

Report of the Strategic Director (Service Delivery)

Section 1: Planning Applications

Section 2: Appeals

In accordance with the provisions of Section 100D of the Local Government Act 1972, background papers are the contents of the files whose registration numbers are quoted at the head of each report, but this does not include material which is confidential or exempt (as defined in Sections 100A and D of that Act, respectively).

1. Planning Applications

This section also includes reports on applications for: approvals of reserved matters, listed building consent, work to trees in tree preservation orders and conservation areas, conservation area consent, hedgerows work, advertisement consent, notices for permitted development under the General Permitted Development Order 2015 (as amended) responses to County Matters and strategic submissions to the Secretary of State.

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When moving that a site visit be held, Members will be expected to consider and propose one or more of the following reasons:

1. The issues of fact raised by the report of the Strategic Director (Service Delivery) or offered in explanation at the Committee meeting require further clarification by a demonstration of condition of site.
2. Further issues of principle, other than those specified in the report of the Strategic Director (Service Delivery), arise from a Member's personal knowledge of circumstances on the ground that lead to the need for clarification that may be achieved by a site visit.
3. Implications that may be demonstrated on site arise for consistency of decision making in other similar cases.

Item 1.1

Ref. No. [9/2019/0646](#)

Valid Date 28/06/2019

Applicant:

Gladman Developments Ltd

Agent:

Gladman Developments Ltd
Gladman House
Alexandria Way
Congleton Business Park
Congleton
CW12 1LB

Proposal: Outline application (all matters except for access to be reserved) for the erection of up to 150 dwellings and land for a community facility along with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access to Weston Road on land at SK4129 0030, Weston Road, Aston On Trent, Derby

Ward: Aston

Reason for committee determination

This item is presented to Committee at the request of Councillor Peter Watson as local concern has been expressed about a particular issue and that the applicant has already had a similar application refused such that the Committee should consider the proposal again to ascertain if there has been any change in their decision.

Site description

The site comprises an area of 10.3 hectares of agricultural land to the south-western edge of Aston-on-Trent, to the west of Weston Road. It is made up of two fields – the northern put to pasture whilst the southern, larger field is part of a larger arable field extending beyond the site boundary to the west. Beyond the northern boundary are further, small paddocks behind properties on Chellaston Lane. The northern field is enclosed by native hedgerow to the northern, western and southern boundaries (the latter of which also containing a ditch), with a small spinney and pond to the south-west corner. The eastern boundary is more fragmented with a mixture of hedgerow and garden fences to properties on Valerie Road and Ellison Avenue. The southern field is not enclosed to the southern, western and eastern sides, whilst it is also open to a further, smaller paddock to the eastern end of the northern boundary (behind properties on Valerie Road). A further drainage ditch runs east towards Weston Road and north/south along Weston Road creating the southern and western boundaries. Residential properties exist to the opposite side of Weston Road, looking out onto the site.

The land rises from east to west and also slightly from south to north across the western part of the site, creating a rise of some 10-15m across the site between the south-eastern and north-western corners. Weston Road is subject to a 30mph limit across the site frontage, where a field access exists to the south-eastern extent. Properties in the area are a mix of 1930s and later semi-detached and detached houses, with bungalows pre-dominant around Valerie Road/Elison Avenue.

The proposal

The application is made in outline for up to 150 dwellings, predominantly in a mix of detached and semi-detached houses up to 2.5 storeys in height, with the potential for some bungalows. Further land would be reserved for a community facility/GP surgery whilst public open space (POS)

9/2019/0646 - Land at SK4129 0030 Weston Road, Aston on Trent, Derby
(DE72 2BA)



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including a community orchard and allotments would be provided along with associated landscaping and drainage infrastructure (SuDS). Only access is to be considered in detail and 'fixed' under this application, with a single priority T-junction proposed onto Weston Road. Pedestrian and cycle traffic would utilise this interface to access the site. The indicative layout suggests that the built form would sit adjacent to the settlement edge from Ellison Avenue around to Weston Road.

Applicant's supporting information

A Planning Statement advances that assessment against the up to date provisions of the Development Plan, and the Framework where relevant, demonstrates the scheme comprises sustainable development. The proposals are considered to comprise a range of benefits, including making a significant contribution towards meeting the objectively assessed market and affordable housing needs of the District at a time where a five year supply of deliverable sites cannot be demonstrated. It is advanced that the only harm identified arising from the development of a greenfield site beyond the current settlement boundaries is limited in scale and magnitude, and it is no more than would be expected for changing a previously undeveloped site to one of built form. The benefits listed include the provision of land for a community facility/GP Surgery, allotments, a community orchard and SuDS to ensure that runoff can be attenuated and discharged at greenfield runoff rates, offering a betterment to existing conditions where runoff is uncontrolled. It is suggested that there are no policies of the Framework that indicate permission should be restricted and development is in accordance with the Development Plan.

The Design and Access Statement notes that considerable importance has been placed on achieving a high standard of design across the site. The application of sound urban design objectives has provided the basis for a design and development framework where a high-quality layout can be achieved, whilst the identification of the opportunities and influences would ensure that the proposals are sensitively assimilated into the existing fabric of Aston-on-Trent and the wider landscape. The design process has been underpinned by the understanding that successful urban design is dependent upon achieving an appropriate relationship between community needs and aspirations, development form and a positive response to local conditions. As a result, and using the key design objectives established by the NPPF, the proposals for the application site have been designed to create a successful and sustainable new neighbourhood.

An Affordable Housing Statement sets out that the proposal would deliver 45 affordable dwellings at a time when there is an acute need for affordable housing in South Derbyshire. This would equate to 30 social rented, 2 affordable rented and 13 intermediate properties. The Council's most up to date evidence is set out in the Strategic Housing Market Assessment Update (SHMA) and between 2011/12 and 2017/18 the Council have delivered 658 units against a net need of 1,434 units – a significant shortfall of 776 units or just over 2.7 years' worth of affordable housing. Taking the recent delivery figure of over 300 units in 2018/19 into consideration, the Council will have only 'over delivered' approximately 20 more units than the dedicated affordable housing requirement of 286 affordable homes per year. This would mean a backlog of 726 affordable homes still exists, equating to over 2.5 years of deficit. It is also noted that completions do not take into account the loss of stock through schemes such as Right to Buy. Here it is contended that since 1979/80 a total of 2,513 affordable homes have been lost in the District through Right to Buy sales, representing an average loss of 66 affordable homes per annum over the 38-year period. When taken into consideration with the completions, there is a claimed average provision of just 28 affordable dwellings per year. Reference is also made to the 751 households on the housing register in South Derbyshire, stating that even if the affordable need for the Aston Ward (currently 37 families) has been met using the wider area, only 23 affordable homes have been delivered in Aston so far and therefore there are still 14 households on the housing register in the Aston Ward who have not been adequately housed. It is also noted that the affordable housing provided on the site would be provided in different tenure types and would not just appeal to those on the housing register. Finally, the Statement moves towards the relative unaffordability of housing in the District which has rapidly increased since 2002, and the reality is that those most in need in South Derbyshire are unable to afford to buy their own homes. It is noted that home ownership in Aston is the most common housing tenure with only 3.3% of households living in social rented housing compared to the South Derbyshire average of 9.9% of household, and the

affordable housing component of the scheme would comprise 65% social rented, 5% affordable rent and 30% intermediate dwellings. The tenure profile is also skewed towards owner occupation, contrary to the NPPF objective of creating 'mixed balanced communities', and the provision of 45 affordable dwellings would contribute towards meeting this objective.

The Transport Assessment (TA) reviews accident data for the local area for the most recent six years available. This data indicates 50 recorded accidents. 45 of these accidents were classified as 'slight' while 5 were classified 'serious'. There were no recorded fatal accidents. There is nothing to suggest that highway condition, layout or design were contributory factors. It is therefore concluded that there are no deficiencies in the highway network, or existing safety issues in the vicinity of the site, that would be exacerbated by the development proposals. The site would be accessed via a new priority junction from Weston Road, which has been designed in accordance with the 6Cs Design Guide and Manual for Streets. The proposed access includes 2.0m wide footways on both sides, with a new footway proposed along the site frontage to connect the existing pedestrian provision to the north-east to the existing bus stop located to the south-west of the site. The development would thereby provide improved access to the bus stop to existing residents of the surrounding area, in addition to residents of the proposed development. An assessment has been undertaken of the site's level of accessibility by sustainable modes, from which it can be concluded that realistic options exist for access to local amenities, education, and employment opportunities on foot, by cycle, and by public transport. It is proposed that occupiers of the proposed development would be made aware of the options available for sustainable modes of travel through the site's Travel Plan and also through welcome packs provided to residents and employees at the development. Junction capacity assessments have been undertaken at the proposed site access and at three further junctions on the local highway network. A robust assessment has been undertaken which included traffic generated by the Moor Lane and other Weston Road (refused) applications. The results of the junction capacity assessment indicate that the development proposals would have an overall negligible impact on the local highway network. Overall, the proposal complies with local and national policy and guidance in terms of transport impacts, with the NPPF confirming that development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'. Therefore, it is considered that there are no highways or transportation related objections.

The Landscape and Visual Impact Assessment (LVIA) considers both landscape and visual effects. The effects on local landscape character are considered to be slight to moderate adverse. This would be in the winter on completion of the development, whilst effects in the summer would be at a slightly lower level. These effects would be expected to decrease slowly with time, as the proposed planting begins to mature and as the new development becomes progressively screened and integrated more fully with the surrounding area. It is stated there would be some sense of development and the edge of the village extending out into the presently partly open land to the south of the settlement, but this would be limited by the proposed built development not extending as far to the south towards Weston as do the existing properties on the eastern side of Weston Road, and also as a result of the proposed open space areas and structure planting which would over time effectively contain the development to the south and west. The development is not considered to result in any narrowing of the existing gap between Aston and Weston. The above effects have been categorised as adverse, as there would be some inevitable and in-principle harm as a result of the introduction of new buildings into what is presently an undeveloped site, but it is contended that the new houses would not in themselves be unsightly, intrusive or discordant - any harm would occur as a result of the development of what is presently a greenfield site, and the new development would over time be screened and integrated by the proposed open space and planting. The visual effects identified on public views would be at a similar level, and there would also be some higher level effects on private views from adjoining properties, some of which would lose their presently open views across the site. However, such effects are considered a largely inevitable consequence of development on the edge of a settlement. The assessment finds, in light of the above, there would therefore be some in-principle conflict with some landscape protection policies but this would need to be weighed against the benefits of the proposed development in terms of housing provision.

A Soil and Agricultural Use and Quality Report identifies that the majority of the site is grade 3a agricultural land (84%) with smaller areas of grade 3b (15%). The topsoil is considered to be a high quality resource for re-use in gardening and landscaping.

The Heritage Assessment notes extensive evidence of prehistoric activity to the south and east of Aston-on-Trent, to the south-east of the site. The Scheduled Monument Iron Age settlement and cursus, with other features to the south-east, is associated with archaeological remains of Neolithic, Bronze Age, Iron Age and Romano-British date. There is currently no evidence of prehistoric or Romano-British activity recorded within the site. The site has been under arable cultivation, but no cropmarks thought to be indicative of archaeological remains have been observed on aerial photographs. Ridge and furrow earthworks of probable medieval origin are visible within the site on historic aerial photographs. However, above ground remains have been ploughed out. Below-ground remains of ridge and furrow earthworks are not considered to be heritage assets. It is also concluded that the development would not result in any adverse impacts on the significance of designated heritage assets as a result of alteration to setting. The results of the Geophysical Survey primarily reflect modern activity associated with agriculture and industrial exploitation of the land, which correlates well with supplementary satellite imagery and historic mapping. Natural variations in the soils and geology have been identified across the site. A large, discrete area of strong responses has been detected along the western end of site and is co-located with the location of a former marl pit recorded on historic mapping. A linear feature extending east-west across the site may be resultant of associated activity with the pit or may represent a former boundary feature that has been deliberately infilled. Ploughing trends have been detected on east-west alignments across the site and are well correlated with recent agricultural activity visible on satellite imagery.

An Arboricultural Assessment finds that the principal arboricultural features are the trees and hedges which mark the boundaries of the north field. The hedges are dominated by hawthorn and blackthorn, with natural regeneration of tree species including common ash, English oak, silver birch and common beech. The west boundary of the north field includes larger common ash trees which provide landscape value despite defects such as wounding and decay. The tree and shrub vegetation at the old pond in the westernmost corner of the north field provides both landscape and ecological value. No arboricultural features are present along the frontage of the site with Weston Road, and so no tree or hedge removal or pruning would be required in order to implement the proposed vehicle access. The indicative layout has been designed to provide appropriate buffers to the trees and hedges along the boundaries of the site where all of the significant and prominent trees and tree groups are located. The potential requirement for tree and hedge removals is restricted to the point of new vehicular access between the south and north fields. The access would require the removal of one low-quality ash tree and a short section of hedge. The impact of these removals would be minor. The proposals indicate potential to deliver new tree planting to mitigate this loss, as well as provide an increase in tree cover. At detailed design stage, it would be necessary to produce a detailed Arboricultural Impact Assessment (AIA) to evaluate the direct and indirect effects of the proposals and detail tree protection measures.

Under a previous application a Preliminary Ecological Appraisal (PEA) comprising a desk study, an extended Phase 1 Habitat Survey, a Habitat Suitability Index (HSI), a badger survey and two great crested newt (GCN) surveys was undertaken. An update to the PEA has been carried out for this application to identify any changes in the baseline ecological conditions relative to those previously reported and inform recommendations for design, highlight opportunities for ecological enhancement and determine any additional investigation/survey work necessary. A further desk study and extended Phase 1 Habitat Survey were undertaken in February 2019. Habitats present are common and widespread, with the greatest ecological interest associated with some of the more mature hedgerow boundaries and the aquatic features present. A ditch network is present, with occasional mature trees and an ephemeral pond. Further surveys for roosting bats and GCN were undertaken in April 2019, with further surveys for bats, riparian mammals and GCN reported in an Ecological Impact Assessment (EclA). No overriding constraints have been identified. Bat activity was recorded, with low levels of common species, with no roosting bats identified within the mature ash tree surveyed. A barn owl perch has been identified within the mature ash along the middle boundary. Mitigation and enhancement measures are therefore proposed to address potential impacts to these protected species and ensure compliance with applicable legislation. Opportunities for ecological enhancement may be secured as part of the proposed development, such as the provision of bat and bird boxes, alongside new habitat

creation. Subject to the proposed avoidance, mitigation and enhancement measures, the development is not anticipated to result in any residual significant negative effects to important ecological features.

The Flood Risk Assessment (FRA) identifies that the site lies in an area of Zone 1 Flood Risk where the Sequential and Exception Tests do not apply. There are no water bodies which present a source of risk to the development, and there is a spring just to the south west and ditch systems to the site boundaries. Development levels would need to be set to ensure that flows from the spring and within the boundary ditch systems are safely conveyed around the development and conveyed to the culvert at the north east corner thus mimicking the existing situation. In this regard it is noted that development of the site would inherently reduce uncontrolled surface water runoff into the boundary ditch systems. Geo-environmental assessment work has established that ground conditions are unlikely to prove suitable for an infiltration based drainage solution but would be assessed at a more detailed stage. On this basis it is proposed to connect surface water drainage to the existing culvert in the north east corner with flows limited to greenfield run off rates, thus mimicking existing run off in accordance with the NPPF. The proposed piped drainage system would be designed to contain flows from, at minimum, a 1 in 30 year event and discharge into an attenuation basin located along the north east boundary of the site prior to connection to the culvert. The piped system within the development would be put forward for adoption by Severn Trent Water, whilst the attenuation basin, control structure and connection to the culvert would become the responsibility of a management company set up for the development. Overall flows would be contained on site up to the 1 in 100 year plus climate change event prior to discharge to the culvert. Where required, land drainage systems would be introduced to pick up any residual land drainage and direct flows safely around the development. It is concluded that the FRA demonstrates accordance with the NPPF and that the development is not at risk of flooding from external sources, and would not increase flood risk elsewhere.

A Foul Drainage Analysis (FDA) outlines that the development can be effectually drained without causing detriment to the public sewerage network. It demonstrates how the development can be drained, with an on-site sewerage system constructed and connected to the public sewerage network. It has been established that the public sewerage system has available capacity to accommodate the associated foul water flows, and network improvements are not required. The FDA highlights that separate legislative regimes operate within the water industry and a foul drainage planning condition is not required. The developer has a right to connect to the public sewerage network at a point of its choosing and the sewerage undertaker has a duty to carry out any works necessary to accommodate associated foul water flows. It also has powers to compel the developer to connect in a different manner and undertake additional works to achieve this.

An Air Quality Screening Report confirms there are no Air Quality Management Areas (AQMAs) within the District such that there is no major concern in respect of air quality on the site. It is also considered that a full air quality assessment, to consider road traffic emissions, is not required as background concentrations indicate that annual mean concentrations within the vicinity of the site are likely to be well below the respective annual mean objectives for Nitrogen Dioxide (NO₂) and Fine Particulate Matter (PM₁₀). It is not considered likely that vehicles travelling to/from the proposed development would have a significant impact at representative existing receptors along nearby roads. Furthermore, the proposed development site is relatively small. It is therefore considered that the impact associated with dust from the construction phase, in accordance with the Institute of Air Quality Management 'Guidance on the Assessment of Dust from Demolition and Construction (June 2016)' would be not significant with appropriate site mitigation in place.

A Noise Screening Report considers the various potential noise sources and receptors – both existing and proposed. It is likely that the dominant noise source would be road noise, in particular from Weston Road. However the impacts are unlikely to be significant. The distance to the A50 also means that there are unlikely significant effects from this source. Noise from farming of adjacent land is also unlikely to be an issue. Any increase in road noise as a result of the development is likely to be imperceptible.

The Phase 1 Geo-environmental Assessment notes the site is in an area of sporadic historic extraction activities with brickworks to the north, but all some distance from the site. The nearest gravel pit 200m to the east in the area of the former hospital disappears in conjunction with redevelopment of the hospital for housing. Gravel workings recorded on site from 1882 disappear, having been filled by 1982 with commercial waste, non-hazardous industrial wastes and wastes from the construction industry. This landfill presents a source of risk. The site is not at risk from coal mining. Strip foundations would be appropriate generally, but abnormal foundations are anticipated in landfilled area, all subject to investigation. Ground conditions anticipated as being unlikely to be suitable for surface water infiltration.

A Socio-Economic Sustainability Statement supports the application. It highlights historical and projected rates of population growth and that the future growth is to be accommodated across the District with economic benefits captured by allowing smaller, sustainable settlements to grow. It is noted that Derbyshire is a sought-after location to live, with the ratio of house prices to earnings higher than average, and the development of 150 market and affordable dwellings would go some way to improving this situation. It is highlighted that paragraph 80 of the NPPF states significant weight should be placed on the need to support economic growth through the planning system, and it is advanced that the benefits here would be substantial.

A Statement of Community Involvement (SCI) outlines that the applicant obtained pre-application advice from planning officers, and engaged other statutory consultees to discuss key issues ahead of the 2017 application. It is also noted that they attended an informal pre-application discussion with members of Aston on Trent Parish Council in January 2017 where the Parish Council confirmed their objection to the proposed development with concerns focused on planning policy, traffic, a perception of overdevelopment in the settlement and the fact that part of the site lies within Weston on Trent Parish boundary. Leaflets outlining the development principles and seeking comments were distributed on 10th January 2017 to over 905 households and businesses within the proximity of the site, 55 people initially responded to the leaflet by post and via email. These comments are summarised and responded to in the SCI. A good proportion of comments received were constructive and useful in shaping the development as it progresses. A key concern of local residents is the impact the development would have on the local highway network and current planning policy. It will be demonstrated that the highways network is able to comfortably accommodate any additional traffic generated, and that the local policy position is out of date and unable to deliver the required housing. Throughout the consultation process, the applicant also encouraged suggestions as to how the local community could benefit from the proposed development, and the applicant will discuss the ideas put forward with the Council. Implementation of the agreed community benefits would be guaranteed through their inclusion within a Section 106 agreement.

Relevant planning history

9/2017/0095	Outline application (all matters except for access to be reserved) for the residential development of up to 150 dwellings, land for a community building, public open space, landscaping and sustainable drainage system (suds) and vehicular access point from Weston Road - Refused June 2017, appeal made but withdrawn.
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Responses to consultations and publicity

The County Planning Policy Officer advises that the development would generate the need to provide for an additional 30 primary pupils. Weston on Trent CE (Aided) Primary School has a net capacity of 175 pupils and currently has 126 pupils on roll. The latest projections show this number to increase to 156 during the next 5 years. As a result, the primary school would have sufficient capacity to accommodate only 19 of the 30 pupils generated. Chellaston Academy (Derby City) would cater for secondary/post-16 education needs. The development would generate the need to provide for an additional 23 secondary and 9 post-16 pupils. The Academy has a net capacity of 1,650 pupils and currently has 1,726 pupils on roll. Projections are showing an increasing trend in pupil numbers over future years. In addition, there are a number of housing developments, underway and proposed (City and County), in the Academy's catchment area. The school therefore does not have sufficient capacity to accommodate the additional pupils created by the development. In light of the above, the County

Council requests financial contributions of £184,934.64 for the provision of 11 primary places at Weston on Trent CE (Aided) Primary School towards Project B: Extension of Teaching Accommodation, and £829,922.74 towards Project B: Scheme of Works at Chellaston Academy to accommodate additional pupils.

The Derby and Derbyshire CCG advises that it is unlikely that NHS England or NHS Derby and Derbyshire CCG would support a single handed GP development as the solution to sustainably meet the needs of the housing development, and that the health contribution would ideally be invested in enhancing capacity/infrastructure with existing local practices. The closest practice to this development is the branch surgery of Alvaston Medical Centre at Aston on Trent. The CCG has, however, commissioned a feasibility study to determine the options for providing additional clinical capacity for the south east of the City, and until that study is complete they request that potential funding is allocated to the locality and not a specific practice. The proposal is considered to result in an increase of approx. 375 patients which cannot be accommodated within existing practices affected. A contribution of £72,000 is requested.

The Open Space & Facilities Development Manager outlines the need to contribute towards outdoor sports and built facilities in the vicinity of the site, these being refurbishment of the Aston on Trent Memorial Hall and improvement to Aston On Trent Playing Fields (the Recreation in Aston site) and/or Aston on Trent Bowling facility. The sums would be determined on the basis of the normal amounts per bedroom (£220 and £122.80 respectively).

The County Highway Authority notes they commented on similar proposals in 2017 and raised no objections subject to recommended conditions. The main difference with this current application from a highway safety viewpoint is that the applicant has now carried out a speed reading assessing approaching vehicle speeds from both directions on Weston Road which, although they are not in possession of the actual speed reading results, according to the submitted TA an average speed of 36mph was recorded. As a result, the applicant has increased the emerging visibility sightlines to 2.4m x 73m in both directions. Providing the applicant can submit a copy of the results to confirm the speed readings were 36mph in both directions, the proposed 73m sightlines would be acceptable. The remainder of the application is identical to the proposals previously submitted including the formation of a 2m wide footway across the site frontage. Therefore, subject to evidence of the speed survey and the recommended conditions from 2017 (adjusted to account for the new visibility sightlines), there is no objection.

Highways England has no objection.

The County Minerals Planning Officer has not responded to this application, but previously advised a small section of the southern field abutting Weston Road lies within the sand and gravel resource, as defined on the BGS Mineral Resource Map. Whilst the developer may wish to investigate the quality and quantity of the resource and the potential to remove the sand and gravel as part of the development; given the relatively small amount of mineral that may be affected there were no significant concerns in terms of minerals safeguarding.

The Development Control Archaeologist advises there is an HER record for medieval ridge and furrow over the whole site and surrounding area, although this is no longer extant in earthwork form because of arable ploughing of the site. More relevant is the general high potential for prehistoric archaeology in the area around Aston. The scheduled Neolithic cursus site is about 750m south-west and the prehistoric remains (Late Bronze and Iron Age open settlement) associated with the Aston Hall Hospital site are about 300m away. Whilst the heritage assessment notes the lack of cropmarks on the proposal site, the presence of known cropmarks is not a reliable guide to archaeological potential. The proposed crematorium site on Derby Road (about 1.4km to the north) had no known cropmarks, but a system of Iron Age enclosures was identified through geophysics and trial trenching. There is some evidence on the site and in historic mapping for gravel extraction in the 19th-20th centuries, although this does not appear particularly extensive. The site therefore has a high potential for prehistoric archaeological remains, based on the concentration of remains in the vicinity, and on the recent work at Aston Hall Hospital and Derby Road. The geophysical survey does not suggest complex or extensive archaeological remains, although there are a few anomalies of possible archaeological origin that

require testing by evaluation trenching. Further archaeological work could be deferred to a conditioned scheme to comprise evaluation trenching followed by further mitigation as appropriate in the event of significant findings.

Derbyshire Wildlife Trust notes the 2019 survey work provides an update to the surveys completed for the 2017 application. No evidence of roosting bats or badger setts were identified at the site during the 2019 surveys, and the Trust concurs that the habitats present on the site are unlikely to support water voles and that GCNs are unlikely to occur on the site. Overall, they advise that the survey work has provided a robust assessment of the nature conservation interest associated with the site and that sufficient ecological information has been provided to enable the application to be determined. The Trust also welcomes the provision of green infrastructure indicated on the masterplan to include the retention and enhancement of existing landscape features and the creation of new habitats. They consider it important that this green infrastructure provision is fully reflected in reserved matters submissions to ensure that the proposed development does not result in a net loss of biodiversity and ideally seeks to achieve a net biodiversity gain. The Trust recommends conditions are attached to ensure these objectives are fulfilled.

The Lead Local Flood Authority (LLFA) notes the proposed drainage strategy is to discharge surface water at variable greenfield runoff rates to a culverted watercourse via a piped system and an attenuation basin. The runoff rates would be restricted to 17.4l/s for the 100% probability annual rainfall event, 42.0l/s for the 3.3% probability event and 53.9l/s for the 1% probability event. The culverted watercourse joins a surface water sewer leading to a further culverted watercourse. Development levels would be set to ensure that the existing risk of surface water flooding in the south-east of the site is mitigated by conveying surface water flows around the development and into the culvert at the north east corner. Notwithstanding this approach, it is recommended that conditions be attached to ensure an appropriate drainage system at the detailed design stage – ensuring DEFRA's non-statutory technical standards for sustainable drainage systems and local guidance are followed.

