

Planning Statement for an Outline planning application for residential development of up to 90 dwellings including related infrastructure, landscaping and open space. All matters reserved except for means of access.

Land West of Royal Hill Road, Spondon.

On behalf of Miller Homes.

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1. Introduction

- 1.1. This statement is submitted in support of an outline planning application being made on 4.51 hectares of land known as Land west of Royal Hill Road, Spondon for residential development of up to 90 dwellings including related infrastructure, landscaping and open space. Approval is sought for the proposed access into the development from Royal Hill Road by Miller Homes.
- 1.2. The application is supported by the following documents and reports:
 - Illustrative Masterplan prepared by Pegasus Group
 - Access Drawing prepared by BWB Consulting
 - Planning Statement prepared by Pegasus Group
 - Design and Access Statement prepared by Pegasus Group
 - Transport Assessment and Travel Plan prepared by BWB Consulting.
 - Flood Risk Assessment and Sustainable Drainage Statement prepared by BWB Consulting.
 - Ecological Appraisal and species surveys prepared by TetraTech.
 - Biodiversity Net Gain Assessment prepared by TetraTech.
 - Arboricultural Assessment prepared by Bramley Tree Consultancy Ltd
 - Landscape & Visual Impact Assessment prepared by Pegasus Group
 - Indicative Landscape Masterplan prepared by Pegasus Group
 - Statement of Community Engagement prepared by Pegasus Group
 - Economic Benefits Statement prepared by Pegasus Group
 - Health Impact Assessment prepared by Pegasus Group
- 1.3. The purpose of this planning statement and supporting assessments is to demonstrate that the proposed development is acceptable in planning terms.
- 1.4. Particular attention is paid to the need to achieve sustainable development, through planning for environmental, social and economic gains as set out in the National Planning Policy Framework (the Framework).
- 1.5. The conclusions provide a summary of the planning balance, having regard to the tilted balance as set out paragraph 11(d) of the NPPF, finding that there are no adverse impacts that would outweigh the benefits of development such that planning permission should be approved.

2. Site and the Surrounding Area

- 2.1. The application site is west of Royal Hill Road, Spondon, is 4.51 hectares in area and generally rectangular in plan form, with an additional rectangular limb extending from its north-western corner. The site comprises 4 no. small field enclosures, or “paddocks”, currently used for horse grazing. The site slopes upwards from the southern boundary to the northern boundary.
- 2.2. The north-western paddock is subdivided by a series of post and wire fences and includes several sheds on its eastern edge for animal shelter. The south-western paddock is smaller, enclosed by fragmented hedgerows with occasional trees; the south central paddock is longer and narrower and also enclosed by fragmented hedgerows; and the eastern paddock, extending to Royal Hill Road and the private drive, is similarly long and narrow but also retains some sporadic native vegetation on its northern section. There is no public access across the site.
- 2.3. No Public Rights of Way (PRoW's) cross the site, but two (Spondon Footpaths 6 and 7) extend across the wider area linking Spondon to Chaddesden in a generally west to east alignment.
- 2.4. There are no designated heritage assets within the site boundary thereby any proposed development at the site will have no direct impact on any designated heritage asset. Heritage assets within 1km of the site are largely in and around the Spondon Conservation Area set to the south of the site.
- 2.5. The Planning Flood Map shows the site is located entirely in Flood Zone 1 and is well removed from the nearest Flood Zones and Main Rivers. Available LiDAR data indicates levels of approximately 48m AOD along the Chaddesden Brook closest to the site.
- 2.6. The site is predominately shown to be at very low risk of flooding. A low to medium risk surface water flow route exists along the southern site boundary following the local topography from Royal Hill Road in the east to the existing agricultural buildings in the west.
- 2.7. There are four individual trees on the site that are protected by Tree Preservation Order 179 and relate to trees T9, T10, T11 and T12, all of which are Oak Trees.
- 2.8. The site lies on the north-western edge of Spondon, a suburb located to the north-east of the City of Derby. Spondon is a large suburb extending northwards from the A52 dual carriageway.. Directly to the east of the site is the built form of Spondon, which is residential at this point. Directly to the west of the site is agricultural land extending to Acorn Way which defines the eastern flank of Chaddesden.
- 2.9. To the north of the site is a disused reservoir which is covered and enclosed by a grassed embankment with an adjacent building. Thereafter, open countryside in agricultural use (mainly arable but with some pasture) extends further north across Lees Brook.
- 2.10. South of the site are residential properties and Springfield Primary and West Park Secondary Schools and their associated playing fields
- 2.11. The site is located in a relatively small area of the eastern part of the Spondon/Chaddesden Green Wedge.

3. Pre-Application Meeting and Engagement

Pre-Application Meeting

- 3.1. As part of the preparation of this planning application a pre application meeting was held on the 6th June 2022, in which representatives from Derby City Council, Pegasus Group and Miller Homes attended to discuss the emerging proposals in further detail. Within the meeting it was confirmed:
- Council cannot demonstrate a 5-year supply of housing land as required by the NPPF.
 - The Council's housing requirement in Policy CP6 is out of date.
 - For the purposes of decision making, the lack of a demonstrable 5-year housing land supply means that the presumption in favour of development and the “tilted balance” set out in the NPPF is invoked.
 - The main issue is that the site is located in the Chaddesden/Spondon Green Wedge.
 - The 'tilted balance' would be a material consideration in dealing with a planning application and so the process of determining an application would be to identify the benefits and the adverse impacts, apply relevant 'weight' to each and then apply the tilted balance.
 - Public consultation with the local community and ward members was recommended.
- 3.2. The advice provided a clear indication as to what are likely to be the key considerations as part of the determination of a planning application.
- 3.3. The advice also led to the undertaking of public consultation with ward councillors and the local community.

Local Engagement with Ward Councillors

- 3.4. An in-person meeting was held with local ward Councillors in Spondon on 16th June 2023. An overview of the project and the history of the site was provided to the Councillors, as well as detailing the pre-application engagement exercises that were underway at the time.
- 3.5. It was confirmed that the intention was for an outline planning application for up to 90 dwelling was to be prepared and submitted. The Councillors provided an outline of their key concerns which included:
- No requirement for additional housing in Spondon.
 - Spondon has had its share of new housing historically.
 - Local road network wouldn't cope with additional vehicles.
 - Royal Hill Road suffers from access problems due to the primary school location.

- Councillors would want to maintain the Green Wedge and separation from Chaddesden, there is a need for a strong buffer between Spondon and Chaddesden.
- Local Infrastructure provision cannot cope with additional residents– Doctors and Dentists at capacity.
- Did not support the loss of a greenfield site.
- Identification of a need for affordable housing to allow existing residents to stay within Spondon.

3.6. The Councillors asked to be kept up to date and notified of the planning application submission.

Public Consultation

3.7. As part of the preparation of this submission, consultation with the nearest residents and businesses (including schools) has been undertaken, communication included:

- The distribution of leaflets to over 1,200 residents and businesses nearest to the site providing information relating to the development, asking for comments and directing them to the proposal's website;
- A website outlining the proposals and asking for comments;

3.8. A total of 239 responses have been received to date; 181 of these responses were received via the online comments form, the remaining 58 were received by post.

3.9. The key concerns/assertions received from the public consultation consisted of:

- **Transport**
 - There will be significant extra traffic in the local area as a result of development.
 - Traffic problems will be exacerbated during school drop off and pick up times, for Springfield Primary School.
 - There will be extra traffic routing through the village causing congestion.
- **Principle of Development**
 - Do not support development proposals on Green Belt Land.
 - Focus should be building new homes on Brownfield sites within Derby City Centre not greenfield sites.
- **Facilities and Services**
 - The doctors, dentists and schools are at full capacity. The development will increase waiting lists.
 - Spondon isn't served by a bus service.
- **Housing**

- There is a need for local housing for existing residents of Spondon.
- The density of housing proposed will be three times that of neighbouring streets.
- 30% affordable housing would not be appropriate in this location.
- Support for the construction of further homes in the village.
- There is no additional requirement for additional homes in Spondon.

- **Flood and Drainage**

- Flooding from the brook running at the bottom of the site causes large amounts of surface water after heavy rainfall.

- **Ecology and Biodiversity**

- Development will damage wildlife and force the rescue ponies on site to be relocated.
 - Development will have a big impact on local environment.
 - Development will see the loss of an important green space in Spondon .
 - The development will be an eyesore within beautiful countryside.

3.10. In general, the comments received on the proposed development were negative and against the principle of development and questioned the need for additional housing within Spondon and Derby. There were also technical concerns raised in relation to the impact on the highway network and the potential for surface water flooding. The impact on local infrastructure and facilities were also identified as a potential concern for local residents.

3.11. The comments were mostly directed towards the effects of development rather than the design of the layout. Most concerns raised will be addressed through the submission of appropriate assessments in relation to Transport, Flood Risk and Drainage and Ecology, where appropriate mitigation measures have been put forward.

