



FOOD

Project Opera

Planning Statement

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Delivering Capital Projects

PREPARED FOR: MULLER MILK & INGREDIENTS

PROJECT OPERA Planning Statement

Rev 1



**Milk &
Ingredients**

meller

PLANNING STATEMENT

PROPOSED EXTENSIONS AND ALTERATIONS TO BUILDING AT UNIT 4000 DOVE VALLEY PARK

DOVE VALLEY PARK | PARK AVENUE | FOSTON | DERBY



PREPARED BY



Sirius Planning | 4245 Park Approach |
Thorpe Park | Leeds | LS15 8GB

PREPARED FOR



Meller | The Lace Mill | 44 Derby Road |
Draycott | Derby | DE72 3NJ

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WRITTEN & PREPARED BY

Dan Elvin | Senior Planner
Charlotte Nash | Assistant Planner

REVIEWED & APPROVED BY

David Baker | Development Director

AUTHORISED BY

Sirius Planning

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DRAWING SCHEDULE

Drawing Number	Drawing Title	Scale
210503 P-01	Site Location Plan	1:1250
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210503 P-07	Proposed Ground Floor Plan	1:200
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APPENDIX SCHEDULE

Appendix No.	Title
A	Pre-Application Response dated 7 th October 2021 (Reference: DMPP/2021/1446)
B	Landscape and Visual Impact Assessment



1. INTRODUCTION

1.1 PURPOSE OF THIS STATEMENT

- 1.1.1 This Planning Statement has been prepared by Sirius Planning on behalf of Meller, in support of a planning application for the proposed extensions and alterations to Unit 4000 Dove Valley Park, Park Avenue, Foston, Derby.

1.2 THE APPLICANT

- 1.2.1 The applicant 'Muller Milk and Ingredients' is part of Muller UK and Ireland. Muller is the nation's favourite dairy brand, sourcing milk from 1,600 farmers in Britain to develop, manufacture and market a wide range of branded and private label dairy products for the UK market.
- 1.2.2 Muller Milk and Ingredients are Britain's largest producer of branded and private label fresh milk, cream and butter and ingredients products, with a network of dairies and depots servicing customers throughout the country.

1.3 OUTLINE DESCRIPTION OF THE SITE AND PROPOSAL

- 1.3.1 The proposal site forms part of the existing Dove Valley Park, a major 200 acre industrial/distribution development at the centre of one of the country's most important manufacturing areas. Current occupiers include JCB, Kuehne + Nagel, Futaba Industrial and Truma.
- 1.3.2 The proposal involves extensions and alterations to Unit 4000, Dove Valley Park, Park Avenue, Foston, Derby and represents an expansion of an existing industrial facility which was previously operated by Muller but which closed at the end of 2019. The closure was due to a review of factory utilisation against a backdrop of a declining consumption of fresh milk and significant changes in retail marketing.
- 1.3.3 In order to ensure that the facility is able to successfully open again there is a requirement to carry out extension and alteration works.
- 1.3.4 An extension is proposed to the northern elevation of the building. This forms a critical part of the plans for the site and would include a new vertical manufacturing process which would allow the currently closed site to become operational again.
- 1.3.5 An extension is proposed to the southern elevation to allow for additional floorspace.
- 1.3.6 Additional works which are proposed include the installation of combined heat and power machinery.
- 1.3.7 6No. new silos are to be installed and these are to be enclosed to enhance site safety and prevent unauthorised access.
- 1.3.8 The existing 2No. bay tanker canopy is to be increased in size to allow space for 4no. tankers and the internal site access road which runs alongside the northern boundary is to be widened by cutting into the existing embankment.

1.4 PRE-APPLICATION ADVICE

- 1.4.1 Prior to this planning application being submitted, a 'pre-application response' was sought from South Derbyshire District Council regarding the key issues of the proposal. The pre-application advice (ref. DMPP/2021/1446) was issued by South Derbyshire District Council on 7th October 2021 and is presented in Appendix A.
- 1.4.2 In summary, the pre-application response identified that any planning application will need to set out clearly the operational requirement, set out the economic benefits that will arise and provide a comprehensive analysis of the visual impact, taking into account the land to the north, east and west which is allocated for employment uses.
- 1.4.3 The pre-application response advises that the materials chosen should blend in with the existing building, taking into account the conclusions of the visual impact assessment.
- 1.4.4 It is concluded in the pre-application response that "if a compelling case to demonstrate the need for

the extension, the significant economic benefits that would arise from the development, and to allow the Council to understand the visual impact and know that this has been mitigated as far as possible then support from officers may be forthcoming.”

1.5 PLANNING STATEMENT STRUCTURE

1.5.1 This Planning Statement has been organised into the following chapters:

- The Site and Surroundings;
- The Proposed Development and Design;
- Access and traffic considerations;
- Environmental Considerations;
- Planning Policy and Material Considerations; and
- Summary and Conclusions.

1.5.1 Accompanying the Planning Statement are numerous Drawings and Appendices.



2. THE SITE AND SURROUNDINGS

2.1 INTRODUCTION

2.1.1 This chapter provides a description of the application site in terms of location, history, and surrounding land uses.

2.2 LOCATION

2.2.1 The site is located wholly within the South Derbyshire District Council administrative area, c.19km south west of Derby. It is owned and operated by Muller, a major dairy brand who source milk from 1,600 farmers in Britain to develop, manufacture and market a wide range of products for the UK.

2.2.2 The proposal site forms part of the existing Dove Valley Park, a major 200 acre industrial/distribution development at the centre of one of the country's most important manufacturing areas. Current occupiers include JCB, Kuehne + Nagel, Futaba Industrial and Truma.

2.2.3 Dove Valley Park is located 1.48km northeast from the village of Foston, 1.9km northwest of the village of Hatton and lies wholly within the South Derbyshire District Council administrative area, c.19km southwest of Derby.

