature of the baseline environment along with the physical boundaries of the site. The environmental effects for each of the disciplines are generally expressed at different spatial extents.

The Methodology for drafting the ES is the general approach taken to assess each discipline; there are some variations but the structure remains the same: Introduction, Assessment Methodology, Significance Criteria, Existing Baseline Conditions, Data Limitations, Mitigation Measurement adopted as part of the proposed development, Assessment of Construction Effects, Assessment of Operational Effects, Further Mitigation, Further Monitoring and Assessment of Cumulative Effects, Inter-relationships, Summary of Effects, Conclusions and References. Environmental effects can either be beneficial or adverse and include direct, indirect or secondary effects, short, medium and long term; permanent, temporary, cumulative, positive and negative effects. These are summarised as Short Term (a period of months up to a year), Medium Term (period of between one and ten years) and Long Term (eleven years upwards). For reference the following definitions are provided:

Definition of Sensitivity	
Sensitivity	Typical Descriptors
High	High importance and rarity, national scale and limited potential for substitution
Medium	High or medium importance and rarity, regional scale and limited potential for substitution
Low	Low or medium importance and rarity, local scale
Negligible	Very low or importance and rarity, local scale

Definition of Magnitude	
Magnitude	Typical Criteria Descriptors
High	Loss of resource and/or quality and integrity of resource; severe damage to key characteristics, features or elements (Adverse)
	Large scale or major improvement of resource quality; extensive restoration or enhancement; major improvement of attribute quality (Beneficial)
Medium	Loss of resource, but not adversely affecting the integrity; partial loss of/damage to key characteristics, features or elements (Adverse).
	Benefit to, or addition of, key characteristics, features or elements; improvement of attribute quality (Beneficial).
Low	Some measurable change in attributes, quality or vulnerability; minor loss of, or alteration to, one (maybe more) key characteristics, features or elements (Adverse)
	Minor benefit to, or addition of, one (maybe more) key characteristics, features or elements; some beneficial impact on attribute or a reduced risk of negative impact occurring (Beneficial).
Negligible	Very minor loss or detrimental alteration to one or more characteristics, features or elements (Adverse).
	Very minor benefit to or positive addition of one or more

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	characteristics, features or elements (Beneficial).
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Significance of Effect Assessment Matrix				
Sensitivity	Magnitude of Impact			
	Negligible	Low	Medium	High
Negligible	Negligible	Negligible or Minor	Negligible or Minor	Minor
Low	Negligible or Minor	Negligible or Minor	Minor	Minor or Moderate
Medium	Negligible or Minor	Minor	Moderate	Minor or Moderate
High	Minor	Minor or Moderate	Minor or Moderate	Major

The following broad definitions are used:

Major: These beneficial or adverse effects are considered to be very important considerations and are likely to be material in the decision-making process. These are likely to suffer a most damaging impact and loss of resource integrity. However, a major change in a Site or feature of local importance may also enter this category .

Moderate: These beneficial or adverse effects may be important but are not likely to be key decision-making factors. The cumulative effects of such factors may influence decision making if they lead to an increase in the overall adverse effect on a particular resource or receptor.

Minor: These beneficial or adverse effects may be raised as local factors. They are unlikely to be critical in the decision-making process but are important in enhancing the subsequent design of the project.

Negligible: No effects or those that are beneath levels of perception, within normal bounds of variation or within the margin of forecasting error.

The baseline conditions are established from the original survey work which informs the planning application. The Assessment of Construction and Operational Effects are self-explanatory. Mitigation and Monitoring are considered within each discipline area. The Assessment of Cumulative Effects are based on an agreed list of approved development as set out within Chapter 3 of the ES. These are in circumstances where two or more development proposals could have an effect. Inter-relationships considers whether or not there are any links between topics within the ES.

The disciplines covered within the Environmental Assessment are as follows:

- Planning Policy and Alternatives Considered
- Socio-Economic Planning Policy and Alternatives Considered;
- Traffic and Transport;
- Air Quality;
- Noise and Vibration;
- Ecology and Nature Conservation;

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- Landscape and Visual Impact;
- Hydrology and Hydrogeology;
- Ground Conditions,
- Climate Change, and
- Cumulative Effects

It needs to be recognised that the assessments in the ES are undertaken with some uncertainties remaining. This includes the layout of proposed development, building heights, the external appearance of the development and the landscaping details of the development. That being said, the information in the ES is detailed and extensive and the following is 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 arising from the scheme, as identified in the ES.

Members can access the Environmental Statement in full by following the web link on the first page of this report. The ES has been amended and updated during the life of the application through submission of an Addendum Report to reflect changes to survey work including Transport Modelling, Flood Risk and Land Drainage and Air Quality.

Planning Policy and Alternatives Considered

This chapter summarises the national and local planning policies that are relevant to the proposed development. This chapter should be read in conjunction with the submitted Planning Statement which also considers planning policy. This chapter assesses the policies and also cross-references the other relevant chapters of the ES. This chapter also details the rationale behind the decisions made in respect of the submitted masterplan and provides a narrative to various masterplan options. The chapter is not summarised in the same manner as other chapters due to the nature of its content. Overall the applicant considers the proposal to align, subject to mitigation, with the adopted local plan and the saved policies of the former local plan and national planning policy.

Socio-Economic Factors

This chapter identifies the potential socio-economic effects that could arise from the proposed development, by summarising the current socio-economic conditions in the context of the local area and considering local (Chaddesden Ward), Borough (City of Derby), Regional (East Midlands) and National (England). The chapter also summarises the number of jobs likely to be created as a result of the development and their likely economic output; the proposed development is likely to result in the creation of some 1,195 FTE jobs once the site is fully operational and a further 60 jobs during the construction phase, although this will rise and fall during the different periods of construction. Furthermore it is estimated that the on-site employment in connection with the proposed development would generate around £65.4 million in gross GVA annually (Gross Value Added).

Overall the chapter concludes that the proposed employment led development is likely to have beneficial or negligible effects across a range of socio-economic receptors. Furthermore, the proposed development proposes an opportunity for

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economic growth and development for the local area and Derby in terms of GVA and business rates (£1.26 million) per annum.

Transport and Highways

Two addendums has been submitted in respect of Transport and Highway, in August and November. The submitted information has been re-consulted upon as detailed within the EIA regulations. The amendments consider the updated Transport Modelling.

Additional information has been submitted in respect of traffic and transport through the life of this application that provides clarification over the A52 Scheme Design, traffic modelling and changes to the development mix (B2 – 19,663sqm, B8 General/Warehouse – 19,637 sqm and B8 Parcel Distribution – 26, 244 sqm). The chapter should therefore be read in conjunction with the Transport Assessment(s) as amended.

The baseline conditions are 2017 as the base year, 2020 construction year and 2032 fully operational year. Data has been used from the Derby Area Transport Model (DATM). This Chapter has been drafted in consultation with the Council's A52 Scheme Project Team and Highways Development Control. The Chapter provides a robust assessment of receptors, 42 roads links/junctions, non-motorised modes of travel such as walking, cycling and equestrian users, public transport and collision data. In respect of traffic flows from the development these have been assessed at the three above time periods, 2017, 2020 and 2032. The effects of the development are robustly assessed and analysed within tables 6.10, 6.11, 6.12, 6.13 and 6.14 of the ES Addendum, date November 2019.

In respect of monitoring the effects of the development it is considered that this can be achieved through the provision of a robust Travel Plan. It is considered that the baseline traffic data has included any development likely to result in cumulative effects.

Overall it is concluded that the proposed development will have a minor to negligible impact on the surrounding highway network. The ES identified 10 road links where minor significant effects could be experienced. However a further qualitative review of potential impact indicates that the proposed development will not have any detrimental environmental effects related to traffic or transport. The ES therefore considers that the proposed development is acceptable in ES terms in respect of traffic and transport.

Air Quality

Two addendums has been submitted in respect of Air Quality, in August and November. The submitted information has been re-consulted upon as detailed within the EIA regulations. The amendments consider the updated Transport Modelling and its impacts on Air Quality.

This chapter of the ES considers policy changes and updates in respect of Air Quality particularly the Clean Air Strategy 2019 (DEFRA 2019a) and Reducing emissions from road transport: Road to Zero Strategy (July 2018) which was published by the Office for Low Emission Vehicles and Department for Transport. The chapter considers the increased traffic and the pollutants resulting from the increased traffic

along with the pollutants resulting from construction and the proposed development once operational.

The chapter robustly assesses the impacts of the proposed development on Air Quality. It is concluded that mitigation will be required during the construction phase to reduce emissions. The operational effects of the proposed development have been assessed at 15 worst case scenario receptors, where impacts are expected to be greatest. Concentrations of PM10 and PM2.5 will remain below objectives in 2021, with or without the proposed development and the impacts are negligible. In respect of nitrogen oxide concentrations remain below the objective at all existing receptors in 2020, 2025 and 2032. The impacts are therefore not significant.

Noise and Vibration

Two addendums have been submitted in respect of Noise and Vibration, in August and November. The submitted information has been re-consulted upon as detailed within the EIA regulations.

This chapter assesses the likely significant effects of the development resulting from noise and vibration. The baseline noise and vibration surveys show that existing noise levels are relatively high within the vicinity of the proposed development from the road and existing industrial activities.

The effects of noise and vibration resulting from the construction phase are considered to be short term, construction noise being a minor effect and construction traffic resulting in a negligible effect. The operations impacts of noise are considered to be long term with operational traffic and plant noise being of a negligible impact and operational site activity being of a minor effect with a maximum change of +0.3dB. This represents a negligible magnitude of impact at all receptor locations, resulting in a negligible significance of effect. The November Addendum concludes that the conclusion remains unchanged from August Addendum.

Ecology and Nature Conservation

This chapter considers ecology and nature conservation associated with the proposed development. The ES considers the impacts on receptors; Reptiles, Great Crested Newts, Bats, Breeding Birds, Invertebrates, Otters, Water Voles, Fish and Badgers along with consideration of Trees, Vegetation, Grassland, Bareground, Scrub, Invasive Species and Drains and Waterbodies. The chapter is based on surveys from 2012 which have been updated in 2018 and 2019.

It was acknowledged as part of the previous ES that there would be significant effects as a result of displacement of and loss of breeding habitat for the lapwing and skylark, as the retention of habitats for these species is not possible within the site and, as a consequence there would be a permanent residual adverse impact of significance at a local and district level unless suitable replacement habitat can be secured off-site. It was previously agreed between the Council, the applicant and Derbyshire Wildlife Trust that a financial contribution would be made to the Sanctuary Local Nature Reserve, opposite the site, in order to create and enhance potential ground nesting habitat. This mitigation remains as part of this proposed development. Monitoring and Management are proposed in the form of an Ecological Monitoring and Management Plan (EcMMP).

The creation of new ground nesting bird habitat within The Sanctuary LNR to mitigate for the loss of breeding habitat on the Site would result in a significant moderate (beneficial) effect on the LNR in the long term. There is likely to be a temporary impact on the River Derwent LWS during the creation of the flood conveyance corridor however as a result of the proposed habitat creation in this area and the subsequent monitoring and management of these habitats a long-term non-significant minor (beneficial) effect is anticipated. A non-significant negligible (adverse) effect is anticipated for Chaddesden pLWS as a result of habitat removal to facilitate the flood alleviation scheme. However, management of the retained habitats will offset the loss as suitable habitat with the potential to attract and support dark bush cricket (reason for potential designation) will still be present.

It is acknowledged that the majority of habitats on site will be permanently lost as a direct result of the proposed development. However, these habitats are a limited ecological value, collectively, and as such it is considered that the replacement of newly created habitat and on-going management along with those to be retained would be sufficient to offset those habitats lost. It is anticipated that this would result in an overall non-significant negligible (adverse) effect. Habitat creation along the river margin including a fry refuge would result in a non-significant negligible (beneficial) effect for fish in the long term. Newly created habitats within the re-profiled floodplain and within the development will be subject to an EcMMP to maximise their benefits to wildlife in the long-term. With the implementation of the in-built mitigation measures, described above it, is considered that the Proposed Development would conform to current planning policy guidance with regard to the protection and enhancement of nature conservation and biodiversity.

Landscape and Visual Impact

This chapter considers the existing landscape/townscape and visual context of the surrounding area and the potential impacts the proposed development would have on the landscape/townscape and visual receptors. The chapter considers the visual impact of the development from 24 viewpoints, as set out on pages 256 – 257 of the August ES.

These viewpoints have been agreed between the applicant and the Local Planning Authority prior to the drafting of the ES and are similar to those used in 2014. This chapter summarises the effects of the construction phase and the operational phase. Overall the landscape and townscape character effects are localised and visual effects would be limited. The proposal is considered to protect and enhance the City's environmental resources, improve flood protection; positively contribute to the design of the urban environment; enhance green strategies and nature conservation corridors and mitigate tree loss along with safeguarding the former canal route and assisting in the realisation of the OCOR Flood defence scheme.

The ES summarises that the major adverse effects to landscape relate mainly to the construction phase of the development and that in all cases they change to beneficial effects at the operational stage. The main effect during construction is the removal of the riverine vegetation which needs to be removed in order to construct the OCOR conveyance corridor. In respect of visual impacts the effects during construction will change to beneficial effects at the operational stage due to the establishment of landscaping. In respect of visual amenity and townscape the proposed development

does not result in any substantial adverse impacts or significant and detrimental harm. The recommended mitigation measures through the implementation of the landscape and ecological strategy and the introduction of site wide landscaping will also benefit the area.

Hydrology and Hydrogeology

Two addendums have been submitted in respect of Noise and Vibration, in August and November. The submitted information has been re-consulted upon as detailed within the EIA regulations.

This chapter considers the effects the proposed development will have on drainage, flooding, water quality and water resources along with considering the particular effects on surface and foul drainage systems, potable water demand (drinking water), water-risk and flood risk on-site.

The ES concludes that the environmental effects identified are classified as minor adverse or negligible insignificant during both construction and operational phases. Mitigation for flood risk is proposed through re-profiling and raising existing levels on-site and providing on-site flood alleviation. The flood mitigation will also facilitate the Our City Our River scheme which aspires to reduce flooding in the surrounding area and across City.

Land Contamination and Ground Conditions

This chapter focuses on the land contamination and ground conditions of the site, particularly considering ground contamination and the potential effects on human health, surface water and ground water through the disturbance of contaminated ground.

During construction the environmental effects are considered to be negligible or minor adverse effects and these are not considered to be significant. That being said the temporary mobilisation of contaminants can occur where areas of contaminated land are opened up for construction and rainfall occurs. This may result in the migration of contaminants resulting in a potential temporary minor adverse effect to ground water and the River Derwent along with an un-named water course to the east.

During operation effects are considered to be minor to moderate beneficial effects, as these are associated with the placement of clean soil or hardstanding and a formalised drainage system thereby reducing the risks to human health and the quality of ground water and surface water. Overall these benefits are considered to be significant.

Climate Change

Two addendums have been submitted in respect of Climate change, in August and November. The submitted information has been re-consulted upon as detailed within the EIA regulations.

This chapter of the ES considers relevant planning policy along with the construction and operational effects on Climate Change.

The ES, in respect of Construction has identified that there will be adverse effects arising from emission of greenhouse gases. In accordance with IEMA guidance any increase in greenhouse gases has the potential to have a significant effect. The

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chapter sets out a comprehensive mitigation strategy, page 342 of the August ES, it is considered that the effects on climate change can be reduced.

Overall greenhouse gases emissions from land use change through loss of short rough grassland are considered to be negligible and not significant.

In respect of the operation phase this chapter has identified an adverse effect arising from the emissions of greenhouse gases when compared with the baseline scenario. In accordance with IEMA guidance any increase in greenhouse gases has the potential to have a significant effect. It is considered that through the implementation of the mitigation proposed on page 343 of the August ES, the proposed development's climate change effects through direct and in-direct greenhouse gas emissions, its vulnerability to climate risks and its potential for inter-related climate change and environmental impacts could be lower than a comparable benchmark development. In the context of national and sectoral greenhouse gas emissions it is not considered that this development would be likely to represent a significant contribution to the UK carbon budget or sectoral average emissions.

Cumulative Effects

This chapter considers the effects of the proposed development with the effects of other developments. These effects maybe for a temporary period through construction or permanent effects through operation, for Socio-Economic Factors, Traffic and Transport, Air Quality, Noise and Vibration, Ecology and Nature Conservation, Landscape and Visual Amenity, Hydrology and Hydrogeology, Land Contamination and Ground Conditions and Climate Change.

The chapter concludes that there are no significant adverse effects anticipated for any topics when considering the proposed development in combination with other proposed developments detailed within Appendix 3.1 of the ES August.

Conclusion

Overall the ES demonstrates that there are no significant adverse effects which will result from the proposed development. The ES has taken a front loading approach which has meant that a number of measures have accounted for the likely impacts associated with the new development and lessened their effect to within acceptable levels.

2. Relevant Planning History:

Application No:	19/01351/NONM	Type:	Non-Material Amendment
Decision:	Granted Conditionally	Date:	10/10/2019
Description:	Enabling infrastructure works prior to change of use of existing undeveloped land to open space including flood alleviation conveyance corridor, top soil stripping and earthworks re-modelling within the wider outline planning application site for mixed use employment development - Non-Material Amendment to previously approved Permission DER/08/17/01099 to re-position the maintenance access ramps.		
Application No:	08/17/01099	Type:	Variation of Condition
Decision:	Granted Conditionally	Date:	01/12/2017

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Description:	Enabling infrastructure works prior to change of use of existing undeveloped land to open space including flood alleviation conveyance corridor, top soil stripping and earthworks remodelling within the wider outline planning application site for mixed use employment development - Variation of Condition No's 1,4, 5, 6 and 7 of previously approved Permission DER/05/15/00698 - Derby Triangle Wyvern Way Derby
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Application No:	01/16/00087	Type:	Local Council Devt Reg 4
Decision:	Granted Conditionally	Date:	12/04/2016
Description:	A52 Wyvern Transport Improvements scheme - The scheme involves the realignment of A52 Wyvern junction, replacement footbridge and associated embankments, highway, accommodation and earth works. The areas requiring Planning Permission are as follows; Replacement footbridge from Meadow Lane to Wyvern Way over the A52 Realigned junction from the A52 to Wyvern Way Construction of a new pumping station and associated earthworks to the south of Wyvern Way. Accommodation works including new access road to Toys 'R' us car park Construction of a new noise bund to the North of the A52		

The above application sought detailed approval of the A52 Wyvern Transport Improvement Scheme which seeks to reduce congestion and ease traffic movements both into the Wyvern Retail Park and Pride Park. Works are due for completion in 2020.

Application No:	05/15/00698	Type:	Full Planning Application
Decision:	Granted Conditionally	Date:	06/04/2016
Description:	Enabling infrastructure works prior to change of use of existing undeveloped land to open space including flood alleviation conveyance corridor, top soil stripping and earthworks re-modelling within the wider outline planning application site for mixed use employment development.		

The above application sought to secure detailed planning of the 'Our City Our River' Conveyance Corridor. Works have not yet commenced on site following the determination of this application and amendments have been made to the scheme as set out above.

Application No:	02/15/00210	Type:	Outline Application
Decision:	Granted Conditionally	Date:	04/12/2015
Description:	With full details of 'Package 1' for flood defence works along the river corridor involving: demolition of existing buildings, boundary treatments and flood defence walls, removal of existing flood embankments, vegetation and trees, the raising, strengthening, realigning and construction of new flood defence walls, embankments, access ramps and steps, demountable flood defences and flood gates, the construction of replacement buildings, structures and community facilities, alterations to road, footpath and cycleway layouts along with associated and		

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	operational development in the form of ground works, archaeological investigation works and landscaping works to reinstate sites with environmental enhancements included.
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Works relating to OCOR have commenced within the Package 1 area and are nearing completion. Further mitigation works for OCOR are under construction within sections of the Package 2 & 3 areas , but the main flood alleviation works are yet to commence within both the package 2 and 3 areas, the timescales are not known as funding is not in place to deliver these remaining measures.

The application site is within package 3 and is in an outline format only. The above application under code no. DER/05/15/00698 (as amended) was submitted and determined as a full application and therefore supersedes the details in the outline planning application.

Application No:	11/14/01570	Type:	Outline Planning Application
Decision:	Withdrawn	Date:	12/04/2019
Description:	A mixed use employment development, comprising Use Class B1 - Business, Use Class B2- General Industry, and Use Class B8 - Storage and Distribution, additional employment Uses including car showrooms, a public house, restaurant, and retail store. Associated development including site re-grading, flood alleviation works and safeguarding of land for widening of Wyvern Way And Derby And Sandiacre Canal Restoration Project. Approval is sought for two accesses from Wyvern Way, with all other matters to be reserved.		

Application No:	03/07/00495	Type:	Outline Planning Application
Decision:	Granted Conditionally	Date:	19/07/2011
Description:	Complete restoration of former Derby Canal being 20km in length from Sandiacre via Derby City to Swarkestone		

This application sought to secure the alignment and route of the canal and was submitted in outline. The application was granted 19 July 2011 with a ten year time limit for the submission of the reserved matters application. No reserved matters applications have been received by the Local Planning Authority at the time of writing this report.