Severn Trent Water Ltd has not responded to consultation but had no objection to the previous application, subject to the inclusion of a condition.

The Environmental Health Officer (EHO) has considered the application in relation to the potential air quality, noise, land contamination and environmental lighting. There is a potential exposure of existing sensitive receptors to new sources of air, noise, contamination and light associated with the development. Conditions are recommended to limit noise and dust emissions during development, as well as maintain air quality at the same time. Electric charging points for each property are also recommended through condition. The site is also within influencing distance of infilled areas of unknown material which could give rise to risk from potential ground gas migration. A conditional approach is therefore recommended.

The Police Designing Out Crime Officer advises there are no objections in principle. The one matter of detail which was considered likely to be problematic, as raised previously - that being the existing link used from the Valerie Road cul-de-sac into the development site; has been removed from indicative detail. Irrespective of the detail submitted, all matters except access are taken to be indicative only. The indicative layout looks unproblematic in block form.

Aston on Trent Parish Council objects on the following grounds:

- i) this application is almost identical to the application submitted in 2017 which was refused, and the same reasons can be used to reject this application;
- ii) the site is not identified in either LP1 or LP2 as a potential area for development;
- iii) it lies outside of the settlement boundary and has shown no scope for integration into the village;
- iv) this development does not meet any of the criteria required to build outside of the policies - policy H1 allows for development outside the settlement boundary of no more than 25 houses in a Key Service Village (Aston on Trent) and 15 houses in a Local Service Village (Weston on Trent), but not the 150 houses proposed here;
- v) SDDC can still meet the required 5 years of housing land supply and as such this application should not be considered;

- vi) the application is full of errors and outdated information, and has no regard to developments going on elsewhere in the District nor to the ongoing developments in Aston on Trent;
- vii) the sustainability of the village is being brought into question with the additional developments and all the associated extra vehicular movements;
- viii) the bus service is now declining to 7 buses a day Mon-Fri and no buses at weekends or bank holidays - there is no access to outside of the village after 6pm;
- ix) the bus service does not connect with other public transport services such as rail at convenient times and only travels to Derby - there is no service to Chellaston or Long Eaton;
- x) the Key Service Village status given to Aston on Trent needs to be reviewed;
- xi) the likelihood of an additional 300 extra cars on the roads would have a detrimental impact both on Aston and Weston;
- xii) SDDC are well-aware of the current problems at Cuttlebridge and the centre of Aston itself;
- xiii) the Travel plan discusses access by sustainable modes of transport such as walking/cycling, public transport and car use but these arguments do not stand up to scrutiny - the site is poorly integrated into the local footpath network and not at all with the cycle path network;
- xiv) the applicant's assessment of 87 car journeys in the morning and 97 in the afternoon is inaccurate, whilst Willow Park Way a cul-de-sac and not a main route for traffic leaving the site, and Chellaston Lane is single track and wholly unsuitable for use as a main thoroughfare;
- xv) the overall plan shows community allotments, orchards, a play area and a community building, but no consideration has been given as to who will maintain these;
- xvi) the CCG have expressed no interest in bringing forward a new GP surgery;
- xvii) the development would exacerbate flooding and drainage problems on Weston Road and push this further down into the village;
- xviii) the ecological assessment is inadequate, being conducted at a time not conducive to seeing all the flora and fauna that grows there;
- xix) air quality would be reduced, not necessarily at the site but in areas of the village where queuing traffic would congregate, mainly the centre where there is a higher proportion of pedestrians;
- xx) the general infrastructure of the two villages would suffer as the pressures on schools and doctors continues to grow; and
- xxi) the land is designated as 'Best and Most Versatile' and as such should remain as agricultural with the expectation it will be required to grow more of our own food locally.

Weston on Trent Parish Council objects on the following grounds:

- i) at 150 houses, it is clear that the proposed development does not conform to policies H1, H24-H28 and BNE5 of the Local Plan;
- ii) the applicant disputes the Council's position that a 5 year supply exists but provide no evidence;
- iii) this application should not even be considered unless existing planning permissions have exceeded their period of validity;
- iv) the data used to suggest there is insufficient Affordable Housing being built is out of date and does not take into consideration the housing developments on Boulton Moor, Cuttle Brook and Infinity Garden Village, and using the 30% formula suggested this means approximately 930 Affordable Houses would be built in the near future;
- v) the development is outside of the existing village boundaries and significantly closes the gap between the villages, removing the separation between the historic east & west settlements and adversely affecting the identity and character of both villages;
- vi) the proposal would effectively graft a large housing estate onto the village, not in keeping with the varied architecture and low density of existing housing in Weston & Aston;
- vii) the arguments for access by sustainable modes of transport are poor and do not stand up to scrutiny;
- viii) the site is poorly integrated into the Aston footpath network and the speed and volume of traffic on local roads would deter all but the most experienced and committed cyclists, whilst there are no proposed links to the local cycle network;
- ix) house numbers on the site would result in between 300 and 450 additional car-parking spaces and hence cars, such that the applicant's assessment of 87 car journeys in the morning and 97 in the afternoon is not credible;
- x) additional traffic will put more strain on an already overcrowded road system;

- xi) the traffic survey data used sometimes dates back almost 10 years which would take no account of the increases in traffic caused by the Willow Park Way development, residents and workers at Richmond Village and the new development at Moor Lane;
- xii) traffic surveys were taken at the wrong times of day, so missed the worst of the traffic, especially in the evening when the survey started well after the school run and after the main commute home normally starts;
- xiii) the roads in Weston & Aston are already congested and any increase in traffic would threaten the safety of motorists, cyclists, horse riders & pedestrians in both villages;
- xiv) the main road through Weston is narrow, particularly at the eastern entrance to the village and at the railway bridges at the western end;
- xv) the junction of Swarkestone Road and the A514 at Cuttle Bridge been difficult and dangerous to use for many years now, and additional traffic from the proposed development would cause additional delays and increase the likelihood of serious accidents;
- xvi) the road in Aston village leading from Weston is effectively single lane, due to parked cars and the junction at Aston Post office is very congested, and again, traffic from the proposed development would cause more delays and increase the likelihood of accidents;
- xvii) the Travel Plan talks about the reduced need for travel due to the ease of working from home, facilitated by telecommunications, but this is likely to be more than offset by the effect of home deliveries from online retailers;
- xviii) the bus service has recently been significantly reduced and there are no busses arriving in Aston after 5:30pm and no busses leaving Aston after 5:50pm, and no service at all on weekends or bank holidays;
- xix) the application also assumes that public transport using rail will contribute to sustainability but anyone using the bus to travel to Derby Midland Station would have to catch a train after 7:10am and would have to return to the station before 5:05pm meaning it is not viable for effective commuting. There is also no bus service to the station at weekends or bank holidays and no bus service at all to East Midlands Parkway Station;
- xx) no consideration is given to access by construction vehicles and HGVs delivering building materials, as was seen during the construction of Richmond Village, these vehicles coming into conflict with other road users at the Post Office junction on a regular basis;
- xxi) the assumed build rate of 40 houses per year is totally unrealistic as a developer will want to complete as soon as possible and move on to other projects, in turn producing an unrealistic view of the disruption on site and on the surrounding roads that would be caused by the build process;
- xxii) the south-east corner of the site has a record of flooding during the winter months, flooding regularly and can overspill into nearby properties, and this is the area where the increased rainwater run-off would flow to;
- xxiii) the outflow from the site is the same culvert that cannot cope with existing conditions, and the survey correctly identifies ground conditions as unsuitable for infiltration based drainage, leaving the houses at risk of flooding or requiring extensive surface water drainage to sewers;
- xxiv) there is a history, in both Aston & Weston, of sewage backing-up during heavy rain and overflowing, and the existing sewer infrastructure is already inadequate;
- xxv) the applicant has chosen not to use local architects, landscape architects and planning consultants for this application, demonstrating a lack of commitment to South Derbyshire and showing through in the poor quality of the application;
- xxvi) the application is generally repetitive and contains reports which add no value, but instead undermines the credibility of the proposal;
- xxvii) much of the source data that the proposal is based on (e.g. house construction figures, traffic surveys, accident details, bus service details, etc.) is out of date and provides a skewed viewpoint;
- xxviii) the proposed masterplan is poor, with the site treated in isolation with no obvious effort to integrate the development into the existing community;
- xxix) no details of housing design or layout are shown, and other features such as the medical centre, playground, orchard, green spaces, etc. should also be disregarded as there is no guarantee that they will be included in the eventual development;
- xxx) a number of community facilities are shown but there is no mention of how these are to be funded and managed long-term;
- xxxi) this proposal comes shortly after the extension of the Richmond Homes site to include a housing development, already meeting a proportion of the District's rural housing needs, meaning this is

- too much development in too short a period making it difficult to assimilate and integrate the new development into the existing community;
- xxxii) both Weston & Aston Primary Schools are near capacity and could not support an additional development which will include a large proportion of family homes;
 - xxxiii) the local Doctors Surgery in Aston is already full and appointments are difficult to make, and the potential community facility/surgery may provide an additional building but does nothing to improve staffing or equipment;
 - xxxiv) the general infrastructure in both Weston & Aston cannot cope with another development of this scale; and
 - xxxv) when the site is sold on to a developer there is no guarantee that the applicant would be involved leaving open the possibility of further changes to the masterplan.

Save Aston & Weston Village Environments (SAVE) objects on the following grounds:

- i) a public meeting was held and attended by 108 residents, with an overall view of opposition to such a development as well as the tone of the application and the public consultation carried out;
- ii) even the applicant recognises this application is the same as the last, and as there have been no material changes in favour of the scheme it should be rejected on the same grounds as their previous submission;
- iii) the developer states that SDDC do not have a deliverable 5 year housing supply but have not given any supporting information for this claim, and the Council does have a 5 year housing supply making this an affront and an insult to the Council given the substantial building developments currently underway;
- iv) Aston no longer has the sustainable transport links required to be classified as a Key Service Village, and it should now operate as a Local Service Village with the bus service reduced to only 7 buses per weekday, with no buses at all on a Saturday or Sunday – and the timings are such that it is virtually impossible to use the service to go to work in Derby;
- v) since the last application, the infrastructure and transportation has altered in a detrimental nature and this has not been taken into account;
- vi) the development is outside the settlement boundaries of both Aston and Weston;
- vii) any development outside the settlement boundary should be classed as a cross-exceptions site and therefore limited to no more than 25 affordable houses for a key service village or 15 for a local service village;
- viii) the development would cross two parishes therefore making integration into either village difficult and this has not been considered in any way by the developer;
- ix) the risk to ecology is serious, even based on the ecological appraisal undertaken; with this risk under-estimated given the survey was conducted *“at a sub-optimal time of year for botanical surveying and therefore not all flora may have been recorded”, “not all landowners granted permission to access their ponds and therefore an assessment could not be carried out on these ponds”* and it would have been better to undertake the *“further surveys for bats, riparian mammals and great crested newts programmed for 2019”*;
- x) the limited nature, and underestimation of ecological value, of the report can be noted by the lack of records of Brown Hare which have been seen on the site and even down as far as the Weston Road boundary close to the entrance of Willow Park Way;
- xi) the need for redaction of the report indicates there are protected/sensitive species in the area that would be negatively impacted by development on the site;
- xii) the adequateness of the flood risk submission is questionable with features captured in the ecological assessment completely missed in the flood assessment, one example being the pond in the south-east of the field;
- xiii) the identification of “a ribbon of flood risk across the southern field and extending into the north-east corner” is not supportive evidence in favour of development;
- xiv) the assessment identifies likely ground conditions mean infiltration drainage is not appropriate, meaning increased hard standing and less control of run-off;
- xv) existing residents of Weston Road would be endangered;
- xvi) the air quality screening report provides estimated Annual Average Daily Traffic (AADT) as 720 vehicles but then concedes that *“this exceeds the criterion... for a more detailed assessment”*, yet a more detailed assessment has not been undertaken;

- xvii) the likely traffic impact would not be felt at the site, rather it would be felt at bottlenecks in the road system around the village such that the impact to human health has not been properly considered;
- xviii) the heritage statement seems to have been written by someone with little or no local knowledge, as when discussing the Coopers Arms it suggests “...*views are considered to make a lesser contribution to the setting of the asset as they provide little understanding as to the historic interest of the asset and its immediate grounds*” the author fails to consider that the view to Weston-on-Trent and the character [is important to those living locally];
- xix) loss of what is considered to be very good quality agricultural land when there are others areas of much poorer agricultural quality;
- xx) each village has its own character and culture and the view is as the gap between them is closed, this essential element would be lost and the two villages would merge into one;
- xxi) the access can only be described as dangerous, with the access from Yates Avenue onto Weston Road closed over fears on safety grounds;
- xxii) residents are already encountering considerable problems exiting Aston via Weston Road past the village shop and hairdressers, with the road becoming more and more congested as the effects of the Richmond Village occupation are taking hold;
- xxiii) there is also the problem of trying to exit Aston through Weston via the Cuttlebridge and onto the A50, which is becoming very congested with queuing traffic trying to exit the junction with a notorious ‘blind spot’, and this junction is presently in need of traffic light control; and
- xxiv) even with the present traffic levels, there are very real difficulties in exiting Aston and Weston without the prospect of another 200+ cars.

Some 326 objections have been received, raising the following concerns/points:

Principle of development

- a) the development is outside the settlement boundary;
- b) any development outside of settlement boundary should be classed as an exception site;
- c) due to the extent of housing allocated in the Local Plan, there should not be a need for a development of this size;
- d) the Council is able to demonstrate a deliverable 5 year housing land supply without the need for any more housing developments;
- e) a similar application at the site has been considered unsuitable;
- f) the proposed allocation on Moor Lane is far more suitable and this should be sufficient to meet needs;
- g) new development should be proportionate to the villages;
- h) use should be made of brownfield land as priority over greenfield sites;
- i) the Plan limitations of 15 dwellings and 25 dwellings for key and local service villages are reasonable to protect rural character;
- j) there are already massive housing developments in Alvaston, Chellaston, Sinfen and Aston so this development is not required;
- k) the settlement boundaries provide a strong premise for defining and protecting the countryside from unnecessary encroachment;
- l) the proposal would increase the size of Aston by 20/25%;
- m) the social and historic character of the two villages is different and must be kept separate to ensure their individuality is maintained;
- n) 150 houses is not limited development;
- o) Derby requires better quality housing and regeneration instead of this site;
- p) affordable housing is a token gesture;
- q) the development is not in a sustainable position and is not in a walkable distance to necessary services and facilities and is contrary to the NPPF;
- r) the development should be limited to 25 affordable units as per policy;
- s) what about the pending application for 30 houses on Derby Road;
- t) development is contrary to H23, H24, SDT1, BNE5, S1, S4 and H1 of the Local Plan;
- u) more economic prospects and employment for young people are required as opposed to housing for the immediate area and its population;
- v) development would cause loss of Green Belt;

Landscape, character, design and heritage

- w) the land is identified as very good/best and most versatile agricultural land;
- x) regeneration should happen in Derby instead of on this site;
- y) the development would close the space between the two villages changing the character of each village;
- z) the 20th century dwellings add character to the villages and do not degrade the visual appearance of the village, as stated in the Visual Impact Assessment;
- aa) the proposal would have a detrimental impact on the open countryside approach to Aston from Weston;
- bb) the development would destroy the charm and character of both villages;
- cc) the development should conserve heritage, not bring together two historic settlements and is not in keeping with existing 1930's housing stock;
- dd) the site is considered to form a strategic gap between the two settlements;
- ee) the development would profoundly affect the village, its shape, character and delineation;
- ff) the development is contrary to policy BNE5 of the Local Plan Part 2 as it would not conserve and enhance the district's countryside green character;
- gg) loss of countryside views and walking opportunity;
- hh) replacement hedgerow and green gap planting not sufficient for mitigation of those lost;
- ii) the development would ruin the setting of Weston Hall;
- jj) the development would be visible from Grade I listed Aston Church;
- kk) the dead ends proposed do not provide enough space for visitor parking;
- ll) the sloping site would affect neighbours amenity from overlooking;
- mm) gardens of the development would directly overlook Ellison Avenue/Valerie Road properties;
- nn) green roofs should be added onto the development for design and climate change reasons;

Highway safety and capacity

- oo) the villages already suffer with heavy traffic causing jams and congestion especially at peak which will get worse with the extra vehicles from the development and other developments;
- pp) there are no parking restrictions on routes through the village;
- qq) lack of frequent bus services which are under threat with the service absent at the weekend and on bank holidays and during working week limited to 6 per day;
- rr) 300 new vehicles and 600 vehicle trips per day from the development would gridlock Weston and Aston;
- ss) the Transport Assessment is inadequate and has gaps in information being six months too early not taking into account nearby developments or Infinity Garden Village;
- tt) the transport survey does not take in to account the increase in traffic from the Richmond development, of which 250 people would need to drive to their place of employment;
- uu) the combined impact of the development and that at Moor Lane will worsen the existing situation;
- vv) traffic surveys should be taken at peak times at the centre of the village during the normal working week;
- ww) increased risk of accidents on Weston Road which is a bus route;
- xx) HGVs struggle to manoeuvre within Aston;
- yy) on-street parking issues already exist around the village shop and the post office, causing traffic to back up in both directions;
- zz) the site access is on a blind spot on a convex bend and would be difficult to judge when to turn left and right;
- aaa) safety for pedestrians and cyclists on Weston Road particularly for older people and children near the post office as people do not travel at 30mph and there are likely to be more accidents;
- bbb) the junction of Shardlow Road, Swarkstone Road and Cuttle Bridge is already difficult and dangerous, and will be made unacceptable;
- ccc) dwellings erected on the Bonny Price island would affect the level of traffic through the villages;

- ddd) Swarkestone Causeway already takes 15-20 minutes to navigate in peak periods and this will be worsened by the proposed development;
- eee) emergency vehicles have difficulty navigating through the existing highways network due to traffic amount and parking;
- fff) the development does not provide enough parking for each dwelling compared with bedroom numbers;
- ggg) existing roads are too narrow for dual flow traffic at some points not designed for heavy traffic with many HGV or wider vehicles dangerously mounting pavements or kerbs;
- hhh) there are no cycle paths making cycling dangerous;
- iii) the development is contrary to H22 of the LP1 due to highway impacts of the development;
- jjj) the village carried out a traffic survey in 2016 and found that the development would have an increased traffic flow of at least 25% at Aston crossroads and 33% through the Cuttle Bridge junction, which doesn't even include Richmond and other surrounding developments;
- kkk) the crossing at Main Street and Swarkestone Road over the railway is dangerous;
- lll) footpaths from Weston to Aston are not maintained and overgrown;
- mmm) development may be geographically close to other centres of employment for Derby/Nottingham etc. but journey times to get there due to existing infrastructure will be unrealistic;
- nnn) traffic survey suggesting 2/3 journeys walking or cycling to places within 5 miles is inaccurate;
- ooo) existing property driveways get blocked by people parking cars over them and this will only get worse;

Infrastructure impacts

- ppp) the proposal makes no meaningful contribution (financial or otherwise) to social and affordable housing or local infrastructure;
- qqq) Aston does not have a surgery and it is already difficult to obtain a doctor appointment at the satellite medical centre noting Shardlow Surgery has now closed;
- rrr) surgeries in Alvaston, Castle Donnington and Chellaston are massively overstretched and cannot be extended physically or through opening hours;
- sss) there is no information on how a doctors surgery would be delivered and who would maintain it, as well as recreational spaces, allotments, children's play area, orchards, paths and tracks to a communal orchard;
- ttt) the doctors surgery proposed by the developers is placed within the area of site at highest risk of flooding and would not guarantee a good quality of patient care;
- uuu) the village schools are filled to capacity in Aston and people are having to travel outside the village for education; with no primary school places and children need to be bused to other areas for a secondary school;
- vvv) the amenities and infrastructure of the village cannot cope with the scale of development;
- www) the villages would be overwhelmed;
- xxx) lack of nearby shops, pub and other village facilities to serve the development;
- yyy) cumulative impacts have not been adequately taken in to account;
- zzz) the village hall and recreation centre are constantly overbooked and at capacity;
- aaaa) no cycle paths are proposed as part of the development;
- bbbb) proposed community centre will be directly opposite Weston Road and Willow Park Way junction and is inappropriately sited for highways reasons;
- cccc) community centre said to be provided is not needed as there is already one, a heritage centre and a recreation centre in Aston;
- dddd) emergency services such as police will be overstretched by the development;
- eeee) there is already an excellent children's play area nearby;

Drainage/flooding

- ffff) heavy rain causes frequent groundwater flooding at the site and the immediate area;
- gggg) the site has been underwater on several occasions often lasting several months;
- hhhh) the drains cannot currently cope with heavy rainfall and the development would remove the ability for surface water to currently go to ground;

- iiii) the pumping station has failed recently, this will add to the problem;
- jjjj) the proposal would increase the likelihood of flooding for existing and future residents such as those on Weston Road and Yates Avenue due to the steep gradients which already floods;
- kkkk) water runs off the fields and fills the culvert at the back of Valerie Road and into the gardens of residential properties;
- llll) flood risk analysis provided has several gaps;
- mmmm) the pond on site often floods;
- nnnn) Severn Trent are often called out by residents to unblock existing drains and sewers;
- oooo) no spare capacity within surrounding sewer network;

Protected species/biodiversity

- pppp) loss of hedgerow for visibility splays would be detrimental;
- qqqq) bats are often seen flying around the area as well as heron and other songbirds;
- rrrr) the cumulative impacts have not been adequately taken in to account;
- ssss) impact on loss of habitat and the pond (a water supply);
- tttt) impact on whole ecological food chain will result from the development;
- uuuu) nothing is noted in relation to the spring within the Ecological Appraisal;
- vvvv) Ecological Survey states further surveys are required in connection with Great Crested Newts as seen by residents of Ellison Avenue and Valerie Road;
- www) nesting site of Skylarks and Whitethroats, which are protected species, are not mentioned in the Ecological Appraisal;
- xxxx) there are rabbits, hare, foxes, crows and pigeons using the site as their home;

Pollution and ground conditions

- yyyy) increases in CO₂ from increased traffic and from the existing traffic waiting with engines running at a standstill;
- zzzz) increase in noise and light pollution from the development in addition to that from the EMA, Local trains, Donnington Race Train, Shardlow quarries, A50 traffic and Richmond Construction;
- aaaaa) due to issues of contaminated and hazardous ground gases highlighted in the Geo-Environmental Assessment, the site should not be considered suitable for residential development;
- bbbbb) there is a two acre landfill in the centre of the development, what consideration is given to contamination on site;
- ccccc) the development does not positively contribute to the Derbyshire Local Transport Plan;
- ddddd) light pollution from street lights;
- eeee) construction dust and traffic will be unbearable;

Other matters

- ffff) until the impact of the retirement village is realised, no new development should take place;
- ggggg) there is not an economic case for the development other than the benefit to the developer;
- hhhhh) the land is not in Aston as indicated in the submission, but Weston;
- iiii) residents are tired of local planners simply acquiescing to the greed of the developers and the local residents are looking for them to represent the people they are supposed to serve;
- jjjjj) there are regular gas leaks in the immediate area;
- kkkkk) the existing houses should not have been built nearby due to by-laws.
- lllll) infringement on Human Rights Act in terms of the right to the quiet enjoyment of property and possessions and land.

Planning policy and guidance

The relevant Development Plan policies are:

- 2016 Local Plan Part 1 (LP1): S1 (Sustainable Growth Strategy), S2 (Presumption in Favour of Sustainable Development), S4 (Housing Strategy), S6 (Sustainable Access), H1 (Settlement Hierarchy), H20 (Housing Balance), H21 (Affordable Housing), SD1 (Amenity and Environmental Quality), SD2 (Flood Risk), SD3 (Sustainable Water Supply, Drainage and Sewerage Infrastructure), SD4 (Contaminated Land and Mining Legacy Issues), SD5 (Minerals Safeguarding), BNE1 (Design Excellence), BNE2 (Heritage Assets), BNE3 (Biodiversity), BNE4 (Landscape Character and Local Distinctiveness), INF1 (Infrastructure and Developer Contributions), INF2 (Sustainable Transport), INF6 (Community Facilities), INF7 (Green Infrastructure) and INF9 (Open Space, Sport and Recreation).
- 2017 Local Plan Part 2 (LP2): SDT1 (Settlement Boundaries and Development), BNE5 (Development in the Countryside), BNE7 (Trees, Woodland and Hedgerows) and BNE10 (Heritage).

National guidance

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- National Design Guide (NDG)

Local guidance

- Design Guide Supplementary Planning Document (SPD)
- Affordable Housing SPD
- Section 106 Agreements – A Guide for Developers

Planning considerations

The main issues central to the determination of this application are:

- Principle of development;
- Housing supply;
- Affordable housing provision;
- Agricultural land quality;
- Landscape and visual impacts;
- Impact on heritage assets;
- Biodiversity/ecology;
- Highways;
- Drainage;
- Layout, design and residential amenity; and
- Infrastructure capacity and mitigation

Planning assessment

Principle of development

The application must be determined in accordance with the Development Plan unless there are material considerations that indicate otherwise. Case law holds that the Plan should be read as a whole, within its ordinary meaning.

Whilst the site lies mainly in the Weston Parish, the site relates more to the settlement of Aston and hence it is appropriate to consider it on this basis. Policy H1 sets out the settlement hierarchy for the District with Aston-on-Trent defined as a Key Service Village (KSV) where the scale of development should respect the capacity of services and facilities to support the development in principle. It is on this basis that strategic allocations were made down to KSV level in the LP1 with non-strategic allocations set under the LP2. This site does not benefit from an allocation in either part of the Plan, and with it sat outside of the settlement confines it is contrary to the strategy for housing delivery, set out through policies S1, S4 and H1. Further regard is had to policy H1 where, in conjunction with policy

H21, exceptions are allowed for affordable housing delivery. This scheme far exceeds the cap of 25 dwellings however, and does not qualify under the criteria for such an exception – it comprising a comfortable majority of market housing.

Policy BNE5 works alongside policies H1, SDT1 and S4, and the allocations made in the LP1 and LP2, to steer new housing development to the most sustainable locations whilst providing the balance of protecting the intrinsic qualities of the South Derbyshire countryside. This successfully executes the strategic aims of policy S1 and provides a plan-led system for the District in accordance with paragraph 15 of the NPPF and the definition of sustainable development. The proposal is therefore contrary to policies BNE5, H1, SDT1 and S1. It is thus necessary to consider whether there are material considerations which outweigh this conflict with the Plan.