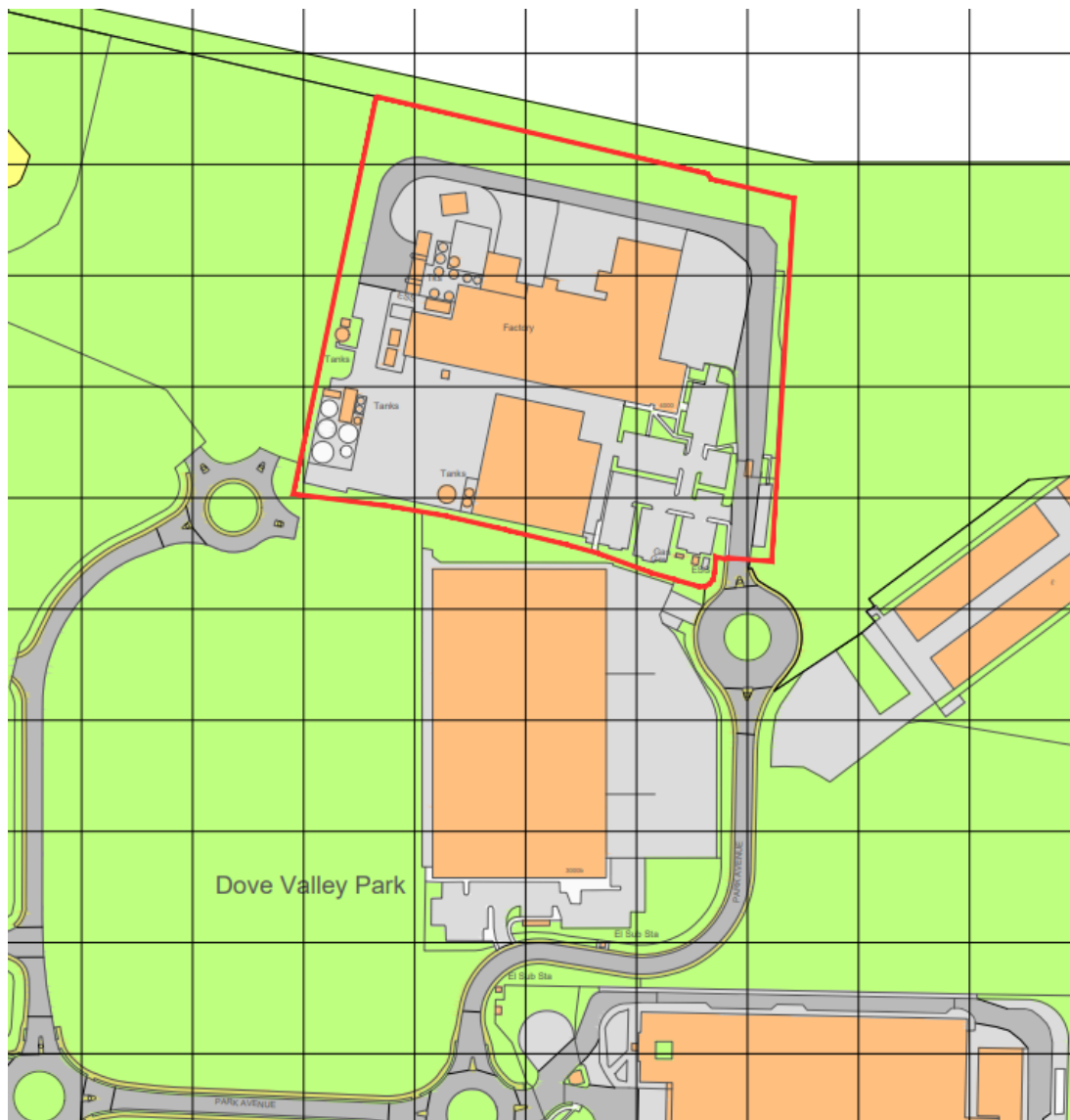


Figure 2.1 – Site Location

2.3 SITE AND SURROUNDINGS

- 2.3.1 The site comprises an existing industrial facility, located within an established business park. The site covers an area of c.3.6 hectares of land
- 2.3.2 To the north of the site is agricultural land, allocated for employment uses in the Local Plan. Outline planning permission was granted by way of a decision notice issued in November 2018 (ref: 9/2017/0816) for the development of the site for B2/B8 units. The permission covers a relatively large area to the north west of the Muller site, passing to the north of the Muller factory and then wrapping around the eastern boundary. The indicative layout submitted with the application shows three buildings ranging in size between c.17,000sqm and c.26,000 sqm.
- 2.3.3 Since the outline permission was granted, consent has been granted for a larger unit on land to the west of the Muller site (ref: DMPA/2019/1205). The height of this building is to be 24m. The building is to be utilised as a bottling facility.
- 2.3.4 To the south is the remainder of Dove Valley Park Industrial Estate.
- 2.3.5 Given that the site is already in use as an industrial facility, and that the land surrounding the site is either, already developed for employment uses, is allocated for employment uses or has consent for industrial uses then it can be established that the proposed expansion of an existing industrial facility in this location is appropriate.
- 2.3.6 The proposal site comprises the existing facility, a collection of buildings previously utilised for the processing and production of fresh milk and cream.
- 2.3.7 The buildings are located relatively central to the site, which is broadly rectangular in shape. The site is landscaped around the boundary, and large areas of hardstanding are located around the buildings, used for staff and visitor parking, to allow for circulation by vehicles, and for the storage of machinery and materials.



Figure 2.2 – The Site viewed from the eastern boundary looking west



Figure 2.3 – The Site viewed from the north west, looking south east

- 2.3.8 Land to the north, east, south and west is allocated for employment uses in the South Derbyshire Local Plan Policies Map.



Figure 2.4 – Land to the north west of the site, viewed from the western boundary of the Site looking west

2.4 SITE ACCESS

- 2.4.1 Access into the site is from a single access point located to the south east via the existing industrial estate roundabout.
- 2.4.2 Staff and visitor car parking is located alongside the south eastern corner of the site, adjacent to the access.
- 2.4.3 HGV's use the same access and travel along the eastern boundary, before skirting alongside the

northern boundary and parking adjacent to the north western corner of the site.