Although, it should be noted that restoration of the canal has commenced outside of the City Administrative Boundary and Wheldon Homes, in Spondon sought to reinstate a small proportion of the canal as part of their application. However this is outside of the above outline planning application.

3. Publicity:

Neighbour Notification Letter sent 12 November 2019

Site Notice erected 9th April, 10th September and 12 November 2019

Statutory Press Advert published 19th April, 6th September and 12 November 2019

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

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No neighbour notification letters were sent as part of the initial and second round of consultation as per the requirements of the Council's adopted Statement of Community Involvement however as a letter was received as part of the earlier consultation processes this individual has been notified by letter.

4. Representations:

No third party representations have been received.

5. Consultations:

5.1. Highways England:

No objections raised.

Council's Reference: 19/00491/OUT

Referring to the planning application referenced above, and consultation dated 12 November 2019, for a mixed use development, comprising use class B2 (general industry) and use class B8 (storage and distribution), associated development including site re-grading, flood alleviation works, provision of access from and alterations to Wyvern Way and safeguarding of land for the Derby and Sandiacre Canal restoration project; approval is sought for two vehicular accesses from Wyvern Way, with all other matters to be reserved at Derby Triangle, Wyvern Way, Derby, notice is hereby given that Highways England's formal recommendation is that we:

b) recommend that conditions should be attached to any planning permission that may be granted (see Annex A – Highways England recommended Planning Conditions);

Highways Act Section 175B is not relevant to this application.¹ This represents Highways England's formal recommendation and is copied to the Department for Transport as per the terms of our Licence.

Background

Highways England reviewed previous proposals at this site in January 2017 (application reference 11/14/01570), and from discussions at that time with the local authority, it was considered that Phase 1 of the development could be accommodated before the A52 Congestion Management and Integrated Transport Scheme is complete. Highways England therefore responded recommending the application be approved on condition that no more than Phase 1 of the development is brought into use before the A52 Congestion Management and Integrated Transport Scheme is complete and open to traffic. Application 11/14/01570 proposed the majority of the development to be B1 offices, however this was revised in April 2019 through planning application 19/00491/OUT proposing a greater mix of B2 and B8 units. This change, which Highways England commented on in April 2019, led to a significant reduction in the number of vehicle trips that the development was expected to generate. This raised no concerns regarding the traffic impacts and Highways England recommended the same condition as detailed above be attached to any grant of planning permission.

In September 2019 Highways England provided a response to a re-consultation for planning application 19/00491/OUT, which proposed a new quantum of B2 and B8

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use, maintaining a reduction in terms of traffic generation to what was proposed under application 11/14/01570. The lack of modelling work to support application 19/00491/OUT was noted however our review of the Transport Assessment for application 11/14/01570 indicated that the traffic impacts of the development on the SRN can be managed by the A52 scheme. We also noted in our September 2019 response that the 'Phase 1' element of the proposed development plans had been removed, and following discussion with the Local Planning Authority it was understood that the A52 scheme would be open in advance of any development occupation.

As the revised development proposals under application 19/00491/OUT would generate less traffic than that proposed under the previous application, we recommended the application be approved on condition that the A52 Congestion Management and Integrated Transport Scheme be completed and open to traffic prior to the development being occupied.

This re-consultation follows consultee responses to the August 2019 Environmental Statement, and we note that the amendments made to address these comments do not result in significant changes to the proposals. We have reviewed the updated trip generation figures and the revised drawing for the A52 Congestion Management and Integrated Transport Scheme, and do not consider that these changes will have a material impact on the operation of the A52. As such our position remains unchanged from our September 2019 response, with the exception of our proposed condition now referring to the updated A52 scheme.

We therefore recommend the following condition be attached to any grant of planning permission: No part of the development shall be occupied prior to the A52 Congestion Management and Integrated Transport Scheme as shown in drawing HD12092-000-035 rev M being complete and open to traffic.

Reason: To ensure that the A52 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 by minimising disruption on the trunk road resulting from traffic entering and emerging from the application site and in the interests of road safety.

5.2. Highways England A38 Junction Scheme:

Thank you for consulting the A38 Derby Junctions project team about this planning application. We have no comments in relation to the major scheme, but you will no doubt also have consulted our colleagues in Highways England's Operations Directorate Spatial Planning team (copied in), who will reply separately as appropriate.

5.3. Highways Development Control:

The above application is seeking outline planning consent for employment uses (B2 19662 sqm, B8 Parcel Distribution 26244 sqm and B8 General 19637 sqm) with all detailed matters reserved for consideration at a later date with the exception of access. Access in this context, refers to connection to the highway network and travel to and from the site by all modes. The design of the roads within the

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application area will be considered at a later date via a reserved matters planning application.

The above application is directly affected by two major infrastructure schemes promoted by Derby City Council (DCC) as well as the safeguarded route for Derby Canal. The infrastructure projects are:

1. the 'Our City Our River' (OCOR) flood prevention scheme;
2. the improvement of the A52 Pride Park access (the Highway scheme).

For comments on the OCOR flood prevention scheme and Derby Canal please see comments by others, the Highway Scheme is considered below.

National Planning Policy Framework (NPPF) 2018

NPPF and sets out 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 will use NPPF to test the suitability of the above proposal should the application go to appeal.

Paragraph 108 of the NPPF (2018) 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.

Considering the above criteria I make 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 and encouragement for future residents to choose to travel by non-car modes, wherever this is realistic and feasible.

Walking – The site is fairly remote in terms of employees walking to the site, however walking routes are available through Pride Park, along Chequers Road and alongside the river. The proposed A52 highway scheme also provides a new bridge across the A52 to connect to the community at Chaddesden. In respect of facilities for future employees, there is a range of facilities available at the Wyvern Retail park and these are within walking distance of the development. The A52 highway improvement

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scheme will provide controlled crossings across Wyvern Way to ensure pedestrians wishing to visit the retail park can do so safely.

Cycling – There are existing cycle routes through Pride Park, along Chequers Road and alongside the river linking to the City and residential areas to the south. The proposed highway scheme will provide cycle ways on both sides of Wyvern Way as well as providing a cycleway across the A52 via a new bridge.

Public Transport – the ‘Park and Ride’ bus service operated by Arriva runs between the City and Stanier Way, via Wyvern Way, consequently this bus service is accessible from the development site.

b) safe and suitable access to the site can be achieved for all people; and

Access to the site is proposed to be taken from two points on an improved Wyvern Way. Access will be taken from a traffic signal controlled crossroads at Pullman Road and from a fourth arm on an improved Wyvern Road/Stanier Way roundabout, as shown on Drg No P010 Rev P14. The two points of access are to be linked by means of the internal roads. This arrangement is considered to be a safe and suitable form of access to the development (see conditions below).

Parking and Servicing – parking and servicing will considered at a later date, see condition below.

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,

The Council is currently undertaking major improvements to the A52 and this scheme is being enhanced to accommodate the above development. The changes to the scheme are being funded by the developer by means of a S106 payment to the Council.

It should be noted that the drawings of the proposed changes to the A52 highway scheme submitted with the application, where submitted to aid negotiations relating to the level of developer contribution. The scheme that will be delivered is shown on Drg No HD12092-000-035.

Traffic Modelling – Please see the review of the TA Addendum on the planning website. However my planning transport colleagues conclude:

“The submitted TA addendum has sought to address the concerns raised in response to the initial TA submitted in August 2019.

The revised trip generation has provided a robust estimate of the more intensive land use of B8 parcel distribution. The trip generation has provided a trip envelope for AM and PM peak. Any trip generation that is likely to exceed the trip generation will require further analysis.

The addendum has carried out suitable junction modelling in order to assess the proposed development against the completed DCC Wyvern Way improvements. The junction modelling has shown that the development is unlikely to cause a severe impact.

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The provision of an active travel link from the north of the site has been explored but is not possible due to engineering and land constraints. The development is providing a multi user path along its frontage with Wyvern Way. The provision of sustainable travel infrastructure within the site will be monitored closely during the development phases.

There are no objections from Transport Planning subject to the trip envelope condition discussed above.”

Conclusion – No highway objection subject to the following conditions and notes.

Suggested Conditions and Notes

- 1) The transportation assessment has been based on the following quantum of each land use B2 19663 sqm, B8 (Parcel Distribution) 26244 sqm and B8 (General) 19637 sqm. The quantum of each land use shall not exceed the figures shown above unless agreed in writing by the LPA.

Reason: to ensure the transportation impact is properly assessed.

- 2) Prior to any development commencing on the application area:
 - a. a wheel washing facility constructed in accordance with details to be submitted to and approved in writing by the LPA shall be fully operational, unless otherwise agreed with the LPA;
 - b. details of the Construction Management Plan including details of a construction access and routing for construction traffic has been submitted to and approved in writing by the LPA;
 - c. A phasing plan shall be submitted to and approved in writing by the LPA detailing the maximum amount of development floor space to be operational before the two points of access into the site are linked by means of a suitability designed internal road network.
 - d. Details of the internal road system shall be submitted to and approved in writing by the LPA.

Reason: In the interests of highway safety and to ensure a safe and suitable form of access is provided.

- 3) Prior to any development within the application area becoming operational the A52 improvement scheme shall be constructed and available for use by the public, unless otherwise agreed by the LPA.

Reason: in the interests of highway safety.

- 4) Prior to any development becoming operational the details of the delivery of the measures as set out in the ‘Derby Triangle Travel Plan’ bearing the name Atkins and dated August 2019 shall be submitted to and approved in writing by the LPA.

Reason: In the interests of highway safety and promotion of sustainable modes of travel.

- 5) Servicing and parking provision shall be provided in accordance with details to be submitted to and approved in writing by the LPA

Reason: to ensure adequate parking and servicing are provide at each unit

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5.4. Transport Planning:

This technical note provides a formal response to the TA Addendum submitted. The TA addendum has been submitted in order to address the concerns raised in relation to the previous TA submission in August 2019.

Trip Generation and Assessment Methodology

The concern raised with the August TA submission was the trip rate provided for the B8 land use did not address the more intensive use of B8 Parcel Distribution. The addendum now includes a revision of the trip rates should provide a suitable and robust prediction of the sites trip generation.

The revised trip rates are as follows;

Land Use	Am Peak			Inter-Peak			PM Peak		
	In	Out	2-way	In	Out	2-way	In	Out	2-way
B2	1.297	0.354	1.651	0.209	0.975	1.117	0.200	0.979	1.179
B8 Parcel Distribution	0.333	0.433	0.766	0.167	0.200	0.367	0.500	0.300	0.800
B8 General (Commercial warehouse and Self-Storage)	0.173	0.125	0.298	0.066	0.201	0.267	0.053	0.370	0.423

The predicted trip generation is below;

Land Use	Am Peak			Inter-Peak			PM Peak		
	In	Out	2-way	In	Out	2-way	In	Out	2-way
B2	255	70	325	41	192	220	39	193	232
B8 Parcel Distribution	87	114	201	44	52	96	131	79	210
B8 General (Commercial warehouse and Self-Storage)	34	25	59	13	39	53	10	73	83
Totals	376	208	584	98	284	368	181	344	525

The estimated trip generation has been calculated based on the following land use proportions;

B2 – 19,663sqm (30%)

B8 - Parcel Distribution 26,244sqm (40%)

B8 general – 19,637sqm (30%)

The addendum has adopted a trip envelope approach in which the two-way trips for the Am and Pm peaks have been combined. It correctly notes that any exceedance of the trip envelope would require additional assessment of the highway's capacity to accommodate such an increase.

Utilising a trip envelope is acceptable. However, it is unclear as why the two peaks have been combined. The envelope should address each peak in isolation. The combination of the peaks could still allow for an unacceptable impact in either peak.

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For example, the trip generation in the AM peak could create an unacceptable impact but would not trigger additional assessment as long as the PM peaks trips reduce and the combined figure does not exceed the envelope. As such, the trip envelope approach is only acceptable if the peaks are considered in isolation. It must also be noted that the trip envelope has been established on the land use proportions assessed and noted above.

The proposed land uses are likely to trigger additional assessment in the Am or Pm peak before the Inter-peak is materially affected. Previous Inter-peak trips that were generated by retail land uses have now been removed and any inclusion of these uses at a future date would require additional planning consent. As such, it is not considered that the envelope approach needs to include the Inter-peak period.

In light of the above, a condition that implements the trip envelope for the individual Am and Pm peaks, based on the assessed land use proportions, that meets the conditions test will be required.

Junction Modelling

The revised trip generation above has been applied to DCC's Linsig model developed for the Wyvern improvements scheme.

It is noted that the model provides a robust assessment and has been run in a number of scenarios of various network peaks that have been identified by DCC.

A summary of the results from the Linsig model have been presented within the report. Notably, the weekday Pm peak operates at a negative Practical Reserve Capacity (PRC) of -4.8% under baseline conditions and -8.2% with the development. This is a reduction of 3.4% and the impact is focussed on the Derwent Parade arm of the Wyvern Way Roundabout. The reduction of 3.4% is not considered to be a severe impact.

The largest reduction in PRC is seen in the AM peak in which the PRC drops from 36.1% to 16.0% during the weekday and a 36.2% to 16.1% on the Friday. The model results show that whilst the development has an impact, the local highway has sufficient capacity to accommodate the anticipated traffic generation.

The TA addendum notes that the previous TA provided a package of measures along Wyvern Way and that the Derby Triangle site is not dependant on the delivery of the revised DCC scheme. The package of measures identified and subsequent modelling was an academic process conducted in order to establish the impact of the Derby Triangle site for the ongoing S106 discussions. The measures do not constitute an operational solution. As a result, it is misleading to suggest that they could accommodate the Derby Triangle site in lieu of the DCC A52 Wyvern Transport Improvements.

Access Strategy, Sustainable Travel and Travel Plan

Previous comments from DCC requested the investigation of an active travel link to the northern boundary of the site to create a more direct link to Derwent Parade. The addendum notes that consideration has been made in regards to the link but the work is constrained by land ownership outside of the development boundary and significant engineering challenges.

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It is noted that the applicant is to provide active travel provision along Wyvern Way including a shared use path along the eastern perimeter of the site.

It is important to make sure that opportunities for active travel are maximised and this will be given further detailed consideration in conjunction with the Travel Plan through the reserved matters applications.

Conclusion

The submitted TA addendum has sought to address the concerns raised in response to the initial TA submitted in August 2019.

The revised trip generation has provided a robust estimate of the more intensive land use of B8 parcel distribution. The trip generation has provided a trip envelope for AM and PM peak. Any trip generation that is likely to exceed the trip generation will require further analysis.

The addendum has carried out suitable junction modelling in order to assess the proposed development against the completed DCC Wyvern Way improvements. The junction modelling has shown that the development is unlikely to cause a severe impact.

The provision of an active travel link from the north of the site has been explored but is not possible due to engineering and land constraints. The development is providing a multi user path along its frontage with Wyvern Way. The provision of sustainable travel infrastructure within the site will be monitored closely during the development phases.

There are no objections from Transport Planning subject to the trip envelope condition discussed above.

5.5. A52 Junction Improvement Scheme Project Team:

To be reported

5.6. Environment Agency:

The proposed outline planning permission will only be acceptable if the following planning conditions are included.

Flood Risk Condition

Before implementing each phase of development approved by this planning permission a scheme which details the: Proposed ground levels for the whole platform in m AOD, also an explanation on how these levels relate to the 1 in 100 year including climate change flood level, and,

- Finished floor levels for all proposed buildings in m AOD, also an explanation on how these levels relate to the 1 in 100 year including climate change flood level, shall be submitted to, and approved in writing by, the local planning authority.

The scheme shall be fully implemented and subsequently maintained, in accordance with the scheme's timing/ phasing arrangements, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To reduce the risk of flooding to the proposed development and its future users.

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Although we are satisfied at this stage that the proposed development could be allowed in principle, the applicant will need to provide further information to ensure that the proposed development can go ahead without posing an unacceptable flood risk to Wyvern Way Chaddesden (Derby Triangle).

We note from the submitted flood risk assessment (ref: 70005027 FRA002 Rv3, compiled by WSP, August 2019 (section 1.5.3)) that the current application does not propose any modifications to the previously proposed flood alleviation scheme as outlined in the previous enabling works application and subsequently approved (planning reference 08/17/01099). It is important that the Environment Agency is re-consulted if subsequently any modifications to the flood alleviation scheme are proposed as part of the current application.

Protection of 'Controlled Waters'

In addition to the previous reports submitted (and reviewed by the Environment Agency) we are aware that a Supplementary Ground Investigation is currently in production (Atkins, 2019) and will be reported separately once it is completed. We welcome this and look forward to receiving the results of the investigation and any interpretation in due course. In the meantime we iterate our comments made previously and hope that in any further reporting, the points outlined below are addressed.

We have reviewed the following two documents:

1. Ground Conditions Report, Atkins, August 2016
2. Environmental Statement (ES), March 2019 Ch11 and Ch12, and have the following comments to make:

The most recent sampling was undertaken in 2015 and this along with previous intrusive investigation results, are discussed within the Ground Conditions report. At this stage we do not fully support the conclusions of the report that there is no current risk to controlled waters and therefore no remediation of controlled waters is required. Rather, the data suggests that there is a source of contamination on site containing both organic and inorganic contaminants, some of which have also been identified as elevated in the shallow groundwater and some in the nearby River Derwent.

We agree with the proposals within Ch 12 of the ES for further surface water and groundwater sampling for testing and assessment, particularly as samples have not been taken for over 3 years; and therefore an updated water quality situation assessment would be welcomed. Any further sampling should include sufficient sampling to get a better understanding of whether contamination previously identified in shallow groundwater at the site is derived from previous site uses or off site activities. Therefore a good spread of up gradient, mid-site and down gradient boreholes should be sampled to ensure such an assessment can be made.

Following this we welcome proposals to produce and submit a final remediation/monitoring strategy and a piling risk assessment. We welcome proposals for positive drainage of surface water as opposed to soakaway type drainage at this site. We also request a copy of the following technical note referred to in the Ground Conditions report and an update to the technical note if deemed necessary: Atkins

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Technical Note: Updated Soil gas and Groundwater Assessment TN01, dated February 2016.

Condition:

No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme 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 in line with paragraph 170 of the National Planning Policy Framework.

Prior to any part of the permitted development being brought into use, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 170 of the National Planning Policy Framework.

Biodiversity

We have reviewed the latest information submitted relating to biodiversity and after considering these we would still require the following conditions to be attached to any permission granted.

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Condition:

No development shall take place until a scheme for the provision and management of the 45m wide buffer zone / flood conveyance zone alongside the River Derwent is submitted to and agreed in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority. The buffer zone / flood conveyance zone scheme shall be free from built development including lighting, domestic gardens and formal landscaping; and will form a vital part of green infrastructure provision. The scheme shall include:

- plans showing the extent and layout of the buffer zone including cross sections of the scrapes and fish refuge elements of the scheme
- details of any proposed planting scheme (for example, native species of local provenance, % of habitat types)
- details demonstrating how the buffer zone will be protected during further development phases
- how the buffer zone / flood conveyance zone will be managed/maintained over the longer term including adequate financial provision and named body responsible for management plus production of detailed management plan
- details of any proposed footpaths, fencing etc.

Reason: Development that encroaches on watercourses has a potentially severe impact on their ecological value. Land alongside watercourses is particularly valuable for wildlife and it is essential this is protected. For example all lighting on the development site should be directed away from the buffer zone / flood conveyance zone.

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.

This condition is also supported by legislation set out in the Natural Environment and Rural Communities Act 2006 and Article 10 of the Habitats Directive which stresses the importance of natural networks of linked corridors to allow movement of species between suitable habitats, and promote the expansion of biodiversity.

Important Note:

Advice to Applicant / LPA regarding the discharge of the above Condition

Chapter 9: Ecology and Nature Conservation (para 107) of the submitted Environmental Statement II states, "...The 45m wide flood zone to be created along the west of the Site as part of the OCOR scheme will be designed to provide new habitats of value to wildlife. This area will be managed by the Environment Agency."

We seek further clarification regarding this issue since at this stage we can find no record of the Environment Agency agreeing to undertake the management of this

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zone. Rather, we would expect this to be the responsibility of the developer/ riparian owner.

Condition:

No development shall take place until a landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas (except privately owned domestic gardens), shall be submitted to and approved in writing by the local planning authority. The landscape 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:

- detailed plans showing the extent and layout of the site landscaping, including cross sections
- detail , extent and type of new planting (NB planting to be of native species of local provenance, % of habitat types)
- details of maintenance regimes over the longer term including adequate financial provision and named body responsible for management plus the production of a detailed management plan
- details and type of any new habitat created on site
- details of treatment of site boundaries and/or buffers around water bodies
- details of management responsibilities
- confirmation that the presence of any Japanese knotweed on the site will be appropriately addressed.

Reason: This condition is necessary to ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site in line with national planning policy. There is plenty of scope within the built environment to incorporate elements that are beneficial for nature conservation.

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 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 in line with paragraph 170 of the National Planning Policy Framework.

5.7. DCC Land Drainage:

Comments received to August Addendum Report:

No objection subject to conditions.

1. Watercourses and surface water flood risk

It has now been demonstrated that the outlined planning application addresses access to the watercourse and that the proposals can be conditioned to ensure the final layout maintains the access.

2. Vulnerability classification:

It has now been confirmed that the Public House which was a more vulnerable use has now been removed which increases site safety. Site use should be kept to less vulnerable and a dry access – egress route provided to ensure that site can be evacuated safely in flood conditions. This can be conditioned.

