



**PLANNING CONTROL COMMITTEE**  
**13 April 2017**

# ITEM 7

Report of the Director of Strategic Partnerships,  
Planning and Streetpride

## Applications to be Considered

### SUMMARY

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

### RECOMMENDATION

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

### REASONS FOR RECOMMENDATION

- 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.

### OTHER OPTIONS CONSIDERED

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

This report has been approved by the following officers:

<b>Legal officer</b> <b>Financial officer</b> <b>Human Resources officer</b> <b>Estates/Property officer</b> <b>Service Director(s)</b> <b>Other(s)</b>	Ian Woodhead
<b>For more information contact:</b> <b>Background papers:</b> <b>List of appendices:</b>	Ian Woodhead Tel: 01332 642095 email: <a href="mailto:ian.woodhead@derby.gov.uk">ian.woodhead@derby.gov.uk</a> None Appendix 1 – Development Control Monthly Report

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Item No.	Page No.	Application No.	Address	Proposal	Recommendation
1	1 - 64	11/14/01570	Derby Triangle, Wyvern Way, Derby	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 the 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.	<p><b>To authorise</b> the Director of Strategy Partnerships, Planning and Streetpride to grant planning permission subject to appropriate conditions and obligations.</p> <p><b>A. To authorise</b> 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.</p> <p><b>B. To authorise</b> the Director of Strategy Partnerships, Planning and Streetpride to <b>grant permission</b> upon conclusion of the above Section 106 Agreement.</p>
2	65 - 90	10/16/01241	Unit 7, Northedge Business Park, Alfreton Road, Derby	Development of facilities to enable the testing of a new technology based on a pyrothermic conversion process utilising SDF (solid recovered fuel) and erection of external 20 metre height chimney stack for a temporary period of 18 months.	<b>To grant</b> planning permission with conditions
3	91 - 97	10/16/01282	Land at the side of 2 Vine Close, Littleover	Residential development (one dwelling)	<b>To grant</b> planning permission with conditions
4	98 - 113	12/16/01533	19 Cornhill, Allestree.	Erection of a dwelling house (use class C3)	<b>To authorise</b> the Director of Strategy Partnerships, Planning and Streetpride to <b>grant permission</b> upon conclusion of the above Unilateral Undertaking, subject to the Director of

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Item No.	Page No.	Application No.	Address	Proposal	Recommendation
					Strategy Partnerships, Planning and Streetpride and the Director of Governance being satisfied with the terms of a Section 106 Agreement or Undertaking securing the objectives set out below.

**1. Application Details**

**Address:** Derby Triangle, Wyvern Way, Derby

**Ward:** Chaddesden

**Proposal:**

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 the 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.

**Further Details:**

Web-link to application:

<https://docs.derby.gov.uk/paserver/index.aspx?caseref=11/14/01570>

**Brief description**

This planning application seeks permission for a mixed use development on land at the Derby Triangle, Wyvern Way. The application is in outline format with all matters reserved except two points of access.

The proposed development will comprise of use classes B1 (Business), B2 (General Industry) and B8 (Storage and Distribution) along with additional uses which include a car showroom, public house, restaurant and retail store. The application also includes for 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.

The application site itself sits within a large commercial area including Wyvern Retail Park to the north which is primarily retail in nature, Wyvern Business Park to the north-west which accommodates a number of office blocks and a hotel and Pride Park to the south which is mixed use it 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 Railway and Bus Stations.

The site, since ceasing as an aggregate extraction site and then landfill has been unused with the exception of some un-authorised motor vehicles accessing the site. The site was capped and profiled approximately 7 years ago and since this time has been left unmaintained. Network Rail currently benefit from access to the site, the rail way 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 only rather than on a daily basis. This outline planning application seeks to maintain a form of access for Network Rail for such emergencies.

The proposal is considered in three elements, the development site itself, the provision of the Our City Our River conveyance corridor and the A52 Wyvern Transport Improvements scheme (A52 Scheme).

**Proposed Development**

This element of the application is in outline format. The application site covers an area of some 29.5 hectares and is accompanied by an indicative masterplan that suggests an achievable layout for bringing forward the following:

<b><u>Land Use</u></b>	<b><u>Area</u></b> (Gross Floor Area – gfa)
B1(a) Office	29,682 sqm gfa
B1(b) Research and Development	8083 sqm gfa
B2 General Industry	8482 sqm gfa
B8 Storage and Distribution	20,810 sqm gfa
Car Showroom	2462 sqm gfa
Public House	700 sqm gfa
Restaurant	372 sqm gfa
Food Retail	2000 sqm gfa
Highway Improvements	2.47 hectares
Flood Attenuation (OCOR)	4.07 hectares
Canal Restoration	1.32 hectares

The submitted indicative layout and parameters plan identifies areas for development for the ancillary uses, B1 (a and b), B2 and B8, as identified above. 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.

During the determination process of this application the applicant has also submitted and the Council has approved full planning permission for the provision of these flood defence works, under code no. *DER/05/15/00698 which have been granted planning permission subject to conditions. The description is works is as follows:*

*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.*

This approved OCOR scheme, DER/05/15/00698, provides the full details for implementing the conveyance corridor including the exact width, height of the new river embankment and how this flood defence will integrate with the Railway Embankment in the southern corner of the site and the Network Rail access in the northern corner of the development site, under Derwent Parade. The existing Stanier Way pumping station outfall will be retained as part of these works.

#### A52 Wyvern Transport Improvements Scheme

Derby City Council as the Highway Authority have sought and received planning permission to improve part of the A52 and its junction with the Wyvern Retail Park, under code no. DER/01/16/00087. The scheme, in brief, proposes:

- Formation of extra lanes and the introduction of 50mph speed limit on the A52, near the Wyvern junctions
- Carriageway resurfacing and replacement safety barriers
- New two lane slip road off the A52 into Wyvern/Pride Park
- New signal controlled crossroads at the junction of Wyvern Way and Derwent Parade, with bus priority detectors on the westbound approach
- Improvements to help pedestrians and cyclists including new shared use routes and new crossing facilities
- Constructing a replacement wider pedestrian and cycle bridge across the A52 from Meadow Lane, Chaddesden to Wyvern, with ramps so that it is accessible to all users
- Improved sustainable drainage systems including natural water improvement measures providing storage, water quality improvements and increase habitat diversity.
- The formation of a balancing pond on land currently owned by Network Rail known as the Derby Triangle
- Re-alignment of the car park currently used by Toys R Us and Boots due to the closure of their access onto the existing roundabout

**Classification: OFFICIAL**

**Committee Report Item No: 1**

**Application No: DER/11/14/01570**

**Type: Outline Planning  
Application with  
access applied for**

- Re-alignment of the on and off slip road
- Installation of a new bridge across the dual carriageway.

The applicant, St Modwen's, has worked closely with the A52 project team during the life of this application in order to consider the impacts of this proposed development site and the land requirements of the A52 Scheme.

Amendments have been made to the Transport Assessment and red edge of the application site which now includes the access arrangement for the proposal along with an agreed proportion of the A52 Schemes highway works which are required in order to mitigate the traffic impacts of the proposed development. This includes:

- Widening of Wyvern Way
- Signalisation of their access and Pullman Road
- Enlargement and signalisation of Stanier Way Roundabout
- Provision of their site access at Stanier Way and Pullman road junctions

The proposed works would normally be secured by way of condition however as the A52 Scheme is due to commence in May 2017 and in order to not prolong works on the public highway the applicant has agreed to financially contribute to the A52 Scheme; thus allowing the works to be completed rather than implemented in phases. The required works are considered to be worth a value of £2.665 million. The A52 Scheme will secure this financial contribution by way of a legal agreement between themselves and the applicant, St Modwen's. That being said, a planning condition is recommended to ensure the A52 scheme works are in place and operational prior to the proposed employment development being occupied and brought into use.

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

<b>Application No:</b>	DER/01/16/00087	<b>Type:</b>	Local Council Devt Reg 4
<b>Status:</b>	Granted conditionally	<b>Date:</b>	12/04/2016
<b>Description:</b>	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 likely to commence on site in May 2017.*

**Classification: OFFICIAL**



**Committee Report Item No: 1**

**Application No: DER/11/14/01570**

**Type: Outline Planning  
Application with  
access applied for**

**Application No:** DER/05/15/00698      **Type:** Full Planning Permission  
**Status:** 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.*

**Application No:** DER/02/15/00210      **Type:** Outline Application  
**Status:** 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 operational development in the form of ground works, archaeological investigation works and landscaping works to reinstate sites with environmental enhancements included.

*The above application has been subject to amendments through the non-material amendment application process and section 73 variation of condition process. The amendments have not sought to amend the proposed works at 'Derby Triangle' or the surrounding area.*

*Works relating to OCOR have commenced within Package 1 but are yet to commence within packages 2 and 3. The application site is within package 3 and is in an outline format only. The above application under code no. DER/05/15/00698 was submitted and determined as a full application and therefore supersedes the details in the outline planning application.*

**Application No:** DER/03/07/00495      **Type:** Outline Application  
**Status:** 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.*



*The Derby Triangle application has sought within its indicative masterplan and parameters plan safeguard the route of the canal. The comments submitted by the Canal Trust are set out in Section 6 of this report.*

**3. The requirements of the Environmental Impact Assessment Regulations**

The requirements for Environmental Impact Assessments are set out within the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 as amended by the Town and Country Planning (Environmental Impact Assessment) (Amendment) Regulations 2015.

Regulation 3(4) of the Environmental Impact Assessment Regulations provides that a Local Planning Authority “*shall not grant planning permission pursuant to an application to which this regulation applies unless they have first taken the environmental information into consideration, and they shall state in their decision that they have done so.*” Reg 2(1) provides that “environmental information” means the environmental statement, including any further information and any other information, any representations made by anybody required by these Regulations to be invited to make representations and any representations duly made by any other person about the environmental effects of the development.” Therefore while the Environmental Statement is part of the Environmental Information it is the totality of the Environmental Information which it is important for Members to take into account.

**4. The Environmental Statement**

In the ES the impact methodology used to assess the significance of effects from specific topic areas is outlined in detail and there are some differences between that methodology for some of the topic areas. For each topic area, it is defined how the study area was established and outlines the scoping process used to identify the key receptors that could be affected by the works. The ES identifies criteria for classifying the sensitivity of environmental receptors, criteria for classifying the magnitude of impact and criteria for classifying the duration of impacts. When considering magnitude of impact generally, it is indicated that this is assessed using criteria that consider a percentage for the extent of a site, area or population effected by the works. Generally, for duration of impacts, in those classed as temporary, short term continues for a period of months up to 1 year following completion, medium term indicates impacts which continue 1-10 years and long term is 11 years upwards. The effect on a receptor is the consequence of the change brought about by the project and the sensitivity of the receptor that is affected. The significance of each effect has been defined in the ES and considered the sensitivity of the receptor (high, medium, low and negligible) and the magnitude of the impact (high, medium, low and negligible). In broad terms each effect is classified as major, moderate, minor and/or negligible. Significant effects arising from the scheme are those identified as moderate or major. The ES also consider whether or not the impact would be a direct or indirect. Each chapter of the ES includes a conclusion.

The disciplines covered within the Environmental Assessment are as follows:

- Planning Policy and Alternatives Considered. *An addendum has been submitted in respect of planning policy following the adoption of the Derby City Local Plan Part 1.*
- Socio Economic Effects
- Traffic and Transport
- Air Quality
- Noise and Vibration
- Ecology and Nature Conservation
- Landscape and Visual Impact
- Hydrology and Hydrogeology
- Land Contamination and Ground Conditions
- 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.

**Planning Policy and Alternatives Considered.**

*An addendum has been submitted in respect of planning policy following the adoption of the Derby City Local Plan Part 1. The submitted information has been re-consulted upon as detailed within the EIA regulations.*

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 and the addendum outlines the policies and also cross-references the other relevant chapters of the ES. Overall, whilst there has been an adoption of a new local plan, the thrust of the relevant policies remains the same. This chapter also details the rationale behind the decisions made in respect of the submitted masterplan. 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 new adopted local plan and the saved policies of the former local plan.

**Socio Economic Effects**

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 Chaddesden, Derby, East Midlands and 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 3,300 jobs. Overall the chapter concludes that the proposed employment led development is likely to have a positive or negligible impact on the range of socio-economic receptors considered within the chapter and does propose an opportunity for economic growth and development for the local area and Derby.

**Traffic and Transport**

Additional information has been submitted in respect of traffic and transport through the life of this application that reflects amendments to the design of the access points and traffic modelling updates. The level of development has not been amended and therefore no amendments have been made to this chapter of the ES, as the impacts of the development in terms of traffic and transportation and trips has not be altered. The chapter should therefore be read in conjunction with the updated Transport Assessment.

The chapter has considered mitigation in the form of the A52 Congestion Management and Mitigation Scheme (A52 Scheme). The ES considers that the entire proposed development can be built out if the A52 Scheme has been completed; therefore the ES consider the A52 Scheme as its mitigation. No further mitigation is proposed as part of the ES.

The proposed development has the potential to increase the number of trips on the local road network during construction and operational phases, particularly in peak times. Mitigation has been considered which includes the implementation of the A52 junction improvement scheme. The chapter considers the impacts, during construction and operation, on 13 specific junctions as detailed on page 88 of the ES Written Statement, Volume II dated November 2014:

Junction 1	Wyvern Way/ Derwent Parade/ Wyvernside (Toys R Us)
Junction 1A	A52 on and off slip roads
Junction 2	Wyvern Way/Site Access (west)
Junction 3	Wyvern Way/Pullman Road
Junction 4	Wyvern Way/ The Siddings
Junction 5	Wyvern Way/ Stanier Way /Site Access (Sainsbury's)
Junction 6	A52/ Nottingham Road/ Eastgate (The Pentagon)
Junction 7	Derwent Parade/ Pride Parkway
Junction 8	The Cock Pitt/ Station Approach
Junction 9	London Road/ Ascot Drive/ harrow Street
Junction 10	Raynesway Grade Separated Junction
Junction 11	A6005 Derby Road/ Megaloughton Lane
Junction 12	A52 Brian Clough Way/ Victoria Avenue
Junction 13	M1 Junction 25

The effects on all 13 junctions is summarised in Table 6.7 on page 93 of the Written Statement. Overall the chapter concludes that of the 14 receptors, junctions as set out above, the predicted impacts range between negligible to minor on the wider network apart from junction 13 where the likely environmental impact has been assessed as moderate. The ES concludes that subject to the completion of the A52 Scheme there will be no major significant effect as a result of the proposed development.

#### Air Quality

This section of the ES describes the potential air quality impacts associated with the construction and operation of proposed development. The chapter considers the increased traffic and the pollutants resulting from the increased traffic along with the pollutants resulting from construction. The effects resulting from the construction phase of development are considered to be short term and of a low magnitude and the significance negligible. In terms of the operational phase of development, whilst the impacts will be long term the magnitude of the impacts is considered to be imperceptible to low and therefore the significance of the effect negligible. Overall air quality impacts resulting from the development are considered to be insignificant.

#### Noise and Vibration

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. The noise resulting from the construction phase is likely to be negligible. Road traffic is likely to increase in the vicinity of the application and the noise resulting from this increase results in a range of effects in surrounding areas. The increases in road traffic at existing residential properties due to the proposed development are predicted to be negligible. Overall, the ES suggests that, even with worst case assumptions, the impact of the proposed development on noise will be very slight and barely perceptible.

#### Ecology and Nature Conservation

This chapter considers ecology and nature conservation associated with the proposed development. The ES considers the impacts on receptors; Invertebrates, Great Crested Newts, Reptiles, Breeding Birds, Bats, Water Voles, Otters and Trees. The proposed development would not impact on any statutory nature conservation designations.

The implementation of the OCOR conveyance corridor would result in temporary adverse impacts to the River Derwent Local Wildlife Site (LWS) and would be categorised as significant at site level. The ES accepts that habitats would be lost resulting in a permanent impact at a local to district level. However, the proposed development through the creation of the OCOR conveyance corridor and green infrastructure within the site would, subject to suitable design, provide valuable new habitats.

Significant effects would result from the displacement and loss of breeding habitat for 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. That being said, the ES states that there are likely to be significant beneficial impacts to other bird species of conservation concern these could include reed bunting, a range of summer warbler species, lapwing (foraging), snipe and little ringed plover. The mitigation is not like for like but overall the assemblage could be of a similar value but just comprising different species.

Habitat creation along the river margin would result in minor beneficial impact for fish which is significant at a local level. Impacts to fauna would be temporary and of minor significance. Newly created habitats along the conveyance corridor within the re-profiled floodplain and within the proposed development will be subject to an Ecological Management Plan in order to maximise the benefits in the long-term.

#### **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 23 viewpoints, as set out on page 202-203 of the ES. These viewpoints have been agreed between the applicant and the Local Planning Authority prior to the drafting of the ES.

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. 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 the landscape framework will also benefit the wider area.

#### **Hydrology and Hydrogeology**

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 chapter has been scoped out the Environment Agency, Severn Trent Water and the DCC Drainage Team. Overall the proposed development is classified as having a minor or negligible insignificant effect for both the construction and operational phases. Existing flood risk will be mitigated for by the raising of existing level onsite and through the provision of on-site flood compensation. Furthermore the proposed development, as part of the OCOR



scheme, will assist in the delivery of reducing flood risk to surrounding areas and provide additional benefits to the community.

#### **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. The previous chapter “*Hydrology and Hydrogeology*” identifies potential effects to the water environment through the introduction of water pollutants.

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. Overall these benefits are considered to be significant.

#### **Cumulative Effects**

The ES identifies, in chapter 3 Table 13.1, a number of development proposals which need to be considered in the context of the site. These developments are:

- A. DER/12/11/01496 Erection of multi sports arena and formation of associated car parking area – *Development completed and operational*
- B. DER/10/11/01174 Formation of a mixed use plaza comprising retail (use class A1), restaurants/cafes/bars (use class A3/A4), offices (use class B1), revised access and parking, and improved public realm – *Permission granted 02/12/2014, reserve matters have not been submitted and the scheme is not yet implemented*

The cumulative effects, in respect of the disciplines are set out within Table 13.1 of the ES which is set out on pages 267 – 271. Overall the combined impacts of the developments are unlikely to give rise to significant adverse impacts. The ES has noted that there may be overlapping of construction periods which may lead to some medium term impacts however these are unlikely to be significant.

#### **Conclusion**

Overall the ES demonstrates that there are no significant adverse environmental effects which will result from the proposed development with the exception of the impact on the lapwing and skylarks where the impact would be significant at both a local and district level. The applicant has explored alternative mitigation in order to reduce this impact but, as yet, has been unable to provide suitable mitigation.

The ES has taken a front loading approach which has led to the inclusion of a number of measures which have accounted for the likely impacts associated with the new development and lessened the effect to within acceptable levels.

**5. Publicity:**

The application has been publicised and consulted upon twice, following the submission of the application in 2014 and following the submission of further information in 2016. The following provides further details of this publicity:

Neighbour Notification Letters - sent 19 November 2014

Site Notice - 6 December 2014 and 27 September 2016

Statutory Press Advert - 25 November 2014 and 27 September 2016

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

**6. Representations:**

The application has attracted two letters of representations, both in support of the proposed development. Their content is summarised as follows:

- The proposal offers an opportunity that will compliment development on Pride Park.
- Support for the re-development of the large brownfield site and the safeguarding of the Derby and Sandiacre Canal route
- Derby and Sandiacre Canal Trust would like to realise their proposed tourist attraction on this site, linking to the Silk Mill. They have considered this development site and identified a proposed location for the Derby Arm and visitors centre. An animation of the proposal can be found at: <http://derbycanal.org.uk/derby-arm>

**7. Consultations:**

**Highways England:**

No objections to the proposal however conditions have been recommended in respect of the no development being brought into use until the A52 Congestion Management and Integrated Transport Scheme has been implemented.

**Highways Development Control:**

The above application is seeking outline planning permission for employment uses 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 application area will be considered at a later date via a reserved matters planning application.

The 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 the 'Our City Our River' (OCOR) flood prevention scheme and the improvement of the A52 Pride Park access (the Highway scheme). For comments on the OCOR flood prevention scheme please see comments by others, the Highway Scheme is considered below.



National Planning Policy Framework (NPPF)

Set out below is the criteria against which the highways impact of the proposed development should be tested. It is important that this is the criteria used as it is the NPPF criteria that would be used should the application be determined by the Secretary of State.

Paragraph 32 of the NPPF says:

*“All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:*

- *The opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;*
- *Safe and suitable access to the site can be achieved for all people; and*
- *Improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”*

Considering the above criteria I make the following comments:

Traffic Modelling

**Traffic Generation** – The predicted trip generation of any particular development is obtained from a national data base of traffic surveys called ‘TRICS’, which is the industry standard methodology. Transportation colleagues suggest the proposed development is likely to produce approximately 1100 additional two-way trips in each peak hour. The proposed highway scheme has been designed to accommodate this level of trip generation. There is likely to be a wider impact on the A52 corridor and it is suggested the Highway financial contribution as defined in the contributions SPD should be safeguarded for a future improvements to this corridor.

The traffic generation stated above is derived from the development mix shown in the table below (It should be noted that the TA considered 1400 sqm of food retail however the additional 600sqm is not considered likely to make a material difference to the overall highway impact). Please note that the development mix shown in Table A below differs from that shown on both the Parameters Plan P8 and on the planning application form. If the applicants wish to change development mix shown in the table for any reason, they must seek advice from the LPA in respect of a requirement to re-evaluate the Transport Assessment (see conditions below).

Table A	
Land Use of the completed development	Floor Space (sqm gfa)
B1 (a) Office	29,682
B1 (b) Research and Development	8083
B2 General Industry	8482

<b>B8 Storage and Distribution</b>	20,810
<b>Car Showroom</b>	2462
<b>Pub</b>	700
<b>Restaurant</b>	372
<b>Food Retail</b>	2000

As mentioned above, the applicant is seeking to implement a Phase 1 development prior to the highway scheme being fully complete. However, they have accepted that no element of a Phase 1 could become operational unless or until the Wyvern Way section of the highway scheme has been completed. The Highway Authority considers that a Phase 1 development shouldn't become operational until at least the whole of the Wyvern Way has been improved including the conversion of the Toys R Us roundabout to traffic signals, the Pullman Road traffic signals are operational and the additional exit capacity at the Stanier Way roundabout is available. It would seem a little odd to want to open a new development whilst major road works are ongoing in the immediate vicinity thereby impeding access to the new floor space which is being promoted.

Again if the applicants wish to change the development mix shown in Table B below for any reason, they must seek advice from the LPA in respect of a requirement to re-evaluate the Transport Assessment (see conditions below).

<b>Table B</b>	
<b>Land Use Phase 1</b>	<b>Floor Space (sqm gfa)</b>
<b>B1 (a) Office</b>	2787
<b>B8 Storage and Distribution</b>	6500
<b>Car Showroom</b>	2462
<b>Pub</b>	700
<b>Restaurant</b>	372
<b>Food Retail</b>	2000

- ***The opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;***

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/users of the development to choose to travel by non-car modes, wherever this is realistic and feasible i.e. measures to encourage walking, cycling and travel on public transport.

**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 scheme will provide controlled crossings across Wyvern Way to ensure pedestrians wishing to visit the retail park can do so safely. The development also proposes a food store, restaurant and pub within the site. It is noted that the master plan Drg No P010 Rev P8 does not show any direct pedestrian/cycle connection between these 'A' class uses and Wyvern Way and it is suggested that the applicant be put on notice that a pedestrian/cycle link will be required when the detailed layout is being considered.

**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 cycleways 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.

**●● *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 Wyvern Way. There is to be a traffic signal controlled junction directly opposite Pullman Road and an access from an improved Wyvern Road/Stanier Way roundabout, as shown on Drg No P101 Rev P8. 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).

**●● *Improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.***

The A52 Pride Park access and Wyvern Way currently suffer from severe levels of congestion in the peak hours. As mentioned above DCC are promoting a major improvement scheme to address the congestion. Following negotiations with the landowner/developers they have agreed to contribute to the highway scheme to allow it to be enhanced to accommodate their development. It is considered that the proposed development (other than phase 1 as defined by the condition below and OCOR works) should not become operational unless or until the highway scheme as shown for indicative purposes on Drg No HD12092-000-035 has been completed and open to the public.

There are however significant earthworks to be undertaken within the application area to accommodate the OCOR flood prevention scheme and to enable the development to proceed. It is considered that these works could be undertaken at the same time as the highway scheme is being constructed, subject to the approval of a suitable means of access into the site for construction traffic (see conditions below).

**Recommendation** – No highway objection subject to the conditions and notes.

**Natural Environment:**

**Trees**

There are no Tree Preservation Orders (TPOs) affecting this site and it is not within a Conservation Area.

It is recommended that the advice given along with the recommendations made in the Findings of the BS5837 Tree Quality Survey and Development Implications are followed. It is recommended that conditions are attached to ensure tree protection measures, such as protective fencing is in place before and during construction and where necessary no dig solutions are used within the root protection areas of any trees which are to be retained.

It is noted and accepted that A full Arboricultural Implications Assessment (AIA), Tree Loss and Tree Protection Plan as well as a corresponding Arboricultural Method Statement (AMS) will be prepared to accompany the delivery of a reserve matters applications.

**Rights of Way**

There are no recorded public footpaths running over the application site.

There are public footpaths north of the river, to the east of the railway bridge over the River Derwent, near to Derby Railway Station. This has led to desire lines being established from these public footpaths, which follow the river all the way down to the railway bridge near Alvaston Park. They then follow the railway line, coming out onto Wyvern Way / Stanier Way.

Our adopted Rights of Way Improvement Plan 2014 – 2017 doesn't identify any proposed walkways / cycleways in this area. If practical, a walkway / cycleway on this side of the river would be welcomed to further increase access to the river corridor, with links into the development. Again, if practical, a bridge for walkers and cyclists over the river linking into the existing Riverside Path adjoining the nature reserve at Pride Park would be welcomed. This would achieve the aim of increasing access along the river corridor to Derby City Centre in either direction and allow people working at the proposed development to cycle or walk from the Alvaston area without having to go up to the existing Derwent Parade river bridge, which connects the Wyvern with Pride Park.

**Environmental Services (Health – Pollution):**

**Comments 15<sup>th</sup> January 2015**

I note that this application is considered EIA Development and therefore the application has been accompanied by an Environmental Statement, which includes assessments of air quality, noise & vibration and land contamination. There are also sections relating to construction environmental nuisance effects. I intend to deal with these sections individually below.

Air Quality

- 1.1 Section 7 of the Environmental Assessment deals with air quality impacts associated with the construction and operation of the proposed development.
- 1.2 The baseline methodology appears to have utilised relevant information.
- 1.3 Construction dust impacts are included within the assessment and there is also a detailed AQ modelling assessment in relation to operational impacts.

Construction Dust

- 1.4 The assessment utilises appropriate guidance for this aspect of the assessment (namely IAQM Guidance, 2014), albeit that at this outline stage there is little detailed information known about construction activities.
- 1.5 The IAQM significance methodology is outlined at Appendix 7.1 of the ES within the 'construction dust assessment procedure' document.
- 1.6 The significance of dust effects is concluded to be generally "low risk", primarily due to the distance between the site and the nearest sensitive receptors.
- 1.7 It is important to note that the IAQM guidance revolves around nuisance effects from construction dust (in terms of visible dust and PM10) and does not therefore take into account the chemical constituents of the dust. Given the historical use of the land as a former landfill site, I would suggest that even more stringent controls on dust management are required, due to the higher than normal risk of toxic contaminants being present in the dust.
- 1.8 A 'construction mitigation' document is also provided at Appendix 7.2 of the ES. This document provides some generic construction dust mitigation measures, but also recommends the development and implementation of a Dust Management Plan.
- 1.9 I would strongly recommend that a condition is attached to the consent, should it be granted, requiring a detailed and site-specific Dust Management Plan to be implemented at each phase of development. The Plan should consider in detail any implications that arise from land contamination assessment on site.

Operational Effects on AQ

- 1.10 The assessment uses modelling to predict levels of nitrogen dioxide (NO<sub>2</sub>), and particulate matter (both PM<sub>10</sub> and PM<sub>2.5</sub>) at a number of receptor locations for a baseline year (2012) and a suggested operational year (2026).
- 1.11 The majority of the chosen receptor locations are appropriate, however it would have been useful to see more receptor locations chosen along the A52, as previously recommended by this Department during correspondence in August 2014. Examples include Kirk Leys Avenue (North and South) and Meadow Lane, Chaddesden.
- 1.12 The 2026 modelling predictions assume the successful completion of the currently proposed A52 Congestion Management and Integrated Transport Project. It is my understanding that this is not a fully committed scheme at this

time and therefore the assessment appears to be a 'best case scenario' regarding this particular issue.

*I would recommend additional modelling utilising traffic data which assumes that the A52 Scheme does not go ahead.*

- 1.13 It is difficult to discuss the overall conclusions of the assessment in the absence of the data mentioned above (1.11 and 1.12), however based on the information currently available, the assessment concludes that the overall impact of the development is expected to be "negligible".
- 1.14 Whilst I do not dispute the conclusions based on the information provided, it is important to note that one of the main drivers for the apparent insignificance of air quality impacts surrounds the predicted background reductions in air pollution in 2026.
- 1.15 Evidently it is very difficult to predict traffic emissions so far in the future and although the assessment utilises the best available information (namely the DEFRA Emissions Factors Toolkit (EFT v5.1.3, 2012), it is accepted that these predictions may be inaccurate and potentially optimistic.
- 1.16 Weight to this perception comes from the now known overestimations of up to 25% that were predicted for NO<sub>2</sub> in the years leading up to around 2010/11.
- 1.17 There is even greater uncertainty surrounding particulate emissions (PM<sub>10</sub> and PM<sub>2.5</sub>), in light of recent evidence that suggests that exhaust emissions may only contribute to a fraction of the percentage of particulate emissions from vehicles, which may in fact be dictated by emissions from break and tyre wear.

#### **Conclusions/Recommendations on AQ**

- 1.18 Before a final judgement on air quality impacts can be made, I would recommend submission of the additional information described above in paragraphs 1.11 and 1.12.
- 1.19 In the absence of this information, I can still offer the following advice however:
- 1.20 The NPPF clearly states in its core planning principles that the planning system should contribute to reducing pollution, particularly in light of the now well-known number of deaths caused each year in the UK as a direct result of poor air quality.
- 1.21 The Traffic Assessment (Chapter 6) suggests that the development could generate up to 2173 additional vehicle movements per day locally (Table 8.1.1) and although the AQ assessment results suggest that any impacts from emissions on sensitive receptors are expected to be negligible, clearly permitting any development of such scale is in direct contrast to the NPPF principle of reducing pollution. It is therefore vital in the view of the Environmental Protection Team, that such a development should do as much as practicable to minimise the impact upon local and wider air quality.



- 1.22 Consequently, I would strongly recommend that a detailed air quality mitigation strategy is developed for the site for agreement by the Council, to be secured by condition. The Strategy should be implemented in full in perpetuity.
- 1.23 In line with updated guidance (EPUK, 2014), I would recommend that the development incorporates a minimum of one electric vehicle rapid charging point per 1000m<sup>2</sup> of commercial space.

## 2. Noise

- 2.1 Section 8 of the Environmental Assessment deals with noise impacts associated with the construction and operation of the proposed development.
- 2.2 Baseline noise measurements were taken from two survey locations in July 2014. This appears to be rather limited site coverage, however I note the use of CadnaA noise modelling to characterise the noise climate of the locality.  
Construction Noise
- 2.3 A construction noise assessment is included in section 8.7, performed in line with BS5228. It is important to note that this assessment is based on limited data at this outline planning stage.
- 2.4 The report suggests the incorporation of noise mitigation in line with BS5228 within a Construction Environmental Management Plan (CEMP). Cumulative Operational Noise
- 2.5 The magnitude criteria for consideration of operational noise impacts appear reasonable.
- 2.6 At this outline stage, there is little detail known about the proposed operations for the on-site commercial units. The assessment uses a number of generic predictions to assess this.
- 2.7 Although the assumptions appear to be conservative, I would be wary about using such data to derive conclusions on noise impacts, given the degree of uncertainty at this stage.
- 2.8 The report includes noise limits for proposed plant on site. The assessment utilises British Standard BS4142:1997 which has been updated recently (BS4142:2014 Methods for rating and assessing industrial and commercial sound) and so the noise limits will need to be updated to reflect the new standard. Road Traffic Noise
- 2.9 The road traffic noise assessment is based upon data from the Traffic Assessment contained within section 6 of the ES. As for the AQ assessment above, there is some uncertainty surrounding the future completion of the A52 road improvement scheme, however unlike the AQ predictions, the position on noise highlighted in the report is likely to be an estimate of worst case conditions and therefore deemed acceptable.
- 2.10 The methodology used within the road noise assessment is suitable, with the exception of the point regarding traffic data above.



- 2.11 The road noise calculations do not predict any changes in noise greater than 1dB at residential locations. Consequently, the assessment concludes that there will be no significant impacts from road noise. I would accept this conclusion.