2.5 IDENTIFIED RECEPTORS AND DESIGNATIONS

- 2.5.1 The nearest residential receptor to the application site is located c.320m to the north west of the site on Heath Top. The dwelling lies beyond the land which has planning consent for employment uses in accordance with its allocation in the Local Plan.
- 2.5.2 The site is not located within or adjacent to a Conservation Area and there are no listed buildings nearby. The nearest Listed Building is Cromwell House Farmhouse which is located c.1km to the north within Church Broughton.
- 2.5.3 There is a Scheduled Monument (Barton Blount Medieval Settlement Remains) located c.2km to the north, beyond the existing industrial estate.
- 2.5.4 There is an area of Ancient Woodland c.0.5km to the west of the site. This is also noted as a Priority Habitat. The nearest SSSI (Hilton Gravel Pits) is located c. 4km to the south east of the site.
- 2.5.5 Environment Agency Flood Risk Maps advise that the site is located within Flood Zone 1 and so has a low risk of flooding. All types of development are deemed appropriate in Flood Zone 1 from a flood risk perspective.
- 2.5.6 There are no footpaths across the application site. However, there is a footpath which runs alongside the eastern site boundary (outside of the site), heading north.
- 2.5.7 The proposed alterations and extensions are to take place within an existing industrial yard.
- 2.5.8 The site, although located within Dove Valley Park, is not allocated for any specific land use within the Adopted Local Plan. In addition, there were no information found within the Local Plan concerning any particular development purpose for the site, except the land to the north, east, south and west is allocated for employment uses within the Policies Map (ref.: Allocation E1E and E5).

2.6 SITE HISTORY

- 2.6.1 A review of the planning application search facility on South Derbyshire District Council's website identifies several planning applications relating to the site. Relevant applications are noted below.
- 2.6.2 On 1st March 2001, permission was granted for the erection of a food manufacturing building and ancillary buildings under reference 9/2001/0067.
- 2.6.3 On 13th November 2006, permission was granted for the formation of a car parking area and lorry parking area, hardstanding for storage and the erection of canopies and various plant under reference 9/2006/1027.
- 2.6.4 On 13th August 2007, permission was granted for the erection of an extension, a canopy enclosure and alterations under reference 9/2007/0952.
- 2.6.5 On 31st March 2006, permission was granted for the erection of a prefabricated storage building under reference 9/2006/0025.
- 2.6.6 On 17th June 2011, permission was granted for the construction of a despatch two storey extension with associated trolley delivery canopy and single storey airlock under reference 9/2011/0200.



3. THE PROPOSED DEVELOPMENT AND DESIGN

3.1 INTRODUCTION

- 3.1.1 The proposal is to extend and alter the facility at Unit 4000 at Dove Valley Park. A Site Location Plan (ref: P01) is included.

3.2 PROPOSED LAYOUT

- 3.2.1 The proposal involves extensions and alterations to Unit 4000, Dove Valley Park, Park Avenue, Foston, Derby.
- 3.2.2 A Proposed Site Plan (ref: P03) is attached and Drawings PO4 and PO5 show the proposed elevations.
- 3.2.3 An extension is proposed to the northern elevation of the building. This forms a critical part of the plans for the site and would include a new vertical manufacturing process which would allow the currently closed site to become operational again.



Figure 3.1 Proposed location for the vertical tower extension. Viewed looking south east towards the northern elevation from the north western corner of the site

- 3.2.5 The footprint of the building is shown as 52m x 30m (1,560sq.m) and the height of the building is to be 38m. The proposed As noted earlier, the height of the building is dictated by the processes which take place within it. Existing structures in this location including a spiral staircase and raised platform, and vehicular access bay and single storey structure are to be removed so as to facilitate room for the proposed extension.
- 3.2.6 On the southern elevation, it is proposed to extend the existing building by 470sq.m. This would effectively infill the corner of the existing building and is to measure 12m x 39m. The height of the extension is to be 12m to tie in with the existing lower building height (which has an eaves height of 12m and a ridge height of 15m). Some smaller structures are to be removed from this area to allow for delivery of the extension. The extension would be utilized for manufacturing and storage purposes. This is to be utilised as manufacturing space and to allow for greater storage capacity. It would allow for reconfiguration of existing utilities and improve access.
- 3.2.7 The proposed extensions will generate 6,845 sqm of additional floorspace over numerous storey levels.



Figure 3.2 – Proposed location for the extension to the southern elevation. Viewed looking north east towards the southern elevation from the south western corner of the site

- 3.2.7 It is proposed to install a combined heat and power (CHP) system alongside the southern boundary of the site. The CHP system is to be installed on existing platforms.



Figure 3.3– Proposed location for the Combined Heat and Power Plant (CHP) systems. Viewed looking south west from the south western corner of the site

- 3.2.8 In the north western corner of the site, the existing 2No. bay tanker canopy is to be increased in size to

allow for 4no. HGV tankers. This will allow for historic Issues on site to be addressed.

- 3.2.9 6No. additional silos are to be installed adjacent to the existing silos in the north western corner of the site. The silos allow for extra storage capacity, maintaining the milk at an optimum temperature preventing bacterial growth and maintaining high quality milk standards. The height of the silos is to be to match the existing silo enclosures. The wall surrounding the existing silos is to be demolished and rebuilt to ensure that the new silos are enclosed by walls for safety reasons.



Figure 3.4 – Proposed location for the silos. Viewed looking north east from the western boundary of the site

- 3.2.10 The existing embankment alongside the northern boundary is to be cut back and regraded to allow for the internal site road to be widened. This will enhance on site safety and allow for suitable passing space for HGV's.