3. Fluvial flood modelling.

Provided to EA have accepted the flood modelling we raise no further objection. The flood outlines approved by the EA should be used to develop a safe evacuation route for the detailed design.

4. Groundwater flood risk:

Groundwater flood risk has been analysed for the development. This demonstrates that groundwater elevation within the development, caused by high river levels, can be managed. The detailed design will need to be conditioned.

It should be noted that the seepage analysis does not fully consider the potential of increased seepage from high river levels to Wyvern Way which is lower than the development site. However Black & Veatch have confirmed that this is unlikely to occur however it is recommend that the OCOR project team have this checked given the recent flood event in this area.

5. SuDS drainage:

The drainage proposals have now been revised and now indicate that the site can be drained by sustainable means to a sufficient level for an outline application. The detailed design can now be conditioned. It should however be noted that the final solution may require attenuation with the plots.

5.8. Our City Our River:

The flood conveyance corridor construction is in line with the previously agreed design and is therefore acceptable. The southern end of the flood bund has been amended to accommodate previous concerns regarding flood water hitting the railway embankment at an oblique angle and is acceptable.

The designer has commented that there is no flow route for flood water around the southern edge of the proposed site – the ground levels provided are 44.15mAOD. Section AA on the drawing supplied (RP-02 rev.D March 17) gives a flood water level in this location of 44.42mAOD with the flood bund set 500mm above this level to include freeboard. For this reason the proposed flood bund should be extended, at the Flood Defence Level, to meet the railway embankment thereby removing the flow path for flood water around the southern edge of the development. [An OCOR scheme Peak Water Level of 44.16mAOD is for epoch 3 with only the package 1 defences being completed.]

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The inclusion/relocation of maintenance access ramps is acceptable. Design and construction of the A52 road scheme is still underway and OCOR is unclear of the final surface water drainage and requirement for access through the underpass and cannot therefore comment on the finished levels at the northern end of the site. Severn Trent Water will need to be assured that their outfall does not become drowned any earlier or more regularly as a result of the development.

5.9. Environmental Services (Health – Land Contamination):

The full 2014 Atkins assessment report is included within the ES Appendices however a copy of the 2012 Wardell Armstrong report does not appear to have been submitted with the application.

Please note that these 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 consultation comments provided relate to human health risks. I refer you to the Environment Agency for comments on any conclusions in the submitted documents concerning risks that may exist to controlled waters, since this is outside the remit of our own comments.

Phase I Desk Study Atkins 2016

1. The site is approximately 29.5 ha and the Phase I report corresponds well with the site boundary in the application drawing ref: 11-223P001.
2. From mainly the summary of the reports and other information contained within:
3. The site comprises a relatively flat rough grassed area with the exception of a large soil stockpile which encroaches on the southwestern area of the site and a soil bund which extends part way along the north eastern site boundary. A deep drainage ditch is present on site adjacent to Wyvern Way which lies to the northeast of the site. A concrete underpass beneath Derwent Parade is present beyond the northern corner of the site. Two pumping stations, surrounded by palisade fencing, and a sluice gate which connects the pumping stations, are present offsite to the west of the Phase 1 site. The site is bounded to the northeast by Wyvern Way and to the southeast and southwest by the wider Derby Triangle site. A railway line is present approximately 140m to the southeast of the site and the River Derwent is located approximately 70m to the southwest of the site. A large ponded area which was previously present in the northwest of the site is known to have been backfilled with topsoil during site enabling works carried out in 2015.

A small watercourse is present approximately 120m to the south of the site. The watercourse is orientated in a northeast to southwest direction and is culverted beneath the railway to the south.

Landfill

The site is a recorded landfill, which commenced filling in 1984, with the majority of fill comprising inert demolition and construction waste, including soils, stone, brick and concrete. A Waste Management Licence was consented by Derbyshire County Council in 1984, which became an Environmental Permit from 2008, regulated by the

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Environment Agency. The original Licence restricted the waste to inert and non-flammable, non-hazardous industrial waste. This was modified in 2001 to restrict the waste types to subsoil, topsoil, rock, clay, sand, tile, slate, brickwork, concrete, silica, glass, pottery, china, enamels, ceramics, mica, and abrasives. Foundry sands could be accepted if they met an agreed analysis. The site was completed and closed voluntarily by the operator Lafarge, in line with a Closure Plan submitted to the Environment Agency (EA). No further waste was recorded to have been accepted at the site after December 2007.

Site investigations

Atkins testing of stockpiles 2013

Atkins was commissioned by St. Modwen to carry out soil sampling, testing and a contamination assessment for stockpile mounds on the wider Derby Triangle site. Three soil stockpiles were investigated, one large stockpile (which encroaches onto the southwestern area of the Phase 1 site and two elongate soil bunds, one running along the north eastern Phase 1 site boundary and the other, running adjacent to the River Derwent approximately 15m to the west of the northern part of the site. No visible or factory evidence of contamination was present in any of the trial pits. Chemical testing was carried out on the topsoil samples. The results were initially screened against a conservative 'Residential With Plant Uptake' end use as at the time of the investigation a mixed residential and commercial end use was being considered. The laboratory soil testing results indicate that twelve of the thirteen samples recorded exceedances of the GAC for Lead. All of the other determinants tested for were below the relevant GACs. Asbestos was not encountered in any of the samples tested. When the concentrations of Lead were compared to the SSV for a Commercial end use, there were no exceedances. The soil was therefore considered suitable for use in a commercial development. Given the organic content, the soil was considered unlikely to be appropriate for use as engineered fill, but could be used in commercial areas as non-structural or landscaping fill.

Atkins Phase I summary of site investigations of site

Chemical testing of the forty soil samples selected indicate that there were exceedances of Benz(a)anthracene, Benzo(b)fluoranthene, Benzo(a)pyrene, Indeno(123cd)pyrene and Dibenzo(ah)anthracene with respect to human health screening values for a commercial end use.

For either the Commercial or the Open Space end-uses, the provision of clean cover comprising 600mm of 'clean' soil (in any landscaped / open space areas); or any thickness of bound hardstanding layer e.g. roads, car parks, footways (likely to at least 200mm thick) would provide suitable mitigation to break the pathway between the contaminants identified and site end users. Asbestos fibres were detected within nine of the thirty five soil samples initially tested between 0.1m and 5.0m bgl. When four of the samples were re-screened (TP501A, TP519A, TP520 and CP306), in preparation for Asbestos quantification testing, the results indicated that none of these four samples contained asbestos. Asbestos quantification tests carried out on the five remaining samples which were identified as containing asbestos, indicated an Asbestos Quantification (total). It is recommended that a specialist Asbestos Consultant is engaged to carry out a detailed assessment of the risk from asbestos within the site soils. It is possible that the 600mm clean cover proposed as mitigation

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for the elevated soil contaminants will also provide a suitable break layer to mitigate any risk from asbestos within the Made Ground however, the final details of the clean cover layer would need to be confirmed by a specialist Asbestos Consultant.

The SSVs are protective of long term exposure to contaminants, in the short term, the potential risks to construction workers and the public during the works will need to be mitigated by good working practice, including appropriate PPE and welfare facilities, and dust control.

Soil leachate testing has identified exceedances of PAH's, comprising Anthracene, Fluoranthene, Benzo(b)fluoranthene, Benzo(K)fluoranthene, Benzo(a)pyrene, Indeno(123cd)pyrene and Benzo(ghi)perylene were found to exceed the relevant EQS or DWS. The exceedances were present in soil leachate tests carried out on samples of Made Ground. The PAH exceedances were found to occur spatially across the site and throughout the Made Ground.

Groundwater samples taken from installations within the cable percussion boreholes and window sample holes indicated exceedances of the same PAH compounds listed above. The elevated PAHs measured within the groundwater could therefore be related to the soil leachability potential identified above or alternatively could be indicative of the general groundwater quality in the wider locality. The groundwater test results indicate that exceedances of Arsenic, Cadmium, Lead, Mercury, Nickel, Selenium, PAH's, TPH C10-C35 aliphatics, TPH C8-C35 aromatics, have been recorded within the samples tested. Leachate testing and olfactory observations suggest that potentially the PAH and TPH in the groundwater may be coming from the overlying Made Ground, but the metals contamination may be mobilising to the groundwater via an off-site source. Surface water testing of samples from the River Derwent, at the upstream and downstream ends of the site, indicate that the site may possibly be one of a number of sources causing exceedances of PAH's within the river.

It is expected that the proposed commercial development of the site will lead to a high proportion of hard cover, which will significantly reduce rainfall infiltration into the underlying soils. This in turn is likely to result in a reduction of any potential contaminants leaching from the site to the adjacent surface water receptors (River Derwent and minor watercourse in the eastern corner of the wider site). It is considered that the site is not currently posing a significant risk to Controlled Waters and therefore no site remediation is required specifically in respect of Controlled Waters. If de-watering is required during construction, the groundwater should be disposed of appropriately off site, taking into account the measured chemical concentrations or, if agreed with the Environment Agency, pre-treated and returned to ground. Alternatively, disposal to the foul sewer that crosses the site may be possible, subject to pre-treatment and agreement with Severn Trent Water.

The results of the gas monitoring across the wider Derby Triangle site have been considered and have been assessed in Atkins Technical Note: Updated Soil gas and Groundwater Assessment TN01, dated February 2016 Atkins Technical Note: Updated Soil gas and Groundwater Assessment TN01, dated February 2016. However this report was not provided with the submitted documents to be able to review.

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Elevated methane levels have generally been recorded across the wider Derby Triangle site during the monitoring period, but especially high levels of methane (up to 82.7% v/v in CP302) have been typically been recorded in CP301, CP302, CP902 and WS403, which all lie in the northern part of the wider site. Of these boreholes, CP301 and CP902 lie within the Phase 1 site and WS403 lies adjacent to the west. However, significant concentrations of methane have also been measured in other areas of the site e.g. >30% methane in CP909 and CP910, in the eastern part of the wider site (both within the Phase 1 site). Elevated levels of Carbon Dioxide have also been recorded in the majority of boreholes across the site with up to 19.7% v/v being recorded in CP301.

Apart from CP301, which initially recorded a maximum steady state gas flow rate of 22.3l/hr and WS402 which recorded a maximum steady state flow rate of 8.5l/hr, gas flow rates have typically been low. Based on the observed gas monitoring results, the site has been classified as Characteristic Situation 3 for a commercial end use in accordance CIRIA C665, which indicates that gas protection measures are required comprising a gas proof membrane and ventilated sub-floor void.

Gas samples tested from borehole and window sample standpipes where high methane levels were previously recorded were tested to verify the gas composition. The results also indicate that TPH and VOC vapours were present within the tested samples and that after an initial conservative screening, the values may potentially pose a risk to human health through the indoor inhalation pathway. It is therefore recommended that, as a precautionary measure, either gas proof membranes recommended for methane and carbon dioxide are upgraded to ensure that they are also vapour resistant, or a Detailed Quantitative Risk Assessment (DQRA) of the vapour results is carried out at detailed design stage in order to further assess the potential risk. It is recommended that further soil vapour samples from the monitoring standpipes are tested to verify the initial test data. The findings of the contamination assessment were generally consistent with those found in the 2012 Wardell Armstrong ground investigation report i.e. asbestos contamination in the soil, groundwater contamination with PAH, TPH, metals and inorganic compounds, and localised elevated methane concentrations. With the exception of slightly raised cadmium between the upstream and downstream river samples, Wardell Armstrong concluded that soil and groundwater contaminants recorded on site were not impacting the River Derwent, based on their investigation. Atkins groundwater monitoring did not however, indicate consistently elevated cadmium concentrations at the downstream river samples, with elevated cadmium only being recorded on the first monitoring visit at SW2, and cadmium concentrations being below the GAC during the subsequent monitoring rounds.

Conclusion:

4. The Phase I report recommends that the site has plausible pollutant linkages and a site investigation is proposed to further investigate the risks from soil vapour. The technical report: Updated Soil gas and Groundwater Assessment TN01, dated February 2016: Atkins Technical Note: Updated Soil gas and Groundwater Assessment TN01, dated February 2016, has not been reviewed as it was not available. However the conclusion of this report stated in the Phase I that gas protection measures should be carried out to CS3 for commercial use of CIRIA C665, an uprated membrane to mitigate soil vapours

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has also been recommended. The stock piles are suitable for a commercial end use for human health. A broad site investigation has been carried out, however further delineation of risk of contamination may be required in different phases of the site. The proposed landlord residing on site may need increased risk consideration rather than commercial for soil vapours/ gas. It is considered suitable that the pub garden to be public open space as it is not considered a residential garden. In order to address the above points further separate site investigation of the phased areas where required and remediation schemes should be provided.

Recommendations

Land contamination

5. In order to address the above risks and the conclusions of the Phase I, it is recommended that the following conditions can be applied to any Decision Notice issued:

1. Contaminated Land – Risk Assessment

No development, other than demolition of any buildings or structures, shall commence until an assessment of the risks posed by any contamination shall have been submitted to and approved in writing by the local planning authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), and shall assess any contamination on the site, whether or not it originates on the site. The assessment shall include:

- a) a survey of the extent, scale and nature of contamination;
- b) the potential risks to:
 - human health;
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
 - adjoining land;
 - ground waters and surface waters;
 - ecological systems; and
 - archaeological sites and ancient monuments.

Reason: To ensure that the health risks from land contamination to the future users of the land and neighbouring land are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the aims and intentions of the National Planning Policy Framework 2019 with specific reference to paragraphs 170 and 180 and Policies GD5; E12 and E13 of the Derby City Local Plan, Adopted January 2017.

A pre-commencement condition is required in this case because it is essential to establish before any works takes place the nature and extent of any ground contamination in order to safeguard the health of workers taking part in the development of the site and to ensure the appropriate design and subsequent safe occupation of the development.

2. Contaminated Land – Remediation Scheme

No development shall take place where (following the risk assessment) land affected by contamination is found which poses risks identified as unacceptable in the risk assessment, until a detailed remediation scheme shall have been submitted to and approved in writing by the local planning authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. The remediation scheme shall be sufficiently detailed and thorough to ensure that upon completion the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use.

Reason: To ensure that the health 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 in accordance with the aims and intentions of the National Planning Policy Framework 2019 with specific reference to paragraphs 170 and 180 and Policies GD5; E12 and E13 of the Derby City Local Plan, Adopted January 2017.

A pre-commencement condition is required in this case because it is essential to establish before any works takes place the nature and extent of any ground contamination in order to safeguard the health of workers taking part in the development of the site and to ensure the appropriate design and subsequent safe occupation of the development.

3. Contaminated Land – Verification Report following Remediation Scheme

The approved remediation scheme in condition(1) shall be carried out and upon completion a verification report by a suitably qualified contaminated land practitioner shall be submitted to and approved in writing by the local planning authority before the development or relevant phase of the development is occupied.

Reason: To ensure that the health 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 in accordance with the aims and intentions of the National Planning Policy Framework 2019 with specific reference to paragraphs 170 and 180 and Policies GD5; E12 and E13 of the Derby City Local Plan, Adopted January 2017.

4. Contaminated Land – Reporting of Unexpected Contamination

Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported in writing immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development or relevant phase of the development is resumed or continued.

Reason: To ensure that the health 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 in accordance with the aims and intentions of the National Planning Policy Framework 2019 with specific reference to paragraphs 170 and 180 and Policies GD5; E12 and E13 of the Derby City Local Plan, Adopted January 2017.

5.10 Environmental Services (Health – Air Quality):

Final revised comments – December 2019:

You will be aware that this Department has provided a number of sets of comments regarding air quality implications arising from this application, in response to a number of updates to the Environmental Statement resulting from updates to the scheme design and associated traffic data over the course of the application.

The latest set of comments were drafted on 2nd October 2019 and reference to these comments is advised in conjunction with the below.

A further update to the Environmental Statement (ES) on air quality (Chapter 7) has been submitted, in the form of an Addendum (Environmental Statement Volume II Addendum, dated 8 November 2019). This was prepared as a result of updated traffic data, however the scheme design appears to remain unchanged from the proposals considered by this Department in October 2019.

I would offer the following comments in relation to Air Quality implications arising from the November 2019 addendum on AQ as follows.

ES Addendum – Air Quality (Section 7)

1. The AQ modelling has been updated in line with new traffic data inputs. The modelled scenarios remain the same as for before however, providing predicted annual mean concentrations of NO₂, PM₁₀ and PM_{2.5} in the years 2021, 2025 and 2032, both 'with' and 'without' the scheme in place.
2. Other than an update to the traffic data inputs, the modelling methodology remains identical to that provided previously.
3. The Tables depicting concentration changes resulting from the scheme have been updated accordingly (Tables 7.18 to 7.23).

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4. The updated traffic data has made no notable difference to the air quality data outputs compared with those provided in the August 2019 ES and consequently, the impact descriptors have not changed from those previously outlined.
5. The same can be said regarding the assessment against the EU Limit Values.
6. Pertinently, the same increase in annual average NO₂ arising from the scheme, is predicted at receptor R14 (0.4µgm-3 in 2032), which is a location of particular concern locally.

Conclusions and Recommendations on AQ

This Department's advice therefore remains valid from that provided in our earlier comments of October 2019. I would therefore refer you to that advice.

Revised comments – October 2019

I would offer the following comments in relation to Air Quality implications arising from the amended development as follows.

1. The amended scheme has removed the previously proposed A-class usage elements and as such, is now a scheme proposing only B2 (general industrial) and B8 (storage and distribution) uses across a developed area of 15.5Ha.
2. With a total site area of around 29Ha, the remaining capacity is proposed for roads, landscaping, a 45m flood storage zone along the western boundary and a 10m section allocated along the eastern perimeter for the consented Wyvern Way highway improvements scheme.
3. In light of the changes to the scheme, the Environmental Statement has been amended, primarily as a result of the changes to the traffic data. Consequently, Chapter 7 deals with air quality implications for the development. I can comment on this Chapter as follows.

ES Chapter 7 on Air Quality

4. The assessment still considers both construction dust and operational traffic impacts in accordance with recognised guidance and standards.

Operational Impacts (Traffic)

5. The modelling includes scenarios for a 2017 baseline, 2021 (first occupation), 2025 (interim) and 2032 (completed development scenario).
6. The modelling utilises EFT future emission factors for each year, however a further sensitivity test has been undertaken using slightly less optimistic emission factors utilising AQC's own 'CURED' model. This approach is not as pessimistic as using baseline year emission factors, but does provide additional robustness to the modelling results in terms of future uncertainty.
7. Tables 7.10 and 7.11 indicate that, without the development in place, none of the 15 receptor locations are expected to be in exceedance of the National Objectives for annual average NO₂. The modelling seems to suggest a significant reduction in emissions compared with the 2017 baseline, which highlighted concentrations at 3 receptors well in excess of the Objectives (R7, R14 and R15). Even by 2021, the reduction is significant (a reduction of around

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17%) and therefore suggests that the modelling used in the study could be overly optimistic.

8. Tables 7.18 to 7.23 provide the modelled annual average NO₂, PM₁₀ and PM_{2.5} concentrations with and without the scheme, in 2021 (opening year), 2025 (interim year) and 2032 (completed year).
9. The greatest increase in concentrations resulting from development-generated traffic is now an increase of 0.4µgm-3 (annual average NO₂) at receptors R14 and R15 in the completed 2032 scenario. Generally, the increases are small, at between 0.1 or 0.2µgm-3 at the remaining modelled receptors.
10. This is a lower impact than that predicted for the previous outline scheme (up to 0.6µgm-3) which had included some A-class use elements (retail etc) which have now been replaced by B2/B8 uses.
11. With respect to particulate matter, the increases in annual average PM₁₀ and PM_{2.5} are immeasurable under the modelling in the majority of cases and no greater than 0.1µgm-3 in all cases.
12. The increases are described in the report as 'negligible' under all scenarios and for all modelled pollutants.

AQ Mitigation

13. I note that the same outline mitigation proposals are provided in the ES as those suggested in the previous version, namely:
 - provision of electric vehicle charging points;
 - provision of a travel plan; and
 - provision of pedestrian and cycle access to the new development, including cycle parking.

As previously, there is limited detail to explain how these measures are being incorporated into the development at this outline stage.

Construction Dust Impacts

15. The methodology and proposals regarding construction dust emissions remain unchanged.
16. A Dust Management Plan (DMP) or Construction Environmental Management Plan (CEMP) is proposed in order to provide detailed mitigation measures to be utilised in connection with the construction works. An outline of potential mitigation measures are presented in the ES Appendix 7.1 (A6)

Conclusions on AQ

17. The air quality assessment methodology is robust and is considered appropriate to the scope and scale of the development.
18. However, it must still be acknowledged that a degree of modelling uncertainty exists and consequently, the Environmental Protection Team remains concerned about the increases in NO₂ concentrations, especially those predicted around Receptor R14 at Nottingham Road in Chaddesden, which is the strong focus of the Council's developing Air Quality Action Plan (AQAP), due to continued predicted exceedances of annual average NO₂.