**Conclusions/Recommendations on Noise**

- 2.12 The assessment is detailed and thorough and generally applies appropriate guidance/methodology.
- 2.13 Overall, I do not consider that the development is likely to generate unacceptable levels of noise for nearby sensitive receptors. This is primarily based on the existing commercial nature of the location in combination with the significant distance to the nearest sensitive receptors (in excess of 350 metres from the site boundary to the nearest residential dwelling).
- 2.14 That said, there are a number of uncertainties with the operational noise predictions at this stage, due to the lack of detailed information surrounding the specific use of proposed commercial units.
- 2.15 I would recommend more detailed assessment of noise at a later stage once specific details of the location and use of each unit is known. 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 (e.g. BS4142:2014). Any mitigation proposed and agreed, should be incorporated into the development before it is occupied.
- 2.16 In terms of construction noise, I would agree with the recommendation to develop a Construction Environmental Management Plan and would therefore suggest the inclusion of a planning condition requiring a detailed Construction Noise Management Plan in line with the recommendations described in section 8.6 of the ES Noise Assessment. The Plan should be implemented in full throughout all phases of the development construction.

Particular attention should be given to the proposed method of piling. I would advise that hammer piling should not be permitted on site.

**3. Land Contamination:**

- 3.1 Chapter 12 of the ES focusses on the environmental impacts of disturbing existing contamination within the ground.
- 3.2 Two ground investigations have been undertaken on Site, namely:
- Wardell Armstrong, Chaddesden Landfill Area E, Derby, Geotechnical and Geoenvironmental Ground investigation, dated April 2012
  - Atkins, Derby Triangle, Ground Conditions Report, dated August 2014

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.

- 3.3 The following comments relate solely to the implications of the 2014 Atkins Ground Conditions Report. Please note that the 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.
- 3.4 All comments relate to human health risks. I would refer you to the Environment Agency for their comments on any conclusions made in the report surrounding risks that may exist to controlled waters, since the Local Authority cannot comment on these aspects.

**Atkins, Ground Conditions Report, 2014**

- 3.5 The site is a former quarry and was subsequently a landfill site and therefore contamination is likely to exist within the ground.
- 3.6 The report contains a desk top study and also includes intrusive ground investigation results and analysis.
- 3.7 Section 3.1 of the report includes a review of the 2012 Wardell Armstrong assessment, which included a total of 12 shell and auger boreholes and a combination of 29 machine and hand-dug trial pits.
- 3.8 A further assessment was conducted by Atkins in May 2013 relating to three stockpile mounds on site.
- 3.9 The report concludes that the sampling of the stockpiles revealed no exceedances of relevant assessment criteria (for a commercial end-use), suggesting that the stockpiled material is suitable for use anywhere on site. I would accept this conclusion based on the information provided.
- 3.10 A further trial pit investigation was then conducted by Atkins in December 2013, involving a total of 13 machine dug trial pits.
- 3.11 Further investigations in June 2014 were then conducted, involving a total of 10 boreholes (cable percussion and window sample) and 10 machine-excavated trial pits.
- 3.12 The sample site coverage provided by all of the investigations together is reasonable, but relatively limited given the size of the site (approx. 29Ha). The nature of landfill sites is that a variety of wastes may be found across the site, providing significant heterogeneity within made-ground. This often means that a high sampling coverage is required to derive confidence.

**Ground Gases**

- 3.13 Ground gas monitoring has revealed significant levels of methane and carbon dioxide within the ground, in combination with notable flow rates.
- 3.14 The number of monitoring rounds used within the assessment are appropriate to give a reasonable indication of the ground gas regime on site.
- 3.15 The report recommends installation of gas protection measures within proposed buildings on site in line with CS3 in most locations, but also some buildings with CS4 around the location of borehole CP301 in the north western corner of the site.

- 3.16 The report suggests additional monitoring within the vicinity of CP301 to delineate the extent of area that will require CS4 level protection.
- 3.17 Although a reasonable suggestion, I have some concerns over this approach. This is due to the potential effects upon preferential pathways caused by ground disturbance from development operations, which could lead to ground gases penetrating new areas of the site following development, particularly in light of the proven flow rates.
- 3.18 Pre-development monitoring will only reveal the current ground gas regime and therefore significant caution must be taken when delineating ground gas levels at this stage.

**Soil Contamination**

- 3.19 The human health risk assessment utilises appropriate screening criteria, namely for a commercial end-use.
- 3.20 A limited number of soil samples revealed elevated PAHs within the near surface made-ground on site. Additionally, TPH, PAH and some heavy metals were shown to be elevated within groundwater.
- 3.21 Asbestos was shown to be present within 11 samples across the site. Additional quantification analysis is recommended by the report.

**Conclusions/Recommendations on Land Contamination**

- 3.22 The assessment is based on relevant guidance and standards and the methodology deemed appropriate.
- 3.23 There are, however, still a number of uncertainties in relation to contamination on site, due to relatively limited sampling site coverage for such a large site.
- 3.24 I would recommend the submission of a further detailed ground gas risk assessment, to include the additional proposed gas monitoring, but also considering the concerns highlighted above in points 3.17 and 3.18. Specific delineation plans will be required in conjunction with suitable scientific justification. Alternatively, all buildings on site should incorporate gas protection measures in line with CIRIA CS4 standards or equivalent.
- 3.25 Should planning permission be granted, each phase of development should be accompanied by a suitably detailed remediation strategy, supported by additional sampling and risk assessment where necessary. I would recommend a condition requiring this.
- 3.26 Before the development should be occupied, all of the agreed remediation works will need to be suitably validated and an associated Validation Report submitted for approval by the Council.

**4. Construction**

- 4.1 Please see the relevant sections above relating to both noise and dust effects from construction. As suggested, I would recommend that the applicant prepares and submits a Construction Management Plan for the control of noise and dust throughout the demolition/construction phases of the Development.

- 4.2 The statement will need to provide detailed proposals for the control of dust and other air emissions from the site, having regard to relevant guidance, for example guidance produced by the Greater London Authority (GLA, 2006), or the Institute of Air Quality Management (IAQM, 2012).
- 4.3 Noise management procedures should have regard to the guidelines described in BS5228, or other agreed guidance/standards.
- 4.4 I would strongly recommend the inclusion of a condition requiring the above, for submission and approval before construction activities commence. The Plan should be complied with fully throughout the construction/demolition phase of the development.

**Comments 21<sup>st</sup> October 2016**

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

Please note that the following comments should be read in conjunction with my earlier comments on the original application dated 15th January 2015.

1. In accordance with a letter submitted by the applicant (dated 23 September 2016), the amendments have been summarised as follows:
  - Western access from Wyvern Way has moved to the east (to be directly opposite the Wyvern Way/Pullman Road junction), and the layout has been amended to reflect highway requirements and the upgrading of Wyvern Way.
  - As a result the internal estate road has been revised to form a T junction at the bottom of the access with a road layout which forms a loop and allows for full circulation within the site.
  - The swales have been revised to follow the estate road layout.
  - The Network Rail access has been removed from the Wyvern Way roundabout and replaced with a link from the internal estate road.
  - Development plots have been revised to suit the new road access and to allow for a gradation of scale from Wyvern Way towards the river corridor. The main changes are:
    - o Plot F (proposed for B8, previously shown as B1b/c);
    - o Plot G (proposed for B1b/c, previously shown as B2); and
    - o Plot K (proposed for B2, previously shown as B8).
  - The red line boundary has extended slightly to incorporate additional highway land required by the approved Wyvern Way scheme. This results in a slightly increased application site area of 29.5ha (previously 28.9ha). There is no increase in development areas as the additional land included is currently highway and will remain as highway.

2. In terms of amendments to the land use of the proposed development, this has remained largely unaffected in total quantity terms.
3. In order to consider the impact of these changes upon the outcomes of the originally submitted Environmental Statement, the applicant has also submitted an Addendum entitled Volume II Addendum (unknown author, dated September 2016). I can comment on the addendum as follows.

**Air Quality**

4. Section 7 of the Addendum contains details referring to air quality. It is authored by Air Quality Consultants Ltd and described as Addendum to Chapter 7: Air Quality of the ES Volume II (November 2014)
5. The addendum is based upon the principle that the traffic generated by the development will remain unchanged by the amendments.
6. One of the issues raised previously by the Environmental Protection Team was an absence of assessment to model potential impacts from the development should the A52 Congestion Scheme not go ahead. This is no longer deemed necessary since this scheme received planning approval.
7. The addendum judges that “the revised plan will have an insignificant effect on the predicted air quality impacts during operation of the proposed development”. Although this statement is not backed up by re-modelling, given that the original assessment assumed the completion of the A52 congestion scheme, I would accept the conclusion that the predicted pollutant levels at the previously modelled receptors should remain in line with those results, based upon the updated scenario.
8. The addendum also provides conclusions of a reassessment of the impacts using guidance which has been updated since the original assessment (namely IAQM/EPUK 2015 Guidance).
9. For some reason, the re-assessment details undertaken using the updated Guidance are not included within the report so it is hard to rely on the stated conclusion that all impacts are deemed “negligible for all pollutants”.

**Conclusions on AQ**

10. The Environmental Protection Team accepts the conclusion that the air quality impact results remain unchanged by the updated proposals.
11. In accordance with our earlier comments of 16th January 2015 in respect of the original application, the Environmental Protection Team still has concerns over air quality impacts due to the scale of the development, which is expected to add a significant number of vehicles onto the local road network.
12. The importance of the increases has been exacerbated even further by the recent decision of the Secretary of State for DEFRA to require Derby to implement a Clean Air Zone due to predicted exceedances of air quality limits for nitrogen dioxide (NO<sub>2</sub>), in which, notably, non-residential receptors are included within their modelling.

13. Consequently, a robust set of air quality mitigation measures to alleviate the associated increased air pollution from the significant traffic generated by the development is considered to be an essential requirement of planning permission, should it be granted.
14. The Environmental Protection Team therefore maintains its strong recommendation for the creation of a detailed air quality mitigation strategy for the site, for agreement by the Council and to be secured by condition. The Strategy should be implemented in full in perpetuity.

**Noise**

15. Section 8 of the addendum refers to Noise and Vibration and is described as Addendum to Chapter 8: Noise and Vibration of the ES Volume II (November 2014), prepared by Hoare Lea Acoustics Ltd.
16. Based on the amendments to the development design, the report concludes that "the conclusions as set out at Section 8.13 of the ES Volume II (November 2014) remain valid and unaltered".
17. Some discussion is provided regarding the 2014 update to the BS4142 standard. Whilst I do not necessarily agree with the assertion that the previous assessment based upon the old BS4142 standard would be more conservative than it would be under BS4142:2014 (something which is not tested by re-performing the assessment under the new standard), I do accept the overall conclusions, given the continuing fact that the final site details are still not known.

**Conclusions on Noise**

18. As per my January 2015 comments, The Environmental Protection Team maintains the recommendation for more detailed assessment of noise at a later stage, once specific details of the location and use of each unit is known.
19. 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 (e.g. BS4142:2014). Any mitigation proposed and agreed, should be incorporated into the development before it is occupied.
20. In terms of construction noise, the recommendation also remains to include a planning condition requiring a detailed Construction Noise Management Plan in line with the recommendations described in section 8.6 of the ES Noise Assessment. The Plan should be implemented in full throughout all phases of the development construction.
21. 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.

22. I would further recommend the attachment of a condition according to the above principles.

**Land Contamination**

23. Section 12 relates to Land Contamination and is referred to as Addendum to Chapter 12: Land Contamination and Ground Conditions of the ES Volume II (November 2014), produced by Atkins.
24. The addendum confirms that further ground gas and groundwater monitoring has been carried out and this is on-going. The addendum also confirms that the results of the additional gas monitoring will be included in a Technical Note that will be submitted on completion of the monitoring.
25. The amended proposals have no particular impact upon the continuing/future investigations into land contamination on site and so the updated application does not affect this Department's earlier comments on these aspects.

**Conclusions on Land Contamination**

26. The ongoing monitoring on site follows one of the recommendations made in my earlier comments of January 2015.
27. In addition, I would still maintain the recommendation to require each phase of development to be accompanied by a suitably detailed remediation strategy, supported by additional sampling and risk assessment where necessary.
28. I would also continue the recommendation for a condition to require validation of each phase of the agreed remediation works, before the site is occupied.

**Construction Noise and Dust**

29. As discussed above regarding noise, I would still strongly recommend the inclusion of a condition requiring a detailed Construction Management Plan for the control of both noise and dust, for submission and approval before construction activities commence. The Plan should be complied with fully throughout the construction/demolition phase of the development.
30. I would also refer you back to the suggested condition above regarding piling works (paragraph 21).

**Verbal Comments 3<sup>rd</sup> April 2017**

A discussion, between the Case Officer and the Environmental Health Officer in light of the A52 now being a committee scheme and with works already commencing on site. The previous requested conditions are still relevant, in respect of Air Quality, and is now more relevant in light of the Department for Environment, Food and Rural Affairs (DEFRA) considering air quality.



The Secretary of State for DEFRA requires Derby to implement a Clean Air Zone due to predicted exceedances of air quality limits for nitrogen oxide. The proposed development, as a result of the car trips associated with the development, has the potential to inhibit the Council's ability to comply with the Government's requirements to reduce air pollution within the vicinity of the development. The recommended air quality strategy would therefore assist in mitigating air quality impacts.

**Derbyshire County Council Archaeologist:**

It has been established during the applicant's preliminary desk-based and ground investigation works that the site has been uniformly disturbed to a considerable depth in the context of mineral extraction from the 1980s on. The site therefore retains no archaeological interest.

**Environment Agency:**

No objections to the proposal however conditions have been recommended in respect of the flood defence.

**Land Drainage:**

No objections to the proposal however conditions have been recommended in respect of:

1. Securing a sufficient easement along the unnamed watercourse. The easement required is 5 metres from the top of the bank of the water course.
2. Securing and implementing a sufficient and suitable foul and surface water drainage scheme.
3. Securing a maintenance and management plan of the surface water drainage scheme and flood defences.

The comments have been limited to SuDS drainage and surface water flood risk, these comments have not addressed the flooding from the Derwent and integration with OCOR as it is assumed these will be address by the EA and the OCOR team on this site.

It is my view that a condition should be imposed regarding minimum floor levels relative to predicted flood levels to ensure the development remains resilient for the 1 in 100 year event the EA should be able to advice on this.

A condition should also be imposed requiring the development of a flood evacuation plan. It is my understanding that a dry egress route can be achieved via Derwent Parade Bridge. The requirement for a dry egress route should form part of the condition. I would however recommend that further guidance be sought from the emergency planners, their comments are provided below.

**Our City Our River (OCOR):**

It is noted that the Triangle conveyance corridor enabling works application has also been determined; but I am, again, not sure if the land levels, treatment and matters relating to the Network Rail access route under the Derwent Parade Bridge to the adjacent Chaddesden Sidings site has also been defined and clarified. From the

revised masterplan seems to identify a potential link but further information is required in order to understand the relationship this access would have with the embankment/land level changes and the flood conveyance corridor.

As the OCOR scheme progresses and more is understood in respect of the Package 2 and 3 areas which have outline planning permission, it has been brought to the OCOR Project Teams attention that the conveyance corridor has the ability to create a potentially damaging vortex as a result of high flood water which could result in scour damage to the Network Rail embankment at the southern end of the site. It is not clear whether this impact has been considered and the potential impact understood by Network Rail. The OCOR Team would, reasonably, expect to understand the position of Network Rail on this matter.

*Following meetings with the applicant, the OCOR Team and the Environment Agency the above matters are being addressed. Amendments are likely to be submitted to the enabling works application under code no. DER/05/15/00698.*

**Emergency Planning Team:**

The proposed development is entirely non-residential and in a location where the onset of sudden flooding from the Derwent is highly unlikely. It is not expected that any specific arrangements of groundwork need to be put in place to facilitate a dry egress from the development site. Furthermore it appears that the potential over-topping depths from the River Derwent would be lessened as a result of the proposed development.

That being said, it is advised that any egress or evacuation from the site, should it be necessary, should be carried out in advance of any flooding and not during flooding as this can increase considerable risk. This particular location would benefit from flood alerts and warnings in advance of any potential over-topping. The relevant flooding warning would be for the "River Derwent at Pride Park and Derby Railway Station"; this may be adjusted following the completion of Our City Our River.

**Natural England:**

**The comments of Natural England are provided in sections:**

- Statutory Nature Conservation Sites – No objection based on the information provided within the application.
- Protected Species – It is recommended that the standing advice provided by Natural England in respect of protected species is observed during the determination of this application as it is a material consideration.
- Green Infrastructure – The proposed development is within an area that could benefit from enhanced green infrastructure (GI). GI should be encouraged into this site particularly as it can provide a range of functions including flood risk management.
- Local sites – If the application site is within close proximity to Local Wildlife Sites, Regionally Important Geological/Geomorphological Sites (RIGS) or Local

Nature Reserves (LNR) sufficient information should be provided to ensure the impact on such areas can be suitably assessed.

- Biodiversity enhancements – The proposed development may provide opportunities for providing biodiversity enhancements including bird nest boxes or roosting opportunities for bats.
- Landscape Enhancements – The proposed development may provide opportunities to enhance the character and local distinctiveness of the surrounding natural landscape and built environment this can seek to provide positive contributions to the wider area and avoid any unacceptable impacts.
- Impact Risk Zones for Sites of Special Scientific Interest – The recently published guidance on Impact Risk Zones should be considered.

**Derbyshire Wildlife Trust:**

The proposed amendments to the original application are unlikely to have significantly differing impacts on the natural environment than the original proposed access.

In addition to the above, due to the historic nature of the application and varying correspondence between DWT, Tyler Grange and Derby City, I have extracted and summarised our comments for the overall application with additions to the updated EIA:

**Impact assessment**

- Phase 1 surveys were undertaken in 2014 and 2015, with an updated survey in September 2016 following clearance of the site.
- The enabling works/site clearance was undertaken from 23<sup>rd</sup> February 2015 to 17<sup>th</sup> April 2015
  - DWT provided comments on the Method Statement with regards to the enabling works, but it is unclear if the works were supervised by an ECoW (no information submitted incl. emails) as the clearance was undertaken in the breeding bird season. Our previous comments included:
    - *“Bat Assessment prior to felling of two trees identified with potential for roosting. This will include tree climbing assessment.*
    - *Little ringed plover nesting check and protocol to deal with the nest sites should they become established*
    - *Protection to the retained area of the Chaddesden Railway Local Wildlife Site identified for dark bush cricket.*
    - *If these measures are carried through they will deal with the ecological issues associated with the enabling works. There are clearly still a number of outstanding issues in relation to the impacts of the scheme and mitigation including the details of the OCOR elements”.*

- Since the site was cleared, (as of September 2016) the site comprises pond, ditch, dry ditch, broad-leaved woodland, scrub, tall ruderal, ephemeral short perennial, trees, bare ground and Japanese knotweed.
- Previous comments have included the importance of the landscape proposal which should seek to provide mitigation habitats suitable for ground nesting birds – no details are included in the submitted addendum.

**Monitoring conditions**

- Japanese knotweed is still present (as of September 2016). The site has been previously identified as supporting Indian balsam (aka Himalayan balsam *Impatiens grandiflora*) but was not noted in the addendum report. Both these species are highly invasive (Wildlife & Countryside Act 1981 – both species and Environmental Protection Act 1990 – Japanese knotweed only) and should be monitored on an annual basis, with appropriate chemical treatment of Japanese knotweed and mechanical control of Indian balsam.
- Post completion monitoring of redevelopment of vegetation and biodiversity features (e.g. Open Mosaic Habitat, ground nesting birds, butterfly assemblage etc.) will be required to ensure that the determination of the Outline application and/or any full or reserved matters proposals take full account of the successional redevelopment of the site. Up-to-date survey and assessment may be required if commercial proposals are delayed by more than 1 season post completion of the enabling works. DWT would be willing to advice on the necessity of this work and the scope of any surveys.

**Construction Environmental Management Plan**

(Comments below are extracted from DWT comments from October 2015, which are still considered valid and relevant):

- I note the identification of the ecological resources (Appendix A) and that this correctly identifies the key components to be protected.
- I would recommend that a conditions be attached to the permission to ensure the implementation of the CEMP and the specific elements as follows;
  - Protection of the pLWS Chaddesden Sidings with robust temporary fencing for the entire duration of the earth moving and enabling works
  - Implementation of a ground nesting bird methodology including a survey prior to the commencement of works in spring (March – May) 2016 (or subsequent years should commencement be delayed) and a watching brief by Ecological Clerk of Works throughout the bird breeding season (March – August inclusive) of each year that enabling works are being undertaken. This is in order to ensure that ground nesting birds are not/do not become established whilst work is being undertaken. Species such as little ringed plover (Schedule 1 Wildlife & Countryside Act 1981) can breed on bare ground and can establish territories on undisturbed parts of sites even when earth moving is occurring in close proximity.

- Tree protection of retained trees adjacent to the river corridor. This was inspected on site by the EA (Swati Nettleship) and the contractor, with tree removal in March/April 2015 and the identification of trees which could potentially be retained during the enabling works. There is recognition that this may alter as the enabling works are implemented and some additional crown lifting/tree surgery may be required.
- Implementation of a soil protection plan which prevents sediments (and other pollutants) entering the River Derwent watercourse.

Implementation of Landscape proposals for new flood conveyance corridor  
(Comments below are extracted from DWT comments from October 2015, which are still considered valid and relevant):

- I understand that a condition will be required to ensure that appropriate mitigation and landscape features will be provided as the build out of the wider proposal (Outline application) is brought forward.
- We discussed at our meeting – in March - how this might be achieved within an appropriate timescale. Under normal circumstances a landscape scheme would come forward towards the end of implementation of the commercial scheme. However, in this case the remodelled landform may have been left for some time and the earliest opportunity should be sought to ensure that a high quality and biodiverse landform is established and that appropriate management is provided to ensure that the objectives of any scheme are retained in an appropriate condition in the long term.
- I would strongly recommend that the current application's approval supports a condition to 'signpost' this requirement, in much the same manner as would occur with conditions requiring the submission of information at Reserved Matters stage.
- I would suggest that this condition indicates that any outline/full application for built development proposals on the remodelled landform will be supported by full details of the landscaping scheme for the flood conveyance corridor with intended implementation of that scheme within 'x' time following the grant of any permission. I would suggest that in this case x could be the first available full growing season as a reasonable objective, although this might be open to some further consideration by the City Council.
- The detail provided with the submission of this scheme should also include any further 'superficial' land re-sculpting to accommodate the proposed landscape scheme
- The built development scheme would also be accompanied by a 5 year landscape maintenance standard condition along with the requirement to provide for the mechanism to manage and maintain the resulting landscape in the long term.

- I am uncertain if it is possible to provide a contingency for a landscape scheme should the business development allocation not come forward promptly/within a reasonable timescale?

**Ground Nesting Bird Mitigation**

Set out by DWT to address mitigation:

- Once the new flood conveyance corridor has been created, the submission of the landscaping scheme of the remodelled landform to include open habitats, which could provide some small areas of habitat which although sub-optimal could be utilised by ground nesting species. This type of habitat could also be designed to include with other biodiversity features such as species rich wildflower grasslands. The ubiquitous proposals for tree and shrub planting should be limited. Any submitted scheme should also indicate how the remodelled landscape will be managed and more importantly, resourced with an indication of who would have responsibility for this.
- Secondly, as we have discussed previously; the built landform will be implemented in phases and therefore the remodelled development platforms will be 'bare' for an indeterminate time and could be managed in such a manner that would keep it in a condition in this intervening period which is suitable for this suite of birds to use for breeding.
  - This approach should not be seen 'blight' nor as an impediment to any future development, as the principle of development will have been established and any future construction would have to take into account nesting birds in site preparation works whether or not the ground has been managed and/or maintained. It is appreciated that although there will be a number of plots available that will come forward in phases, the timescales cannot be forecasted as they will be subject to the vagaries of the commercial market and some plots may come forward in quite short timescales once approval has been gained.
  - However, proactively managing the habitats for this suite of birds could provide opportunities for a number of breeding seasons, which will contribute to population recruitment for a longer period of time than if the area were to be treated in another way following the completion of the enabling works.
- I feel that this combined approach of design of the flood conveyance corridor and proactively managing the area for the breeding seasons before building construction commences, can provide compensation for this group and make a positive contribution to the biodiversity mitigation on the site, significantly reducing the residual impacts associated with the redevelopment of the site to an acceptable level.
- It is hoped that both these approaches can be achieved and that these matters can be addressed by submission of the landscape detail and conditions for details of management on the remodelled development platforms. Derby City



have the ultimate responsibility for weighing the planning balance and applying conditions associated with any approval.

- It is hoped the above comments are helpful and can achieve a satisfactory resolution to the redevelopment of the site, which will also provide short/medium term amelioration of impacts and long term security of other biodiversity gains from high quality habitat creation in the flood plain.

**27<sup>th</sup> March 2017 – comments following the agents position statement:**

With regards to the re-consultation it appears ground nesting birds and their mitigation is still a contentious factor with the proposals. The site supports six pairs of breeding skylarks and three pairs of breeding lapwings and was assessed (by Tyler Grange) to be of District Importance and is considered to be a significant loss in an urban environment. Mitigation options have been explored and no conclusive and sufficient/appropriate mitigation has been brought forward to resolve the significant and net loss of biodiversity from the proposals.

As previously discussed, The Sanctuary (LNR) is still the preferred mitigation option and management to increase the site for ground nesting birds and secure fencing to reduce disturbance to the species would provide sufficient and appropriate mitigation within DCC borders. In addition to this, DWT have previously put forward interim mitigation options for the proposals, as extracted below for ease.

**Police Liaison Officer:**

There are no issues regarding the principle of development on this site and the proposal will integrate with the surrounding commercial development. Opportunities to improve overlooking and natural surveillance of Wyvern Way should be taken along with any pedestrian routes.

Consideration should also be given at the reserve matters stage to boundary treatments, overlooking and natural surveillance particularly are large areas of car parking. Appropriate external lighting should also be secured.

**Regeneration Projects:**

The proposed development for a mixed use employment development site on the 'Derby Triangle' site represents use of a strategic employment site identified in the Derby City Local Plan – Part 1 Core Strategy January 2017. A range of uses are proposed on the site including B1 (business), B2 (general industry) and B8 (storage and distribution) and the application estimates that 3,300 permanent jobs will be generated along with 98 construction jobs per annum.

The proposed development represents an appropriate use of the site and will have a positive impact in terms of job creation for the city of Derby and the wider area. Whilst it is preferable for new office development to be located within the City Centre, the proposed development of B1 uses on the site would supplement the existing B1 uses on the adjacent Pride Park.

Provision of 4.07 hectares of flood alleviation works are proposed along the western side of the site, which will form part of the delivery of the city's Our City Our River masterplan (a key project for the City Council).



In addition, the proposed development will assist in deliver of the wider strategic improvements that are being developed by the Council through the provision of £2.665m associated with delivery of the consented A52 on the Wyvern Way side of the site. This will further assist in ensuring vehicular access to the site and surrounding areas.

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

**8. Relevant Policies:**

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

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

CP1(a)	Presumption in Favour of Sustainable Development
CP2	Responding to Climate Change
CP3	Placemaking Principles
CP4	Character and Context
CP9	Delivering a Sustainable Economy
CP10	Employment Locations
CP11	Office Development
CP13	Retail and Leisure Outside of Defined Centres
CP15	Food, Drink and the Evening Economy
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_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>

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.*

**9. Officer Opinion:**

**Key Issues:**

- Principle of Development
- Transport Impacts
- Flood Risk and Drainage
- Ecology and Nature Conservation
- Environmental Impacts

**Principle of Development**

The site of the application is located to the south of Wyvern Retail Park and Wyvern Way and is approximately 28 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 7 years ago.

The site is identified as a strategic employment site in the Local Plan Part 1 and is covered by the provisions of Policy AC11 which identifies the site 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
- 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 proposals include mixed use development comprising B1, B2 and B8 development taking about 50% of the whole site and then a range of complementary / 'enabling uses' (A1, A3, A4 and Sui Generis) on around 8% of the site and then the remaining land being used for highways works, flood alleviation, ponds and swales and safeguarded land for the future restoration of the Derby and Sandiacre Canal. The applicant estimates that the proposals will create in the region of 3,300 jobs.

The inclusion of B2 and B8 development is consistent with the provisions of Policy AC11. Therefore, the main policy considerations relate to the appropriateness of:

- Major office development (29,741sqm gross)
- A convenience foodstore (2000sqm gross)
- Food and drink and showroom uses (372sqm A3, 697sqm A4 and 2,462sqm Sui Generis)
- Measures to protect the natural environment, mitigate flooding and appropriately address the riverside
- Highways and access arrangements
- The design of the development ; and

The phasing plan and general comprehensiveness of the proposals

#### Major Office Development

The NPPF requires Local Planning Authorities to apply a sequential test to planning applications for main town centre uses (including offices) that are not in an existing centre and not in accordance with an up to date Local Plan. This approach is reflected in the Local Plan Part 1 which identifies the Central Business District (CBD) as the sequentially preferable location for office development. Secondary priority is given to allocated employment areas, regeneration areas and defined centres.

The NPPF also requires Local Planning Authorities to consider the impact of such proposals where the floor space created is greater than 2500sqm by requiring an impact assessment that considers the impact of proposals on existing, committed and planned public and private investment in centres and the impact of the proposal on town centre vitality and viability. Again, this approach is reflected in the Local Plan Part 1. CP11 requires proposals for office development outside of the CBD to be

complementary to it and not prejudice investment or undermine its vitality and viability.

The NPPF is clear that where an application fails to satisfy the sequential test or is likely to have 'significant adverse impacts', it should be refused.

The main issues in relation to the proposed office development are therefore, whether the floorspace could be alternatively accommodated in the CBD and whether allowing office development of this scale in an out-of-centre location would undermine investment in the CBD and impact on the overall vitality and viability of the CBD as a whole.

The applicant has attempted to address the sequential and impact test issues in relation to offices by submitting an office market report. The report highlights that Derby requires a mix of office sites including the CBD and out-of-centre business parks. It goes on to stress the differentiation between 'in-centre' and 'out-of-centre' provision and is clear that the two locations will cater for different markets. It concludes that there are no sites within the CBD that could accommodate the scale and nature of office space being proposed and highlights that the difference in market will mean that the CBD is unlikely to be adversely impacted upon. They have also submitted evidence that points towards the increasing attractiveness of City Centre locations (not specifically Derby) for new office development.

Approximately 5 years ago there was close to 100,000sqm of extant planning permissions for new office development in and around the CBD. Whilst the Council has been successful at implementing the 'Connect Derby' project, which has provided a range of new managed office suites in the CBD, there has been little progress in terms of implementing the larger floorplate permissions. The only significant office scheme to have been built in the CBD in the last 10 years (One Friar Gate Square) has now been occupied by an alternative use. Other sites that have previously had office permissions are also now being developed for alternative uses, such as student accommodation. If the Council intends to continue to promote the CBD as an office location then it needs to be satisfied that the new office space being provided at the Derby Triangle will not undermine the on-going success of the Connect Derby project and will not further exacerbate the lack of occupier interest in the remaining office opportunity sites in the CBD.

It has previously been accepted that not all forms of office development can be adequately accommodated in CBD, particularly campus style / business park developments and this is acknowledged in Policy CP11. Some occupiers may have specific functional reasons for needing an out-of-centre location, such as requiring a mix of uses (B1/B2 or B1/B8) or specific unit type / tenure, which make locations in the CBD unsuitable. However, experience from Pride Park shows that a location such as this can draw occupiers that would be more beneficially located in the CBD. There is certainly a case to try and restrict the potential for 'headquarters' style office development being lost to this out-of-centre location at the expense of the CBD. In order to limit the potential opportunity costs of this nature, a condition limiting the floorspace of single office units to <2,500sqm is suggested. However, it is acknowledged that such a restriction would not stop occupiers with smaller

requirements, who could locate in the CBD, from locating at the Derby Triangle. Notwithstanding the above the proposal will complete the comprehensive development of the wider Pride Park area with complementary uses that will see integration between the different development areas and create a significant number of jobs.

**Complementary Uses**

A series of 'complementary uses' are proposed and include a retail store, public house and restaurant. These uses are considered to be 'non-conforming' as they are not specifically permitted within the site policy and are uses that are normally directed towards in-centre locations in the first instance. The applicant has also proposed a car showroom (*sui generis*). Whilst this element of the proposal is not considered to be part of the 'complementary' uses (as it doesn't complement office / industrial development), it is generally accepted that employment sites are an appropriate location for such uses. The only potential issue in relation to the car showroom is the loss of proposed employment land, which is discussed below.

Policy AC11 sets out various criteria against which proposals for alternatives to B1, B2 and B8 development should be assessed. Proposals for alternative uses will only be permitted where:

1. Alternative uses would complement employment uses and/or nearby leisure venues
2. It is demonstrated that the uses are required to facilitate the comprehensive delivery of the site and associated infrastructure
3. Proposed uses would not undermine the objectives of the Plan, particularly objectives for City Centre vitality and viability
4. Proposals would not prejudice the employment generating potential of the site
5. Proposals would optimise the development potential of the land; and
6. Proposals would contribute towards the aims and objectives of Policy CP9

It is logical to firstly consider the merits of the alternative uses from an employment land perspective. Policy AC11 seeks to ensure that proposals would not prejudice the employment generating potential of the site and would contribute to the aims and objectives of Policy CP9 - which sets out the Council's overall approach to economic development. The alternative uses will only cover approximately 8% of the total site area and will generally be compatible with surrounding uses. In addition, their inclusion will aid the delivery of a significant amount of employment floorspace. Therefore, there are no major concerns about the impact of the proposals on the employment land supply.