Housing supply

Housing supply for the District is made up of allocations supporting the delivery of over 14,180 dwellings across the plan period, against an actual assessed need of 12,618 (742 annually). This builds in an oversupply across the Plan period, highlighting the pragmatic approach of the Council to maintaining supply and achieving overall housing delivery. The Council is thus looking to provide well above the minimum housing requirements – the objectively assessed need, meeting the intentions of the NPPF to ‘significantly boost’ the supply of housing. The most recently published Housing Position Paper (HPP), dated December 2018, outlines that a 5 year housing supply (5yrHLS) of 5.5 years exists (inclusive of a 5% buffer for competition in the market). The Council’s positive approach to delivering new homes is evident in the rate of delivery over the past 3 years: 835 in 2016/17, 921 2017/18, and 1100 for 2018/19 against the annualised requirement of 742 dwellings per year. For 2018/19, South Derbyshire was one of the top three local authorities for delivery of housing, delivering 128.3% of our needs under the Housing Delivery Test (HDT).

The applicant contends that there is a national shortage of housing and planning permissions to achieve the government’s aspirations of 300,000 net new dwellings per annum, and that additional permissions should be granted to respond to this need. The applicant also “*disputes the supply position of the authority and believe it to be below the 5 years required by policy*”. They, somewhat unreasonably, offer no further written evidence of substantiate this claim.

The Framework states that “*to be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within 5 years. In particular:*

- a) *sites which do not involve major development and have planning permission, and all sites with detailed planning permission should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within 5 years (for example because they are no longer viable, there is no longer a demand for the type of units or sites have long term phasing plans).*
- b) *where a site has outline planning permission for major development, has been allocated in a development plan, has a grant of permission in principle, or is identified on a brownfield register, it should only be considered deliverable where there is clear evidence that housing completions will begin on site within 5 years” [emphasis added].*

The definition is clear. If the site benefits for detailed permission it is, by default, deliverable unless the applicant can demonstrate otherwise. For allocated sites and those with permission, the onus lies with the Council to demonstrate their deliverability. For this, the HPP provides comprehensive commentary on the status of each allocation in the Plan and for other major sites with permission placed in the 5 year trajectory. Given policy officers are continually liaising with the developers for each site concerned, as well as holding regular meetings with case officers to ascertain progress on current applications, there is no reason to doubt the evidence presented therein.

As noted, the applicant’s argument has not been demonstrably evidenced. A subsequent meeting with officers suggested a list of sites. Some of these are presently being constructed with the latest information held by the Council suggesting the number of developers and up-front infrastructure

assumptions, and in turn the projected build rates, are correct. The remaining target sites, whilst in outline, are both relatively small and/or subject to reserved matters applications and would complete well within the 5 year trajectory.

Affordable housing provision

The applicant's secondary claim is that the Council is failing to deliver a sufficient supply of affordable housing. This is outlined above in the summary of the Affordable Housing Statement. Notwithstanding mathematical errors in respect of annual need and that delivered, the applicant attempts to use this 'secondary' shortfall to cast doubt over the status of Plan policies. The Council recorded over 200 affordable homes in 2018/19 and is anticipating delivery of over 300 new affordable homes in the 2019/20 reporting year, with many of the Local Plan allocations and fully affordable housing sites now contributing towards this supply. In addition, re-let supply is anticipated to be around 263 homes per annum based on historic records. Much of the supply in the southern Derby area arises due to the City's unmet need, related to the reasons for the District taking on its share of the wider unmet need for the Plan period. This means, in sustainable development terms, that much of the need should be delivered close to the City, on those allocations which provide for an extension of it.

The Strategic Housing Officer notes that there are currently 37 households in a reasonable preference category (lack or live in unsuitable housing) on the housing register that have expressed a desire to live within the Aston Ward. Analysis of the housing register confirms that identified affordable housing need within the Parish has been achieved through the previously approved developments within Aston on Trent; in particular the sites at Moor Lane and Aston Hall Hospital which have delivered 23 new affordable homes. The Council has purchased the 12 affordable homes on the Moor Lane site to meet this identified housing need in the Parish and wider area. The applicant maintains that there are still 14 households in need, but this is comparing Ward need against Parish need. The data can be broken down to a Parish by Parish basis. Presently, just 8 households specify a preference to the Aston and Weston Parishes combined, of which this preference takes in both a mandatory preference and a voluntary preference. This means that the figures provided do not show unique applicants, so some duplication within the 37 households will be present as over 70% of applicants have completed the voluntary preference. The figure of 8 may thus be much lower. Hence, the 23 new homes provided easily cater for the Parish need, and more. The lack of demand for affordable housing in this area is further confirmed by analysis of recent bidding history on new build homes in both Aston and Stenson Wards, indicating an over-supply. As a result, not all of those homes could be let through the Council's own housing waiting list with a significant number having to be offered to Derby City to be allocated.

Furthering this point, the Aston Ward takes in Boulton Moor, Chellaston and Sinfen, as well as villages such as Weston-on-Trent, Swarkestone and Shardlow. 37 households across this wider area, even if ignoring the potential duplication rate, does not equate to a need for 37 dwellings in Aston-on-Trent. The delivery of further homes on sites in Chellaston and Boulton Moor fulfil wider needs for the Ward in a more strategic fashion and sustainable location than the proposed site, meaning the 45 affordable homes offered are not required. This view takes account of the differing tenures, noting that other forms of affordable housing (such as shared ownership) would also be delivered to address non-register needs. It also takes account of the fact that, of the 751 presently on the register, only 600 are in 'reasonable preference' under terms of housing legislation. This substantially weakens the claimed benefits of the development with a risk that homes could be constructed following which the Council would struggle to provide occupants.

The applicant also provides no evidence that the development of the site would assist in reducing the affordability disparity, and no evidence that it would not actually worsen the situation given further provision of market housing in an affluent part of the District. The applicant suggests that the provision of 45 affordable dwellings would contribute towards addressing the imbalance between rented and owned households in the Ward, meeting the NPPF objective of creating mixed, balanced communities; but at the same time ignore the fact that 70% of the dwellings on the site would be provided for private ownership.

Finally, the applicant cites the Right to Buy losses since 1979/80, projecting an annual loss of 66 units. This is misleading as it fails to recognise greater losses per annum in the early years of Right to Buy.

Scrutiny of the data reveals just 100 losses in the last 5 years – not 330 as the applicant indicates by way of their extrapolation. In addition once a dwelling is disposed of through Right to Buy, it does not automatically equate that there would be another household waiting for a new dwelling and these losses do not form part of the affordable housing methodology contained within the SHMA for calculating affordable housing need – the SHMA forming a core document to their arguments.

Drawing the discussion together so far; the applicant's claims on housing supply and affordable housing provision do not amount to material considerations which outweigh the primacy of the Development Plan, with any social and economic benefits claimed comfortably replicated by the strategically planned apportionment of housing across the District. As a consequence, the most relevant policies for the delivery of housing remain up to date and the 'tilted balance' under paragraph 11 of the NPPF does not apply. The development of 150 dwellings outside the settlement boundary of Aston is contrary to a raft of policies designed to guide and deliver housing in the District in a sustainable manner, and the development of this site is not unavoidable. Accordingly the principle of development on this site is not appropriate.

Agricultural land quality

The site has been the subject of a Soils & Agricultural Quality Report, which identifies that the site contains soils which classify the entire site as 'Best and Most Versatile' (BMV) (84% of the site is Grade 3a, 15% is grade 3b and 1% is non-agricultural). The land is sufficiently large enough to accommodate modern agricultural machinery and the limited extent and position of grade 3b in both fields does not appear to be a major impediment to how it can be cultivated.

Policy BNE4 of the LP1 and the NPPF seek to minimise the loss of BMV agricultural land, and wherever possible direct development to areas of lower/poorer quality land. The applicant provides little justification for this loss, as outlined above. The PPG states *"decisions should take account of the economic and other benefits of the best and most versatile agricultural land"*. Natural England have published guidance which states local planning authorities should take account of smaller losses (under 20 hectares) if they are significant when making a decision, and decisions should avoid *unnecessary* loss of BMV land. Whilst no prescriptive methodology is set out as to what is 'unnecessary', the general approach in appeal decisions dealing with this form of conflict has been to seek a sequential analysis of alternative sites, so to ascertain whether the proposed site needs to be released. In this case no such analysis has been undertaken and it is unlikely to demonstrate a necessity given a 5yrHLS exists and there are other sites of poorer quality land on the Council's SHLAA which could fare better than this.

Hence, there is conflict with policy BNE4 and indeed it is considered, given the extent of land lost and the relatively low availability of BMV land across the District; that this loss is significant. The negative economic and environmental effects from the loss of BMV land weigh heavily against the sustainability of the proposal.

Landscape and visual impacts

The site is located within the national 'Trent Valley Washlands' character area, and the local 'Lowland Village Farmlands' character area. These character areas are described as gently rolling, almost flat, lowland with river terraces, containing mixed farming with arable cropping and improved pasture, medium to large regular fields with thorn hedgerows, and discrete red brick villages with farms and cottages. It is considered that these character areas are reasonably accurate in describing the landscape character of the application site. It is acknowledged that the site does not exhibit the qualities that would deem it to be a 'valued' landscape for the purposes of the NPPF. However, this does not mean that the site is not valued locally and an assessment needs to be undertaken as to the impact of the proposed development on the character and appearance of the area.

There are a number of policies which are relevant to this assessment. Indeed the objectives of the Plan and NPPF are clear that new developments need to protect and enhance the open countryside and the quality of the landscape, and preserve the identity, character and environmental quality of the District's villages and rural settlements. Policy S1 of the LP1 highlights that *"it is essential that the District's*

heritage assets, landscape and rural character are protected, conserved and enhanced". Policy BNE1 seeks, amongst other objectives, to ensure that new developments create places with locally inspired character that responds to their context and have regard to valued landscapes, townscape, and heritage characteristics. With new developments expected to be visually attractive, appropriate, which respect important landscape, townscape and historic views and vistas. Landscape character and local distinctiveness considerations are further set out in policy BNE4. This policy seeks to protect the character, local distinctiveness and quality of the District's landscape through careful design and the sensitive implementation of new development. In particular part B of the policy sets out that "...development that will have an unacceptable impact on landscape character (including historic character), visual amenity and sensitivity and cannot be satisfactorily mitigated will not be permitted".

The site comprises open undeveloped agricultural fields, with the southern field having a distinct lack of visual enclosure to all but part of the northern boundary (with the northern field). The recently planted whips along the southern boundary are noted by they presently do not provide any visual enclosure. Cumulatively, coupled with the other open fields in-between the villages of Aston and Weston, this gives the area its open character, providing visual and spatial relief between the villages. The sense of openness provided by this open landscape aids in enhancing the feeling of separation and punctuation between the two villages, giving each one an identity and this area its strong character. The character of the site is first experienced passing along Weston Road (by foot or car) from Weston itself, along the ribbon of development to the north of that village, as well as the emergence from the built form of Aston on Trent as it opens out across the site frontage. The visual and perceptual gaps in-between existing villages are one of the strong characteristics of South Derbyshire, which provide numerous settlements with their own identity and individual character.

The Council's Landscape Consultant has considered the submitted LVIA. They broadly agree with the LVIA in respect to the landscape impacts of the development in that they are mostly slight to moderate adverse. There is a significant landscape impact due to the change of open land to new housing, and it is agreed that this change of land use would be substantial adverse and permanent. Impacts of this level are typical when developing greenfield land or open countryside, so justification is clearly required to outweigh the harm. In terms of visual impacts, again broad agreement is reached in that visual impacts on public

receptors are limited to a relatively small area and mostly slight to moderate adverse. It is agreed that there are higher substantial adverse level impacts on private residential receptors from adjacent properties where views to the open countryside would be curtailed. However, the submitted LVIA is considered to be incomplete and does not provide sufficient landscape assessment in respect landscape effects of the development. It is noted that a photograph location has not been considered as a viewpoint for analysis even though it would show the visual impact of the whole development, and its resultant impacts on openness and the settlement gap. This location is considered to be more representative of the views from Weston Road to the south compared to the location utilised. The resulting magnitude would be higher with more adverse visual impacts than predicted in the LVIA from this viewpoint. The development proposes extensive new planting and open space around the western and southern side of the site. When this proposed vegetation matures it would act as a screen and filter views of the development and form a woodland belt. While this serves to reduce the landscape and visual impacts, this pattern of vegetation is at odds with the Tree Vision of the published local landscape character type, and would also impact on the open field characteristics.

In Plan terms the gap between Aston and Weston is defined by the settlement boundaries under policy SDT1. This creates an 'on plan' gap between properties on Yates Avenue in Aston and The Pastures in Weston – excluding the detached ribbon sitting between the two, just after leaving Weston. The LVIA states that *"the development would not result in any narrowing of the existing gap between Aston and Weston"*. Although this is true in Plan terms, the western edge of Aston Road is devoid of any built form from Willow Park Way southwards, giving the perception of leaving the village sooner/entering it later. Open views west/south-west across the fields of the site are experienced from/up to this point. Similarly, the perceived gap is curtailed at the point where you enter the ribbon ahead of reaching Weston. When travelling northwards the proposed development would form an additional wider and more solid block resulting in Aston becoming more prominent and appearing closer. There would be a loss of openness due to the development resulting in the perceived edge of Aston moving southwards and the perceived gap between the villages narrowed. A sequence of

photographs within the LVIA do not satisfactorily demonstrate the openness as the frames are centred on the road and omit the wide expansive fields to the west.

It is acknowledged by the applicant that there would be adverse impacts on landscape character and visual amenity. It is also considered that, contrary to the applicant's opinion, that the gap between the villages reduces noting that such assessment is based on the receptor's perception of enclosure, and not a measurement between settlement edges defined for the purpose of policy strategy. The depth of mitigation in the form of tree planting is unlikely to ameliorate what would otherwise be a prominent development – particularly considering the indicated scale (up to 2.5 storey) and density (31 dwellings per hectare), and the rising land towards the north-west corner of the site. It is also noted from the FRA that development levels would need to be set to ensure that the existing risk of surface water flooding in the south-east of the site is mitigated by conveying surface water flows around the development and into the culvert at the north east corner. There would instead be a loss of open fields which is irreversible and a considerable expansion of the urban mass, having a detrimental impact on the local landscape and character and appearance of the area, conflicting with policies S1, BNE1 and BNE4 of the LP1 and policy BNE5 of the LP2.

Impact on heritage assets

As noted above, the site lies within an area of high archaeological potential. However, the Development Control Archaeologist considers any potential can be addressed by a condition securing the need for further investigation and reporting. With the site not influencing the setting of listed buildings or the character of a conservation area, the level of harm arising from the development of the site is considered to be outweighed by the public benefits arising in heritage respects only.

It is agreed that the proposal would not have an effect on the setting of designated heritage assets. However, what appears to be a possible undesignated asset – a standing stone in northern field indicated on 1885 OS mapping, is of interest. There is some local suggestion that these may be related to the navigation lines to the cursus to the east of the village, but there is little evidence to support this claim. However, it is not considered to be a significant constraint with it possible retain the stone in situ as part of a 'pocket park' or square designed into the eventual layout of the site.

Biodiversity/ecology

The Wildlife Trust is satisfied that the proposal would not cause harm to protected and important species, subject to appropriate conditions at the construction stage, whilst the indicative layout provides scope for biodiversity gain in the long term – again subject to appropriate management of open spaces and conditions to secure enhancement measures. Overall, the proposal is considered to comply with policy BNE3.

Highways

The concerns as to capacity of the local road network and the safety of particular junctions are noted. However the submitted Transport Assessment has been considered by the County Highway Authority who raises no objection on this basis. With this in mind, it is reasonable to conclude that the vehicular impacts on the network would not reach the high threshold of 'severe' – either individually or cumulatively.

Bus service 73 and 73a is now infrequent, the current timetable indicating gaps of up to two hours between services with no services at all on evenings or at weekends. Since no enhancement to frequency or days of service is proposed, the Planning Policy Officer advises that the development fails to meet the aims of policy S6 (part A(iii)), which seeks to encourage modal shift away from the private car toward public transport, as well as policy INF2 (part A(i)(b)) which states "*planning permission will be granted for development where... appropriate provision is made for safe and convenient access to and within the development for... public transport users...*". It is noted that the Travel Plan indicates that bus discount tickets or other fare incentives could be provided with resident travel packs, and this is encouraged, but it is felt that such measures alone would be insufficient to address the inadequacy of accessibility by non-car modes.

The applicant has considered these comments and highlights that paragraph 110 of the NPPF states that *"so far as possible"*, access to high quality public transport must be facilitated. Paragraph 103 acknowledges that the opportunities to do so will vary between urban and rural locations. They also highlight that Policy INF2 part A continues to state, *"in implementing this policy account will be taken of the fact that in more remote rural areas there is often less scope"* [to do so].

In more rural locations, in order to prevent empty buses travelling around between settlements, particularly during the off-peak periods, it is now commonplace for demand responsive services to have replaced some timetabled services. The applicant notes that this is the case in South Derbyshire, and that officers have made no acknowledgment of the local community transport initiatives which operate within the District. Derbyshire Connect is one such example funded by the County Council, which will provide upon a request *"a weekly trip for every community in the county to a nearby shopping area or supermarket"*. The South Derbyshire service is currently being run by South Derbyshire Community Volunteers Service. Derbyshire Connect also provide an 'Active Travel' service, which focuses upon ensuring people can reach local medical facilities. This service focuses upon health appointments, though can also cater for social trips to family and friends. The applicant notes that where specific demand is identified, and there is a sensible justification, bus services are provided. This is exemplified in the provision of school bus services which cater for a specific need and warrants a bus due to the number of passengers involved. It is contended that an increase in the size of population in Aston would lead to an increased demand for public transport services, sustaining them in the long term.

There is also concern over the lack of dedicated cycle routes in the vicinity to which the site could connect, and that no provision is made to address these transport shortcomings nor does the proposal make provision for cycleway infrastructure through the site itself. The applicant points out that the proposal is in outline and it could be required, under the reserved matters, that layout provide for cycleways. In addition, a financial contribution towards providing cycle connectivity could be provided if justified, although it is noted that the County Highway Authority has not requested this.

In any case, the applicant notes that whilst the existing provision of dedicated cycle facilities in and around Aston on Trent may be limited, Local Transport Note 2/08 produced by the Department for Transport states that *"the road network is the most basic (and important) cycling facility available, and the preferred way of providing for cyclists is to create conditions on the carriageway where cyclists are content to use it"*. It is contended that the roads in Aston-on-Trent are generally in a good state of repair and that measured vehicle flows and speeds on Weston Road suggest that users would not be intimidated by vehicles. Furthermore, policy INF2 does not state that developments must connect to dedicated cycle routes or alternatively provide such facilities in order to be acceptable.

Moving aside from these discussions for a moment, it is also noted that the latest proposal fails to provide for pedestrian connection to Valerie Road, as was sought on the previous submission. Setting aside matters of ownership, this does mean that all modes of traffic in and out of the site must pass along Weston Road – increasing the walking distance from the village core, bus stops, etc. This is less than ideal, with it failing to provide a well connected and integrated development in terms of physical access. It is noted that the Police Force Designing Out Crime Officer is generally supportive of this omission, but this is not the position of officers when considering this from a holistic design perspective, and not just safety. This further weakens the sustainability of the proposal.

Drawing all the above points together, it is considered that the accessibility, and thus sustainability of the site in principle, is weakened by the recent reduction in the bus service. It is clearly evident that this is not a matter which the applicant can significantly influence through forms of mitigation. Importantly, however, it is not considered that the proposal conflicts with policies S6 and INF2 in these respects, noting that S6 links to H1 which places Aston on Trent as a KSV. It is premature to conclude that the loss of the bus service is sufficient alone to 'regrade' the village as a LSV, and that is a matter for the Local Plan process – not an individual application. In any case, the village remains reasonably accessible to and from services in the wider area having regard to its location relative to Derby. INF2 provides recognition that development in rural villages will often be unable to provide for the full 'suite' of sustainable transport measures, so a balance will have to be struck. Given the provision of a Travel Plan with the proposal and existing means to provide for focussed bus services as and when they are

required, it is considered that the site remains reasonably accessible by a range of modes of transport and should not be resisted on this basis.

Drainage

The FRA identifies a feasible means of draining the site, with it possible in principle to achieve a sustainable rate of surface water drainage. The lack of an objection from the LLFA, despite their comments, is notable, and existing surface water flood risk can be managed to ensure this is either alleviated or does not pose an increased risk to existing or prospective occupiers. The Foul Drainage Analysis is noted. It is claimed that a condition should not be attached to control this matter as it is covered by separate legislation, and given the applicant has (since 2017) undertaken further study/survey work of the sewer network to establish that capacity exists, this position is agreed. Severn Trent Water has not requested a condition be attached to this application. Water consumption can be limited in line with policy SD3. The proposal is thus considered to be compliant with policies SD2 and SD3, subject to conditions as appropriate.

Layout, design and residential amenity

Policy BNE1 outlines specific criteria that should be adhered to when designing new developments. The NPPF supports this policy, as well as more specific guidance in the PPG and NDG. Moreover, the Design Guide SPD develops these design objectives into detail. All these documents advocate developments with locally inspired character which respond to their context, function well and add to the overall quality of the area over the lifetime of the development. Policy SD1 supports development that does not lead to adverse impacts on the environment or amenity of existing and future occupiers, and again paragraph 127 of the NPPF supports this principle.

The layout is indicative and simply identifies the areas for residential development area, the community facility/surgery site, the likely position of the SuDS and the POS (including community orchard and allotments). It accounts for the fixed position of the access onto Weston Road. Further connections to land to the north (behind properties on Chellaston Lane) can be safeguarded through the detailed layout stage. In broad terms, it is a logical layout with the built form 'hugging' the existing edge of the village and with open spaces and landscaping to the south and western sides. The position of the community orchard and allotments is less than ideal however, being at the furthest distance from the majority of existing and prospective residents in the village, in turn limiting their attractiveness on foot. The community facility/GP surgery is better positioned however, being close a main route into/out of the village (notwithstanding comments below).

The prospective scale of dwellings is generally appropriate, with ridge heights typical of two-storey dwellings in the area. The 2.5 storey additions may however appear somewhat prominent across the open landscape to the south and careful consideration as to their number and spread would be required at the reserved matters stage. Indicative appearance also seems appropriate. It appears possible to accord with separation standards set out in the SPD, and an assessment of the detailed layout and specific relationships between properties would occur at the reserved matters stage.

Infrastructure capacity and mitigation

The capacity concerns of the local highway network as outlined above are noted. The response of the County Highway Authority is the starting point in ascertaining whether these concerns are merited, and whilst acknowledged it is not considered that these meet the very high test of being 'severe' in order to warrant off-site mitigation or refusal in such respects. The quality of the bus service is an existing shortcoming and would not be worsened by this proposal, nor does it make the proposal unsustainable outright. It must be recognised that increases in population can assist in sustaining some services, whilst exceeding the capacity of others. The shops, for instance, might benefit economically but the environmental effects of increased traffic and pollution may temper such benefits. The suitability of and potential to improve the bus service is discussed above.

The land offered for a community facility/GP surgery is noted. The applicant advances this as a benefit of the development, worthy of weight in the decision making process. However, it is necessary to first

establish whether this is a tangible benefit (i.e. is it feasible and deliverable option for the end user). The CCG has been approached to establish if there is a desire to secure land for a new surgery in Aston and, if so, the likelihood of them being able to fund the construction and operation of a new surgery.

They have confirmed they would not be looking to take on the site offered for the construction of a new premises, particularly when their emerging strategy is likely to indicate redevelopment/expansion and improvement of existing facilities elsewhere, particularly those on the edges of Derby itself. The existing satellite practice in Aston itself does not provide for such scope and the CCG are not looking to take on additional land. This is a prudent approach in any case with all surgeries being GP led, such that GP intent would also need to exist. As to whether there is community interest in a new community hall/centre, no evidence of this has been provided and it is known from ongoing work on other sites that a meaningful community centre requires funding in the order of £750,000 to be constructed and fully kitted for use. To this end, a community and/or GP facility is not a tangible or realistic prospect. Coupled with the responses discussed below, it is also not possible to demonstrate that securing the land for this purpose would be CIL compliant. Accordingly, this 'benefit' is not attributed any weight in the determination of the application.

The evidence for financial contributions towards education and healthcare is set out in the consultation responses above. These sums are considered to be CIL compliant and could be secured under a section 106 agreement. The Open Spaces and Facilities Manager seeks contributions towards the improvement of existing outdoor sports and built facilities, as opposed to taking forward the offer of a community facility on the site. These relate to the refurbishment of the Aston on Trent Memorial Hall for the built facilities sum, and improvements to the Aston On Trent Playing Fields/Bowling facility for the outdoor sports sum. Whilst the need for a community orchard and allotments has not been substantiated by the applicant, they form part of the POS offer put forward. Subject to a Locally Equipped Area for Play (LEAP) also being secured, the POS would comply with the section 106 guidance, although there would need to be careful consideration as to the future access, management and ownership of the orchard and allotment as part of any legal agreement.

In summary, the proposal (if developed to 150 dwellings) would secure the following contributions:

- £184,934.64 to accommodate additional pupils at Weston on Trent Primary;
- £829,922.74 to accommodate additional pupils at Chellaston Academy;
- £72,000.00 to accommodate additional patients, likely at Alvaston Medical Centre;
- £220.00 per bedroom created towards outdoor sports facility developments at Aston Playing Fields/Bowling Ground;
- £122.80 per bedroom created towards built facilities improvements at the Memorial Hall;
- Travel Plan monitoring fee of £5,000; and
- A section 106 monitoring fee.

Notwithstanding the benefit of and weight attributed to the provision of 30% affordable housing on site, as discussed above, such provision would accord with policy H21. A mix of tenures and types could be secured in line with the Strategic Housing Market Assessment (SHMA) – in this case through the section 106 agreement. To this end, the proposal does not technically conflict with the Plan in such respects, but the weight which can be afforded to the benefits of such provision is considerably diminished as outlined earlier in this report.

Summary

The Development Plan is the starting point for decision making and a proposed development that conflicts with it should be refused unless other material considerations indicate otherwise. The position is that in excess of a 5yHLS can be demonstrated and policies relevant for the supply of housing can be relied upon. This approach accords with recent judgements reminding decision makers that the Plan as a whole is the prime document for proposals to be judged against.