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19. The predicted increase in annual average NO₂ concentrations of 0.4µgm-3 caused as a result of development-generated traffic created by the scheme, would be in direct conflict with the AQAP, especially given the uncertainty around future predictions of NO₂ at this location.
20. Whilst a refusal of planning permission based solely on AQ grounds would be hard to sustain, a high standard of mitigation measures is considered to be an essential part of the scheme, over and above the current proposals.
21. Consequently, should planning permission be granted, the Environmental Protection Team would strongly recommend a condition requiring an Air Quality Mitigation scheme, designed to demonstrate that the development can be considered to be 'air quality neutral'.
22. In this regard, evidence is required to demonstrate that NO₂ reductions arising from the measures are commensurate with the increases predicted to be directly attributable to the development, in order to 'offset' the increases. In this instance, a reduction of around 0.4µgm-3 around Nottingham Road in Chaddesden should be the aim.
23. In addition, the mitigation measures outlined in Section A6 of the ES Air Quality Appendices Document should be incorporated into a Construction Dust Management Plan to be implemented throughout the period of construction. We would also recommend a condition securing this.
24. This is especially pertinent given the scale of the development (with a site area of 289,000m²) and the potential for construction works to continue for many years, with the report currently predicting a 10 year construction programme.

5.11 Environmental Services (Health – Noise):

Final revised comments – December 2019

You will be aware that this Department has provided a number of sets of comments regarding noise implications arising from this application, in response to a number of updates to the Environmental Statement resulting from amendments to the scheme design and associated traffic data over the course of the application.

The latest set of comments were drafted on 9th October 2019 and reference to these comments is advised in conjunction with the below.

A further update to the Environmental Statement (ES) on noise and vibration (Chapter 8) has been submitted, in the form of an Addendum (Environmental Statement Volume II Addendum, dated 8 November 2019). This was prepared as a result of updated traffic data however the scheme design appears to remain unchanged from the proposals considered by this Department in October 2019.

I would offer the following comments in relation to noise implications arising from the November 2019 addendum as follows.

ES Addendum – Noise and Vibration (Section 8)

1. Whereas the earlier ES includes consideration of construction noise, commercial noise and additional traffic noise caused by the development, the November 2019 Addendum relates solely to the amended traffic data and therefore only includes an update to the noise assessment in this regard.

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2. Consequently, construction noise impacts remain unchanged and I would therefore refer you to earlier comments made by this Department in relation to construction noise.

On-site Operational Impacts

3. The calculations provided in the August 2019 ES have been updated to reflect a slightly different number of HGV movements expected on-site following the release of updated traffic data.
4. The conclusions of the assessment remain the same however, with all predicted operational Rated Noise Levels predicted to be below the measured existing background sound levels, in accordance with BS4142:2014 methodology.
5. I would however reiterate the same point made in my earlier comments regarding the location of local sound measurements (around the site boundary) and their lack of relevance to nearby receptors.

Road Traffic Noise

6. The assessment of operational traffic noise has been mirrored for the year 2032, but utilising the updated traffic data.
7. The updated noise assessment has determined a maximum change of +0.3dB, which is slightly lower than the previous assessment's maximum predicted change of +0.4dB.
8. The Environmental Protection Team's interpretation of this change therefore remains valid as for our October 2019 comments.

Conclusions and Recommendations on Noise

9. The November 2019 ES Addendum does not effect this Department's earlier conclusions. I would therefore refer you to the advice provided in my earlier comments of 9th October 2019.

Revised comments – October 2019

I would offer the following comments in relation to environmental noise implications arising from the amended development as follows.

1. The amended scheme has removed the previously proposed A-class usage elements and as such, is now a scheme proposing only B2 (general industrial) and B8 (storage and distribution) uses across the whole developed area of 15.5Ha.
2. With a total site area of around 29Ha, the remaining capacity is proposed for roads, landscaping, a 45m flood storage zone along the western boundary and a 10m section allocated along the eastern perimeter for the consented Wyvern Way highway improvements scheme.
3. In light of the changes to the scheme, the Environmental Statement (ES) has been amended. Chapter 8 of the ES considers Noise and Vibration. I can comment on this Chapter as follows.

ES Chapter 8 – Noise and Vibration

4. The assessment includes consideration of construction noise, commercial noise (associated with the completed development, proposed to consist solely of B2 and B8 uses) and increases in noise associated with additional traffic created by the development.
5. The magnitude impact descriptors detailed in Tables 8.9, 8.10 and 8.11 are deemed appropriate to the circumstances.
6. The ES is now based upon a more recent and relevant noise survey, undertaken in January 2019. I note however, that the monitoring was only undertaken along the site boundary itself, with no measurements undertaken within the vicinity of nearby sensitive receptors.

On-site Operational Impacts

7. Due to the relatively predictable nature of storage and distribution operations, a detailed assessment of traffic-related impacts resulting from the completed development has been included in the ES.
8. The assumptions relating to potential HGV movements are deemed appropriate.
9. Fixed mechanical plant details are not yet known. Consequently, noise limits based on BS4142:2014 criteria have been applied in the assessment.
10. Notably, the plant noise limits are based on monitoring which was undertaken around the site boundary and not at the point of nearby relevant receptors, which are some distance away. Consequently, the noise limits do not comply fully with BS4142:2014.
11. The concept of setting plant noise limits based on BS4142:2014 is agreed in principle however.
12. In practice, there are no residential receptors likely to be sufficiently close to the site that might create nuisance from anything other than incredibly noisy plant. The plant limits are therefore likely to be more appropriate in relation to nearby receptors of lower sensitivity, such as offices and the nearby hotels, particularly at night.
13. Notwithstanding the issue highlighted above in relation to the chosen monitoring positions, the calculations for operational noise at the three chosen receptor locations are indicative of a low impact from noise, both in terms of effects on the prevailing ambient noise and also utilising BS4142:2014 rating values against background levels.

Road Traffic Noise

14. The assessment of operational traffic noise has been carried out for the year 2032, which is the predicted site completion year.
15. The traffic noise assessment is based on traffic modelling supplied by the developer's transport consultants and is deemed appropriate for use.
16. The noise modelling suggests no more than a 0.4dB increase is predicted at any of the modelled receptor locations. This would be considered a negligible increase, which in practice would not be noticeable in real terms.

Construction Noise and Vibration

17. With respect to construction noise, the ES proposes the production of a Construction Environmental Management Plan (CEMP) in accordance with BS 5228 to be implemented across at the Site. Some brief outline measures are suggested in the report.
18. Although not possible to provide details of construction at this stage, the report does attempt to make approximate noise level predictions for various construction activities at a distance of 175m, 250m and 400m respectively.
19. Given the distance to the nearest receptors, robust construction management practices should be sufficient to mitigate construction noise.
20. The only possible exception to this might be piling noise, which, given the proposed scale of the development, could be significant in terms of number and duration of piling activities.

Conclusions and Recommendations on Noise

21. The updated Environmental Assessment and associated amended scheme proposals do not effect this Department's earlier conclusions.
22. Consequently, I would recommend a condition requiring additional noise assessment relating to each phase of the development, to be agreed in writing with the LPA. The assessment should assess each individual, or where appropriate group of, commercial units in line with appropriate guidance, namely BS4142:2014. Any mitigation proposed as a result of the assessment should be agreed and subsequently incorporated into the development before it is occupied.
23. In terms of construction noise, the recommendation also remains to include a planning condition requiring a detailed Construction Noise Management Plan before construction works commence. The Plan should be implemented in full throughout all phases of the development construction.
24. I also refer to discussions regarding potential piling noise which took place in November 2015 and would refer you to the email of 19th November 2015 from Joe Murphy (Associate Director - RPS Planning & Development), in which the following potential wording of an appropriate condition was agreed:

In the event that piling is required for building(s) to be constructed within a particular phase/plot of the development, then no piling works shall take place on that phase/plot until full details of the piling scheme (to include justification on pile methods, duration of piling works, and an acoustic report assessing the impact of the piling) has been submitted to and approved in writing by the Local Planning Authority. The piling scheme shall be implemented in accordance with the approved details throughout the construction period of that phase/plot of the development.

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5.12 Historic England:

Thank you for your letter of 12 November 2019 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. It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request.

5.13 Derbyshire County Council Archaeologist:

We've previously scoped out any archaeological interest in this site so please take this as confirmation that we have no concerns or recommendations.

5.14 DCC Built Environment:

No objections raised.

5.15 Natural England:

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes. Natural England's generic advice on other natural environment issues is set out at Annex A.

5.16 Derbyshire Wildlife Trust:

We have considered the amended information, in particular the Indicative Masterplan Dwg No P010 Rev P15 and the Landscape and Ecology Strategy 10958/P10, and advise that there are no additional or outstanding ecology issues arising from this amended information. Our earlier comments dated 29th May 2019 therefore still apply and are reproduced below:

The current scheme represents a revised proposal to that approved under application reference 11/14/01570 and shows an amended layout with a reduced level of small to medium office accommodation.

We have reviewed Chapter 9 Ecology and Nature Conservation of the Environmental Statement (ES) which is based upon a comprehensive suite of ecological surveys for relevant species groups. Although some of the surveys (Breeding birds, invertebrates and reptiles) were undertaken in 2012 and 2104 and, as such, could be considered out of date, an Extended Phase 1 Habitat Survey undertaken by SK Environmental Solutions on 25th June 2018 confirmed that the site had not changed significantly in respect of its potential to support these species groups. Updated surveys have been undertaken during 2018 in respect of Great Crested Newt, Water Vole and Badger.

Evidence of use of the site by otter was noted in 2018 although no holts were recorded. We would therefore advise that attention should be paid to otter in the Construction and Environment Management Plan required by condition.

The continued use of the site by lapwing, skylark and little ringed plover was confirmed during the Extended Phase 1 Habitat Survey.

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Overall, we advise that sufficient survey information has been compiled to provide a robust assessment of the current ecological interest associated with the site. There are unlikely to be any protected species issues arising with the application.

The details shown on the submitted Illustrative Masterplan and Landscape and Ecology Strategy are generally supported, in particular the habitat creation and ecology opportunities within the flood alleviation area. Despite these opportunities, the proposal will still result in the loss of suitable breeding habitat and the displacement of ground nesting priority bird species lapwing and skylark. Mitigation for these impacts is therefore still required in the form of a financial contribution to the management of the nearby Sanctuary Local Nature Reserve to increase its capacity to support these ground nesting bird species through a S106 agreement as agreed for the previous scheme.

Recommended Conditions

“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 areas of retained 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 any areas of retained habitat);
- (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;

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- 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);
 - 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.”

5.17 Derby & Sandiacre Canal Trust Ltd:

Final revised comments – December 2019

The Agent refers to the client having met with representatives of the canal Trust on previous occasions to discuss the site.

A meeting was requested in 2015 but did not take place and requests for meetings since then for the last four years have been consistently ignored. The Derby and Sandiacre Canal Trust (DSCT) would welcome discussions.

The agent suggests there are significant issues for the delivery of the canal restoration. The agent is clearly unaware of the significant progress the canal trust has made in the last four years. For example, fifty percent of the route is in the ownership of the DSCT with some 94% controlled and to be transferred when required. Funding has been sought with the result that there are currently six restoration projects proceeding. One of these is the Trip Boat, currently under construction, on the River Derwent, supported by the City Council and the Derwent Valley Mills World Heritage Site organisation, as well as local businesses. The boat will travel on the river from Exeter Bridge to Darley Abbey from March 2020 and eventually downstream to the Triangle site to link with the restored canal.

As indicated in previous comments, the Trust is pleased to see the protection of the canal route on the site subject to the previously stated provisos, namely, that it is of sufficient width to allow construction and that the Network Rail access to the adjoining railway line does not prejudice the canal restoration. It, therefore, needs to be consistent with DCC Core Policy AC11, criterion (g).

The Agent argues that the scheme meets the Strategic Employment Allocation in the Core Strategy by providing jobs and contributing to the local economy. They quote the unsubstantiated words in the previous report that the Derby Arm land take would have an impact on the viability of the site, number of jobs and projected economic growth.

However, the DSCT argues that by incorporating the Derby Arm and associated development, the value of the site would increase the benefit to the Applicant and the landowner, as well as to the City's economy. Current research by the Inland Waterways Association indicates a 20% uplift in value of developments alongside

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waterways used by boats. Furthermore, the jobs created by the proposed Boat Lift and adjacent waterfront will be more numerous and of a significantly higher quality than those proposed by any industrial estate.

The DSCT proposal will provide those working at the site with longer term, more inspiring career prospects for staff within the leisure and tourism sector thus allowing Derby to diversify its economy giving it better resilience in the coming decades. This is a critical site for the City, how this site is developed will significantly affect the quality of Derby's overall economic regeneration prospects: the Derby Arm Boat Lift is Derby's last opportunity to connect the City to the UK inland waterway network and enable boats to access the city centre. Preventing the construction of the boat lift will in turn prevent Derby from being able to replicate the transformative effect of introducing a navigable waterfront seen in most other UK cities during the last two decades.

Criterion (f) of Policy AC11 requires satisfactory treatment of the area adjoining the river in terms of visual, recreational and natural history treatment in addition to requiring flood mitigation. Policy CP3 requires high quality design to enhance the experience of the place for visitors, workers and inward investment and to help to create the Vibrant City. It should also incorporate high quality architecture which is well integrated into its setting and exhibits locally inspired or distinctive character. Policy AC11 is subject to the provisions of Policy CP9.

The Policy (AC11) refers to Pride Park increasingly becoming a key leisure destination through the development of Pride Park Stadium and the multi-use Arena. It suggests this site could produce a critical mass of leisure uses. Policy CP9 has the vision of a thriving, sustainable economy which contributes to making the D2N2 LEP area more prosperous, better connected and increasingly resilient and competitive and to improve Derby as an investment proposition,

Developing the riverside for large sheds opposite some of Derby's key leisure facilities will not enhance the riverside or improve investment opportunities in the area. It will also have a very large detrimental effect on the future potential of the city centre itself. The parallel with the attraction of the Falkirk Wheel has already been made and it is disappointing that a company which has a proven track record in developing good waterside sites is ignoring the considerable benefits that the Derby Arm and associated development would create. The references to the requirements of the Core Strategy policies would be sufficient to refuse the scheme, exclude that part of it adjacent to the river or at the minimum defer for further discussions. As indicated the DSCT would welcome discussions with the Applicant.

Comments – November 2019

The protection of the canal route adjacent to the railway is to be welcomed, subject to being of a suitable width to ensure the passage of boats and the provision of a towpath/ multi user path together with ecologically sound planting, a feature of the restoration. It should also include sufficient space for the necessary embankment slope to support the canal channel.

The maintenance/emergency access for Network Rail indicated on the canal route would be a hindrance to the restoration of the canal. Network Rail should be required to remove it prior to restoration and find a more acceptable solution, at its expense if

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such access is still required. The Trust would seek an undertaking from the applicants to provide one at an agreed time in the restoration process and for this to be included in a s106 agreement

Derby Arm:

The development now proposed does not take into account the proposals by the Trust relating to the Derby Arm, an iconic tourist attraction, linking the restoration of the Derby Canal with the navigation of the river into the historic City Centre Silk Mill wharf area. The Derby Arm concept which the Trust has been working to deliver is a 30m high electro-mechanical structure that would lift canal boats out of the restored canal and place them via a basin into the river. This would allow boats on the UK canal network to access the city centre. As one of only three big canal boat lifts in the UK and unique in design it would have considerable tourism potential and benefits to the local economy. A Visitor Centre should be sited facing the Arm. The proposal is supported by the City Council and big businesses in the City, such as Rolls Royce, because of the considerable benefit to tourism and the local economy. The Falkirk Wheel is a clear example of the benefits to tourism and the local economy.

The most suitable location for the Derby Arm is at the south west corner of the application site near the railway bridge. This would affect potentially plot D1 and part of plot C with some slight amendment to the design of the flood prevention works. The current phasing plan puts these units in the first phase which precludes the developer making a later revision to this area, to accommodate the Trust's proposals, whilst allowing development to commence elsewhere.

Core Policy AC11 does permit employment generating uses and alternative uses which would complement employment uses and nearby leisure venues. The location of the Arm on this site also has the potential to enable associated development, such as hotels, cafes, etc. of a higher value which would otherwise be less acceptable in planning policy terms. As a key City Centre site it is more suited to a mixed development rather than warehousing which is better located on a perimeter road site

Paragraph 1.11 of the Planning Statement suggests that the applicant has actively engaged with consultees. The Trust is disappointed that St Modwen has declined to consult with us. The Trust believes that a more collaborative approach would enhance the value of the site for all concerned and achieve a scheme, which will be a credit to the Applicants and enhance the offering and standing of the City and the Region. This development could make the city a location that attracts increasing numbers of staff for existing large employers to reside in the city and, therefore, adds significantly to the employment generation on the site itself through expansion of leisure developments in an area already becoming known as a leisure hub.

The current scheme by the applicants, if it goes ahead, represents a lost opportunity to create a more exciting, development of considerably greater benefit to the City's economy. The applicant, St Modwen, has considerable experience and expertise in providing exciting water associated leisure schemes elsewhere. The use of this key City site for warehouses of the height and size proposed would be detrimental to the quality of the riverside and the key leisure venues nearby

The applicant has referred to the principles of sustainable development set out in the National Planning Policy Framework of 2019 (the Framework). The three overarching

objectives are: 1. Economic where sufficient land of the right types is made available in the right places and at the right time to support growth, innovation and improved productivity. Providing new warehouses could be seen as an economic objective but not necessarily (as in this case) the best and most effective use of this site. 2. Social where development should support strong, vibrant and healthy communities, by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being.

A concentration of warehousing and factories in this location will deny the opportunity to achieve social benefits from this site. 3. The Environmental objective is specific. Development is required to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy. The Derby Arm if it were incorporated in the proposal would make very positive contributions in all these areas. A balanced conclusion is that this proposal for entirely B2 and B8 uses does not meet the objectives for sustainable development as set out in paragraph 8 of the Framework where development is intended to secure net gains across each of the different objectives.

DESIGN AND LAYOUT: In section 12 of the Framework there is guidance on how to achieve well designed places. Para 124 says 'Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities'. Para 125 says design should be 'grounded in an understanding and evaluation of each area's defining characteristics'. In this case the river is a highly significant consideration together with other leisure activities which include the velodrome, football stadium, fitness centre, tennis centre, Alvaston Park and Wyvern retail park

Para.127 deals with character and appearance and a sense of place. Developments should be 'visually attractive as a result of good architecture, layout and appropriate and effective landscaping'. They should be 'sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change'. They should 'establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit'. Finally the paragraph states that development should 'optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks, and, create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, and, where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

The change in the design which has led to this bland warehouse scheme from a proposal with far more diverse uses should be opposed as being contrary to the objectives of paragraphs 128 and 129. Paragraph 130 directs that 'permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions'.

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From the latest submitted plans, which are so uncompromising, there seems intended to be a vast array of loading docks, articulated lorries and a sea of tarmac and concrete which will surround buildings up to 18m high and no doubt will be surrounded with security fencing. It is unlikely to be an attractive site for an inner-city waterside development.

Much has been made of the City's aspiration to build on opportunities associated with its river frontages. The development proposed will not enhance the character and appearance of the area and will risk becoming an unpleasant back cloth to the world class sporting facilities on Pride Park. With regard to the Derby Canal proposals which the applicants put forward as positive benefits for which the scheme makes provision, paragraph 131 states 'In determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings'. Despite the encouragement which the City Council has given by supporting proposals for the Derby Arm and its navigable link by river into the City Centre, the development makes no attempt to accommodate this innovative proposal and makes no provision for the small parcel of land which would enable the Derby Arm to go ahead.

In conclusion, the Derby and Sandiacre Canal Trust objects to the proposed scheme because it does not include the Derby Arm, and associated potential developments, resulting in a scheme inappropriate in this key City location which the Trust requests should not be granted planning permission.

5.18 Derbyshire Constabulary - Designing Out Crime Officer:

In my view the new illustrative masterplan presents Wyvern Way with a more active built edge than previously shown, which is seen as a positive from a community safety perspective.

5.19 Office for Nuclear Regulation:

Revised comments – September 2019

I have consulted with the emergency planners within Derbyshire Council, which is responsible for the preparation of the Rolls Royce off-site emergency plan required by the Radiation Emergency Preparedness and Public Information Regulations (REPPIR) 2001. They have provided adequate assurance that the proposed development can be accommodated within their off-site emergency planning arrangements. The proposed development does not present a significant external hazard to the safety of the nuclear site. Therefore, ONR does not advise against this development.

5.20 Network Rail Property:

Network Rail has no comment to make on the scheme.

5.21 DCC Regeneration:

The Regeneration Projects department have no objections to the proposed development.