In terms of the principle of allowing complementary uses in this location, the next question to consider is whether the proposed uses would genuinely 'complement' the operation of the wider business park that is being proposed and other surrounding uses.

It has previously been accepted that there can be a case for a limited amount of food and drink type uses to serve a development of this nature. For example, the public house and McDonald's restaurant on Raynesway were permitted on this basis. However, the Derby Triangle site has a much closer relationship with existing facilities (compared to Derby Commercial Park) and is already within walking distance of a McDonalds and Costa Coffee at Wyvern Retail Park. In addition, there are already a number of similar facilities located around the traffic island that links to Pride Park, including a Burger King, Pizza Hut and KFC, whilst there are facilities at the eastern side of Pride Park, including a Subway, a Frankie and Benny's and Greggs. These facilities are also within walking distance of the site. The justification for needing additional 'complementary' food and drink uses in this location is therefore relatively weak.

In terms of the retail unit, again, it has previously been accepted that there can be a case for a small convenience offering to be provided as part of a larger employment led development, particularly where it would create a more sustainable form of development. The issue comes down to whether the scale of retail development being proposed is truly complementary to the wider use of the site. In this specific case, the scale of retail unit being proposed is significantly larger than a small convenience store serving the site. It is accepted that a supermarket of this scale will undoubtedly help to serve the needs of the new employment area, but it will also serve a much wider catchment. The function of the proposed store will not simply be to serve the proposed employment area alone and therefore it cannot be considered to be purely complementary. In addition, employees working at the proposal site will already have excellent access to an existing food store (Sainsburys) at Wyvern Retail Park, again questioning the need for additional 'complementary' uses on the site.

It is clear that the fundamental reasons underpinning the desire of the applicant to provide non-conforming uses in this location relate more to the issue of viability rather than complementarity. The applicant has been very clear in their supporting statement that they regard the non-conforming uses as 'enabling development'.

Enabling development is considered by the applicant to be *'...development that is contrary to established planning policy – national or local, but which is accepted because it brings public benefits that have been demonstrated clearly to outweigh the harm that would be caused. The essence of enabling development is that any disadvantage is generally accepted in return for a greater benefit, which would be realised and funded from the value added to the land from the permission' (RPS Planning Statement Para 2.1.6).*

On this basis, it is more logical to actually consider the merits of the main non-conforming uses in the context of them constituting 'enabling development' rather than accepting the complementarity argument. However, this approach is predicated on the basis that it is accepted that the higher value, non-conforming uses are required to subsidise the viability of the site and that the conforming uses and associated works would constitute 'greater benefit'. The viability of the overall scheme has been assessed by the District Valuer and is considered to be very



challenging in light of the proposed contributions towards the A52 improvements, delivery of OCOR and extent of the developable area.

In order to consider the non-conforming uses in this context, it is necessary to understand the potential adverse impacts / policy conflicts associated with them in order to be weighed against the merits of the wider regeneration of the site as a whole.

#### **Convenience Retail**

The application includes a proposal for a 2000sqm (gross) retail store, fronting Wyvern Way at the north-west corner of the site. The proposal is speculative as no occupier has been identified; nonetheless the applicant anticipates that the store will be occupied by a convenience retailer.

Whilst the applicant is keen to stress that the need for the proposed retail development is to subsidise the viability of the wider regeneration of the site, they have also attempted to make a 'retail case' for the proposed retail floorspace by attempting to demonstrate compliance with the sequential and impact tests – in line with the NPPF and Policy CP13.

Having assessed the merits of the retail case, there are a number of concerns / risks associated with the retail element of the proposal that need to be weighed against the enabling development arguments. A summary of the main concerns / risks are set out below:

- The absence of a named operator and / or justification in terms of retail need (over and above the enabling development argument) gives rise to a number of concerns relating to the methodology used to demonstrate compliance with the sequential test, such as the robustness of the defined Primary Catchment Area (PCA), reasons for discounting city centre locations and reasons for not including Normanton Road and Allenton District Centres within the PCA.
- It has not been adequately demonstrated why the proposed retail use could not be alternatively located on part of the former Tesco site in Allenton.
- It is unclear exactly how the impacts of the Coleman Street Aldi have been factored into the consideration of cumulative impact. In considering the cumulative impacts of the Coleman Street application, it was accepted that the turnover of Alvaston District Centre could be impacted by around 5% and Chaddesden by around 3%. However, it was acknowledged that the total level of impact disguises higher levels of impact on individual stores within centres, particularly those that anchor the vitality and viability of the centres. A particular concern was the potential for an 8.8% impact on the Co-op in Alvaston. New out-of-centre retail floorspace at the Derby Triangle site, potentially occupied by a deep discount operator, will more than likely only exacerbate these levels of impact on individual stores, but also on overall in-centre trade in Alvaston and Chaddesden District Centres. It should also be considered that additional impacts on Chaddesden have also been accepted in accepting the Aldi proposals at the former Mackworth College site on Normanton Road, due to the 'like trades with like' argument. Overall cumulative impacts on Alvaston and

Chaddesden could be in the region of 9% and 15% respectively. However, retail impact assessment can only provide a rough indication of the order of magnitude of potential impacts.

It is clear that if the retail floorspace is considered in isolation, there are concerns about consistency with the sequential test, due to the methodology used. Therefore, there is a risk that the proposed retail floorspace could be alternatively located in a more preferable location. There are also concerns about the cumulative impacts on the turnover on Alvaston and Chaddesden District Centres. In terms of impact, the fact that Tesco no longer intend to implement their Allenton scheme (although permission remains extant), potentially creates some 'breathing space', particularly in relation to Alvaston, as any future proposal on the Allenton site is unlikely to be of the scale previously proposed, but nonetheless this remains as a potential risk.

Committed cumulative impacts on Chaddesden are likely to be focussed on the existing Aldi and Lidl stores, due to the 'like with like' argument. With no guarantees about future occupier, it is not possible to identify exactly where additional cumulative impacts related to this proposal will be focussed. It can only be assumed that trade diversion from the centre will be exacerbated, although in reality impacts are unlikely to be significantly adverse.

These concerns / risks will need to be weighed against the merits of the 'enabling development' argument.

#### Food and Drink Uses

The application includes provision of a public house (0.59ha, 697sqm) and restaurant (0.36ha, 418sqm) alongside the retail unit.

A3 and A4 uses are considered to be main town centre uses and are therefore also subject to the provisions of the sequential test. The NPPG is clear that the impact test only relates to retail, office and leisure development – not all town centre uses.

The applicant has not carried out a separate sequential assessment specifically for the A3 and A4 elements but instead has used a reduced site size threshold of 0.6ha (compared to the total town centre use site area of 1.6ha) when considering alternative locations for the retail element. Whilst this is an appropriate lower threshold to use for the retail element of the proposal, taking account of flexibility, there is less justification for using this threshold for considering the merits of the proposed food and drink uses. In reality, given the scale of floorspace proposed, such uses could be accommodated within existing units within centres in the PCA. It is anticipated that the applicant could argue that the nature of operator they are hoping to attract would not consider such in-centre alternatives due to their specific requirements for floorspace to be provided at a single level and parking requirements etc.

On the basis of the concerns raised in relation to the robustness of the sequential test undertaken to justify the retail proposal, the same concerns apply in relation to the food and drink floorspace. This conclusion further undermines the case for considering the individual merits of the 'non-conforming uses'.

In reality, the individual complementary elements (without justification for floorspace or land take) could potentially be individually accommodated in preferable locations, but this would not provide the benefits to the scheme. The risks in terms of opportunity cost and concerns about potential impact could instead be weighed against the benefits of the scheme as a whole, acknowledging that the viability benefits provided by the uses can only be provided on the Derby Triangle site. In this context, the wider benefits of the proposed scheme including the implementation of an element of package 3 flood defence works, a financial contribution to and land for the A52 junction improvement scheme along with the regeneration of this derelict site and potential for employment opportunities in the range of 3,300 new jobs, in my opinion, far outweigh the potential risks and concerns detailed above. The proposal is therefore broadly compliant with the provisions of policy AC11.

### **Transport Impacts**

The National Planning Policy Framework (NPPF) sets out the criteria for assessing the highway impact of a proposal. Paragraph 32 of the NPPF states:

*“All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:*

- *The opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure,*
- *Safe and sustainable access to the site can be achieved for all people; and*
- *Improvements can be undertaken within the transport network that cost effectively limits the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”*

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.

The planning application is supported by a Transport Assessment and subsequent addenda that consider the impacts of the proposed development. 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 7 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.

The ES considers the impacts of the proposal on a number of specific junctions and concludes that the majority of the impacts from the proposal are classified as minor

or negligible with the exception of the impact at the A52/M1 junction. Overall the ES concludes that there will be no significant impacts arising as a result of the proposed development providing the required mitigation, in the form of the A52 scheme, is implemented and operational prior to the development being brought into use.

The A52/M1 junction forms part of the strategic road network and is therefore managed and maintained by Highways England, who is a consultee to this application. Their full comments are set out in Section 7 of this report. Highways England conclude, following consideration of the ES and Transport Assessment including its addenda, that the development is acceptable and that they have no objections to the proposal subject to a condition requiring the A52 scheme to be in place prior to the development being brought into use.

Highways Development Control also conclude that they raise no objection to the proposed development subject to conditions and additional guidance notes, as the proposal, as detailed within their full comments, addresses the aforementioned criteria set out within the NPPF and policy CP23. Furthermore, from a local highway network point of view the proposed development will assist in the delivery of the A52 scheme.

#### **Flood Risk and 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. This would have a positive impact on the flood zone of the development removing the site from Flood Zone 3 into Flood Zones 1 and 2. The initial flood modelling of the OCOR scheme shows there is betterment along with the river corridor and in the immediate locality. However it is not yet known exactly when benefit there is to each area and development site in respect of their designated flood zone. The application has been duly considered by colleagues at the Environment Agency, within the OCOR team and DCC Land Drainage all raising no objection to the proposal.

The proposed range of 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 emerging 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 would be minded to conclude that the site is sequentially preferable. Moreover the site would provide wider benefits in respect of flood risk.

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 would provide ecological and biodiversity benefit 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, considers that the proposals are likely to have minor or negligible insignificant impacts during both the operational and



construction phases, concluding that there will be overarching benefits in respect of flood risk.

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. Moreover, the application has not received any objections from the statutory consultees subject to conditions.

### **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 4 of the report.

In the main the ES concludes that there would be impacts to ecology during construction but there are opportunities for long-term benefits through the creation of new habitats and landscaping. However, the impacts on two specific ground nesting birds, the lapwing and the skylark, are not yet adequately mitigated within the proposal leading to a permanent residual adverse impact at local and district level. Other bird species including the red bunting, a range of warbler species, lapwing (foraging), snipe and little ringed plover will be adequately mitigated for and in some cases will result in significant beneficial impacts. The mitigation required for different bird species is not the same and whilst the mitigation proposed is not like for like the assemblage on the landscaping area could be of similar value.

The application site has been a derelict area of land for considerable period of time that 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 its impact on ecology through the landscaping of the flood conveyance corridor. In the main this is welcomed by Derbyshire Wildlife Trust (DWT) subject to the implementation of suitable landscaping and longer term management. This is in line with policy CP17(7) of the Local Plan 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 applicant has provided additional information during the life of the application in order to try and address concerns raised by Derbyshire Wildlife Trust (DWT), particularly in respect of ground nesting birds, namely the lapwing and skylark and overcome the impacts detailed within the ES. The applicant has explored the provision of mitigation on alternative sites including The Sanctuary and Chaddesden Sidings. Whilst the provision of mitigation off-site would overcome the concerns raised by DWT, the applicant has at present been unable to secure such mitigation as the sites are not within their ownership.

In circumstances where insufficient mitigation has been provided in respect of the a protected species the decision maker must have regard to Part 9 of The



Conservation of Habitats and Species Regulations 2010. Part 9 of the regulations and section 5 which states “*Without prejudice to the preceding provisions, a competent authority, in exercising any of their functions, must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions.*”.

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. In this application therefore the requirements to have regard to are those relating to species and not habitats.

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 re-establishment 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. There are mitigation plans for all relevant species except the skylarks and lapwings. Options for satisfactory mitigation have been identified by the applicant (and by DWT) but as yet they have not been secured and it is not yet clear that they cannot be secured by the use of reasonable endeavours.

The land opposite the application site, known as The Sanctuary is designated as Green Wedge. Policy CP18 of the Local Plan is therefore relevant. This policy seeks to ensure that any developments adjacent to the Green Wedge do not undermine its function or character. The Sanctuary is owned by Derby City Council and provides habitats for a number of species including ground nesting birds. I am satisfied that the proposed development would have a neutral impact on the setting of The Sanctuary given the distance between itself and the application site, in respect of its open character and function. In addition to the above, given the siting of the OCOR conveyance area and the proposed landscaping there is an opportunity to widen the current green wedge, so it straddles the river.

Subject to the delivery of the applicant's current proposed mitigation and the achievement of off-site replacement habitat for skylarks and lapwings, there will be no residual adverse ecological impacts. It is recommended that further work be carried out so that all reasonable endeavours are exhausted to achieve such habitat.

### **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 the site is designed to a high standard, in terms of overall layout and individual buildings and building provide a gateway to the development site along with positively addressing the street scene or Wyvern Way. Future reserved matters application(s) should have full regard to the policy CP3 "Placemaking Principles" and policy CP4 "Character and Context".

#### **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 planning permission code no. DER/03/07/00495. This is also in line with saved Policy L9 and Policy CP24 of the Local Plan Part 1.

I note the representations made by the Canal Trust as set out in Section 6 of the report. The applicant has considered these, as set out in their letter dated February 2017 concluding that they have safeguarded the 1.32 hectares of land for the restoration of the canal and whilst they acknowledge that the Trust has bigger aspirations these have the potential for a significant land take and would go beyond the requirements of the local plans policies in respect of safeguarding land. Furthermore the additional developments in respect a visitors centre and 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, set out within the ES. That being said, the applicant has indicated that they will continue to have dialogue with the Trust in respect of their proposals.

#### **Land Contamination, Noise and Air Quality**

The full comments of the Council's Environmental Health Officer are set out in Section 7 of this report. Whilst these comments are comprehensive there are no matters arising from the proposal that cannot be dealt with by way of a planning condition.

### **Conclusion**

The application seeks permission for a highly significant proposal that has the potential to create in the excess of 3000 jobs, which will contribute positively towards the aims of the Council's Economic Strategy and the LEP's Strategic Economic Plan for D2N2 Area along with delivering a designated employment site.

The majority of the site will accommodate policy compliant uses and will therefore help to implement and deliver a strategic employment land allocation as identified in recently adopted Local Plan Part 1. 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. In my opinion, the overall re-development of the site would outweigh the concerns raised in respect of the complementary uses.

As set out above in Section 9 under 'Ecology and Nature Conservation' there is currently a shortfall in mitigation for Lapwings and Skylarks. It is recommended that further work be carried out so that all reasonable endeavours are exhausted to achieve such habitat.

It is considered that the key issues in determining this application are robustly set out and addressed above. National Planning Policy Framework paragraph 14 states that where development proposals accord with the development plan that should be approved; as the proposed development accords with the Derby of City Local Plan there is a presumption in favour of granting permission. In recommending planning permission should be granted consideration has been given to the wider economic, social and environmental benefits that will be realised by the implementation of this scheme. These include:

- A financial contribution from the scheme of £2.665 million towards the implementation of the A52 junction improvement scheme along with the safeguarding of land for its delivery;
- The safeguarding of 1.32 hectares of land for the future implementation of the Derby and Sandiacre Canal in line with local plan policies;
- The implementation of part of the 'Package 3 works' of the Our City Our River flood defence scheme. These works take approximately 4.07 hectares of land from the development site;
- The re-development of a brownfield site in line with its employment policy designation;
- The implementation of 5.54 hectares of landscaping for ecological and biodiversity enhancements;

The developer has also summarised, in their opinion the public benefits arising as a result of the development, amongst the aforementioned public benefits are also the likely economic benefits arising as a result of the proposal. These include:

- The development, once completed, has the potential to contribute in the region of £180 million per year, which could also attract further investment for the City;
- The construction costs could result in approximately £50 million private investment;
- The development would meet current market demands.

Overall, when considering all material considerations and weighing in the balance of the wider public benefits I consider that planning permission should be granted subject to the conditions set out in Section 8 of this report.

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

**To authorise** the Director of Strategy Partnerships, Planning and Streetpride to **grant** planning permission subject to appropriate conditions and obligations.

- 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 in this report 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.

**Summary of reasons:**

In the opinion of the Local Planning Authority, the principle of employment and ancillary uses on this site is established and accord 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 and 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. The proposals will introduce further employment and ancillary 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 is 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 with the exception of the impact on the ground nesting birds, Lapwing and Skylark, however substantial ecological mitigation has been provided in respect of other species. Such off-site mitigation for Lapwing and Skylark habitat that can be achieved using reasonable endeavours will be secured by condition and/or planning obligation. 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.

**Recommended Conditions:**

1. Standard Condition - Approved Plans
2. Application for the approval of the reserved matters shall be submitted for each phase within 10 years from the date of this permission and the development shall be begun within three years from the approval of the last of the reserved matters.
3. Standard Condition – Approval of Reserve Matters

4. Non-Standard Condition – ensures the development broadly accords with the indicative Masterplan.
5. The development hereby permitted, in conjunction with planning permission reference: DER/11/14/01570, shall not exceed the gross floor area stated below unless otherwise agreed in writing by the Local Planning Authority, a maximum of:

B1(a) Office 29,682 sqm gfa

B1(b) Research and Development 8083 sqm gfa

B2 General Industry 8482 sqm gfa

B8 Storage and Distribution 20,810 sqm gfa

Car Showroom 2462 sqm gfa

Public House 700 sqm gfa

Restaurant 372 sqm gfa

Food Retail 2000 sqm gfa

The Transport Assessment has considered the Gross Floor Area in line with “TRICS” whereas the Parameters Plan and Environmental Statement consider Gross Internal Area.

The figures in the Planning Application form, Parameters Plan and Environmental Statement have been used to assess the traffic impacts of the development. The difference between Gross Internal Area and Gross Floor Area is negligible in impact terms.

6. Phase 1 hereby permitted, in conjunction with planning permission reference: DER/11/14/01570 shall consist of the following land uses and shall not exceed the gross floor areas for each as set out below, unless otherwise agreed in writing by the Local Planning Authority:

B1(a) Office 2787 sqm gfa

B8 Storage and Distribution 6500 sqm gfa

Car Showroom 2462 sqm gfa

Public House 700 sqm gfa

Restaurant 372 sqm gfa

Food Retail 2000 sqm gfa

The Transport Assessment has considered the Gross Floor Area in line with “TRICS” whereas the Parameters Plan and Environmental Statement consider Gross Internal Area.

The figures in the Planning Application form, Parameters Plan and Environmental Statement have been used to assess the traffic impacts of the development. The difference between Gross Internal Area and Gross Floor Area is negligible in impact terms.

7. The total gross floor area of any single B1 (a) office shall be limited to no less than 2500 square metres, in total.
8. Prior to any development commencing within the application area:
  - a wheel washing facility constructed in accordance with details to be submitted to and approved in writing by the LPA shall be fully operational to prevent mud and debris being carried onto the public highway;
  - 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;
  - A phasing plan shall be submitted to and approved by the LPA detailing the maximum development floor space to be operational until the two points of access into the site are linked by means of a suitability designed internal road network.
9. Prior to any element of the Phase 1 becoming operational or open for use by the general public the following improvements to Wyvern Way as shown on Drawing No HD12092-000-035 shall have been completed to the satisfaction of the Local Planning Authority. This shall include:
  - a. The conversion of the Toys R Us roundabout to traffic signals;
  - b. the Pullman Road traffic signal access into the site and;
  - c. The Stanier Way roundabout has been completed.
10. Prior to phase 1 becoming operational or open for use by the general public a direct pedestrian/cycle link between the food store, restaurant and pub use and the highway network shall be provided and available for use in accordance with details to be submitted to and approved in writing by the Local Planning Authority.
11. No development, with the exception of the Phase 1, shall become operational or open for use by the general public until the A52 Congestion Management and Integrated Transport Scheme as set out on Drawing No. HD12092-000-035 has been completed to the satisfaction of the Local Planning Authority. The scheme shall also be open for use by the general public.
12. 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 June 2015 shall be submitted to and approved in writing by the Local Planning Authority. The agreed details shall be implemented in full for that particular phase, unless otherwise agreed in writing by the Local Planning Authority.



13. No development shall take place, on each phase, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The Statement shall provide for:
- a. hours of working
  - b. the parking of vehicles of site operatives and visitors
  - c. measures to control the emission of dust and dirt during construction
  - d. noise management procedures
  - e. a scheme for recycling/disposing of waste resulting from demolition and construction works

The agreed details shall be implemented in full for that particular phase, unless otherwise agreed in writing by the Local Planning Authority.

14. No development shall take place, on each phase, until a Construction Noise Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The submitted report should include the recommendations described within section 8.6 of the Environmental Statement. The Plan should be implemented in full throughout all phases of the development construction.
15. No development shall take place, on each phase, until an air quality mitigation strategy has been submitted to and approved in writing by the Local Planning Authority. The agreed strategy should be implemented in full and reflect the guidance within EPUK, 2014. The strategy should also include details of electric car charging points, at a ratio of one rapid car charging point per 1000 square metres of developable area. The agreed details shall be implemented in full for that particular phase, unless otherwise agreed in writing by the Local Planning Authority.
16. a. No development shall take place, on each phase, until a suitably detailed remediation strategy, supported by additional sampling and risk assessment where necessary has been submitted to and approved in writing by the Local Planning Authority.
- a. Before the development, on any phase, can be occupied or open to the general public, all of the agreed remediation works will need to be suitably validated and an associated Validation Report submitted for approval by the Local Planning Authority.

The agreed details shall be implemented in full for that particular phase, unless otherwise agreed in writing by the Local Planning Authority.

17. No development shall take place, on each phase, until an additional noise assessment has been submitted to and approved in writing by the Local Planning Authority. The assessment should assess each individual, or where appropriate group of, commercial units in line with appropriate guidance (e.g. BS4142:2014). Any mitigation proposed and agreed, should be incorporated into the development before it is occupied.
18. 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.
19. The unnamed watercourse in the eastern corner of the site shall be maintained as an open water feature. No development or ground level alteration shall take place within 5m of the top of bank without the written consent of Local Planning Authority.
20. Notwithstanding the submitted information no development on any phase shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The drainage scheme should include:-
  - a. A sustainable drainage solution in accordance with Ciria C753
  - b. Calculations to demonstrate that discharge from the surface water drainage scheme shall not exceed the greenfield runoff rate. If volumetric run off compensation is not considered the discharge rate shall be limited to  $Q_{bar}$  the mean annual flood.
  - c. Details of measures to control pollution within the surface discharge in accordance with Ciria C753.
  - d. surface water run-off is attenuated on-site up to the critical 1 in a 100 year flood event, including an allowance for climate change, through the submission of drainage calculations unless agreed otherwise.

- e. Consideration of high river levels restricting surface water discharge from the site,
  - f. design details of the proposed balancing features, including cross-section, plans and design health and safety risk assessment;
  - g. Provision of a method statement that details the proposals for avoiding increased runoff and contamination of local watercourses during construction,
  - h. A positive contribution to biodiversity and
  - i. Consideration of the safe integration of the A52 junction improvement scheme drainage features within the development.
21. No phase of the development shall be operational or open to the general public until a fully developed management and maintenance plan to ensure all surface water drainage and flood defence 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 arrangements to ensure that maintenance operations are carried out and fully funded throughout the design life of the development.
22. No development shall take place on the relevant phase incorporating the highway outfall and pumping station until detailed proposals for the Highway outfall and pumping station to the northwest of the development have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.
23. Development shall only take place in accordance with Drawing 'RP-001' entitled 'Flood Conveyance Zone Sections' unless otherwise agreed and approved in writing by the Local Planning Authority.
24. Development shall only take place in accordance with Drawing 'SK-001' entitled 'Existing Headwall Location' unless otherwise agreed and approved in writing by the Local Planning Authority
25. Prior to any development taking place on site a methodology for monitoring Japanese Knotweed and the redevelopment of vegetation and biodiversity features e.g. Open Mosaic Habitat, ground nesting birds and butterfly assemblage etc. The submitted details should also allow for further survey work particularly where development is commenced 1 season post the completion of the enabling works.

26. No development shall commence, on any phase, until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan should include for the following:
- Protection of the pLWS Chaddesden Sidings with robust temporary fencing for the entire duration of the earth moving and enabling works
  - Implementation of a ground nesting bird methodology including a survey prior to the commencement of works in spring (March – May) 2016 (or subsequent years should commencement be delayed) and a watching brief by Ecological Clerk of Works throughout the bird breeding season (March – August inclusive) of each year that enabling works are being undertaken. This is in order to ensure that ground nesting birds are not/do not become established whilst work is being undertaken. Species such as little ringed plover (Schedule 1 Wildlife & Countryside Act 1981) can breed on bare ground and can establish territories on undisturbed parts of sites even when earth moving is occurring in close proximity.
  - Tree protection of retained trees adjacent to the river corridor. This was inspected on site by the EA (Swati Nettleship) and the contractor, with tree removal in March/April 2015 and the identification of trees which could potentially be retained during the enabling works. There is recognition that this may alter as the enabling works are implemented and some additional crown lifting/tree surgery may be required.
  - Implementation of a soil protection plan which prevents sediments (and other pollutants) entering the River Derwent watercourse
27. Unless otherwise agreed in writing by the Local Planning Authority, no development on any phase shall commence until a revised Construction Environmental Management Plan ('the plan') has been submitted to and approved in writing by the Local Planning Authority. The plan shall take into consideration the impacts of construction work on the land highlighted in red and blue on the attached site layout plan entitled DER/05/15/00698 - Condition No.7 Plan and consider the long term maintenance of the land used for flood conveyance, as edged in blue. The plan must address the following:
- Implementation of a ground nesting bird methodology including a survey prior to the commencement of works in spring (March – May) 2016 (or subsequent years should commencement be delayed) and a watching brief by a suitably qualified person throughout the bird breeding season (March – August inclusive) of each year that enabling works are being undertaken. This is in order to ensure that ground nesting birds are not/do not become

established whilst work is being undertaken. Species such as little ringed plover (Schedule 1 Wildlife & Countryside Act 1981) can breed on bare ground and can establish territories on undisturbed parts of sites even when earth moving is occurring in close proximity.

- On-going tree protection of retained trees adjacent to the river corridor. Tree removal took place in March/April 2015 and there was identification of trees which could potentially be retained during the enabling works. There is recognition that this may alter as the enabling works are implemented and some additional crown lifting/tree surgery and tree removal may be required. Details of which should be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on site, in respect of additional crown lifting/tree surgery and tree removal.
  - Implementation of a soil protection plan which limits sediments (and other pollutants) entering the River Derwent watercourse.
  - Monitoring and removal of Indian/Himalayan Balsam and Japanese Knotweed, if found.
  - Within 12 months of completion of the works a Maintenance and Management Plan for the land edged in blue, having due regard to any established vegetation and biodiversity features, shall be submitted to approved in writing by the Local Planning Authority.
28. No development shall take place, on any phase where trees are located until an updated Arboricultural Impact Assessment, Tree Loss and Tree Protection Plan and Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority. The recommendations of each report shall be implemented in full.
29. 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 and boundary treatments.

The agreed details shall be implemented in full unless otherwise agreed in writing by the Local Planning Authority.

30. 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

31. No development shall commence until a detailed method statement for removing or the long-term management / control of Japanese knotweed on the site shall be submitted to and approved in writing by the local planning authority. The method statement shall include proposed measures that will be used to prevent the spread of Japanese knotweed during any operations e.g. mowing, strimming or soil movement. It shall also contain measures to ensure that any soils brought to the site are free of the seeds / root / stem of any invasive plant covered under the Wildlife and Countryside Act 1981, as amended. Development shall proceed in accordance with the approved method statement.



32. No development approved by this planning permission, on any phase, shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:
- a. A site investigation scheme, based on the existing site investigation information to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
  - b. The results of the site investigation and the detailed risk assessment referred to in (1) 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.
  - c. 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 (2) 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 express written consent of the local planning authority. The scheme shall be implemented as approved.
33. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority on each phase of development, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.
34. Piling or any other foundation designs using penetrative methods shall not be permitted, on any phase, other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.
35. Prior to the commencement of any development on site, of each phase, the finished floor levels of that development site shall be submitted to and approved in writing by the Local Planning Authority. The agreed finish floor levels shall be implemented in full unless otherwise agreed in writing by the Local Planning Authority.
36. Prior to the commencement of any development on site, including the enabling works conveyance corridor, engineering calculations highlighting the stability

and strength of the new flood embankment / defence shall be submitted and approved in writing by the Local Planning Authority.

37. No part of the hereby approved scheme shall become occupied or open to the general public until the enabling works/OCOR conveyance corridor as permitted under code no. DER/05/15/00698 has been implemented in full to the satisfactory of the Local Planning Authority.
38. Standard Condition – Tree Protection Measures
39. Non- standard condition (if appropriate) to secure the provision of off-street habitat for Skylarks and Lapwings

**Reasons:**

1. Standard Reason – E04
2. Standard Reason – E58
3. Standard Reason – E01
4. Standard Reason – E04
5. The impacts of the proposed development have been assessed against these gross floor areas. Further increases in these gross floor areas will need to be re-assessed in terms of environmental and traffic impacts.... Policy CP23, CP24 and AC11
6. To ensure the proposed mitigation match the development impact. Policy CP23, CP24 and AC11
7. In order to limit the impact of the office development and to allow smaller occupiers to locating in the city centre. Policy CP11
8. Standard Reason E19 policies CP23 and CP24
9. To ensure the proposed mitigation match the development impact. Policy CP23, CP24 and AC11
10. In order to promote sustainable travel ... policies CP23 and CP24
11. To ensure the proposed mitigation match the development impact. Policy CP23, CP24 and AC11. To ensure that the A52 Trunk Road continues to serve its purpose as part of the national system of routes 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 interest of road safety.
12. In order to promote sustainable travel ... policies CP23 and CP24
13. Standard Reason E49 ... policy E13
14. Standard Reason E49 ... policy E13
15. The proposed development will result in a significant number of vehicles on the local road network and the Secretary of State for DEFRA requires Derby to

implement a Clean Air Zone due to predicted exceedances of air quality limits for nitrogen oxide. The proposed development will, therefore, inhibit the Council's ability to comply with the Government requirement to reduce air pollution within the vicinity of the development. The air quality strategy should therefore assist in mitigating the modelled increases of nitrogen oxide in accordance with the National Planning Policy Framework.

16. Standard Reason E49 ... policy E13
17. Standard Reason E49 ... policy E13
18. Standard Reason E49 ... policy E13
19. To safeguard access to all watercourses for essential maintenance and inspection purposes for which the Lead Local Flood Authority has permissive powers and ensure that flows within the watercourse remain free from obstruction in accordance with policy CP2.
20. To comply with Planning Practice Guidance ID 7-051-20150323, CP2, CP3, CP4 and CP16 to ensure the development is designed with an appropriate level of flood resilience and does not increase flooding elsewhere and to ensure that development protects the environment and where possible provides enhancement.
21. To comply with Planning Practice Guidance ID 7-081-20150323 and CP2 to ensure that minimum standards of operations are appropriate and that there are clear arrangements in place for on-going maintenance.
22. To protect the water environment from contamination and in accordance with the National Planning Policy Framework and policies CP2 and E13
23. To ensure continuity of flood protection from the River Derwent until such time as final site levels are achieved and in accordance with policy CP2 and the National Planning Policy Framework.
24. To reduce the potential for scour by ensuring a satisfactory design in accordance with policy CP2.
25. In order to review the impact of the proposed development on vegetation and biodiversity features in accordance with policy CP16 and CP19.
26. In the interest of nature conservation and biodiversity in accordance with policy CP16 and CP19.
27. In the interest of ecological preservation and in accordance with policies CP16 and CP19.
28. In the interests of preserving vegetation and in accordance with saved policies policy CP16 and CP19.
29. 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 condition is supported by the National Planning Policy Framework (NPPF), paragraph 109 which recognises that the planning system should aim to conserve and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. The Natural Environment and Rural Communities Act which requires Local Authorities to have regard to nature conservation 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. Paragraph 118 of the NPPF also states that opportunities to incorporate biodiversity in and around developments should be encouraged. The proposed development will be acceptable if a planning condition is included requiring a scheme to be agreed to ensure that the landscape within the site is managed in such a way as to protect the ecological value of the site including the SUDs scheme and associated planting around the development site.

30. 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.

This condition is supported by the National Planning Policy Framework (NPPF), paragraph 109 which recognises that the planning system should aim to conserve and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. Paragraph 118 of the NPPF also states that opportunities to incorporate biodiversity in and around developments should be encouraged.

The Natural Environment and Rural Communities Act which requires Local Authorities to have regard to nature conservation 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.

31. This condition is necessary to prevent the spread of Japanese knotweed which is an invasive species. Without it, avoidable damage could be caused to the nature conservation value of the site contrary to national planning policy as set out in the National Planning Policy Framework paragraph 109, which requires the planning system to aim to conserve and enhance the natural and local

environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible.