In considering whether the proposal actually constitutes sustainable development as set out by the three dimensions in the NPPF, the provision of 150 dwellings, part of which would be for affordable

housing needs, compliments the economic and social roles through facilitating a choice of housing as well as the construction and subsequent input to the local economy. The creation of the community orchard and allotments also provide some social benefit, albeit limited by its peripheral location to the wider village and the need to secure appropriate 'custodians' going forward. However, these benefits are tempered by the lack of need for affordable housing in this location, with it delivering the wrong type of housing in the wrong location, as well as concerns over the accessibility of the site by sustainable modes of transport. The lack of permeability to Valerie Road is also regrettable whilst the land to be set aside for a community facility/GP surgery attracts no weight – this not being a tangible benefit. The main issues relate to the loss of BMV agricultural land alongside the landscape and visual harms, and these are considered to carry significant weight against the proposal. Moreover, this proposal is an unplanned approach to the strategic and sustainable delivery of housing across the District advocated by the plan led system – in particular policies S1 and S4. With the site of strategic scale but not featuring as an allocation, having been discounted by the Council in its preparation of the Local Plan, there is further indication that the development is not sustainable in principle – it failing to achieve the mutually balanced approach under the NPPF, and the specific environmental harm which arises from the development confirms this. Consequently, it is not considered there are other material considerations which outweigh the primacy of the Development Plan.

None of the other matters raised through the publicity and consultation process amount to material considerations outweighing the assessment of the main issues set out above.

Recommendation

REFUSE permission for the following reasons:

1. The site is located outside the settlement confines for Aston on Trent and does not benefit from an allocation in the Local Plan Part 1 or Local Plan Part 2. The proposed development also fails to qualify as an affordable led scheme. With the proposal not benefitting from any other policy presumption in favour, and the Council being able to demonstrate in excess of a 5 year deliverable supply of housing land; no justification exists in order to justify a departure from the plan-led approach to sustainable delivery of objectively assessed housing needs within the District. The proposed development would therefore represent an unwarranted and unsustainable incursion in to the countryside, leading to the unjustified loss of greenfield land and not representing sustainable development in the round; contrary to policies S1, S4 and H1 of the Local Plan Part 1, policies SDT1 and BNE5 of the Local Plan Part 2 and provisions of the NPPF.
2. The site is identified as majority grade 3a agricultural land, considered to be 'Best and Most Versatile' (BMV). The economic and other benefits of BMV agricultural land should be recognised through the planning system, with such land safeguarded as far as is practicable by steering new development towards areas of poorer quality land. The applicant has failed to demonstrate that the development of this site is necessary and could not be accommodated elsewhere on a lower quality of land, especially when a 5 year housing land supply exists and the site is not allocated in the Local Plan. Given the limited availability of BMV agricultural land in the District and the size of the site concerned, the loss is considered to be significant and contrary to policy BNE4 of the Local Plan Part 1 and policy BNE5 of the Local Plan Part 2, and provisions of the NPPF (along with accompanying practice guidance).
3. The proposal would result in the enclosure and sub-urbanisation of an area of land which contributes to the open, legible and spacious break in-between the built environment of Aston-on-Trent and Weston-on-Trent, and would result in significant harm to the character and appearance of the area and the local landscape - visually and perceptually reducing the separation of the two settlements to an unacceptable degree whilst introducing a dense urban form in prominent aspects on the approach to the village. The proposal is therefore contrary to policies S1, BNE1 and BNE4 of the Local Plan Part 1, policy BNE5 of the Local Plan Part 2, and provisions of the NPPF.

Item No. 1.2

Ref. No. [DMPA/2019/1205](#)

Valid date: 21/10/2019

Applicant:

PGFI III and Dove Valley Park Ltd

Agent:

David Steele
Stride Treglown
1 Wessex Way
Colden Common
Winchester
SO21 1WG

Proposal: The erection of part single, part two-storey facility for the extraction, processing, bottling and distribution of water based products (combined B2 and B8 use) along with associated ancillary office, infrastructure, access parking and landscaping at Plots 5 and P2 - 01, Dove Valley Park, Park Avenue, Foston, Derby, DE65 5BG

Ward: Hilton

Reason for committee determination

This item is reported to Committee as it is a major application subject to more than 2 objections and at the request Councillor Andy Billings as local concern has been expressed about a particular issue.

Site Description

Dove Valley Park (DVP) is located to the north of the A50 and is accessed via the A511 Uttoxeter Road and Packenham Boulevard. The main estate road through the Park is Park Avenue, with the industrial estate predominantly comprised of a number of large scale business units (in storage/distribution and general industrial uses). The application site itself spans Plot 5 of the existing site and the extension to DVP, known as phase 2 and allocated in the Local Plan, and occupies an area of approximately 12.3 hectares.

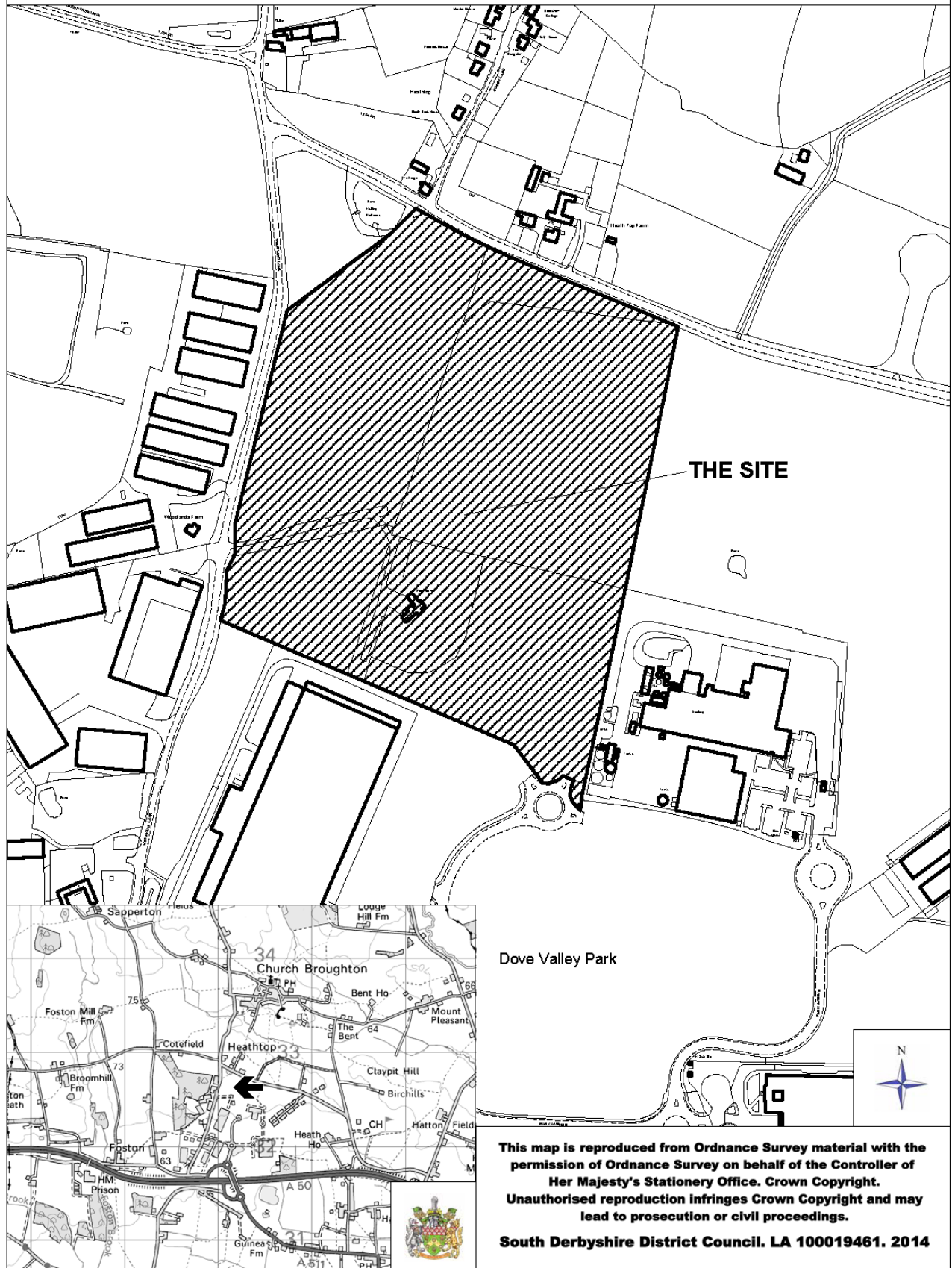
The site is bound by an Unnamed Road to the north (from Cote Bottom Lane to Bent Lane) which serves a number of isolated residential properties, farmsteads and open fields to its northern side. The eastern edges of the site border the remaining phase 2 allocation, benefiting from outline permission for further employment development, and the Muller Dairy. Further east is the former military runway strip, where a set of industrial units exist, and open fields, beyond which is Bent Lane with properties at Heath House Farm and the Broughton Health Golf Club. To the west is Woodyard Lane which serves a number of commercial and industrial units along its length as it heads south towards the A50, with woodland and farmland beyond. Foston and Scropton footpath 27 adjoins the north-western corner of the site.

The proposal

It is proposed to construct a combined bottling facility falling within a combined B2 (general industrial) and B8 (storage and distribution) uses. The B2 activities involve the extraction, processing and bottling of water and water based products, whilst the B8 activities involve the stacking and storage of bottles of water and water based products and their distribution.

The overall facility would extend to approx. 50,000 sqm and would comprise the elements for production, storage, and distribution as well as offices and welfare areas for staff, including a staff canteen, toilet and changing facilities. It would, however, be constructed in two phases so to allow the early operation of the plant. The core facility is a part single, part two storey element measuring circa 28,050 sqm and is proposed to comprise elements for production, storage, warehousing and

**DMPA/2019/1205 - Plots 5 and P2 - 01, Dove Valley Park, Park Avenue,
Foston, Derby DE65 5BG**



distribution as well as offices and welfare areas for staff. As the factory operations mature the remaining area would accommodate the completion of the production, warehousing and distribution zones, measuring circa 21,325 sqm.

The design would be purpose built and reflect of the activities and processes taking place within the facility. It would be positioned close to borehole locations so to minimise conveyancing distance for extracted water. The building would comprise a steel framed structure with predominantly metal clad roof and elevations in metallic silver and dark grey. A gatehouse building would be provided close to its access from the northern roundabout in DVP. Bypass routes to this gatehouse would be provided for employee vehicles to allow them to proceed unimpeded to a car park in the north-eastern corner of the site. HGVs would pass through the gatehouse control and over a weighbridge, where required, before proceeding to a holding area. From here, HGVs would proceed to the loading docks and exit in a return route to the weighbridge and gatehouse. Service vehicles would also be able to pass in a loop around the building, on a purpose built service and fire road to reach silos, recycling stores, etc. and exit in the same fashion. An emergency access (gated) to Woodyard Lane would meet this loop road to meet fire service requirements.

Bunding would be provided to the northern and western boundaries, which would be planted up with a woodland buffer. The southern edge of the site would provide for an attenuation pond to deal with surface water capture and storage. Further incidental landscaping would be provided around the site.

Applicant's supporting information

A Design and Access Statement notes Dove Valley Park Ltd has a track record for delivering commercial/industrial development, specifically phase 1 of DVP. It outlines that the National Planning Policy Framework confirms that the purpose of the planning system is to facilitate the creation of conditions in which businesses can invest, expand and adapt. The planning system should contribute to sustainable development (social, environmental & economic roles). In regards to providing an economic role development should "...[contribute] *to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure*". It is noted that the Local Plan states "the vision for South Derbyshire is one of sustainable growth, renewal and opportunity. By 2028, the economy will have grown with more jobs in a more diverse business environment supported by a more skilled workforce." This application seeks to meet those national and local requirements by providing a large scale development on this allocated site. It would bring over 150 additional jobs to the area with additional spin off benefits to the supply chain. DVP has been allocated for large scale manufacturing since 1990 and has been retained and protected as such in further iterations of the Local Plan. This was set out in the most recent report to the planning committee in respect of the outline planning application ref. 9/2017/0816, which stated that the principle of development at the site is supported by LP1 policies S5, E1 and E5. Policy E5 recognises the need for exceptionally large scale units for business in the manufacturing and logistic sector. This is based on a minimum gross floor space of 15,000 sqm and requires proposals to adequately mitigate impacts through careful siting of buildings, control of building heights and appropriate landscaping. The proposal for a bottling factory at the site is supported by an extensive landscaping proposal and landscape and visual impact appraisal, which has influenced the consideration of building height. This has been judged based on existing scale and mass of buildings within Dove Valley Park and the wider context including established field boundaries and planting. The application is also supported by a number of technical reports, all of which judge that the policy compliant development can proceed without giving rise to harm to the immediate and local environment or to residential amenities.

An Arboricultural Assessment notes the the site comprises several field compartments, used historically for agricultural purposes including the grazing of livestock. In order to facilitate the development a small loss of tree cover would be required within the central areas of the site, each considered as offering moderate to low arboricultural quality (categories B and C). None of the high-quality trees assessed are to be removed with each of these trees being retained. The former land use and historic management of the site has led to the sporadic distribution of tree cover which does not lend itself to the integration of a development of the type being proposed. Therefore, it is considered that no matter how

sympathetically the layout is designed, the loss of tree cover is unavoidable. As such these losses should not be seen as a constraint to the development. However, the proposed development provides an ideal opportunity to mitigate the loss of these specimens through new tree planting which would be supplied as part of a robust supporting landscape scheme.

An Archaeological Assessment notes the northern part of the site was subject to a programme of archaeological mitigation measures (geophysical survey and trial trenching) as part of the phase 2 outline planning application. No evidence of significant archaeological activity was identified in this part of the site and consequently no further mitigation measures are required. The proposed development is not considered to impact upon any designated archaeological assets, and cropmarks observed from aerial photographs to extend into the south-east of the site are representative of former post-Medieval field boundaries removed prior to the construction of Church Broughton Airfield. However, the proposed development has the potential to impact archaeological remains of no more than a limited archaeological interest in the south of the site. Consequently all further mitigation measures could follow the grant of planning permission secured by an appropriately worded planning condition.

The Flood Risk Assessment (FRA) and Drainage Strategy notes the site is located within Flood Zone 1 (low probability) and at very low risk of surface water flooding, and detailed assessment of the site has determined that the risk of flooding does not pose a significant risk to the development proposals. It is anticipated that the risk of surface water flooding within the site would be alleviated by the proposals and associated drainage strategy. No flood risk to the site from overland flows, existing sewers, groundwater or artificial water bodies was identified. The existing local public foul and surface water networks are owned and operated by Severn Trent Water. There are no existing public sewers infrastructure located within the site. Existing spur connections to public foul and surface water sewers are located to the south east of the site, at the roundabout on Park Avenue. Due to the existing ground conditions it has been determined that the use of infiltration methods would not be feasible, and consequently it is proposed to discharge surface water run-off from the development via the use of attenuation techniques, with flows discharged to the local surface water network at a restricted greenfield rate. An attenuation basin and oversized pipes would store the 1 in 100 year plus 40% climate change flows whilst restricting off-site discharge to the existing greenfield rate. Hydrobrake flow control devices would be placed downstream of the basins to provide flow restriction. The proposed attenuation features would also provide additional ecological and water quality benefits. Foul drainage comprises domestic and trade effluent discharge, with this discharging via a traditional below ground gravity drainage system to the existing public foul sewer to the south of the site near the existing roundabout. Trade effluent flows from processes within the building would be collected in a drainage sump and pumped into an above ground buffer tank, appropriately sized to accept the high peak flows from the facility while maintaining smaller, more consistent outflows discharging to the public sewer.

The Noise Impact Statement has monitored existing background levels and provides a British Standard 4142:2014 noise impact assessment of activities associated with the proposed industrial operations and associated vehicle delivery movements on the nearby sensitive receivers around the site. Baseline plant noise data from similar facilities in Germany have also been provided by the applicant's European acoustic consultant. With the noise mitigation measures installed as per recommendations, the rating sound level would result in a British Standard difference of -1 dB during the daytime period and 0 dB during the night time period at the nearest noise-sensitive receivers. Where the assessment difference is 0 dB or less during the daytime period, the impact is likely to be low and therefore acceptable, and it is considered the noise impact of the proposed site would fall below the Lowest Observed Adverse Effect Level (LOAEL) of the PPG and Noise Policy Statement for England (NPSE)

A Preliminary Ecological Assessment comprises an ecological desk study and a walkover survey (in accordance with Phase 1 Habitat Survey methodology). The ecological desk study revealed no European statutory conservation sites within 5 km of the site, no UK statutory sites within 2 km and six non-statutory wildlife sites within 1 km. No impacts are predicted on any of these sites as a result of the proposed development. The desk study also identified records of protected birds, common lizard, brown long-eared bat, badger, brown hare and hedgehog within 1 km of the site. The site was found to contain semi-improved grassland, improved grassland and tall ruderal on disused arable and pasture. Bunds vegetated by tall ruderal species are located at the boundaries and in the centre of the site and hedgerows, scrub and scattered trees were also recorded. A vegetated pile of old tyres and other

debris was recorded near the centre of the site and a bungalow with a hardstanding access track was present to the south of the site. The key ecological features on or close to the site in relation to the works proposed are hedgerows and mature trees along the western boundary, an off-site pond to the north west, badgers, foraging and commuting bats, common lizard, common amphibians, nesting birds and foraging terrestrial mammals. In order to ensure compliance with wildlife legislation and relevant planning policy, the following recommendations are made:

- **Habitat Retention and Protection:** The development proposals should be designed (where feasible) to allow for the retention of existing notable habitats including the hedgerow and associated mature trees to the west of the site and boundary scrub to the north. The off-site pond to the north-west should be protected from potential impacts such as pollution or siltation;
- **Biodiversity Enhancement:** Biodiversity enhancement measures should be incorporated into the landscaping scheme of the proposed development to
 - work towards delivering net gains for biodiversity;
- **Badgers:** A pre-works badger survey should be undertaken to determine whether any new setts have been excavated on site or within 30m of the proposed construction area, with mitigation provided should a sett be identified that would be disturbed or closed;
- **Roosting Bats:** Some of the mature trees within the hedgerow along the western boundary of the site were considered to have bat roost potential, so these should be retained within the landscaping schemes, and should any of these trees require removal or significant works, a Preliminary Ground Level Bat Roost Assessment should be undertaken;
- **Foraging and Commuting Bats:** Any new lighting should be carefully designed to minimise potential disturbance and fragmentation impacts on sensitive receptors, such as bat species - in particular, lighting should be low level and directed away from boundary vegetation along the western and northern boundaries to maintain dark corridors for commuting bats;
- **Herpetofauna:** A herpetofauna mitigation strategy and reasonable avoidance method statement should be compiled detailing how potential impacts on common lizards and common amphibians on the site would be mitigated;
- **Nesting birds:** Vegetation clearance should be undertaken outside the nesting bird season. If this is not possible then any vegetation/buildings to be removed or disturbed should be checked by an experienced ecologist for nesting birds immediately prior to works commencing; and
- **Terrestrial Mammals:** Any excavations that need to be left overnight should be covered or fitted with mammal ramps to ensure that any animals that enter can safely escape and construction materials should be stored securely. Any open pipework with an outside diameter of greater than 120mm must also be covered at the end of each work day to prevent animals entering/becoming trapped.

A Landscape and Visual Impact Assessment (LVIA) identifies that the site lies within an area of land allocated for industrial and commercial development immediately to the north and west of existing commercial development in DVP. Neither the site, nor the wider landscape are statutorily or non-statutorily designated for landscape character or quality. The site benefits from some trees, in particular on the western boundary, which are assessed as moderate arboricultural quality, with some assessed as high arboricultural quality. As a result of the site being part of a former airfield, and containing a disused residential building, areas of remaining hard standings, debris and the artificial bunds (from previous building work); the interior of the site has a degraded character. The site is assessed as being of medium/low landscape quality, and low landscape value and sensitivity. The visual assessment found that there are limited opportunities for views of the site from public vantage points, apart from in the immediate vicinity of the site. Distant views are possible of the rooftops of the other buildings in DVP in the wider landscape, however in the north-west this is restricted to a very limited view near Harehill. To the south, from the higher land near Tutbury and Hanbury, views of the rooftops of the existing buildings in DVP can be seen within a well-wooded landscape and as part of a wide panorama. Although the character of the site would change as a result of the new building, given its location on the northern part of DVP, and in close proximity to a number of large industrial and commercial buildings; this change would not be incongruous in this location. The landscape features on the boundary of the Site, including the high quality and many of the moderate quality trees would be retained, and this, along with the proposed landscaped bund on the northern and western boundaries, would assist in mitigating the near distance visual effects and help to settle the building into its location. For the reasons set out, the new building and its associated works can be accommodated without resulting in significant landscape or townscape effects.

A Ground Conditions Assessment Report notes the site is shown to be directly underlain by glaciofluvial terrace deposits consisting of clay, sand and gravel, which are underlain by the Mercia Mudstone group. The bedrock is identified as a Secondary B Aquifer whilst superficial deposits are identified as a Secondary A aquifer. The nearest surface water feature is a small pond to the immediate north-west of the site, and the site is indicated to be in an area at risk of groundwater flooding at the surface. The site comprises made ground encountered to a maximum depth of 1.3m, whilst glaciofluvial deposits are variable across site comprising clay, sand and gravel encountered to maximum depth of 5.45m. Residual soils of Mercia Mudstone group comprise gravelly clay encountered at 1.6m to 5.45m, becoming competent rock at 7.5m to 10.7m depth. Contamination testing recorded minor exceedances of lead, arsenic, and two polycyclic aromatic hydrocarbons (PAH) species. No asbestos was detected in the samples tested. The site is in an area where no radon protection measures are required for the site. Soils have been assessed as 'non-hazardous' for disposal purposes. Contamination risk posed by the site is thus considered to be low. Shallow foundations are potentially viable on site, dependent on final structural loads, whilst piles or ground improvement would be required if structural loads are deemed too high. Significant earthworks are not anticipated to be required as the site is relatively flat.

A Transport Statement has considered the transport and highways matters related to a single 49,838m² B2/B8 unit. It is considered evident that safe and appropriate access to the site is achievable via the existing road network of Dove Valley Park which links with the A511 and A50. Furthermore, it is also felt evident that the site has been designed to accommodate appropriate swept path movements of large vehicles and also includes appropriate car parking provision for staff. An assessment has also been carried out of likely vehicle generation of the Water Bottling Facility which is forecast to generate less than half the level of vehicles that would be previously assumed for the already consented use. In addition, this assessment does not account for potential movements by sustainable modes such as those that may occur via the 401 bus that now links with the site. Thus, the proposals are not forecast to result in a significant impact on the local highway network.

The Travel Plan details that all employees would be surveyed by the Travel Plan Co-ordinator (TPC) in order to complete a baseline travel questionnaire. The TPC would also discuss their current travel patterns and highlight how alternative methods of transport could be utilised through a travel questionnaire. The discussions would also outline the key principles of the Travel Plan and how employees would help achieve a lasting modal shift. The results of this would then be sent to the County's sustainable travel team to assess how the Travel Plan is progressing against its targets. The objective of the review would be to assess the success of the plan and to identify the potential for future refinement of it. Employee travel surveys would be undertaken annually for a five year period from final occupation, with the results of each survey summarised and submitted to the Council and County in the form of an annual monitoring report. The report would identify actions that have been undertaken and any additional actions to be undertaken within the following 12 months. Should the monitoring and review process highlight that the development is not succeeding in reducing single car occupancy trips (or those subsequently established based on updated travel data), then the TPC would work with the County to identify further ways to achieve the targets set out. Such remedial actions could include implementing new measures or revitalising old measures and additional Travel Plan monitoring initiatives. The TPC would be appointed by Dove Valley Park Ltd and coordinate the Travel Plan for the whole wider site (i.e. phases 1 and 2 of Dove Valley Park).

Relevant planning history

The wider Dove Valley Park comprises two phases. Phase 1 is fairly well established, although some vacant plots still exist. There is a considerable list of applications relating to that phase, but those of note are:

9/590/155/O: Outline application for erection of business and industrial units on approximately 83 hectares of land – Approved May 1992 and renewed under 9/0595/0170 in August 1995 and varied under 9/0897/045, 9/2005/0758 (to extend the time period to submit reserved matters) and 9/2005/1078 (to amend the limit on the floor space allowed on site)

9/1993/0445: Reserved matters for the formation of estate roads together with the implementation of a landscaping scheme – Approved September 1993 and amended under 9/2004/0796 in October 2004

9/2001/0067: Reserved matters for erection of food manufacturing building and ancillary buildings at plot 4000/4500 – Approved March 2001

9/2001/0306: Reserved matters for erection of manufacturing warehousing and distribution at plot 1000 – Approved May 2001

9/2001/0770: Reserved matters for erection of commercial facility at plot 2500 – Approved November 2001

9/2001/0884: Reserved matters for provision of a new community facility falling within classification B1, B2 and B8 at plot 5000 – Approved December 2001 and amended under 9/2005/0264 in May 2005

9/2004/1477: Reserved matters for construction of a new commercial factory and office facility in substitution of office and warehouse permitted under 9/2001/0884 – Approved December 2004

9/2005/0245: Reserved matters for erection of assembly and distribution facility at plot 2000 – Approved April 2005 and factory and car park extended under 9/2010/0335 in June 2010

9/2010/0868: Reserved matters for erection of plot 2100A – Approved November 2010

9/2010/0869: Reserved matters for erection of plot 2100B – Approved November 2010

9/2010/0870: Reserved matters for erection of plot 2050 – Approved November 2010

9/2010/0871: Reserved matters for erection of plot 3000 – Approved November 2010

9/2010/0872: Reserved matters for erection of plot 5500 – Approved November 2010

9/2011/0200: Construction of despatch two storey extension with associated trolley delivery canopy and single storey airlock extension at plot 4000 (Dairy Crest) – Approved June 2011

9/2011/0609: The erection of a milk process pipe work enclosure, a fully enclosed cream tank enclosure, forklift charging bay, engineers workshop, high level link transfer bridge and treatment enclosure – Approved September 2011 with amended scheme under 9/2011/0913 approved December 2012

9/2015/0499: The erection of a building for B2 (general industry)/B8 (storage & distribution) purposes – Approved August 2015

9/2015/0774: The erection of 5 buildings for additional warehouse use – Approved November 2015

EA/2017/0001: Screening request for B2 and/or B8 commercial development on land to the north of Dove Valley Park (phase 2) – Screening opinion issued March 2017 (not EIA development)

9/2017/0816: Outline application for the development of site for B2/B8 units, each unit providing no less than 15,000 sqm of floor space with access for approval now and all other matters reserved for future approval – Approved November 2018

DMOT/2019/1211: Screening request for a bottling factory for the extraction, processing bottling and distribution of water based products on land to the north of Dove Valley Park (phase 2) – Screening opinion issued October 2019 (not EIA development)

Responses to consultations and publicity

The County Highway Authority notes that, according to the Transport Statement submitted in support of the application, the proposal is for significantly more floor area than considered in the previous application for the site but would actually generate approximately 20% of the number of vehicle movements anticipated, based on figures used in previous calculations. It is noted that vehicle movements mentioned in the Transport Statement appear only to refer to the anticipated number of employees (163) and do not take account of delivery and service vehicles to which no reference is made. Nonetheless, these comments relate to the reduction in the number of movements, even with the addition of HGVs, relative to those expected of such a site and considered in the original outline application. On the grounds that the whole site benefits from outline planning permission for industrial use and the development was designed to accommodate the associated traffic; it is not considered that monitoring would be necessary or that it is a reason for refusal. The Transport Statement also refers to the provision of 131 parking spaces within the site whereas, using the parking standards of other local authorities, a demand for over 400 spaces would be expected. The applicant's figure is based on the likelihood of there being no more than 63 members of staff on site at any one time. It is obvious from the details submitted that they are based on the specific needs of the water bottling facility and take no account of any future use which may take place on the site. However, the County Highway Authority is mindful of the fact that the proposed use could cease and that another business could take over the site, thus generating the levels of traffic and parking demand which would be expected from the floorspace proposed. However, they are satisfied that a condition can be included in any consent requiring the provision of additional car parking space within the site in the event that the site changes hands or operations which would bring it in line with the demand generally expected from an industrial/warehouse building of this size. There are thus no objections to the proposal subject to conditions being included in the interests of highway safety.