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
- CP9 Delivering a Sustainable Economy
- CP10 Employment Locations
- CP16 Green Infrastructure
- CP18 Green Wedges
- CP19 Biodiversity
- CP23 Delivering a Sustainable Transport Network
- CP24 Transport Infrastructure
- AC7 The River Derwent Corridor
- AC8 Our City Our River
- AC11 The Derwent Triangle, Chaddesden
- MH1 Making it Happen

Saved CDLPR Policies

- GD5 Amenity
- E17 Landscaping Schemes
- E13 Contaminated Land
- E15 Development in Proximity to Existing Operations
- L9 Former Derby Canal

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%20Strategy ADOPTED DEC%202016 V3 WEB.pdf](http://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/policiesandguidance/planning/Core%20Strategy%20ADOPTED%20DEC%202016%20V3%20WEB.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

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. Principle of Development

7.2. Environmental Impact Assessment

7.3. Transport Impacts

7.4. Flood Risk and Land Drainage

7.5. Ecology and Nature Conservation

7.6. Environmental Impacts

7.7. Section 106 Legal Agreement

7.8. Planning Balance

7.1. Principle of Development

The site of the application is located to the south of Wyvern Retail Park and Wyvern Way and is approximately 29.5 hectares in area. It is defined by the River Derwent to the south and west and the main Derby to London railway line to the southeast. The site is generally triangular in shape and has been known under various titles in the past, including 'Chaddesden Sidings - South', the 'Chaddesden Triangle', the 'Derwent Triangle' and now the 'Derby Triangle'. The site originally formed part of Chaddesden railway sidings and gas works which has been largely redeveloped in the form of Pride Park, which includes a range of business and leisure uses. More recently, the Derby Triangle site has been used for mineral extraction and then landfill (predominantly inert builders waste) having been capped and re-profiled approximately 10 years ago.

The site is identified as a strategic employment site in the Derby City Local Plan – Part 1 (DCLP) and is covered by the provisions of Policy AC11 which identifies 28 hectares for new employment generating uses, including B1, B2 and B8 and recognises that the site provides a logical extension to Pride Park. AC11 includes criteria to assess the appropriateness of non-B uses and also seeks to ensure that:

- The site is developed comprehensively;
- Development provides appropriate contributions to facilitate improved access and egress arrangements onto the A52;
- Office proposals are subjected to the requirements of Policy CP11, which gives priority to office sites in the Central Business District (CBD);
- Proposals provide appropriate flood mitigation consistent with the 'Our City Our River' (OCOR) programme;
- Proposals include satisfactory treatment of the area adjoining the River Derwent in terms of visual, recreational and natural history importance;

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- Proposals make adequate provision for the potential restoration of the Derby and Sandiacre Canal;
- Proposals make adequate provision for good quality cycle and pedestrian links.

The application seeks outline permission for mixed use employment development and various external works, which include site re-grading, flood alleviation, access provision and alterations to Wyvern Way and safeguarding of land for the Derby and Sandiacre Canal route. All matters are reserved, with the exception of means of access and the proposal includes formation of two accesses into the site from Wyvern Way.

From a land use perspective, the proposals for this site have been significantly altered compared to the scheme that Planning Control Committee resolved to grant planning permission for in 2017(02/15/00210). The revised proposals are limited to the delivery of B2 (general industry) and B8 (storage and distribution) uses, covering around 53% of the site, with the remainder of the site dedicated to flood attenuation, access arrangements and safeguarded land for highway improvements and future reinstatement of the canal.

The B1a (office) and complementary / enabling uses (A1, A3, A4 and Sui Generis) have all been dropped in the current scheme, which is now being considered solely for B2 and B8 employment uses. In light of these changes, it is estimated that the site should be able to accommodate in the region of 1,300 jobs, compared to 3,300 in the previous scheme.

Whilst the changes to the land use mix are detrimental to employment densities, the inclusion of solely B2 and B8 development is entirely consistent with the provisions of Policy AC11. It should also be considered that the removal of the office and complementary / enabling uses from the revised scheme removes the potential for adverse impacts on the vitality and viability of the city centre and other defined centres through trade diversion and the opportunity cost of office occupiers potentially choosing to locate outside of the city centre. Therefore against the provisions of Derby's Local Development Plan and broader aspirations within the NPPF, the proposed outline scheme would be planning policy compliant.

7.2 Environmental Impact Assessment

The application is accompanied by an Environmental Impact Assessment (EIA) and it is considered to be EIA development as a result of the cumulative environmental impacts of this development and other surrounding developments, in terms of the significant size and scale of the development, the intensification of use of the land due to the change in characteristics of the use and impacts on the road network, which would result in significant noise and air quality emissions. The Environmental Statement has been amended and updated during the life of the application to reflect the changes to survey work including Transport Modelling, Flood Risk, Land Drainage and Air Quality. The details of the impacts assessed through the Environmental Statement and their conclusions are set out in Section 1.

The Environmental Statement concludes that there are no significant adverse effects anticipated when considering the proposed development in combination with other proposed developments detailed within Appendix 3.1 of the ES. The Environmental

Statement has taken a front loading approach which has meant that a number of measures included in the proposed development have accounted for the likely impacts associated with the new development and lessened their effect to within acceptable levels. Overall, the Council agrees with the assessment and conclusion within the Environmental Statement.

7.3 Transport Impacts

The National Planning Policy Framework (NPPF) sets out the criteria for assessing the highway impact of a proposal. Paragraph 108 of the NPPF states:

“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.”*

Policy CP23 “Delivering a Sustainable Transport Network” seeks to ensure people living, working and travelling within Derby will have viable travel choices and effective, efficient and sustainable transport networks which meet the needs of the residents and businesses while supporting sustainable economic growth. Policy AC11 draws together the thrust of policies CP23 and CP24 in respect of this particular site expanding on the matters that need to be addressed as part of this application including the need to facilitate an improved access and egress arrangements onto the A52. As Members will be aware, the Council is currently undertaking major improvements to the A52 and this proposal is making land available to enable enhancements to Wyvern Way and contributions through a Section 106 Agreement to enable the A52 scheme to be completed.

The planning application is supported by a Transport Assessment and subsequent addendum that consider the impacts of the proposed development on the wider road network and in the context of the A52 improvements. The application has been duly considered by my colleagues in Highways Development Control and Transport Planning; their full comments are set out above in Section 5 of this report. The Traffic and Transport impacts of the proposal are also summarised within the ES as detailed in Section 4 of this report.

Highways England

Highways England support the application and comment that the updated trip generation figures and the revised drawing for the A52 Congestion Management Plan show that the scheme as presented would not have a material harmful impact on the operation of the A52 trunk road. Therefore subject to a recommended condition Highways England support the application.

Highways Development Control

Access will be taken from a traffic signal controlled crossroads at Pullman Road and from a fourth arm off the Wyvern Way/Staniel Way roundabout. With the completed

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A52 scheme in place the proposed points of access into and out of the Derby Triangle site would satisfactorily co-exist. The two proposed access junctions into the site are considered to provide a safe and suitable access arrangement, which meets the policy tests in the NPPF. They raise no objection to the proposed development subject to conditions as detailed in their full consultee response. Highways colleagues also consider that the indicative internal access road arrangement within the site would be acceptable subject to details agreed under a reserved matters application.

Transport Planning

An updated 'transport assessment' addendum has been produced which now includes a revision of the vehicular trip rates, which provides a suitable and robust prediction of the sites' trip generation of B2, B8 General and B8 Parcel Distribution uses. Subject to a condition relating to an AM and PM peak trip envelope based on the assessed land uses, transportation colleagues are satisfied with the conclusions of the transport assessment. Appropriate junction modelling has been undertaken which shows that whilst the development has an impact, the local highway network (against the completed DCC Wyvern Way improvements) has sufficient capacity to accommodate the anticipated traffic generation. The provision of an active travel link from the north of the site, to connect Derwent Parade, has been explored but is not possible due to engineering challenges and land ownership constraints beyond the red edge application site. However, the development is providing a multi-user path along its frontage with Wyvern Way which is welcomed.

As the revised development proposals under this current application would generate less traffic than the earlier proposed range of uses, with the new quantum of B2 and B8 uses, Highways England and transport/highway colleagues are satisfied the highway related implications to the proposed development are acceptable against the provisions of relevant local and national policy.

7.4 Flood Risk and Land Drainage

Policy CP2 "Responding to Climate Change" sets out the policy context for, Flood Risk and Water Management, amongst other matters. The policy seeks to ensure proposals provide access to watercourses, require the submission of a sequential test in circumstances where developments are not provided in areas with a low flood risk, ensure developments are flood resilient and meet the objectives of the Water Framework Directive along with implementing the OCOR scheme and encouraging the use of sustainable drainage systems. All matters are relevant in the determination of this application. In my opinion the proposal broadly complies with the criteria of this policy.

The application site falls within Flood Zone 3 as currently defined by the Council's SFRA and the EA Flood Maps. Nonetheless, the application seeks to re-grade the land levels of the development site from land removed in the creation of the flood conveyance corridor for the River Derwent. This would have a positive impact on the potential flood risk arising from the development and remove the site from Flood Zone 3 into Flood Zones 1 and 2. These proposed works will form part of the Our City Our River flood defence scheme which will see Flood Zones 3 defended. The application has been duly considered by colleagues at the Environment Agency,

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within the OCOR team and DCC Land Drainage who have not raised objections to the principle of the proposal, subject to recommended conditions being and to a detailed drainage and flood risk attenuation scheme coming forward through reserved matters submission.

The proposed range of employment uses are considered to be 'less vulnerable' and would therefore be acceptable in principle in Flood Zone 2, provided that alternative, available sites in Zone 1 have been appropriately ruled out. The same principles apply if the site is considered to be in Zone 3, except that alternative options in Zone 1 and 2 will need to have been considered and appropriately discounted.

In respect of the sequential test it is highly unlikely that the entirety of the site (28ha) could be appropriately accommodated on land at a lower risk of flooding. In fact all of the proposed strategic employment sites contained in the Local Plan are at the same or greater risk of flooding as this site, purely due to the nature of available land within the City. Furthermore as the site is being brought forward comprehensively I conclude that the site is sequentially preferable, particularly having regard for the development delivering wider benefits in respect of Suds drainage and flood conveyance corridor to minimise flood risk for the development and the wider city.

As previously discussed, the proposal would seek to implement a section of the package 3 OCOR flood defence works through the provision of a 45 metre wide conveyance corridor that runs the length of the application site, some 670 metres. As detailed within Section 2 of this report, full planning permission has already been granted for these works. The proposal therefore satisfies policy AC7 which relates to development within the River Derwent Corridor and encourages development particularly where the development would help to implement the OCOR proposals. AC7 goes on to identify 7 objectives which proposals within the corridor should contribute to, these amongst others include:

- Reducing overall flood risk through the provision of improved and realigned flood defences that create more space for water
- Unlocking the economic potential of the River Derwent Corridor through the appropriate regeneration of key riverside development sites
- Protecting and enhancing the landscape character of the river corridor and its contribution to the green infrastructure and biodiversity networks within and beyond Derby
- Improving the ecological status of the River Derwent to deliver Water Framework Directive objectives

It is considered that the proposal would satisfy the above criteria through the implementation of the conveyance corridor, the unlocking of this development site that without such flood works would be more likely to flood and the landscaping opportunities the conveyance corridor would provide, to enhance the ecological value of the site in line with the Water Framework Directive.

Policy AC8 relates to the implementation of the OCOR programme. It identifies a specific OCOR policy area, which includes the Derby Triangle site, within which proposals are expected to not prejudice the implementation of improved and realigned defences, realigned flood conveyance corridors and other benefits

associated with the OCOR programme. Where appropriate, AC8 also requires development proposals to specifically implement the OCOR programme by incorporating the required defences into designs and through the provision of new defences necessary to facilitate development.

The ES concludes that the proposed development, which includes the implementation of the OCOR flood defence, are likely to have minor or negligible impacts on flood risk during both the operational and construction phases. Moreover, it concludes that there will be overarching benefits in respect of flood risk.

Environment Agency

The Environment Agency raise no objection, subject to conditions, and are satisfied with the proposed flood risk measures incorporated within the scheme.

Land Drainage

The Officer is comfortable that the outline scheme would maintain access to the watercourses; that the B2 and B8 mix is classified as less vulnerable; that groundwater flood risk within the developed area can be appropriately managed and the site can be drained by sustainable means to a sufficient level, even though the plots may require specific attenuation measures.

Our City Our River

The OCOR team confirms the development would still enable the flood defence measures to be installed along the river corridor and the flood conveyance corridor construction is in line with the previously agreed design and is therefore acceptable.

Overall the proposed development at Derby Triangle is a good example of meeting the criteria of both policies AC7 and AC8 through joint working between the relevant projects to ensure the flood defences are implemented, without prejudice and the development site opportunities are also realised.

7.5 Ecology and Nature Conservation

The ES and submitted surveys consider the impact of the proposal on a number of species including Invertebrates, Great Crested Newts, Reptiles, Breeding Birds, Bats, Water Voles, Otters and also considers the impact on trees. The summary of the ES chapter is set above in Section 1 of the report.

In the main, the ES concludes that there would be impacts on ecology during construction but there are opportunities for long-term benefits through the creation of new habitats and landscaping. The ES and accompanying surveys assesses the impact on the red bunting, a range of warbler species, lapwing (foraging), snipe and little ringed plover. It concludes that these nesting bird species will be adequately mitigated for and in some cases the proposal will result in significant beneficial impacts. The mitigation required for different bird species is not the same and further consideration has been given the mitigating the impacts of the development on the lapwing and skylark. The mitigation for these species is proposed off-site on the Sanctuary Nature Reserve, adjacent to the Derby Arena. Through the Section 106 the applicant will pay a financial contribution towards the creation of new habitats and maintenance of these habitats. This has been welcomed by Derbyshire Wildlife Trust, as set out within their comments in Section 5 of this report.

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The application site has been a derelict area of land for considerable period of time and since the landfill operation ceased, it has been reclaimed by nature, providing habitat opportunities for various species as detailed within the relevant ES chapter and submitted ecological reports. The application has sought to mitigate the impact of development on ecology through the landscaping of the flood conveyance corridor, as well as planting proposals for the development itself. In the main this is welcomed by Derbyshire Wildlife Trust (DWT) subject to the implementation of suitable landscaping and long term management.

The landscaping and ecology strategy for the scheme is in line with the intentions of policy CP17(7) of the DCLP which designates the River Derwent and its banks as a designated wildlife site. The proposed mitigation also accords with Policy CP19 "Biodiversity" which seeks to protect, enhance, manage, restore, strengthen and create biodiversity and geodiversity assets across the City.

The Habitats Directive and Regulations deal with both protected habitats and species. The application site is not a Special Protection Area (SPA) under the Birds Directive, nor a Special Area of Conservation (SAC) under the Habitats Directive. Wild birds, such as the skylark and lapwing are protected species under the Birds Directive.

With regard to protected species regulation 9A of the Habitats Regulations requires the Council to take such steps in the exercise of their functions as they consider appropriate to secure the objective of the preservation, maintenance and reestablishment of a sufficient diversity and area of habitat for wild birds in the United Kingdom, including by means of the upkeep, management and creation of such habitat, as appropriate.

Natural England's consultation responses show that it has not given detailed consideration to the issue of protected species – it instead refers the Council to its standing advice. This standing advice provides that *"Survey reports and mitigation plans are required for development projects that could affect protected species, as part of getting planning permission. Surveys need to show whether protected species are present in the area or nearby, and how they use the site. Mitigation plans show how you'll avoid, reduce or manage any negative effects to protected species."* A competent authority, such as the City Council when exercising its functions, also has a duty *"so far as lies within their powers" to "use all reasonable endeavours to avoid any pollution or deterioration of habitats of wild birds"*.

The applicant has produced the required surveys and produced mitigation plans for all relevant protected species, which would be affected by the proposals and these will be secured through either condition or the Section 106 Agreement. I am therefore satisfied that the Council has fulfilled its duty under the Habitat Directive and Regulations and is also broadly compliant with relevant national and local planning policies.

7.6 Environmental Impacts

Design

It is acknowledged that the application is in an outline format with all matters reserved except for access. However, it is important to ensure at the earliest opportunity that

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the site is designed to a high standard, in terms of overall layout and individual buildings, to ensure that the development seeks to positively address the street scene along Derwent Parade and Wyvern Way. Future reserved matters application(s) should have full regard to the design principles in policy CP3 “Placemaking Principles” and policy CP4 “Character and Context” of the DCLP.

Land Contamination, Noise and Air Quality

The full comments of the Council’s Environmental Health Officer are set out in Section 5 of this report. Whilst these comments are comprehensive there are no matters arising from the proposal in respect of land contamination that cannot be dealt with by way of condition.

The submitted air quality assessment is robust and considered appropriate to the scope and scale of the development. Both construction dust and operational traffic impacts have been examined and some increases in nitrogen dioxide resulting from development generated traffic would occur. However, to offset those increases a scheme of mitigation measures is considered to be an essential part of the development which can be controlled through the detailed reserved matters submission and conditions.

As Members will be aware, the site is surrounded by commercial uses on all boundaries and residential properties are a considerable distance from the site. A noise assessment has been submitted and reviewed by Environmental Health. Consideration has been given to construction noise, commercial noise and increases in noise associated with additional traffic created by the development. Overall the environmental noise implications arising from the development are deemed acceptable, subject to conditions.

Derby and Sandiacre Canal

The application, indicative masterplan and indicative phasing plan identify land safeguarded to enable the restoration of the Derby and Sandiacre Canal along the line previously approved under the outline planning permission for the restoration of the canal under code no. DER/03/07/00495. This is also in line with saved Policy L9 of the CDLPR and Policy CP24 of the DCLP.

I note the representations made by the Canal Trust as set out in Section 5 of the report. The applicant has considered these, as set out in their letter of 17 December 2019 concluding that they have safeguarded the 1.32 hectares of land for the restoration of the canal. Whilst the applicant acknowledges that the Trust has bigger aspirations these have the potential for a significant land acquisition and would go beyond the requirements of the local plan policies in respect of safeguarding land. Furthermore, the additional developments in respect of a visitors centre, parking, viewing area and canal boat lift (Derby Arm) would have a significant impact on the land available for employment development which would potentially have an impact on the viability of the site, the number of jobs created and the projected economic growth, as set out within the Environmental Statement. That being said, the applicant has indicated that they will continue to have dialogue with the Trust in respect of their proposals. It is noteworthy that the viability appraisal for the Section 106 package has been assessed by the District Valuer, who has agreed that there is limited viability for the development, having regard for the mitigation requirements associated with the proposal. The site is a strategic employment allocation and the development will

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safeguard the restoration of the canal corridor as per the policy requirement of CP24 j) and saved Policy L9.

7.7 Section 106 Agreement

As with the previous application, it has been agreed that the Council will construct the access to the development site as part of the A52/Wyvern Way improvements. A contribution of £1,000,000 towards the A52 project as well as £68,000 for traffic signals has therefore been negotiated which will partially cover the cost of undertaking these works. Where previously this was to be dealt with through a Section 278 agreement, it has now been agreed that this will be covered in a stand alone Section 106 agreement. The amount negotiated is significantly less than the £2.66 million that was negotiated as part of the previous application however the applicants have demonstrated that the scheme cannot viably support this level of contribution. It is on this basis that a lower amount has been agreed.

In addition to the contribution contained in the stand alone agreement which is not part of the usual Section 106 requirements and whilst the District Valuer has rigorously tested the scheme and agreed that no further Section 106 contributions can be afforded, the applicant is required to pay (and has agreed to) a contribution towards the enhancement of habitats for lapwings and skylarks on the Sanctuary nature reserve (across the river from the site) to directly mitigate for the loss of habitat on the development site. Other agreed contributions within the Section 106 package are funding for works on the wider A52 and Travel Plan monitoring.

Whilst the applicant will be paying the habitat enhancement contribution during the life of the development, as above, the District Valuer's appraisal demonstrates that in addition to the contribution towards the Wyvern Way works, the works required for OCOR, the reservation of land for the future restoration of the Derby to Sandiacre canal and other abnormal costs associated with the development, no further contributions can be afforded.

It has therefore been agreed with the applicant that the Section 106 Agreement will include a robust overage clause that will ensure that if any additional profit is made as the development progresses, the Council and the developer will share that uplift to allow the contributions towards the wider A52 works and the Travel Plan monitoring outlined above to be provided. As the development may take a number of years to be developed out, the profit level will be assessed a number of times throughout the life of the development.

7.8 Planning Balance

The application seeks permission for a strategically important employment development which is entirely consistent with the site allocation in Policy AC11 in the DCLP. The proposal will contribute to the delivery of a strategic employment land allocation as identified in the DCLP1. Development of the site will also regenerate a brownfield site that has been underutilised for many years and complete the development of the wider Pride Park area.

The proposal that has the potential to accommodate in the region of 1,300 jobs, which will contribute positively towards the aims of the Council's Economic Strategy

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and the LEP's Strategic Economic Plan for D2N2 area. Whilst the potential employment density of the revised proposal is significantly lower than the previous scheme, the ability to accommodate 1,300 jobs remains a significant benefit, which weighs in favour of the proposal. The removal of the complementary/enabling uses from the revised proposal also means that it is entirely consistent with the intentions of the employment allocation policy. While the additional aspirations of the Derby and Sandiacre Canal Trust, as listed in their objection letter, is unlikely to be fully deliverable within the application site, this would not outweigh the substantive and tangible regeneration and economic benefits arising from the application.

