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Our ref: 794-PLN-MNP-00601

Date: 5 December 2025

Development Management
South Derbyshire District Council

Dear Sir/Madam

**Unit 3000, Dove Valley Park, Foston, Derby DE65 5BT –
Proposed Minor Layout Changes**

We are writing on behalf of Indurent Propco C7 Ltd (“the Applicant”), for whom we are appointed as planning consultant, in respect of Unit 3000 at Dove Valley Park (“the site”) which they own. Dove Valley Park is an existing industrial business park, with the commercial premises on the Site approximately 12,000 sqm in extent, most recently occupied by ‘Top Hat’.

The Applicant wish to modernise and improve the accommodation, helping to bring it back into beneficial use. This involves making a number of minor amendments to the site. These comprise: installing new freestanding external lighting stands; changing a gravel overspill car parking area to being a new hardstanding parking area; installing freestanding electric vehicle (EV) charging units; and installing a roof-mounted photo-voltaic (PV) array.

Most of the proposed changes benefit from Permitted Development (PD) under the Town and Country Planning (Permitted Development) Order 2015 (“the GPDO”), with only the external lighting falling beyond PD rights. This is a minor matter, and therefore an application is submitted with this letter under Section s96a (non-material amendment) for the new lighting columns. The summary below explains the s96a proposal, alongside describing the other improvements and why they benefit from PD.

Please find submitted with this application:

- Drawing K251644-D06-01 Location Plan
- Drawing K251644-D06-03 Existing Site Plan
- Drawing K251644-D06-02 Block Plan
- Drawing DVPI-BSP-ZZ-XX-D-C-0100-P03 Proposed General Arrangement
- Drawing IN-KGF-DV-XX-DR-E-6006-S2-P2 External Lighting Proposed Layout

Planning History

Outline planning permission was originally granted for the wider site in 2005 (Council Reference 9/2005/0758/b). A section 73 application was then permitted to amend a condition limiting the floorspace of units on the site. Planning permission was first granted for Unit 3000 in 2015 (Reference 9/2015/0499) for a B2/B8 unit with access, parking, landscaping and other associated works. This was then extended in 2018 (Reference 9/2018/0015), with a storage structure being added as an eastwards projection to the building (the application also included repositioning of flags). Other minor works and unimplemented permissions have been granted on the site.

Section 96a Proposal: New external lighting

The Applicant proposes to install new lighting columns in the car parking area on the site. These are shown on drawing IN-KGF-DV-XX-DR-E-6006. 21 lighting columns are proposed, to light all of the car parking and service areas. These will be a mix of Halophane EX2/5, EX3 EX1/4 products, with a power ranging from 56W to 145W. The columns will vary from 6m to 10m in height. The 10m columns will be in the service yard, next to the building. The average lux levels will be 12 lux in car parks and 27 lux in the service yard. The lamps will be downlit and designed to minimise light spillage, which will only be 1 lux. The lighting is needed to improve safety and functionality of the external areas.

Further details on the lamps can be found here (via website links):

[Holophane - D-Series 0](#)

[Holophane - D-Series 1](#)

[Holophane - Polar 1](#)

Such lighting does not benefit from PD within the GPDO, either through GPDO Schedule 2 Part 2 relating to minor operations or GPDO Schedule 2 Part 7 relating to non-domestic works. Planning permission will therefore be required for this element of the works proposed.

The lighting design ensures that light pollution and upward light spill will be minimised. There are no sensitive neighbours, the site being within an established, large scale commercial and industrial area.

The lighting proposed is therefore non-material in the context of the permission for the construction of Unit 3000 and associated parking and infrastructure. RPS therefore submit this proposal by way of a s96a non-material amendment to permission Reference 9/2015/0499.

This s96a application requests the non-material amendment to permission 9/2015/0499, to add the drawings listed below to the Approved Drawings:

- DVPI-BSP-ZZ-XX-D-C-0100 re.P0-3 (General Arrangement)
- Drawing IN-KGF-DV-XX-DR-E-6006 rev.P2 (lighting design layout)

Please note that drawing DVPI-BSP-ZZ-XX-D-C-0100 also describes several site proposals that benefit from PD and this is included here for information only. The details pursuant to PD are described below, for information.

No existing approved drawings need to be replaced, as they all remain relevant. These drawings show additional proposals only.