4. Development Proposals

- 4.1. The planning application seeks outline planning permission with all matters reserved except for means of access into the site from Royal Hill Road for a residential development of up to 90 dwellings including related infrastructure, landscaping and open space.
- 4.2. Illustrative Masterplan (Ref: P19_2639_DE_001_F_01) identifies how the development is proposed to be brought forward, having regard to high quality design principles as set out in the Design & Access Statement.
- 4.3. The development would include 30% affordable housing provision (based upon a potential 80% for social or affordable rent and 20% properties for intermediate tenure split). As this is an outline planning application, the exact housing mix will be confirmed at the time of submission of detailed reserved matters. However, in accordance with Policy CP6 and CP7 the eventual mix will have regard to the Council's most up-to-date Strategic Housing Market Assessment (SHMA) in delivering an appropriate mix of housing.
- 4.4. The development provides for a new vehicular access into the application site from Royal Hill Road. The access proposals for the scheme are provided on drawing ref: RHR-BWB-GEN-XX-DR-TR-101-S2-P2 – PROPOSED SITE ACCESS ARRANGEMENT. In summary, the site would be accessed via a priority-controlled T-junction on Royal Hill Road, the carriageway measures 5.5 metres wide with 2 metres wide footways on both sides of the access. The kerb radii measure 6 metres on both sides of the junction and 43 metres visibility is achievable to both the north and the south.
- 4.5. Pedestrians will gain access to the site via the footways proposed on both sides of vehicular access. Footway links will be provided throughout the site to encourage active travel by residents. The pedestrian footways within the site will meet the existing pedestrian provisions on Royal Hill Road to the south of the junction. Whilst to the north the footway will terminate at the kerb radii, at this point a drop kerb crossing will be provided to enable pedestrians to cross on to the eastern side of Royal Hill Road to continue their journey. Connecting to the existing off-site infrastructure will allow pedestrians and cyclists to travel to off-site destinations.
- 4.6. The site also benefits from a wealth of PROW provisions routing through the open fields which surround the site both to the west and north. The development proposals allow access for pedestrians/cyclists onto the public footpath network via links at both the northern and southern extents of the site.
- 4.7. The public open space strategy around the site seeks to retain the existing trees (including four TPO trees) and hedgerows, using these existing features as the framework for the Masterplan, and the future character of the development. Notably, the most northerly field is being kept free from development for the exclusive provision of informal public open space. Overall, the site will deliver circa 2.22 ha of public open space. The existing retained features are integrated within a hierarchy of new public spaces, which will provide a variety of uses from natural areas integrating leisure routes and ecological enhancements, to a formal play space in the south of the site.
- 4.8. It is intended that Sustainable Urban Drainage (SuDS) features are integrated within the development to provide additional benefits such as visual amenity and enhanced biodiversity, whilst ensuring the surface water drainage is managed in a considered and

sustainable manner. The surface water drainage strategy has been a fundamental part of the development of the overall site development strategy. These areas have been sensitively developed to ensure they appropriately respond to the topography of the site and retain existing trees and hedgerows in-situ as part of a holistic landscape strategy.

- 4.9. The design principles that have informed the Masterplan and are set out in the Design & Access Statement, ensuring the development has identified and responded positively to the character of the site and its surroundings whilst respecting the local distinctiveness of its context.
- 4.10. Specific principles, character area and street typologies related to layout and detailed design are identified in Section 5 of the submitted Design and Access Statement. These principles are illustrative and will be addressed and confirmed at the time of the submission of a reserved matters application.
- 4.11. The illustrative street typologies have been developed alongside an illustrative strategy for the distribution of each typology around the site. Detailed analysis within the Design and Access Statement demonstrates that the street typologies provide a number of potential design solutions that help create legibility and character across the site.
- 4.12. Ecological enhancement is proposed across the site to deliver a potential on-site biodiversity net gain through the provision of modified grassland, an orchard, neutral grassland, SUDS, retaining of trees and hedgerows, the planting of tree and hedgerows and improvements to the ditch along the southern boundary of the site. These enhancements deliver a potential net gain of 11.31%.
- 4.13. Extensive technical work has been undertaken to ensure the proposed development is sustainable, mitigates potential impact to the natural environment and is of a high standard of design. The development of the scheme has included working alongside urban design, highway and drainage engineers, ecology, landscape and heritage consultants, amongst others, to provide the optimum development at this location.

5. Relevant Planning Policy and Guidance

The Development Plan

- 5.1. The development plan comprises of the following policy documents.
- **Derby City Local Plan Part 1 – Core Strategy (2017)**
- 5.2. This is the key planning document for the city which sets out a long-term strategy for the spatial development of Derby to 2028 provides a framework for promoting and managing development.
- **Saved Policies of the City of Derby Local Plan Review (2006)**
- 5.3. These development plan documents were adopted prior to the revised NPPF. In order for policies to be considered to be up to date they must be in general conformity with the policies contained within the NPPF.
- 5.4. Derby City Council have confirmed that from 25 January 2022, the Local Plan Part 1 had been in place for 5 years. The Council undertook a review of the local plan, in accordance with Regulation 10a The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) in order to confirm whether the plan and its policies are still effective, and to identify any areas which needed to be reviewed.
- 5.5. The Council's review concluded that the local plan's policies no longer reflect the national policy for housing delivery. This is because the Government's standard methodology for calculating housing needs changed in December 2020. The methodology now includes an extra 35% for local authorities in the top 20 urban centres in England (by population), including Derby.
- 5.6. As meeting housing needs is a key part of plan, the review concluded that a new local plan is needed to address the revised housing requirements. The review identified that with the exception of the housing requirement policies, full weight could be attributed to the remaining relevant policies of the Derby City Council Local Plan Part 1 (January 2017) due to their consistency with the Framework.
- 5.7. The relevant development plan policies to this proposal are set out below.

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

- 5.8. The Derby City Local Plan Part 1 – Core Strategy was adopted on 25th January 2017, the relevant policies are:
- **Policy CP1a – The Presumption in Favour of Sustainable Development** – identifies that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework (NPPF).
 - **CP2 Responding to Climate Change** – identifies that the Council is committed to tackling the causes and effects of climate change, ensuring that all development takes

account of opportunities to reduce greenhouse gas emissions and minimise the impacts caused as a result of a changing climate. Specific focus is given to Sustainable Design and Construction and Flood Risk and Water Management

- **CP3 Placemaking Principles** – highlights that the Council will expect high-quality, well-designed developments that will help raise the overall design standard of the city, particularly in the City Centre and other areas of significant change. Proposals of all scales should embrace the principles of sustainable development and take account of current best practice guidance.
- **CP4 Character and Context** – requires all proposals for new development will be expected to make a positive contribution towards the character, distinctiveness and identity of our neighbourhoods.
- **CP6 – Housing Delivery** – identifies that the Council wishes to enable the delivery of a minimum of 11,000 new mixed tenure, high quality homes in the City between 2011 and 2028 by allocating land in its Local Plan (Parts 1 and 2) and by setting out a development framework which facilitates the delivery of housing on appropriate sites.
- **CP7 Affordable and Specialist Housing** – requires the provision of a maximum of 30% affordable housing on residential developments on sites of 15 or more dwellings. A mix of tenures to include social rent, affordable rent and intermediate housing will be agreed by the Council on a site-by-site basis having regard to the most up to date Strategic Housing Market Assessment and any other relevant evidence.
- **CP16 Green Infrastructure** – requires that development needs to minimise and mitigate impacts and overall decline of biodiversity and, where possible, provide net gains. The policy also seeks to ensure that new residential development provides improvements to the public green space network either through new provision or improvements to existing spaces.

The policy seeks to identify Green Wedges as areas of land that define the City's neighbourhoods and seek improvements to enhance the wider green infrastructure network.

The policy also seeks to ensure that where new development has an adverse impact on a recognised important element of green infrastructure, that impact should be clearly understood, minimised and any residual adverse impacts mitigated for. As a last resort, the impact should be compensated for, either on-site or off-site. Any opportunities for enhancement and better management of the asset through development should be sought. In assessing the impact of the development, its need and benefit will be weighed against the harm caused to the green infrastructure

- **CP17 Public Green Space** – identifies that the Council will consider the following when applying the policy. 1) a public green space standard of 3.8 hectares per 1000 people or equivalent financial contributions and 2. accessibility standards set out in Appendix D (which are shown below)

Appendix D: Open Space Standards:

Open Space Type	Accessibility
City Parks	10 minute drive time / public transport (circa 8000m)
District Parks	15 minute walk time (roughly 1200m)
Neighbourhood Parks	10 minute walk time (roughly 800m)
Natural and semi-natural green space	10 minute walk time (roughly 800m)
Children's play areas	10 minute walk time (roughly 800m)
Facilities for young people	15 minute walk time (roughly 1200m)
Allotments	15 minute walk time (roughly 1200m)
Outdoor sports facilities	Not applicable

The Planning Obligation SPD details how the public green space standard can be broken down and applied practicably:

- Amenity green space of 1.4 hectares per 1,000 population
- Major open space of 2.4 hectares per 1,000 population

It also details that the provision of amenity green space will be sought from developments of 10 or more dwellings and that the provision of major open space will be sought from developments of 25 or more dwellings.