3.3 SITE ACCESS

- 3.3.1 Access into the site is to be as per existing, via the existing vehicular access point located to the south eastern corner of the site.
- 3.3.2 The 'cut' works noted above will allow for HGV's to pass with no issues and improve safety. When the site was operational the width of the access did create issues with HGV's passing.
- 3.3.3 The overall height of the embankment is to be retained to ensure that screening is not affected. The soils which are 'cut' are to be used to re-model the existing retained site embankments.

3.4 LIGHTING

- 3.4.1 No new lighting is to be installed as a result of the proposed extensions and alterations.

3.5 EMPLOYMENT

- 3.5.1 The existing facility was closed at the end of 2019. The closure was due to a review of factory utilisation

against a backdrop of a declining consumption of fresh milk and significant changes in retail marketing

- 3.5.2 The extensions and alterations will allow for the facility to become operational again. Once operational the facility will create jobs. Temporary jobs will also be created during construction work.
- 3.5.3 The creation of jobs will have a knock on effect in the local area, generating expenditure in the local economy, supporting other local businesses such as retail and hotels.

3.6 CAR PARKING

- 3.6.1 During construction works, it is expected that the existing car park on site will provide sufficient available land for temporary parking, storage and lay down for the construction phase.
- 3.6.2 Once operational, the employees and visitors will utilise the existing car parking spaces on site.

3.7 CONSTRUCTION

- 3.7.1 Construction works are expected to last approximately 18 months. A secure temporary set down area will be established within the site for the construction phase as required. The set down area will accommodate site materials for the construction works and the existing car park will be used by site operatives.
- 3.7.2 Construction is expected to take place during the hours of 07:00 to 18:00 (Monday to Friday) and 08:00 to 17:00 hours (Saturday). No works are to take place on a Sunday or on Bank Holidays.

3.8 UTILITIES

- 3.8.1 The site will continue to use the existing infrastructure. Further information in respect of drainage is contained within the accompanying Flood Risk Assessment and Drainage Strategy.



4. ENVIRONMENTAL CONSIDERATIONS

4.1 INTRODUCTION

- 4.1.1 This section sets out the site selection process and environmental assessments that have been undertaken in support of the planning application. Where necessary they have also informed the design and management of the proposed extension and alterations.

4.2 SPECIFIC ENVIRONMENTAL AND TECHNICAL ASSESSMENTS

- 4.2.1 The following environmental assessments have been undertaken:

- Landscape and Visual Impact Assessment;
- Noise Impact Assessment;
- Air Quality Assessment;
- Odour Assessment;
- Flood Risk Assessment and Drainage Strategy;
- Building Condition Survey;
- Ground Investigation Report; and a
- Preliminary Ecological Appraisal.

Landscape and Visual Impact Assessment

- 4.2.2 A Landscape and Visual Assessment (LVIA) has been prepared. This demonstrates that the proposed extensions and alterations to Unit 4000 at Dove Valley Park 'the proposed development' can be assimilated within the local landscape of the site and the study area without wide scale substantial landscape effects. The proposed development is to take place within an existing industrial plot which is already covered over in hardstanding. The reconfiguration of the site to improve access for HGV's would lead to only a very small loss of amenity grassland (northern landscape bund) which equates to a negligible level of effect on the landscape habitat value and structure of the site and its local surroundings. Whilst the northern extension building is a sizeable addition to the existing development which together with the other proposed additions will greatly increase the overall footprint of development it is required for the current site to be repurposed and brought back into full operational use.
- 4.2.3 In terms of landscape value it is considered the site and immediate setting were of **Low** landscape value due to the predominantly industrial setting with few notable landscape features present. There is no public access into the site, and this will remain. The site and study area are not covered by any landscape designations. It is conceded that rural land to the north, east and west outside of the immediate setting has some local scenic and amenity value and that landscape value is not solely based on its designated status and so the wider area is considered to be of **Medium** landscape value and **Medium** sensitivity to the type of development proposed. Conversely, the site and its immediate industrial setting (to the south of Bent Lane) is considered to be of lower sensitivity than this wider receiving landscape. Therefore, the assessment concluded that the susceptibility to change of the landscape, focussed upon an existing industrial zone within an allocated employment zone that will eventually enclose the site with built form to the north, east and west, is overall of a **Low-Medium level**.
- 4.2.4 At close range due to the scale and nature of the proposals (38m maximum height of extension building) and lack of landscape structure in the open areas adjacent to the site (which are yet to be developed) there would be undoubted effects on the local landscape character and composition of views resulting from the development. However, given the context in which these changes would take place they are not considered to be overly discordant with the existing character and baseline situation. It is considered that the local landscape of the site and immediate surroundings could accommodate the development without a significant change in character when considering the study area as a whole, as they contain few notable landscape characteristics that would be overly vulnerable to the proposals.

- 4.2.5 With reference to the evaluation of the landscape effects in accordance with the methodology, a **Low (Medium)** landscape sensitivity and a **Medium** magnitude of change is considered to result in a **Moderate** level of landscape effect overall, this is a 'Not Substantial' effect.
- 4.2.6 The visual assessment considered the main residential receptors within 2km of the site. There are some close range residential receptors (within 500m) with visibility towards the site, although this is predicted to be from first floor windows only (upon facing elevations) and not from more sensitive ground floor level as most properties were afforded screening towards the site. The majority of properties with available views were from working farmsteads to the immediate north. None of the assessed properties which were assessed as having potential views are listed.
- 4.2.7 Views are most extensive in the immediate setting up to 500m from the site boundary to the north and east either side of Bent Lane, the locations for Viewpoints 4 and 5 which are also adjacent to the closest public rights of way. These close range views would be subject to a 'Moderate to Major' level of change given the proximity to, and large scale nature of the proposals. Whilst these visual changes equate to substantial visual effects, they would be seen in addition to the existing large scale industrial context with low levels of public activity or sensitive receptors present. The existing setting (south of Bent Lane) is already dominated by industrial buildings and therefore the proposals are considered not to be overly discordant with the existing character and composition of these views.
- 4.2.8 There would only be potential for glimpsed views, if at all, from the main road corridor (A50). The route is generally well screened by roadside trees and already serves as the access route to the existing industrial parks on Bent Lane and Woodyard Lane so views with a predominant industrial character are expected. It is from these aforementioned minor roads where the visual changes would be most apparent. These local routes are of a Medium sensitivity with the level of visibility towards the site and proposals diminishing as one travels further afield.
- 4.2.9 In conclusion the LVIA demonstrates that the proposed development could be successfully integrated into the surrounding landscape without causing substantial harm to the landscape character and visual amenity of the local area.