The Environment Agency (EA) initially raised objection due to the lack of a ground conditions assessment report. Having reviewed the report submitted during the course of the application, they withdrew their objection, agreeing that the development does not appear to represent a significant risk to controlled waters receptors. However, it is noted that an assessment of the impact to groundwater was not conducted as part of this investigation. They consider that the proposals could be allowed if a condition to ensure that if any contamination is identified during development, that this is dealt with appropriately to protect sensitive controlled waters receptors; namely underlying superficial Secondary A Aquifer, which is likely to be in continuity with surface water features present in proximity to the site. It is also noted that the proposed development will require an environmental permit to operate as a bottling plant under the Environmental Permitting (England and Wales) Regulations 2016. Further informatives are also suggested.

Derbyshire Wildlife Trust (DWT) notes the findings of the PEA and although none of the habitats on the site are considered to be of substantive nature conservation value, the proposed development would result in the removal of the majority of semi-natural vegetation from the site. It is therefore important that the ecology appraisal demonstrates that the proposed development will not result in a net loss of biodiversity and ideally secures a net gain for wildlife in line with the NPPF. This should be demonstrated through use of a Biodiversity Impact Calculator and achieved through the creation of sufficient high quality habitat as part of the landscaping. Such an assessment is lacking and should be provided. It is also disappointing that the landscape buffer along the northern boundary is much reduced in extent to that shown on the masterplan submitted as part of the approved outline consent. The PEA also acknowledges that previous surveys of the site carried out in 2017 confirmed the presence of Common Lizard on the site. In addition to being afforded protection, Common Lizard is a priority species and DWT fully supports the recommendation in the PEA for the development to be carried out in strict accordance to an agreed Common Lizard Mitigation and Working Method Statement secured by a planning condition. Such measures would apply equally to amphibians. In addition, although the PEA makes reference to the previous surveys of the site carried out, it makes no mention of the Breeding Bird Report which recorded the ground nesting priority bird species skylark and lapwing as being present on the site. The update report does acknowledge the presence of habitat on the site that offers suitable breeding opportunities for skylark. The Trust therefore advise that off-site compensation for impacts on ground nesting priority bird species should be provided as previously agreed as part of the outline consent in the form of proportionate financial contribution relative to the

site area. A building is also present that would require demolition to accommodate the proposed development, but the PEA did not consider the building to offer any suitable bat roost opportunities and, as such, no impact on roosting bats are anticipated. To ensure that the site is managed in the long-term in the interests of biodiversity, DWT recommends that a Landscape and Ecological Management Plan (LEMP) is secured by condition.

The Development Control Archaeologist notes the area was archaeologically evaluated in relation to Dove Valley Park phase 2 and the area which is covered by the proposed development was 'archaeologically negative' and they would not ask for any further work in relation to the current application. It is noted, however, there is still some outstanding work relating to the outline permission which involves the archaeological monitoring of the stripping of soil over a small area of the site in which the foundations of farm buildings are known to survive. Development will need to commence on the site to enable this work, however, and it would be appreciated if the developer(s) of this part of the site could be reminded of these requirements.

The Environmental Health Officer (EHO) considers the key potential environmental impacts of the development are the potential exposure of existing sensitive receptors to new sources of noise/air quality/odour/light emissions, the potential exposure of existing receptors/new receptors to existing sources of land contamination, and the impact on local air quality. The EHO is satisfied that the impacts would be acceptable in planning policy terms provided that conditions be attached to limit noise emissions both day and night, to ensure the design and construction of the building achieves a sound insulation performance value, and to require recharge points for electric vehicles.

Derbyshire County Council Planning Policy

The Police Force Designing Out Crime Officer has no objections and no comments regarding detail.

Peak and Northern Footpaths has no objection provided that existing and proposed planting will screen views of the site from users of Footpaths 27 and 28 Foston with Scropton.

Church Broughton Parish Council objects on the following grounds:

- i) The screening is not sufficient on the road side as it is not in line with planned original tree screening for site, with enhanced screening beneficial for residents and wildlife;
- ii) the height of the bund is not sufficient, and an increased height plus additional screening would reduce impact of plant plus help reduce noise pollution; and
- iii) there is no detail regarding proposed lighting and ask that lighting is limited due to being very close to residential properties.

5 representations have been received, 4 of objection, raising the following concerns:

- a) there is a need to provide enhanced screening to the site from all directions;
- b) there is no timescale for the tree and shrub planting but this should be carried out at the commencement of the project, or immediately following completion of the bund where applicable;
- c) the need for a long term condition binding the owners of the site that the screening be maintained in good effective order for the lifetime of the factory;
- d) consideration should also be given to increasing the height of the bund in order to improve the screening of the stainless steel silos;
- e) the depth of tree planting should be increased along the northern boundary, with it below what was detailed in the initial planning approval for the site by Conder Developments;
- f) provide more native evergreen trees and shrubs for some winter screening, for example holly as the berries would encourage birds as well;
- g) there is a significant bat colony at Heath Top and any new lighting should be carefully designed to minimise potential disturbance and fragmentation impacts on bats;
- h) the silos could also be set lower into the ground or their diameter increased in order to reduce their height;
- i) the security fence is shown in two different positions, with it preferred that it sit within the site, behind the bund and not adjacent to the road;

- j) security lighting should be appropriate and the least intrusive for all concerned;
- k) lighting could detract from the enjoyment of the night sky and could result in increased carbon emissions and hence global warming; and
- l) conflict with the Council's environmental objectives and those of Derbyshire businesses and communities.

1 representation in support has been received, from the operator of DVP, noting this is a well considered application taking into account the building in its environment. It also ratifies the Council's decision to grant outline consent for phase 2 last November, with the new unit providing valuable employment opportunities both during construction and upon operation of the new facility. The economic benefits are many not least providing a UK manufacturing facility, thus reducing reliance on imports. The design of the building has been carefully thought through by ensuring the highest building is furthest south on the plot, stepping down towards Heath Top, and set back circa 30m south of that property, with a densely landscaped bund between as a barrier.

At the time of writing, the publicity period remains open for receipt of further comments. Any received by the deadline will be reported to the Committee at the meeting.

Relevant policy, guidance and/or legislation

The relevant Development Plan policies are:

- 2016 Local Plan Part 1: S1 (Sustainable Growth Strategy), S2 (Presumption in Favour of Sustainable Development), S5 (Employment Land Need), S6 (Sustainable Access), E1 (Strategic Employment Land Allocation), E5 (Safeguarded Employment Sites Dove Valley Park), SD1 (Amenity and Environmental Quality), SD2 (Flood Risk), SD3 (Sustainable Water Supply, Drainage and Sewerage Infrastructure), SD4 (Contaminated Land and Mining Legacy Issues), SD5 (Minerals Safeguarding), BNE1 (Design Excellence), BNE2 (Heritage Assets), BNE3 (Biodiversity), BNE4 (Landscape Character and Local Distinctiveness), INF1 (Infrastructure and Developer Contributions), INF2 (Sustainable Transport) and INF7 (Green Infrastructure)
- 2017 Local Plan Part 2: SDT1 (Settlement Boundaries and Development), BNE5 (Development in the Countryside), BNE7 (Trees, Woodland and Hedgerows) and BNE10 (Heritage)

National Guidance

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)

Local Guidance

- South Derbyshire Design Guide SPD

Planning considerations

Environmental Impact Assessment

The application was screened under Regulation 5 of the Environmental Impact Assessment (EIA) Regulations, following the submission of a request in October 2019. The proposal was considered to fall within paragraph 10(a) of Schedule 2 to those Regulations, being an infrastructure project. However, having taken into account the criteria of Schedule 3 to the Regulations, the proposal is not considered to give rise to significant environmental effects in the context and purpose of EIA, and the application is not accompanied by an Environmental Statement.

Nature of the application

Whilst outline permission for DVP phase 2 has been granted, this proposal straddles the extent of that permission taking in land under phase 1 at DVP. It is therefore not possible to submit the proposal as reserved matters to that outline consent, meaning the application made is in full and addresses matters of principle once more as well as the layout, scale, appearance and landscaping of the site.

Given the above, the main issues central to the determination of this application are:

- The principle of development;
- Access and highway capacity/safety;
- Cultural heritage;
- Drainage;
- Landscaping and visual impact;
- Biodiversity impacts;
- Effect on neighbouring amenity;
- Design and appearance; and
- Section 106 obligations

Planning assessment

The principle of development

Whilst the site lies outside of a settlement boundary, and thus within the rural area of the District; the principle of this development is supported by LP1 policies S5, E1 and E5. Policy S5 sets out that across the Plan period, provision will be made across a range of sites, including allocations, for a minimum of 53 hectares (net) for industrial and business development in support of the Economic Strategies of the Council and the D2N2 Local Enterprise Partnership. Policy E1 identifies 19.27 hectares of committed land at Dove Valley Park (phase 1) whilst policy E5 allocates a further 28.3 hectares to the north of phase 1 for the development of large scale industrial and business units, in use classes B2 and B8. The latter policy makes clear that the minimum gross internal floor area per unit shall be 15,000 square metres, so to recognise the demand for units of an exceptionally large scale for businesses in the manufacturing and logistic sectors, particularly along the A50 corridor. The proposed development meets these objectives, the applicant being a key inward investor and resultant key employer to the area, assisting in driving further economic development elsewhere in the District. Significant weight is afforded to the delivery of this proposal as a result.

The potential sterilisation of minerals was considered under the 2017 application. The likelihood of suitable reserves being present at the site was somewhat questionable with the County recognising that the quality of the resource is likely to be fairly poor. This affects the overall viability of extraction in any case. The historical records also indicate that the site may have been used for landfilling prior to its use as a military airbase, suggesting that minerals may have already been extracted here. Furthermore, whilst a large area, its shape and proximity to residential receptors would limit the area in which workings could take place. Policy MP17 of the County's Minerals Local Plan states that proposals for development which would sterilise or prejudice the future working of important economically workable mineral deposits will be resisted except where there is an overriding need for the development. The above paragraph is considered to demonstrate the overriding need in this circumstance.

Access and highway capacity/safety

The access arrangements build on the existing single point of access to the A511 and A50, with the site served from the northern roundabout to the south-west of the Muller dairy site. During consideration of the phase 2 application, the indicative layout illustrated a road loop through this phase over time. The layout would fixed under this application, thus preventing this loop arising at a later date. Nonetheless, the capacity and attractiveness of the remaining phase 2 site is not considered to be diminished by the absence of a loop road with feasible access options remaining.

The capacity of the roundabouts and wider strategic network to accommodate the additional movements is noted, but was not of concern to either Highways England or the County Highway Authority under the previous, larger, application. It is noted that the County Highway Authority does not hold objection to the proposals now presented on such grounds, noting the road network is designed to accommodate the nature of traffic envisaged - even if it were to increase over time. It is notable that no direct vehicular access to the local road network (Unnamed Road, Bent Lane and Woodyard Lane) is proposed - save for a gated emergency access to Woodyard Lane which can be controlled by condition. When considering the modal choices of movement to and from the site, HGV traffic is likely to originate from the A50 and depart along that route. Employee vehicles would similarly arrive and depart along the same route, albeit there would be a number of movements along the A511 and surrounding network from employees living more locally. Nonetheless, this impact is not a cause for concern.

It is notable that part D of LP1 policy INF2 requires adequate provision for service vehicle access, manoeuvring and off-street parking. There is no concern in general that this would be achieved, with the indicative layout demonstrating suitable space around the units to accommodate parking of HGVs associated with the use. Part E of the policy also points towards securing electric charging points which should be secured by condition. The County Highway Authority, however, holds some reservations as to the level of employee parking as set out above. This is despite the fact that both the District and County do not have adopted standards for parking provision. The concern is set out in the response summarised above. The applicant has responded noting that the facility would be bespoke to the end user so an alternative use in the future is unlikely - particularly considering the extraction of water at the site too, but that they are willing to see a condition attached which would require any subsequent user to re-purpose other areas of the site, such as the HGV holding area which may not be required under other 'regular' B2/B2 uses. This is considered to strike a pragmatic approach in this particular respect and the County Highway Authority have no objections to this solution.

Policy INF2 also requires that car travel generated by the development is minimised. Under the phase 2 permission, the applicant has already secured the provision of an extension of the existing 401 bus service to enter the Park so to serve existing and new units on both phases 1 and 2. The proposal would thus be able to take up this provision for its workforce and help to sustain its continued operation. Nonetheless, the Travel Plan will form a key component of the operation of the site and should be secured by condition, with a monitoring fee also required under a planning obligation.

Cultural heritage

At the time of considering the phase 2 application, the Development Control Archaeologist sought a geophysical study and scheme of trial trenching to be carried out prior to determination. Since then, the promoter for DVP phase 2 has carried out the further study work required to provide certainty that this particular development can proceed without detriment to archaeological interests, the footprint of the proposal turning up no areas of interest.

Nonetheless, it is noted that there is still some outstanding work involving the archaeological monitoring of the stripping of soil over a small area of the site in which the foundations of farm buildings are known to survive, and the developer should be reminded of these requirements.

Drainage

At the time of writing a final response has not been received from the Lead Local Flood Authority (LLFA), although dialogue is ongoing with the applicant to address some queries raised. Their response will be reported to Members at the meeting itself. Nonetheless, the principles of draining the site were established during the course of the outline application for phase 2 of DVP. Extensive negotiations took place to ensure that the level of attenuation to be provided would be adequate and that a discharge rate could be achieved which would not risk exacerbating flooding off-site in the peak rainfall events.

The key is to ensure sufficient attenuation within the site, noting that whilst the operator of DVP is closely involved the applicant has not indicated formally that they have control over further land on phases 1 and 2 of DVP to provide any further storage if required. Nonetheless, it could also be possible

to provide below ground storage, such as chambers and oversized pipes. Coupled with a two-stage treatment train for water quality, and the use of hydro-brakes to control the release of water from these features to the existing phase 1 sewer network; there appears to be scope to suitably drain the site at an appropriate rate. This approach could be secured by way of a condition, timed to ensure that the design of the surface water drainage scheme informs the construction stage of the site and does not exceed greenfield rate without adequate justification. Given the known surface water flooding issues downstream, this is a wholly appropriate stance.

In terms of foul water drainage, there appears to be a suitable connection point and capacity within the sewer network to receive flows. In any case, it is not necessary from a planning perspective to know how foul flows will be dealt with. Drainage companies have an obligation under section 94 of the Water Industry Act 1991 to effectively drain their area. Whilst it is apparent neither the developer nor Severn Trent Water knows the nature of any works required, it will fall on Severn Trent Water under their statutory duties to identify and implement a solution that discharges their statutory obligations.

Landscaping and visual impact

The surrounding landscape is characterised by a gently undulating landform with pockets of deciduous woodland and established field hedgerows. The former airfield itself is largely open save for the occasional patch of scrub and belt of tree planting. To the south of the site, the existing phase 1 development along with the A50 and A511 are prominent features of the local landscape. The site gently slopes from north-west to south-east. To the south of the A50 the land gently falls towards the River Dove before rising again on the opposite side of the valley where long distance views of the existing and proposed sites are possible. To the north of the site the land gently rises to a ridgeline before falling away to Church Broughton. This assists in screening the site to some degree from Public Rights of Way (PRoWs) to the north, although the gentle topography means structures at height would be visible. Evidently, the nearest PRoW provides for unfettered views of phase 1 and the proposed development area.

On site, a distinction can be made between the former airfield and surrounding landscape, with the former airfield already partially redeveloped for employment uses and in those areas that have not, the runways and dispersal areas are either still evident or have been assimilated into the agricultural use of the site. Beyond the airfield, the landscape has a more rural quality and comprises a mix of pasture and arable farmland. Conygree Wood and Rough Wood, which lie immediately to the west of Woodyard Lane, are prominent features. The boundary with Woodyard Lane comprises established and continuous hedgerow, which contains established trees. On the opposite side of the lane are a number of agricultural sheds which abut Conygree Wood. The northern boundary follows the Unnamed Road and is visually open. The boundary with the Muller dairy is, in part, already screened by a landscape bund.

As a consequence of the above, near and middle distance views of the site are mostly confined to the north and east. Longer distance views are available from the southern slope of the Dove valley, but these are not considered significant. The proposed development would also sit in context with the existing phase 1 development on the A50 corridor. With this in mind, the impact on national and local landscape character is not considered to be significant, whilst the more localised visual impacts can be minimised by way of appropriate buffer planting. It is noted that a previous implemented permission (ref. 9/2004/0796) provides scope for a landscaping bund to surround the western and northern edges of the site. The purpose of that application, amongst other things, was to provide a long-term screen for the wider site and included a tree and planting schedule, to further mitigate future impacts of development. To date this has not been carried out along the Unnamed Road and it is recognised that the mitigation intended to date has not been achieved. However, the development of the site would directly generate material to create the bunds along its northern and western sides, noting the need to provide a level plateau for the building to sit upon. This would be set down around 2m at its northern end, reducing the visual and landscape impacts from the north, particularly when also considering that the northern section of the complete building is lower in height. Furthermore, the height of the perimeter landscape bund has increased where it lies immediately north of the proposed building, and this coupled with dropping the finished floor levels facilitates an effective screening height of around 6m above finished floor levels as opposed to the likely 3m previously approved. Further planting in and

around the site would provide for further visual screening and filtering of views across it, over time providing a welcoming and attractive place to work.

Biodiversity impacts

The Wildlife Trust has considered the supporting PEA and although none of the habitats on the site are considered to be of substantive nature conservation value, the proposed development would result in the removal of the majority of semi-natural vegetation from the site. It is therefore considered important that the appraisal demonstrates no net loss of biodiversity and ideally secures a net gain for wildlife in line with the NPPF. They note that a Biodiversity Impact Calculation is presently lacking and should be provided. This, however, could be made conditional prior to any works on site to prepare for or implement the development, so to establish the baseline and ensure a net gain comes about. The Trust also considers that the depth of the landscape buffer to the north has slightly reduced from the outline proposals. Whilst layout was a reserved matter, the depth on the outline scheme was generally 12-18m. The proposal shows the zone immediately north of the buildings to be around 30m deep and generally 22m as it extends to the east. The Trust are however correct where the screening serves as a buffer to the car parking area only, with it reducing across the width to a 10m boundary buffer to the most easterly corner. The overall scope for biodiversity enhancement from this buffer remains broadly as previously approved, and it is noted that amended plans have provided for further planting in and around the site on spare sections of ground, offering permeation of habitat into the wider site.

The Trust also recognises the potential for the site to support protected and priority species, but recommends conditions to safeguard them and their habitat as well as provide for enhancement. In the case of habitat for ground nesting birds, this would need to be provided in a similar manner to that previously secured through a legal agreement for off-site compensatory habitat, noting that the outline permission would not be implemented under these proposals and thus not trigger the existing provisions.

Effect on neighbouring amenity

The site would result in B2 and B8 units being sited closer to residential properties than might already exist. This is not a wholly new concept however, given the site's inclusion within the Local Plan. The proposal would place the parking areas to the northern edge of the site, but HGV movements would be kept further away, including the loading bays in particular. Whilst some ancillary loading and unloading would need to take place along the service loop road, this would be infrequent and well contained by the landscape bund around these edges. Lighting to the service yards would also be towards the 'heart' of DVP with it possible to condition a scheme of lighting for the site, with a preference for low level bollard lighting to the employee car parking area. Comments from the EHO also confirm that the noise and similar associated impacts from the development could be controlled and mitigated by way of conditions, so to accord with policy SD1.

Design and appearance

The building, as a whole, is considerable in scale with just short of 50,000 sqm of floorspace provided. Much of this would be put to automated extraction, bottling and processing facilities, with the second phase of the building providing for much of the storage and distribution element of the activity. Consequently, the building rises to some 24m to its ridge at the highest point (relative to the proposed external ground levels) and 21.7m to the eaves. This relates to the southern half of the building, being substantially higher than the northern half at just 14m (with a flat roof profile). Silos and water tanks would be around 14-15m in height and, in the main, located close to the building so to reduce their prominence.

The context of the site must be appreciated, however. The development of large scale B2 and B8 employment premises, as envisaged for this site under the Local Plan, brings with it buildings of large proportions. The existing DVP site already exhibits a number of similar, large scale buildings with JCB at around 18m to the eaves, Futaba at around 14m and Muller at around the same - 12-14m. The scale is therefore not of concern, especially as views of the building would be filtered from public views with time, limiting aspects in due course to those from within DVP and surrounding buildings of similar bulk

and scale. Consideration is given to the materials proposed, including those for the ancillary structures and buildings around the site, and generally these are felt to provide some relief to what might otherwise be bland elevation. Notwithstanding this, some consideration of colours to the southern and western elevations is felt necessary to provide some visual 'break-up' of the distribution element of the wider building. This can be secured by condition.

Amended plans received during the course of the application have also considerably enhanced the hard and soft landscaping approach to the site, recognising that the regular introduction of trees can make a substantial difference to the way in which a site is appreciated by employees, visitors and the wider public. A range of different surfacing materials would also be secured to provide interest and enhancement, as well as reduce urban heat island potential.

Section 106 obligations

The need for a biodiversity contribution is discussed above, and this would be made pro-rata to that previously secured for the wider phase 2 site. With the previous application, the provision of a bus service to the site was required as part of the transport mitigation, so to promote sustainable modes of transport. The service was implemented for its trial period earlier this year so, subject to it continuing, it is likely that employees at the proposed facility would be able to take up this opportunity to reach their place of work. Given the service is in place, there is no need to secure the same obligation this time, although both the owners of DVP and the applicant should make continued efforts to sustain the service through promotion of it to both the applicant's employees and existing tenants as part of a Travel Plan – a Travel Plan which should be monitored by the County Council pursuant to a financial contribution to also be secured under Section 106.

Summary

The starting point for this application is the allocation of the site in the LP1 and the fact that outline permission exists for much of the site, with the balance benefiting from in principle support as part of an existing employment area. As with the previous application, there are impacts which might be considered less than ideal in terms of biodiversity, but a balance must be struck between meeting the employment needs of the District and protection of habitat, noting that the Trust has previously accepted conditions and/or obligations to overcome residual concerns. That remains the position today. With the significant employment and investment benefits of the proposal firmly in mind, noting the particular needs of the applicant in requiring this site (following initial borehole testing to confirm its suitability for the intended operation) and all other matters being considered acceptable, any harms do not weigh heavily in the balance when considering the substantial economic benefits arising.

None of the other matters raised through the publicity and consultation process amount to material considerations outweighing the assessment of the main issues set out above.

None of the other matters raised through the publicity and consultation process amount to material considerations outweighing the assessment of the main issues set out above, noting that conditions or obligations have been attached where meeting the tests for their imposition. Where relevant, regard has been had to the public sector equality duty, as required by section 149 of the Equality Act 2010 and to local finance considerations (as far as it is material), as required by section 70(2) of the Town and Country Planning Act 1990 (as amended), as well as climate change, human rights and other international legislation.

Recommendation

A. Grant delegated authority to the Head of Planning and Strategic Housing to agree the final wording of the conditions as substantially set out below, in liaison with the Chair of the Planning Committee, and subsequently complete an agreement under section 106 of the Town and Country Planning Act to secure the planning obligations set out in the assessment above; and

B. GRANT permission subject to the conditions agreed under A:

- 1 The development hereby approved shall be begun before the expiration of three years from the date of this permission. The development hereby approved shall be begun before the expiration of three years from the date of this permission.