- **CP18 Green Wedges** – states that the Council will continue to identify Green Wedges as areas of land that define and enhance the City's urban structure, maintain the identity of the different residential neighbourhoods, provide an uninterrupted link to the countryside, form part of the wider green infrastructure network and play an important role in climate change adaptation.
- **CP19 Biodiversity** – seeks to avoid, minimise and mitigate the impacts on biodiversity and contribute to the City's ecological and geological resources resulting in a net gain in biodiversity over the plan period.
- **CP20 Historic Environment** – states that development proposals that would detrimentally impact upon the significance of a heritage asset will be resisted.
- **CP21 Community Facilities** – identifies that the Council will work with strategic partners and developers to provide City wide, high quality, accessible and inclusive facilities and services for the community.
- **CP23 Delivering a Sustainable Transport Network** – highlights that the Council will ensure that people living, working and travelling within Derby will have viable travel choices and effective, efficient and sustainable transport networks which meet the needs of residents and businesses while supporting sustainable economic growth and competitiveness by supporting:
 - greater travel choice and equality of opportunity for all through the delivery and promotion of high quality and accessible walking, cycling and public transport networks.

- initiatives to manage down traffic impacts, promote sustainable transport and the development of accessible sites.
- contribute to better safety, security and health for all.
- development located in accessible locations that are well served by frequent high quality bus services and which help to facilitate walking and cycling.
- development that connects residents to jobs, shopping, leisure, open space, health and educational opportunities
- development which implements, and/or contributes to, appropriate onsite and off-site measures to mitigate the impact of development.
- development which contributes to improving public transport, cycle and pedestrian infrastructure and public transport service provision
- **MHI Making it Happen** – identifies that through the use of planning obligations, the Council will ensure that new development will be supported by the necessary and appropriate infrastructure, such as:
 - Affordable housing
 - Education facilities
 - Pedestrian, cycle and public transport facilities, disabled people's access and services
 - Traffic management measures and road improvements
 - Water, sewerage, surface water drainage and flood defences
 - Health and community facilities
 - Provision of green infrastructure, including public green space, sport and recreation facilities
 - Public realm improvements and public art

5.9. Protection or enhancement of the City's cultural heritage

- Any other infrastructure deemed necessary to mitigate the impact of the development.

Saved Policies of the City of Derby Local Plan Review (2006)

5.10. Many of the Saved Local Plan policies have been superseded by the Core Strategy, however there is still an applicable policy in relation to the development.

5.11. Policy H13 – Residential Development – General Criteria identifies that a minimum average density of 35 dwellings per hectare on all developments will be sought, unless there are clear environmental reasons for a lower density.

Planning Obligations SPD, 2018

- 5.12. The SPD sets out detailed guidance on the Council's planning obligation requirements including affordable housing and is intended to provide assistance to those considering submitting planning applications for major development in Derby.

National Planning Policy Framework (NPPF/ The Framework), September 2023.

- 5.13. The Framework was originally published in March 2012. A revised version was subsequently published in July 2018 and then updated in February 2019 and then July 2021. More recently, the Government published the current version of the Framework in September 2023.
- 5.14. At the heart of the Framework is the presumption in favour of sustainable development; its policies are a material consideration in the determination of planning applications.

- **Section 2** (achieving sustainable development) at para 11 contains a presumption in favour of sustainable development and details how local planning authorities should consider planning applications when policies are out-of-date.

For decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- **Section 4** (decision-making) advises that local planning authorities should approach decisions on proposed development in a positive and creative way. Decision-makers at every level should seek to approve applications for sustainable development where possible. It continues that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.
- **Section 5** (Delivering a sufficient supply of homes) states the importance in delivering a high number of good quality market and affordable dwellings across the country to support the governments' objective.
- Paragraph 74 identifies that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic

policies, or against their local housing need where the strategic policies are more than five years old.

- **Section 8** (promoting healthy and safe communities) states that policies and decisions should aim to achieve health, inclusive and safe places that promote social interaction and enable healthy lifestyles.
- **Section 9** (Promoting sustainable transport) states that appropriate opportunities to promote sustainable transport modes can be, or have been, taken up are ensured. Safe and suitable access for all users must be achieved and that any impact on the highway must be mitigated to an acceptable degree.
- **Section 12** (achieving well-designed places) states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. With para 130 continuing that decisions should ensure that developments add to the overall quality of the area, are visually attractive as a result of appropriate and effective landscaping and are sympathetic to local character, including the surrounding landscape setting, while not preventing or discouraging appropriate innovation or change.
- **Section 14** (meeting the challenge of climate change, flooding and coastal change) states that new development should avoid increased vulnerability to the impacts of climate change.
- **Section 15** (Conserving and enhancing the natural environment) states that applications and decisions should enhance and contribute to the natural and local environment.

Planning Practice Guidance (the PPG)

- 5.15. The Planning Practice Guidance (PPG) reinforces and provides additional guidance on the policy requirements of the Framework.
- 5.16. The PPG also provides extensive guidance on the matter of design, including listing the planning objectives that can be achieved via good design. These include considering local character, landscape setting, safe, connected and efficient streets, crime prevention, security measures, access and inclusion, efficient use of natural resources and cohesive and vibrant neighbourhoods.
- 5.17. The role of health and wellbeing in planning is a consideration in the PPG: active healthy lifestyles should be encouraged, that are made easy through the pattern of development, good urban design, good access to local services and facilities; green open space and safe places for active play and food growing and are accessible by walking and cycling and public transport.
- 5.18. The PPG reiterates the importance of, and provides guidance on, the assessment of housing need, including affordable housing. With regards to housing delivery, it makes clear that past under-supply should be met, where possible, within the first 5 years of the plan period.

National Design Guide

5.19. The National Design Guide was published in October 2019 and sets out the characteristics of well-designed places and what good design means in practice. The document sets out the ten characteristics necessary to achieve high quality design:

- Context – enhances the surroundings;
- Identity – attractive and distinctive;
- Built Form – a coherent pattern of development;
- Movement – accessible and easy to move around;
- Nature – enhanced and optimised;
- Public spaces – safe, social and inclusive;
- Uses – mixed and integrated;
- Homes and buildings – functional, healthy and sustainable;
- Resources – efficient and resilient; and
- Lifespan – made to last.

6. Assessment of Development Proposals

- 6.1. Section 38(6) of the Planning and Compulsory Purchase Act, 2004 requires the determination of this application to be made in accordance with the development plan, unless material considerations indicate otherwise.
- 6.2. Whilst the Framework does not change the statutory status of the development plan as the starting point in decision making, it constitutes an important material consideration in determining applications. The Framework constitutes the Government's view of what sustainable development means in practice for the planning system.
- 6.3. The Government's objective in publishing the Framework is to secure a significant culture change in the way planning applications are determined, with a clear presumption in favour of sustainable development, with local planning authorities proactively driving and supporting sustainable economic development to deliver the homes, business and industrial units and infrastructure the country needs. A key message in the Framework is the need for positive planning to significantly boost the supply of housing to meet the full objectively assessed housing needs for an area.
- 6.4. For decision taking, the Framework requires local planning authorities to approve development proposals that accord with the development plan without delay and, where the plan is absent, silent or policies are out of date, approving planning permission unless the adverse impacts would significantly and demonstrably outweigh the benefits, or specific Framework policies indicate that development should be restricted.
- 6.5. Paragraph 11(d) of the NPPF requires that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (footnote 8 confirms this is applicable where a local planning authority cannot demonstrate a 5 Year Housing Land Supply), to grant permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 6.6. It is accepted by the City Council that there is only a 3.69 Year housing land supply, such that the 'tilted balance' at paragraph 11(d) applies. It is though appropriate to consider if the important policies for determining this application are out-of-date in any event.
- 6.7. For the purposes of this application, the development plan currently comprises of the Derby City Local Plan Part 1 – Core Strategy (CS) (2017) and the Saved Policies of the City of Derby Local Plan Review (2006). Due weight is to be given to relevant policies according to their degree of consistency with the Framework (para 219), the extent to which they can be considered out-of-date (para 11d) and the status of relevant policies in emerging plan (para 48). The important policies are considered to be CS policies CP6 Housing Delivery and CP18 Green Wedges.

Policy CP6 Housing Delivery

The Derby City Local Plan is beyond 5 years in age where the Council has concluded through a review of their Local Plan that the local plan's housing policies no longer reflected the national policy for housing delivery. The City's objectively assessed housing need over the CS plan period (2011-2028) was for 16,388 new dwelling (964 dwellings pa), of which Policy CP6 required a minimum of 11,000 of these (647 dwellings pa) to be built within the City over the plan period, the remainder was to be provided in South Derbyshire and Amber Valley as the other two authorities in the Derby Housing Market Area (HMA). Amber Valley has now confirmed it will not be planning for any of Derby's unmet need.

Further, and as a consequence of the Government's changes to guidance on calculating housing need for the top 20 urban areas, Derby's housing requirement is now subject to a 35% uplift, meaning the annual housing requirement is now 1,266 dwellings pa.

Policy CP6 is thus substantively out of date, notwithstanding the lack of a 5 year housing land supply.

- Policy CP18 Green Wedge

The Green Wedge policy is not a landscape designation, but one of land use control, and is therefore a policy to restrict the supply of housing. The Green Wedge designation does not seek to protect a landscape of any particular quality or amenity contribution, and does not consider other matters such as landscape character, its intrinsic value, or features and components. Green Wedge designation does not offer protection from the tilted balance as per footnote 7 to paragraph 11(d). In restricting the supply of housing, policy CP18 is considered to be out-of-date.