Noise Impact Assessment

- 4.2.10 A Noise Impact Assessment (NIA) has been prepared by Professional Consult. The assessment relies upon a background noise survey which was considered to be representative of the sound climate at the closest residential property to the site. It also relies on manufacturer noise data.
- 4.2.11 The NIA concludes that the rated level of noise falls below the typical background sound level for the daytime period and meets the typical background sound level for the night-time period. Consequently, the proposed development is considered likely to result in a low impact. The predicted level of noise is deemed to be sufficiently low enough at the closest residential property to accord with the 'No Observed Effect Level' as detailed in planning practice guidance, and as such it is concluded that noise should not be considered to be a determining factor in the granting of planning permission.

Air Quality Assessment

- 4.2.12 An Air Quality Assessment (AQA) has been prepared by Professional Consult. This is because the proposal involves the installation of two gas fired Combined Heat and Power (CHP) units at the site. As such, an AQA was undertaken to determine the baseline conditions and assess potential changes in pollution levels as a result of the development.
- 4.2.13 Dispersion modelling was undertaken using ADMS-5 in order to predict pollution levels as a result of

emissions from the CHP plant. Impacts at sensitive receptors were quantified and the results compared with the relevant AQOs and IAQM significance criteria.

- 4.2.14 Predicted concentrations of NO₂ were below the relevant AQOs at all sensitive receptors for all meteorological data sets modelled. Review of the dispersion modelling results indicated that impacts on annual mean and 1-hour mean NO₂ concentrations were predicted to be negligible at all locations and as such the overall impacts are considered to be not significant, in accordance with IAQM guidance.
- 4.2.15 Based on the assessment results, air quality issues are not considered to be a constraint to planning consent.

Odour Assessment

- 4.2.16 An Odour Assessment has been prepared by Professional Consult. The development has the potential to cause odour impacts at sensitive locations. An Odour Assessment was therefore undertaken to consider effects in the vicinity of the proposals.
- 4.2.17 The risk of potential impacts was assessed using a standard industry method. This involved consideration of a number of factors relating to the development, including the scale and nature of the potential emissions, location of relevant receptors and the prevailing meteorological conditions.
- 4.2.18 Following consideration of the relevant factors, overall effects as a result of emissions associated with the development were not predicted to be significant. As such, potential odour impacts are not considered to represent a constraint to planning consent for the proposals.

Flood Risk Assessment and Drainage Strategy

- 4.2.19 A Drainage Report has been prepared by Price Myers. The report includes an assessment of flood risk, given that the size of the site triggers the 1ha+ threshold for requiring a flood risk assessment.
- 4.2.20 The site lies in Flood Risk Zone 1 which represents the lowest possible risk of flooding. From a flood risk perspective, all types of development are appropriate in Flood Risk Zone 1.
- 4.2.21 There will be a very small increase in impermeable yard when considered in the context of the overall site. Therefore the run-off from the development mimics existing conditions.
- 4.2.22 Attenuation will be included in the small yard widening to reduce the flows from that area to greenfield run-off.
- 4.2.23 There will be no new flows from the new process areas, but all will run into the existing trade effluent system and the existing effluent treatment plant.
- 4.2.24 The new yard widening will incorporate buried attenuation with a throttled outlet to the existing stormwater system and run-off is to be restricted to greenfield rates. There will be no increase in stormwater outflows.
- 4.2.25 It is concluded that the development is acceptable in flood risk terms.

Building Condition Survey

- 4.2.26 A Building Condition Survey has been prepared by Innes England and sets out the principal findings and provides commentary as to the condition of the external and internal elements of buildings, structures and hard surfaces across the site.
- 4.2.27 Overall the building is considered to be in a reasonable condition. The structure and foundations were considered to require no maintenance or repair work.

Ground Investigation Report

- 4.2.28 A Ground Investigation Report has been prepared by GEA.

- 4.2.29 The report notes that the investigative works broadly confirm the expected ground conditions in that below a limited thickness of made ground, a variable cover of glacial deposits comprising clayey sand, sandy gravel, sandy clay and clayey gravel has been found to overly stiff brown silty clay with bands of silty fine sand which are ultimately underlain by the weathered Mercia Mudstone.
- 4.2.30 Following consideration of the site history and the ground conditions on site it is considered that 12m deep 300mm diameter CFA pile foundations at a level of 58.2mOD would support a safe working load. No specific remedial measures are considered necessary in respect of soil contamination.

Preliminary Ecological Appraisal

- 4.2.31 A Preliminary Ecological Appraisal has been prepared by Professional Consult.
- 4.2.32 The site does not lie within any designated sites, although statutory sites are located within 5km of the site. The Old River Marsdon on Dove SSSI is located c.2.7km south of the site. Hilton Gravel Pits SSSI is located c.4.1km east of the site. Pennywaste Wood LWS is located c. 0.4km south of the site. The Coppice LWS is located c.0.5km to the west of the site. Conygreave and Rough Woods LWS is located c.0.5km west of the site. The site is not located within the Impact Risk Zone of any SSSI's, NNR's and Ramsar sites. It is considered that the proposed alterations and extensions would not adversely impact upon these sites.
- 4.2.33 The appraisal identifies that the buildings on site have negligible bat roosting potential. No bats were found within the buildings.
- 4.2.34 The majority of the site comprises hardstanding. No notable habitats were found within the site boundary.
- 4.2.35 The appraisal makes a number of recommendations:
- Planting of native fruiting and flowering species into any landscaped areas, post development works;
 - Consideration of amphibian presence during vegetation removal, specifically with regards to the proposed works along the northern embankment;
 - Vegetation management to be undertaken outside of the breeding bird season (March to September). Where this is not possible a qualified ecologist should undertake a nesting bird check 48 hours in advance;
 - A sensitive lighting strategy should be adopted with lights being downward facing, with warm white tone LED bulbs;
 - If European Hedgehogs are found then they should be carefully relocated by hand away from the working area.
- 4.2.36 In conclusion, the majority of the site was found to comprise habitats of low ecological value, being made up of hardstanding and buildings. The site itself was found to have no value for roosting bats.
- 4.2.37 The proposals are not anticipated to have a significant negative impact on any ecological features or receptors within the local area if the mitigation measures outlined in the appraisal are followed.