Reason: To conform with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

- 2 The development hereby permitted shall be carried out in accordance with the following plan(s)/drawing(s):
 - 7723-A-05 D Tree Retention Plan (as part of the Arboricultural Assessment dated October 2019 prepared by fpcr)

WIL_01 FPAA G AA AA

- Landscape Arrangement Plan LP-UP-P001 Rev 03
- Hard Surfaces LP-UP-P060 Rev 03
- Boundary Treatments LP-UP-P080 Rev 03
- Landscape Schedule LP-UP-P901 Rev 03
- Soft Landscape Works Plan 1 of 10 LP-UP-P040 Rev 03
- Soft Landscape Works Plan 2 of 10 LP-UP-P041 Rev 03
- Soft Landscape Works Plan 3 of 10 LP-UP-P042 Rev 03
- Soft Landscape Works Plan 4 of 10 LP-UP-P043 Rev 03
- Soft Landscape Works Plan 5 of 10 LP-UP-P044 Rev 03
- Soft Landscape Works Plan 6 of 10 LP-UP-P045 Rev 03
- Soft Landscape Works Plan 7 of 10 LP-UP-P046 Rev 03
- Soft Landscape Works Plan 8 of 10 LP-UP-P047 Rev 03
- Soft Landscape Works Plan 9 of 10 LP-UP-P048 Rev 03
- Soft Landscape Works Plan 10 of 10 LP-UP-P049 Rev 03

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- Block Plan LP-UP-P02 Rev 20
- Site Layout LP-UP-P03 Rev 22

WIL_01 GPB1 G OP GG

- Building Ground Floor GR-E0-P10 Rev 12
- Building First Floor GR-E1-P11 Rev 12
- Building & Site Sections SC-SC-P30 Rev 13
- Building Elevations AN-AA-P20 Rev 12
- Driver Facilities AN-AA-P80 Rev 02
- Security Kiosk AN-AA-P81 Rev 01
- Other Ancillary Buildings AN-AA-P82 Rev 02
- Visualisation XX-XX-P60 Rev 12

WIL_01 FPAA G AA AA

- Typical Tree Pit Detail DT-XX-P100 Rev 02
- Paving Detail DT-XX-P101 Rev 02
- Cycle Shelter DT-XX-P102 Rev 02
- Landscape Specification XX-XX-P001 Rev 02
- Planting Material Board 1 XX-XX-P010 Rev 02
- Planting Material Board 2 XX-XX-P011 Rev 02
- Boundary Treatment LP-UP-P080 Rev 02
- Hard Landscaping LP-UP-P60 Rev 03

WIL_01 GPB1 G OP GG

- Core Building Ground Floor GR-E0-P90 Rev 12
- Core Building Elevations AN-AA-P92 Rev 12

unless as otherwise required by condition attached to this permission or following approval of an application made pursuant to Section 96A of the Town and Country Planning Act 1990.

Reason: For the avoidance of doubt and in the interests of achieving sustainable development.

- 3 No removal of trees, hedges, shrubs, buildings or structures shall take place between 1st March and 31st August inclusive unless a survey to assess the nesting bird activity on the site during this period and a scheme to protect the nesting birds has first been submitted to and approved in writing by the Local Planning Authority. No trees, hedges, shrubs, buildings or structures shall be removed between 1st March and 31st August inclusive other than in accordance with the approved bird nesting protection scheme.

Reason: In order to safeguard protected and/or priority species from undue disturbance and impacts.

- 4 No development, including preparatory works, shall commence until protective fences have been erected around all trees and hedgerows shown to be retained in accordance with the Tree Retention Plan ref. 7723-A-07 C and Appendix B of the Arboricultural Assessment dated October 2019 prepared by fpcr. Such fencing shall conform to best practice as set out in British Standard 5837:2012 (or equivalent document which may update or supersede that Standard) and ensure that no vehicles can access, and no storage of materials or equipment can take place within, the root and canopy protection areas. The fences shall be retained in situ during the course of ground and construction works, with the protected areas kept clear of any building materials, plant, debris and trenching, and with existing ground levels maintained; and there shall be no entry to those areas except for approved arboricultural or landscape works.

Reason: In the interests of safeguarding existing habitat and the visual amenities of the area, recognising that initial preparatory works could bring about unacceptable impacts.

- 5 No site preparation or construction works pursuant to this permission shall take place on the site other than between 0800 to 1800 hours Monday to Friday, and 0800 to 1300 hours on Saturdays. There shall be no construction works (except for works to address an emergency) on Sundays or Public Holidays.

Reason: In order to protect the amenities of adjoining residential occupiers.

- 6 There shall be no burning of materials on site during the construction phase of the development. For the avoidance of doubt this includes any preparatory works to clear vegetation on site.

Reason: In order to protect the amenities of adjoining residential occupiers.

- 7 No generators shall be used on the site during the construction phase without details having first been submitted to and approved in writing by the Local Planning Authority. Thereafter, only those approved generators shall be used.

Reason: In order to protect the amenities of adjoining residential occupiers.

- 8 No development, including preparatory works, shall commence until a mitigation strategy and working method statement in for common lizard and amphibians has been submitted to and approved in writing by the Local Planning Authority. The submitted mitigation strategy and working method statement shall provide for the management of any refuge areas both during and after construction. The development shall be carried out in accordance with the approved mitigation strategy and working method statement.

Reason: In order to safeguard protected species from undue disturbance and impacts, noting that initial preparatory works could have unacceptable impacts.

- 9 No development, including preparatory works, shall commence until a scheme ('the offsetting scheme') for the offsetting of biodiversity impacts at the site has been submitted to and agreed in writing by the Local Planning Authority. The offsetting scheme shall be prepared following a baseline calculation through use of a Biodiversity Impact Calculator, the results of which shall be provided with the scheme. Where on-site mitigation is inadequate to deliver no net loss of biodiversity, the offsetting scheme shall include:
- i. a methodology for the identification of receptor site(s);
 - ii. the identification of receptor site(s);
 - iii. details of the offset requirements of the development (in accordance with the recognised offsetting metrics standard outlined in the Defra Metrics Guidance dated March 2012);
 - iv. the provision of arrangements to secure the delivery of the offsetting measures (including a timetable for their delivery); and
 - v. a management and monitoring plan (to include for the provision and maintenance of the offsetting measures in perpetuity).

Reason: To ensure there is no net loss of biodiversity arising as a result of the proposed development.

- 10 No development, including preparatory works, shall commence until details of the finished floor levels of the buildings hereby approved, and of the proposed ground levels of the site relative to the finished floor levels and adjoining land levels, shall be submitted to and approved in writing by the Local Planning Authority. Such details shall be supplemented with locations, cross-sections and appearance of any retaining features required to facilitate the proposed levels. The development shall be constructed in accordance with the approved details.

Reason: To protect the amenities of adjoining properties and the locality generally, recognising that site levels across the site as a whole are crucial to establishing infrastructure routeing/positions.

- 11 No development shall take place until a Construction Management Plan (CMP) or Construction Method Statement (CMS) has been submitted to and been approved in writing by the Local Planning Authority. The CMP/CMS shall provide details of space for the storage of plant and materials, site accommodation, loading, unloading of goods' vehicles, parking of site operatives' and visitors' vehicles, routes for construction traffic, method of prevention of debris being carried onto highway and any proposed temporary traffic restrictions. The CMP/CMS shall be adhered to throughout the construction period.

Reason: To ensure safe and suitable access for all users, in the interests of highway safety, recognising that initial preparatory works could bring about unacceptable impacts.

- 12 Prior to any works to construct a building or hard surface, setting of finished floor/site levels or installation of services/utilities, a detailed drawing of the accesses into the site shall be submitted to and approved in writing by the Local Planning Authority. The accesses shall be laid out and constructed in accordance with the approved drawings prior to the premises being taken into use.

Reason: To ensure safe and suitable access for all users, in the interests of highway safety.

- 13 No development, including preparatory works, shall commence until details of measures indicating how additional surface water run-off from the site will be avoided during the construction works have been submitted to and approved in writing by the Local Planning Authority. The applicant may be required to provide collection, balancing and/or settlement systems for these flows. The approved measures and systems shall be brought into operation before any works to create buildings or hard surfaces commence.

Reason: To ensure surface water is managed appropriately during the construction phase of the development, so as not to increase the flood risk to adjacent land/properties or occupied properties within the development itself; recognising that initial works to prepare the site could bring about unacceptable impacts.

- 14 Prior to any works to construct a building or hard surface, setting of finished floor/site levels or installation of services/utilities, a detailed assessment to demonstrate that the proposed destination for surface water accords with the hierarchy in paragraph 80 of the planning practice guidance (or any revision or new guidance that may replace it) shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall demonstrate, with appropriate evidence, that surface water run-off is discharged as high up as reasonably practicable in the following hierarchy:
- i) into the ground (infiltration);
 - ii) to a surface water body;
 - iii) to a surface water sewer, highway drain, or another surface water drainage system;
 - iv) to a combined sewer.

Reason: To ensure that surface water from the development can be directed towards the most appropriate water body in terms of flood risk and practicality, noting that certain works may compromise the ability to subsequently achieve this objective.

- 15 Prior to any works to construct a building or hard surface, setting of finished floor/site levels or installation of services/utilities, a detailed design of, and associated management and maintenance plan for, surface water drainage of the site, in accordance with Defra non-statutory technical standards for sustainable drainage systems, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate that, as a minimum, suitable capacity is proposed to attenuate peak flows from the site, making allowance for climate change and urban creep. The surface water drainage infrastructure shall be installed in conformity with the approved details prior to the first occupation/use of each respective building/road/hard surface served by the surface water drainage system or in accordance with a phasing plan first submitted to and approved in writing by the Local Planning Authority. Those elements of the surface water drainage system not adopted by a statutory undertaker shall thereafter be maintained and managed in accordance with the approved management and maintenance plan.

Reason: To ensure that the principles of sustainable drainage can be incorporated into the development, noting that initial preparatory and/or construction works may compromise the ability to mitigate harmful impacts.

- 16 Upon completion of the surface water drainage system, including any attenuation ponds and swales, and prior to their adoption by a statutory undertaker or management company; a survey and report from an independent surveyor shall be submitted to and approved in writing by the Local Planning Authority. The survey and report shall be carried out by an appropriately qualified Chartered Surveyor or Chartered Engineer and demonstrate that the surface water drainage system has been constructed in accordance with the details approved pursuant to condition 15. Where necessary, details of corrective works to be carried out along with a timetable for their completion, shall be included for approval in writing by the Local Planning Authority. Any corrective works required shall be carried out in accordance with the approved timetable and subsequently re-surveyed by an independent surveyor, with their findings submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the effective operation of the surface water drainage scheme following construction of the development.

- 17 The design and construction of the proposed building shall be capable of achieving sound insulation performance index R_w of 40dB which shall be maintained for the life of the approved development. Alternatively, prior to the construction of the main building in whole or in part, a noise mitigation scheme that specifies provisions for the control of noise emanating from noise sources within the proposed building shall be submitted to and approved in writing by the Local Planning Authority. The noise mitigation scheme shall be maintained as approved for the lifetime of the development.

Reason: In the interests of protecting the amenity of the area and adjoining occupiers.

- 18 The level of noise emitted from the site shall not exceed 44dB LAeq(1 hour) between 07:00 to 23:00 hours and 41 dB LAeq(15mins) between the hours of 23:00 to 07:00, as measured at the nearest noise sensitive receptor. Where access to the nearest sound sensitive property is not possible, measurements shall be undertaken at an appropriate location and corrected to establish the noise levels at the nearest sound sensitive property.

Reason: In the interests of protecting the amenity of the area and adjoining occupiers.

- 19 Recharge points for electric vehicles shall be provided within the development to comply with the following criteria:
- 1 charging point for every 10 parking spaces (or part thereof) which may be provided in phases first submitted to and approved in writing by the Local Planning Authority.

Charging points shall be supplied by an independent 32 amp radial circuit and equipped with a type 2, mode 3, 7-pin socket conforming to IEC62196-2. Alternative provision to this specification must be first submitted to and approved in writing by the Local Planning Authority. To prepare for increased demand in future years suitable and appropriate cable provision shall be included in the scheme design in accordance with details first submitted to and approved in writing by the Local Planning Authority. The electric vehicle charging points shall be provided in accordance with the stated criteria and approved details prior to the first occupation or use of the respective premises and shall thereafter be maintained in working order and remain available for use throughout the life of the development.

Reason: In the interests of protecting and enhancing air quality through reducing and minimising emissions from vehicles.

- 20 Prior to the premises being taken into use, the loading/unloading, parking and manoeuvring space shall be laid out in accordance with the approved plans and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any statutory instrument amending, revoking and/or replacing that Order, such space shall be maintained throughout the life of the development free of any impediment to its designated use as such.

Reason: To ensure adequate parking and turning provision, in the interests of highway safety.

- 21 The emergency access onto Woodyard Lane shall be maintained for the use of emergency vehicles only. Use by employees or service/delivery vehicles shall be prevented by means of gates or bollards laid out in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority, and implemented prior to the first use of the premises. The gates or bollards shall be kept closed/locked at all times other than an emergency and maintained as such throughout the lifetime of the development.

Reason: In the interests of highway safety.

- 22 Prior to their incorporation in to the building(s) hereby approved, details and/or samples of the facing materials to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed using the approved facing materials.

Reason: In the visual interest of the building(s) and the surrounding area.

- 23 Notwithstanding the approved plans and prior to the occupation of a phase of the premises a scheme of hard and soft landscaping for that phase shall be submitted to and approved in writing by the Local Planning Authority. Details of soft landscaping should evidence compliance with British Standard (BS) 3936: 'Part 1 - Specification for trees and shrubs', BS3969 - 'Recommendations for turf for general purposes' and BS4428 - 'Code of practice for general landscape operations (excluding hard surfaces)'. All hard landscaping shall be carried out in accordance with the approved details prior to occupation of that phase of the premises, whilst all planting, seeding or turfing comprised in the approved scheme shall be carried out in the first planting and seeding seasons following the first occupation of the premises or the completion of the development, whichever is the sooner; and any plants which within a period of five years (ten years in the case of trees) from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species and thereafter retained for at least the same period, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interest of the visual setting of the development and the surrounding area.

- 24 Notwithstanding the plans hereby approved, prior to the construction of a boundary wall, fence or gate, details of the position, appearance and materials of such boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be completed in accordance with the approved details before the respective building(s) to which they serve is/are first occupied or in accordance with a timetable which shall first have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the character and appearance of the area.

- 25 Prior to the installation of any external lighting a detailed lighting strategy (designed in accordance with the guidelines issued by the Institute of Lighting Engineers, or any equivalent guidelines which may supersede such guidelines) which shall include precise details of the position, height, intensity, angling and shielding of lighting, as well as the area of spread/spill of such lighting, shall be submitted to and approved in writing by the Local Planning Authority. All lighting shall be installed in accordance with the approved strategy and thereafter retained in conformity with it.

Reason: In the interests of protecting the amenity of the area and adjoining occupiers and/or transport routes from undue illumination impacts or distraction, and to minimise light pollution at night.

- 26 The premises shall be constructed and fitted out so that the estimated consumption of wholesome water by persons using the unit will not exceed 110 litres per person per day, consistent with the Optional Standard as set out in G2 of Part G of the Building Regulations (2015). The developer must inform the building control body that this optional requirement applies.

Reason: To ensure that future water resource needs, wastewater treatment and drainage infrastructure are managed effectively, so to satisfy the requirements of policy SD3 of the Local Plan Part 1.

- 27 If during development any contamination or evidence of likely contamination is identified that has not previously been identified or considered, a written scheme to identify and control that contamination shall be submitted to and approved in writing by the Local Planning Authority prior to any further works taking place on the site. This shall include a phased risk assessment carried out in accordance with the procedural guidance of the Environmental Protection Act 1990 Part IIA (or equivalent guidance which may subsequently update or replace it), and appropriate remediation/mitigation proposals. The approved scheme shall be implemented in accordance with the approved remediation/mitigation proposals.

Reason: To protect the health of the public and the environment from hazards arising from previous contamination of the site which might be brought to light by development of it.

Informatives:

- a. The Environment Agency refers the applicant/developer to their groundwater position statements in 'The Environment Agency's approach to groundwater protection'. This publication sets out their position for a wide range of activities and developments, including:
- Waste management
 - Discharge of liquid effluents
 - Land contamination
 - Drainage.
- b. Pursuant to Section 278 of the Highways Act 1980 and the provisions of the Traffic Management Act 2004, no works may commence within the limits of the public highway without the formal written Agreement of the County Council as Highway Authority. It must be ensured that public transport services in the vicinity of the site are not adversely affected by the development works. Advice regarding the technical, legal, administrative and financial processes involved in Section 278 Agreements may be obtained from the Economy Transport and Environment Department at County Hall, Matlock. The applicant is advised to allow approximately 12 weeks in any programme of works to obtain a Section 278 Agreement.
- c. There is outstanding work relating to condition 11 of the permission ref 9/2017/0816. This involves the archaeological monitoring of the stripping of soil over a small area of the site in which the foundations of farm buildings are known to survive. Development will have had to commence on the site to enable this work.

Item 1.3

Ref. No. [9/2017/0922](#)

Valid Date 03/11/2017

Applicant:

Mr Jonathan Collins
Hallam Land Management Ltd

Agent:

Mr David Peck
Planning and Design Group (UK) Limited
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NG15 0DT

Proposal: **Outline application (matters of access to be considered now with all other matters to be reserved for later consideration) for the residential development of up to 100 dwellings including infrastructure and associated works on land at SK3430 7732 Deep Dale Lane, Barrow On Trent, Derby**

Ward: **Aston (also affecting Stenson Fields)**

Reason for committee determination

This item is presented to Committee at the discretion of the Head of Planning and Strategic Housing recognising it is a significant major application of cross-boundary importance and the proposal would not be fully compliant with the Development Plan.

Site description

The site comprises a single agricultural field of approximately 4.95 hectares located to the east of Deep Dale Lane, just south of Sinfin, Derby. It is enclosed by hedgerows with a ditch running along or close to the northern, eastern and southern boundaries of the site. The site, in common with the surrounding area, is generally flat, with a gentle slope from the northwest down to the southeast. The site is accessible through a field gate on Deep Dale Lane.

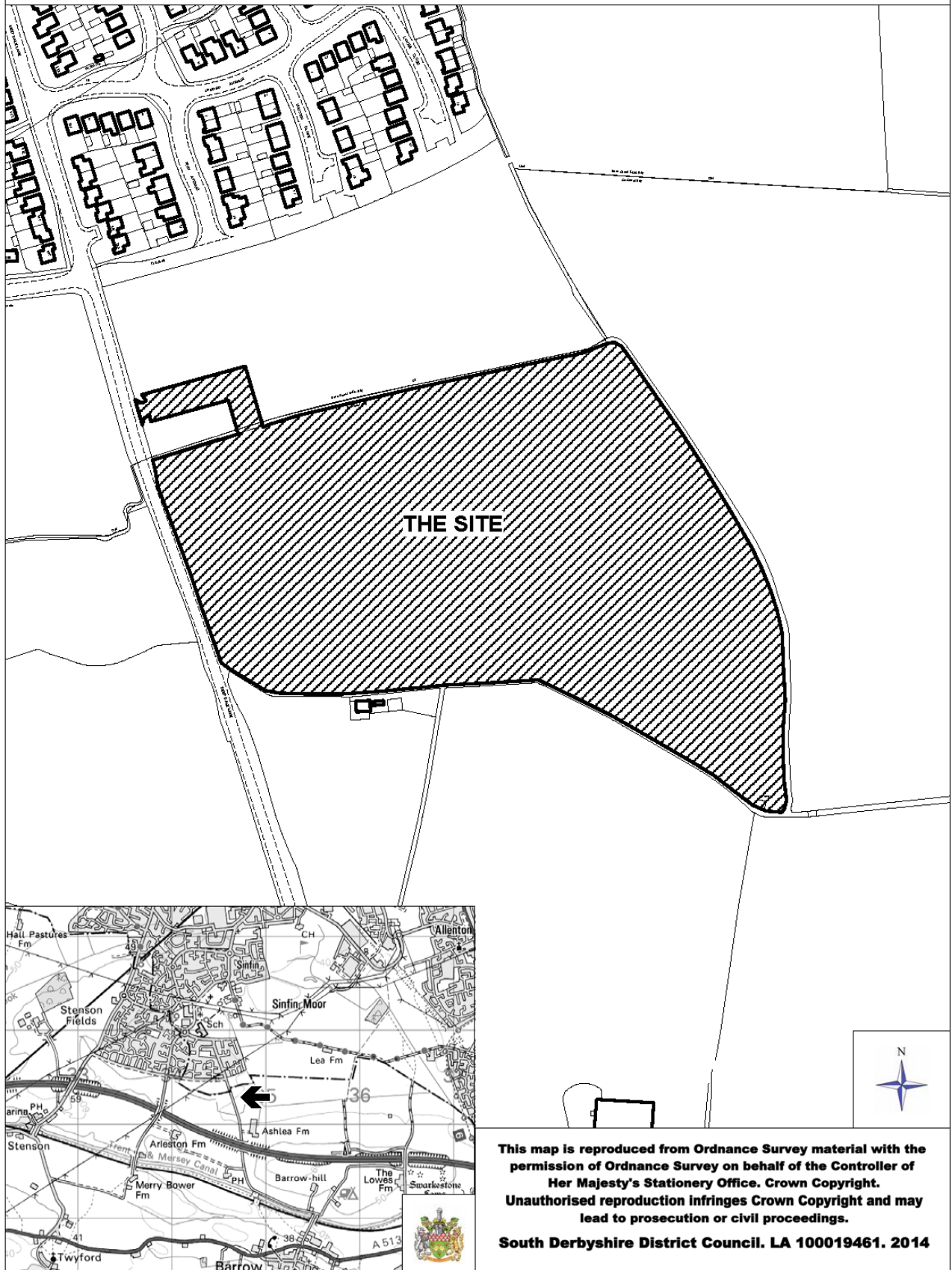
The edge of the residential area of Sinfin lies some 100 metres to the north, with the western end of Wragley Way running west from that point, though the intervening field already has consent for residential development under a City Council permission. To the west of Deep Dale Lane is a further residential site presently under construction. The A50 lies some 500 metres to the south of the site. The northern edge of the site forms the boundary between Derby City and South Derbyshire District.

The proposal

The application seeks outline permission for residential development with matters of access to be considered now and all remaining detailed matters (layout, scale, appearance and landscaping) reserved for future consideration. The proposal has been amended to include the matters of access since it was originally submitted, with the access solely through the site to the north.

The site would provide for up to 100 dwellings in a mix of sizes and tenures and would be integrated within the comprehensive masterplanning for the Infinity Garden Village area, but capable of being developed independently. The site would also accommodate drainage infrastructure required to allow the development of land to the north whilst retaining watercourses, land drains, hedgerows and trees. New landscaped areas would be created with new trees and hedgerows whilst land would be reserved to ensure the construction of a section of the South Derby Integrated Transport Link (SDITL), if required.

9/2017/0922 - Land at SK 3430 7732 Deep Dale Lane, Barrow on Trent,
Derby (DE73 7LJ)



Applicant's supporting information

A Planning Statement addresses the site context and surrounding area, the planning history, the development proposal, planning policy considerations and provides a planning assessment, including key benefits. At the outset, the statement sets out that it is prepared in the context of an allocation for residential development within the Local Plan Part 1 and concludes, alongside the allocation, that the principle of residential development represents a sustainable use of the site. A range of conclusions are drawn including that the proposal would generally accord with the provisions of the Development Plan, so far as they are relevant, and that in particular the site is allocated for residential development within the Plan. It is contended that the development accords with all national and local planning policy, guidance and other material considerations. It is highlighted that the proposals represents a third phase in the development of the wider cross-boundary strategic allocation and it is argued that approval of this phase would not compromise the continued comprehensive masterplanning of the wider site or prejudice decision making on key elements of those proposals. It is finally concluded that the proposed development represents sustainable development and that no adverse impacts have been identified that would outweigh the benefits of the development.

The Design and Access Statement (DAS) provides an assessment and appraisal of the site's context and the steps taken to understand that context. It identifies how the Council, local people and specialist advisors have been included in the decision making process, summarises the opportunities and constraints offered by the site, explains the approach to site design and describes the access principles of the proposal. In further detail, the DAS considers existing planning permissions in the area, undertakes a character assessment of built form and landscape, considering housing density, street pattern, frontages and enclosure, house types and design and architectural detailing. Facilities and services within the area are detailed and a movement and network plan is provided which identifies key existing routes. The integration with potential and wider development is also assessed and on this basis a wider opportunities plan has been provided including a summary of the relationship with Infinity Garden Village (IGV). Key design concepts have subsequently been identified and an illustrative Masterplan provided which includes parameters in terms of the amount, layout, scale, appearance, landscaping, water management and ecological issues relating to the site. Finer issues concerning noise, utilities, parking, lighting and site waste management are also referenced. The final section of the statement is focused on connectivity and highway issues. Opportunities for improved connectivity are identified and evaluated and subsequently further consideration is given to the proposed means of access, with a final evaluation provided illustrating the sites integration with the wider development in this regard. The document concludes that that an evaluation of the social, economic and environmental constraints and opportunities have been assessed and that the proposal has responded positively to these, along with issues relating to access, visual impact, landscape, ecology, housing need and urban design. It is further stated that the proposal represents an opportunity to deliver sustainable forms of development which relate directly to the site's physical, social and environmental context and reflects the requirements of national and local planning policy. In particular, the proposals are identified as delivering development that accords with the allocation of the site and that are consistent with wider South Derby Growth Zone (SDGZ) and IGV. Finally it is contended that the proposals set out in this application do not prejudice flexibility of decision making on those wider proposals or continued flexibility in comprehensive masterplanning and that the site is capable of independent development, as a phase of the wider Local Plan allocation, in advance of development approvals being finalised on that other land.

A Developer Contributions Statement has been set out taking into account current adopted planning policy and the Section 106 Agreements: A Guide for Developers (2010) document. The Statement summarises that residential development of the site offers the opportunity to deliver a wide range of social, economic and environmental benefits. The applicant recognises that the development would give rise to a need for new and enhanced infrastructure, contributions to the provision of which would be required as part of any approval and that the applicant will work with the Council and other partners to agree this provision and how it is secured.

A Sustainable Drainage Statement sets out the principles of the drainage design. This includes justification of specific flow rates, volumes of attenuation and the level of treatment provided to run-off. The document is to ensure that surface water on site has been considered and an outline strategy

provided. Consideration of the existing site run-off and proposed site outfall has been provided along with a summary of the implications. Details of the drainage hierarchy, the attenuation requirements and long term storage have been appraised. Sustainable drainage measures have been considered, with the proposed strategy incorporating swales and an attenuation basin. Residual risk and designing for exceedance has also been recognised. The statement includes a section on foul drainage, identifying that the output could be accommodated by the public foul sewer. In terms of future maintenance it is suggested that, unless adopted by the County Council, the drainage system would be adopted by a management company. It is concluded that the statement and supporting appendices demonstrate that the drainage design for the development would comply with the relevant local and national standards, specifically the hierarchy of discharge, run-off rate and volume criterion. It continues that the site would be restricted to greenfield run-off rates and would be provided up to the 100 year +40% climate change event in the form of swales and an attenuation basin. The swale network combined with appropriate design of the final pond would provide treatment of flows but also a wetland or reed bed system close to the inlets, providing an additional level of silt removal and water quality treatment prior to eventual discharge. Outfall is proposed to be at a restricted rate of 7.8l/s to the ditch along the far eastern boundary commensurate with an equivalent greenfield runoff rate.