- 6.8. The proposed development is therefore to be considered under NPPF Paragraph 11(d) on two grounds: the lack of a 5 year housing land supply; and because the most important policies are out of date.
- 6.9. Having established the most important policies are out of date, an assessment is made of the development proposals having regard to relevant development plan policies.

Development Plan and Framework Considerations

- 6.10. The following sections consider the consistency of the proposals with relevant policies of the development plan that can be afforded weight in the determination of the application, and then considers the implications of the Framework and whether any specific policies indicate development on the site should be restricted based on the Masterplan and the supporting technical documents.
- 6.11. Where appropriate these consider the associated benefits and adverse impacts of development. The key areas of focus are:
 - Sustainable Development
 - Transportation
 - Landscape and Visual Impact / Green Wedge

- Affordable Housing
- Design
- Climate Change / Sustainability
- Flood Risk and Drainage
- Ecology
- Trees
- Heritage

Sustainable Development

6.12. Paragraph 8 of the Framework defines sustainable development as having three dimensions, economic, social and environmental:

- Economic – contributing to building a strong response and competitive economy;
- Social – supporting strong, vibrant and health communities; and
- Environmental – contributing to protecting and enhancing our natural built and historic environment.

6.13. These dimensions are important aspects in delivering a sustainable development and are considered below.

Economic

6.14. The proposed development will create a number of economic benefits through both the construction and operational phases. The proposed benefits are listed below:

Construction Impacts

- **Direct and indirect construction-related employment:** The proposed development will support an estimated **137 temporary roles on-site and in the wider economy** over the 24-month build programme.
- **Contribution of construction phase to economic output:** An estimated **£16.9 million of gross value added (GVA)** will be generated during the 24-month construction period.

Operational Impacts

- **Growing labour force:** For the 90 homes, an estimated **103 economically active and employed residents** are calculated to live in the new dwellings once the site is fully built and occupied. If residents show a similar employment profile to the existing working age population of Derby, around 45% could be working in higher value occupations.

- **Household spend:** Once fully built and occupied, the households are estimated to generate expenditure in the region of **£2.7million per annum**.
- **First occupation expenditure:** Once fully built and occupied, the proposed new dwellings will generate approximately **£576,000 in first occupation expenditure within 18 months**.
- **Increased Council Tax income:** The construction of the new homes could generate around **£180,820 per annum** in additional Council Tax revenue.

Social

- 6.15. The biggest social benefit resulting from the development is the delivery of much needed housing and particularly the delivery of affordable housing. With only 3.69 years' supply of deliverable housing land, the Council are in urgent need of more housing to meet the City's needs.
- 6.16. Over the 11 years from 2011 to 2022, net housing completions in the City have totaled 6,130 dwellings, just 557 dwellings pa – 1,000 dwellings below the reduced CS plan figure. A further 812 dwellings pa would be required for the Council to meet its reduced CS housing figure to 2028, and the standard method housing requirement figure is now at 1,266 dwellings pa. This is a significant problem that requires urgent action.
- 6.17. In respect of affordable housing, the Derby HMA Strategic Housing Market Assessment Update July 2013 used to inform Policy CP7 identified a 5 year net requirement for 5,174 affordable dwellings, an annual requirement for 1,034 affordable dwellings. A review of the Derby City Authorities Monitoring Report (2021/22) identified that over an 11 year period Derby City Council have averaged 175 affordable dwellings per annum (delivery of 1,925 dwellings over the 11 year period), identifying a significant shortfall against the target identified to inform the Core Strategy. The delivery of a policy compliant affordable housing should be given significant weight in the determination of the planning application.
- 6.18. The proposals will contribute towards the Council's five-year housing land supply position and will deliver social gains through meeting local housing needs in Derby through the mix of house types and affordable housing to be delivered. The development of the application site will deliver housing to help meet Derby City Council's housing requirements and assist the achievement of the Government's objective of significantly boosting the supply of new homes.

Environmental

- 6.19. Further detail is provided below, but in summary the proposal seeks to respect the landscape context, minimise the loss of hedgerows and trees, protect habitats and with new planting and management, provide ecological enhancement. Constraints relating to landscaping, trees, ecology, transport and drainage have been carefully considered and have influenced the layout.
- 6.20. The proposals will help to mitigate future climate change through reducing CO2 emissions by building new homes in a highly accessible location and therefore reducing the need to travel by car. The provision of a sustainable drainage strategy utilizing the existing capacity available together with green infrastructure and landscaping will help to ensure that the development is resilient to future climate change impacts. The strategy for the design of

new housing will consider appropriate efficiency and generation initiatives through the development of a detailed development scheme. The development scheme will likely be guided by the Future Homes Standard that is due to be applicable in 2025.

- 6.21. This proposed development is considered to deliver on the three dimensions of sustainable development in accordance with the Framework and CS Policy CP1a.
- 6.22. The remainder of this section considers the proposals in more detail, having regard to more technical matters and related policy considerations.

Transportation

- 6.23. BWB Consulting Ltd (BWB) has provided transportation advice and prepared a Transport Assessment and Travel Plan to support this planning application.
- 6.24. The assessment confirms that access to the site will be achieved via a priority-controlled T-junction on Royal Hill Road, the carriageway would measure 5.5 metres wide with 2 metres wide footways on both sides of the access. The kerb radii would measure 6 metres on both sides of the junction and 43 metres visibility is achievable to both the north and the south. Pedestrians will gain access to the site via the footways proposed on both sides of vehicular access. Footway links will be provided throughout the site to encourage active travel by residents. The pedestrian footways within the site will meet the existing pedestrian provisions on Royal Hill Road to the south of the junction as well as the extensive network of PRow's surrounding the site.
- 6.25. The development site is with 800m or a 10 minute walk of many day to day services and facilities, including: Springfield Primary School, West Park Secondary School, Chapel Street Medical Centre, Spondon Local Centre with a range of shops and services. Similarly, given the areas contained within cycling distance of the site and the nature of the roads surrounding the site, there are good opportunities for cycle travel between the site and the local area. There are a number of good quality PRow's which provide traffic free routes to surrounding areas.
- 6.26. The site is also accessible by public transport, utilising the Spondon S2 Shuttle Bus to access the regular Ilkeston Flyer service which routes through Spondon. This provides future residents with the opportunity to travel to and from the site via public transport. The closest bus stops for the S2 Shuttle Bus are located within 500 metres of the site.
- 6.27. As part of this TA, five junctions have been assessed, four of which were shown to operate within capacity for the most onerous scenario assessed (2028 Design Year Base plus Committed plus Development). The results of the junction modelling have been supported by queue survey data obtained.
- 6.28. The Willowcroft Road/Nottingham Road signal junction is shown to operate over capacity in the morning peak period for the '2028 base + Com' and '2028 Base + Com+ Dev' scenarios. However, there are existing capacity issues at this junction during the peak periods, as was confirmed by DCC. The proposed development impact on the operation of this junction is also negligible. Therefore, in accordance with Paragraph 111 of the NPPF, it is considered that the proposed development would not have a "severe residual cumulative impact" and hence no mitigating improvements are deemed to be necessary.

- 6.29. The Transport Assessment demonstrates that the infrastructure surrounding the development site is adequate to accommodate the proposed person trips associated with the development including, pedestrians, cycles and public transport users.
- 6.30. In conclusion, the TA has demonstrated that the development proposals would have no material impact on the operation of the local highway network. Consequently, under the guidelines set out in the National Planning Policy Framework, and the Local Plan Policy CP23 – Delivering a Sustainable Transport Network, the proposals represent sustainable development and should be acceptable in highways terms.
- 6.31. A Travel Plan has also been prepared which seeks to ensure that the development promotes the opportunities and benefits of sustainable modes of with the aim of achieving a 10% reduction in car driver modal share within the Travel Plan monitoring period.
- 6.32. The proposed target contained within the Travel Plan is in accordance with the Framework and Local Plan Policy CP23 – Delivering a Sustainable Transport Network.

Landscape and Visual Impact/Green Wedge

- 6.33. A Landscape and Visual Impact Assessment has been prepared by Pegasus Group to consider the landscape and visual impact of the proposed development. The assessment also considers the impact of the development on the function of the Chaddesden / Spondon Green Wedge.

Landscape Impact

- 6.34. The likely landscape impacts identified within the assessment are concerned with the physical changes to the site and the loss, or potential loss, of physical elements and features. Aside from the physical changes to land use and the removal of some select sections of hedgerow to facilitate the scheme, the landscape impacts would be concerned with the perception of these changes and subsequent impact on the character and appearance of the landscape.
- 6.35. There will be limited change to the underlying topography of the Site, restricted principally to creation of building platforms within the development envelope together with profiling of the attenuation basins. Areas of the Site retained as green infrastructure would remain as per current levels and overall the landform will continue to read as part of the gently rising slope up to the north.
- 6.36. The development envelope sits across four field compartments (wholly or in part). One internal hedgerow is proposed for removal due to the narrow dimensions of the smallest field, however, the pattern of fields demarcated by hedgerows is otherwise retained and incorporated into the overall structure of the development and its GI framework, defining discrete blocks of dwellings. Broadly therefore the scale and pattern of the landscape remains in-tact; furthermore, the proposals include for new hedgerow planting to infill gaps in boundary vegetation or provide hedgerow to the boundary where this is currently only formed by fencing; this reflects character guidance in terms of both hedgerow creation and enhancement of such features.
- 6.37. Whilst physical changes would be limited to the Site only, the perception of change in landscape character terms would extend only a very limited distance beyond the Site. This is due to the containment and influence upon the Site (physically and visually) by the existing

settlement edge to the east and Derby's suburbs to the west, and the rising topography to the south and high ground to the north. The perception of any change in character will be restricted and highly localised. This limits the magnitude of impact in terms of spatial area and scale.