32. To ensure the risks from the identified contamination to controlled waters are appropriately assessed and remediated if deemed necessary. National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels water pollution. Government policy also states that planning policies and decisions should also ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121). With regard to sustainable drainage options for this site, the previous land use should be borne in mind when deciding whether or not infiltration type methods would be suitable. Based on the identification of contamination in the Made Ground at the site we recommend the inclusion of the following conditions relating to drainage and piled foundations at the site.
33. To protect the underlying aquifer from contamination. National Planning Policy Framework paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels water pollution.
34. To ensure that the underlying aquifer is protected from contamination ... policy E13
35. In order to prevent flood risk of the site and adjacent areas ... policy CP2
36. To ensure the stability of the proposed flood embankment / defence... policy CP2
37. In order to prevent flood risk of the site and adjacent areas ... policy CP2
38. In order to protect trees during construction... policy CP16 and CP19
39. In order to secure off-site habitat for skylarks and lapwings if it can be delivered using reasonable endeavours.

**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 are required to enter into an agreement under S278 of the Act.
2. For details of the 6C's design guide and general construction advice please contact Robert Waite Tel 01332 642264.
3. If the gross floor area (gfa) of any of the specific use classes listed above changes the applicant should consult the LPA to determine if the Transport Assessment requires to be amended to reflect the proposed revised development mix.

**S106 requirements where appropriate:**

As previously outlined in this report, the development is proposed to contribute £2.665million towards the A52 scheme along Wyvern Way. Further contributions have been sought and discussed with regards to highways improvements as part of the wider A52 scheme, bus service improvements, Travel Plan contingency and monitoring and public art. The applicant has stated that the development cannot afford to provide all of these contributions, in addition to the £2.665 million, works required for OCOR and other abnormal costs on the site. The applicant has submitted a full financial appraisal that demonstrates that the development cannot afford to make any further S106 contributions over and above £2.665 million and the OCOR works. This appraisal has been rigorously assessed by the District Valuer as an independent body and they have agreed with the conclusion that no further S106 contributions can be afforded.

Therefore the S106 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 in profit to allow the contributions 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.

**Application timescale:**

The application was submitted 17 November 2014 and has an extension of time until 14 April 2017.

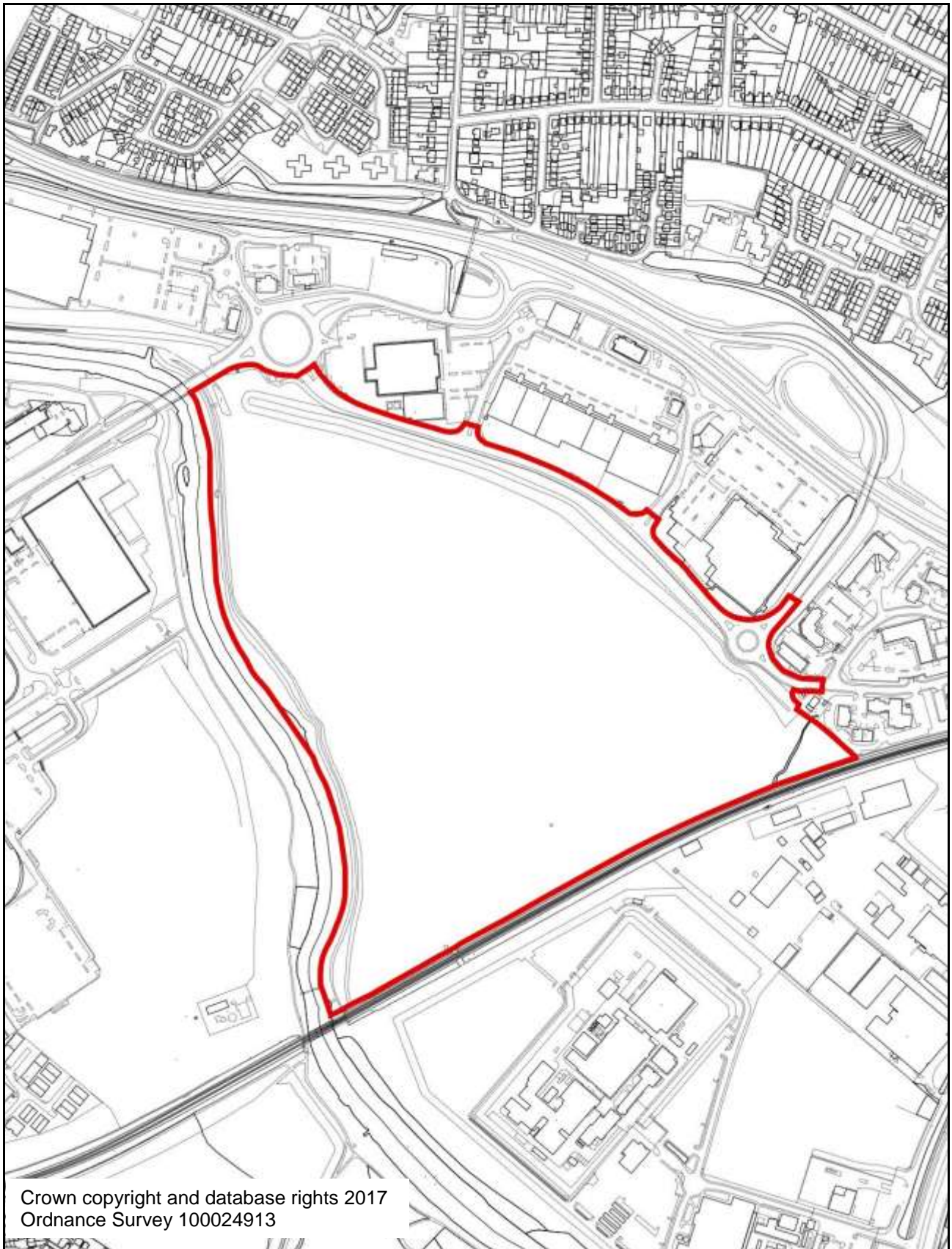


**Classification: OFFICIAL**

**Committee Report Item No: 1**

**Application No: DER/11/14/01570**

**Type: Outline Planning  
Application with  
access applied for**



**Classification: OFFICIAL**

**1. Application Details**

**Address:** Unit 7, Northedge Business Park, Alfreton Road, Derby.

**Ward:** Darley

**Proposal:**

Development of facilities to enable the testing of a new technology based on a pyrothermic conversion process utilising solid recovered fuel, erection of associated equipment and external 20metre height chimney stack for a temporary period of 18 months.

**Further Details:**

Web-link to application:

<https://eplanning.derby.gov.uk/online-applications/plan/DER/10/16/01241>

**Brief description**

The application site is located to the west of the industrial site known as the Northedge Business Park. The site is located to the west of Alfreton Road and was previously occupied by Hanson's Concrete. The majority of this former general industrial site has been cleared and only two remaining building are newly constructed development of two-storey offices located close to the western boundary. The rest of the site is covered by hard standing. Works are currently taking place surrounding the application site to install flood defence barriers associated with the permitted Our City Our River (OCOR) flood protection scheme.

The site is set considerably higher than the adjacent land (by as much as 2m at the west side of the site) on a concrete plateau. Access to the Northedge site is from the northernmost of the two existing sets of gates on Alfreton Road that served the Hanson Concrete site. The site is located within flood risk zones 2 and 3 due to the close proximity of the River Derwent. To the west is the Derby Rugby club site and its associated sports pitches, which are allocated a Green Wedge and fall within the limits of the Derwent Valley Mills World Heritage. The site itself is located within the World Heritage Site's Buffer Zone. The ditch which runs along the western boundary of the site also extends north where it forms part of a locally designated wildlife site. There are also mature trees along the western boundary.

The site is allocated for business/industrial purposes under policy EP11 of the Local Plan Review which is carried forward as an Employment Location under the new adopted CP10 policy of the Derby City Local Plan –Part 1 (Core Strategy). The application site benefits from an existing planning permission for an industrial B2 use.

The application building is an industrial unit and measures approx. 22 metres in depth, 67 metres in width and 12.5 metres in height. Recently, the external elevations have been upgraded with contemporary grey coloured coated insulation panels arranged horizontally with a forward projecting two storey office block situated to the southern end. This is box shaped and clad in similar materials, but with contrasting coloured grey blue panelling. The building is orientated with its main principal elevation facing the interior of the site and side flank elevations facing north and

south. A car park area fronts the building with a large expanse of hard surfaced area surrounding the application site.

**Proposal**

The proposed development is for a temporary waste recovery facility to test the operation of a waste to energy technology, for a temporary 18 month time period. The facility is proposed to process no more than 2.75 tonnes per hour of waste material, based on a maximum operational running time of 100 hours per week. The operational testing facility known as the '*pyrothermic converter unit*' and associated boiler unit would be contained within the application building. The proposed development would also consist of additional external equipment in the form of:

- A 20 metre height emissions chimney stack
- Two external mounted air blast coolers
- 4500 litre diesel storage tank
- External bale storage area

Amended plans have been received during the course of the application which include: the emission chimney stack being relocated 5.8 metres further from its previous position away from the western boundary of the site; improved quality of waste material type with the use of Solid Recovered Fuel as opposed to Refused Derived Fuel; diesel generators reduced from 3 to 1; air cooler units reduced from 7 to 2; bale storage area relocated further from building.

The operational hours are proposed to be 08:00 to 20:00 Monday – Thursday for deliveries. The incineration operation would run from 08:00 – 24:00 Monday to Friday.

The external bale area would be positioned approximately 15metres forward of the main building and measure 10m by 15m. The cooler units would measure 9 metres by 14 metres and be sited toward the front northern end of the building. The fuel storage tank would be sited alongside the coolers and measure 5m by 3m.

The emissions chimney stack structure would be aluminium and grey in appearance. It would be positioned alongside the northern elevation of the building, approximately 5.8metres inward from the north-west corner point of the building. Its total height from ground level to top edge would be 20metres and approximately 8.2m above the building roof height. The diameter of the stack structure would measure 1.5m at the bottom and 1m diameter at the top.

**Environmental Impact Assessment**

A screening of whether the proposed development constitutes an Environmental Impact Assessment (EIA) has been undertaken and the conclusion reached is that due to the scale, type of operation and temporary nature the scheme is not EIA development.

To support the application, a number of technical documents have been submitted, which are recapped as follows:



Air Quality Assessment

The report evaluates that existing conditions within the study area show acceptable air quality, with concentrations of all pollutants below the relevant air quality objectives in the vicinity of the development site. The proposed testing facility will generate around 16 additional vehicle movements per day. Increases in pollutant concentrations at sensitive locations resulting from emissions from these additional traffic movements will have *negligible* impacts on nitrogen dioxide, PM10 (particulate matter and PM2.5 (fine particulate matter) concentrations.

The impact of emissions from the proposed plant on local residential properties and the area surrounding the plant has been considered. The assessment has compared the predicted changes in concentrations with screening criteria provided by the Environment Agency, and where necessary determined total concentrations taking baseline levels into account. It has shown that there will be no likely significant effects.

An emergency diesel generator is proposed to provide power to the plant in the unlikely event of a power failure. The infrequent use of this generator will have a *negligible* impact on nitrogen dioxide, PM10 and PM2.5, concentrations. Consideration has been given to potential odour impacts of the proposed plant. Taking into account the odour potential of the waste material, control measures to be put in place, prevailing meteorological conditions and distance between the proposed plant and sensitive receptors, the odour impacts are expected to be not significant. Overall, the operational air quality and odour impacts of the proposed testing facility and emission stack are judged to be 'not significantly adverse'.

Health Impacts Document

This statement document suggests that the potential health impacts associated with the proposed testing facility have been considered, taking into account the conclusions of the Air Quality Assessment and published evidence regarding the health impacts of emissions from modern municipal waste incinerators in the UK. The Air Quality Assessment concluded that emissions of individual pollutants from the test facility would have no likely significant effects, when concentrations are compared with health-based objectives and Environmental Assessment Levels. In addition, Public Health England has found that, "*modern well managed incinerators make only a small contribution to local concentrations of air pollutants. It is possible that such small additions could have an impact on health but such effects, if they exist, are likely to be very small and not detectable*".

Taking into account the evidence described above, it is concluded that the proposed test facility would have no significant health impacts on the local population.

Noise Impact Assessment

The submitted noise assessment considers the potential impact of noise generated by the Pyrothermic Converter on the nearest residential properties to the development site. The document utilises the relevant and latest British Standard guidance documents. (British Standard 4142:2014 *Method for rating and assessing industrial and commercial sound*, British Standard 8233:2014 *Guidance on sound insulation and noise reduction for buildings* and the World Health Organisation

guidance documents *Guidelines for Community Noise* and *Night Noise Guidelines for Europe*).

Sound levels generated by the proposed test facility have been predicted using SoundPLAN v7.4 and an assessment made in line with BS4 142:2014 and BS 8233:2014. A site visit has been made to establish background noise levels at a location representative of the nearby properties. The BS 4142:2014 assessment has shown that there would be a low likelihood of adverse impact due to the operation of the plant when considering the context of the area surrounding each receptor assessed.

An assessment of predicted internal noise levels has been made against the guideline values for internal ambient noise levels in dwellings outlined in BS8 233:2014, specifically those relating to sleeping in bedrooms. The assessment has shown that, when considering a 15dB reduction for a partially open window, predicted internal noise levels would remain below the 30dB LAeq,8hr noise level recommended. An assessment of night-time noise has also been made in accordance with World Health Organisation guidelines which shows that predicted noise levels remain with the guideline values at all times.

It is considered that operations at the proposed test facility would be able to be undertaken without adversely affecting the nearby residential receptors without the need for mitigation measures.

#### Flood Risk Assessment

The above report concludes that the proposed development is not considered to be at significant risk of flooding and is considered to be a sequentially preferable development. Suggested mitigation measures include: new building levels to be set at a minimum of 600mm above appropriate external levels; infiltration drainage and soakaways to be carried out.

#### Heritage Setting Assessment

The report considers the visual effects upon a number of designated heritage sites within the local area, which includes illustrative information and photomontages from different vantage points. The report then assesses the setting and visual impacts of the development on those heritage assets.

The proposed vertical feature will be of particular prominence when seen from within 100m radius of the site. Due to the open nature of the adjacent fields within the World Heritage Site, it is possible that some indirect views of the tip of the stack will be seen above the tree line, especially when viewed along the Derwent Heritage Way footpath. Direct views from heritage assets such as Darley Abbey Mills and Darley Abbey Conservation Area would be “heavily filtered and transient glimpses between the built form and above the tree line”. In summation, the proposals would be intermittently visible from receptors located within close proximity to the site’s immediate study area, especially when seen from open ground to the north.

The report concludes that despite the relative height of the temporary stack, the effect would be no more than slight adverse and all views of the proposal would be seen within the context of the already established and visually imposing industrial area and for a limited time period only.

**Classification: OFFICIAL**

**Committee Report Item No: 2**

**Application No: DER/10/16/01241**

**Type: Full**

**2. Relevant Planning History:**

<b>Application No:</b>	DER/09/12/01097	<b>Type:</b>	Full
<b>Decision:</b>	Granted conditionally	<b>Date:</b>	08/01/2013
<b>Description:</b>	Extension to industrial unit (offices), partial re-cladding of industrial unit and revised access layout.		

**3. Publicity:**

Site Notice displayed on nearby street furniture

Statutory Press Advert

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

**4. Representations:**

A total of 209 third party representation objections have been received, including one from the Darley Abbey Society and 1 letter of support. In addition the following have been received:

- Objections have been received from Cllr Eldret, Cllr Repton and Cllr Stanton.  
Councillor Eldret – strongly object to this application which I believe would have a detrimental impact on the local area  
Councillor Repton – objection on the grounds of its unsuitability in or adjacent to a World Heritage Buffer Zone and Conservation Area; noise and air pollution concerns; increased traffic movements; it would set a dangerous precedent as it may give a 'foot in the door' for a subsequent application for a waste recycling plant  
Councillor Stanton – serious concern for the suitability of such a development given the residential nature of the area
- An objection letter from Amanda Solloway MP has been received. The main points raised include: the siting of the facility is too close to residential properties; the effects of pollution on children who attend schools in this area; the impacts of pollutants from emissions on surrounding area, environment and air quality; concerns about the impacts of 16 lorry movements per day on the congestion of the locality; no hard facts relating to the possible impacts.

The main points raised from third party representations include:

- How the air quality will be monitored at the planned installation over the 18 month period, to ensure that actual air quality does not exceed modelled predictions
- There appear to be no effective monitoring stations within the vicinity of the site to verify that emissions will actually fall within the predicted modelled outcomes
- Extended exposure to our school children of air pollutant emissions

**Classification: OFFICIAL**



**Classification: OFFICIAL**

**Committee Report Item No: 2**

**Application No: DER/10/16/01241**

**Type: Full**

- Local population will be exposed to harmful substance emissions and pollutants
- Chimney would be prominently visible from the nature reserve
- It would pollute the surrounding site with range of 100 recorded bird species and 150 wildflowers
- No information on the composition of the waste materials to be destroyed
- Incorrect statement regarding feed material being recycled
- The burning process is not sustainable or renewable
- The negative visual impacts of the development
- Toxic emissions from the proposed plant which we understand have been shown significantly to increase cancer rates in children.
- The location is a flood risk area and could result in pollutants being drained into local rivers and water courses prior to and after treatment of the waste
- Precautionary principle should be used
- There is a potential for build up of combustion gases on still days
- Emissions from the incinerator are liable to damage plant and wildlife including historic trees and rare and protected species.
- The choice to place the site within one to three miles of dense population:- (Chester Green, Darley Abbey, Breadsall and Allestree) seems bizarre
- Not enough effort has gone into contacting local residents who are most at risk from airborne pollutants directly related to this project
- The problem of the noise that would be caused by this project planned operation of 100 hrs per week 24 hours a day - Monday to Friday.
- The Application is based on meteorological data from East Midlands Airport. This cannot take account of the specific micro-climate within the local topography
- Contamination needs to be prevented.

**5. Consultations:**

**Conservation Area Advisory Committee:**

No objections raised

**Health and Safety Executive:**

HSE does not advise, on safety grounds, against the granting of planning permission in this case.

**Highways Development Control:**

In highway terms, the proposals are very much for an industrial use (B2); which is in keeping with the general location of the site; with trip generation being of a similar

**Classification: OFFICIAL**

profile to that which would be expected for a B2 use. Further, the proposals are of a temporary nature. From the information provided at application (and pre-application) stage, the Highway Authority is satisfied that the proposals will not have a material effect upon the adjacent highway network. No objections raised.

**Environmental Services (Health – Pollution):**

1. The application is for a temporary (18 months) facility to test the operation of plant utilising CHP (combined heat and power) technology based on a pyrothermic conversion process.
2. The combustion testing facility itself is intended to operate for a total of 12 months and will only operate to test heat production, not power.
3. I note the suggestion in the application information that RDF (refuse derived fuel) will be used as the fuel, with the addition of diesel for start-up. However, I now understand that only pre-sorted SRF (solid recovered fuel) will be used as the fuel, which is considered to be of higher quality and less prone to contamination with hazardous wastes than the more generic categorisation of RDF.
4. Although suggested in the application, I understand that there is now no intention to receive deliveries of material via RORO (roll-on roll-off) HGV containers.
5. The site is an existing industrial site, formerly occupied by Hanson Concrete, which operated under an Environmental Permit.
6. The planning statement suggests that the closest residential properties to the site are those along Haslams Lane and Folly Road to the south west, however this is not the case. There are a series of residential dwellings to the south east of the site along Alfreton Road (Tomlinsons Cottages), within 200 metres of the site boundary.
7. The facility is proposed to process no more than 2.75 tonnes per hour of SRF, based on a maximum operational running time of 100 hours per week. SRF delivered to the site will be baled and wrapped in plastic.
8. The planning statement suggests that “*as the development does not involve any piling or foundations, there is considered to be no risk of creating new pathways to contamination arising from the proposed development*”. Whilst I acknowledge this point, the application does not appear to consider any existing ground contamination issues at the site. Given the site’s industrial history, there is a high potential for the ground to be contaminated.
9. I note however that the site is hard-surfaced and/or covered by buildings and therefore significant risks from most pollutant linkages will be broken. I would however recommend consideration of the potential for ground gases to impact the site, or surrounding sites.
10. I would recommend that a condition is attached to the consent, should it be granted, requiring a gas risk assessment desk study and where the study identifies that it is necessary, detailed assessment of ground gas risks to

buildings on and adjacent to the site via a suitable monitoring regime. Where the results of the assessment recommends mitigation measures, the measures should be incorporated into the development before it is occupied.

11. The industrial activities proposed on site have the potential to generate significant levels of noise and the plant is intended to be operational during the day and night. In order to consider amenity impacts from noise, the applicant has submitted a *Noise Impact Assessment* (Enzygo Ltd, September 2016). I can comment on the report and its findings as follows.
12. The assessment follows BS4142:2014 methodology which is the most appropriate guidance for such circumstances.
13. Baseline noise measurements were undertaken on Tuesday 6th and Wednesday 7th September 2016 to determine representative ambient/background sound levels. The measurement durations are very short and thus limited in scope. Consequently, it is hard to say whether the monitoring actually captured 'representative' background/ambient levels.
14. In terms of background noise, I note that works may have been ongoing during these dates for both the Our City our River flood defence scheme and also construction works for the nearby industrial units development at the former Draka site.
15. The report describes general industrial noise, but does not specify whether construction works were being carried out during the survey. The activities carried out under the two construction schemes mentioned above would not be considered to be 'representative' of normal prevailing background noise conditions and could have affected the results by suggesting that background noise is higher than it normally would be, possibly impacting the assessment conclusions. Whilst this could only have affected the daytime noise measurements (since the construction works should not have been in progress at night) the affects upon the assessment could be significant.
16. A list of potential noise sources and associated sound power levels are provided in Table 4-1. It is unclear whether the stated levels relate to an individual item of equipment or whether they take into account the number of pieces equipment described in the table, for example a sound power level of 93dB associated with *7x Cooling Water Pumps – return and pumps*.
17. Whilst a general description is provided of the range of information sources used to estimate the sound power levels, the specific source of information for each of the levels used is not given. This makes it difficult to consider how appropriate the sound power levels used in the assessment are.
18. Contrary to the Planning Statement submitted with the planning application, the noise assessment correctly identifies the nearest residential dwellings to the site as those on Alfreton Road (albeit that the address description is incorrect in that it should read '5 Tomlinson Cottages', not '5 Alfreton Road' as suggested in the report).

19. Calculations of predicted source noise levels at the nearest receptors were undertaken using *SoundPLAN* (computer-based modelling software) and incorporated reductions in sound provided by the industrial unit building and barriers/fences proposed within the design of the proposed development.
20. Notably, the predictions assume that the building will be fully sealed at all times, which in practice will not always be the case, especially during periods of loading of SRF material from the external storage area into the unit.
21. There is some discussion regarding the application of penalties in section 4.5. With respect to the properties on Alfreton Road, although the justification for not applying penalties is arguable under BS4142:2014, given that the plant is not currently operational I do not share the confidence that tonal/impulsive noises will not be noticeable at these properties. On this point, I do not agree that the assessment is conservative and would suggest that the application of either a 5dB (2dB for tonality and 3dB for impulsivity) or a 3dB penalty (for other sound characteristics) would be a more robust approach.
22. The approach for application of the 5dB penalties for the assessment of properties at Haslam's Lane is more reasonable.
23. Notwithstanding all of the above highlighted issues, the assessment concludes a 'low impact' for all locations and time periods, with the exception of noise levels at 5 Alfreton Road, where an 'adverse impact' is predicted (depending on the context).
24. The report then goes on to suggest that, within consideration of 'context', the property at 5 Alfreton Road is "*located in a predominantly industrial area (and) it is considered that, within the context of the existing environment, the impact would be low*".
25. The report then also provides consideration of internal noise levels against BS8233 criteria. Such an assessment is not relevant to the situation under consideration and I therefore do not intend to discuss these findings further.
26. Based on the information provided in the report, it is apparent that some noise from the site could be audible at the dwellings at Tomlinsons Cottages at night.
27. Based on the information provided, noise from the site is unlikely to be obtrusive at night at dwellings along Haslams Lane and beyond. There are not expected to be any significant noise impacts at any sensitive locations during the day.
28. In terms of noise impacts at Tomlinsons Cottages, I note my comments in point 23 above regarding the penalties used in the assessment, which are not considered to be sufficiently conservative. I do acknowledge however, the arguments in the report regarding the current and long-standing historical industrial nature of this location and therefore, whether noise impacts actually arise in practice can only be a matter of judgement at this stage.
29. In my professional view, whilst there may be some degree of noise experienced, the risk of noise *significantly* affecting the residents of Tomlinsons Cottages at night, based on the nature of the location and within the setting of

the planning policy framework and local planning policy GD5, is considered to be low.

30. This is also considered in light of the historical use of the site as a concrete batching plant, arguably a noisier operation than that proposed under the current application and which, according to this Department's records, never generated any complaints regarding excessive noise.
31. Furthermore, the proposals are temporary in nature (i.e. a maximum of 12 months full operation) and the operations are only proposed during weekdays, removing noise impacts from the more sensitive weekend periods, pertinently Sundays.
32. Based on these considerations, I believe a refusal of the planning application based solely on noise amenity grounds would be very hard to justify.
33. Given the potential emissions to air from the incineration of waste on site, the applicant has submitted an *Air Quality Assessment* (Air Quality Consultants Ltd, 30th September 2016). I can comment on the report and its findings as follows.
34. The assessment includes dispersion modelling of a number of air pollutants using the ADMS-5 modelling software. It also includes a subjective odour assessment.
35. Emissions from traffic associated with the plant have been scoped out of the assessment. Given the limited number of predicted HGV movements associated with the operations, this is an acceptable approach.
36. Background levels have been based on the DEFRA background maps for NO<sub>2</sub>, PM<sub>10</sub>, PM<sub>2.5</sub>, SO<sub>2</sub>, benzene and 1,3-butadiene. Background concentrations of metals have been based on data from the Walsall Bilston monitoring site (in 2014), which is part of the UK Heavy Metals Monitoring Network.
37. Maximum emission rates of SO<sub>2</sub> and NO<sub>x</sub> have been produced by Envirofusion. The emission rates of all other pollutants considered in the assessment are derived from the European Industrial Emissions Directive (IED) limits.
38. The screening criteria (based on the UK AQ Regulations and Environment Agency EALs) and assessment methodologies (namely IAQM/EPUK Guidance) used for consideration of air quality impacts in the report are in line with current best practice and deemed appropriate.
39. With respect to odour assessment, the *H4 Odour Management* guidance published by the Environment Agency (2011) and *Odour Guidance for Local Authorities* (DEFRA, 2010) have been used as the basis for a judgement on potential odour impacts from the site. Whilst these two documents provide useful guidance for managing and monitoring odours from operational sites, they have very limited use for odour impact assessment for new development at the planning stage.
40. No reference is made to IAQM's *Guidance on the assessment of odour for planning (2014)*, which contains more appropriate guidance than those used in

the report. I have discussed odour impacts in the separate section on odour below.

41. The chosen receptor locations modelled in the assessment are appropriate and represent the closest sensitive receptors to the site.
42. The model has been run assuming that all pollutants are emitted at the maximum emission rates throughout the year. This is unlikely to be the case in practice and the model is therefore considered to be conservative.
43. The modelling includes predictions of 'process contributions' to the ambient air for a total of 24 chemicals against 38 different assessment objectives/standards.
44. The report does not list the chosen receptor locations, however they are depicted on a map entitled Figure 1 (page 15). From the map, it appears that around 30 receptor locations were modelled, in addition to grid modelling based on a 4x4km grid with grid points at 50m intervals.
45. Table 5 describes the maximum process contributions (PC) modelled for each of the 38 chemicals across the grid and at the 30 chosen receptor locations.
46. The modelling predicts very small increases for all pollutants of concern, with the maximum predicted increase calculated at 10% of the stated health assessment standard (for SO<sub>2</sub>).
47. For all modelled pollutants, the predicted environmental levels (PEL) across the 4x4km grid (in other words the process contribution from the plant plus the background concentrations) does not exceed 58% of the health standard.
48. Based on the results, emissions from the plant are predicted to have a negligible impact on local air quality and/or human health.
49. Emissions from the plant are predicted to be very small when considered against criteria designed for the protection of human health.
50. Existing background concentrations of all air pollutants far exceed the potential contributions from the plant and even when combined, no health criteria are predicted to be exceeded.
51. The modelling is based on worst-case assumptions and so the true emissions are likely to be lower than those described in the assessment, which is especially the case since the decision to restrict the site to receive only SRF material.
52. This is coupled with the fact that the site is only temporary in nature, which is significant in that the health criteria values are generally based on health risks over a lifetime of exposure.
53. Based on the information provided, the proposals do not conflict with either local or national planning policy and so a refusal on air quality grounds would not be justified.
54. Notably, the odour assessment submitted with the application is based on the plant receiving and processing RDF material. I understand that the applicant



has now committed to only receiving SRF material to the site which is generally less odorous due to a lower organic matter content and a pre-treatment process involving drying.

55. The applicant proposes to store the SRF material outdoors (up to a maximum of around 70 bales), however it will be received on site in pre-wrapped bales. I understand that bales will be moved indoors using a 'grabber' and will not be unpackaged until inside the unit building.
56. The report suggests that the nearest residential dwellings are located approximately 300m to the south east of the site. This is factually incorrect. The properties at Tomlinsons Cottages on Alfreton Road are approximately 200 metres from the proposed waste storage area.
57. I acknowledge the comment that residential dwellings are generally not downwind of the prevailing wind direction. Those that are downwind are a significant distance away (more than 1km). There are however a number of industrial and commercial premises closer to the plant, in particular the popular Meteor Shopping centre and Supermarket.
58. Whilst it is hard to predict accurately the level of odour produced from the waste stored at the site, I do have a degree of concern about odours affecting local businesses, especially during the warmer summer months.
59. I would strongly recommend that contingency arrangements are developed in case of equipment downtime, so that any excess waste can be quickly moved from site so that it doesn't accumulate.
60. Should any odour issues arise in the form of substantiated complaints, I would strongly recommend that the site puts in place arrangements to immediately allow waste to be either removed from the site or stored in the building, rather than outdoors. I would recommend a condition requiring this.
61. As for odours, I do have a degree of concern regarding possible fly nuisance due to the waste being proposed for storage outdoors.
62. The application contains limited consideration of possible fly nuisance.
63. Whilst the nature of the waste (i.e. pre-dried SRF) and the fact that it will be baled and plastic-wrapped should help to mitigate the potential for fly nuisance, I would recommend that detailed fly control procedures are developed for the site.
64. I would therefore recommend a condition requiring the submission of a detailed pest control management plan (focussing heavily on fly control procedures), to be agreed by the LPA before the development commences.

**Environmental Health comments on submitted amended information (March 2017):**

To further support the amendments, the noise and air quality impact assessments have been updated to reflect the changes. You will note from my comments of the 27th January 2017, that the above amendments were already known to me at the time they were written and therefore the changes already form part of the

considerations that informed the Environmental Protection Team's position on environmental matters.

The air quality impact assessment conclusions remain unaffected by the proposal to use SRF instead of the previously proposed RDF. This is because, for the majority of potential pollutants, the assessment was based upon the plant operating at the emission limits likely to be prescribed under the plant's Environmental Permit. The assessment still assumes this 'worst case scenario'. In practice however, the plant is likely to operate below the emission limits and the use of SRF instead of RDF should reduce the emissions further still. The reduction in the number of diesel generators should also help to reduce air pollution emissions on site. Overall, the amendments to the application are welcomed by the Environmental Protection Team on air quality grounds and our comments of January 2017 remain unchanged.

The Noise Report Addendum re-calculates predicted noise levels based on the updated proposals. It also now considers noise levels from the shredder with a roller shutter door open, taking into account one of this Department's earlier comments regarding the potential inaccuracy of the original assessment. The assessment now concludes that some degree of negative impact could be experienced by properties on Alfreton Road (Tomlinsons Cottages) at night. The exceedance of the criteria is however marginal (a rating level +5dB over the background level) and the report argues that the local context, namely the fact that the properties are located in a location with a long standing history of industrial noise, suggests that the impact should be concluded as low.

I do however note that there have still been no penalties applied to the rating values in respect of properties along Alfreton Road. I still believe this to be an omission, which would suggest a potentially larger impact upon those properties than that reported i.e. resulting in a rating value as high as +8db or +10dB over the background.

I do have some concerns regarding the impact of noise at night affecting properties at Tomlinson's Cottages at times when the roller shutter doors are open. I would however refer you to the discussion on noise in my earlier comments of January 2017, the conclusions of which remain unaffected by the amendments. In practice, a noise management plan is likely to be required under the plant's Environmental Permit and this should help to minimise the risk of noise nuisance. Furthermore, the Permit also means that this Department would have strict regulatory control over any noise arising from the plant which could quickly be used in the event of any complaints.

**Environment Agency:**

The Agency has no objections, in principle, to the proposed development but recommends that if planning permission is granted the following planning conditions are imposed:

The proposed development will only meet the requirements of the National Planning Policy Framework if the following measures as detailed in the Flood Risk Assessment submitted with this application are implemented and secured by way of a planning condition on any planning permission. The development permitted by this planning

permission shall be carried out in accordance with the approved Amended Flood Risk Assessment (FRA) <4th September 2012 / MIP00341/FR1 /Jackson Purdue Lever> and the following mitigation measures detailed within the FRA: Finished floor levels are set no lower than 600mm above the 1 in 100 year flood level appropriate to the respective parts of the site which ranges from 49.3-49.8m above Ordnance Datum (AOD), as stated in Section 6.0 Summary Of Flood Mitigation Measures of the approved Flood Risk Assessment (FRA) listed above.