A Transport Assessment (TA) describes the existing site in relation to the surrounding transport infrastructure including accessibility to local facilities and by modes other than the private car. This also details the traffic surveys undertaken and the assessment years used. The TA also provides an overview of the transport aspects of committed development in the area, in particular at Stenson Fields, land south of Wragley Way (130 dwellings) and land east of Deep Dale Lane in the City (50 dwellings). The TA also reviews the Personal Injury Accidents that have occurred in the local area between 2011 and 2016, provides information on the predicted trip generation to the site and the distribution to the local highway network, assesses the development impact, and reviews the local and central government planning policy guidelines that are relevant in transportation terms. The assessment concludes that the site could contribute to the wider development of 2,000 dwellings and that any wider proposals would be subject to separate assessment. The site is concluded as being within a sustainable location and therefore not reliant on the private car. Details of two access options have been evaluated, which are both considered viable. In terms of trip generation, it is stated that the predicted trip generation to the site has been reviewed based on the TRICS database for similar sites and also the 85th percentile trip rate. The assessment contends that the traffic surveys together with projected growth have been used to inform the assessment and a review of the development's impact finds 70% of trips would use the Wragley Way/Stenson Road junction. The assessment undertaken is contended to be extremely robust as it includes a higher trip rate, projected growth and the current committed uses in the area. The assessment of the junctions identifies that the predicted traffic generated would not materially affect operation of the existing junctions assessed, and it is demonstrated that the development would not have a 'severe' impact on the local highway network. The proposal has also been reviewed against the national and local planning policy relevant to transport and access issues, and it is considered it generally accords with these policies.

An updated TA reviews the originally proposed (two) vehicle accesses to the site. Option 1 proposed a new priority junction arrangement of Deep Dale Lane, including the provision of 2m wide footways which would link to the adjoining site in the City providing a continued link to the existing footway network. Option 2 proposes utilisation of the existing access that would serve the development site to the north (Derby City ref. 02/15/00211) and an internal access road would serve the proposed site. Land to the southern side of the site is to be reserved to allow for the construction of a section of the South Derby Integrated Transport Link (SDITL), if required. Both access options have been assessed and it is demonstrated that the proposed access arrangements would operate well within their design capacity. It is also confirmed that as part of the development, a residential Travel Information Pack would be issued to all residents. Mitigation measures are proposed to the Wragley Way/Stenson Road junction which would exceed its design capacity. This would see the priority junction being changed to a mini-roundabout. This junction has been modelled and shows that it would operate within its design capacity with the proposed development in place.

A Transport Technical Note (TTN) responds to the comments received from the County Highway Authority clarifying that the application forms part of the overall strategy for the area and includes for the proposed SDITL to ensure that the development layout does not compromise the delivery of the

overall scheme. Within the document it is agreed that, if the proposal were to be considered a standalone development, then its impact on the existing network within the County would be limited to an access onto Deep Dale Lane and the Stenson Road/Wragley Way junction. It is confirmed that the (originally proposed) access arrangements have been designed to facilitate the SDITL without the need for further modification, and that access to the development area would also link to the northern development area in the City. The TTN clarified, at the time, that although an indicative access has been provided, its detailed design would be fully considered at a later stage. A range of plans are appended to the Note, setting out how the proposed access design on Deep Dale Lane could be widened with land reserved accordingly. In reference to the submitted speed survey, it is confirmed that this was based on an Automatic Traffic Counter (ATC) and it is considered to provide suitable recording of the existing speeds along the road, prior to entering the built up area. The proposed visibility achievable from the access is, on this basis, considered to accord with DMRB standards for a 60mph road. It is further confirmed that all the agricultural land that abuts the eastern side of Deep Dale Lane is within the control of the applicant, so all visibility requirements can be achieved. In relation to the provision of the mini roundabout, the TTN contends that the assessment carried out was very robust on the basis that it included 85th percentile trip rates, committed development and background growth. In regards to the layout of the roundabout, the TTN acknowledges that the visibility from Wragley Way is slightly below standard, but that all other arms comply with the relevant standards and that this minor deficiency is not considered to affect the safety of the junction. The TTN points out that, as part of the larger scheme for this area, this junction would be changed to a much larger roundabout and as such the proposed solution would only be a temporary arrangement. The Note also identifies that the junction could be left as it currently is on the basis that the traffic would use alternative routes, ensuring there would be no adverse effect to traffic along Stenson Road.

A Framework Travel Plan identifies that the implementation of measures set out within and the targets within it would assist in minimising the number of vehicle trips generated. The Travel Plan sets out the objectives and suggests a package of measures to promote and provide for the use of sustainable modes of travel. A strategy for implementation, target setting and monitoring is also covered. A Travel Plan Co-ordinator (TPC) is proposed and a Monitoring and Action Plan, including post-occupation practices to promote sustainable travel.

The Flood Risk Assessment (FRA) identifies an unnamed watercourse which flows to the north and east of the site, eventually forming the Barrow Drain beyond the eastern boundary of the site. A hydraulic model has been produced to outline the risk from this source as part of an adjacent application. The results demonstrate that there is no significant risk of flooding from this source to the majority of the development. Any areas of floodplain have been identified and mitigation measures recommended as necessary to address and manage any risk from this source. It is advocated that the unnamed watercourse and tributaries, where appropriate, should be the receptors for surface water runoff from the proposed development. A number of SuDS techniques have been recommended for inclusion within the drainage design, including above ground attenuation basin and swales. It is assumed that the site is 65% impermeable in nature and the existing runoff rate would be used as the allowable discharge rate. Storage estimates for the 30 year and 100 year (plus 40% allowance for climate change) are presented. Furthermore, as part of wider proposals for the surrounding land, flood alleviation measures have been proposed that manage flooding on surrounding land. In particular, upgrades to the culverted section of watercourse under Deep Dale Lane and provision of a flood alleviation basin within the site are proposed, which would ensure flood risk from the watercourse is managed. Further site-specific mitigation measures such as raising finished floor levels 300mm above the 100 year plus 50% climate change level to 39.3m AOD in the east and 39.85m AOD to the northwest would adequately manage flood risk and provide additional protection against any residual risk that may remain. All potential sources of flood risk, including the risk posed by sewer flooding, pluvial runoff and reservoir inundation, have been appraised accordingly. There is not considered to be a significant risk of flooding from any source subject to the implementation of mitigation measures. It is contended that, in compliance with the requirements of NPPF and subject to the mitigation measures proposed, the development could proceed without being subject to significant flood risk. Moreover, the development would not increase flood risk to the wider catchment area as a result of suitable management of surface water runoff.

A Foul Water and Utilities Assessment performs a comprehensive services search to establish the approximate location of existing recorded services. This search concludes that the site can be served by high and low voltage electricity, gas, water, foul water and telecoms infrastructure. The relevant statutory undertakers have indicated that the existing electricity, clean water and foul water networks have sufficient capacity to supply the development and therefore would not require reinforcement works. However, it is confirmed that the existing gas network has insufficient capacity to accommodate a development of this size. As such, reinforcement works are anticipated. The report identifies that diversionary works would not be required as the site appears to be free from existing utility services infrastructure. However, it is recommended that prior to construction, an assessment of the existing below ground services is undertaken to determine the location of any nearby unidentified utility apparatus.

The Ecological Report identifies that the proposal would retain boundary hedgerows, trees and ditches and also provides extensive green space to include three waterbodies, with opportunities to improve on the provision of current habitats to local wildlife. Furthermore, green space is proposed along existing boundary features which would maintain connectivity to the wider environment whilst improving on current habitats. The report summarises that arable habitats are considered to be of low botanical importance and widespread in the local area. The loss of these habitats is not considered a constraint to development. The retention of boundary features such as hedgerows, tree and wet ditches retains those habitats of greater value and their retention would continue to provide commuting and connecting habitat to the wider environment. All retained features should be subject to best practice guidance to ensure that they are not damaged or destroyed during construction activities. Whilst a positive eDNA result was found within a pond in 2016, no Great Crested Newts (GCNs) were observed during traditional aquatic surveys undertaken in 2017. Only small areas of limited suitable terrestrial habitat are likely to be temporarily damaged. Therefore, appropriate working methods should be adopted to ensure that the relevant legislation is not breached. The proposed open space is considered more than sufficient to support GCN post development, if managed appropriately and is considered to far outweigh that currently on offer. Retained features are considered to provide bats with potential commuting and foraging habitat. Where small access breaches are required, it is recommended that hop-overs are incorporated and lighting directed away from retained and created habitats. One tree provides potential roosting habitat and at the time of writing and is to be retained. If this should change, an aerial inspection by a licenced bat worker is recommended to ensure that the tree does not support roosting bats. Ditches on site provide some suitability for water vole, which are present in the local area. It is recommended that water vole surveys are undertaken to determine the presence or likely absence of this species. Any vegetation removal should be undertaken outside of the bird breeding season, but if this is not feasible then an experienced ecologist should undertake a check immediately prior to removal. The invasive non-native plant Himalayan balsam was also noted on site and within the immediate area within connecting ditches, so management and checks of this species is recommended throughout construction to hinder its spread. Any future management plans should also include the checking of and eradication of this species.

A Water Vole Report concludes that a range of suitable habitats were identified within the survey area and that these could be devalued as a result of intensive vegetation management. This said, no evidence of active water vole were identified during the survey. The survey identified that much of the area is within an area of flood risk, which could result in fluctuation in the dispersal and colonisation of voles. The report identifies that the proposals see the retention of all ditches with proposed green space buffering them, and therefore no direct impacts are anticipated. Indirect impacts, such as incidental pollution, are possible and it is therefore suggested that best practice is adopted to ensure that the risk of damaging events are reduced. The report concludes by suggesting variation forms of mitigation, along with measures to enhance biodiversity.

An Archaeological Desk-based Assessment provides a description of heritage assets potentially affected by the development and addresses the information requirements of the NPPF and Local Plan Policy BNE2. The assessment has established that there are no designated heritage assets within the proposed development study site and there will be no impact upon any designated heritage assets within the wider area. Surveys of the site and adjacent land have shown the site to have negligible potential for significant archaeological remains. A geophysical survey of the site revealed no anomalies of archaeological interest. This supports the results of the previous surveys on adjacent sites and the

conclusion that this site has negligible potential for significant archaeology. Given the archaeological potential it is recommended that no further archaeological work is required to safeguard the heritage interest of the study site.

A Phase 1 Geo-Environmental Assessment sets out that the site is indicated to be underlain by superficial Lacustrine Deposits over bedrock geologies of the Branscombe Mudstone Formation and Gunthorpe Member. The bedrock geologies are indicated to be Secondary B Aquifers, with superficial deposits recorded as unproductive strata. A fault is also identified to be present through the centre of the site, striking southeast to northwest and previous investigations at adjacent sites encountered shallow groundwater. On a review of historic mapping, it is identified that the site has remained as undeveloped agricultural land. On the basis of the available information, the site has not been identified as having a significant potential on-site or off-site for a source of contamination, but agricultural processes undertaken as the site may have given rise to localised soil and/or groundwater contamination. On the basis of its geological setting and the nature of the proposed development, it is considered that a traditional shallow spread foundation solution would be appropriate, but that consideration of ground improvement techniques may be. Consideration would also need to be given to the presence of the fault on site. Finally the report recommends that a ground investigation is undertaken to confirm the conceptual site model, assessing potential contaminants and the ground gas regime at the site, in addition to providing geotechnical information for preliminary foundation design.

A Noise Assessment notes a survey has been undertaken across the wider site and data from this survey has been used to determine the viability of development at the application site. Initial guidance regarding likely façade, glazing and ventilation specifications to achieve suitable internal noise levels is provided and the NPPF along with the aims of the Noise Policy Statement for England (NPSE) have been considered in this assessment. On the basis of the assessment, the following conclusions are drawn:

- standard thermal double glazing is sufficient to provide adequate noise mitigation in the majority of habitable rooms within the developed properties. This is with the exception of those dwellings directly adjacent to Deep Dale Lane where enhanced glazing would be required.
- it is necessary that acoustically rated ventilation is implemented in bedrooms facing onto Deep Dale Lane to ensure adequate background air flow to the proposed rooms, whilst maintaining the required level of sound insulation;
- the glazing and ventilation mitigation requirements represent a worst case scenario, so the specification of these elements should be reviewed at the detailed design stage, once a masterplan has been confirmed;
- noise levels in gardens are predicted to be within aspirational guidelines, so long as orientation is considered during the design stage.

With the proposed measures in place it is concluded that the requirements of the NPPF and aims of the NPSE are achievable and that the site is suitable for development from a noise exposure perspective.

Relevant planning history

9/2006/0070: Housing development, roads and recreational open space - Not determined and dismissed at appeal January 2009.

EA/2017/0003: Screening Request relating to residential development - Screening Opinion issued July 2017 (not EIA development)

DMPA/2019/1097: Outline application (all matters reserved except for access in part) for up to 1,850 dwellings, a two-form-entry primary school, a local centre (including community hall, retail & other local services & facilities), public house, drive-through restaurant, petrol filling station, strategic highway infrastructure (including new junction with the A50), along with associated road links, public open space including children's play provision, surface water drainage infrastructure, landscaping, earthworks, ancillary supporting infrastructure and the demolition of buildings associated with Ashlea Farm - Under consideration

DMPA/2019/1091: Outline application (all matters to be reserved) for the erection of up to 51,100sqm of employment floorspace (use classes B1, B2 & B8) along with related road links, surface water

drainage infrastructure, landscaping, earthworks, ancillary supporting infrastructure and the demolition of Ashlea Farm and associated buildings - Under consideration

02/15/00211: Residential development of up to 50 dwellings including infrastructure and associated works - Approved December 2016

19/01065/RES: Approval of reserved matters pursuant to outline permission ref. 02/15/00211 - Under consideration

19/00417/FUL (City ref.) / CD9/0319/110 (County ref.): Development of a road junction and connecting link road with associated works - Under consideration by each authority

Responses to consultations and publicity

The County Highway Authority notes the original submission included detailed design for a proposed access off Deep Dale Lane and was accompanied by a TA. The layout took account of the possibility that the east/west link across the wider site would cross the land. However, at that stage, it was considered to be premature and the proposed road was considered unsuitable to serve only 100 dwellings since the link held no status, not even being the subject of a planning application. Concern was also raised about the junction onto Deep Dale Lane, the lack of improvements on Deep Dale Lane and the impact of the development traffic on the junction of Wragley Way with Stenson Road. In order to address these issues, the access would now be taken from the development site to the north within the City boundary. This is considered to be acceptable although development would be dependent upon the provision of the roads on that site for access. The applicant has also addressed the capacity issues at the junction of Stenson Road and Wragley Way by means of reprioritising the junction with traffic approaching along Stenson Road from the south giving way. A satisfactory layout is shown on drawings which should be conditioned accordingly. It has been agreed that the works should be completed upon 75% occupation. The developer has also confirmed that the land within the site which is required for the highway infrastructure associated with the IGV would be protected as would land to provide the improvements required on Deep Dale Lane which form part of the A50 junction and link road application (County ref. CD9/0319/110). It is also understood that provision would be made for a pedestrian/cycle route on Deep Dale Lane to link to that being provided from the A50 junction along the new link road into the City. Therefore, there are no objections to the proposal from the highway point of view subject to conditions being included in any consent in the interests of highway safety.

The County Section 106 Officer notes the site falls within and directly relates to Sale and Davys CE (Controlled) Primary School. The proposed development would generate the need to provide for an additional 20 primary pupils. The school has a capacity for 105 pupils with 115 pupils currently on roll, although this is projected to decrease slightly during the next five years to 112. Analysis shows that the normal area primary school would not have sufficient capacity to accommodate the 20 primary pupils arising from the proposed development. The development also falls within the normal area of Chellaston Academy and would generate the need to provide for an additional 15 secondary and 6 post-16 pupils. The Academy has a net capacity for 1,650 pupils with 1,726 pupils on roll and latest projections showing an increasing trend to 1,961 pupils over the next five years. Analysis shows it does not have sufficient capacity to accommodate the secondary pupils arising from the proposed development. The County therefore requests financial contributions as follows:

- £336,244.80 for the provision of 20 primary places at the new school to be built as part of this wider allocation, although it may be appropriate to use the funds to enable Sale and Davys CE Primary School to cope with additional pupils from this development ahead of a new school being in place;
- £544,837.53 towards the provision of 15 secondary places (£379,993.35) and 6 Post 16 places at Chellaston Academy (£164,844.18) towards improvements to accommodate additional pupils at Chellaston Academy.

Access to superfast broadband is also requested, although it is noted that the Building Regulations require provision of physical infrastructure to connect to high speed electronic communication networks.

The Strategic Housing Manager seeks provision of 30% affordable housing, in a split of 75:25 rent to shared ownership in a mix of types and sizes. This would need to be provided in clusters of no more than 10 affordable dwellings (or 6 flats).

The Environment Agency raises no objections or comments.

The Lead Local Flood Authority (LLFA) are satisfied that the applicant has sufficiently addressed the key concerns that raised earlier in consultation with the Council. Having considered the proposal further, the LLFA still has residual concerns with the design of the Flood Alleviation Area, which has been proposed as part of the adjacent drainage strategy. The key concern is that the flood alleviation area would predominantly be full of water during the winter period, which would not only reduce its capacity, but generate safety concerns in having a semi-permanent water body close to a residential area.

Nonetheless, the LLFA recommends conditions to ensure the proposed destination for surface water accords with the drainage hierarchy, that a detailed design and associated management and maintenance plan of the surface water drainage for the site be created, and a scheme for dealing with surface water run-off during the construction phase.

The Derby City LLFA maintains concerns and believe it should not pass the sequential and exemption tests. They also have concerns regarding the hydraulic model not predicting the degree of flooding witnessed on the site. From a City perspective the main causes of concern is what happens if the culvert under Deep Dale Lane blocks. Water currently floods over the road limiting how deep the flooding gets upstream near the Wragley Way development. Alterations to Deep Dale Lane which may be required by the Highway Authority is therefore a major concern as this could increase flood risk around the Wragley Way site. If the culvert blocks then flooding would occur and the floor levels do not appear to provide sufficient resilience, such that it is requested that floor levels are raised. Further conditions are suggested.

Natural England has no comments to make.

Derbyshire Wildlife Trust (DTW) notes the development would result in the loss of a cultivated arable field and small sections of hedgerow to allow access, but it is noted that the boundary features of hedgerows, trees and wet ditches would be retained and buffered. Although it is understood that hedgerow removal would be minimal, DWT expects any removal to be suitably compensated for by the planting of new native hedgerows within the scheme. A ground-based assessment of the trees found a single Crack Willow within the site that was considered to provide potential habitat for roosting bats. It is understood that this tree would be retained with no impact from the development and, as such, they are satisfied that no further survey work for bats is considered necessary. If the plans change and subsequently requires the removal of the crack willow it is essential that further survey work for bats and nesting birds, particularly owls, is carried out prior to its removal. A positive eDNA result for great crested newt (GCN) in a ditch just to the east of the site was obtained in 2016 although no observations were made during traditional GCN surveys carried out in 2017. This is likely to indicate the presence of a small population of very few individual great crested newts in the area. Given the small size of the population and the limited extent of suitable great crested newt terrestrial habitat that would be affected, the Trust concurs with the approach outlined in the GCN Risk Assessment of the Ecological Appraisal and that it should be secured by a condition attached to any consent. There are unlikely to be any impacts upon badger, reptiles or water vole, although the recommendation provided in the Water Vole Report should be secured by a condition. Protection of existing boundary trees, hedgerows and watercourses is welcomed and conditions should be attached to ensure this protection and enhancement of these areas.

The Development Control Archaeologist notes the desk-based assessment and geophysical survey. It is noted an extensive area of land to the west and south of the proposed site has also been archaeologically evaluated, though this took place in the mid-2000s in relation to other planning applications. No archaeological remains were identified as a result of this work apart from some channel fill deposits with palaeo-environmental potential. The geophysical survey did not indicate that there were any potential archaeological features on the land in question. Taking this into account, along

with the lack of archaeological evidence which was revealed as a result of the evaluation of land to the west; they do not request any further archaeological investigation on this site.

The County Minerals Planning Officer notes the sand and gravel resource as shown on British Geological Survey Mineral Resource data does not underlie the site. As such there is no objection.

The Environmental Health Officer (EHO) has considered the findings of the geotechnical assessment and has no comments to make in that respect. A scheme of noise mitigation, however, based upon the submitted noise assessment should be agreed with the Council prior to development commencing. Furthermore, a scheme of noise and dust controls for the construction stage and a limit on the hours of construction activities should be applied.

The Police Force Designing Out Crime Officer has no objections to the application in principle and no comments to make.

Derby City Council is of the opinion that, given the wider allocation and aspirations in this locality relating to the Garden Village, further standalone planning applications should be resisted as it is not possible to robustly assess the impact of individual, piecemeal development on the wider area. As the TA proposing access options then the application ought to include access as a consideration at this stage. The City, County and District Council along with the development partners have spent many hours considering and masterplanning the Southern Derby Growth Zone (SDGZ) with two key issues in mind: the alignment of the SDITL and the traffic modelling of the impact of a new junction onto the A50. It therefore is difficult to understand how the application can be determined without a full understanding of the position of the new or improved highway infrastructure to serve the SDGZ and the quantum and distribution of the trips generated by a new A50 junction. Drainage comments are covered above.

A single objection has been received, raising the following concerns:

- a) loss of green belt land;
- b) the land acts as drainage and floods in heavy rain preventing homes flooding;
- c) swans, newts, bats use this land regularly;
- d) roads in this area already suffering due to the construction traffic;
- e) roads not sufficient for another estate; and
- f) not enough places in schools.

Planning policies and guidance

The relevant Development Plan policies are:

- 2016 Local Plan Part 1 (LP1): S1 (Sustainable Growth Strategy), S2 (Presumption in Favour of Sustainable Development), S4 (Housing Strategy), S6 (Sustainable Access), H1 (Settlement Hierarchy), H15 (Wragley Way (South of Derby)), H20 (Housing Balance), H21 (Affordable Housing), SD1 (Amenity and Environmental Quality), SD2 (Flood Risk), SD3 (Sustainable Water Supply, Drainage and Sewerage Infrastructure), SD4 (Contaminated Land and Mining Legacy Issues), SD5 (Minerals Safeguarding), SD6 (Sustainable Energy and Power Generation), BNE1 (Design Excellence), BNE2 (Heritage Assets), BNE3 (Biodiversity), BNE4 (Landscape Character and Local Distinctiveness), INF1 (Infrastructure and Developer Contributions), INF2 (Sustainable Transport), INF4 (Transport Infrastructure Improvement Schemes), INF6 (Community Facilities), INF7 (Green Infrastructure) and INF9 (Open Space, Sport and Recreation).
- 2017 Local Plan Part 2 (LP2): SDT1 (Settlement Boundaries and Development), BNE5 (Development in the Countryside), BNE7 (Trees, Woodland and Hedgerows), BNE10 (Heritage) and INF13 (Southern Derby Area and Infinity Garden Village).

National guidance

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)

- National Design Guide (NDG)

Local guidance

- Design Guide Supplementary Planning Document (SPD)
- Affordable Housing SPD
- Section 106 Agreements – A Guide for Developers
- Infinity Garden Village Development Framework Document (DFD)

Planning considerations

The main issues central to the determination of this application are:

- The principle of development
- Wider masterplanning
- Highway capacity and safety
- Flood risk and drainage
- Biodiversity
- Noise impacts
- Viability and planning obligations

Planning assessment

The principle of development

The site lies within the LP1 allocation made under policy H15. It also falls within the Infinity Garden Village (IGV) designation. IGV comprises a cross boundary area of land containing housing and employment allocations, along with a site for a new secondary school and the South Derby Integrated Transport Link (SDITL) road connecting from Chellaston through to Infinity Park in the City and down towards the housing allocation off Wragley Way, of which this site forms part of. Within that wider housing allocation, a new local centre is proposed along with a primary school and green and blue (drainage) infrastructure.

Policy H15 states that residential development will provide for around 1,950 dwellings within South Derbyshire. This site forms around 5% of the allocation, on its eastern edge. The policy also sets out site specific requirements:

- “i) New highway infrastructure to mitigate the transport impact on the local and strategic road networks of the whole site. This will include the provision of and/or contributions to the construction of the South Derby Integrated Transport link...;*
- iii) Any development should not prejudice the construction of a potential junction connecting the site to the A50...;*
- v) High quality pedestrian and cycle links should be provided across the site and to the nearby residential, retail, and employment developments together with recreational areas;*
- vi) The number of homes to be occupied before completion of the South Derby Integrated Transport Link shall be agreed with the Council...;*
- viii) The east, south and west of the site will require a green buffer and landscaping from the railway line and the A50 and enhancements to a defensible boundary along Sinfin Moor;*
- ix) Improvements to existing green infrastructure shall be made, along with the provision of new green infrastructure on site”.*

Policy INF4 states the Council will work with partners to deliver the SDITL and where required, in order to mitigate the transport impacts of the development, the Council will seek to negotiate financial contributions toward this scheme. Policy INF13 outlines that in order to implement the wider IGV development comprehensively and support the required infrastructure delivery, a joint Development Framework Document (DFD) will be prepared to guide the development and cross boundary collaboration between the Council, Derby City Council, Derbyshire County Council and developers. The DFD has received a resolution for approval for the Environment and Development Services Committee

and the final version of that document has now been all but adopted by the above parties. The DFD points towards the preparation of Design Guidance to provide more direction in respect of infrastructure phasing and delivery to ensure the wider site advances in a sustainable fashion, as well as achieves a unique character which achieves garden village principles. The work towards this Guidance has commenced, although it is in its infancy.

Taking account of the above policy position and the DFD, the site is supported in principle by the Development Plan. The fact that the site-specific Design Guidance has not yet been completed is not of concern given the site could be delivered at an early stage without undue impacts on existing infrastructure, and without compromising the delivery of wider infrastructure which policies H15 and INF13 rely upon. This is, as mentioned, is for a small fraction of the large 'whole' and would safeguard land for the SDITL. With it accessed through the City allocation it would not require use of the SDITL itself for access. Existing services would be relied upon in the interim, although in the long term more preferable options would arise within IGV itself.

The DFD does not commit to the wider development being considered as a whole, although there is a companion application for the 'balance' of H15 under consideration at the present time. Subject to binding any permission to following the vision and principles of the DFD, as well as protecting a proportionate sum to supporting the holistic delivery of the SDITL (so not to see the remaining land unduly burdened), the proposal can be supported in principle.

It should also be recognised that the site forms a significant component of the Council's 5-year housing supply. It is increasingly important to realise housing delivery from the H15 allocation so not to risk a drop in deliverable supply. Wider funding streams to support the delivery of the SDITL, and A50 junction, also seek the early delivery of housing in line with wider Government objectives to boost significantly the supply of housing. The benefits of this proposal should be noted.