4.3 ECONOMIC AND SOCIAL MATTERS

- 4.3.1 All development proposals have an economic and social impact; however, the nature and scale of the impact will be dependent on a variety of factors. These relate to the size and type of development and the socio-economic composition of the local and regional area.
- 4.3.2 The primary positive impact of the proposed development will be the creation of direct and indirect employment opportunities from the operation of the facility itself, and throughout the construction

period. Once construction works are complete the facility is expected to create circa 200No. jobs, and temporary construction jobs during the construction phase.

- 4.3.3 It is anticipated that the majority of these jobs will be taken by people who reside in the locality who will then likely go on to spend in the local economy. A diverse range of skilled and unskilled job opportunities will be created which will appeal to a wide selection of the community. This will include manufacturing jobs, drivers, management positions, maintenance and repair roles, security, and scientific roles.
- 4.3.4 The development will be responsible for the injection of a significant amount of money into the local economy simply through the payment of wages to its employees and through local expenditure from visitors. Once operational, further employment will be created in the broader economy by expenditure placed with local and regional suppliers for external services, the creation of indirect employment. Further indirect employment will be created within local services and facilities in nearby areas of the site as consumer expenditure will rise.
- 4.3.5 The direct employment opportunities offered by the development both during construction and operation is significant in the context of the current economic climate with the Covid-19 pandemic and the recent affect this has had on employment opportunities across various sectors.



5. PLANNING POLICY AND MATERIAL CONSIDERATIONS

5.1 INTRODUCTION

- 5.1.1 This section sets out the national and local planning policies as well as material considerations which are relevant, both to the application site, and the type of development proposed.
- 5.1.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 require that planning applications are determined in accordance with the provisions of the adopted Development Plan unless other material considerations indicate otherwise.
- 5.1.3 The proposed development site falls within the administrative boundaries of South Derbyshire District Council. The adopted Local Development Framework for the application site comprises:
- South Derbyshire Local Plan Part 1 (adopted June 2016);
 - South Derbyshire Local Plan Part 2 (adopted November 2017);
 - South Derbyshire Local Plan Map Policies Maps.
- 5.1.4 This Planning, Statement identifies and summarises the planning policies that are of relevance in determining this planning application.

5.2 LOCAL CONTEXT

South Derbyshire Local Plan

- 5.2.1 The South Derbyshire Local Plan Part 1 was formally adopted in June 2013 and provides the overarching planning framework for the District to 2028. The majority of decisions on planning applications in the area will be based on the contents of the Strategy. The South Derbyshire Local Plan Part 2 proposes non-strategic housing allocations and detailed development management policies.
- 5.2.2 The site, although located within Dove Valley Park, has not been allocated for any specific land use within the Adopted Local Plan. In addition, there were no information found within the Local Plan concerning any particular development purpose for the site, except the land to the north, east, south and west is allocated for employment uses within the Policies Map (ref: Allocation E1E and E5).
- 5.2.3 The following table appraises the policies of the South Derbyshire Local Plan Part 1 against the proposed development.

Table 5.1 – Policy Appraisal of South Derbyshire Local Plan Part 1

Policy	Commentary
<u>Policy S1 – Sustainable Growth Strategy</u> <i>“The two parts of the Local Plan will ensure that the economic, social and environmental objectives set out in this Plan are fully addressed:</i> ... <i>ii) Retaining, promoting and regenerating employment development on sites in urban areas and other locations which already are, or could be in the future, well served by infrastructure, including public transport.</i> ...”	The application site is located in an area characterised by industrial operations, with land to the north and to the east allocated for employment use (Ref: Allocation E1E and E5). The proposal is for the extension and alterations to the existing Muller factory facility at Unit 4000 at Dove Valley Park. The facility is currently closed and the proposal will allow for the factory to re-open and continue operations once again. The re-opening of the site will allow for the existing site to be retained and will be able to provide direct and indirect employment opportunities In accordance with the policy the proposed development will allow for the retention and regeneration of a previously operational employment site which is well served by infrastructure.