The proposal appears to involve the importation of refuse derived fuel to be subjected to the 'thermal treatment' at a rate of 2.75 tonnes per hour based on a 100 hour per week operation. Nothing is mentioned in the application about the potential necessity to apply for an environmental permit to operate. The process is not described in sufficient detail to determine conclusively whether or not it would be classed as an incineration activity. However, the air quality assessment refers to pyrolysis and combustion in the introduction which suggests that it is an incineration activity. For incineration plant having a capacity greater than 3 tonnes per hour of non-hazardous waste the appropriate regulator would be the Environment Agency. Otherwise it might be classed as a small waste incineration plant and require a permit from the local authority. It is recommended that the applicant contacts the Environment Agency or local authority pollution control team to determine which would be the most appropriate environmental permit.

**Historic England:**

This application is for development of facilities to enable the testing of a new technology based on a pyrothermic conversion process at Unit 7, Northedge Business Park, Alfreton Road, to include the erection of a 20m chimney stack (Temporary installation for 18 months). The site lies within the buffer zone of the Derwent Valley Mills World Heritage Site (DVMWHS) and within the setting of highly graded heritage assets including the Darley Abbey Mills complex, and the Darley Abbey conservation area. The buffer zone - as defined is the area surrounding the World Heritage Site to give an added layer of protection to the World Heritage Site. It can therefore be seen as part of the setting (though setting can be more extensive than the buffer zone). The presence of the buffer zone recognises the need to acknowledge and protect the significance of the DVMWHS as a cultural landscape. Within the WHS the relationship between the industrial mill buildings within the historic settlement, the River Derwent and its tributaries, and the topography of the surrounding rural landscape, with historic roads connecting the settlements, is a key element of the character and significance of the Buffer Zone. This relationship today is spatial, visual and historic. In the immediate area adjacent to the development site, the open fields form part of this character, contributing to the setting of the WHS.

This proposal has the potential to affect the significance which the designated heritage assets derive from their setting. Though we appreciate the established industrial nature of this immediate area and the temporary nature of the proposal, the surrounding industrial buildings are relatively low rise. By comparison, the proposed chimney stack would be 20m in height and this along with the proposed materials to be used and omissions from the stack will be important factors in assessing the potential impact of the proposed development on the surrounding heritage assets

and their settings. We note the inclusion of a Heritage Setting Assessment along with photomontages/viewpoints which show long distant views. However, we would highlight that the significance and experience of this area is not confined to static views, much of the contribution to the significance of the DVMWHS and the setting of Darley Abbey Conservation area, lies in moving along the area which creates a cumulative experience of the overall character of this part of the DVMWHS. This is an important factor when assessing the potential impact of the development. We refer you to relevant parts of the PPG and GPA3- *The Setting of Heritage Assets*. It will be for your authority to consider whether there is sufficient information to determine this application in line with 128 and 129 of the NPPF.

We would urge you to address the above issues, and recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of specialist conservation advice.

**Further comments on submitted amended information:**

Thank you for your letter of 1 February 2017 regarding further information on the above application for planning permission. On the basis of this information, we do not wish to offer any further 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.

**Land Drainage:**

The proposals are for the temporary consent for an industrial process in an existing industrial building. In flood risk terms, this represents no increase in vulnerability of the premises. The building which will contain the industrial trial will continue to be classified as 'Less Vulnerable' and the site is identified in the Flood Risk Assessment (FRA) to be within Flood Zone 2. The FRA reported that the drainage provision and finished flood levels have already been set for the building in accordance with a previous planning consent, with the current proposals effectively being a temporary change of industrial function. It appears that the proposals will not significantly alter the pattern of occupation or the structural or drainage configuration of this existing building. As such, I have no objections to the proposals, based on the information submitted, as they will not materially increase flood risk in any way.

However, as an advisory note, it is recommended that consideration is given by the applicant to the contamination of possible flood waters by this industrial process and the means by which the risk of pollution of receiving water can be mitigated (e.g. elevated storage of contaminants and machinery, training and the use of flood warnings to trigger a flood action plan).

**Derwent Valley Mills World Heritage Site Conservation and Planning Panel:**

The proposed development lies within the Buffer Zone of the Derwent Valley Mills World Heritage Site (DVMWHS). The Derwent Valley Mills were inscribed on the World Heritage List by UNESCO in 2001. The Derwent Valley Mills Partnership, on behalf of HM Government is pledged to conserve the unique and important cultural landscape of the Derwent Valley Mills World Heritage Site; to protect its outstanding universal value (OUV), to interpret and promote its assets; and to enhance its

character, appearance and economic well-being in a sustainable manner. The Outstanding Universal Value (OUV) of the Site was defined by the following criteria, agreed by UNESCO when the mills were inscribed. They are:

- C(ii) That the site exhibits “an important interchange of human values, over a span of time or within a cultural area of the world, on developments in architecture or technology, monumental arts, town planning or landscape design”;
- C(iv) That the site is “an outstanding example of a type of building or architectural or technological ensemble or landscape, which illustrates a significant stage in human history”.

The UNESCO World Heritage Committee recorded that these criteria were met for the following reasons:

- C(ii) The Derwent Valley saw the birth of the factory system, when new types of building were erected to house the new technology for spinning cotton developed by Richard Arkwright in the late 18th century
- C(iv) In the Derwent Valley for the first time there was large-scale industrial production in a hitherto rural landscape. The need to provide housing and other facilities for workers and managers resulted in the creation of the first modern industrial settlements.

A Management Plan for the World Heritage Site was created in 2002, and updated in 2014. It has as the first of its nine aims to: “protect, conserve and enhance the Outstanding Universal Value of the DVMWHS.” In accordance with this aim, and with reference to Section 12.1 of the Management Plan, I have consulted with Derbyshire County Council’s Conservation and Design Section (which advises the World Heritage Site Partnership in planning matters) over this application, and have received the following advice:

The site for the proposed development is visible from the Darley Abbey Mills which is a key attribute of the WHS. It is understood that it contains a number of existing industrial buildings and structures and it is within the wider industrial context of the Northedge Business Park which features other similar built forms. A consistent band of existing mature trees and vegetation provides a reasonably good level of visual screening to the industrial estate when seen from other areas in the WHS, including the Darley Abbey Mills complex. Temporary permission is being sought for the erection of a 20m high chimney stack which would be located on the West elevation of the existing industrial unit, owned by Envirofusion, which abuts the WHS boundary. The application drawings and photomontages indicate that the proposed chimney stack would be one of the tallest built features within the industrial estate and that it would be a visible component of the landscape given the relatively flat topography.

The proposed development is within the boundary of a well-established industrial estate, and, although this could be considered ‘vertical’ incremental change, I do not consider that it is of a scale that is out of character for its context or that it would have a significant impact on the setting of the WHS. This is also in view of the fact that the chimney stack is represented as slender built form, of approximately 1.0 to 1.2m, and at least half of its height should be visually subsumed by the existing mature



vegetation and the industrial unit it would be built against. Therefore, the World Heritage Site Partnership does not consider that this will, overall, have a dominant presence in the setting of the WHS; particularly as there are also a number of other strong vertical elements within the industrial park and from the adjacent sports fields.

In consideration of the above and in view of the temporary permission being sought for the proposed development it is to this end that the WHS Partnership does not feel that the proposed development will have a negative impact on the reasons for the inscription of the WHS and consequently its OUV. It is important to note that this advice is notwithstanding the potential environmental impacts of the chimney which will need to be taken into consideration separately/by others as part of the planning process.

**Further comments on submitted amended plans:**

The World Heritage Site Partnership has reviewed the latest information concerning this application, and as little seems to have altered, our previous comments still stand.

**DCC Archaeologist:**

The proposal site is located peripherally within a site on the Derbyshire Historic Environment Record relating to ridge and furrow in the field to the north, although this asset will not be impacted by the current proposals. The site is some 670m north of the former Draka Cables (Eagle Park) site where Roman archaeology was recently encountered during redevelopment, and 770m north of the boundary of the City Council's Archaeological Alert Area relating to the Roman fort and civil settlement at Little Chester.

It seems very unlikely that the Roman activity associated with Little Chester extends this far north, or that the Rykniel Street Roman road crosses the site (the HER places it 300m to the east, although this is a conjectural alignment). I also note that the proposed ground impacts are very modest and are confined to the relatively limited site of the proposed chimney. I therefore advise that an archaeological response is not justified under the policies at NPPF chapter 12.

**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
- CP10 Employment Locations
- CP19 Biodiversity



CP20 Historic Environment  
CP23 Delivering a Sustainable Transport Network  
AC9 Derwent Valley Mills World Heritage Site

**Saved CDLPR Policies**

GD5 Amenity  
E18 Conservation Areas  
E19 Buildings of Historic Importance  
T10 Access for Disabled People  
E12 Pollution

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%202017.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.

- Environmental Impacts - Air quality, Noise and Amenity
- Visual and Heritage Impacts
- Traffic and highway impacts
- Other Environmental Matters

This application seeks permission for a temporary period of 18 months only for the operation and decommissioning of a waste recovery testing facility that includes both the external equipment and external chimney stack structure. A temporary permission can be secured by the use of a suitably worded condition. The testing of equipment is for a waste to energy technology that involves a thermal process which produces heat energy. The technology is being advanced with the prospect of its commercial applicability for renewable energy.

It is worth making clear that separate to this planning application, the applicant has formally applied to the City Council's Environmental Health Department for the relevant environmental permit under the 'Environmental Permitting Regulations'. This planning application and the environmental permit are entirely separate and their outcomes are entirely independent of one another.

The site of the proposal is in an existing business and industrial area, which is in the World Heritage Site Buffer Zone and identified in the Council's SFRA as Flood Zone 2/3. The site benefits from an established B2 Use Class (general industrial). The proposal would use solid derived fuel (SDF) which is defined as a fuel produced from non-hazardous re-cycled waste. The SDF would be used as part of the testing process rather than waste treatment *in itself*. Thus, the proposed testing facility and what it encompasses is an extension to an existing industrial use to enable the company to test a new design of their product. Recently adopted Policy CP10 allows for B1, B2, B8 and alternative uses within existing business and industrial areas. Any alternative uses are acceptable so long as the industrial character is not undermined, or devaluing the employment generating potential of the area or lead to the loss of important units. In my opinion, the proposal would meet all the above criteria.

**Environmental Impacts - Air quality, Noise and Amenity**

**Noise implications**

With regard to the effect of noise, the operational activities proposed on site do have the potential to generate significant levels of noise, particularly as it would be operational during the day and night, Monday to Friday. Most of the industrial processes will take place within the building, yet there would be external activities involving delivery and transference of waste material to the front of the building which is generally compliant with an industrial use at an industrial estate. The external plant equipment comprising the air blast coolers would be enclosed by 3m height acoustic fencing which would reduce potential noise leakage. Moreover, the chimney stack itself would not be a source point of noise, as it would be powered by a fan unit situated on the inside of the building.

The accompanying noise impact assessment has been reviewed by Environmental Health and they conclude that on noise amenity grounds, the proposal would be acceptable. The noise assessment identifies the nearest residential dwellings on Alfreton Road as being 250m from the application building. The assessment now concludes that some degree of negative impact could be experienced by those properties on Alfreton Road (Tomlinson's Cottages) in the event that the building roller shutters are open. Essentially, even though some degree of noise disturbance may occur at the dwellings at Tomlinson Cottages, due to industrial processes when roller shutters are open, this is likely to be on an intermittent basis only when deliveries are undertaken and the overall impact on their amenities is unlikely to be significant. Moreover, the historical use of the site as a concrete batching plant was arguably a noisier operation than that proposed under the current application. Further still, the proposals are for a relatively short period of time and would occur during weekdays only until 8pm. I note that Environmental Health have advised that a noise management plan to control any potential issues is likely to be required under the Environmental Permit regime and it would be reasonable to require such a plan to be secured by a condition of any planning permission.

**Air quality and health implications**

With regard to the potential environmental impacts a substantial number of third party representations raise concern with the effects of pollutants from the emission stack on air quality levels and the wellbeing and health of the local population. It is recognised that the operational combustion process of waste material can result in emissions of a number of pollutants and therefore give rise to air quality impacts. Accordingly, the submitted air quality assessment focusses primarily on the potential air quality associated with the emissions from the stack at the proposed development. Included in this is the contribution of the emissions to produce particulate matter (PM10 and PM2.5) which have been considered in the air quality assessment. It has been demonstrated through the assessment that the impacts on public health in the affected area would not be significant and the Council's Environmental Health Officer concur with this statement.

The proposed emission stack structure would be sited to the northern end of the building, at a 20metre height from ground level. Air quality impacts have been assessed by the Environmental Health officer who notes that the Environmental Permit, will specify permitted levels of emissions to air. In essence, the emissions to air would be a matter directly controlled through the Environmental Permitting Regulations. Indeed, the emissions which come out of the stack directly correlates to the following factors: the composition of the waste material going into the 'pyrothermic converter'; the processes of the combustion process and the pollution control measures from the stack itself. All these measures would be regulated through the Environmental Permit. Therefore, it should be noted that the permit regime provides the mechanism for continual regulation and monitoring to ensure compliance with emission limits from the stack.

While the proposed development is not a waste management facility, relevant national policy is still relevant in this instance, namely the National Planning Policy for Waste which sets out criteria in respect of the remit of waste management. In considering such matters, Local Plan policies GD5 and E12 are relevant. Policy GD5 says that development will only be permitted where it would not cause unacceptable harm to the amenity of nearby areas by reason of, amongst other things, air pollution. Policy E12 states that permission will not be granted for development which would generate pollutants that would be unacceptably detrimental to the health and amenity of users of the development, users of adjoining land or the environment.

It is recognised that whilst the Environmental Permit is responsible for controlling emissions into the atmosphere, there are perceived concerns and anxiety about possible health effects arising from the stack emissions and possible effects on public health, arising from third party objections by residents. On this issue, I am advised by the Council's Environmental Health Officer that there is no evidence, based on the assessments which have been carried out into impacts on air quality and health, to suggest that the proposal would adversely affect the health of people living in the locality. Therefore, on the basis of the submitted documentation it is considered unlikely that the testing facility would have any significant adverse effects on air quality at the sensitive receptors (residential properties) in the area near to the site. Accordingly, I am satisfied that the temporary waste recovery facility would not conflict with saved policies GD5 and E12.

**Visual and Heritage Impacts**

The application site lies within the buffer zone of the Derwent Valley Mills World Heritage Site (DVMWHS) and impacts on the setting of the Statutory Listed Darley Abbey Mills complex and Darley Abbey conservation area. The existing application building and other nearby large industrial units reflect the industrial nature of Northedge Business Park. In itself, the application building stretches 12m in height with the upper section rising above the western boundary tree line. The proposed temporary stack structure would be 20 metres in height, some 8m above the ridge of the application building.

The authority must have regard to the guidance on heritage assets as set out in the National Planning Policy Framework, paragraphs 131 – 134. When considering the impact of a proposed development on the significance of a designated heritage asset, paragraph 132 advises that:

- Great weight should be given to the asset's conservation;
- The more important the asset the greater weight should be given;
- The significance of an asset can be harmed through alteration, destruction or development within its setting and harm or loss requires clear and convincing justification.

The NPPF stipulates in paragraph 134, where a development proposal would lead to less than substantial harm to the significance of a designated asset, this harm should be weighed against the public benefits of the proposal in the planning balance.

Saved Policies E18 and E19 of the City of Derby Local Plan Review, seek to preserve and enhance the character and appearance of Conservation Areas and the historic interest of listed buildings from development which is harmful to their significance. The new adopted Local Plan – Part 1 policy CP20 (Historic Environment) carries forward these intentions and requires proposals which impact on heritage assets to preserve and enhance their special character and significance through appropriate siting, alignment, use of materials, mass and scale and take account of best practice guidance. Furthermore, policy AC9 seeks to protect, preserve and enhance the Derwent Valley Mills World Heritage Site. Proposals within the Buffer Zone will only be approved if they do not adversely affect the Outstanding Universal Value of the World Heritage Site or its setting.

A number of third party representations, object to the proposed temporary chimney stack on visual impact grounds, particularly, given its proximity to Darley Park, the Derwent Valley Heritage Way, Darley Abbey Conservation Area and the World Heritage Site. In an attempt to mitigate the physical presence of the chimney stack, the applicant has proposed to re-position the stack eastwards by approximately 5.5 metres, behind the northern flank elevation of the existing building. The result is that some 12 metres of the chimney stack would be shielded by the end of the building, as well as the mature tree cover along the western boundary. The applicant has also submitted photomontages which show the chimney stack in context of the wider environment. They show that it would be one of the tallest vertical features within the industrial estate and be a visible element in the landscape given the generally flat land levels in this part of the Derwent Valley.

While the chimney stack represents vertical development, it would be of a relatively slim built form, being 1m – 1.5m in diameter. Moreover, much of the structure would be screened by the industrial building it would be built against. Importantly, further screening would be provided by the existing mature trees and vegetation along the western boundary. Even though some trees close to the industrial building have very recently been removed to make way for the current flood defence works (Our City Our River), dense mature groups of trees and vegetation are retained and are strong landscape features, along the more sensitive western boundary.

Obviously, from close range views, the upper section of the proposed temporary chimney stack would be visible and have a degree of visual presence, as seen from the Derwent Valley Way footpath. The stack would be more evident during winter months, as leaf cover of the interceding tree line would alter. From elevated positions in Darley Abbey, the upper section of the chimney stack would be viewable within a much wider visual panorama that encompasses the industrial estate, Darley Park, the River Derwent and the built environment of Breadsall Hilltop further eastward. More generally, sightlines toward the application site and chimney stack would be visually filtered through the interceding mature vegetation and contained views glimpsed above the tree line.

On this basis, I am satisfied that impact of the stack on the wider landscape of the Derwent Valley and the built environment of Darley Abbey would not amount to significant harm to the character and context of this historically sensitive area in accordance with the provisions of the adopted policies CP20 and AC9

In respect of relevant heritage consultee responses, the Conservation Area Advisory Committee raised no objection to the proposal. The Council's Conservation Officer also does not object to the chimney stack in this location for a temporary period. The panel for Derwent Valley Mills World Heritage Site similarly had no concerns in relation to the visual impact of the development on the Outstanding Universal Value (OUV) of the World Heritage Site. Finally Historic England commented that '*the proposal has the potential to affect the significance which the designated heritage assets derive from their setting*', yet they do not have objections to the application in terms of its impact on the setting and significance of the various designated heritage assets. I am mindful of the materiality of consultee comments in the decision making process and to that end, the application is considered acceptable on heritage impact grounds. Furthermore, it is difficult to dispute and argue against the overall conclusion of the submitted Heritage Assessment that the visual effects upon the setting of the designated heritage assets, as listed above, would be no more than 'slight adverse'.

Having regard for the consultee responses and the assessment of wider views of the stack from the Derwent Valley and Darley Abbey village, I am satisfied that the visual impacts of the proposed chimney stack on the setting of the World Heritage Site, the Conservation Area and the Darley Abbey Mills complex would not be harmful. This is because: the visual component would be limited to a singular slender vertical structure; it would be of a temporary nature – occupying the landscape for no longer than 12-18months; from many vantage points a mature tree belt and the application building itself would screen much of the chimney stack; mid to long range views



would be generally screened or glimpsed through or above the vegetation and trees; close range views would be seen in context of a large industrial building and there would be no permanent visual impacts. Given the above, I am of the opinion that whilst the proposal would impact on the setting and significance of the affected heritage assets, it would not result in any less than substantial harm to those assets in terms of applying the tests as outlined in para. 134 of the NPPF. The proposal would therefore not have adverse effects on the OUV of the World Heritage Site and the special character of nearby listed buildings and the Conservation Area would be preserved, which is in accordance with the provisions of saved policies E18 and E19 and adopted Local Plan Part 1 policies CP20 and AC9.

#### **Traffic and Highways Impacts**

The layout and position of the application site is such that the development would utilise the existing business park two-way access road off Alfreton Road. The vehicle splays and road geometry of the access road junction with Alfreton Road is entirely suitable for large load Heavy Goods Vehicles.

The level and type of traffic generated by the proposed development would be unlikely to have a substantial effect on the movement of traffic along Alfreton Road, Haslam's Lane or the A61 trunk road, as the delivery regime to the site would essentially be complementary to the existing traffic flows in the area. Within the submitted documents, waste delivery operating hours are stated as Monday – Thursday 08:00 – 20:00 only, with an expectation of 8 deliveries of waste material each day (16 vehicle movements per day).

While there is the possibility of waste delivery vehicles arriving and leaving the site during peak times, the level of traffic generation associated with the proposed development is generally consistent with the permitted industrial use of the site. For these reasons, the proposal complies with the relevant Policy CP23 of the newly adopted Local Plan – Part 1 Core Strategy.

#### **Other Environmental Matters**

##### **Flood risk**

The site is shown to lie within flood zone 2/3 and the proposal is classified as a less vulnerable use under the NPPF Technical Guidance for uses in flood risk areas. In flood risk terms, this represents no increase in vulnerability of the use on the site, since both are an industrial form of operation. The submitted Flood Risk Assessment reported that the drainage provision and finished flood levels have already been set for the building in accordance with a previous planning permission for B2 industrial development, granted in 2012, with the current proposals effectively being for a temporary industrial function. The proposed waste recovery facility would not significantly alter the pattern of occupation or the structural or drainage configuration of this existing building. Thus, the scheme will not materially increase flood risk, in accordance with the intentions of adopted Policy CP2.

##### **Ecology**

With regard to potential impacts on nearby local wildlife sites in and around the River Derwent corridor, the impacts in terms of potential pollution from the chimney stack on those wildlife sites have been assessed. The predicted emissions at these locations are unlikely to have any long term or short term effects on the ecological



value of those sites. No further assessment is needed and any air quality impacts on biodiversity in the vicinity of the site would not be significant in accordance with the requirements of Policy CP19.

In conclusion, the proposal complies with both Derby City Local Plan – Part 1 and saved policies from the Local Plan Review, as well as the over arching guidance in the NPPF. Having regard for para. 14 of the NPPF, the benefits that would be generated by the temporary testing facility are considered to be significant in applying planning weight in the decision making process, particularly in regard to the economic benefits in terms of development of new technology for the recycling of waste, renewable energy and diverting waste from landfill. The employment generation from the facility in an existing industrial location for a temporary period is also material.

The information submitted has been scrutinised by Officers and consultee bodies and there is no evidence to suggest any meaningful visual harm to the wider landscape or any harm to the setting and significance of the nearby heritage assets, including the World Heritage Site, the Darley Abbey mills complex and Darley Abbey Conservation Area. Nor is there evidence to indicate significant levels of particulate matter emissions from the chimney stack structure, such there would be no material adverse impacts air quality, noise and public health. The applicant has amended the scheme to lessen the environmental and visual impacts, by using a high grade waste material, re-positioning the chimney stack, reducing the number of diesel generators and air cooler units.

In summary, for the reasons given above and in weighing up the balance of the merits of the scheme, the proposed development is considered acceptable in amenity, policy, highway, environmental and conservation terms. A recommendation is therefore given to grant planning permission for a temporary period of 18 months.

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

**To grant** planning permission with conditions.

**Summary of reasons:**

In summary, for the reasons given in section 7 of the report, and in weighing up the balance of the merits of the scheme, the proposed development is considered acceptable in terms of its impacts on visual amenity and highway safety. There would be no significant adverse environmental effects on public health, air quality arising from emissions from the stack, or on the amenities of nearby residents arising from noise or traffic impacts. The proposed stack would impact on the setting and significance of the World Heritage Site, Darley Abbey Mills listed buildings and the Darley Abbey Conservation Area, although there is not be considered to be any harm to their significance. A recommendation is therefore given to grant planning permission for a temporary period of 18 months.

**Conditions:**

1. Condition (Temporary permission only for an 18 month period of time)
2. Condition (Approval of amended plans only)

**Committee Report Item No: 2**

**Application No: DER/10/16/01241**

**Type: Full**

3. Condition (Details of the external finish of the chimney stack)
4. Condition (Submission of a gas risk assessment study)
5. Condition (To control hours of operation HGV deliveries / plant operation)
6. Condition (Submission of a pest control and odour management plan)
7. Condition (Required finished floor levels to be in accordance with submitted Flood Risk Assessment)
8. Condition (Further details of acoustic fencing around the waste processing compound)
9. Condition (Provision of cycle parking)
10. Condition (Submission of noise management plan)

**Reasons:**

1. For the avoidance of doubt
2. For the avoidance of doubt
3. External appearance
4. Land contamination reason
5. To preserve amenities of the area
6. To preserve amenities of the area
7. To minimise flood risk
8. To preserve residential amenities
9. To promote sustainable transport
10. To protect residential amenities

**Application timescale:**

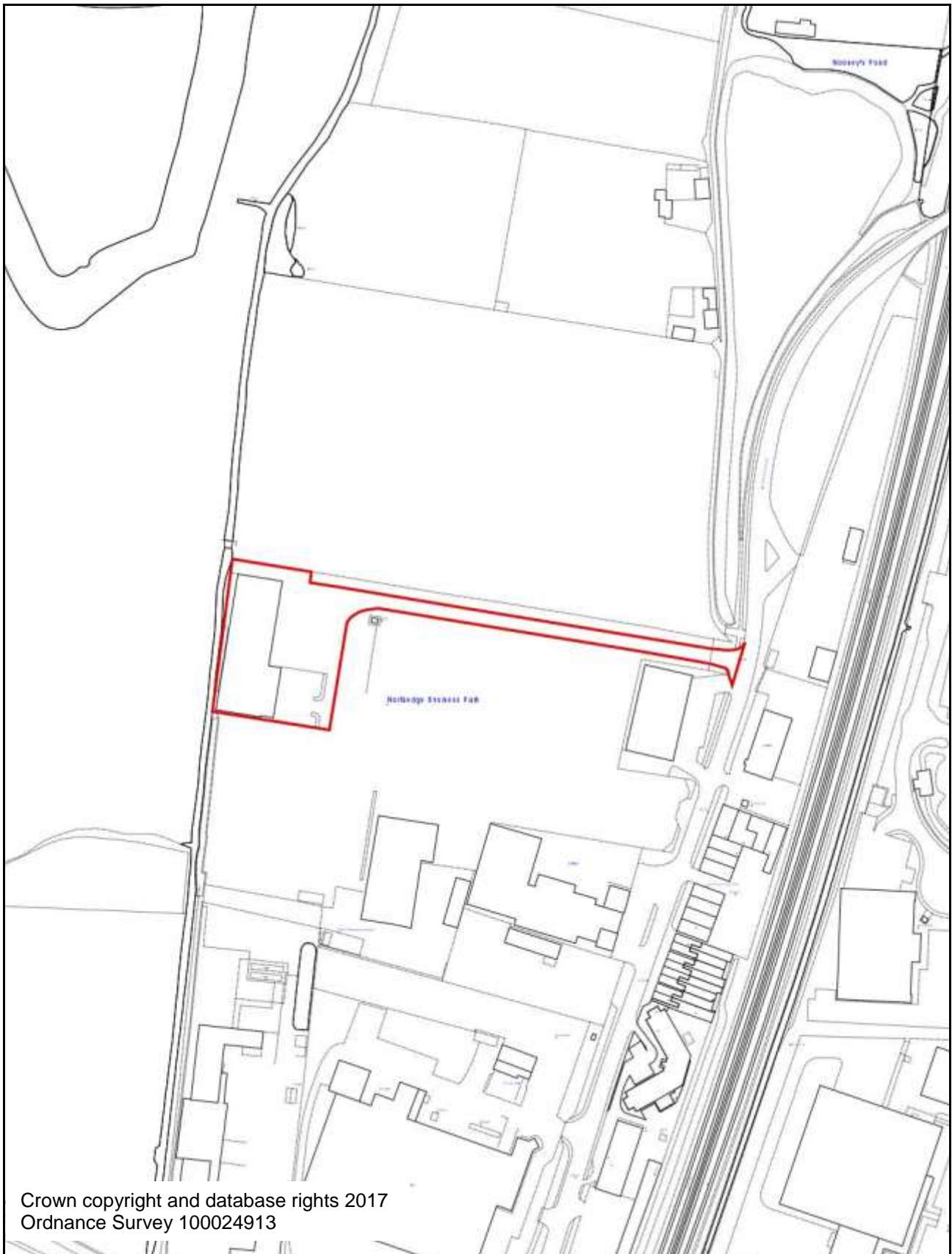
Target period expired 12/12/2016; An Extension of Time has been requested up to 21/04/2017.

**Classification: OFFICIAL**

**Committee Report Item No: 2**

**Application No: DER/10/16/01241**

**Type: Full**



**Classification: OFFICIAL**

**1. Application Details**

**Address:** Land at the side of 2 Vine Close, Littleover.

**Ward:** Littleover

**Proposal:**

Residential Development (one dwelling)

**Further Details:**

Web-link to application:

<https://eplanning.derby.gov.uk/online-applications/plan/10/16/01282>

This planning application seeks to establish the principle of siting one dwelling on the application site. The scheme has been submitted in outline form with all matters reserved. In view of this the accompanying plans and elevations and site layout plan are indicative only, as precise details of layout, scale, external appearance, access and landscaping are not being considered at this stage and would require approval under subsequent reserved matters applications.

The application site is a corner plot situated at the junction of Vine Close, a residential cul-de-sac, and Blagreaves Lane. It measures approximately 432 square metres in area and at present forms part of the garden area of No. 2 Vine Close, which is situated to the west. The land is laid to lawn with flower beds and a number of semi-mature trees. The site boundaries are defined by a mixture of high level fencing and hedgerows. The surrounding area is residential in character. The houses along Vine Close and Blagreaves Lane are a mixture of detached and semi-detached houses which are predominantly two-storeys in height. There are a variety of architectural styles within the vicinity of the application site which makes for a fairly varied street scene.

**2. Relevant Planning History:**

None

**3. Publicity:**

Neighbour Notification Letter - 3

Site Notice – yes

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

**4. Representations:**

In total 6 letters/emails of objection have been received together with a petition containing 10 signatures. The issues raised are summarised below:

- Access concerns – the new vehicle access will cause an increased hazard for on street parking on Vine Close where passing vehicles are required to mount the pavement and problems with access for emergency services
- The building is very wide with a high expanse of brickwork and is out of line with adjacent properties on Blagreaves Lane.

- Loss of amenity value for the area – loss of mature garden development essential to the local character of the period house.
- The house is not in keeping with the appearance of similar properties in the area.
- The position of the house does not enhance the aesthetics of Vine Close – the house has a blank wall very close the public footpath and should be turned through 90 degrees to face Vine Close.
- Not enough car parking – Vine Close is a narrow road and car parking on the road can be very inconvenient for other residents in the Close.
- Access – since the property faces Blagreaves Lane there is no good reason why the exit needs to be on Vine Close.
- The frontage will be close to Vine Close and will impact on the outlook from neighbouring properties.
- Disturbance/highway issues during building works.
- Loss of light to neighbours.
- Concerns about the size of the dwelling
- Concerns about the volume of traffic and hazardous on-street parking situation.

**5. Consultations:**

**Highways Development Control:**

Vine Close is a cul-de-sac, approximately 4.0 metres wide, with a 1.4m wide footway fronting the site. The site appears to be slightly higher than the adjacent highway.

The length of Vine Close is such that vehicular speeds are likely to be restricted to no more than 20mph, which (table 7.1 in Manual for Streets) requires a visibility splay of 2.4m x 25m; according to the application drawing, this is achievable from the access position shown.

The proposed access is shown at 6m in width, which may be excessive for a single domestic access, this could be reduced in width to no more than 4.5 metres.

The layout shown would also not provide pedestrian visibility to the right on egress, and if this layout is to be brought forward at detail stage it would be necessary to relocate the access slightly to the left on egress to obtain the necessary splays.

The drawing shows what appears to be a garage, the 6C's Design Guide (para 3.225) gives advice on the size of such spaces stating that "3.225 Garages should preferably have the following minimum internal dimensions:- Standard single = 6m x 3m, with minimum door width of 2.3m....."

The layout provided appears to comply with this requirement.

In principle therefore, the proposals would be satisfactory to the Highway Authority.

**Recommendation:**

The Highway Authority has No Objections, subject to the following suggested conditions:-

Condition 1:

*Details submitted pursuant to the application for approval of reserved matters consent shall indicate:*

- (i) A minimum access width of 4.5 m for the first 5.0 m rear of the highway boundary.*
- (ii) A minimum drive length of 5.5 m which shall be provided between the front elevation of the garage and the highway boundary.*
- (iii) Vehicular visibility splays of 2.4m (x) distance and 25m (y) distance should be provided, together with 2.0m x 2.0m pedestrian visibility splays at the sides of the access.*
- (iv) Waste/recycling facilities to be located within 15m of the public highway*
- (v) Provision to prevent surface water running off the site onto the adjacent public highway.*

Reason: In the interest of highway safety.