- 6.38. Change to the character will include the extension of the settlement edges into the current agricultural context in this small parcel of the landscape. However, such a change will be experienced against the backdrop of the existing settlement edge and the proposed development will not extend the settlement pattern further west, north or south than is currently present in the local landscape. This settlement edge forms part of the baseline against which the impacts on the Site will be set and consequently this limits the overall degree, or magnitude, of impact.
- 6.39. Green infrastructure and structural landscape planting proposed as an inherent part of the scheme would contribute to the mitigation of impacts of the built components of the proposed development. Landscape proposals along the west seeks to reinforce the boundary between the Site and the agricultural landscape to the west. Public open space and orchard planting provides recreational opportunities in the north, with ecological enhancements proposed in the north and south by way of meadow creation, informal structural planting and habitat diversity.
- 6.40. In terms of mitigation inherent in the proposed development, retained hedgerows are used as the basis for the creation of green corridors through the development, with additional benefits to existing landscape elements achieved through new planting that reflects local character as appropriate (including use of native species). The implementation of long-term management and maintenance plans would ensure that both existing and proposed landscape components continue to establish and mature to form additional screening and filtering around and within the Site.
- 6.41. The landscape assessment identifies that the perception of change in landscape character terms would extend only a very limited distance beyond the Site due to both physical and visual containment of the Site within the local landscape. Consequently, it is considered that development proposals within the Site would not result in any impacts upon the Plateau Estate Farmlands, and this is reflected in the assessment of landscape effects in the above table: this LCT lies well beyond the small valley in which the Site sits, at 0.8km to the north-east at its closest point, and there is very little intervisibility. Furthermore, the Site is separated from the LCT by the north-west of Spondon and the covered reservoir compound and built structures.

Visual Impact

- 6.42. The assessment identifies that the likely visual impacts associated with the proposed development will be limited to a range of receptors in the immediate and local context of the site. These are considered to comprise:
- Existing residential receptors (circa 15) located immediately east along Royal Hill Road. A small number of residents (around 6) would have a direct view of the proposed built form of residential dwellings and / or the Site access. A further 6 would back towards the Site at short distance or have oblique views including existing property at least partially obscuring the view of the Site. Mitigation is incorporated including a new

hedgerow along the eastern boundary, avenue planting along the access road, and open space along the southern boundary, towards which 3 properties would front;

- Users of the PRoW between Acorn Way and Royal Hill Road passing to the south of the Site: these receptors would experience views looking primarily across the western portion of the Site on the approach at short distance, where elevation offers brief opportunities for views into the Site beyond southern boundary vegetation. These would focus on open space in the south-west and adjoining new residences in the western half of the development envelope. Passing the Site itself, views of the Site would be heavily screened by retained vegetation together with new planting in the south, even in winter. Glimpses would be possible via pedestrian connection points into the Site, where housing would be briefly visible beyond (and fronting onto) green space and planting;
- Users of the PRoW between Locko Road and Morley Road close to the northern extents of the Site: views of the proposed development comprise a couple of brief glimpses along this route via a gap in vegetation to the north-east, and close to the northern corner of the Site which vary depending on position. Opportunity for views rapidly disappears away from the Site due to topography or existing settlement. Glimpses can comprise partial restricted views of new housing seen in the context of existing buildings at Royal Hill Farm or focus upon the open space and structural landscape proposals in the north of the Site and along its northern boundary. Consequently, it is considered that these receptors would briefly experience both adverse and beneficial changes to their views;
- PRoW receptors along limited sections of paths at elevated locations: views from bridleways and footpaths that are unimpeded by intervening vegetation in the landscape or by hedgerows / trees along their routes are limited, however there are a select number of locations where views towards the Site are possible. From here, change to views is considered to be limited to additional structural landscape elements within the north-most extents of the Site.

6.43. The proposed development would result in only limited effects on local visual amenity, with notable effects limited to locations immediately adjacent to the Site and approaching at short distance.

6.44. Furthermore, the visual assessment demonstrates the positive influence of mitigation that is inherent in the proposed development, with the various assessments between Year 1 and Year 15 demonstrating a reduction in impact and effect, particularly from the north where views are not considered to be subject to impacts greater than Negligible in any case. The ability to successfully mitigate potential impacts is a key consideration in respect of potential visual effects.

6.45. In longer distance views towards the Site from the wider landscape surrounding Spondon, the proposed development is unlikely to be visible in the view, or if visible, no greater than Negligible significance and focused primarily upon the structural landscape elements of the scheme which represent positive enhancement to the existing green infrastructure of the Site.

6.46. The Landscape and Visual Impact Assessment concludes that the Illustrative Layout for the proposed development incorporates a robust and extensive landscape mitigation strategy

included as an inherent part of the scheme that will avoid and minimise potential adverse effects. Furthermore, in the context of the very limited and highly localised landscape and visual effects.

- 6.47. It is considered that the development proposals with the extensive landscape mitigation would not result in adverse impacts in the context of Policy CP4 Character and Context and CP16 Green Infrastructure and the Framework.

Green Wedge Function

- 6.48. As part of the Landscape and Visual Impact Assessment a Green Wedge review has been undertaken to consider the proposed development against the functions of the Green Wedge.
- 6.49. It is important to note that a Green Wedge is not a landscape designation, but one of land use control, whereby areas of Green Wedge primarily seek to guide the development form of urban areas, with policy designed to retain the functions of the Green Wedge. Green Wedge designation does not seek to protect a landscape of any particular quality or amenity contribution, and does not consider other matters such as landscape character, its intrinsic value, or features and components.
- 6.50. Policy CP18 Green Wedges states that the Council will continue to identify Green Wedges as areas of land that define and enhance the City's urban structure, maintain the identity of the different residential neighbourhoods, provide an uninterrupted link to the countryside, form part of the wider green infrastructure network and play an important role in climate change adaptation.
- 6.51. The table below (taken from the submitted Landscape Visual Impact Assessment) considers the both the site's contribution to Green Wedge Function and the impact development would have on the function of the Green Wedge in the context of the aims and function of Policy CP18 Green Wedges.

Green Wedge Function	Contribution of the Site to Green Wedge function	Impact upon the Green Wedge Function
Definition of the edges of Chaddesden and Spondon, contributing to their separation character and identity	<p>The site is located directly adjacent to the eastern edge of Spondon. There is existing development to the north and south of the Site in the form of the reservoir and masts, and the schools.</p> <p>At its narrowest, this green wedge is currently just under 270m (from Acorn Way to development associated with the school).</p>	<p>Whilst the proposed development will extend new built form slightly closer to the settlement edge of Spondon to the east, it will be well contained by a combination of new and existing landscape / green infrastructure.</p> <p>On a statistical basis, the minimum distance as a consequence of built form within the Site would be comparable with the existing 270m narrowest point.</p> <p>In terms of separation from Chaddesden, a tract of open undeveloped land will be retained between the two settlements. The built form within the Site is situated where existing residences in</p>

		<p>Spondon directly front onto or adjoin land within the Site. Additionally, the Site does not narrow the gap any further than is already evident and extends no further west than existing built form.</p> <p>It is not considered that the proposed development would adversely impact this function.</p>
Provide a break in the urban landscape and reduce the feeling of urban sprawl	<p>The Site adjoins Spondon which has a more variable developed edge, compared to the edge of Chaddesden which is not generally visible from the GW and has a sense of containment due to vegetation along Acorn Way. However, there are few publicly accessible locations from within the GW where the Site is visible, particularly given the undulating nature of this tract of landscape which together with vegetation provides a notable degree of enclosure in places.</p>	<p>In the context of the proposed development, a robust and material break between the two settlements would be retained. Where views or glimpses across this green wedge are possible, these would still generally include the undeveloped countryside or would be enclosed by proximate vegetation to a varying degree.</p> <p>It is not considered that the proposed development would adversely impact this function.</p>
Penetration of the countryside into the urban area, together with recreational and biodiversity opportunities	<p>Examining the GW's axis, this extends southwards from the open countryside to the north down to the A6005, and along the Lees Brook to the west. The Site does not sit along the axis, as it is more located directly on to the edge of the GW adjoining Spondon. The PRoWs past the northern and southern boundaries provide connections into and across the GW.</p>	<p>The proposed development would not interrupt the southward penetration of the countryside between Spondon and Chaddesden, nor interrupt the existing connections between Spondon and countryside within the GW.</p> <p>It is not considered that the proposed development would adversely impact this function.</p>
Flood storage provision and natural soakaway opportunities	<p>The Site is greenfield land but does not currently perform any identified flood storage role and slopes from north to south towards a ditch away from the south-west of the Site.</p>	<p>The scheme includes sustainable drainage features to accommodate surface water run-off from the proposed development itself.</p> <p>It is not considered that the proposed development would adversely impact this function.</p>
Accommodating educational establishments	<p>The Site constitutes private land and is neither accessible to the school nor provides a related function.</p>	<p>The school sites and playing fields nearby (and connections to them) would continue to function as currently.</p> <p>It is not considered that the proposed development would adversely impact this function.</p>
Providing a 'green lung'	<p>The Site includes a number of hedgerows, hedgerow sections and trees, although several of the field</p>	<p>A single hedgerow and some short sections of hedgerow through the Site would be removed to facilitate the built development, however, the proposed development includes</p>