It is considered that the key issues in determining this application are robustly set out and addressed within this committee report. Moreover, the various impacts of the development have been given due consideration, such as impacts upon the highway network, air quality variances, noise effects, the built environment, land drainage matters and ecological/habitat concerns. All the associated impacts resulting from the proposal could be reasonably mitigated as explained within the main body of the report. In recommending outline planning permission, consideration has been given to the wider economic, social and environmental benefits that will be realised by the implementation of this scheme. These include:

- Assistance with delivery of the city's key Our City Our River flood defence scheme through the provision of over 4 hectares of flood alleviation works alongside the western side of the site and re-profiling/ regrading of the whole site to bring it out of the flood plain;
- The safeguarding of 1.32 hectares of land for the future implementation of the Derby and Sandiacre Canal, if it is required as part of the re-opening of the canal network;
- The redevelopment of a significant brownfield site in line with its employment policy allocation;
- A financial contribution toward the A52 road improvement scheme, as well as the inclusion of land along the length of Wyvern Way;
- The potential to promote further inward investment into Pride Park, Wyvern Retail Park and the surrounding area;
- The potential to create employment opportunities of 1,000 jobs or more, over time.

In conclusion, once all the relevant material planning matters are considered and weighed in the balance it is considered that the wider public benefits of the scheme would outweigh the harm and accordingly the proposal meets the intentions of the relevant local and national planning policies and is in particular compliant with the site allocation policy in the Derby City Local Plan- Part 1. Planning permission should therefore be granted subject to the conditions listed in section 8.3 of this report.

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8. Recommended decision and summary of reasons:

8.1. Recommendation:

- A. **To authorise** the Director of Strategy Partnerships, Planning and Streetpride to **grant permission** upon conclusion of the above Section 106 Agreement.

8.2. Summary of reasons:

In the opinion of the Local Planning Authority, the principle of employment on this site is established and accords with the policies of the Derby City Local Plan Part 1, in particular policy AC11. The floorspace parameters outlined in the Environmental Statement are acceptable in the context of policy AC11. The submitted information has provided the basis for considering the impact of the proposed development on Socio-Economics, Traffic and Transport, Air Quality, Noise and Vibration, Ecology and Nature Conservation, Landscape and Visual Impact, Hydrology and Hydrogeology, Land Contamination and Ground Conditions and the overall Cumulative Effects of the development with other committed schemes along with Climate Change. The proposals will introduce further employment uses within an established commercial and retail area and therefore are considered to be complimentary to the surroundings of Pride Park, Wyvern Way Retail Park and Wyvern Business Park and therefore are unlikely to change the characteristics of this part of the City. That being said, the Environmental Statement identifies and assesses the main effects of the development on the environment. In the main the Environmental Statement considers that impacts are minor or negligible. The proposal is acceptable in highway and flood risk terms. The proposal will provide a number of wider public benefits including a financial contributes towards the delivery of the A52 junction improvement scheme along with providing land for its implementation; assisting in the delivery of an element of Package 3 Our City Our River works and economic benefits in the form of job creation during the construction and operational phases of the development.

8.3. Conditions:

1. List of approved plans

Reason: For the avoidance of doubt

2. Application submitted for Reserved Matters

Reason: To conform with the Town and Country Planning Act

3. Condition requiring details of the following reserved matters (layout, scale, appearance, landscaping)

Reason: Submitted in outline only

4. Condition requiring floorspace limits to the quantum of each land use.

Reason: To ensure the transportation impacts is properly assessed

5. Condition requiring no first occupation until the completion of the A52 transport scheme.

Reason: In the interests of traffic safety

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6. Condition requiring details of a construction management plan
Reason: In the interests of traffic safety
7. Condition requiring details of a phasing plan
Reason: In the interests of highway safety
8. Condition requiring details of a wheel washing facility
Reason: In the interests of traffic safety
9. Condition requiring details of internal road layout
Reason: To ensure a satisfactory road layout
10. Condition requiring the delivery of Derby Triangle Travel Plan measures
Reason: To promote sustainable modes of travel
11. Condition requiring details of servicing and parking
Reason: To ensure adequate parking and servicing
12. Condition requiring details of a construction noise management plan
Reason: In the interests of public health and safety
13. Condition requiring details of an air quality mitigation strategy
Reason: In the interests of public health and safety
14. Condition requiring details of construction dust management plan
Reason: In the interests of public health and safety
15. Condition requiring details of a land contamination assessment and remediation strategy
Reason: In the interests of public health and safety
16. Condition requiring verification report following a remediation scheme
Reason: In the interests of public health and safety
17. Condition requiring reporting of unexpected contamination
Reason: In the interests of public health and safety
18. Condition requiring details of noise assessment for each phase of development
Reason: In the interests of public health and safety
19. Condition requiring further details of piling methodology
Reason: In the interests of public health and safety

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-
20. Condition requiring the open watercourse feature in the eastern corner of the site to be maintained

Reason: In order to prevent flood risk of the site and adjacent areas

21. Condition requiring further details of a surface water drainage scheme

Reason: In order to prevent flood risk of the site and adjacent areas

22. Condition requiring details of phase and plot specific drainage management plan

Reason: In order to prevent flood risk of the site and adjacent areas

23. Condition requiring details of maintenance arrangement for all watercourses within the site.

Reason: In order to prevent flood risk of the site and adjacent areas

24. Condition ensuring no ground level increase toward the north east of the development site.

Reason: To ensure stability of flood embankment

25. Condition ensuring finished floor levels of each plot

Reason: In order to prevent flood risk of the site and adjacent areas

26. Condition requiring further details of seepage cut-off measures

Reason: In order to prevent flood risk of the site and adjacent areas

27. Condition requiring details of an ecology related construction environmental management plan

Reason: To ensure the protection of wildlife and habitats

28. Condition requiring details of a landscape and ecological management plan

Reason: To ensure the protection of wildlife and habitats and in the interests of visual amenity

29. Condition requiring details of tree protection measures

Reason: In the interests of protecting vegetation and trees on site

30. Condition requiring details of provision and management of flood conveyance zone along the River Derwent

Reason: In order to prevent flood risk of the site and adjacent areas

31. Condition requiring details of new flood embankment/defence measures

Reason: In the interests of the OCOR scheme

32. Condition requiring prior to occupation that the enabling works/OCOR conveyance corridor shall be completed

Reason: In the interests of the OCOR scheme

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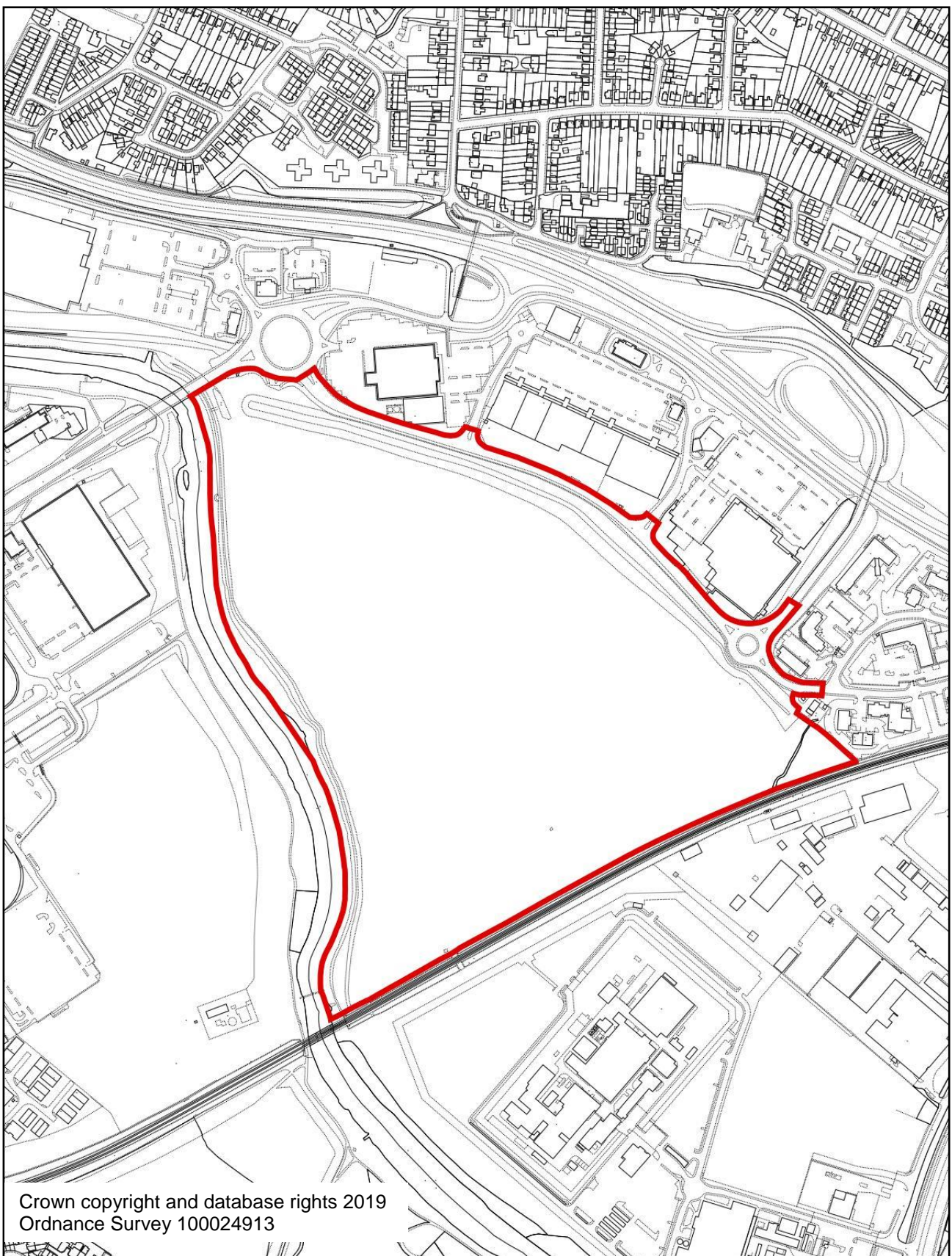
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8.4. S106 requirements where appropriate:

Refer to section 7.6

8.5. Application timescale:

The applicant has agreed to extend the time for determination until 9 January 2020.



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Application No: 19/01164/FUL

Type: Full Planning Application

1. Application Details

1.1. Address: The County Hotel, Sinfin Lane, Derby.

1.2. Ward: Sinfin

1.3. Proposal:

Demolition of public house, erection of MOT testing station, car repair workshop (Use Class B2) and use of land as hand car wash (Sui Generis)

1.4. Further Details:

Web-link to application:

<https://eplanning.derby.gov.uk/online-applications/plan/19/01164/FUL>

Brief description:

This application is for demolition of the County Hotel Public House and the erection of a single storey detached building roughly in the centre of the site to accommodate a vehicle servicing and MOT testing business. The public house is currently vacant and lies on the west side of Sinfin Lane. It has a large area of land to the rear of the pub, which was probably used as a car park and unmanaged planting to the north side of the building. The site is surrounded by a mix of uses, with commercial and industrial units to the west of Sinfin Lane and residential properties to the south and east.

A hand car washing operation would also occupy the north-eastern corner of the site to include the erection of a protective canopy structure. The rest of the site would be used as hardstanding for the parking and manoeuvring of vehicles. Vehicular access would be from the service road at the site's southern boundary with a pedestrian access adjacent to the bus stop on Sinfin Lane.

2. Relevant Planning History:

Application No:	19/00154/FUL	Type:	Full Planning Application
Decision:	Granted Conditionally	Date:	25/03/2019
Description:	Erection of a replacement 20 metre high lattice tower, 12 antenna, four dishes, eight equipment cabinets and ancillary development		

3. Publicity:

Neighbour Notification Letters sent to two addresses and Site Notice displayed.

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

4. Representations:

21 comments in objection have been received in objection on the following points:

- There is no demand for additional MOT testing or car wash services in Sinfin, other land uses would be more appropriate;
- The County Hotel should not be demolished;

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- The proposal would generate traffic and congestion to the detriment of the area and to highway safety;
- The loss of the pub building and its replacement with an industrial style steel building would harm the character of the area.

5. Consultations:

5.1. Highways Development Control:

Revised comments following receipt of Transport Statement- October 2019:

The Highway Authority has No Objection to the proposals, subject to conditions.

Observations:

Following the observations of the Highway Authority on 12/07/2019' the applicant has commissioned a Transport Statement as required.

The Transport Statement (TS) demonstrates that the proposals will result in an overall nett reduction in vehicular trips when set against the potential trip profile for the permitted use of the site as a public house, albeit that such trips would be at different times of the day.

The TS also demonstrates that the proposals would not be likely to have a significant impact upon the surrounding highway network.

Mindful of comments from the Highway Authority, the applicant shows on drawings "DB/RB/19/02/02 Rev A" and "F19126/01" (contained within the TS): A separate pedestrian/cycle access to prevent conflict with vehicles at the access

Provision of a cycle store adjacent to this access is also made (the cycle store will need to be suitably covered to protect cycles from the weather).

'Disabled' parking bays are to be provided in accordance with the Councils parking standards.

The existing access to the northeast of the site will be closed; this will entail the subsequent reinstatement of the dropped crossing and verge and will be confirmed by condition.

Drawing "F19126/01" also shows the provision of visibility splays onto the adjacent private drive for vehicles emerging from the site. These will be confirmed by condition.

I do note that site levels appear to fall towards the adjacent private drive, and subsequently the highway. It will therefore be necessary for the applicant to put measures into place to prevent water washing out of the site; this can be dealt with by appropriate condition.

Para 110e of the National Planning Framework Policy states that developments should "be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations." The LPA may therefore wish to require that the developer make provision for the charging of an appropriate number of vehicles associated with the proposed development

Recommendation:

The Highway Authority has No Objections to the proposals, subject to the following suggested conditions.

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Condition 1:

No part of the development hereby permitted shall be brought into use until the existing site access that has been made redundant as a consequence of this consent is permanently closed and the access crossing reinstated as verge and footway to the specification of the Highway Authority; in accordance with details to be first submitted to, and approved in writing by, the Local Planning Authority.

Reason: To protect the structural integrity of the highway and to allow for future maintenance.

Condition 2:

No part of the development hereby permitted shall be brought into use until the parking and turning areas are provided, with the parking bays clearly delineated in accordance with plans to be first submitted to and approved in writing by the Local Planning Authority. The parking and turning areas shall not thereafter be used for any purpose other than the parking and turning of vehicles.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking in the area.

Condition 3:

No part of the development hereby permitted shall be brought into use until the visibility splays shown on drawing no. "F19126/01" are provided. The area within the visibility splays referred to in this condition shall thereafter be kept free of all obstructions, structures or erections exceeding 0.9 metres in height.

Reason: In the interest of public safety.

Condition 4:

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

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

Condition 5:

Before the proposed sign is erected; details shall be submitted and approved in writing by the Local Planning Authority indicating proposals to ensure that no direct light source shall be visible to drivers on the public highway. The sign shall be erected in accordance with the approved details.

Reason: To protect drivers from glare resulting from uncovered light sources near the public highway.

Condition 6:

Unless otherwise agreed in writing by the Local Planning Authority, precise details of an on-site scheme to provide for electric vehicle charging shall be submitted and agreed in writing by the Local Planning Authority before the development is hereby permitted is brought into use. The agreed details shall be implemented and retained as such for the life of the development

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Condition 7:

No part of the development hereby permitted shall be brought into use until the cycle parking layout as indicated on drawing "DB/RB/19/02/02 Rev A" has been provided. That area shall not thereafter be used for any purpose other than the parking of cycles.

Reason: To promote sustainable travel.

5.2. Land Drainage:

The site is within an area at low risk of flooding from all sources according to the Council and EA flood risk data sets. As such, I have no objections to the proposed development from a flood risk point of view.

Although this is a brownfield site on an already impermeable paved surface, Core Policy CP2 requires new development to take opportunities to reduce surface water runoff from the site. For this reason, the use of SuDS should be prioritised on the site when providing drainage for the development. Permeable paving may be a suitable option to achieve this. Nevertheless, we would expect the development to limit the surface water runoff to as near to equivalent Qbar runoff as practicable. Where Qbar is not practicable, the applicant will need to provide justification that the maximum reduction in development runoff.

As such, we recommend the following condition be attached to planning permission:

- 1) No development shall take place until a surface water drainage scheme has been submitted and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme shall include, as far as reasonably practicable:-
 - A sustainable drainage solution,
 - Proposals to comply with the recommendations of the Non-statutory technical standards for sustainable drainage systems (March 2015) and The SuDS Manual (CIRIA C753),
 - Provision of appropriate levels of surface water treatment defined in Chapter 26 of The SuDS Manual (Ciria C753) or similar approved.
 - Appropriate ability to maintain the system in a safe and practical manner and a securely funded maintenance arrangement for the life of the development.

Reason: To comply with the NPPF, Planning Practice Guidance for Flood Risk and Coastal Change and Core Policy CP2. In order to minimise the likelihood of drainage system exceedance and consequent flood risk off site and to ensure reasonable provision for drainage maintenance is given in the development.

5.3. Environmental Services (Health – Pollution):

I have reviewed the application information and I would offer the following comments in relation to Environmental Protection related issues:

Land Contamination:

Due to the site's historical use, it has been identified as 'potentially contaminated'. I would recommend that conditions are attached to any consent requiring:

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- Before commencement of the development, a Phase I desktop study shall be completed for the site, documenting the site's previous history and identifying all potential sources of contamination and the impacts on land and controlled waters, relevant to the site. A conceptual model for the site should be established, which should identify all plausible pollutant linkages. A report will be required for submission to the Council for approval.
 - Where the desktop study identifies potential contamination, a Phase II intrusive site investigation shall be carried out to determine the levels of contaminants on site. A risk assessment will then be required to determine the potential risk to end users and other receptors. Consideration should also be given to the possible effects of any contaminants on groundwater. A detailed report of the investigation will be required for submission to the Council for written approval.
 - In those cases where the detailed investigation report confirms that contamination exists, a remediation method statement will also be required for approval.
 - Finally, all of the respective elements of the agreed remediation proposals will need to be suitably validated and a validation report shall be submitted to and approved by Derby City Council, prior to the development being occupied.

Demolition/Building Works

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

There should also be no bonfires on site at any time.

5.4. Derbyshire Wildlife Trust:

The application is supported by a Bat Survey report prepared by Whitcher Wildlife Ltd dated 2nd July 2019. The report presents the finding of a daytime inspection of the building carried out on 1st July 2019 from which the building was assessed as having low potential for roosting bats due to the presence of features that provide opportunities for roosting bats. In line with current best practice guidance single dusk emergence survey was carried out on the evening of the same date.

No bats were recorded emerging from the building during the nocturnal survey.

Overall, we advise that the assessment that has been carried out for bats meets guidance within Circular 06/2005 and, as such, sufficient information regarding these protected species has been submitted to enable the Local Planning Authority to reach an informed decision in accordance with the guidelines and to discharge its duty in respect of the requirements of The Conservation of Habitats and Species Regulations 2017. In summary, no evidence of roosting bats was found and as such, we advise that bats should not present a constraint to the proposed works.

5.5 Cadent Gas:

Cadent have identified operational gas apparatus within the application site boundary. This may include a legal interest (easements or wayleaves) in the land which restricts

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activity in proximity to Cadent assets in private land. The Applicant must ensure that proposed works do not infringe on Cadent's legal rights and any details of such restrictions should be obtained from the landowner in the first instance.

If buildings or structures are proposed directly above the gas apparatus then development should only take place following a diversion of this apparatus. The Applicant should contact Cadent's Plant Protection Team at the earliest opportunity to discuss proposed diversions of apparatus to avoid any unnecessary delays.

If any construction traffic is likely to cross a Cadent pipeline then the Applicant must contact Cadent's Plant Protection Team to see if any protection measures are required.

All developers are required to contact Cadent's Plant Protection Team for approval before carrying out any works on site and ensuring requirements are adhered to.

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
- CP9 Delivering a Sustainable Economy
- CP10 Employment Locations
- CP12 Centres
- CP21 Community Facilities
- CP23 Delivering a Sustainable Transport Network

Saved CDLPR Policies

- E13 Contaminated Land
- GD5 Amenity
- T10 Access for Disabled People

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

http://www.derby.gov.uk/media/derbycitycouncil/contentassets/documents/policiesandguidance/planning/Core%20Strategy_ADOPTED_DEC%202016_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%202017.pdf>

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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. Principle of Development

7.2. Visual Amenity

7.3. Residential Amenity

7.4. Ecology

7.5. Highways Matters

7.6. Land Drainage

7.7. Pollution

7.1. Principle of Development

Policy CP21 supports the retention of existing community facilities, which pubs are classified as, unless it can be demonstrated that there is no longer a need to retain the use or alternative provision is made. In this case, the most relevant supporting information regarding the lack of need to retain the use would be evidence of attempts to sell the property as a public house using appropriate methods for a reasonable period of time. The business closed late 2018 as has been marketed with a specialist leisure property agent with no offers being received. It is stated that due to the size of the property, business viability would be limited. The property has been marketed as a pub with a specialist agent without any interest being shown in it as a going concern; this indicates that the requirements of CP21 can be met.

The site is within a Neighbourhood Centre and within Centres, proposals are supported by Policy CP12 that:

- a) Meet local shopping and service needs while supporting the vitality and viability of the centre. Uses which would undermine this objective, either as a result of loss of retail function or through the impact on the character or environment of the centre, will be resisted;
- b) Help to combat long term and persistent vacancy. The Council may require applicants to submit appropriate evidence which demonstrates that the unit has been marketed for retail uses for a reasonable period of time and/or is no longer suitable for shopping uses;
- c) Encourage competition and consumer choice;

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- d) Help to maintain vibrant and coherent shop frontages;
- e) Respect, and are compatible with, the scale, role, character and function of the centre and would not have an unacceptable impact on the vitality and viability of other centres in the hierarchy;
- f) Help secure physical improvements to the centre, particularly where they will help to create high quality spaces that are accessible by all modes of transport.