Condition 2:

*Any proposed soakaway shall be located at least 5.0m to the rear of the highway boundary.*

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

## **6. Relevant Policies:**

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

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

- CP1 (a) Presumption in Favour of Sustainable Development
- CP2 Responding to Climate Change
- CP3 Placemaking Principles
- CP4 Character and Context
- CP6 Housing Delivery
- CP16 Green Infrastructure
- CP19 Biodiversity
- CP23 Delivering a Sustainable Transport Network

### **Saved CDLPR Policies**

- GD5 Amenity
- H13 Residential Development – General Criteria

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



[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_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>

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:**

The site isn't allocated for any specific purpose within the adopted City of Derby Local Plan Review or the newly adopted Derby City Local Plan - Part 1 (Core Strategy). It is situated in a highly sustainable residential area with good access to shops, services and public transport links and would therefore be an acceptable location for new residential development to be situated. There are considered to be no in principle concerns with the introduction of new residential development into this location and the development would make a modest contribution towards the City's housing supply.

Further consideration would need to be given to the precise layout of the development at reserved matters stage, taking into account the size of the site relative the nearby garden plots and the relationship with neighbouring properties. It is considered that one dwelling could be satisfactorily accommodated on the site without causing undue harm to the amenity of neighbouring residents and without having an adverse impact upon the overall character of the area. A reasonable amount of amenity garden space would be retained for the existing dwelling at No. 2 Vine Close and the indicative layout suggests that sufficient parking/turning space could be provided for both existing and proposed dwellings. The indicative layouts also suggest that a reasonable garden depth could be provided on the plot to avoid any loss of privacy for neighbours.

I do not disagree with the neighbour comments regarding the excessive scale of the suggested dwelling house as shown on the submitted layout plans, but as noted above, these plans are only indicative at this stage since all matters are reserved for a future detailed application. The siting and layout of the development is not being considered as part of this outline submission. A refusal based on these details could not be justified or sustained at appeal. I am satisfied that an appropriate form and scale of development could be suitably designed for the plot to ensure that it integrates with the existing residential development found along Vine Close and Blagreaves Lane.

Again precise details of the access point into the site are not being considered at this stage, however no in principle objections have been raised by the Highways Officer

in terms of achieving means of access, parking or highway safety matters at this stage. The submitted layout plan indicates a potential access onto Vine Close and the Highways Officer considers that such an access would be acceptable in principle. Given the modest scale of the development proposed, one dwelling is unlikely to have a significant adverse effect upon the safe and efficient operation of the local highway network.

Overall the principle of siting one dwelling on the site is considered to be acceptable, subject to the detailed approval of reserved matters, and would reasonably comply with the relevant policies in the Derby City Local Plan - Part 1 (Core Strategy) (as listed in Section 6) and saved policies of the adopted Local Plan Review, and the overarching guidance in the National Planning Policy Framework.

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

**To grant** outline planning permission with conditions.

**Summary of reasons:**

The proposal is considered to be an acceptable form of development, in principle, in this residential context, subject to the detailed approval of reserved matters.

**Conditions:**

1. Standard condition requiring the submission of reserved matters:
  - a) access,
  - b) layout, scale, and external appearance of the buildings,
  - c) landscaping of the site
2. Standard time limit for submission of reserved matters application and subsequent implementation of the development.
3. Approved plans condition
4. Condition limiting the development to one dwelling only
5. Condition to require:

A minimum access width of 4.5 m to be provided for the first 5.0 m rear of the highway boundary. (A minimum drive length of 5.5 m shall be provided between the front elevation of the garage and the highway boundary).

Vehicular visibility splays of 2.4m (x) distance and 25m (y) distance to be provided, together with 2.0m x 2.0m pedestrian visibility splays at the sides of the access.

Waste/recycling located within 15m of the public highway.

**Reasons:**

1. This is outline permission only and these matters have been reserved for the subsequent approval of the Local Planning Authority.
2. As required by Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
3. For the avoidance of doubt.
4. For the avoidance of doubt.

**Classification: OFFICIAL**

**Committee Report Item No: 3**

**Application No: DER/10/16/01282**

**Type: Outline**

5. To provide adequate access and servicing for development in interests of highway safety.

**Application timescale:**

An extension of time has been agreed on the target determination date until the 20<sup>th</sup> April.

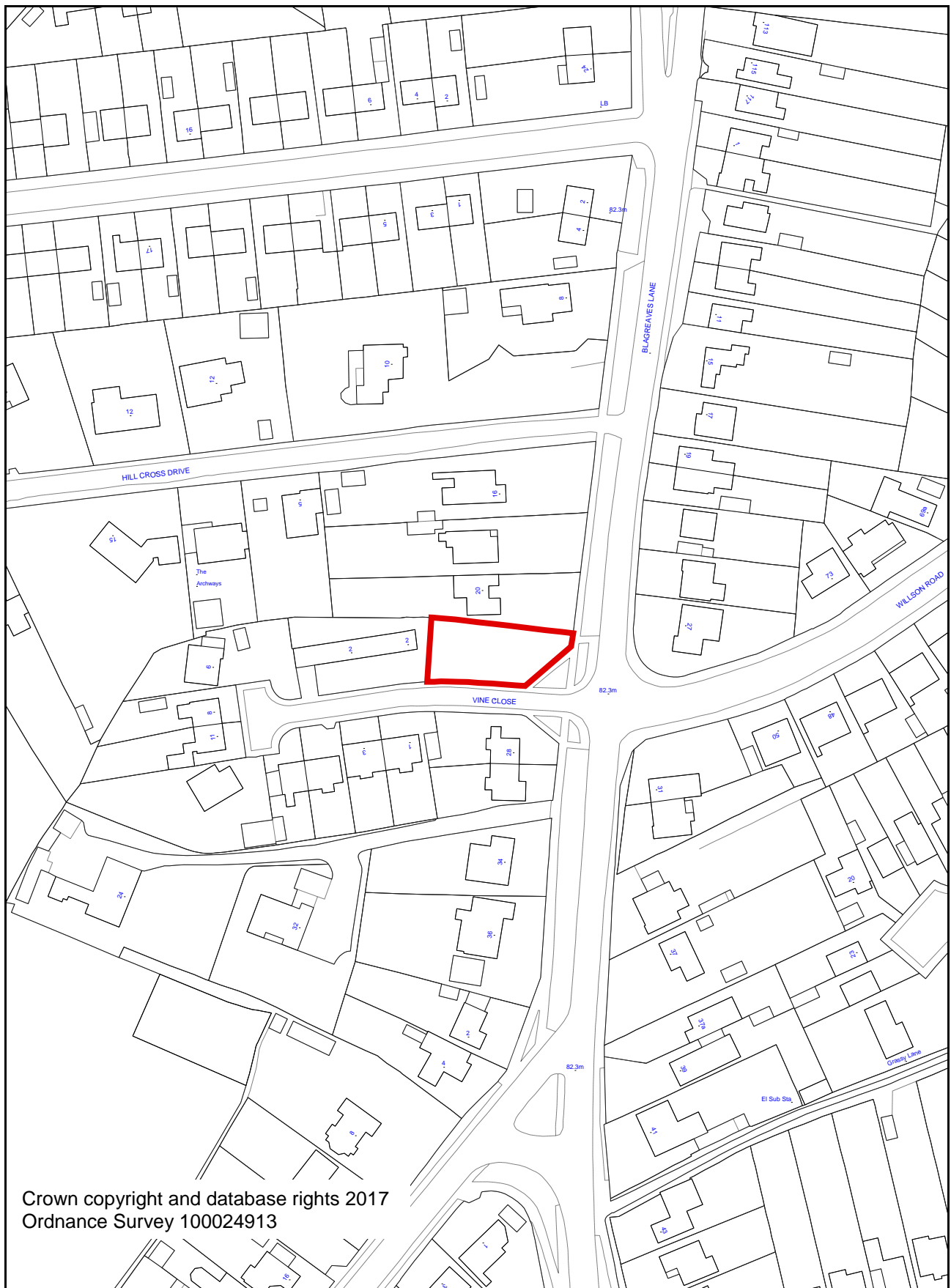
**Classification: OFFICIAL**

**Classification: OFFICIAL**

**Committee Report Item No: 3**

**Application No: DER/10/16/01282**

**Type: Outline**



**Classification: OFFICIAL**

**1. Application Details**

**Address:** 19 Cornhill, Allestree.

**Ward:** Allestree

**Proposal:**

Erection of dwelling house and garage (Use Class C3)

**Further Details:**

Web-link to application:

<https://eplanning.derby.gov.uk/online-applications/plan/121601533>

**Brief description**

This is a revised full application for residential development of a single dwelling within the curtilage of Yew Tree Cottage, a Grade II listed thatched dwelling at 19 Cornhill, Allestree. The site also affects the setting of a group of nearby Grade II listed properties at 11, 15 and 17 Cornhill, which lie to the east of No.19 and lies within the Allestree Conservation Area. There are 20<sup>th</sup> Century houses, which lie outside the Conservation Area to the west on Cornhill and south on Park View Close. The latter properties are at a lower floor level than those on Cornhill. The listed cottage is a two storey, white painted building with a timber frame, which probably dates from the 17<sup>th</sup> Century. It is prominent building in the Conservation Area, fronting directly onto the Cornhill frontage. There is a stone boundary wall along the highway boundary, which is attached to the cottage and is a listed curtilage structure to the historic dwelling. It is approx. 1.5 metres in height, with a gated entrance at the western end.

The previous applications for planning and Listed Building Consent (DER/10/15/01277 & 10/15/01278) were both refused in 2016 for the following reason:

*“In the opinion of the Local Planning Authority, the proposed part demolition of the front boundary wall to the listed curtilage and erection of dwelling and garage within the rear curtilage of 19 Cornhill would result in less than substantial harm to the setting of the group of listed buildings at 11 to 19 Cornhill, to the character and appearance of the Allestree Conservation Area and to the significance of the listed building and its curtilage at 19 Cornhill, by reason of the siting, scale and massing of the proposed dwelling and garage, which would amount to an over intensive development of the rear curtilage of the listed building and the part removal of the boundary wall which is a prominent feature in the streetscene and has historical association with the principal listed building. Therefore the harm does outweigh the public benefits of the proposed development and accordingly the proposal is contrary to saved Policies E18 and E19 of the adopted City of Derby Local Plan Review and the over arching restrictive heritage policies of the NPPF. “*

They were both dismissed on appeal, on the grounds that the alterations and loss of part of front boundary wall, which amounts to a loss of historic fabric, would be detrimental to the special interest of the listed building and the significance of the Conservation Area. The Inspector considered the harm to the curtilage structure to be “less than substantial in this instance but nevertheless of considerable importance

and weight.” He found that the harm identified to the boundary wall was not outweighed by the public benefits and as such the proposal did not satisfy the requirements of the NPPF and was in conflict with the saved policies E18 and E19 of the Local Plan Review. The Inspector did not consider that the significance and setting of the listed buildings and the character of the Conservation Area would be adversely affected by the development of the new dwelling and garage.

The current proposal seeks permission for erection of a four bedroom dwelling and garage/ car port to the rear of the listed cottage, in the terraced rear garden, which contains various groups of trees and hedges. The siting, layout and design of the new dwelling is unchanged from the previous scheme. The new dwelling would be of a traditional appearance, with an L-shaped layout. The principal block would be stepped to reflect the fall in land level across the site. The proposed footprint is approx. 17 metres in length and 6.5 metres width. A single storey element would project to the rear of the dwelling by approx. 5.5 metres. The buildings would both be of a brick construction with a pitched tiled roofline and have casement style window openings. The proposed garage is of a simple design and would measure approx. 6.5 metres x 3.5 metres in area. A timber car port would be positioned alongside the garage. They would be sited towards the southern boundary of the site with a large parking and turning area within the plot.

Vehicular access to the new dwelling would be via a private drive from the existing entrance onto Cornhill, which is approx. 3.5 metres wide. The existing access is no longer proposed to be altered, with no reduction or alteration of the boundary wall. The only alteration would be the removal of the gate. A parking area for the listed cottage would be formed off the private driveway within its retained curtilage with the provision of two spaces.

The proposal also involves the removal of a modern detached garage block which is to the front of the cottage.

Five trees are to be removed from the site, to accommodate the development. These include two Cypresses which would be affected by the proposed driveway, a Yew tree and two fruit trees in the rear of the site. A hedge within the rear garden is also to be removed, although hedges around the perimeter are shown for retention. The rest of the trees on the site are indicated to be retained as part of the development. The removal of these trees was the subject of a Conservation Area Notification, (DER/12/14/01660) and no objections were raised on the grounds that those trees were not of significance in the Conservation Area.

The application is accompanied by a Planning Statement, Arboricultural Impact Assessment, Method Statement and Tree Protection Plan (January 2015) and a Transport Technical Note (December 2016).

The applicant has also agreed to enter into a Unilateral Undertaking to secure the refurbishment and repair of Yew Tree Cottage as part of the proposed development scheme. This is a legally binding obligation given voluntarily by the applicant to undertake certain works linked to the application. This proposal would enable restoration of the cottage to be enforced, in line with an agreed schedule of works and subject to the necessary listed building consents. The Undertaking will be



completed and signed prior to any planning permission being issued, in the same way as a Section 106 Agreement.

**2. Relevant Planning History:**

<b>Application No:</b>	10/15/01277	<b>Type:</b>	Full Planning Permission
<b>Status:</b>	Refused	<b>Date:</b>	09/06/2016
<b>Description:</b>	Erection of dwelling house		
<b>Application No:</b>	10/15/01278	<b>Type:</b>	LBC alterations and demolition
<b>Status:</b>	Refused	<b>Date:</b>	09/06/2016
<b>Description:</b>	Part demolition of front boundary wall and erection of detached dwelling house		
<b>Application No:</b>	03/15/00307	<b>Type:</b>	L B C alterations and demolition
<b>Status:</b>	Finally disposed of	<b>Date:</b>	30/06/2016
<b>Description:</b>	Part demolition of front boundary wall and detached garage. Erection of two dwelling houses		
<b>Application No:</b>	03/15/00306	<b>Type:</b>	Full Planning Permission
<b>Status:</b>	Finally disposed of	<b>Date:</b>	30/06/2016
<b>Description:</b>	Erection of two dwelling houses		
<b>Application No:</b>	12/14/01633	<b>Type:</b>	Full Planning Permission
<b>Status:</b>	Withdrawn Application	<b>Date:</b>	27/01/2015
<b>Description:</b>	Erection of two dwelling houses		
<b>Application No:</b>	12/14/01634	<b>Type:</b>	L B C alterations and demolition
<b>Status:</b>	Withdrawn Application	<b>Date:</b>	27/01/2015
<b>Description:</b>	Part demolition of front boundary wall and detached garage. Erection of two dwelling houses		
<b>Application No:</b>	12/14/01660	<b>Type:</b>	Works to Trees in a Conservation Area
<b>Status:</b>	Raise no objection	<b>Date:</b>	20/01/2015
<b>Description:</b>	Felling of various trees within the Allestree Conservation Area		

**3. Publicity:**

Neighbour Notification Letter -55

Site Notice

Statutory Press Advert

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

**4. Representations:**

There are 26 objections to the proposal which have been received to date, including one on behalf of the Allestree Preservation Group and the main issues raised are as follows:

- No change to development from previous refused application.
- Access would not have appropriate visibility splays which were a requirement under previous refused application.
- Access does not accord with Manual for Streets
- Tandem development inappropriate and out of character
- Setting of listed cottage has been altered but is still significant. Proposal detrimental to the setting
- Harm to the character and appearance of the Conservation Area
- Highway safety hazards for pedestrians would result from additional dwelling
- Development would be excessive in scale and massing and dominate listed building.
- Transport technical note (relating to access) is inconsistent.
- Waste collection is too far from Cornhill.
- Cottage is in poor state of repair and has not been maintained.
- Appeal was dismissed and the current proposal is still unacceptable.

**5. Consultations:**

**Conservation Area Advisory Committee:**

It was noted that no significant alteration had been made to the proposal, other than to the boundary wall and access. Concerns raised regarding the setting of the adjacent listed buildings remain. Object and recommend refusal as previously on grounds that the proposal would negatively impact on the character and appearance of the conservation area, that it adversely affects the setting of the listed buildings and the impact would remain negative on the street scene due to the scale and massing of the proposed new building.

**Highways Development Control:**

The role of the Highway Authority (HA), as a statutory consultee in the planning system, is to indicate to the planning authority if they wish to object to a planning proposal promoted by the applicant. The widening of the above access including the provision of pedestrian visibility splays were proposals promoted by the applicant. Consequently, the HA raised no objection to the widening of the access to the above site and would have secured them by means of planning conditions.

However, with reference to the Transport Technical Note (163590-01) and Planning Supporting Statement (SL/2cpc/Dec 2016) and Proposed Site Plan dated 19/04/2016, the HA would not raise an objection to the removal of the 1m x 1m visibility splays either side of the access. There is no evidence of any road safety

issues relating to vehicles emerging onto Cornhill from existing accesses in the vicinity of the proposed development. These accesses do not have pedestrian visibility splays.

The revised proposal seeks to retain and utilise the existing access to 19 Cornhill but with the gate and gate posts removed, providing a clear width between the existing walls of approximately 3.6m. This access will then be used to serve two dwellings rather than one it currently serves. Previously the applicant had proposed to widen the existing access to 4.25m, which is the normal minimum width for an access serving two to five dwellings as specified in the 6Cs design guide. Widening the access to 4.25m at this location would not result in two cars being able to pass simultaneously through the access but rather make accessing the site easier.

If it is considered that the retention of the old wall has more weight than widening the access to 4.25m the HA would not wish to raise an objection to the retention of the gate and gate posts. However, this does increase the importance of cars within the site being able to turn easily and leave in a forward gear. The proposed turning areas appear unworkable with this in mind. The double space parking area would also not work if a car was parked in one of the spaces.

**Recommendation:**

The applicant will need to demonstrate more clearly how turning movements will be managed alongside parking requirements within the curtilage to ensure egress in a forward gear.

**Comments following revisions to site layout plan (30 March 2017):**

Content with the amendment to the parking area (to existing dwelling at No.19)

**Natural Environment:**

There are no trees protected by a Tree Preservation Order (TPO) within the curtilage of the site, but the property is in the Allestree Conservation Area where all trees are automatically protected.

The contents of the submitted British Standards 5837:2012 Tree Survey, Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Protection Plan, originally submitted in 2015, are again noted.

A tree works application (DER/12/14/01660) was submitted in 2014 for the felling of the five trees, which are still identified in application 12/16/01533 for removal. At the time of the 2014 application, we raised no objection to their removal, commenting that:

"I have no objection to the loss of trees (1 apple, 1 cherry, 1 yew) in the rear garden as I consider they have no public visual amenity, the trees only being glimpsed from in-between properties on Park View Close. In relation to the trees in the front garden, off Cornhill, the only tree which contributes to the public visual amenity of the street scene is the Yew, which the applicant has stated will be retained as part of the development. Therefore, I have no objection to the loss of the 2 cypress trees in the front garden."

These comments still stand.

If we are minded to approve this application, I would recommend that the applicant resubmit an updated British Standards 5837:2012 Tree Survey, Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Protection Plan. Under section 4 limitations, of this report it specifically states under 4.1.4 that the findings and recommendations are valid only for a period of twelve months from the date of the survey, which was January 2015. Also, the Tree Protection Plan needs to be updated from an earlier scheme to reflect how the current proposal will be developed without impacting on the trees to be retained and where there are conflicts how they would be mitigated for.

**Derbyshire County Council Archaeologist:**

No archaeological impact from proposal.

**Historic England:**

On the basis of the information available to date, 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.

**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)**

CP2	Responding to Climate Change
CP3	Placemaking Principles
CP4	Character and Context
CP16	Green Infrastructure
CP19	Biodiversity
CP20	Historic Environment
CP23	Delivering a Sustainable Transport Network

**Saved CDLPR Policies**

H13	Residential development – general criteria
GD5	Amenity
E18	Conservation Areas
E19	Historic buildings of local and national importance

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%202017.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.

- Policy context
- Heritage impacts
- Residential amenity
- Highway implications
- Trees

### **Policy Context**

This is a revised scheme for residential development within the rear curtilage of a Grade II listed dwelling, Yew Tree Cottage on Cornhill, Allestree. The site lies on the edge of the Allestree Conservation Area, which covers the old part of Allestree village. The surrounding area is of a mixed residential character, comprising post-war housing as well as historic dwellings. Yew Tree cottage, is a distinctive, thatched property which has its gable elevation abutting onto Cornhill. The proposal is to erect a single dwelling and garage to the rear of the listed building, utilising the existing access on Cornhill.

The proposal has sought to overcome the refusal of the previous applications for planning and listed building consent, (DER/10/15/01277 & 10/15/01278) which were dismissed on appeal in October 2016. Having regard for the Inspector's appeal decision letter, the applicant has amended the access arrangement to the site, by omitting any alterations or removal of the historic stone boundary wall on the frontage, which is a listed curtilage structure to the cottage. The development would be served by the existing access, which is to be shared with the existing dwelling, without any alterations to it, except for the removal of the gate.

In consideration of this application there must be regard for the National Planning Policy Framework (NPPF) and in particular paragraph 14 of the Framework which gives a "presumption in favour of sustainable development". Under para 14, sustainable development should be granted, where the development plan is absent or the relevant policies are out of date, unless "any adverse impacts of doing so

would significantly and demonstrably outweigh the benefits” or where “specific policies in this Framework indicate development should be restricted.”

In this case, the restrictive policies include those related to designated heritage assets, including listed buildings and conservation areas. The authority must have regard to the guidance on heritage assets in the National Planning Policy Framework in particular paragraphs 131 – 134.

When considering the impact of a proposed development on the significance of a designated heritage asset (such as a Listed Building, Conservation Area, World Heritage Site) paragraph 132 advises that:

- great weight should be given to the asset’s conservation;
- the more important the asset the greater weight should be given;
- the significance of an asset can be harmed through alteration, destruction or development within its setting;
- **harm or loss requires clear and convincing justification**

Paragraph 134 states that where proposals “will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.”

In considering the application Sections 66(1) and 72(1) of the Planning and Listed Building and Conservation Areas) Act 1990 require the authority to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses and pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. Various cases before the courts have upheld the importance that decision makers should attach to this requirement under the Act, even when harm is found to be less than substantial.

A court judgement in 2016 for Forest of Dean District Council v Secretary of State for Communities & Local Government and Gladman Developments Ltd clarified the interpretation of paragraph 14 of the NPPF in regard to the presumption in favour of sustainable development. The judgement states that there are certain policies in the NPPF where this presumption does not apply, where instead development should be restricted. Paragraph 134 is one such policy, relating to designated heritage assets. It provides for a balancing exercise to be undertaken between less than substantial harm to the significance of a heritage asset and the public benefits of the proposal. This decision means that the presumption to approve sustainable development, unless the harm would significantly and demonstrably outweigh the benefits, which is given in para. 14 is not relevant to the decision making on applications which may affect listed buildings and conservation areas.

The proposal must also be considered under the new adopted Local Plan – Part 1 policies and those saved Local Plan Review policies which are still relevant.

The Local Plan - Part 1 policy CP20 seeks the protection and enhancement of the city’s historic environment, including listed buildings and Conservation Areas. CP20c) requires development proposals which impact on heritage assets to be of the highest



design quality to preserve and enhance their special character and significance through appropriate siting, alignment, use of materials, mass and scale. Saved policies E18 and E19 for the preservation and enhancement of Conservation Areas and buildings of historic importance continue to complement the new policy CP20. Under E19 proposals should not have a detrimental impact on the special architectural and historic interest of listed buildings or their setting.

In term of general design principles, Local Plan – Part 1 Policies CP2, CP3 and CP4 are relevant and saved policies GD5 and H13 of the adopted Local Plan Review (CDLPR) are also applicable. These are policies which seek a sustainable and high quality form of development, which respects the character and context of its location. There is a general requirement to ensure an appropriate design, form, scale and massing of development which relates positively to its surroundings. CP2 in particular seeks to ensure that development is sustainable in terms of its location, design and construction. Policy GD5 is intended to protect amenity for occupiers of the development and those of nearby properties, from unacceptable harm.

**Heritage Impacts.**

Guidance in the NPPF provides that proposed developments involving substantial harm to or loss of designated heritage assets in the case of grade II listed building should be exceptional, in the case of grade II\* and grade I listed buildings should be wholly exceptional and in the case of other designated heritage assets such should only be permitted if either the loss or harm is necessary to achieve substantial public benefit that outweigh the loss or harm caused by the development or if the specific tests set out in paragraph 133 are met.

Where the harm to the designated asset is considered to be less than substantial as is considered to be the case with this proposal paragraph 134 of the NPPF provides that *the “harm should be weighed against the public benefits of the proposal, including securing its optimum viable use”*.

It is however important to appreciate that not all developments that affect a heritage asset will result in harm to such.

The proposed residential development is to be sited in part of the rear curtilage of the Grade II listed Yew Tree Cottage, which is an historic timber framed dwelling that fronts onto Cornhill. The site also lies within the Allestree Conservation Area, which extends up to the western and southern boundary of the application site. The listed property has a large rear garden compared with other houses along this stretch of Cornhill. The garden is currently unmanaged and slopes down by approximately 2 metres from the cottage towards Parkview Close.

This proposal is a revised scheme which follows the refusal and withdrawal of three previous applications for one and two dwellings on the same rear curtilage of the listed cottage. The most recent refusal for a single dwelling and removal of part of the boundary wall was dismissed on appeal in 2016 and the appeal decision is a material consideration in the determination of the current proposal. The Inspector's comments on the appeal should be taken into account in the decision making process and in weighing up the planning balance on this scheme. The Inspector's only significant concern was in respect to the impact on the listed curtilage wall and the loss of part of the wall to form a wider access. The applicant has sought to address the previous

refusals and the appeal decision, by omitting any removal or alteration to the front boundary wall, with exception of removing the gate. The access to the site would therefore be maintained at its current width, to serve the new dwelling as well as the existing cottage.

The Inspector did not raise any concerns in relation to the impact of the proposed erection of a dwelling and garage on the setting of the affected listed buildings and took account of the intended siting and the falling land levels to the rear of the site. He observed that *“the separation distance and fall in ground level are such that the setting of the Cottage and other listed buildings would not be adversely affected by the development”*. The current proposal has not made any changes to the siting, layout or design of the residential development to the rear curtilage and as such the Inspector's comments are highly pertinent to the assessment of this scheme.

Yew Tree Cottage is part of a group of listed houses on Cornhill, including 11 to 17 which are all Grade II listed and are part of the old village centre. They are designated heritage assets with a high level of historical significance, which make a significant contribution to the character of the Conservation Area. The Inspector in his consideration of the relationship of Yew Tree Cottage to the adjacent group of buildings was clear in this view that they form a tight grouping fronting onto Cornhill which reflects *“the phased, historical development of the village”*.

The development would take up a large section of the rear curtilage of the listed building and the retained garden area for 19 Cornhill would comprise a small area of garden to the rear and side of the principal building. The retained curtilage for the listed dwelling would be comparable with the size of gardens of the adjacent listed properties at 11-15 and 17. The existing modern garage on the site is also proposed to be removed, which would be restored to garden space for the listed dwelling. The removal of the garage is welcomed and would, in my opinion, enhance the setting of the listed cottage.

In terms of the design and form of the new dwelling, it would have the appearance of a traditional cottage, with a linear, rectangular form and two storeys in height. The built form is to be stepped, to reflect the fall in ground levels across the site. The new dwelling would be positioned on a similar alignment to the listed cottage and at a lower floor level than Nos. 17 and 19 and the development would replicate the appearance of a short row of traditional cottages, stretching back from Cornhill. The front elevation of the proposed dwelling is also to be stepped back about 2 metres from the principal elevation of the listed building. It is proposed to use brick and tile for the construction and arched brick lintels for window and door openings. The garage and car port would be of a similar form and external materials to the main dwelling.

The rear garden which is to be developed is terraced and lawned with various trees and a conifer hedge. There are substantial hedges along the west, south and eastern boundaries of the site. The land levels across the curtilage fall from north to south, with the principal building being elevated relative to the levels of the garden. It is accepted that the rear garden space is a relatively recent addition to the curtilage of Yew Tree Cottage and does not have a lengthy historical association with the listed building. The original curtilage is assumed to have been much smaller, akin to the

retained area of curtilage to the side of the building. The cottage is previously likely to have had a rural edge, before the 20<sup>th</sup> Century housing expansion of Allestree was developed. Whilst, it was not historically part of the curtilage of the cottage, the curtilage is a key component of the setting of the listed buildings at 11 to 19 Cornhill.

There is a difference of opinion on the overall significance of the rear garden to the setting of these buildings and to the significance of the Conservation Area, from the appeal Inspector and the Council's Conservation Officer even though it is widely acknowledged that the site context and setting of the listed cottage (No.19) has changed from its original open and rural character. The appeal Inspector noted that *"any open, isolated rural setting that it may have once had is no longer legible bearing in mind the pattern of development up to the present day"*. In terms of the contribution which the curtilage makes to the significance of Yew Tree Cottage and the character of the Conservation Area, the Inspector considered that *"the way in which it is directly experienced consequently has no apparent historical significance in terms of either linking it with the Cottage or any significant contribution to the overall character of the Conservation Area."* He acknowledged the impact which the modern houses on Park View Close to the rear of the site have had in removing the previously open and rural setting of the Cottage, by stating that *"the last link between the asset and its original setting has already been severed."* In finding that the proposed development would not be detrimental to the character of the Conservation Area, the Inspector has taken account of the density of historic built form fronting Cornhill and considered that *"the legibility of its semi-rural character and layout would not be significantly affected by the construction of the house and the replacement garage"*. The Conservation Officer is in agreement that the setting of the listed buildings has changed over time since the rear garden is a modern addition to the curtilage of Yew Tree Cottage. However, she considers that the curtilage makes a contribution to their immediate setting in aesthetic and evidential terms. In regards to the impact on the Conservation Area, the Conservation Officer takes the view that the design, scale and siting of the new dwelling is backland form of development, which would compete with the listed cottage and fails to preserve the character of the Conservation Area. Whilst, I acknowledge her professional views on the development, these are at odds with the decision of the government appointed Inspector, when assessing a very similar proposal. The appeal decision is a material consideration in determining this application and there must be regard given to the Inspector's comments on the development, since there is no change in the design and layout of the proposed new dwelling and garage on the site. The Inspector's views on the scheme must be given due weight in the planning balance and cannot be disregarded on the basis of a different interpretation of the heritage impacts.

Whilst the Inspector in this decision did not consider in detail, the design and form of the dwelling, he was clear that the significance of the heritage assets would not adversely affected by the development. The scale and form of the new dwelling would be akin to a traditional style cottage and of no greater height or massing than the scale of Yew Tree Cottage. Having regard for the lower floor level, stepped down into the rear curtilage, the new dwelling would actually have a subordinate scale compared with the listed properties at 11 to 19 Cornhill. The front of the building would also be set back from the Cottage such that the development would have

limited visibility in views from Cornhill. The wider impact on the Conservation Area would therefore not be harmful given also that the site does not have an historical connection with the listed building.

It is widely accepted that the siting and design of the proposed dwelling and garage would impact on both the setting of Yew Tree Cottage on the site as well as the setting of the adjacent listed buildings at 11 to 17 Cornhill, which are also Grade II listed. There would also be an impact on the character and significance of the Allestree Conservation Area. However, there is a distinction in planning terms between impact on the significance of a heritage asset and actual harm. It is clear that the development would have an impact on the significance of the designated heritage assets, however, having regard for the Inspector's decision it is arguable that there would not be actual harm to the significance or setting of these heritage assets as a result of the siting, design and scale of the new dwelling and garage.

Accepting the conclusions of the Inspector that the impacts of the residential development on the significance of the affected heritage assets would not be harmful to the heritage assets and the comparative similarities between that application and the current application in terms, the requirements of paragraph 134 of the NPPF, in relation to giving considerable weight to the less than substantial harm and weighing the harm against the public benefits, is not applicable in this case. Bearing in mind that the development would not give rise to any less than substantial harm to the significance of the listed buildings and the wider Conservation Area, I am satisfied that for the purposes of the tests in the NPPF and the adopted Local Plan policy CP20, the proposal would preserve the special historic interest of the listed buildings at 11 – 19 Cornhill and the character and appearance of the Conservation Area.

Under the previous application, the applicant made a commitment to undertake refurbishment of Yew Tree Cottage as part of the development of the rear curtilage, although the appeal Inspector was of the opinion that this could not be considered as enabling development and would not be enforceable in the absence of a planning obligation. The applicant has now proposed to enter into a Unilateral Undertaking, to undertake a specified schedule of repair and refurbishment works to the Cottage, to be completed prior to occupation of the new dwelling house on the site. This will be in the form of Section 106 obligation. The Undertaking would be tied to any grant of planning permission which is given for the development. This does not constitute enabling development, as defined by Historic England, although it is considered to be a public benefit to the listed cottage, which is material to the consideration of this proposal.

#### Residential Amenity

The development is to be sited to the rear of listed dwellings at 17 and 19 Cornhill and to the north of post-war dwellings on Park View Close. The principal elevations of the building would be positioned at a right angle to the adjacent dwellings on either side of the plot, which reduces the potential for overlooking and loss of privacy to the nearby properties on Cornhill and Park View Close. The front elevation of the building would face towards the shared boundary with 21 and 21a Cornhill, at a distance of approx. 10 to 12 metres. This is an adequate distance from those properties to avoid unreasonable overlooking.