	boundaries are partially or wholly fenced. The Site itself is grazed.	<p>several new lengths of hedgerow, gapping up of existing hedgerows, meadow creation, and new tree planting in the north and south of the Site (including the orchard) which all together is considered to exceed that which has been removed.</p> <p>While addressing the impacts of climate change is relevant to a variety of environmental factors (such as flooding / drainage and biodiversity), the landscape infrastructure provides a robust framework to the development, facilitating habitat creation, BNG and storm water management.</p> <p>It is not considered that the proposed development would adversely impact this function.</p>
Providing space for agriculture	The Site currently comprises a series of paddocks within the fields used for horse grazing, and consequently not strictly in agricultural use.	<p>Neither the proposed residential development nor the creation of new open space would involve the loss of agricultural land.</p> <p>It is not considered that the proposed development would adversely impact this function.</p>
Providing recreational opportunities	While there are two public rights of way passing the Site boundaries, there are no public routes or access through the Site nor any public use within it.	<p>The development represents an opportunity for increased recreational benefits for existing and new residents. The existing PRowS will be retained as existing and the proposals involve the creation of new footpath connections between the PRowS to north and south, and around open space within the scheme itself.</p> <p>It is not considered that the proposed development would enhance this function.</p>

- 6.52. Overall, it is considered that the proposed development would not result in adverse impacts upon the identified function of the Green Wedge to the extent that those functions would not remain intact. It is established that through the mitigation proposed by way of the layout, new green infrastructure and recreational opportunities there may be the opportunity for positive enhancements to some of the Green Wedge's functions.
- 6.53. The proposed development conflicts with Policy CP18 by proposing residential development within a Green Wedge. The above discussion however details how the development minimises the degree of harm and identifies where enhancements could be achieved..

Affordable Housing

- 6.54. The proposed development will provide 30% on-site affordable housing provision, the development would include a range of house types and tenures of varying sizes, and be based upon a potential tenure split of 80% social or affordable rent and 20% intermediate tenure. As this is an outline planning application, the exact housing mix will be confirmed at the time of submission of detailed reserved matters. However, in accordance with Policy CP7 the eventual mix will have regard to the Council's most up-to-date Strategic Housing Market Assessment (SHMA) in delivering an appropriate mix of housing. The proposed affordable housing provision will be secured by a S106 Agreement which is in accordance with the requirements of Policy CP7 Affordable and Specialist Housing and the NPPF.

Design

- 6.55. A Design and Access Statement has been prepared in support of the outline planning application. The purpose of the Design and Access Statement is to explain how the proposed development is a suitable response to the site and its setting and demonstrate that it can be adequately accessed by prospective users.
- 6.56. Section 4 of the Design and Access Statement sets out the key design principles that have guided the development of the Masterplan. These development principles incorporate the key elements of the Policies CP3 Placemaking Principles and CP4 Character and Context applicable to the submission of an outline planning application, ensuring that the development has identified and responded positively to the character of the site and surroundings and respect the local distinctiveness of its context.
- 6.57. Specific details and principles related to layout and detailed design are identified in Section 5 of the DAS, these principles are illustrative and will be addressed and confirmed at the time of the submission of a reserved matters application. Nonetheless, the development site offers a high-quality design and best practice to create a townscape that is both varied, and yet sympathetic to its environment. The development seeks to achieve a strong identity and distinct sense of place, whilst at the same time integrating with the existing community by replicating approved key design principles. The development conforms with the design principles set out in Local Plan Policy CP3 and CP4.
- 6.58. The DAS also provides details regarding the built form and density of the site. The DAS confirms that the application is for up to 90 dwellings and in order to achieve this an average density of 40 dwellings per hectare (dph) would be required across the site.
- 6.59. The DAS comments that the Masterplan allows for the formation of differing densities across the development. The height and massing of the proposed development varies across the site according to the nature of the public realm to be created. The majority of residential development will be 2 or 2.5-storey, reflecting the surrounding built form of Spondon. It is acknowledged that feature 3 storey buildings or apartments can add to the legibility and attractiveness of development and their use is encouraged to achieve the density required to ensure the efficient use of land.
- 6.60. Variety in the heights and massing of the residential buildings can be achieved through the use of a range of house types and sizes, ranging from smaller 1 and 2 no. bed apartments, through to larger 4 and 5-bedroom detached houses.

- 6.61. The proposed approach to built form is considered to accord with the approach set out in Saved Local Plan Policy H13.

Climate Change / Sustainability

- 6.62. Policy CP2 – Responding to Climate Change requires the identification of how the development responds to climate change. The policy includes consideration of Sustainable Design and Construction. Most interventions to provide an appropriate response to climate change will be detailed as part of a reserved matters application. Nonetheless, the following principles are outlined for the development that will form part of the detailed design of the site. The Design and Access Statements sets out how this will be approached with a focus towards

- Sustainable Building Techniques
- Building Regulations
- Materials & Waste Recycling
- Landscape Design & Microclimate
- Sustainable Drainage Systems
- Sustainable Communities
- Siting and Building Orientation

Sustainable Building Techniques

- 6.63. The proposals will be delivered in line with current building regulations, and where appropriate, will be built with sustainable building construction techniques. Sustainable construction measures could comprise a combination of the following measures:

- Improved energy efficiency through careful building siting, design and orientation;
- Sustainable Drainage systems (SuDs);
- Considering fabric efficiency in the design of buildings;
- Use of building materials capable of being recycled; and
- An element of construction waste reduction or recycling.

Building Regulations

- 6.64. The proposed development should accord with the very latest building regulation requirements, that emphasise the high levels of building fabric insulation and other materials required to reduce energy and resource requirements. Detailed information regarding the proposed construction methods proposed to achieve buildings regulation compliance will be submitted at the detailed design stage.

Materials and Waste Recycling

- 6.65. Materials selected for construction, including hard and soft landscaping elements, should be carefully chosen to ensure that they are high-quality, durable and that 'whole life costs' are manageable. Sustainable choices will reduce initial manufacturing environmental impacts, long-term maintenance costs and waste from construction, whilst maximising resilience and buildings lifespans.

Landscape Design & Micro-Climate

- 6.66. The strategic use of tree planting can mitigate against some of the impact of colder northerly winds. Where possible the development has been designed to be self-sheltering.

Sustainable Drainage Systems

- 6.67. Development has been located away from areas of surface water and fluvial flooding. Surface water run-off rates will be managed by the use of Sustainable Drainage systems (SuDs) onsite, to ensure that the development does not impact on the surrounding area.

Sustainable Communities

- 6.68. The development proposals make effective use of the site, with residential development located adjacent to the existing built form of Spondon, ensuring that the development delivers housing in a location that is both sustainable as well as reducing the reliance on car ownership.
- 6.69. Areas of green space have been incorporated into the proposals with substantial areas of publicly accessible open space, comprising formal and informal amenity open space, play facilities, kickaround area and an orchard, encouraging opportunities for social and community cohesion. A mix of house types, tenures and sizes are proposed, limiting social exclusion and ensuring the creation of a truly varied and mixed community.

The proposed details outlined above and contained within the Design and Access Statement confirms that the development's approach to climate change and sustainability accord with the principles set out in Policy CP2 – Responding to Climate Change.

Flood Risk

- 6.70. A further requirement of Policy CP2 – Responding to Climate Change is the consideration of flood risk and drainage. A Flood Risk Assessment and Sustainable Drainage Statement has been prepared by BWB Consulting in support of the submission of this outline planning application.
- 6.71. This report demonstrates that the proposed development is at an acceptable level of flood risk, subject to the recommended flood mitigation strategies being implemented.
- 6.72. The Environment Agency (EA) Flood Map for Planning shows the site is located entirely within Flood Zone 1 (land at low risk of flooding from rivers and the sea). The nearest EA Main River to the site is the Chaddesden Brook located approximately 840m northwest of the site. The nearest fluvial flood extents are located approximately 320m north of the site attributed to the ordinary watercourse known as the Lees Brook. EA Light Detection and Ranging (LiDAR)

data shows the site is elevated at least 10m above the nearest Flood Zone attributed to the Lees Brook.