<u>Policy S2 – Presumption in Favour of Sustainable Development</u> <i>“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. It will work proactively with applicants to seek solutions, which mean that proposals secure development that improves the economic, social and environmental conditions in the area.</i> <i>...”</i>	The proposal is for the extension and alterations to an existing facility Unit 4000 at Dove Valley Park. The proposal will allow for the re-opening on the facility enabling approximately 200no. direct employment opportunities to the South Derbyshire area, this in accordance with the NPPF and its economic aspect of presumption in favour of sustainable development.
<u>Policy E2 – Other Industrial and Business Development</u> <i>“A The development of land for uses defined by classes B1(b), B1(c), B2 and B8 of the Use Classes Order will be permitted where:</i> <i>i) the site lies within or on the edge of the Swadlincote urban area, Derby or Burton upon Trent, or a Key or Local Service Village; or</i> <i>ii) the proposal is for the expansion of an existing business; or</i> <i>iii) the proposal is for the redevelopment of established industrial or business land or premises.</i> <i>B All proposals under part A should be in scale with existing built development and should not give rise to undue impacts on the local landscape, natural environment or cultural heritage assets.”</i>	The proposal is for the expansion of an existing business, however due to a review of factory utilisation against a backdrop of a declining consumption of fresh milk and significant changes in retail marketing the facility was closed at the end of 2019. The proposal will allow for the factory to be re-opened. As the proposal is for the expansion of an existing business it is considered to be compliant with this policy.
<u>Policy E5 – Safeguarded Employment Sites - Dove Valley Park</u> <i>“Land measuring 28.3ha, to the north of Dove Valley Business Park, is allocated for the development of large scale industrial and business units only, as defined by classes B2 and B8 of the Use Classes Order. The minimum gross internal floor area per unit will be 15,000 sqm.”</i>	The land to the north, east and west of the proposal site is noted as safeguarded employment land. It has permission for employment uses. The land to the west is currently being developed for employment uses. The site and its context is very much industrial in nature. The proposed development would complement the employment related development plans for the adjacent land.
<u>Policy SD1 – Amenity and Environmental Quality</u> <i>“A The Council will support development that does not lead to adverse impacts on the environment or amenity of existing and future occupiers within or around proposed developments.</i> <i>B The Council will take into consideration the following:</i> <i>i) The potential for development to affect surface and ground water quality and its potential to affect the long term delivery of water quality standards set out in the Water Framework Directive or Habitats Directive;</i> <i>ii) The potential for development to affect designated Air Quality Management Areas (AQMAs).</i> <i>iii) The need for a strategic buffer between conflicting land uses such that they do not disadvantage each other</i>	The proposed extension and alterations to the existing facility will be minimal and therefore will have no detrimental impact on existing and proposed neighbouring uses. The application is supported by an air quality, odour and noise assessment which conclude that there will be no adverse environmental impacts. The application is accompanied by a drainage strategy. The proposal site is surrounded by employment related uses (either existing, under construction, or planned) and the proposed works are to an existing industrial facility. The proposed works would not therefore disadvantage surrounding uses (existing or planned).

<i>in respect of amenity issues, such as odours, fumes, or dust and other disturbance such as noise, vibration, light or shadow flicker.”</i>	
<u>Policy SD2 – Flood Risk</u> <i>“A When considering development proposals in South Derbyshire, the Council will follow a sequential approach to flood risk management, giving priority to the development of sites with the lowest risk of flooding. The development of sites with a higher risk of flooding will only be considered where essential for regeneration or where development provides wider sustainability benefits to the community that outweigh flood risk.”</i>	Due to the size of the site (>1ha) the application is accompanied by a Flood Risk Assessment. As the proposal involves the extension and alteration of an existing facility, it is not possible to consider alternative locations. The site is located in Flood Zone 1 (lowest risk of flooding) where all types of development are considered appropriate from a flood risk perspective.
<u>Policy BNE1 – Design Excellence</u> <i>“A All new development will be expected to be well designed, embrace the principles of sustainable development, encourage healthy lifestyles and enhance people’s quality of life by adhering to the Design Principles below.</i> <i>i) Design Principles</i> ... <i>e) Local character and pride: New development should create places with a locally inspired character that respond to their context and have regard to valued landscape, townscape and heritage characteristics;</i> ... <i>g) Visual attractiveness: New development should be visually attractive, appropriate, respect important landscape, townscape and historic views and vistas, contribute to achieving continuity and enclosure within the street scene and possess a high standard of architectural and landscaping quality;</i> <i>h) Neighbouring uses and amenity: New development should not have an undue adverse affect on the privacy and amenity of existing nearby occupiers. Similarly, the occupiers of new development should not be unduly affected by neighbouring land uses;</i> ...”	The proposed extensions and alterations are designed to fulfil an operational requirement. The scale is proportionate to the existing facility and set within the context of an existing industrial park. With regards to the external appearance, the extensions would match the existing buildings on site in terms of material choice and colour e.g. dark blue and grey-white. In using two colours, rather than one, this will help to break up the elevation and reduce the visual impact. The proposed silos are to match the existing silos on site in terms of material choice and colour. When judged against the facility as a whole and set against a backdrop of the wider industrial estate the extensions are considered to be proportionate. The proposal will have minimal impacts on surrounding neighbour uses as the site is located within an existing industrial area with allocated employment development uses to the north, east and west of the application site. The Landscape and Visual Impact Assessment concludes the proposal fits within the context of the existing facility and surrounding uses and therefore integrates into the existing landscape.
<u>Policy BNE2 – Heritage Assets</u> <i>“A Development that affects South Derbyshire’s heritage assets will be expected to protect, conserve and enhance the assets and their settings in accordance with national guidance and supplementary planning documents which the authority may produce from time to time.”</i>	The site, a self-contained industrial plot is well separated from any heritage assets within proximity to the site. The site is not located within or adjacent to a Conservation Area and there are no listed buildings nearby. The nearest Listed Building is Cromwell House Farmhouse which is located c.1km to the north within Church Broughton. There is a Scheduled Monument (Barton Blount Medieval Settlement Remains) located c.2km to the north, beyond the existing industrial estate.

	Due to the distance and intervening infrastructure, built and natural environments, the proposed extension and alterations at the existing facility Unit 4000 at Dove Valley Park will have no impacts on the historic environment.
<u>Policy BNE3 – Biodiversity</u> <i>“A The Local Planning Authority will support development which contributes to the protection, enhancement, management and restoration of biodiversity or geodiversity and delivers net gains in biodiversity wherever possible...”</i>	The application is accompanied by a Biodiversity Assessment. The findings of this are summarised in this Planning Statement. The proposed extension and alterations will not result in a significant change in local ecological networks or wildlife corridors. In addition, the surrounding area is allocated for further economic development, therefore highlighting the low-level ecological features within the surrounding area. In addition, most of the habitats will remain untouched and the area of Ancient Woodland located approximately 500m to the west will have no impacts as a result of the proposal.
<u>Policy BNE4 – Landscape Character and Local Distinctiveness</u> <i>“A The character, local distinctiveness, and quality of South Derbyshire’s landscape and soilscape will be protected and enhanced through the careful design and sensitive implementation of new development.</i> <i>B Developers will be expected to retain key valued landscape components such as mature trees, established hedgerows and topographical features within development sites unless it can be demonstrated that the loss of features will not give rise to unacceptable effects on local landscape character. Development that will have an unacceptable impact on landscape character (including historic character), visual amenity and sensitivity and can not be satisfactorily mitigated will not be permitted.</i> <i>C In bringing forward proposals developers will be expected to demonstrate that close regard has been paid to the landscape types and landscape character areas identified in The Landscape Character of Derbyshire. Proposals should have regard to the woodland and tree planting, landscape management and habitat guidance set out in this document and demonstrate that mitigation proposals are appropriate to the character of the landscape.”</i>	The scheme is to expand and alter an existing facility within an industrial area. The Landscape and Visual Assessment, submitted as part of this application, demonstrates that the proposed development will not have an unacceptable effect on local landscape character and that the proposed extension and alterations can be successfully integrated into the surrounding landscape without causing substantial and wide scale harm to the landscape character and without long term adverse impacts to visual amenity in the local area.