The main impacts are likely to be on the nearest properties at 17 and 19 Cornhill and 7 and 9 Park View Close. 17 and 19 Cornhill are elevated in relation to the proposed development and face towards the north side elevation of the dwelling, which has a projecting single storey element. This side elevation has secondary windows to bathrooms and kitchen, which would not give rise to undue massing or loss of privacy for the adjacent residents. 7 and 9 Park View Close currently overlook the site and are at a lower floor level. There is a hedge along the shared boundary which provides some screening and this should be retained. There would be some impact from the garage/car port and the end elevation of the new dwelling, which are to be sited in close proximity to the hedge boundary. However these would not result in significant massing impacts. No unreasonable loss of privacy would result for nearby dwellings on Parkfields Close or Cornhill due to the orientation and layout of openings on the new dwelling, which are primarily to front and rear elevations.

There would, in my opinion, be no significant harm caused to nearby residential properties, by the proposed development, in accordance with the provisions of saved Policies GD5 and H13.

#### Highway implications

The Highways Officer has accepted a reduced level of visibility at the access, to avoid the need for any of the historic boundary wall to be removed and thereby to safeguard the historic integrity and interest of the listed curtilage wall. This is a reasonable compromise, bearing in mind the limited traffic impact of one additional dwelling and the requirement to protect the special character of the historic cottage. I note that the Highways Officer does not have any concerns in regard to highway safety at the existing access to serve two dwellings.

Parking and turning areas for both the existing dwelling at 19 Cornhill and the new development are to be provided and these are considered to be acceptable in terms of meeting parking requirements and to allow suitable turning and manouvering within the site. The site layout plan has been amended during the course of the application to show a larger parking area for two dwellings on the curtilage of Yew Tree Cottage. This has satisfied the Highways Officer, in terms of providing adequate parking and turning for the existing cottage. The proposed dwelling would also have sufficient parking and turning provision within the plot. Overall, there would not be any adverse highway safety implications arising from the development and the scheme accords with new adopted Policy CP23.

#### Trees

There are various trees on the site which are within the Conservation Area and therefore have protection from works being undertaken unless a notification is submitted for proposed works to trees. A Notification was made in 2014 for the felling of five trees within the site, which are same trees to be removed under this application. Those trees were not considered to be of sufficient merit to be covered by a Tree Preservation Order, on the grounds of their limited public amenity value and overall quality. The felling of the five trees, which include two Cypress, a Yew and two fruit trees at the rear of the site, was agreed and can be implemented at any time, regardless of the outcome of the current applications.



The remaining trees located towards the Cornhill frontage and the boundary hedge are shown for retention as part of the development and this includes a large Yew tree at the front of the site, which overhangs the highway. This is a prominent tree in the streetscene and contributes to the character of the Conservation Area. It is to be retained within the curtilage of the listed building and would soften the visual impact of the development to the rear of the site. The retained trees and hedges would be protected during construction, subject to a suitable condition and overall the proposed impacts on trees and hedges on the site would be in accordance with the requirements of adopted Policies CP16 and CP19.

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

**To authorise** the Director of Strategy Partnerships, Planning and Streetpride to **grant permission** upon conclusion of the above Unilateral Undertaking, subject to the Director of Strategy Partnerships, Planning and Streetpride and the Director of Governance being satisfied with the terms of a Section 106 Agreement or Undertaking securing the objectives set out below.

**Summary of reasons:**

The proposed residential development in this historically sensitive location would form a high quality living environment and a design, form and layout which complement the character and local distinctiveness of the surrounding residential area and have no unreasonable effects on residential amenity. The development site would impact on the setting and significance of the Grade II listed dwellings 11 -15, 17 and 19 Cornhill and on the character and appearance of the Allestree Conservation Area. The impacts of the development would not constitute harm to the setting and significance of those designated heritage assets and the policy requirements of the NPPF and relevant legislation are therefore satisfactorily met. There would also not be adverse impacts on highway safety arising from the use of the existing access for the development and there would no loss of significant trees within the site.

**Conditions:**

1. 3 year time limit for development
2. To specify approved plans
3. Details of external materials for development to be submitted and agreed
4. Details of means of enclosure, including walls, fences and hedges and any retaining structures on the site
5. Details of a landscaping scheme to include new planting and retention of trees and hedges, hard surfaced areas and treatment of parking areas
6. Implementation and maintenance of landscaping scheme approved under condition 5
7. Updated Arboricultural impact Assessment, Constraints Plan and Tree Protection Plan prepared in accordance with BS 5837:2012 to be submitted and agreed and implemented during construction.



8. The driveway to be constructed to prevent surface water discharging onto the public highway and retained for life of development.

**Reasons:**

1. As required by Sections 91-92 of the Town and Country Planning Act 1990.
2. For avoidance of doubt.
3. To ensure a satisfactory appearance of the development in the interests of visual amenity and to protect the setting and character of the listed building and conservation area.
4. To ensure a satisfactory appearance of the development in the interests of visual amenity and to protect the setting and character of the listed building and conservation.
5. To provide a suitable landscaping of the site in the interests of visual amenity.
6. To provide a suitable landscaping of the site in the interests of visual amenity.
7. To identify and protect trees before and during the construction in the interests of visual amenity.
8. In the interests of traffic safety and prevent surface water from discharging onto the highway.

**S106 requirements where appropriate:**

Unilateral undertaking to secure a schedule of works to repair and refurbish Yew Tree Cottage to be completed prior to occupation of the approved development. Works to include:

- Replacement thatch roof, windows and doors
- Painting works
- Rewiring/ plumbing
- Internal refurbishment of bathroom/ kitchen

**Application timescale:**

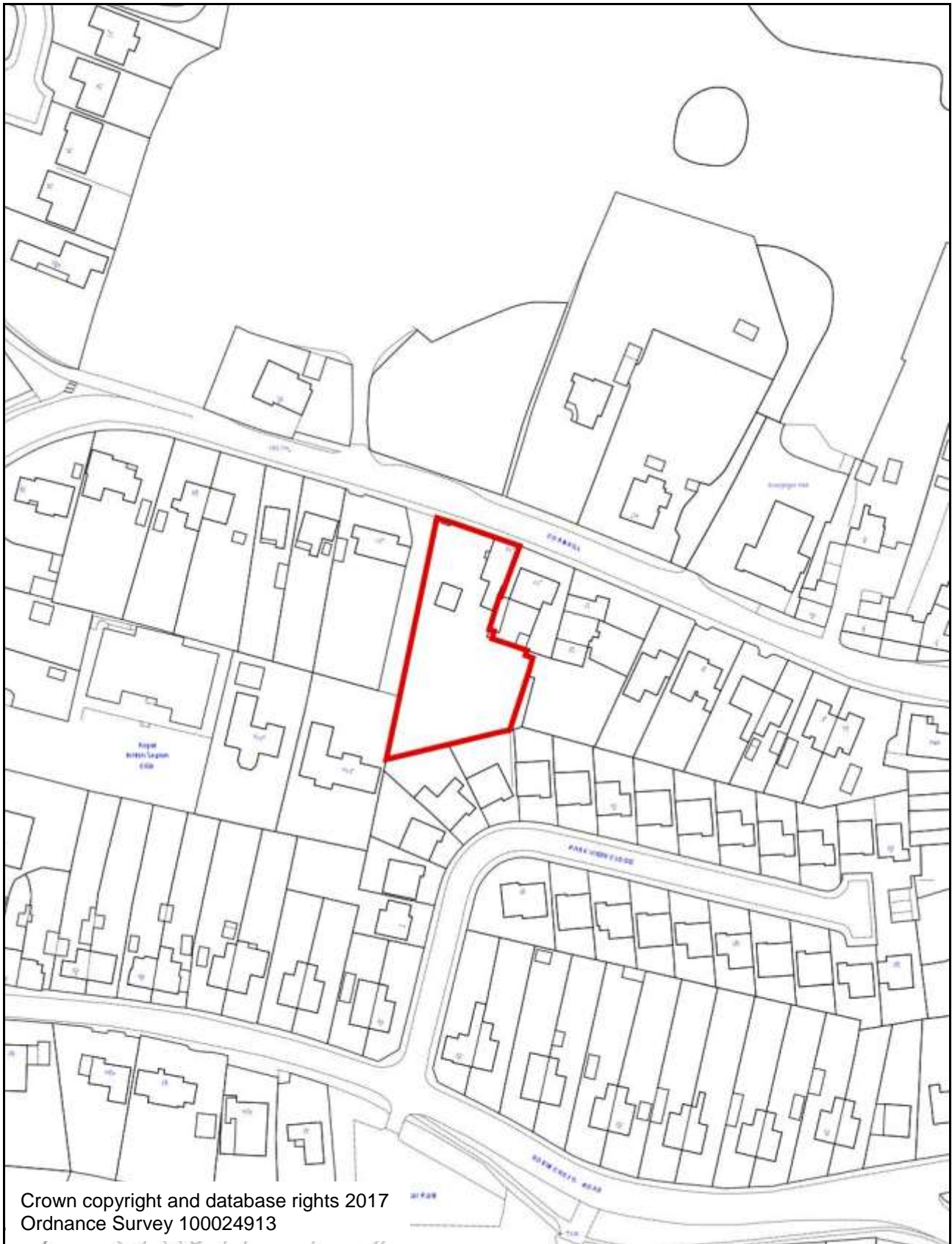
The target for determination of the application was the 5 April and an extension of time has been agreed until 17 April due to consideration by the Planning Committee.

**Classification: OFFICIAL**

**Committee Report Item No: 4**

**Application No: DER/12/16/01533**

**Type: Full**



**Classification: OFFICIAL**

## Derby City Council

Delegated decisions made between 01/02/2017 and 31/03/2017

Application No.	Application Type	Location	Proposal	Decision	Decision Date
09/14/01308/PRI	Variation/Waive of condition(s)	28 Railway Terrace, Derby, DE1 2RU	Change of use from hairdressers (Use Class A1) to Taxi Office (Sui Generis use) - Variation of Condition No. 1 of previously approved planning permission Code No. DER/03/13/00251/PRI to allow use as a taxi office on a permanent basis	Granted Conditionally	23/02/2017
07/15/00862/PRI	Full Planning Permission	Langdale Heights, 352 Burton Road, Derby, DE23 6AF	Extensions to care home (22 bedrooms, communal facilities and enlargement of office and entrance) formation of additional parking spaces and installation of decking	Granted Conditionally	03/02/2017
09/15/01171/PRI	Listed Building Consent - alterations	Derwent House, Old Chester Road, Derby, DE1 3SA	Removal of front boundary treatments and erection of boundary fence and gates	Granted	31/03/2017
01/16/00049/PRI	Advertisement consent	5 Market Place, Derby, DE1 3PY	Display of two internally illuminated electronic advertisements	Granted Conditionally	13/02/2017
02/16/00244/PRI	Listed Building Consent - alterations	Unit A, Markeaton Craft Village, Markeaton Park, Derby, DE22 3BG	Installation of a spray booth and single flue for extraction through the roof	Refuse Planning Permission	28/02/2017
03/16/00367/PRI	Full Planning Permission	Eagle Park, Alfreton Road, DE21 4AE	Erection of 10 industrial units	Granted Conditionally	24/02/2017
04/16/00441/PRI	Full Planning Permission	Derby Sewage Treatment Works, Megaloughton Lane, Spondon, Derby, DE21 7BR	Installation of a biomethane gas to grid plant	Granted Conditionally	21/03/2017
07/16/00892/PRI	Full Planning Permission	Unit A, Stores Road, Derby, DE21 4BD	Use of the unit for the generation of electricity (Use Class B2) including the installation and operation of gas powered electricity generators in the building, radiators, gas kiosk, substation, vents and exhaust stacks	Withdrawn Application	03/02/2017
07/16/00929/PRI	Full Planning Permission	33 Bowmer Road, Derby, DE24 8WT	Erection of five flats (use class C3)	Granted Conditionally	03/02/2017

Application No.	Application Type	Location	Proposal	Decision	Decision Date
08/16/00963/PRI	Full Planning Permission	Land at the front of 24 and the side of 25 Park Road, Mickleover, Derby, DE3 0EL	Erection of a dwelling house (use class C3) and outbuilding (garage and office)	Granted Conditionally	08/03/2017
08/16/01056/PRI	Reserved Matters	Site of and land at Kingsway Hospital, Kingsway/A5111, Derby, DE22 3NH	Erection of 172 dwellings (111 houses and 61 apartments) including associated car and cycle parking, bin storage and open space. (Phase 3 of previously approved outline planning permission DER/07/08/01081)	Granted Conditionally	08/03/2017
08/16/01057/PRI	Outline Planning Permission	Land between 80 & 82 Bramfield Avenue, Derby, DE22 3TL	Residential Development (one dwelling)	Granted Conditionally	14/02/2017
09/16/01102/PRI	Reserved Matters	Former Mackworth College Site, Normanton Road, Derby	Erection of 7 retail units (Use Classes A1/A2/A3/A5 and D2) and formation of associated car parking - approval of reserved matters of layout, appearance and landscaping under outline permission Code No.DER/02/15/00194	Granted Conditionally	28/02/2017
09/16/01147/PRI	Full Planning Permission	11 Anthony Drive, Alvaston, Derby, DE24 0FZ	Alterations to roof to form rooms within the roof space (bedroom and en-suite)	Refuse Planning Permission	20/02/2017
09/16/01173/PRI	Full Planning Permission	Unit 25, Perkins Yard, Mansfield Road, Derby, DE21 4AW	Change of use from storage (use class B8) to motorcycle MOT bay (sui generis use)	Granted Conditionally	07/02/2017
10/16/01190/PRI	Full Planning Permission	13 Bonsall Drive, Mickleover, Derby, DE3 5HQ	Single storey side and rear extensions to dwelling house (garage/car port and kitchen/dining area) and erection of an outbuilding to form annexe accommodation	Refuse Planning Permission	06/03/2017

Application No.	Application Type	Location	Proposal	Decision	Decision Date
10/16/01200/PRI	Listed Building Consent - alterations	48-49 Friar Gate, Derby, DE1 1DF	Reconfiguring the ground floor layout to provide a new open plan office, kitchen and toilet, opening up the entrance/reception. Reconfiguring of the first and second floors to provide an additional toilet and tea making area. Forming 5 new door openings to provide access between 49 Friar Gate and 48 & 47 Friar Gate across the four floors (two on the ground floor and one on the basement, first and second). Separating 49 Friar Gate from 36 Agard Street. Adapt the existing toilet in the basement to provide a toilet and shower room. Installation of a new air conditioning unit on the rear of the property and sub-division of an office into two on the first and second floor.	Granted Conditionally	24/03/2017
10/16/01229/PRI	Full Planning Permission	163 Station Road, Mickleover, Derby, DE3 5FL	Creation of new gable and window to the rear elevation	Granted Conditionally	10/02/2017
10/16/01275/PRI	Full Application - Article 4	24 Roman Road, Derby, DE1 3RX	Installation of replacement windows and door to the front elevation.	Refuse Planning Permission	28/02/2017
10/16/01281/PRI	Full Planning Permission	12 Lockington Close, Chellaston, Derby, DE73 1XD	Two storey front and side and single storey rear extensions to dwelling house (bathroom, utility, study, two bedrooms, en-suite and enlargement of lounge and kitchen)	Refuse Planning Permission	20/02/2017
10/16/01283/PRI	Full Planning Permission	Land between 164 and 176 Derby Road, Spondon, Derby, DE21 7LU	Erection of six dwelling houses (use class C3)	Refuse Planning Permission	02/02/2017
10/16/01289/PRI	Full Planning Permission	32 Glenwood Road, Chellaston, Derby, DE73 1UB	Single storey rear extension to dwelling house (orangery)	Granted Conditionally	07/03/2017
10/16/01304/PRI	Full Planning Permission	68 Empress Road, Derby, DE23 6TE	Installation of a dormer to the side and rear elevation	Granted Conditionally	28/02/2017

Application No.	Application Type	Location	Proposal	Decision	Decision Date
10/16/01307/PRI	Full Planning Permission	42 Louvain Road, Derby, DE22 3JR	Single storey rear extension to dwelling house (utility room) and erection of a boundary fence	Granted Conditionally	14/02/2017
11/16/01311/PRI	Full Planning Permission	14 East Close, Darley Abbey, Derby, DE22 2BS	Two storey rear and single storey side extensions to dwelling (bathroom, store, utility, dining room, bed room and en-suite)	Granted Conditionally	23/02/2017
11/16/01312/PRI	Full Planning Permission	Fairhaven, Old Hall Road, Littleover, Derby, DE23 6GG	Two storey rear extension to dwelling house (study, bedroom, wardrobe and en-suite)	Granted Conditionally	03/02/2017
11/16/01321/PRI	Full Planning Permission	Orchard Cottage, 23 Church Street, Spondon, Derby, DE21 7LL	Two storey side and rear extensions to dwelling house (kitchen/dining area, w.c., bedroom, en-suite and enlargement of bedroom)	Granted Conditionally	03/03/2017
11/16/01330/PRI	Full Planning Permission	26 Birdcage Walk, Mackworth, Derby, DE22 4LB	Two storey side and single storey front and side extensions to dwelling house (porch, kitchen, garage, bedroom and en-suite) and installation of a canopy to the front elevation	Refuse Planning Permission	08/02/2017
11/16/01333/PRI	Full Planning Permission	1-7 Abbey Street, Derby, DE22 3SJ	Retention of the installation of an ATM	Granted Conditionally	07/02/2017
11/16/01334/PRI	Advertisement consent	1-7 Abbey Street, Derby, DE22 3SJ	Retention of the display of an internally illuminated ATM sign and surround	Granted Conditionally	07/02/2017
11/16/01357/PRI	Full Planning Permission	156 Derby Road, Chellaston, Derby, DE73 1RH	Two storey side extension to dwelling (portico, hall, w.c. and bathroom) together with formation of a vehicular access	Granted Conditionally	13/02/2017
11/16/01365/PRI	Full Planning Permission	Site of former Beaconsfield Club, 1 Wilson Street and land to rear 2-4 Wilson Street, Derby, DE1 1PG	Change of use from social club (use class D2) to six flats to be used for multiple occupation (use class C4) and alterations to the elevations to include the installation of a staircase and replacement dormer window to the west elevation and the installation of new windows	Granted Conditionally	08/03/2017



Application No.	Application Type	Location	Proposal	Decision	Decision Date
11/16/01366/PRI	Full Planning Permission	94 Empress Road, Derby, DE23 6TE	Two storey and single storey side and rear, and single storey front extensions to dwelling house (lounge/study, wet room, kitchen/dining area, bathroom, two bedrooms and enlargement of hall)	Granted Conditionally	10/02/2017
11/16/01374/PRI	Full Planning Permission	104 Havenbault Lane, Littleover, Derby, DE23 7AE	First floor extension to dwelling house (bedroom, bathroom and en-suite) and installation of a pitched roof to the front porch and front canopy	Granted Conditionally	21/03/2017
11/16/01396/PRI	Full Planning Permission	1 Hailsham Close, Mickleover, Derby, DE3 0PE	Two storey side extension to dwelling house (covered area, kitchen, w.c, bedroom and en-suite)	Granted Conditionally	01/02/2017
11/16/01400/PRI	Full Planning Permission	39 Stenson Road, Derby, DE23 1JD	Two storey and single storey rear extensions to dwelling house (dining area, shower room, two bedrooms and enlargement of lounge and kitchen) and installation of a dormer to the rear elevation, hip to gabled extension and front canopy	Granted Conditionally	16/03/2017
11/16/01404/PRI	Full Planning Permission	Infinity Park Way, Chellaston, Derby (formerly Holmleigh Way)	Re-alignment and re-surfacing of part of road to include adjustment to the carriageway alignment, installation of new street lighting columns, other engineering works and all associated landscaping	Granted Conditionally	22/02/2017
11/16/01410/PRI	Certificate of Lawfulness Proposed Use	28 Whittlebury Drive, Littleover, Derby, DE23 7BF	Single storey rear extension to dwelling house (conservatory)	Granted	16/03/2017
11/16/01418/PRI	Full Planning Permission	21 St. Peters Street, Derby, DE1 2AA	Change of use from retail (use class A1) to adult gaming centre at ground floor and tanning salon at first floor level (Sui Generis uses) including the installation of a new shop front and roller shutter	Refuse Planning Permission	27/02/2017
11/16/01419/PRI	Advertisement consent	21 St. Peters Street, Derby, DE1 2AA	Display of one internally illuminated fascia sign and one non-illuminated projecting sign	Granted Conditionally	27/02/2017

Application No.	Application Type	Location	Proposal	Decision	Decision Date
11/16/01420/PRI	Full Planning Permission	Land at the rear of 38 Farley Road, Derby, DE23 6BW	Erection of a dormer bungalow and triple garage (use class C3)	Granted Conditionally	09/02/2017
11/16/01423/PRI	Full Planning Permission	Land at the side of 39 Shirley Road, Chaddesden, Derby, DE21 4LA	Erection of two dwelling houses (use class C3)	Refuse Planning Permission	14/03/2017
11/16/01429/PRI	Full Planning Permission	5 Carson Road, Chaddesden, Derby, DE21 6JU	Two storey side, and rear and single storey side extensions to dwelling house (utility room, w.c., bedroom with en-suite and enlargement of kitchen)	Granted Conditionally	09/02/2017
11/16/01435/PRI	Full Planning Permission	106 Havenbault Lane, Littleover, Derby, DE23 7AE	Two storey and first floor side and single storey front extensions to dwelling house (porch, bedroom, en-suite and enlargement of kitchen) and installation of one dormer window to the front elevation and one dormer window on the rear elevation.	Granted Conditionally	21/03/2017
11/16/01436/PRI	Full Planning Permission	Site of 92, 156 and 158 Wiltshire Road, Derby, DE21 (Bullivant garage)	Demolition of car showroom and two dwellings and erection of Extra Care development (Use Class C2)	Granted Conditionally	15/03/2017
11/16/01437/PRI	Full Planning Permission	Land at the front of 163 Pastures Hill, Littleover, Derby, DE23 7AZ	Erection of a dormer bungalow (use class C3) and front boundary wall	Granted Conditionally	21/03/2017
11/16/01439/PRI	Works to Trees in a Conservation Area	91 Belper Road, Derby, DE1 3ER	Cutting back of one branch of a Corsican Pine tree by 2.5m, height reduction to three Leylandii trees by 2m in height and 0.5m to the sides and felling of a Leylandii type tree within the Strutts Park Conservation Area	Raise No Objection	03/02/2017
12/16/01440/PRI	Full Planning Permission	63 Portland Close, Mickleover, Derby, DE3 5BR	Raising of the roof height to form rooms in the roof space (bedroom and en-suite)	Withdrawn Application	27/02/2017
11/16/01449/PRI	Works to Trees under TPO	20 Park Lane, Littleover, Derby, DE23 6FX	Felling of nine trees protected by Tree Preservation order No. 127	Granted Conditionally	23/02/2017
12/16/01453/PRI	Full Planning Permission	97 Cambridge Street, Derby, DE23 8HH	Single storey rear extension to dwelling house (dining room and shower room)	Granted Conditionally	02/02/2017

Application No.	Application Type	Location	Proposal	Decision	Decision Date
12/16/01454/PRI	Full Planning Permission	9 Orkney Close, Sinfin, Derby, DE24 3LW	Single storey side and rear extension to dwelling house (w.c., utility room and enlargement of kitchen)	Granted Conditionally	20/03/2017
12/16/01459/PRI	Full Planning Permission	47 Reginald Road South, Chaddesden, Derby, DE21 6NG	Single storey side extension to dwelling house (shower room, utility room and enlargement of kitchen/diner) and erection of a 1.8m high boundary wall/fence	Granted Conditionally	08/02/2017
12/16/01465/PRI	Full Planning Permission	77 Uttoxeter New Road, Derby, DE22 3NL	Change of use from flats (use class C3) to house in multiple occupation (sui generis use) including the installation of new windows to the rear and side elevations	Granted Conditionally	01/02/2017
12/16/01469/PRI	Full Planning Permission	Willowbrook, Markeaton Lane, Derby, DE22 4NH	Demolition of barn and erection of a replacement agricultural barn	Granted Conditionally	20/02/2017
12/16/01474/PRI	Full Planning Permission	12 Crompton Street, Derby, DE1 1NY	Change of use from dwelling house (use class C3) to a house in multiple occupation (Sui Generis use) including installation of new windows to the front elevation	Granted Conditionally	02/02/2017
12/16/01475/PRI	Full Planning Permission	Land adjacent to 40 Evans Avenue, Allestree, Derby, DE22 2EJ	Erection of a dwelling house (use class C3) and associated ground works	Granted Conditionally	27/02/2017
12/16/01476/PRI	Full Planning Permission	21 Baxter Square, Derby, DE23 8BG	Single storey rear extension to dwelling house (wet room and lounge)	Granted Conditionally	06/02/2017
12/16/01480/PRI	Full Planning Permission	454 Stenson Road, Derby, DE23 7LN	Two storey side and single storey front and rear extensions to dwelling house (porch, computer room, two bathrooms, utility room, kitchen, two bedrooms and enlargement of bedroom) and installation of a dormer to the rear elevation	Refuse Planning Permission	06/02/2017
12/16/01482/PRI	Full Planning Permission	10 Hollies Road, Allestree, Derby, DE22 2HW	Two storey side and single storey rear extensions to dwelling house (garage, utility, w.c, kitchen/family space, bedroom and bathroom)	Granted Conditionally	01/02/2017

Application No.	Application Type	Location	Proposal	Decision	Decision Date
12/16/01484/PRI	Full Planning Permission	Portway Infant School, Woodlands Road, Allestree, Derby, DE22 2HE	Erection of a timber shelter, decked area and the installation of rubber mulch to create an outdoor learning area	Granted Conditionally	13/02/2017
12/16/01485/PRI	Full Planning Permission	1 Muswell Road, Derby, DE22 4HP	Single storey side extension to dwelling (bedroom and en-suite)	Granted Conditionally	10/02/2017
12/16/01486/PRI	Non-material amendment	57 West Bank Road, Allestree, Derby, DE22 2FY	Two storey side and single storey front and rear extensions to dwelling house (garage, utility room, w.c., kitchen/dining area, bedroom and en-suite) - non-material amendment to previously approved permission DER/06/16/00819 to raise the gutter line of the extension to meet the existing house gutter line and raise the roof ridge height	Refuse Planning Permission	03/03/2017
12/16/01487/DCC	Works to Trees under TPO	157 Chaddesden Park Road, Derby, DE21 6HP	Crown lift to 3-4m of an Ash tree protected by Tree Preservation Order No 489	Granted Conditionally	07/02/2017
12/16/01489/PRI	Reserved Matters	Land at the rear of 154 Derby Road, Chellaston, Derby, DE73 1RH (access off Ashleigh Drive)	Residential development (two dwellings) - approval of reserved matters of appearance, landscaping and scale under Outline permission Code no. DER/04/16/00518	Granted Conditionally	17/03/2017
12/16/01491/PRI	Full Application - disabled People	228 Stenson Road, Derby, DE23 7JL	Demolition of garage. single storey side elevation to dwelling house (lounge, bedroom and wet room)	Granted Conditionally	13/02/2017
12/16/01494/PRI	Variation/Waive of condition(s)	4 Robincroft Road, Allestree, Derby, DE22 2FR	Demolition of existing dwelling and erection of replacement dwelling house - variation of condition 2 of previously approved planning permission Code No.DER/02/15/00271 to amend the position of the dwelling house on the plot	Granted Conditionally	13/02/2017
12/16/01495/PRI	Works to Trees under TPO	South Field, Friars Close, Darley Abbey, Derby, DE22 1FD	Felling of three Lombardy Poplar Trees protected by Tree Preservation Order no. 154	Refuse Planning Permission	21/02/2017

Application No.	Application Type	Location	Proposal	Decision	Decision Date
12/16/01496/PRI	Full Planning Permission	Rolls Royce Marine, Raynesway, Derby, DE21 7BE	Installation of new security fencing, access gate, five service columns together with the replacement of existing security fencing	Granted Conditionally	17/02/2017
12/16/01497/PRI	Works to Trees under TPO	12 Farley Road, Derby, DE23 6BX	Crown reduction by 2m of two Ash trees and felling of an Ash tree protected by Tree Preservation Order No. 246	Granted Conditionally	08/02/2017
12/16/01498/PRI	Full Planning Permission	166 - 168 Blagreaves Lane, Littleover, Derby, DE23 7PX	Side extensions to dental practice (two treatment rooms, staff room, office and enlargement of waiting room), alterations to the parking layout including the change of use of part of the rear garden area of 166 Blagreaves Lane to form additional parking and enlargement of the existing vehicular access	Refuse Planning Permission	08/02/2017
12/16/01500/PRI	Full Planning Permission	5 The Plantation, Littleover, Derby, DE23 6EG	Single storey rear extension to dwelling house (gymnasium and enlargement of kitchen)	Granted Conditionally	27/02/2017
12/16/01502/PRI	Full Planning Permission	38 Pear Tree Crescent, Derby, DE23 8RP	Single storey rear extension to dwelling (bedroom and enlargement of kitchen)	Granted Conditionally	09/02/2017
12/16/01504/PRI	Works to Trees under TPO	306 Burton Road, Derby, DE23 6AD	Pollarding of a Copper Beech tree protected by Tree Preservation Order No. 141	Refuse Planning Permission	23/03/2017
12/16/01506/PRI	Variation/Waive of condition(s)	Unit 5-8, Newmarket Drive, Derby, DE24 8NW	Subdivision into 4 units and change of use from bank/offices to individual trade counter units (sui generis use) - variation of condition 2 of previously approved planning permission Code No. DER/04/14/00459 to amend the approved plans	Granted Conditionally	24/03/2017

Application No.	Application Type	Location	Proposal	Decision	Decision Date
12/16/01507/DCC	Variation/Waive of condition(s)	River Derwent Corridor including sites from Darley Abbey, Little Chester, Chester Green, North Riverside, Bass Rec', Pride Park to Alvaston Park, Derby	Outline application 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 ancillary operational development in the form of ground works, archaeological investigation works and landscaping works to reinstate sites with environmental enhancements included - Variation of condition No 4 of previously approved planning permission Code No. DER/02/15/00210 to amend approved drawings of Package 1 sites (Aida Bliss and City Road Car Park)	Granted Conditionally	17/03/2017
12/16/01509/PRI	Full Planning Permission	100 Belper Road, Derby, DE1 3EQ	Single storey rear extensions to dwelling house (living space, pantry, utility room, w.c., bedroom and en-suite) including the installation of a balcony and green roof	Granted Conditionally	16/03/2017
12/16/01511/DCC	Local Council own development Reg 3	Bemrose Primary School, Uttoxeter New Road, Derby, DE22 3HU	Single storey extension to school (four classrooms)	Granted Conditionally	15/03/2017
12/16/01512/DCC	Local Council own development Reg 3	Littleover Community School, Pastures Hill, Littleover, Derby	Erection of boundary fence and gates	Granted Conditionally	20/02/2017
12/16/01513/PRI	Works to Trees under TPO	Mickleover House, Orchard Street, Mickleover, Derby, DE3 5DF	Removal of Limb on Beech Tree. Protected by Tree Preservation Order No. 250	Granted Conditionally	13/02/2017
12/16/01516/PRI	Certificate of Lawfulness Proposed Use	146 Shardlow Road, Alvaston, Derby, DE24 0JS	Installation of a dormer to the rear elevation	Granted	13/02/2017



Application No.	Application Type	Location	Proposal	Decision	Decision Date
12/16/01517/PRI	Variation/Waive of condition(s)	48 Darley Park Road, Derby, DE22 1DA	Two storey side and rear extension to dwelling house (garage, w.c., kitchen/breakfast room, two bedrooms and en-suite) - Variation of condition 2 of previously approved permission Code No.DER/04/16/00455 to amend the approved plans	Granted Conditionally	22/03/2017
12/16/01519/PRI	Works to Trees under TPO	The Coach House, 22 Park Lane, Littleover, Derby, DE23 6FX	Various works to trees protected by Tree Preservation Order No. 127	Granted Conditionally	10/02/2017
12/16/01520/PRI	Full Planning Permission	Land adjacent entrance Gate 2, Sinfin 'A' Site, Victory Road, Derby, DE24 9HX	Retention of modular office building approved under temporary planning permission Code No. DER/06/11/00674	Granted Conditionally	06/03/2017
12/16/01522/PRI	Full Planning Permission	55 South Avenue, Darley Abbey, Derby, DE22 1FB	Extensions to dwelling (kitchen/dining area, store, bedroom and en-suite) and raising of the roof pitch to create a first floor (three bedrooms, en-suite, bathroom and balcony)	Granted Conditionally	21/02/2017
12/16/01524/PRI	Full Planning Permission	St. Martins Methodist Church Flint Street, Allenton, Derby, DE24 9BH	Single storey extension to church/church hall (cafe area, kitchen/store and entrance hall/lounge area) and external alterations to include the installation of a glazed canopy to the front elevation and the installation of render, replacement windows, replacement signage, boundary treatments and associated ground works	Granted Conditionally	07/02/2017
12/16/01525/PRI	Full Planning Permission	589 Burton Road, Derby, DE23 6EJ	First floor side and single storey rear extensions to dwelling house (dressing room, en-suite, shower room and enlargement of living room) and installation of an open porch to the front elevation	Granted Conditionally	09/03/2017
12/16/01526/PRI	Advertisement consent	Bristol Street Motors, Sir Frank Whittle Road, Derby	Display of various signage	Granted Conditionally	15/02/2017
12/16/01527/PRI	Prior Approval - retail to cafe/restaura	86 Wiltshire Road, Derby, DE21 6EZ	Change of use from retail (Use Class A1) to Cafe (Use Class A3)	Prior Approval Approved	15/02/2017