At the time of the most recent survey in September 2018, the Neighbourhood Centre was in a healthy state with a range of uses. Car repair businesses and MoT stations are uses that are suitable for centres within the shopping centre hierarchy and can give rise to linked trips. The main concern appears to be the affect that the proposal may have on local amenity, although the site is adjacent to other commercial and industrial type uses.

Policy CP10 allows for new business and industrial development in areas not allocated for such uses provided that it:

- (a) does not conflict with the objectives of this Plan
- (b) would not adversely impact upon the amenity of nearby residents
- (c) is well integrated into the urban area
- (d) would not lead to a significant oversupply of employment land
- (e) would contribute to the aims and objectives of Policy CP9.

An objection has been made by several neighbours that there is no demand for services of the type proposed. However, land uses of the kind proposed are generally considered to be compatible with Neighbourhood Centres and the principle of locating an MOT testing/vehicle servicing station and a hand car wash is considered to be acceptable in policy terms, provided the remaining applicable local and national planning policies relating to design and amenity can be satisfied. These issues are addressed below.

7.2. Visual Amenity

Adopted policy CP3 Placemaking Principles requires development proposals to “incorporate high quality architecture which is well integrated into its setting and exhibits locally inspired or distinctive character”. Adopted policy CP4 Character and Context states that “all proposals for new development will be expected to make a positive contribution towards the character, distinctiveness and identity of our neighbourhoods”. Paragraph 127 of the National Planning Policy Framework (NPPF) states that planning decisions should ensure that developments add to the overall quality of the area, are visually attractive as a result of good architecture and layout, are sympathetic to local character and history including the surrounding built environment, and establish or maintain a strong sense of place.

The site is not in a particularly sensitive location, but it is prominent in the streetscene. It would be difficult to argue that the proposed development would incorporate high quality architecture as the buildings proposed would have a functional and industrial type appearance. However, they would be buildings designed around a particular function which has been identified as being acceptable within a Neighbourhood

Centre, and so to resist the proposal on these grounds would be difficult to justify in my opinion. The buildings could also be said to reflect the character of the commercial and industrial buildings to the west and north of the site respectively and so could be argued to be in keeping with the general character of this part of Sinfin Lane.

Several types of boundary treatment are detailed on the proposed site plan, those of which mark the site's frontage would be harmful to visual amenity in my opinion due to their height and prominence in the streetscene. Final agreement of boundary treatments can be controlled by condition however, as suggested in the application form. The proposed signage would not constitute development and so falls outside of the scope of this assessment, but will need to be the subject of a separate application for Advertisement Consent. An informative note is recommended below to that effect.

Overall, the loss of the pub is unfortunate and there is clearly local concern about its removal. Its replacement with an industrial type use result in some harm to visual amenity in my opinion, since the buildings would be of lesser architectural quality. However, this harm needs to be weighed against the re-use of a vacant site, which has been marketed for its current use with no viable interest and the economic and social benefits of redeveloping the site for a new compatible business use that this would bring. On balance, my opinion is that the proposal would be acceptable with regard to the redevelopment of the site and impacts on visual amenity and so it would comply with adopted policies CP3 and CP4 of the Core Strategy (Part 1) and paragraph 127 of the NPPF.

7.3. 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, and 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).

The nearest residential plot to the site is a little under 40 metres away from the site of the proposed testing station on the opposite side of Sinfin Lane. At this distance, it would be unlikely that noise levels during the day would reach levels that would constitute unacceptable harm to nearby residential dwellings. However, it is considered to be appropriate to limit the hours of operation of the business close to those defined in the Design & Access Statement which are 7am to 5:30pm Monday to Saturday, and a condition is recommended below on this issue.

The loss of the pub and its replacement is clearly a concern for local residents who have objected to the proposal. Some have objected to the impact on character in the local area. However, as above, this harm would not be sufficiently acute to justify resistance in this case. The plots that immediately surround the application site are also in commercial and industrial use and it is unlikely that the amenity of those nearby residents would be significantly harmed by the proposed development, any more than by the existing business units in this locality. Overall, my opinion is that the proposal would create satisfactory form of development and relationship to nearby properties that would not cause unacceptable harm to the amenity of nearby residents. The proposal would therefore fulfil the intentions of saved policy GD5 of the City of Derby Local Plan Review and paragraph 127 of the NPPF.

7.4. Ecology

Adopted policy CP19 Biodiversity sets out the Council's intention to achieve a net gain for biodiversity over the development plan period (up to 2028) and to ensure that development will protect, enhance and restore the biodiversity and geodiversity of land and buildings. This is supported by paragraph 170 of the NPPF which states that planning policies and decisions should minimise impacts on and provide net gains for biodiversity.

The proposal is supported by a Bat Survey which found no evidence of roosting bats and suggests that the demolition of the pub could be undertaken without the likelihood of disturbing protected species, in this case bats. The existing tree at the site's north-eastern corner and the hedge that forms the site's western boundary are both shown as retained on the latest site plan, although the part of the hedge closest to the vehicular access would be removed to facilitate the necessary visibility splay.

A condition is recommended below regarding the retention of the tree and the remaining part of the hedge and any measures required for their protection. The proposed development would not provide net gains for biodiversity although, provided the recommended condition is complied with, the intentions of policy CP19 and the NPPF that biodiversity be protected (if not enhanced or restored) would be satisfactorily met.

7.5. Highways Matters

Adopted policy CP23 (Delivering a Sustainable Transport Network) seeks to ensure that new development would provide suitable access and appropriate levels of parking. Paragraph 108(b) of the NPPF requires local planning authorities to ensure that safe and suitable access can be achieved for all users. The application is supported by a Transport Statement, detailing the likely impact of the development in respect of highway trip generation. No objection is raised by the Highways Officer to the conclusions of the Transport Statement or the proposed parking and access arrangement for the development, subject to imposition of planning conditions and informative notes which are included below. Provided these are complied with I conclude that the proposal would meet the requirements of adopted policy CP23 of the City of Derby Local Plan Part 1 and paragraph 108(b) of the NPPF and would therefore be acceptable with regard to its impact on the highway network.

7.6. Land Drainage

The site is in an area at low risk of flooding. However, the development presents an opportunity to implement a sustainable urban drainage system and so reduce flood risk elsewhere. A condition to this end is included below as recommended by the Land Drainage officer consulted.

7.7. Pollution

As detailed in the consultation response from Environmental Health (see above) the site's designation as potentially contaminated due to a previous land use (an unspecified works marked on the 1947 map of the area) means that, if planning permission is granted, it must be demonstrated that the site is suitable for its proposed

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use “taking account of ground conditions and any risks arising from land instability and contamination”. Conditions are recommended to deal with any land contamination prior to commencement of development as required by paragraph 178 of the NPPF and saved policy E13 of the Local Plan Review.

8. Recommended decision and summary of reasons:

8.1. Recommendation:

To grant planning permission with conditions.

8.2. Summary of reasons:

The proposed development represents an appropriate land use for a Neighbourhood Centre and would be acceptable with regard to impacts on visual and residential amenity, biodiversity and the local highway network and the re-use of a vacant site would present social and economic benefits for the Centre and the opportunity to improve the site’s drainage.

8.3. Conditions:

1. 3 year time limit condition

Reason: Standard time limit reason

2. Approved plans condition

Reason: Standard approved plans reason

Pre-commencement Conditions:

3. Phase I site contamination investigation

Reason: To demonstrate that the site is suitable for its proposed use

4. Where potential contamination then Phase 2 investigation to be carried out

Reason: To demonstrate that the site is suitable for its proposed use

5. Where contamination exists then remediation statement to be submitted and implemented. Validation report once remediation carried out.

Reason: To demonstrate that the site is suitable for its proposed use

6. Suds drainage scheme for the site.

Reason: To reduce flood risk elsewhere

Pre-occupation Conditions:

7. Precise details and locations of boundary treatments

Reason: In the interest of visual amenity

8. Protection measures for Retained Tree/Hedge to be implemented

Reason: In the interests of visual amenity and ecology

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9. Closure of redundant access

Reason: To protect the structural integrity of the highway and allow for future maintenance.

10. Provision of delineated parking and turning area

Reason: To ensure adequate off-street parking

11. Provision of visibility splays for access

Reason: In the interest of public safety

12. Prevention of surface water discharge onto highway

Reason: In the interest of highway safety

13. Cycle parking and electric vehicle charging parking on site

Reason: To promote low emission vehicle use

Management Conditions:

14. Operating opening hours limited to 7am to 6pm Monday to Saturday. 10am to 4pm Sundays and Bank Holidays

Reason: In the interest of residential amenity

8.4. Informative Notes:

N1. The minor access reinstatement works referred to in Condition 1 above involve work on the highway and as such require the consent of the City Council. Please contact maintenance.highways@derby.gov.uk

N2. It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring.

N3. The consent granted will result in the construction of a new building which needs naming and renumbering. To ensure that any new addresses are allocated in plenty of time, it is important that the developer or owner should contact traffic.management@derby.gov.uk with the number of the approved planning application and plans clearly showing the site, location in relation to existing land and property, and the placement of front doors or primary means of access.

N4. Any signage may require Advertisement Consent. For more information please consult "Outdoor advertisements and signs: a guide for advertisers" on gov.uk.

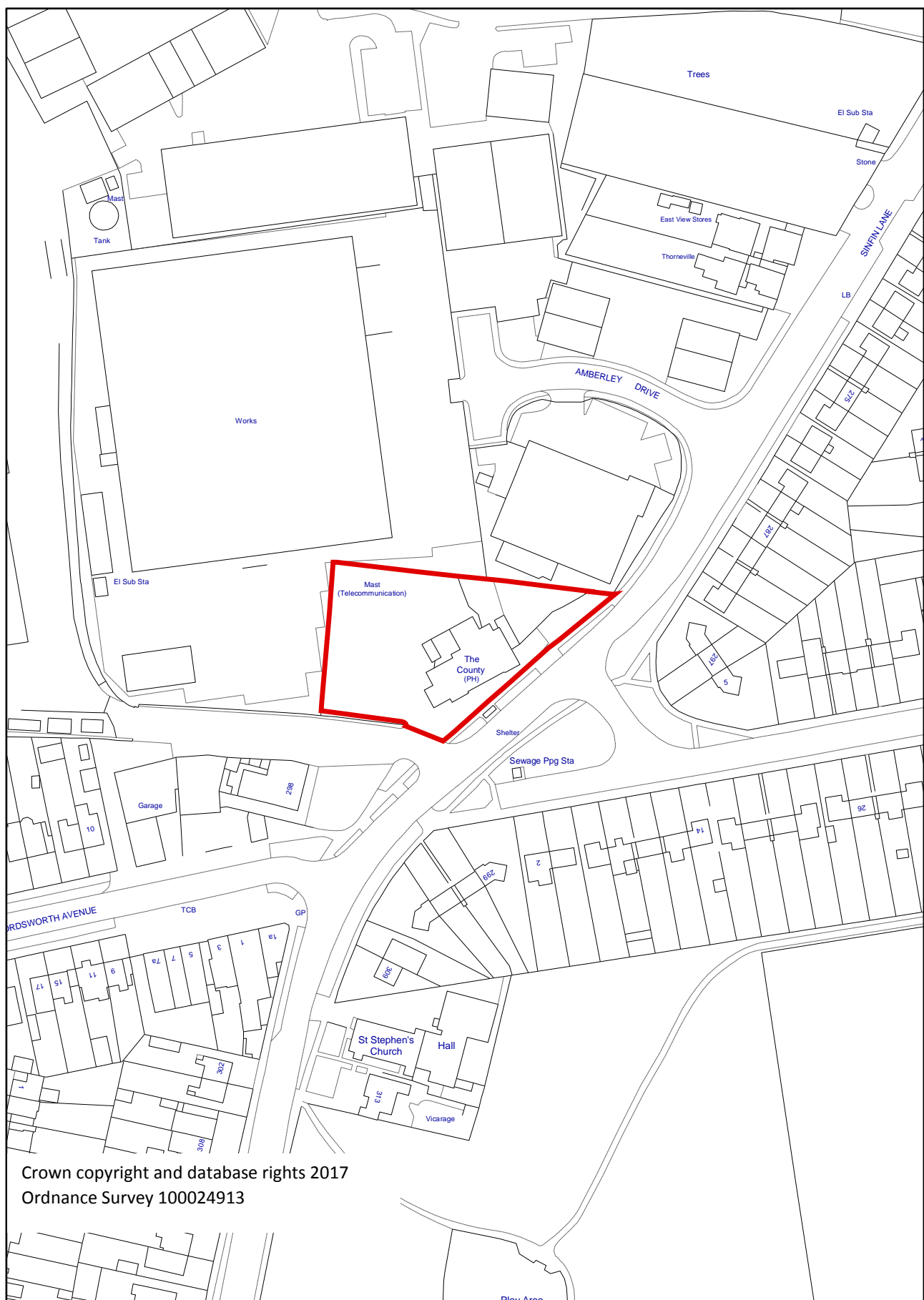
8.5 Application timescale:

The planning application expired on 4.10.2019 and extension of time has been agreed with applicant to cover the committee meeting period.

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Type: Full Planning
Application



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Delegated decisions made between Between 01/11/2019 and 30/11/2019



Application No:	Application Type	Location	Proposal	Decision	Decision Date
04/18/00576	Compliance/Discharge of Condition	Site Of Builders Yard And Land To West Of Wincanton Close Derby	Erection Of Storage And Distribution Facility For Motor Vehicles With Workshop - Discharge Of Condition 4 Of Planning Permission DER/06/16/00797	Discharge of Conditions Complete	05/11/2019
18/01908/FUL	Full Application	Site Of 36 Agard Street Derby DE1 1DZ	Erection of an 8 storey student accommodation comprising 142 studio flats, together with ancillary facilities and formation of vehicular access off Agard Street	Approval	06/11/2019
18/01922/FUL	Full Application	Site Of 59 Wilkins Drive Derby DE24 8LU	Demolition of bungalow and erection of 3 bungalows and 12 apartments with associated areas and car parking.	Approval subject to Section 106	21/11/2019
19/00220/FUL	Full Application	Land To The South Of Victory Road Victory Park Derby DE24 8ZF	Erection three units (Use Classes B1(b), B1(c), B2 and B8) together with access, car parking, landscaping and associated works	Approval	27/11/2019
19/00272/FUL	Full Application	244 Stenson Road Derby DE23 1JL	Two storey side and single storey rear extensions to dwelling house (covered way, two bedrooms, two en-suites, kitchen and dining room)	Refused	01/11/2019
19/00363/FUL	Full Application	129 Blenheim Drive Derby DE22 2LF	Retention of the installation of two air conditioning units	Approval	29/11/2019
19/00447/FUL	Full Application	Army Reserve Centre Windmill Hill Lane Derby DE22 3FJ	Demolition of existing garages, workshop and temporary cabin building. Erection of a new army reserve centre with associated parking, vehicle wash down area and alterations to the existing access	Approval	29/11/2019

Application No:	Application Type	Location	Proposal	Decision	Decision Date
19/00593/FUL	Full Application	Land At The Side Of 660 Osmaston Road Derby DE24 8GS	Erection of a dwelling house (Use Class C3)	Approval	29/11/2019
19/00732/FUL	Full Application	2 Pastures Avenue Derby DE23 4BE	Demolition of the existing dwelling house. Erection of a replacement dwelling house (Use Class C3) and retaining wall and associated ground works	Approval	28/11/2019
19/00822/FUL	Full Application	6 Leopold Street Derby DE1 2HD	Change of use from doctors surgery/residential (Use Classes D1 and C3) to an 18 bedroom house in multiple occupation (Sui Generis Use) including the installation of replacement windows and new roof lights	Approval	28/11/2019
19/00823/OUT	Outline Application	Land At The Side Of 6 Leopold Street Derby DE1 2HD	Residential development (one dwelling)	Approval	28/11/2019
19/00868/FUL	Full Application	71 Wardwick Derby DE1 1HJ	Change of use on the first and second floors to four flats (Use Class C3) including bricking up of two windows to the side elevation and installation of replacement windows	Approval	28/11/2019
19/00951/ALT	Appropriate Alternative Development S17	Land Between 18 And 20 Queensway Derby	One dwelling (Use Class C3)	Approval	21/11/2019
19/00952/ALT	Appropriate Alternative Development S17	Land Adjacent To The Royal School For The Deaf Ashbourne Road Derby	One dwelling (Use Class C3)	Refused	25/11/2019
19/00977/DISC	Compliance/Discharge of Condition	Land At The Rear Of Tesco Express Stenson Road Derby (Accessed From Bosworth Avenue)	Erection Of 14 Dwelling Houses (Use Class C3) - Discharge of condition 7 of previously approved application code No. DER/06/17/00798	Discharge of Conditions Complete	26/11/2019

Application No:	Application Type	Location	Proposal	Decision	Decision Date
19/00989/FUL	Full Application	23 Chaddesden Park Road Derby DE21 6HE	Two storey rear and single storey front extensions to dwelling house (porch, kitchen/dining area, w.c., living space and two bedrooms) and installation of a new first floor window to the side elevation	Approval	15/11/2019
19/01001/FUL	Full Application	The Former St George's Church Shaftesbury Crescent Derby DE23 8NA	Change of use from a place of worship (Use Class D1) to a residential care home (Use Class C2) including installation of replacement windows, new roof lights and access ramp	Approval	06/11/2019
19/01073/FUL	Full Application	359 Burton Road Derby DE23 6AH	Formation of a vehicular access and felling of two Hawthorne trees and one Ash tree protected by Tree Preservation Order no. 278	Approval	01/11/2019
19/01081/CLE	Lawful Development Certificate -Existing	6 Pastures Avenue Derby DE23 4BE	Extensions to dwelling house comprising patio at ground floor level with basement rooms below at lower garden level and external stair case connecting patio area to lower garden level.	Approval	06/11/2019
19/01148/FUL	Full Application	37 East Street Derby DE1 2AL	Change of use from retail (Use Class A1) to restaurant and hot food takeaway (Use Classes A3 and A5)	Refused	19/11/2019
19/01154/FUL	Full Application	The Pavilion Rolls Royce PLC Moor Lane Derby DE24 9HY	Erection of a cricket pavilion	Approval	01/11/2019
19/01155/FUL	Full Application	Convent Of Mercy 11 Bridge Gate Derby DE1 3AU	Change of use to Use Class D1 together with internal and external alterations to include formation of meeting room, offices, creche and associated garden play space.	Approval	19/11/2019
19/01156/LBA	Listed Building Consent - Alterations	Convent Of Mercy 11 Bridge Gate Derby DE1 3AU	Refurbishment, change of use to Use Class D1 together with internal and external alterations to include formation of meeting room, offices, creche and associated garden play space.	Approval	19/11/2019

Application No:	Application Type	Location	Proposal	Decision	Decision Date
19/01157/FUL	Full Application	21 Witham Drive Derby DE23 1QE	Two storey and single storey rear extensions to dwelling house (utility room, bedroom, bathroom and enlargement of kitchen, family room and bedroom) with a rear dormer to form rooms in roof space and installation of a new window to the first floor side elevation	Approval	27/11/2019
19/01160/OUT	Outline Application	15 Strathmore Avenue Derby DE24 0FX (access Of Anthony Drive)	Residential Development (one dwelling)	Refused	11/11/2019
19/01179/FUL	Full Application	14 Park Lane Allestree Derby DE22 2DT	Two story extension to dwelling house (utility room, two bedrooms, en suite and enlargement of kitchen and lounge)	Approval	06/11/2019
19/01195/FUL	Full Application	The Laurels 77 Nottingham Road Spondon Derby DE21 7NG	Erection of single storey front and side extensions (reception area and enlarged lounge/dining area, conservatory), alterations to parking layout and landscaping.	Approval	07/11/2019
19/01206/FUL	Local Council Own Development Reg 3	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.	Approval	15/11/2019
19/01218/FUL	Full Application	Land At The Rear Of Oaklands 11 Penny Long Lane Derby DE22 1AX (Access Off Broadway)	Erection of a dwelling house (Use Class C3) and formation of a vehicular access	Approval	12/11/2019
19/01233/TPO	Works to a tree with a TPO	13 Kings Croft Derby DE22 2FP	Reduction in height by 7m and removal of branches of a Willow Tree protected by Tree Preservation Order No. 471	Approval	19/11/2019