South Derbyshire Design Guidance

- 5.2.4 The South Derbyshire Design Guide was adopted In November 2017. The guide aims to improve the design quality of development In South Derbyshire and further explain the design principles set out In the Local Plan Part 1 (Policy BNE1).
- 5.2.5 The guide sets out a number of design criteria and has been reviewed when considering an appropriate design and layout for the proposed development.

5.3 NATIONAL CONTEXT

National Planning Policy Framework

- 5.3.1 The UK government published the revised National Planning Policy Framework (NPPF) in July 2021 which sets out the Government's planning policies for England and how these should be applied. It recognises the contribution the planning system makes to the achievement of sustainable development, identifying that sustainable development consists of economic, social and environmental roles.
- 5.3.2 Paragraph 10 is the single most important paragraph in the NPPF, which provides for "a presumption in favour of sustainable development".
- 5.3.3 Paragraph 82 advises that planning policies should (inter alia) seek to address potential barriers to investment, such as inadequate infrastructure.
- 5.3.4 NPPF makes specific reference to economic development in paragraph 81:

"Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development."

5.4 CONCLUSION

- 5.4.1 The proposed development clearly accords with the 'presumption in favour of sustainable development' under the NPPF, as it secures economic, environmental and social betterment. The potential impacts of the proposal have been demonstrated to be limited and are significantly outweighed by the economic benefits.

6. SUMMARY AND CONCLUSIONS

6.1 SUMMARY AND CONCLUSIONS

- 6.1.1 This Planning Statement describes a proposal to extend and alter Unit 4000 at Dove Valley Park, Park Avenue, Foston, Derby.
- 6.1.2 The proposal will directly create c.200No. jobs once the facility is operational, and will generate temporary construction jobs. The proposal will also indirectly support other jobs and will increase expenditure in the local economy. It is expected that many of the jobs created will be offered to local people.
- 6.1.3 A number of reports accompany the planning application, including a Landscape and Visual Impact Assessment, a Noise Impact Assessment, an Air Quality Assessment, an Odour Assessment, a Flood Risk Assessment and Drainage Strategy, a Building Condition Survey, a Ground Investigation Report and a Preliminary Ecological Appraisal. The reports conclude that there are no technical reasons why would justify refusing permission and subsequently conclude that planning permission should be granted,
- 6.1.4 The proposal has been developed and assessed against local and national planning policy and is considered to be in accordance with relevant policies
- 6.1.5 Overall the proposed extensions and alterations will allow for the facility to become operational once again. The supporting documentation demonstrates that the proposal can be accommodated within the site, whilst not adversely affecting local landscape character and amenity. The proposal will result in economic benefits that will directly benefit local people and businesses.
- 6.1.6 It is concluded that no significant adverse impacts are anticipated and that the proposal should be supported.

Our ref: DMPP/2021/1446 - Proposed extensions and alterations to building at Unit 4000 Dove Valley Park, Park Ave, Foston, Derby



Steven Mott <Steven.Mott@southderbyshire.gov.uk>

To ○ Matt Chrich

[↩ Reply](#) [↩ Reply All](#) [→ Forward](#) [⋮](#)

Thu 07/10/2021 16:58

Dear Mr Chrich,

I write further to your pre-application enquiry relating to the above proposal.

Having examined your proposal I can advise that, as you will be aware, the only element of the scheme which would be likely to be problematic in planning terms would be the 30m x 30m x 40m height extension. Having read your submission it is not clear what processes will be undertaken at the site, how this component of the scheme is vital to those processes, and why it needs to be as big as is proposed.

On the basis of the information submitted therefore, I can advise you that in my opinion ordinarily this would be likely to be unacceptable in terms of the height and mass of this extension in this location. The site contains industrial buildings which are somewhat modest in terms of their height, and even other buildings on the wider industrial park are not overly high. The topography in this part of the district is relatively flat and this will mean that the extension will be particularly prominent when viewed from the surroundings, with distant views and viewed closer to the site, i.e. from road running east-west to the north.

In light of the above I would advise that any planning application will need to set out clearly the operational requirement for such a tall and bulky addition; set out the economic benefits that will arise from the development; provide a comprehensive analysis of the visual impact of the tall extension, taking into account the employment land allocations E5 of the South Derbyshire Local Plan Part 1 which lies to the north and east, as well as E1E to the west. I would also suggest that care needs to be taken with the materials chosen and their colour to try and get the extension to blend the building in as much as possible, bearing in mind the conclusions of the visual impact assessment. All of this information will allow a proper planning balance to take place. In my view if a compelling case to demonstrate the need for the extension, the significant economic benefits that would arise from the development, and to allow the council to understand the visual impact and know that this has been mitigated as far as possible, then support from officers may be forthcoming.

I hope this information is helpful to you but please note that the views expressed are at officer level only and do not prejudice the final decision of the council or recommendation

Regards,

Steve Mott

Senior Planning Officer (Design) – Development Management

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The Lace Mill
42-44 Derby Road
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