Application No.	Application Type	Location	Proposal	Decision	Decision Date
12/16/01528/PRI	Full Planning Permission	The Moorings, 160 Stenson Road, Derby, DE23 7JG	Front side and rear extensions to dwelling house (porch, store, utility room, orangery, en-suite, walk-in wardrobe and enlargement of bedroom) together with erection of dependent relative accommodation (sitting room, bedroom and bathroom) and erection of car port, boundary wall and gate	Granted Conditionally	31/03/2017
12/16/01530/PRI	Full Planning Permission	13 Adelaide Close, Mickleover, Derby, DE3 5JN	Re-roofing of the existing bungalow and the erection of a detached garage	Granted Conditionally	10/02/2017
12/16/01531/PRI	Full Planning Permission	Spondon Conservative Club, Chapel Street, Spondon, Derby	First floor extension to club (function room and w.c.)	Refuse Planning Permission	28/02/2017
12/16/01535/PRI	Full Planning Permission	521 Burton Road, Littleover, Derby, DE23 6FT	Alterations to the elevations to include changes to the fenestration, installation of a door and render together with the formation of a parking area	Refuse Planning Permission	15/02/2017
12/16/01536/PRI	Full Planning Permission	29 Hillsway, Littleover, Derby, DE23 7DS	Erection of outbuilding (music room)	Granted Conditionally	15/02/2017
01/17/00001/PRI	Full Planning Permission	Units A to C, Chequers Business Park, Chequers Lane, Derby DE21 6AW	Installation of one external condenser unit	Granted Conditionally	16/03/2017
01/17/00004/PRI	Full Planning Permission	60 Field Rise, Littleover, Derby, DE23 7DE	Two storey side and single storey rear extensions to dwelling house (porte-cochere, two bedrooms, orangery and family room) and erection of detached garage - amendments to previously approved planning permission Code No. DER/04/16/00423 to include a balcony and alterations to the garage design	Granted Conditionally	21/03/2017
01/17/00005/PRI	Full Planning Permission	19 Cambridge Street, Spondon, Derby, DE21 7PZ	Single storey side and rear extensions to dwelling house (garage/workshop and conservatory)	Granted Conditionally	27/02/2017

Application No.	Application Type	Location	Proposal	Decision	Decision Date
01/17/00006/PRI	Full Planning Permission	80 Jubilee Road, Shelton Lock, Derby, DE24 9FD	Two storey side and single storey side and rear extensions to dwelling house (garage and enlargement of kitchen and bathroom)	Granted Conditionally	22/02/2017
01/17/00007/PRI	Full Planning Permission	727 Osmaston Road, Derby, DE24 8NG	Change of use from retail (use class A1) to family entertainment centre (use class D2) with ancillary cafe (use class A3). Recladding of part of building.	Granted Conditionally	23/03/2017
01/17/00008/PRI	Full Planning Permission	3 Church Lane, Darley Abbey, Derby, DE22 1EW	Two storey side extension and single storey and first floor rear extensions to dwelling house (kitchen, utility, two bedrooms, bathroom and enlargement of breakfast room) - amendments to previously approved planning permission Code No. DER/03/16/00281 to include a new first floor window and roof light to the side elevation	Granted Conditionally	01/03/2017
01/17/00011/PRI	Full Planning Permission	32 Causeway, Darley Abbey, Derby, DE22 2BX	Single storey side and rear extension to dwelling house (kitchen/diner, utility room and en-suite) and alterations to front porch	Granted Conditionally	07/03/2017
01/17/00013/DCC	Advertisement consent	Land at Road Traffic Island, The Pentagon, Derby	Display of non illuminated post sign	Granted Conditionally	06/03/2017
01/17/00014/DCC	Advertisement consent	Land at Road Traffic Island, The Pentagon, Derby	Display of non illuminated post sign	Granted Conditionally	06/03/2017
01/17/00015/DCC	Advertisement consent	Highway verge, Pride Parkway, Pride Park, Derby (adjacent to Derby College)	Display of non illuminated double-sided post sign	Granted Conditionally	06/03/2017
01/17/00016/DCC	Advertisement consent	Highway verge, Pride Parkway, Pride Park, Derby (adjacent to Kia Motors)	Display of non illuminated double-sided post sign	Granted Conditionally	06/03/2017
01/17/00017/DCC	Advertisement consent	Highway Verge, Derwent Parade, Derby	Display of non illuminated double-sided post sign	Granted Conditionally	06/03/2017
01/17/00018/DCC	Advertisement consent	Highway Verge, North side of Shardlow Road, Alvaston, Derby (adjacent to Forum Close)	Display of non illuminated double-sided post sign	Granted Conditionally	06/03/2017

Application No.	Application Type	Location	Proposal	Decision	Decision Date
01/17/00019/DCC	Advertisement consent	Highway Verge, Ashbourne Road, Derby (adjacent to Tufnell Gardens)	Display of non illuminated double-sided post sign	Granted Conditionally	06/03/2017
01/17/00020/PRI	Variation/Waive of condition(s)	158 Chaddesden Park Road, Derby, DE21 6HN (Park Road Stores)	Change of use of part of unit from retail storage rooms (Use Class A1) to residential (Use Class C3) - variation of condition 4 of previously approved planning permission Code No. DER/04/15/00562 to allow opening windows to the north elevation	Granted Conditionally	22/02/2017
01/17/00021/PRI	Works to Trees under TPO	Tree overhanging Balmoral Gardens, Badgerdale Way, Littleover, Derby	Felling of two Willow trees and reduction of lateral limbs by 2m of Oak tree protected by Tree Preservation Order No's. 30 & 156	Granted Conditionally	07/03/2017
01/17/00024/PRI	Full Planning Permission	182 Uttoxeter Road, Mickleover, Derby, DE3 9AA	Two storey rear extension to dwelling house (utility room, w.c, gym/office, living room, two bedrooms and two en-suites)-Amendments to previously approved application Code No. DER/01/16/00026 to alter the rear roof design	Granted Conditionally	02/03/2017
01/17/00025/PRI	Variation/Waive of condition(s)	Unit 8, Southgate Retail Park, Normanton, Derby, DE23 6UQ	Removal of condition 1 of previously approved planning permission Code No. DER/08/01/01076 to allow the sale of a wider range of goods	Granted Conditionally	02/03/2017
01/17/00026/PRI	Full Planning Permission	198 Broadway, Derby, DE22 1BP	Single storey rear extension to dwelling house (kitchen/dining area) and alterations and enlargement of the rear terraced area	Granted Conditionally	06/03/2017
01/17/00028/PRI	Full Planning Permission	6 Leopold Street, Derby, DE1 2HD	Change of use from doctors surgery (use class D1) to dwelling house (use class C3)	Granted Conditionally	21/03/2017
01/17/00031/PRI	Full Planning Permission	79 Uttoxeter Road, Mickleover, Derby, DE3 5GF	Two storey and single storey side and rear extensions to dwelling house (kitchen/dining room, utility room, w.c., two bedrooms and en-suite)	Granted Conditionally	06/03/2017
01/17/00032/PRI	Prior Approval - Telecommunications	Highway verge south of entrance to Kingsway Fire Station, Kingsway, Derby	Installation of replacement 20m high monopole additional equipment cabinet and ancillary development	Prior Approval Approved	06/03/2017

Application No.	Application Type	Location	Proposal	Decision	Decision Date
01/17/00033/PRI	Full Planning Permission	Kelvin House, RTC Business Park, London Road, Derby, DE24 8UP	Installation of replacement windows to the third floor	Granted Conditionally	07/03/2017
01/17/00034/PRI	Full Planning Permission	64 Warren Street, Derby, DE24 8RT	Two storey side extension to dwelling house (covered way, two bedrooms and shower room)	Granted Conditionally	07/03/2017
01/17/00036/PRI	Full Planning Permission	1 and 44 Harriet Street, Derby, DE23 8EQ	Change of use from church meeting/store rooms (Use Class D1) to five flats (Use Class C3) and associated door and window alterations to the front elevation	Granted Conditionally	07/03/2017
01/17/00037/PRI	Full Planning Permission	99 Elms Avenue, Littleover, Derby, DE23 6FE	Single storey rear extension to dwelling house (conservatory)	Granted Conditionally	07/03/2017
01/17/00038/PRI	Full Application - disabled People	235 Osmaston Park Road, Derby, DE24 8BT	Single storey front, side and rear extensions to dwelling house (porch, garage/store, bedroom and wetroom) and installation of a canopy to the front elevation	Granted Conditionally	07/03/2017
01/17/00039/PRI	Variation/Waive of condition(s)	Land corner of Wood Road &, Wayfaring Road, Oakwood, Derby	Erection of 6 dwelling houses-variation of condition 2 of previously approved planning permission Code No. DER/05/14/00709 to alter the approved plans to provide wall and railings	Granted Conditionally	15/03/2017
01/17/00040/PRI	Prior Approval - Telecommunications	Highway verge adjacent 389 - 391 Nottingham Road, Derby, DE21 6PD	Installation of a 12.5m high monopole and 2 equipment cabinets	Prior Approval Approved	06/03/2017
01/17/00042/PRI	Full Planning Permission	Shelton Infant School, Carlton Avenue, Shelton Lock, Derby, DE24 9EJ	Erection of free standing canopy to nursery playground	Granted Conditionally	15/03/2017
01/17/00045/PRI	Full Planning Permission	The Hollies 263 Morley Road, Oakwood, Derby, DE21 4TD	First floor extension to dwelling house (bedroom and en-suite)	Granted Conditionally	07/03/2017
01/17/00047/PRI	Works to Trees in a Conservation Area	Old Blacksmith's Yard, Sadler Gate, Derby, DE1 3PD	Crown reduction of London Plane by 2 metres within City Centre Conservation Area	Raise No Objection	17/03/2017
01/17/00048/PRI	Full Planning Permission	6-7 Iron Gate and 36 Full Street, Derby, DE1 3FJ	Change of use from financial and professional services (use class A2) to cafe/restaurant (use class A3)	Granted Conditionally	08/03/2017

Application No.	Application Type	Location	Proposal	Decision	Decision Date
01/17/00050/PRI	Full Planning Permission	2 Vernon Street, Derby, DE1 1FR	Retention of change of use of part ground floor from business (use class B1) to a mixed use of skin laser and cosmetic clinic and business (Use Classes D1 and B1)	Granted Conditionally	28/03/2017
01/17/00051/PRI	Advertisement consent	7 St. Christophers Way, Pride Park, Derby (Mercedes-Benz)	Display of one illuminated fascia sign, one non-illuminated flag pole and one internally illuminated freestanding sign	Granted Conditionally	10/03/2017
01/17/00052/PRI	Full Planning Permission	34 Green Lane, Derby, DE1 1RP	Change of use of ground floor and part of first floor from retail (use class A1) to bar and restaurant (use class A3) and alterations to the front elevation	Granted Conditionally	08/03/2017
01/17/00053/PRI	Full Application - disabled People	29 Blenheim Drive, Allestree, Derby, DE22 2LD	Single storey front and side extensions to dwelling house (garage, wet room and enlargement of hall and kitchen)	Granted Conditionally	07/03/2017
01/17/00054/PRI	Full Planning Permission	12 Sutton Avenue, Chellaston, Derby, DE73 6RJ	Single storey side and rear extensions to dwelling house (utility room, kitchen and family space)	Granted Conditionally	15/03/2017
01/17/00055/PRI	Full Planning Permission	78 Vestry Road, Oakwood, Derby, DE21 2BN	Retention of change of use from veterinary surgery (use class D1) to hairdressing salon (use class A1)	Granted Conditionally	08/03/2017
01/17/00056/PRI	Full Planning Permission	41 Fulham Road, Derby, DE22 4GD	Erection of a detached garage	Granted Conditionally	16/03/2017
01/17/00057/PRI	Full Planning Permission	97 Station Road, Mickleover, Derby	Two storey and single storey rear extension to dwelling house (link and en-suite)	Granted Conditionally	17/03/2017
01/17/00058/PRI	Full Planning Permission	3 Morefern Drive, Oakwood, Derby, DE21 2JE	Installation of a bay window to the front elevation	Granted Conditionally	23/03/2017
01/17/00059/PRI	Full Planning Permission	13-19 Chatsworth Street, Derby, DE23 6NR	Change of use from retail (use class A1) to dwelling house (use class C3) including erection of two storey and single storey rear extensions, installation of new windows to the side elevation and a bay window to the front elevation	Granted Conditionally	22/03/2017



Application No.	Application Type	Location	Proposal	Decision	Decision Date
01/17/00062/PRI	Full Planning Permission	207 Rykneld Road, Littleover, Derby, DE23 7AL	First floor rear extension to dwelling house (enlargement of bedroom) and alterations to the roof to form rooms in roof space including the enlargement of the existing rear dormer	Granted Conditionally	28/03/2017
01/17/00063/PRI	Non-material amendment	Racecourse Farm, Hampshire Road, Derby, DE21 6BT	Conversion of existing outbuilding to dwelling (use class C3), erection of an outbuilding (double garage and store) and formation of a new vehicular access - non-material amendment to previously approved planning permission DER/08/16/00998 to amend the design of the dwelling	Refuse Planning Permission	22/02/2017
01/17/00065/PRI	Full Planning Permission	137 Pastures Hill, Littleover, Derby, DE23 7AZ	Two storey side and rear extensions to dwelling house (garden room, wetroom, kitchen, four bedrooms and en-suite) and erection of a detached garage	Refuse Planning Permission	31/03/2017
01/17/00067/PRI	Full Planning Permission	125 St. Chads Road, Derby, DE23 6RN	Single storey side and rear extensions to dwelling house (cloakroom and kitchen/dining room)	Granted Conditionally	22/03/2017
01/17/00068/PRI	Advertisement consent	Sainsbury's Supermarket, Wyvern Way, Chaddesden, Derby, DE21 6NZ	Display of one internally illuminated fascia sign, three non-illuminated poster signs and one internally illuminated replacement panel to an existing totem sign	Granted Conditionally	16/03/2017
01/17/00069/PRI	Full Planning Permission	4 Farningham Close, Spondon, Derby, DE21 7DZ	Two storey side and single storey front and rear extensions to dwelling house (porch, garage/store, utility room, w.c., living space and bedroom)	Granted Conditionally	28/03/2017
01/17/00070/PRI	Full Planning Permission	265 Stenson Road, Derby, DE23 7HG	Two storey and first floor side extension to dwelling house (covered area, bedroom and en-suite)	Granted Conditionally	17/03/2017
01/17/00071/PRI	Variation/Waive of condition(s)	Land north of junction of Royal Approach/Holmleigh Way, Chellaston, Derby	Variation of condition 2 of previously approved planning permission Code No. DER/07/16/00864 to revise the access, parking and turning arrangements	Granted Conditionally	16/03/2017

Application No.	Application Type	Location	Proposal	Decision	Decision Date
01/17/00072/DCC	Full Planning Permission	Canal Path from Harvey Road to London Road, Derby	Widening of the existing footpath	Granted Conditionally	16/03/2017
01/17/00073/PRI	Full Planning Permission	St. Peters Church, St. Peters Churchyard, Derby, DE1 1NN	Installation of fence and gates	Granted Conditionally	30/03/2017
01/17/00074/PRI	Full Planning Permission	Land at side of 255 Keldholme Lane, Alvaston, Derby, DE24 0ST	Erection of a dwelling house (use class C3) and formation of car parking	Granted Conditionally	15/03/2017
01/17/00075/PRI	Listed Building Consent - alterations	St. Peters Church, St. Peters Churchyard, Derby, DE1 1NN	Installation of fence and gates	Granted Conditionally	30/03/2017
01/17/00080/PRI	Full Planning Permission	Land between Derby Railway Station and the River Derwent, Pride Parkway, Derby	Laying down of an underground culvert	Granted Conditionally	23/03/2017
01/17/00081/PRI	Full Application - disabled People	120 Osmaston Park Road, Derby, DE24 8EX	Single storey rear extension to dwelling house (bedroom, wetroom and enlargement of kitchen/diner)	Granted Conditionally	16/03/2017
01/17/00085/PRI	Full Planning Permission	The Wharf, Stores Road, Derby, DE21 4BA	Erection of security fence and gates	Granted Conditionally	17/03/2017
01/17/00086/PRI	Full Planning Permission	8 Greenmount Close, Littleover, Derby, DE23 7YD	Two storey side extension to dwelling house (living space, kitchen, bedroom and shower room)	Granted Conditionally	17/03/2017
01/17/00089/PRI	Full Planning Permission	26 Rykneld Way, Littleover, Derby, DE23 7AS	Single storey rear extension to dwelling house (kitchen/dining area, family room and utility room) and installation of a balcony and dormer to the rear elevation	Granted Conditionally	22/03/2017
01/17/00091/PRI	Prior Approval - Householder	103 Swanmore Road, Littleover, Derby, DE23 7SY	Single storey rear extension (projecting beyond the rear wall of the original house by 4.5m, maximum height 3.7m, height to eaves 2.5m) to dwelling house	Prior Approval Not required	03/03/2017
01/17/00093/PRI	Prior Approval - Householder	25 Ward Street, Derby, DE22 3RY	Single storey rear extension (projecting beyond the rear wall of the original house by 6m, maximum height 4m, height to eaves 3m) to dwelling house	Prior Approval Not required	06/03/2017
01/17/00094/PRI	Full Planning Permission	2 Murray Road, Mickleover, Derby, DE3 5LE	Two storey side extension to dwelling house (utility room, w.c. and bedroom)	Granted Conditionally	20/03/2017

Application No.	Application Type	Location	Proposal	Decision	Decision Date
01/17/00098/PRI	Full Planning Permission	67 Marlborough Road, Derby, DE24 8DS	Two storey side and rear and single storey front and rear extensions to dwelling house (kitchen, living room, bathroom, guest room, two bedrooms and enlargement of hall)	Granted Conditionally	20/03/2017
01/17/00100/PRI	Full Planning Permission	Former Post Office Building, Victoria Street, Derby, DE1 1DD	Change of use from post office (use class A1) to restaurant and bar (use class A3/A4) including the installation of a new shop front	Granted Conditionally	23/03/2017
01/17/00101/PRI	Listed Building Consent - alterations	Former Post Office Building, Victoria Street, Derby, DE1 1DD	Alterations in association with the change of use from post office (use class A1) to restaurant and bar (use class A3/A4) including internal works, installation of a sign and alterations to the shop front	Granted Conditionally	23/03/2017
01/17/00102/PRI	Full Planning Permission	Haldene, West Dene Avenue, Allenton, Derby, DE24 9AT	Two storey side extension to dwelling house (store, study, bedroom, en-suite and enlargement of kitchen)	Granted Conditionally	20/03/2017
01/17/00104/PRI	Advertisement consent	Sainsbury's Supermarket, Kingsway Retail Park, Derby, DE22 3FA	Display of one internally illuminated fascia sign, two non-illuminated panel signs and one internally illuminated replacement panel to an existing totem sign	Granted Conditionally	20/03/2017
01/17/00106/PRI	Advertisement consent	10-12 St. Peters Street, Derby, DE1 1SH (Carnero Lounge)	Display of one externally illuminated hanging sign	Granted Conditionally	20/03/2017
01/17/00109/PRI	Non-material amendment	29 Glendale Drive, Spondon, Derby, DE21 7DX	Two storey side and rear extensions to dwelling house (utility, w.c, enlargement of kitchen/diner, bathroom, en-suite and enlargement of bedroom) - non-material amendment to previously approved planning permission DER/08/16/01043 to alter ground floor layout and reduce the kitchen floor area	Granted	22/02/2017
01/17/00111/PRI	Full Planning Permission	178 Western Road, Mickleover, Derby, DE3 5GT	Single storey rear extension to dwelling house (bathroom, utility room and enlargement of kitchen/dining area) and erection of a detached garage	Granted Conditionally	21/03/2017

Application No.	Application Type	Location	Proposal	Decision	Decision Date
01/17/00112/PRI	Certificate of Lawfulness Proposed Use	294 Boulton Lane, Derby, DE24 0BD	Single storey side extension to dwelling house	Granted	22/03/2017
01/17/00115/PRI	Full Planning Permission	9 Regis Close, Oakwood, Derby, DE21 2QL	First floor side extension to dwelling house (bedroom and en-suite)	Granted Conditionally	21/03/2017
01/17/00117/PRI	Full Planning Permission	12 Witham Drive, Littleover, Derby, DE23 7QE	Single storey rear extension to dwelling house (pantry, bathroom and enlargement of kitchen/diner)	Granted Conditionally	28/03/2017
01/17/00119/PRI	Certificate of Lawfulness Proposed Use	5 Woodgate Drive, Chellaston, Derby, DE73 1UX	Single storey side extension to dwelling house (enlargement of lounge)	Granted	21/03/2017
01/17/00120/PRI	Full Planning Permission	15 Lilac Avenue, Kingsway, Derby, DE22 4AS	Single storey rear extension to dwelling house (conservatory)	Granted Conditionally	24/03/2017
01/17/00121/PRI	Non-material amendment	8 Shrewsbury Close, Oakwood, Derby, DE21 2RW	Two storey side extension to dwelling house (bedroom and kitchen) - non-material amendment to previously approved planning permission code No. DER/07/16/00914 to reduce the size of the kitchen and include an integral garage	Granted	03/02/2017
01/17/00122/PRI	Non-material amendment	Land off Fellow lands Way, Derby	Erection of 190 dwelling houses - non-material amendment to previously approved planning permission DER/01/13/00082 to amend the wheelchair unit plots	Withdrawn Application	06/03/2017
01/17/00124/PRI	Full Planning Permission	1 Oaktree Avenue, Derby, DE24 8ES	Two storey rear extension to dwelling house (kitchen/dining area and two bedrooms)	Granted Conditionally	21/03/2017
01/17/00125/PRI	Prior Approval - Householder	133 Brighton Road, Alvaston, Derby, DE24 8TB	Single storey rear extension (projecting beyond the rear wall of the original house by 6m, maximum height 4m, height to eaves 3m) to dwelling house	Prior Approval Not required	09/03/2017

Application No.	Application Type	Location	Proposal	Decision	Decision Date
02/17/00127/PRI	Non-material amendment	26 Adelaide Close, Mickleover, Derby, DE3 5JN	Single storey front and rear extensions to dwelling (porch, en-suite and enlargement of bedroom) and installation of a pitched roof and render to the existing flat roofed side extension (garden room) - non-material amendment to previously approved planning permission DER10/16/01224 to increase the roof pitch over the existing side extension, reduce the size of the porch and to include a bay window to the side elevation	Granted	28/03/2017
01/17/00128/PRI	Full Planning Permission	24 Grasmere Avenue, Spondon, Derby, DE21 7JZ	Single storey side and rear extension to dwelling (garage/store and enlargement of kitchen) and enlargement of the existing rear dormer	Granted Conditionally	23/03/2017
01/17/00129/PRI	Full Planning Permission	448 Kedleston Road, Derby, DE22 2TG	Single storey front extension to dwelling house (enlargement of garage)	Granted Conditionally	22/03/2017
02/17/00131/PRI	Certificate of Lawfulness Proposed Use	149 Duffield Road, Derby, DE22 1AH	Single storey rear extension to dwelling house (enlargement of store)	Refuse Planning Permission	22/03/2017
02/17/00133/PRI	Full Planning Permission	38 Dulwich Road, Derby, DE22 4HG	Two storey and single storey rear extensions to dwelling house (kitchen/family room and two bedrooms)	Granted Conditionally	28/03/2017
02/17/00135/PRI	Full Planning Permission	14 Tregaron Close, Oakwood, Derby, DE21 2TE	Single storey front extension to dwelling house (garage)	Granted Conditionally	21/03/2017
02/17/00142/PRI	Full Planning Permission	5 Haslams Lane, Derby, DE22 1EB	Single storey side and rear extensions to dwelling house (store, utility room and enlargement of dining/kitchen area) and the installation of a canopy to the front elevation	Granted Conditionally	30/03/2017
02/17/00143/PRI	Advertisement consent	Sainsburys Supermarket, 1 Peak Drive, Derby, DE24 8EB	Display of two internally illuminated panel signs, two internally illuminated replacement panels and two non-illuminated replacement panels to existing totem signs	Granted Conditionally	22/03/2017
02/17/00144/PRI	Full Application - disabled People	133 St. James Road, Derby, DE23 8QW	Single storey rear extension to dwelling house (bedroom and access corridor)	Granted Conditionally	28/03/2017

Application No.	Application Type	Location	Proposal	Decision	Decision Date
02/17/00146/PRI	Full Application - disabled People	4 Grangeover Way, Derby, DE22 3QD	Single storey side extension to dwelling house (wetroom)	Granted Conditionally	21/03/2017
02/17/00149/PRI	Outline Planning Permission	43 Grasmere Crescent, Sinfin, Derby, DE24 9HS (access off Grampian Way)	Residential development (one dwelling)	Refuse Planning Permission	21/03/2017
02/17/00154/PRI	Works to Trees under TPO	Trees at the rear of 1 & 3 Beechwood Park Drive, Derby, DE22 1BF	Felling of an Ash tree and cutting back of branches of two Ash trees by 1-1.5m, one Lime tree by 1m and one Maple tree by 1m all protected by Tree Preservation Order No's 45 and 308	Granted Conditionally	23/03/2017
02/17/00161/PRI	Variation/Waive of condition(s)	Land south of Wragley Way, Stenson Fields, Derby (opposite 100-166 Wragley Way)	Variation of condition 9 of previously approved application Code No. DER/03/16/00338 - Residential development for 130 dwellings - approval of reserved matters of access, appearance, scale, landscaping and layout to alter the wording/timing of the condition	Granted Conditionally	23/03/2017
02/17/00163/PRI	Works to Trees under TPO	1 The Plantation, Littleover, Derby, DE23 6EG	Crown lift to 5m of two Oak trees and reduction of one limb to give 4m clearance of the property from one of the Oak trees protected by Tree Preservation Order no.37	Granted Conditionally	28/03/2017
02/17/00164/PRI	Outline Planning Permission	Land at side of 50 Buchan Street, Derby, DE24 8FQ	Residential development (up to two dwellings)	Granted Conditionally	21/03/2017
02/17/00166/PRI	Full Planning Permission	1 Netherside Drive, Chellaston, Derby, DE73 1QU	First floor side and single storey rear extensions to dwelling house (two bedrooms, shower room and enlargement of kitchen and dining room)	Granted Conditionally	21/03/2017
02/17/00168/PRI	Works to Trees in a Conservation Area	170 Duffield Road, Derby, DE22 1BH	Felling of a Cherry Tree, reduction of a row of Leylandii to a height of 2m and removal of branches and cutting back of branches to give 1-1.5m clearance of the telephone wires of a Prunus tree within the Strutts Park Conservation Area	Raise No Objection	21/03/2017



Application No.	Application Type	Location	Proposal	Decision	Decision Date
02/17/00169/PRI	Works to Trees in a Conservation Area	172 Duffield Road, Derby, DE22 1BH	Felling of an Ash tree and a Sycamore tree, crown reduction by 3-4m and tucking in of lateral branches of a Cedar tree and reduction of side branches of a Pine tree by 1-1.5m in the Strutts Park Conservtion Area	Raise No Objection	20/03/2017
02/17/00170/PRI	Prior Approval - Householder	175 Warwick Avenue, Derby, DE23 6HJ	Single storey rear extension (projecting beyond the rear wall of the original house by 5.1m, maximum height 3.3m, height to eaves 3.3m) to dwelling house	Prior Approval Not required	20/03/2017
02/17/00174/PRI	Variation/Waive of condition(s)	Land south-east of Unit 9, Victory Park Way, Derby	Erection of a joinery workshop (use class B2) with ancillary offices and staff facilities - variation of condition 1 of previously approved planning permission Code No. 10/16/01223 to amend the approved plans	Granted Conditionally	22/03/2017
02/17/00180/PRI	Full Planning Permission	2 Albert Crescent, Chaddesden, Derby, DE21 6TD	Single storey front extension to dwelling (porch)	Granted Conditionally	28/03/2017
02/17/00181/PRI	Full Planning Permission	2 Tarina Close, Chellaston, Derby, DE73 6TZ	Erection of a 2m high boundary wall	Granted Conditionally	28/03/2017
02/17/00182/PRI	Prior Approval - Householder	18 Gertrude Road, Chaddesden, Derby, DE21 4JP	Single storey rear extension (projecting beyond the rear wall of the original house by 3m, maximum height 2.8m, height to eaves 2.8m) to dwelling house	Prior Approval Not required	20/03/2017
02/17/00186/PRI	Full Planning Permission	8 Greenwood Avenue, Chaddesden, Derby, DE21 4HY	Single storey rear extension to dwelling house (dining/family space)	Granted Conditionally	24/03/2017
02/17/00187/PRI	Certificate of Lawfulness Proposed Use	18 Brackens Avenue, Alvaston, Derby, DE24 0BE	Single storey rear extension to dwelling house	Granted	22/03/2017
02/17/00192/PRI	Certificate of Lawfulness Proposed Use	1 Jackson Street, Derby, DE22 3SA	Single storey rear extension to dwelling house (enlargement of kitchen)	Granted	23/03/2017
02/17/00201/PRI	Full Planning Permission	6 Edward Avenue, Chaddesden, Derby, DE21 6SQ	Two storey and single storey side extensions to dwelling house (living room, utility room, two bedrooms and en-suite) and erection of a detached garage	Granted Conditionally	29/03/2017

Application No.	Application Type	Location	Proposal	Decision	Decision Date
02/17/00206/PRI	Full Planning Permission	25-33 Babington Lane, Derby, DE1 1SX	Change of use of part of ground floor from retail (Use Class A1) to office (Use Class B1)	Granted Conditionally	29/03/2017
02/17/00207/PRI	Advertisement consent	Premier Inn, Riverside Walk, Morledge, Derby, DE1 2BB	Display of one internally illuminated fascia sign	Granted Conditionally	20/03/2017
02/17/00213/PRI	Works to Trees under TPO	13 Radstone Close, Oakwood, Derby, DE21 2PT	Crown lifting to 3.5m and crown thin by 10% of Oak tree protected by Tree Preservation Order No 31 to give 1m clearance from dwelling	Granted Conditionally	28/03/2017
02/17/00217/PRI	Prior Approval - Householder	14 Radcliffe Drive, Derby, DE22 3LA	Single storey rear extension (projecting beyond the rear wall of the original house by 3.35m, maximum height 2.8m, height to eaves 2.8m) to dwelling house	Prior Approval Not required	24/03/2017
02/17/00220/PRI	Prior Approval - Householder	18 Beeley Close, Allestree, Derby, DE22 2PX	Single storey rear extension (projecting beyond the rear wall of the original house by 5m, maximum height 3m, height to eaves 2.1m) to dwelling house	Prior Approval Not required	22/03/2017
02/17/00223/PRI	Full Planning Permission	83 Western Road, Mickleover, Derby, DE3 5GQ	Single storey side extension to dwelling house (kitchen)	Granted Conditionally	22/03/2017
02/17/00235/PRI	Non-material amendment	Disused land adjacent 1 - 5 Railway Cottages, Sinfin Lane, Sinfin, Derby	Non Material amendment to previously approved applications No. DER/05/09/00571 and DER/05/15/00788 - Construction and operation of Waste Treatment Facility comprising Reception and Recycling Hall; Mechanical Biological Treatment (MBT) Facility; Advanced Conversion Technology (ACT) Facility; Power Generation and Export Facility; Education and Office Accommodation; Landscaping; and Formation of Access.- Non-material changes to various elevations, site layout and associated plant and machinery.	Granted	28/03/2017

Application No.	Application Type	Location	Proposal	Decision	Decision Date
02/17/00242/PRI	Full Planning Permission	521 Burton Road, Littleover, Derby	Alterations to the elevations to include changes to the fenestration, installation of a door and render together with the erection of a boundary wall with railings	Granted Conditionally	22/03/2017
02/17/00243/PRI	Prior Approval - Householder	63 Western Road, Mickleover, Derby, DE3 5GP	Single storey rear extension (projecting beyond the rear wall of the original house by 4.93m, maximum height 3.9m, height to eaves 2.8m) to dwelling house	Prior Approval Not required	22/03/2017
02/17/00269/PRI	Prior Approval - Householder	111 High Street, Chellaston, Derby, DE73 1TG	Single storey rear extension (projecting beyond the rear wall of the original house by 5.5m, maximum height 4m, height to eaves 2.375m) to dwelling house	Prior Approval Not required	22/03/2017
03/17/00270/PRI	Full Planning Permission	27 Hartington Way, Mickleover, Derby, DE3 5BH	Single storey side and rear extensions to dwelling house (garage and enlargement of kitchen)	Granted Conditionally	29/03/2017
03/17/00278/PRI	Full Planning Permission	41A Hillcross Avenue, Littleover, Derby, DE23 7FW	First floor front, and two storey and single storey rear extensions to dwelling house (two bedrooms, en-suite and enlargement of kitchen/dining area and bedroom)	Granted Conditionally	30/03/2017
03/17/00280/DCC	Full Planning Permission	The Silk Mill Industrial Museum, 32 Full Street, Derby, DE1 3AF	Not sure what needs planning permission, if any? will check when validating	Invalid - Finally Disposed of	07/03/2017