- 6.73. An Unnamed Ordinary Watercourse (UOW) is located adjacent to the southern site boundary. To understand the risk associated with this watercourse, BWB Consulting have undertaken a direct rainfall hydraulic modelling exercise. The modelling shows that the predominant risk to the site is a pluvial flow route which flows across the southern site boundary that is offset from the watercourse.
- 6.74. EA Risk of Flooding from Surface Water Mapping shows the site as a whole to be at an overall very low risk of pluvial flooding, with no surface water ponding shown within the site. Mapping also shows the presence of a low to high risk pluvial flow route along the southern site boundary. The direct rainfall hydraulic modelling undertaken supersedes the EA mapping as it is specific to the application site. The results from the modelling exercise show the south of the site to be at risk of pluvial flooding for all modelled storm events.
- 6.75. Post-development modelling was undertaken to understand the impact the development would have on flood risk to the site and surrounding areas. Across all post-development modelled events, there is shown to be no change (within model tolerances) in modelled flood levels across the majority of the model domain, with flood levels shown to slightly decrease downstream of the site. Therefore, the development is not expected to lead to a detriment in flood risk both on-site and downstream.
- 6.76. To mitigate the pluvial flood risk to the site, it is recommended that finished floor levels of the proposed dwellings are raised 600mm above the 1 in 100-year +40% climate change level or 150mm above surrounding ground levels, whichever is greater.
- 6.77. The site's access and egress route via Royal Hill Road is shown to be subject to surface water flood depths of up to 400mm which presents a significant (Danger for Most) hazard, for an approximate 6m stretch, during the 1 in 100-year +40% climate change design scenario. In the event of flooding, alternative safe pedestrian access and egress can be achieved via the footpath to the north of the site onto Longley Lane. It should be noted that the emergency service vehicles can still cross this area of significant hazard to reach the site during a flood event.
- 6.78. The site has been assessed against other sources of flood risk including canals, groundwater, reservoirs and large waterbodies, and sewers. The overall risk posed by these sources is considered low and therefore these sources do not preclude development. The raising of finished floor levels will provide mitigation for any residual flood risks. Furthermore, ground levels should be profiled to encourage pluvial runoff and overland flows away from the built development and towards the nearest drainage point.
- 6.79. The site has been sequentially arranged to locate all proposed residential development outside of the 1 in 100-year +40% climate change pluvial flood extent. Derby City Council have confirmed that a Sequential Test is therefore not required.
- 6.80. The development will increase the area of impermeable surfaces, increasing the rate of runoff from the site. To mitigate the development's impact on the current runoff regime it is proposed to incorporate surface water attenuation and storage as part of the development proposals. It is proposed to drain used water from the development separately to surface water.

- 6.81. In compliance with the requirements of the NPPF, and subject to the mitigation measures proposed, the development could proceed without being subject to significant flood risk. Moreover, the development will not increase flood risk to the wider catchment area subject to suitable management of surface water runoff discharging from the site. It is considered that the proposed development also accords with Policy CP2 and the Framework.

Drainage

- 6.82. The drainage statement prepared by BWB Consulting identifies that the development of the site will result in an increase to the impermeable area within the site. To mitigate this, a surface water drainage strategy is proposed which will attenuate surface water flows within the development and discharge surface water from the site at a restricted rate equivalent to the existing greenfield runoff rate.
- 6.83. In order to comply with the Non-Statutory Technical Standards for Sustainable Drainage Systems S2-S610, it is proposed to restrict the rate of surface water leaving the site to the equivalent greenfield QBAR rate (8 l/s) for all events up to and including the 1 in 100-year plus climate change critical storm.
- 6.84. At this outline design stage, it is expected that a minimum of 1,415m³ of attenuated storage will be provided to cater for the maximum anticipated runoff volume for all storm durations up to the 1 in 100-year return period storm, including a 40% climate change allowance and 10% allowance for future urban creep.
- 6.85. The final required attenuated storage volume will be determined during the detailed design stage, once the development layout and drainage areas are fixed. However, the details outlined here demonstrate a solution is feasible that complies with guidance and can be accommodated within a suitable layout.
- 6.86. In relation to SuDS, the following feature has been utilised within the strategy.

- Detention Basin

- 6.87. Additionally, further SuDS features could be considered within the development at detailed design, such as: water butts, rain gardens, tree pits and permeable paving. The use of additional source control SuDS within the development would provide further water quality, biodiversity and amenity benefits to the site post-development.
- 6.88. The proposed drainage strategy demonstrates that the drainage design for the development will comply with the relevant local and national standards, specifically the hierarchy of discharge, runoff rate and volume criterion and is considered to accord with Local Plan Policy CP2 and the Framework.

Ecology

- 6.89. TetraTech have undertaken an Ecological Assessment of the development site. The purpose of the Ecological Appraisal is to provide an assessment of the habitats present on site and the likelihood/evidence of protected and / or notable species presence within and immediately adjacent to the site. This report details the results of the ecological appraisal which includes the results from the desk study search (2km search radius from the centre of the site) and the extended phase 1 habitat survey which was undertaken on 20th April 2022.

A further bat emergence survey of buildings B3 and B4 and endoscope inspection of the tree T1 was undertaken on 8th of August 2022.

- 6.90. The ecological assessment identified the following designated sites were located within 2km of the site:
- One statutory designated site (LNR)
 - 14 non-statutory designates sites (LWS, pLWS)
 - The site also falls within the Impact Risk Zones for two SSSI's.
- 6.91. The assessment identified that habitats found on site consist of hedgerows, improved grassland, scattered broadleaved trees, scattered scrub, buildings, bare ground, hardstanding, fencing and a ditch.
- 6.92. The assessment also identified that the site was considered to have potential to support nesting birds, badgers, roosting, foraging and commuting bats, hedgehogs, barn owl, GCN and reptiles.
- 6.93. The ecological assessment made recommendations for the following to mitigate the impacts of development.

Further protected species surveys

- Birds – Nesting bird check required prior to the commencement of works on the site.

Key recommendations of the report are:

- Bats, Birds and invertebrates – Planting up and managing newly planted hedgerows and incorporating nectar rich and seed / fruit producing plant species into the landscape plan for the development area.
- A wildlife friendly lighting scheme is recommended across the entire site. Where possible, all lighting should be baffled to limit light spill onto vegetated habitats and the night sky, focusing on designated footpaths or roads.
- A CEMP to be produced to mitigate impacts on the non-statutory designated site.
- PMW to be produced and followed on site with an ECoW present on site for badgers, GCN, reptiles, hedgehogs and nesting birds.
- Soft felling is also required to be conducted on trees T1 and T2 which will be lost during site proposals.
- Pre-commencement badger and barn owl surveys 6 months prior to development works commencing.
- Roost protection zones recommended around the trees with bat roosting potential on site to be retained.

- Hedgerows to be created on site to mitigate for removal of H2 and the further removal of short sections of other hedgerows.

- 6.94. The ecological assessment confirms that provided the measures within this report for further survey and mitigation can be adopted, it is anticipated that a design could be brought forward for this site that would be compliant with current local and national biodiversity planning policy.
- 6.95. Supporting the ecological assessment is a Biodiversity Net Gain Assessment which considers the Post-Development Plan which has been assessed using the DEFRA Metric V4.0. The results of which show that the proposed development at outline stage has the potential for a net gain of 11.31% for habitats, a net gain of 32.25% for hedgerows and a net gain of 78.09% for watercourses with the trading rules satisfied.
- 6.96. It is considered that the proposed development seeks to avoid, minimise and mitigate the impacts on biodiversity and contribute to the City's ecological and geological resources by providing a meaningful biodiversity net gain in accordance with Policy CP16 Green Infrastructure and Policy CP19 Biodiversity and the Framework.

Trees

- 6.97. Bramley Tree Consultancy Ltd have undertaken an Arboricultural Assessment to consider the impact on trees of development proposals. The assessment is based on a tree survey carried out in accordance with BS5837:2012.
- 6.98. The survey of trees assessed a total of 33 trees, groups and hedges. The majority of the trees are Category C, with only three being classed as Category A.
- 6.99. Three trees, T25, T28 and T32 are all Oaks that have been Categorised as A these are seen to be significant trees within the site. The trees are in good condition and provide amenity value to the adjacent road and residential estate. Two of these trees are protected by Tree Preservation Order 179.
- 6.100. The report concludes that the majority of the trees on site are within the boundary hedgerows that consist mainly of Hawthorn, Blackthorn with some Elder and Elm. There is a handful of significant trees on site, with the remainder being small trees or smaller trees that are situated within the boundary hedges.
- 6.101. The hedgerows on site are within Category B and C, and, although they are not situated within Category A, due to their ecological value to area it is recommended that these hedgerows be retained where possible.
- 6.102. There are three Category A trees, all of which are good quality Oaks that are visible from the adjacent road and residential area. It is recommended that these trees be retained within the proposed development.
- 6.103. There is a handful of smaller Category B trees within the main site, although these are not significant trees, their presence within a development would provide a good level of amenity value.
- 6.104. The assessment confirms that there is sufficient scope and space to be able to sympathetically develop this area, whilst retaining a good level of the tree cover and proving

space for mitigation planting where required. The approach shown on the submitted Masterplan sets out an appropriate strategy for the retention of trees and hedgerows and is considered to accord with Policies CP16 Green Infrastructure and CP19 Biodiversity and the Framework.

Indicative Landscape Masterplan and Open Space Provision

- 6.105. An Indicative Landscape Masterplan has been prepared by Pegasus Group in support of the development proposals. This landscape led approach to mitigation ensures that matters of landscape character and visual amenity are embedded in the proposals and mitigation measures included to avoid or minimise impacts are an integrated part of the proposed development. The below table sets out the key elements of the landscape masterplan.