Proposals under Permitted Development

Permitted Development: New hardstanding area

The plans currently approved (under application 9/2015/0499) describe an area in the south-east corner of the site as being available for overspill parking. This is currently laid to gravel. Condition 8 of this permission requires this to be made available for overspill parking.

The current proposal (as shown on drawing DVPI-BSP-ZZ-XX-D-C-0100) is to lay out this area more formally for parking, with hardstanding and designated parking bays. This would be laid out for 33 car spaces, with block paved parking bays and asphalt aisles. There is no conflict with Condition 8 as this would remain available for overspill parking and accessible from the existing main car park.

PD rights exist for the provision of hardstanding to serve industrial and warehouse premises (Use Classes B2 and B8), under GPDO Schedule 2 Part 7 Class J, being

“Development consisting of (a) the provision of a hard surface within the curtilage of an industrial building or warehouse used for the purpose of the undertaking concerned; or (b) the replacement in whole or in part of such a surface.”

This right is subject only to the need to accommodate surface water run-off, stating that

“...provision is made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the industrial building or warehouse.”

The submitted drawing clearly shows the surface water drainage proposals for this area. This element of the proposed works can therefore be implemented as PD, without the need for a planning or prior approval application to be submitted.

Permitted Development: New freestanding EV charging units

The existing car parking area (to the west of the overspill area described above) is to benefit from having six spaces equipped with freestanding EV charging units. This is also described on drawing DVPI-BSP-ZZ-XX-D-C-0100). This is required to meet current market expectations and to improve the sustainability of the site.

PDRs exist for the installation of freestanding EV charging units at a commercial premises, under GPDO Schedule 2 Part 2 Class E(2), being

“The installation, alteration or replacement, at ground level within a non-domestic area lawfully used for off-street parking, of: (a) equipment necessary for the operation of an upstand the installation of which would be permitted by this Class; [and] (b) a unit of equipment housing for the storage of equipment necessary for the operation of an upstand the installation of which would be permitted by this Class.”

These PD rights are subject to several conditions that must all be met, namely:

- Provision must be no more than 1 upstand for each parking space.
- The unit of equipment housing must have a volume no greater than 29 cubic metres and not exceed 3 metres in height from the surface level.
- The stands must not exceed 2.7 metres in height from the level of the surface used for the parking of vehicles.
- Not comprise more than 1 unit of equipment housing within a non-domestic area lawfully used for off-street parking.
- Must not be within 5 metres of a highway.

The installation proposed satisfies all of these criteria and, as such, the charging units can be installed under PD, without the need for a planning or prior approval application to be submitted.

Permitted Development: New roof-mounted PV array

The Applicant intends to install a PV array to the main roof of Unit 3000 to modernise the facility and increase its sustainability. This installation has not yet been designed in detail but are explained here for information. PD rights exist for the installation of a PV array on the roof of a commercial building, under GPDO Schedule 2 Part 14 Class J, being

“The installation, alteration or replacement of: (a) microgeneration solar thermal equipment on a building; (b) microgeneration solar PV equipment on a building; or (c) other solar PV equipment on the roof of a building.”

This is subject design and locational criteria, namely:

- To not protrude more than 200mm beyond the plane of the roof slope, measured from the perpendicular with the external surface of the roof slope.
- To not be installed within 1 metre of the external edge of the roof.

These criteria will be observed and met when installing the PV array. This element of the proposed works can therefore implemented under PD, without the need for a planning or prior approval application.

Summary

The Applicant is intending to make a number of improvements to Unit 3000 which will make it more attractive to the commercial market and increase its sustainability. This will help to bring the site back into beneficial use.

Most of these works can be progressed under PD, as explained above, and this is provided for information only.

The proposed new lighting columns cannot be progressed as PD but nonetheless represent non-material development in the context of the extant planning permission for the site. Therefore, an application under s96a is submitted.

Given the minor nature of these proposals, the low sensitivity of the site context and the widescale benefits that will result, we look forward to a prompt, efficient and favourable determination of this s96a application. This will enable the Applicant to press on with implementing the works envisaged and bring the Unit back into beneficial use.

We look forward to hearing from you and, if you have any queries or require any further information, please contact me via my details below.

Yours sincerely,
for RPS

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