Application No:	Application Type	Location	Proposal	Decision	Decision Date
19/01236/FUL	Full Application	17 Moorhead Avenue Derby DE24 0AT	Single storey side and rear extensions to dwelling house (w.c., utility, kitchen and living space)	Approval	18/11/2019
19/01240/TPO	Works to a tree with a TPO	Royal School For The Deaf 180 Ashbourne Road Derby DE22 3BH	Crown reduction of two Apple trees and a Hawthorn and crown lift up to 5m of overhanging laterals of a Norway Maple tree protected by Tree Preservation Order No.456	Approval	19/11/2019
19/01255/FUL	Full Application	Land At Hackwood Farm Radbourne Lane Derby DE6 4LZ	Erection of 65 dwellings (Substitution of house types previously approved under reserved matters applications Code No. DER/12/17/01589 and DER/08/17/01038, pursuant to outline permission DER/06/15/00846)	Approval	26/11/2019
19/01262/TPO	Works to a tree with a TPO	16 South Drive Mickleover Derby DE3 9AN	Crown lift to 2.5m and removal of deadwood of 23 Lime trees protected by Tree Preservation Order no. 357	Approval	19/11/2019
19/01263/FUL	Full Application	Sinfin Moor Social Club Arleston Lane Derby DE24 3DH	Change of use from a social club (Use Class D2) to a place of worship and community hub (Use Class D1)	Approval	27/11/2019
19/01265/FUL	Full Application	Land At Rykneld Road Derby (South Of The Hollybrook PH)	Erection of a retail unit (Use Class A1) with new access and car parking	Refused	26/11/2019
19/01267/FUL	Full Application	Units 5-8, Land Corner Of Uttoxeter Road And Limes Avenue Mickleover Derby	Amalgamation of units 5-8 and the installation of a mezzanine floor, to vary Condition nos. 2 and 3 of the previously approved permission DER/03/18/00477. The amalgamated unit to be used as a restaurant/bar/function room (Use Class A3). The installation of external plant, including ventilation and extraction units and alterations to elevations.	Approval	28/11/2019
19/01268/NONM	Non-Material Amendment	Land To North Side Parcel Terrace	Erection of 2 no. units (Use Class B1(c), B2 & B8 (with ancillary Trade Counter Use),	Approval	07/11/2019

Application No:	Application Type	Location	Proposal	Decision	Decision Date
		Derby DE1 1LY	formation of car parking area and associated infrastructure - Non-material amendment to previously approved permission Code No. DER/18/01840 to amend the cladding, fence layout and amend concrete area to tarmac		
19/01282/FUL	Full Application	6 Bank View Road Derby DE22 1EJ	Two storey side and single storey rear extensions to dwelling house (kitchen/dining area, utility, W.C., two bedrooms and bathroom) and installation of a canopy to the front elevation	Approval	06/11/2019
19/01286/FUL	Full Application	Land Adjacent 50-52 Hartington Street Derby DE23 8EA	Erection of five apartments (Use Class C3)	Approval	07/11/2019
19/01289/ADV	Advertisement Consent	119 St Peters Street Derby DE1 2AD	Display of two internally illuminated fascia signs	Approval	19/11/2019
19/01293/TPO	Works to a tree with a TPO	10 Grangeover Way Derby DE22 3QD	Crown lift by 5m and crown thinning by 40% of a Sycamore tree and felling of Ash and Hawthorn trees protected by Tree Preservation Order No. 242	Approval	28/11/2019
19/01296/TPO	Works to a tree with a TPO	10 Priory Heights Court Derby DE23 6AX	Deadwood and crown lift pavement side to 4 metres of a Hornbeam tree, cutting back of branches of a Yew tree by 1.5m and deadwood and height reduction by 4m of a Holly tree protected by Tree Preservation Order No's 167 and 391	Approval	28/11/2019
19/01298/TPO	Works to a tree with a TPO	215A Duffield Road Derby DE22 1JE	Felling of a Poplar tree protected by Tree Preservation Order No 426	Approval	28/11/2019
19/01299/FUL	Full Application	7 Leominster Drive Derby DE21 2RE	Erection of a boundary fence	Approval	12/11/2019

Application No:	Application Type	Location	Proposal	Decision	Decision Date
19/01303/TPO	Works to a tree with a TPO	Hawthorns The Close Darley Abbey Derby DE22 2AD	Crown raise to 5m of a Lime tree and cutting back of branches to give 2-3 clearance from buildings of a Lime tree protected by Tree Preservation Order no. 554	Approval	21/11/2019
19/01307/FUL	Full Application	7 Shardlow Road Derby DE24 0JG	Erection of an external staircase and installation of a door at first floor level	Approval	07/11/2019
19/01309/TPO	Works to a tree with a TPO	Yewtree Lodge 1 Ellastone Gardens Derby DE24 0QQ	Crown lift to 4m to be carried out annually for a period of 10 years of a Yew tree protected by Tree Preservation Order No. 191	Approval	28/11/2019
19/01313/FUL	Full Application	12 Arlington Road Derby DE23 6NY	Two storey and single storey side and rear extensions to dwelling house (sitting room, kitchen, utility, two bedrooms, bathroom, conservatory and enlargement of bedroom and lounge) with rear patio area	Approval	15/11/2019
19/01315/FUL	Full Application	29 Morley Road Derby DE21 4QU	Single storey rear extension to dwelling house (kitchen / living space)	Approval	07/11/2019
19/01319/FUL	Full Application	46 Blenheim Drive Derby DE22 2LE	Single storey front and rear extensions to dwelling house (utility room, shower room and enlargement of lounge, sitting room and kitchen) and installation of a new window to the first floor side elevation	Approval	07/11/2019
19/01323/CLP	Lawful Development Certificate -Proposed	10 Froggatt Close Derby DE22 2TY	Two storey rear extension to dwelling house (enlargement of kitchen and bedroom)	Approval	07/11/2019
19/01326/FUL	Full Application	38 Browning Street Derby DE23 8AL	Two storey and single storey side extensions to dwelling house (lounge/dining area and two bedrooms) - amendments to previously approved planning permission 09/18/01421 to include an additional window and amend the window and door layouts	Approval	13/11/2019

Application No:	Application Type	Location	Proposal	Decision	Decision Date
19/01327/FUL	Full Application	Elms Farm Elms Farm Way Derby DE23 3XZ	Two storey rear and single storey side extensions to dwelling house (lounge, dining room, two bedrooms, en-suite and enlargement of kitchen) and erection of outbuilding (garage)	Approval	21/11/2019
19/01330/FUL	Full Application	603 London Road Derby DE24 8UQ (Portland Hotel)	Change of use from retail and residential (Use Classes A1 and C3) to a residential care home (Use Class C2) including installation of roof lights and alterations to the fenestration	Approval	27/11/2019
19/01333/TPO	Works to a tree with a TPO	12 Courtland Gardens Derby DE24 0LJ	Crown lift to 3m and crown thin by 20% of a Beech tree protected by Tree Preservation Order no. 282	Approval	19/11/2019
19/01338/FUL	Full Application	49 High Street Chellaston Derby DE73 6TB	Change of use to restaurant and hot food takeaway (Use Classes A3 and A5) including installation of an extraction flue to the side elevation	Refused	14/11/2019
19/01339/FUL	Full Application	18 Canterbury Street Derby DE21 4LG	Single storey rear extension to dwelling house (dining/family space)	Approval	07/11/2019
19/01340/FUL	Full Application	66 Allestree Lane Derby DE22 2HR	Two storey side and single storey rear extensions to dwelling house (store, shower room, utility, kitchen/dining room, bedroom and bathroom)	Approval	11/11/2019
19/01345/FUL	Full Application	43 Ford Lane Derby DE22 2EY	Single storey side extension to dwelling house (utility room)	Approval	12/11/2019
19/01347/FUL	Full Application	137 Nottingham Road Spondon Derby DE21 7NN	Two storey side and single storey rear extensions to dwelling house (garage, lounge, dining area, bedroom and en-suite)	Approval	11/11/2019
19/01348/CAT	Works to Trees in a Conservation Area	174 Duffield Road Derby DE22 1BH	Crown reduction by 2-3m of a Robinia tree, crown reduction by 1.5-2m of a Magnolia tree and crown lift to provide 3-3.5m clearance from ground level of a Blue Atlas Cedar tree within the Strutts Park Conservation Area	Approval	19/11/2019

Application No:	Application Type	Location	Proposal	Decision	Decision Date
19/01350/FUL	Full Application	69 Birchover Way Derby DE22 2QH	Two storey rear and single storey front and rear extensions to dwelling house (porch, w.c., study, utility, bedroom, en-suite and enlargement of living room, garage and kitchen/dining area)	Approval	11/11/2019
19/01352/FUL	Full Application	22 Allestree Lane Derby DE22 2HR	First floor side extension to dwelling house (bedroom and en-suite)	Approval	14/11/2019
19/01354/FUL	Full Application	Land At The Rear Of 1 Provident Street Derby DE23 6WS	Demolition of outbuilding. Erection of one dwelling (Use Class C3)	Refused	15/11/2019
19/01355/CLP	Lawful Development Certificate -Proposed	21 Auckland Close Derby DE3 9LH	Installation of a dormer to the rear elevation to form rooms in the roof space (two bedrooms and bathroom)	Approval	18/11/2019
19/01357/FUL	Full Application	137 London Road Derby DE1 2QN	Installation of an external staircase to the rear elevation	Approval	21/11/2019
19/01358/FUL	Full Application	91 Prince Charles Avenue Derby DE22 4BG (Greggs)	Installation of a new shopfront	Approval	07/11/2019
19/01359/ADV	Advertisement Consent	91 Prince Charles Avenue Derby DE22 4BG (Greggs)	Display of one internally illuminated fascia sign and one internally illuminated projecting sign	Approval	07/11/2019
19/01362/FUL	Full Application	47 Derby Lane Derby DE23 8UB	Single storey front and side extensions to dwelling house (sitting room, wet room and enlargement of hall)	Approval	12/11/2019
19/01363/FUL	Full Application	Amber House 257 Stenson Road Derby DE23 1JN	First floor and single storey extensions to dwelling house (four bedrooms, bathrooms and enlargement of kitchen and family room)	Approval	11/11/2019

Application No:	Application Type	Location	Proposal	Decision	Decision Date
19/01364/FUL	Full Application	19 Portland Street Derby DE23 8QA	Single storey rear extension to dwelling house (bedroom and wet room)	Approval	19/11/2019
19/01365/FUL	Full Application	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	Approval	18/11/2019
19/01367/FUL	Full Application	Land South Of Wragley Way Stenson Fields Derby (Opposite 100-166 Wragley Way)	Substitution of house types to three plots	Approval	19/11/2019
19/01368/FUL	Full Application	132 Western Road Mickleover Derby DE3 9GS	Change of use from dwelling house (Use Class C3) to an office (Use Class B1)	Approval	13/11/2019
19/01372/LBA	Listed Building Consent - Alterations	Liversage Almshouses London Road Derby DE1 2QW	Repair and replacement of railings and restoration of access gates including installation of new posts	Approval	27/11/2019
19/01373/FUL	Full Application	15 Park Road Mickleover Derby DE3 0EL	Erection of an outbuilding (garage)	Approval	12/11/2019
19/01376/CAT	Works to Trees in a Conservation Area	26 Mickleover Manor Derby DE3 0SH	Crown reduction of two Silver Birch trees within the Mickleover Conservation Area	Approval	28/11/2019
19/01379/FUL	Full Application	29 East Street Derby DE1 2AL	Change of use from financial and professional services (Use Class A2) to a restaurant/hot food takeaway (Use Classes A3 and A5) including the formation of a roof terrace	Approval	12/11/2019
19/01380/FUL	Full Application	6 Bonsall Avenue Derby DE23 6JW	Two storey side extension to dwelling house (utility, shower room, bedroom and enlargement of kitchen)	Approval	13/11/2019

Application No:	Application Type	Location	Proposal	Decision	Decision Date
19/01384/TPO	Works to a tree with a TPO	59 Dove Meadow Derby DE21 7TZ	Crown reduction by 3 metres of an Oak tree protected by Tree Preservation Order No. 514	Approval	28/11/2019
19/01385/FUL	Full Application	133 - 135 Nottingham Road Derby DE21 6AN	Installation of new windows and a door	Approval	12/11/2019
19/01390/ADV	Advertisement Consent	74-76 Osmaston Road Derby DE1 2HZ	Display of one internally illuminated digital display screen	Approval	11/11/2019
19/01391/FUL	Full Application	68 Dale Road Spondon Derby DE21 7DF	Single storey rear extension to dwelling house (dining/sitting room)	Approval	12/11/2019
19/01392/FUL	Full Application	4 Glebe Rise Derby DE23 6GW	Two storey side and single storey rear extensions to dwelling house (two bedrooms and enlargement of kitchen/dining area) and formation of a balcony to the front elevation	Approval	28/11/2019
19/01394/CAT	Works to Trees in a Conservation Area	Millers Court Edward Street Derby DE1 3BN	Crown reduction by 4m of an Acacia tree within the Strutts Park Conservation Area	Approval	28/11/2019
19/01395/ADV	Advertisement Consent	31 - 32 Victoria Street Derby DE1 1ES (Savers)	Display of one non illuminated fascia sign and one non illuminated projecting sign	Approval	11/11/2019
19/01396/FUL	Full Application	16 Allestree Lane Derby DE22 2HR	Erection of an outbuilding (store)	Approval	26/11/2019
19/01397/FUL	Full Application	The Pear Tree 2B Scarsdale Avenue	Two storey side and rear and single storey front extensions to dwelling house (porch,	Approval	28/11/2019

Application No:	Application Type	Location	Proposal	Decision	Decision Date
		Allestree Derby DE22 2JZ	garage, utility, w.c., kitchen/dining area, two bedrooms and enlargement of bedroom) together with installation of a new higher roof with roof lights and side elevation windows to form rooms in the roof space (bedroom, en-suite and storage) and the installation of render		
19/01399/FUL	Full Application	11 Ribblesdale Close Derby DE22 2TQ	First floor side extension to dwelling house (bedroom and en-suite)	Approval	26/11/2019
19/01401/FUL	Full Application	8 Hargreaves Close Derby DE23 3YH	Single storey front/side extension to dwelling house (porch and enlargement of living room) with a balcony over	Approval	13/11/2019
19/01405/PNRH	Prior Approval - Householder	29 Uttoxeter Road Derby DE3 9GF	Single storey rear extension (projecting beyond the rear wall of the original house by 4m, maximum height 4m, height to eaves 3m) to dwelling house	Prior Approval Not Required	07/11/2019
19/01407/ADV	Advertisement Consent	1 - 2 Victoria House Victoria Street Derby DE1 1ES (Premier)	Retention of the display of an internally illuminated ATM surround	Approval	11/11/2019
19/01408/FUL	Full Application	3 Devonshire Drive Derby DE3 9HA	Single storey side and rear extensions to dwelling house (utility and enlargement of kitchen)	Approval	13/11/2019
19/01411/FUL	Full Application	217 Max Road Derby DE21 4HF	Formation of a vehicular access	Approval	27/11/2019
19/01412/TPO	Works to a tree with a TPO	Cloud Hill Lime Lane Derby DE21 4RF	Felling of two Birch trees protected by Tree Preservation Order no. 400	Approval	29/11/2019
19/01415/FUL	Full Application	14 Ingleby Avenue	Single storey rear extension to dwelling house	Approval	14/11/2019

Application No:	Application Type	Location	Proposal	Decision	Decision Date
		Derby DE23 8DJ	(lounge and office)		
19/01416/FUL	Full Application	59 Willowcroft Road Derby DE21 7FP	Two storey rear extension to dwelling house (office, shower, two bedrooms, two showers, store and enlargement of kitchen)	Approval	29/11/2019
19/01417/FUL	Full Application	1 Bosworth Avenue Derby DE23 1LE	Single storey rear extension to dwelling house (enlargement of kitchen and bedroom)	Approval	18/11/2019
19/01419/CLP	Lawful Development Certificate -Proposed	The Coach House 98 Whitaker Road Derby DE23 6AP	Single storey side/rear extension to dwelling house (utility and shower room)	Refused	28/11/2019
19/01421/FUL	Local Council Development Reg 4	14 Bradbourne Court Boyer Street Derby DE22 3XE	Installation of french doors with ramped access and level platform to the rear elevation	Approval	14/11/2019
19/01423/FUL	Full Application	37 Friar Gate Derby DE1 1DA	Change of use of first and second floors from beauty therapist studio (Sui Generis Use) to a dwelling house (Use Class C3)	Approval	19/11/2019
19/01427/FUL	Full Application	18 Horwood Avenue Derby DE23 6NX	First floor rear and single storey front and side extensions to dwelling house (hall, bedroom and enlargement of dining room) and alterations to the appearance of the existing conservatory - amendments to previously approved planning permission Code No. 04/18/00583 to include a single storey rear shower room extension, amend the internal layout and window and door locations to the single storey side extension	Approval	29/11/2019
19/01430/FUL	Full Application	5 Foxlands Avenue Derby DE22 2AH	Single storey rear extension to dwelling (living space)	Approval	27/11/2019
19/01437/DEM	Demolition - Prior Notification	1-6 Lister Close Derby DE22 3NA	Demolition of six dwelling houses	Approval	07/11/2019

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19/01438/FUL	Full Application	61 Bedford Street Derby DE22 3PD	Single storey side/rear extension (kitchen, bedroom and en-suite)	Approval	29/11/2019
19/01439/CAT	Works to Trees in a Conservation Area	14 Lavender Row Derby DE22 1DF	Felling of Cyprus tree and Pine tree , reduction in height by 3m of two Cyprus trees all within the Darley Abbey Conservation Area	Raise No Objection	18/11/2019
19/01441/PNRH	Prior Approval - Householder	12 Lichfield Drive Derby DE24 8UD	Single storey rear extension (projecting beyond the rear wall of the original house by 4.15m, maximum height 4m, height to eaves 3m) to dwelling house	Prior Approval Not Required	07/11/2019
19/01464/CAT	Works to Trees in a Conservation Area	10 North Street Derby DE1 3AZ	Re-pollarding of Sycamore and Ash trees and reduction of a Leyland Cypress tree within the Strutts Park Conservation Area	Approval	28/11/2019
19/01465/CAT	Works to Trees in a Conservation Area	St Werburghs House Nursing Home Church Street Spondon Derby DE21 7LL	Cutting back of overhanging branches to the boundary with Church Mews of two Cherry trees and a Wisteria within the Spondon Conservation Area	Approval	28/11/2019
19/01476/DISC	Compliance/Discharge of Condition	30 Westcroft Avenue Derby DE23 1NN	Erection Of 3 Two Storey Buildings To Form 10 Self Contained Apartments - Discharge of condition 15 of previously approved application code No. DER/04/18/00547	Discharge of Conditions Complete	29/11/2019
19/01482/DISC	Compliance/Discharge of Condition	4A Siddals Lane Derby DE22 2DY	Demolition of garage. First floor and single storey front extensions to bungalow to form a dwelling house including alterations to the facing materials and new hard surfacing to the front driveway- discharge of condition 5 of previously approved permission 19/00600	Discharge of Conditions Complete	19/11/2019
19/01499/FUL	Full Application	Wickes 806 London Road Derby DE24 8WA	Alterations to include formation of a new entrance, installation of a new window to the side elevation and erection of a trolley park and 2m high fence	Approval	18/11/2019
19/01500/DISC	Compliance/Discharge of	First Floor	Retention of change of use from offices to a	Discharge of	04/11/2019

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	Condition	Exchange Buildings Exchange Street Derby DE1 2DU	seven bed flat in multiple occupation (Sui Generis use) - Discharge of condition No 4 of previously approved permission 18/01785	Conditions Complete	
19/01521/DISC	Compliance/Discharge of Condition	Derby Food Waste Anaerobic Digester Plant Derby Sewage Treatment Works Megaloughton Lane Derby DE21 7BR	Erection Of Anaerobic Digestion Facility - Discharge of condition 7 of previously approved permission DER/06/16/00795	Discharge of Conditions Complete	20/11/2019
19/01527/DISC	Compliance/Discharge of Condition	The Maltings Back Sitwell Street Derby	Installation of replacement cladding - discharge of condition No 4 of previously approved permission 19/00657	Discharge of Conditions Complete	20/11/2019
19/01550/NONM	Non-Material Amendment	Unit 5, 7 And Nos. 110 And 112 (Units 9-13) Park Farm Drive Park Farm Centre Derby DE22 2QN	External alterations to windows/doors - non-material amendment to previously approved planning permission 18/01866/FUL to amend the approved plans	Approval	29/11/2019
19/01580/DISC	Compliance/Discharge of Condition	St Augustines Community Centre Almond Street Derby DE23 6LX	Erection of boundary fencing and gates. Installation of new external doors, an access ramp and hardsurfacing - Discharge of condition 3 of previously approved application code No. 19/00312/FUL	Discharge of Conditions Complete	13/11/2019
19/01583/NONM	Non-Material Amendment	Hill Cottage 202 Duffield Road Derby DE22 1BL	Two storey side/rear and single storey front and side extensions to dwelling house (porch, garage, utility, living space, family room, two bedrooms and en-suite and, formation of a raised patio area - non-material amendment to previously approved planning permission 19/00420/FUL to remove two side facing windows and replace them with doors. installation of an additional window to the ground floor side elevation, removal of a roof light to the front elevation and include an	Approval	18/11/2019

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19/01622/DISC	Compliance/Discharge of Condition	Site Of Former 93-95 Wiltshire Road Derby DE21 6FB	additional roof light to the side elevation Incorporation of land into residential curtilage to form garden and car parking area - Discharge of conditions 4 & 6 of previously approved application code No. 18/01894/FUL	Discharge of Conditions Complete	26/11/2019
19/01662/DISC	Compliance/Discharge of Condition LB	Development Land Comprising Part Of Former DRI 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 - Discharge of condition 3 of previously approved permission 18/01678	Discharge of Conditions Complete	29/11/2019