Strategy component	Key points
Development envelope	<ul style="list-style-type: none"> Set directly adjacent to the existing settlement edge, which comprises relatively modern residential development Concentrated to a limited portion of the Site, where there is an existing close relationship with, and influence from, the residential edge Influenced by the existing western built extents in the local landscape Whilst indicative, the extents and area occupied by the development envelope is defined within the scheme's parameters Occupies less than half of the total area of the Site
Existing vegetation and green infrastructure strategy	<ul style="list-style-type: none"> Comprises over half the Site (circa 2.22Ha of a total of approximately 4.5Ha). The Site as a whole retains substantial areas of green infrastructure and open space to the north and south, each serving different functions in terms of mitigation. Existing vegetation across the Site is retained and enhanced within the layout wherever possible, including to the boundaries, with supplementary planting to increase structure, diversity and succession. To the south, GI includes informal open space, meadow and sustainable drainage provision. To the north, landscape proposals seek both to integrate with (and enhance) the existing field boundary pattern, as well as providing community facilities (described below in 'Internal Layout and Proposed Open Space'). Proposed new hedgerow planting along the north-eastern section of the boundary, where currently it only comprises a fence to the reservoir compound. Planting proposals and new reinforcement planting (including hedgerow trees) most notably to the western boundaries to improve species diversity, are intended to enhance the existing network of field boundary vegetation, increase linear habitat links and provide a strong western edge of the bordering arable landscape.
Internal Layout and Proposed Open Space	<ul style="list-style-type: none"> Notwithstanding the outline nature of the application, the parameters define the maximum developable area and position, as well as that of the principal areas of open space and green infrastructure elements including retained vegetative features. Given the large proportion of green infrastructure and open space, there are opportunities to create a development set within a substantial landscape framework of a high-quality design at the detailed stage.

Strategy component	Key points
	<ul style="list-style-type: none"> • Omission of development from, and allocation of open space in the northern part of the Site, maintaining a sense of openness in the most elevated parts of the Site and reduction in potential visibility of the scheme to the north. • Inclusion of more informal green space and structural planting in the south of the Site close to (and connecting with) existing woodland and tree lines passing the southern boundary of the Site. • More formal structure to the landscape planting in the north of the Site, with a publicly accessible orchard, avenue tree planting and recreational open space together with areas of meadow creation and clumped tree planting. • Enhancements to the existing PRoW network, with multiple connections onto the public footpath passing the southern boundary, through the site via a green corridor, and a new link onto the public footpath at the northern point

6.106. In terms of on-site open space provision an above policy compliant position is proposed. 1.12 ha of Amenity Green Space and 1.1 ha of Major Open Space is provided, which provides a 0.81 ha and 0.58 ha over provision on each type of typology respectively. As part of the amenity green space a LEAP is also proposed.

6.107. The proposed approach to landscaping of the development and open space provision across the site is considered to accord with Policies CP16 Green Infrastructure, CP17 Public Green Spaces and CP19 Biodiversity.

Heritage

6.108. In support of the pre-application enquiry a Heritage Note was prepared which identified that there are no designated heritage assets within the site boundary thereby any proposed development at the site will have no direct impact on any designated heritage asset.

6.109. Furthermore, the residential development of the site would result in no harm to any designated or non-designated heritage assets via a change to their setting due to the lack of any known historical association, and the lack of significance of any intervisibility or co-visibility of the site with any heritage asset.

6.110. There are no known below-ground archaeological heritage assets within the site, although the Historic Environment Record data includes the Historic Landscape Characterisation study which identifies the site as being fossilised field strips potentially from the medieval to Victorian periods. This is because the existing field boundaries are identified on historic maps and the presence of visible ridge and furrow in the fields at the site.

6.111. The remnant ridge and furrow earthworks within the site are considered to be part of a non-designated heritage asset of the lowermost significance (the asset being all earthworks within the parish), as would the field boundaries within the site. Any loss or harm to the significance of these assets should be considered as part of balanced judgement, taking into account the importance of the asset and the scale of the harm.

6.112. The pre-application response received subsequently confirmed that the note submitted was adequate and that a Heritage Assessment was not required to be submitted as part of the planning application.

- 6.113. It is considered that the development proposals are in accordance with Policy CP20 Historic Environment and the Framework.

Health Impact Assessment

- 6.114. A Health Impact Assessment has been undertaken that reviews the development proposal as proposed, the assessment identifies a number of associated benefits of development through the design of the layout, the provision of footpath and cycling linkage, the provision of open space including play space and orchards and the where necessary contributions towards key infrastructure. The Health Impact Assessment confirms that the potential health impacts of the proposed development are expected to be positive.
- 6.115. It is considered that the proposed development is in accordance with the Framework and Derby Local Plan Core Strategy Policies CP3 (Placemaking Principles), CP16 (Green Infrastructure) CP17 (Public Open Space), CP21 (Community Facilities) and CP23 (Delivering a Sustainable Transport Network).
- 6.116. Overall, the proposed development has been carefully formulated and mitigates against potential adverse impacts and is considered to be in compliance with relevant development plan policies contained with the Derby Local Plan Part 1 Core Strategy with the exception of Policy CP16 Green Wedge. The discussion identifies that there is a conflict with Policy CP16 Green Wedges in terms of landscape and policy harm of which is appropriately mitigated through the design of the scheme, the conflict identified is attributed limited weight given the out-of-date nature of the policy and will be balanced accordingly in the application of the planning balance in Section 8 below.

7. Draft S106 Heads of Terms

- 7.1. In accordance with the CIL Regulations 2010 (Regulation 122), paragraph 56 of the Framework confirms that planning obligations should only be sought where they meet all of the following tests:
1. Necessary to make the development acceptable in planning terms;
 2. Directly related to the development; and
 3. Fairly and reasonably related in scale and kind to the development.
- 7.2. It is anticipated that a Section 106 Agreement will accompany the grant of planning permission, where any agreed contributions which need to comply with the above tests. The initial Heads of Terms for the S106 are, subject to there not being any unforeseen costs that could affect the overall viability of the scheme, as follows:
- Provision of a necessary financial contribution towards the delivery of required educational capacity, proportionate to the impact of the development (Primary and Secondary Education)
 - 30% Affordable housing provision;
 - Any necessary and justified contribution towards the provision of primary healthcare;
 - Any necessary and justified contribution towards off-site green infrastructure provision;
 - Any necessary and justified contribution towards highways, travel packs and sustainable transport infrastructure.
- 7.3. It is considered that the identified Draft Heads of Terms will ensure that the new development will be supported by the necessary and appropriate infrastructure and accord with Policy MH1 Making it Happen.

8. Planning Balance and Conclusion

8.1. This Planning Statement has considered both the benefits and impacts associated with development in the context and application of Paragraph 11d of the Framework. To assist the Council with the determination of the planning application and to apply the appropriate tilted balance, the benefits of the development and the amount of weight afforded to them are listed below:

- Housing delivery – Derby City Council has an urgent need to deliver more housing with only 3.69 years' supply. The development of 90 dwellings will be delivered within 5 years to help ease the problems of housing under delivery (Significant weight)
- 30% affordable housing provision on-site – Derby City Council have a significant shortfall in the delivery of affordable housing over the past decade (Significant weight)
- Significant economic benefits from construction and operational aspects of development in the form of job creation, contribution to the local economy and services and council tax generation (Modest weight)
- Improvement and extension of walking and cycling routes providing linkages into the existing network, the countryside and Spondon and surrounding settlements. On-site open space provision beyond what is necessary for the development (Limited weight)
- Associated health benefits as set out in the health impact assessment (Limited weight).

8.2. The perceived adverse impacts of the development and the amount of weight afforded to them are listed below,

- Development proposals conflict with Policy CP18 by proposing residential development within a Green Wedge. However, the proposed development would not result in adverse impacts upon the identified function of the Green Wedge. Through the mitigation proposed by way of the layout, new green infrastructure and recreational opportunities there are opportunities for positive enhancements to some Green Wedge functions (Limited weight)
- Landscape & Visual Impacts – The proposed development would result in only limited effects on local visual amenity, with notable effects are limited to locations immediately adjacent to the Site and approaching at short distance (Limited to moderate weight)

8.3. When applying the planning balance, there are significant benefits resulting from the development that are considered to clearly outweigh the adverse impacts of development, as identified above.

8.4. Paragraph 11d of the NPPF directs the Local Planning Authority where the most important policies for determining the application are out-of-date to grant permission unless:

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

- 8.5. Further to the tilted balance, the indicative proposals have been designed to reflect the key design and technical requirements of the Derby Local Plan Part 1 Core Strategy that gives consideration to access, connectivity, open space, drainage and landscape. It is considered that the benefits that can be reaped from the early delivery of much needed housing in a sustainable location with the provision of affordable housing and open space offers a clear opportunity to bring forward a development site with no adverse technical constraints or impacts that would prevent outline planning permission being granted.
- 8.6. In accordance with section 38(6) of the Planning and Compulsory Purchase Act (2004) and the findings of the tilted balance at paragraph 11 of the NPPF – that there are no adverse impacts which would outweigh the benefits of development – the application should be granted planning permission.

Town & Country Planning Act 1990 (as amended)
Planning and Compulsory Purchase Act 2004

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