Wider masterplanning

The vision set out in the DFD states that IGV *"will create a sustainable community... set within high quality green and blue infrastructure providing the Village with its own distinct character. Delivering around 2,130 new homes and at least 5,000 new jobs commensurate with infrastructure, Infinity Garden Village will include supporting community facilities, including primary and secondary schools and a new vibrant local centre. Quality public spaces will unite and connect the community facilities together, creating spaces between buildings where people can meet, relax and spend time, providing opportunities for a strong local community to flourish and engage with the built and natural environment. The village will also benefit from well-connected, convenient and attractive pedestrian, cycling, public transport and vehicular routes"*.

It is intended that IGV will derive its distinctiveness from:

- i) *"Substantial and high quality green and blue linkages, running north to south and east to west throughout the village to not only provide attractive, well used, and continuous networks for wildlife, pedestrians and cyclists within the village; but to also connect the village with surrounding areas and habitats , including maintaining the role and function of green wedges within the City and enabling connectivity to them;*
- ii) *The use of innovative flood mitigation techniques and Sustainable Drainage Systems (SuDS), ensuring that the water management strategy becomes a quality feature of the landscaping and an integral part of the layout;*
- iii) *Incorporating existing wildlife habitats as much as possible, retaining hedgerows, trees, woodland and waterways and using these features as a base upon which to design the rest of the scheme, supplementing them with new areas of habitat, and providing compensatory habitat where retention is not possible;*
- iv) *The creation of community focused green spaces and gardens, where social interaction and recreation can be embraced;*
- v) *A strong and well defined 'centre' to the residential element of the village, easily accessible to all and containing attractive and useable public realm and a mix of uses that are adequate to create a vibrant 'heart' with its use extending across different times of the day;*

- vi) *A movement network which exhibits a range of different characters, with particular focus on the creation of green, well landscaped streetscapes, such as tree-lined avenues, and designed with the specific intention of encouraging travel by non-vehicular modes of transport, such as walking and cycling, as well as use of public transport.*
- vii) *The Infinity Garden Village community will be a place where people can experience a very high quality of life, where neighbourhoods will have an attractive mix of housing and public open spaces and access to a range of new and existing community facilities including primary and secondary schools, healthcare, outdoor sport and recreational opportunities and a range of high quality jobs.*
- viii) *The delivery of high quality employment space will also be a key focus of the development, including a mix of high quality premises suitable to accommodate research, manufacturing and distribution industries. It is a particular aspiration of DCC to create a unique innovation and technology park that will showcase and support innovation related to the automotive, rail, aerospace and energy sectors.*
- ix) *In delivering both places to live and work within the village, attention will be given to the relationship of different uses and their proximity to one another. Green and blue infrastructure can play an important role in securing this approach. Particular attention will also be given to ensuring that the delivery of IGV results in buildings, routes and spaces which are designed with the desires and needs of their users in mind”.*

In bringing this site forward ahead of the remaining allocation, it is necessary to consider the above objectives, alongside the specific criteria in policy H15, and whether any would be compromised by this approach. It is not considered that this would be an issue. Many of the above points are achieved by the application proposals, with appropriate safeguarding of land where necessary to ensure adherence with the DFD and policy H15. Some of the above objectives are also only relevant to the wider IGV (e.g. schools and employment provision) and this site is, and was never, intended to provide for these features in the wider strategy of delivery. Again, subject to suitable conditions to bind a grant of permission to following the principles of the DFD and any emerging Design Guidance linking from it, including ensuring higher sustainability credentials are achieved; the proposal is considered to align with the wider masterplanning of this significant allocation.

Highway capacity and safety

The application was originally made with all matters, including access, reserved for later consideration. However, the Highway Authority initially raised objection on the basis that the speed survey data did not support the access arrangements as proposed on Deep Dale Lane, noting that the site must be considered for its impacts on the present road network and not what might arise in the wider delivery of IGV. The manner in which the access were to be provided, with a road width far in excess of that required and more representative of that required to support the SDITL, also raised concern – as did the lack of improvements on Deep Dale Lane and the impact of the development traffic on the junction of Wragley Way with Stenson Road. However, the proposal has been revised so that access is now ‘fixed’ through the site to the north, relying upon an access to Deep Dale Lane in the City to which the TA evidence supports.

The new access arrangement is considered acceptable, although this development will be dependent upon the provision of the roads on the adjacent site for access. This matter is considered to be appropriately governed by land ownership controls and it is not considered necessary to require this site to be ‘held back’ until that site is delivered. The Highway Authority seeks a condition to ensure that the scope of any outline permission requires access to be achieved to the north. This change in approach also overcomes associated concerns in respect of improvements to Deep Dale Lane – these no longer being required to support the 100 dwellings now proposed and allowing for the wider visions of downgrading parts of Deep Dale Lane into a green route as the SDITL comes forward.

The proposal was noted to cause capacity issues at the junction of Stenson Road and Wragley Way. The applicant’s initial solution of a mini-roundabout failed to achieve the necessary emerging visibility from Wragley Way, given the stop line would be set back to accommodate the island. However, the Highway Authority suggested that it would be appropriate to reprioritise the junction so that traffic approaching along Stenson Road from the south would give way to westbound/southbound traffic

along Wragley Way/Stenson Road. The Highway Authority considers a satisfactory layout is shown on drawings provided, and these drawings should be conditioned accordingly. They also consider that the crucial time for these works to be completed is upon 75% of the site being occupied. Given the wider site would provide for a more strategic solution at this junction – namely a larger roundabout as indicated in the companion application, this is an appropriate trigger balancing both the actual demand for mitigation and attempting to avoid abortive works taking place (i.e. mitigating the 100 dwellings and then providing for the wider SDITL a very short time later).

The Highway Authority also notes that land within the site which is required for road infrastructure associated with the IGV would be protected, as would land to provide the improvements required on Deep Dale Lane which form part of the A50 junction and SDITL application. Appropriate provisions within a section 106 agreement can ensure the land on site is put to open space in the meantime but subsequently protected for highway purposes. It is also noted provision would be made for a pedestrian/cycle route on Deep Dale Lane to link to the wider IGV.

Adequate parking provision, including electric charging points, can be secured by way of condition and feed into any reserved matters applications. The local Ward member, as part of their response as County Councillor seeks HGV restrictions to be put in place on the route towards Barrow on Trent via Deep Dale Lane given the Canal bridge at the junction of Sinfin Lane and Deep Dale Lane is seen as unsuitable for HGVs and needs to be enforced. There is difficulty in securing such a restriction given the site already falls within the restricted area, and it would require the northern end of it being drawn back to the site access. This would provide legitimate restriction on traffic travelling sound but at the same time derestrict the whole of Stenson Fields and Sinfin in doing so. Feeding construction traffic routeing plans into a construction management plan is more appropriate

Flood risk and drainage

Flood risk and surface water drainage matters initially attracted objection from the City LLFA. This followed observations of flooding to the current development site west of Deep Dale Lane due to the throttling of flows through the culvert under the road, before further flooding of the application site and the site to the north was also observed. It was of particular concern that the area proposed for the flood relief scheme appeared to flood on a regular basis and would not provide the flood risk reduction suggested. Consequently, the County LLFA recalled their initial response and suggested the applicant may wish to reconsider their modelling and the options for surface water disposal as it appeared that the areas for attenuation would already be already flooded when they are required.

Further work was carried out to address the concerns, but both LLFAs maintained objection. It was noted by the City LLFA that the FRA does not indicate that the site has been the subject of a sequential test, with it opined that the area would be better suited to providing flood storage to reduce flood risk for the wider development proposals of the area. The County LLFA noted that the blockage analysis for the culvert only models a 50% blockage, whereas a 90% blockage should also be modelled as extreme flood events can wash high debris loads towards culverts. They also asked for exceedance flow routes within the development to be shown, to ensure that no properties are at risk from flooding in these scenarios and also to ensure that there are safe access and escape routes as part of an agreed emergency plan. It was also noted that a ditch that extends north away from the of the eastern boundary of the site floods during storm events but this was not evidenced in any modelling work undertaken. Furthermore, the model only considered fluvial flooding, and it is likely that the flood risk would be from more than one source (surface water run-off, high ground water levels, saturation of the catchment along with fluvial flows all acting in combination)

The applicant sought to address these sustained concerns with the County LLFA satisfied that they have now sufficiently addressed the concerns raised. Notwithstanding this position, residual concerns remain that the design of the Flood Alleviation Area, which has been proposed as part of the drainage strategy for the adjacent site, would predominantly hold water during the winter period, which will not only reduce its capacity but also present safety concerns, having a semi-permanent water body close to a residential area. The City LLFA still retains concerns and believes it should not pass the sequential and exemption tests, with the main cause of concern relating to the blockage of the culvert under Deep Dale Lane. Water currently floods over the road limiting how deep the flooding gets upstream near the

Wragley Way development, but changes to Deep Dale Lane which may be required by the highway authority is a concern as this would increase flood risk around the Wragley Way site. Notwithstanding both responses, both LLFAs have advanced conditions to be attached to any permission given.

It is evident from the above discussion that flooding and drainage matters are not straightforward for this site. The land to the north is intrinsically linked to this site in drainage terms, with the flood alleviation proposals along the eastern side of the site intended to accommodate existing surface water flooding associated with both sites. Nonetheless, the site is not within Flood Zone 3, and only the eastern edge is in Flood Zone 2. From the Environment Agency's perspective, the proposal is not at risk of undue flooding from fluvial sources. Indeed, and notwithstanding the City's LLFA's comments, the site is part of an allocation in the Local Plan such that it has already passed the Sequential Test in flood risk terms. The development of the site is therefore appropriate in principle, and it is necessary to focus on the ability to drain the proposals in a sustainable fashion whilst provide sufficient 'headroom' to deal with situations where a combination of flooding sources occur, as suggested above, as well as dealing with potential blockages of the culvert.

With these points in mind, the present position of both LLFAs must be noted. Both advance conditions to be attached to a permission allowing the detailed design of the site to be pursued in addressing surface water drainage arising from the development as well as existing surface water flooding issues. In a wider picture, the site and its drainage features would also form part of a much wider network of 'blue infrastructure' which would help to provide further attenuation upstream and increase headroom further in the strategy proposed for this site. The provision of a water body which would be largely wet throughout the year is considered beneficial in more than one facet, but any safety concerns can be addressed through the detailed design of these features as well as means to educate residents would live nearby with it an intention of the wider proposals for the H15 to secure a community representative to promote community engagement and awareness of facilities and services in the area. This is one such matter which could form part of their agenda. The proposal is therefore considered to accord with policies SD2 and SD3.

Biodiversity

The response of the Wildlife Trust is set out above. This finds that habitats and species identified on or close to the site can be adequately safeguarded during the course of construction works and that these habitats can be enhanced moving forward. Existing hedgerows and trees are to be retained in the majority, complimenting the creation of new and improved habitats, noting the wider connectivity of the site to other retained and created habitat across the wider IGV area – in particular the blue infrastructure throughout. The extent of green space and such features is an important principle in the DFD, and as part of the garden village. Suitable conditions can be attached to ensure protection and enhancement, whilst application of long-term protection can be considered to any new planting at the reserved matters stage – once the exact location of new planting is known.

Noise impacts

The main noise source impacting on this site is the A50 which, relative to the position of the site, is elevated. Direct 'line of sight' mitigation is not possible and thus the focus will be on providing a higher standard of acoustic treatment to the properties if this is deemed necessary at the detailed design stage. This can be explored further by way of a condition and should also recognise the potential for changes to the A50 around the Deep Dale Lane underpass arising from the proposed junction, as well as the SDITL link along the southern side of the site itself. Furthermore, Deep Dale Lane itself is unlikely to remain as a through route for traffic in the long term, with the wider masterplanning indicating a downgrading of this route south of the site towards the A50 (as a green route). Further conditions are recommended in order to mitigate construction stage impacts. The proposal is therefore considered to accord with policy SD1.

Viability and planning obligations

The wider context for this site cannot be ignored at this stage. Whilst only a fraction of, it forms a component to the wider IGV where its delivery rests on the advancement of key infrastructure, such as

a the SDITL and the A50 junction. This is likely reliant on support from Homes England through the Housing Infrastructure Fund (HIF) and a bid for funding has been made, with an outcome expected imminently. Nonetheless, there is still a need to extract value from the land to part-fund this and other infrastructure, and this has an impact on the viability of the scheme. This is not new – it was a matter scrutinised at the Local Plan Part 1 examination with the Inspector concluding that the evidence supported the allocation of the site and recommending it be retained as such.

Consequently, the application is accompanied by a site-specific viability appraisal which has been scrutinised by the District Valuer (DV). The appraisal advances that only 10% affordable housing provision can be made, along with the full contributions towards education, healthcare, etc. This appraisal is based on an adopted average for gross development value, referencing a marketing report prepared by the applicant. However, this report has not been provided so the DV may consider it. Accordingly, land registry/actual sales data has been used as a more reliable source, and the DV finds the scheme can provide for 20% affordable housing. This has been advanced to the applicant who has accepted this percentage on this site.

Notwithstanding this, the appraisal is made at a point in time where the pro-rata contribution that the site must make towards the SDITL is uncertain. Should the HIF bid succeed completely, the degree of shortfall to which this site and others within IGV will need to make up would be less. Should the HIF bid not provide for the full amount, then the amount to be taken from the development of the land would need to increase, invariably reducing other contributions (i.e. affordable housing). At this point in time, there is no suggestion that the bid will not be successful meaning there may be scope to retrieve some of pro-rata £154,000 'set aside' in the appraisal for the SDITL. Alone, this may not provide additional affordable units towards achieving the usual 30% target, but it could be added to sums garnered from other sites in the southern Derby area to provide for units in a more sustainable location and perhaps where the housing register demand lies. A suitable mechanism to 'redeploy' this contribution should be included in case the delivery of the SDITL does not rely upon it.

It is noted that the proposal would have impacts on the capacity of education and healthcare services in the area. Suitable contributions are recommended, although wider concerns as to the destination of such sums have been noted from dialogue in the IGV liaison forum. It is intended, as part of the wider proposals, to provide for a primary school on the H15 allocation, as well as a community centre and (ideally) a new medical centre. The latter is very much dependent on the outcome of the CCG's strategy work to determine their preferred approach and locations for primary healthcare moving forward. Notwithstanding this, the nearest GP surgery in Sinfyn is indicating a desire to expand and a new facility on the Wragley Way site may provide a suitable opportunity. It is intended to promote this to the CCG through the liaison forum, although the securing of funds from this site must be done in a flexible manner so to allow for its use in accordance with the CCG's strategy.

Provision for sports and built recreation facilities would also be made off-site. A contribution towards a new community centre, intended to sit with the local centre for the wider site, is proposed. In terms of outdoor sports facilities, a contribution in line with the Section 106 guidance document would be secured, although the intended destination for this sum may differ from that set out in the DFD (the Parklife project in Derby) following discussions with the Open Spaces and Facilities Manager. With this in mind, the recommendation below seeks delegated authority to allow for continued negotiation on this point. Play and open space would be provided on site, with consideration as to the best location for a Locally Equipped Area for Play (LEAP) given the site is part of a wider development and other parcels may provide for more suitable opportunities (i.e. the financial equivalent is secured instead and held for a later 'phase' of development). The planning obligation could be worded to provide for such scope.

In summary, the contributions and obligations to be secured are as follows:

- £336,244.80 for the provision of 20 primary places at the new school to be built as part of this wider allocation, although with flexibility to use the sum to enable Sale and Davys CE Primary School to cope with additional pupils from this development ahead of a new school being in place;
- £544,837.53 towards the provision of 15 secondary places (£379,993.35) and 6 Post 16 places at Chellaston Academy (£164,844.18) towards improvements to accommodate additional pupils

at Chellaston Academy, although with flexibility to use the contribution towards provision of secondary places at a secondary school within Derbyshire should it not be possible to achieve the necessary level of expansion at Chellaston Academy;

- £48,000 towards primary healthcare provision (calculated with reference to a recent response relating to development in the Aston Ward) to be directed, primarily, to an on-site practice on the wider site, but capable of being used elsewhere to meet the CCG's strategic approach to delivery of healthcare;
- £122.80 per bedroom (circa £36,500 based on an indicative mix of housing) towards the provision of a community centre on the wider development;
- £220.00 per bedroom (circa £65,000 based on an indicative mix of housing) towards the provision of outdoor sports facilities;
- £154,639 towards the delivery of the SDITL;
- £38,660 towards delivery of a new/extended bus service to serve the wider site;
- £1,000 per dwelling (to be confirmed) towards the delivery of enhanced sustainable transport options such as shared bicycles, discount travel vouchers, Uber schemes, etc.
- £5,000 towards a Travel Plan monitoring fee;
- A sum, yet to be agreed, towards the monitoring of the s106 agreement under new provisions in force since September 2019;
- Provision to allow off-setting the cost of providing play facilities on site to provide enhanced facilities on adjacent development land; and
- Provisions in respect of open space and surface water drainage adoption and ongoing management.

Summary

This proposal represents the first step in a series of outline and subsequent details applications to advance the delivery of Infinity Garden Village as a whole. Other applications seek to provide for key infrastructure, employment land and the balance of housing, including further infrastructure, on the H15 allocation. The wider site is an important component in the Council's housing delivery trajectory moving forward towards the end of the Plan period and beyond into the next, and this proposal would allow for early delivery of housing without undue harm and without compromising the wider masterplanning of the site. The conditions set out below and the section 106 agreement would ensure the site contributes fairly to this wider agenda and that a subsequent developer is bound to the last version of the DFD and associated Design Guidance. With this in mind, the proposal is considered to accord with policies H15 (as far as relevant on this site), INF4 and INF13, and deliver a key component of the Council's strategy for growth (policy S1).

None of the other matters raised through the publicity and consultation process amount to material considerations outweighing the assessment of the main issues set out above.

Recommendation

A. Grant delegated authority to the Head of Planning and Strategic Housing to agree the final wording of the conditions as substantially set out below, in liaison with the Chair of the Planning Committee, and subsequently complete an agreement under section 106 of the Town and Country Planning Act to secure the planning obligations set out in the assessment above; and

B. GRANT permission subject to the conditions agreed under A:

1. This permission is granted in outline under the provisions of Article 5(1) of the Town & Country Planning (Development Management Procedure) (England) Order 2015 and relates to the site as shown on the location plan ref. 01 revision A, and before any development is commenced the further approval of the Local Planning Authority is required in respect of the following reserved matters:
 - (a) appearance;
 - (b) landscaping;
 - (c) layout; and
 - (d) scale.

Reason: The application is expressed to be in outline only and the Local Planning Authority has to ensure that the details are satisfactory, and so to conform with Section 92(2) of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).

2. (a) Application for approval of the remaining reserved matters listed at condition 1 shall be made to the Local Planning Authority before the expiration of three years from the date of this permission; and
(b) The development hereby permitted shall be begun before the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To conform with Section 92(2) of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

3. The reserved matters listed at condition 1 shall broadly be in accordance with the illustrative masterplan ref. 16.046/01d (save for access provision to Deep Dale Lane and so to ensure the potential section of the South Derby Integrated Transport Link as shown) and the design principles of pages 17-21 of the Design and Access Statement (ref. 16.046 dated October 2017) but more substantially following the principles set out in the latest version of the Development Framework Document (DFD) for Infinity Garden Village (IGV) and the latest version, including draft, of the Masterplans and Design Guidance created pursuant to the DFD. Notwithstanding these parameters, each application for reserved matters approval shall incorporate or be supported by, in so far as relevant to that/those matter(s), the following specific detail/requirements:
 - (a) a Locally Equipped Area for Play (LEAP) and connectivity to public open space north of the site unless it has been agreed in advance with the Local Planning Authority to exercise provision in the section 106 agreement to provide such facilities on other development land within IGV;
 - (b) retained hedgerows and trees shall, as far as practicable, not act as enclosures to proposed dwellinghouses and be incorporated into public spaces/green infrastructure with along with the provision of 2.252ha of green space comprising a mix of scrub, grassland and aquatic habitats;
 - (c) where applicable, details of measures to support hard landscaping within any root protection areas of retained trees or hedgerows;
 - (d) evidence to demonstrate that the sustainable drainage system detention basin has been designed to provide sufficient capacity to drain the site in accordance with surface water drainage conditions attached to this permission;
 - (e) the internal layout of the site shall be in accordance with the guidance contained in the 6C's Design Guide (or any subsequent revision/replacement of that guidance) and Manual for Streets issued by the Department for Transport and Environment and Local Government (or any subsequent revision/replacement of that guidance), with the access from the development land to the north generally in accordance with drawing ref. JNY10303-01 revision A and having a carriageway width of 5.5m with 2m wide footways;
 - (f) a swept path analysis to demonstrate that service and emergency vehicles can successfully enter and manoeuvre within the site;
 - (g) if applicable, the provision of bin collection points at the adoptable highway end of private shared driveways and courtyards, sufficient in size to accommodate two bins per dwelling to which they serve;
 - (h) each dwelling shall be provided with space for the parking of two vehicles for each 1, 2 or 3 bedroom dwelling or three vehicles for each 4+ bedroom dwelling, with any garages to be counted as a parking space of internal dimensions no less than 3m x 6m;
 - i) a detailed Great Crested Newt Mitigation Strategy as outlined in section 5.10 of the Ecological Appraisal submitted with the application; and
 - j) an ecological design strategy (EDS) addressing mitigation, compensation and enhancement which shall include the following:
 - i) details of retained habitats and suitable protection measures;

- ii) details of newly created habitats including including tree planting, scrub planting, species-rich grassland, tussocky meadow, marshy grassland, compensatory native hedgerow planting and attenuation ponds;
- iii) identification of green corridors; and
- iv) locations and specifications for a range of bat and bird boxes to include the installation of boxes in the fabric of the new houses for bats, house sparrow, swift and starling and the erection of boxes on trees for cavity dwelling species.

Reason: For the avoidance of doubt and in order to secure an appropriate detailed design which accords with best design principles under the Council's Design Guide SPD, the DFD and Secured by Design, in the interest of highway safety and drainage, and in the interest of biodiversity conservation and enhancement.

4. Access to the site for both construction and occupation (residential) purposes shall be via the development site to the north that lies within the boundaries of Derby City. For the avoidance of doubt, no access to the site shall be taken from Deep Dale Lane with the existing gateway obstructed and not used during the course of construction activities.

Reason: In the interests of highway safety and to reflect the matters of access as considered as part of the outline application.

5. No removal of trees, hedges and shrubs shall take place between 1st March and 31st August inclusive unless a survey to assess the nesting bird activity on the site during this period and a scheme to protect the nesting birds has first been submitted to and approved in writing by the Local Planning Authority. No trees, hedges and shrubs shall be removed between 1st March and 31st August inclusive other than in accordance with the approved bird nesting protection scheme.

Reason: In order to safeguard protected species from undue disturbance and impacts.

6. No site preparation or construction works pursuant to this permission shall take place on the site other than between 0800 to 1800 hours Monday to Friday, and 0800 to 1330 hours on Saturdays. There shall be no construction works (except for works to address an emergency) on Sundays or Public Holidays.

Reason: In order to protect the amenities of adjoining residential occupiers.

7. There shall be no burning of materials on site during the construction phase of the development. For the avoidance of doubt this includes any preparatory works to clear vegetation on site.

Reason: In order to protect the amenities of adjoining residential occupiers.

8. No generators shall be used on the site during the construction phase without details having first been submitted to and approved in writing by the Local Planning Authority. Thereafter, only those approved generators shall be used.

Reason: In order to protect the amenities of adjoining residential occupiers.

9. No development, including preparatory works, shall commence until a scheme for the protection of existing trees and hedgerows identified as to be retained following approval of reserved matters under condition 1, and existing waterbodies, has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall be based on best practice as set out in BS 5837:2012 (or equivalent standards which may replace them) and ensure that no vehicles can access, and no storage of materials or equipment can take place within, the root and canopy protection areas. The details submitted shall also include a study on the feasibility of translocation of the hedgerow fronting Egginton Road to the rear of the access visibility splays required under condition 16, along with a method statement to deliver these works there this option is found to be feasible. The approved scheme of protection shall be implemented prior to any works commencing on site and thereafter retained throughout the construction period, whilst any approved translocation works shall be carried out prior to creation of the access in accordance with condition 16.

Reason: In the interests of safeguarding existing habitat and the visual amenities of the area, recognising that initial preparatory works could bring about unacceptable impacts to protected and non-protected interests.

10. No development, including preparatory works, shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following:
- (a) a risk assessment of potentially damaging construction activities;
 - (b) identification of biodiversity protection zones (e.g. buffers to trees and hedges or to protected wildlife habitat);
 - (c) practical measures (both physical measures and sensitive working practices, such as protective fencing, exclusion barriers and warning signs) to avoid or reduce impacts during construction (particularly in relation to works within canopy and root protection areas for hedgerows or protected trees);
 - (d) the location and timing of sensitive works to avoid harm to biodiversity features (in relation to breeding birds in particular);
 - (e) the times during construction when specialist ecologists need to be present on site to oversee works (as required);
 - (f) responsible persons and lines of communication; and
 - (g) the role and responsibilities on site of an Ecological Clerk of Works (ECoW) or similarly competent person (as necessary).

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless the ECoW otherwise sets out alternative details which are subsequently agreed by the Local Planning Authority.

Reason: In order to safeguard protected and/or priority species from undue disturbance and impacts, noting that initial preparatory works could have unacceptable impacts; and in order to secure an overall biodiversity gain.

11. No development shall take place until a scheme of dust mitigation measures and for the control of noise emanating from the site during the construction period has been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented throughout the construction period.

Reason: In the interests of protecting the amenity of the area and adjoining occupiers, recognising that initial preparatory works could cause unacceptable impacts.

12. No development, including preparatory works, shall commence until details of the finished floor levels of the buildings hereby approved, and of the proposed ground levels of the site relative to the finished floor levels and adjoining land levels, shall be submitted to and approved in writing by the Local Planning Authority. Floor levels should be set no lower than 40.35m AOD or 600mm above the 1 in 100 plus climate change flood level under free flowing conditions whichever is the greater. Such details shall be supplemented with locations, cross-sections and appearance of any retaining features required to facilitate the proposed levels. The development shall be constructed in accordance with the approved details.

Reason: To protect the amenities of adjoining properties and the locality generally, recognising that site levels across the site as a whole are crucial to establishing infrastructure routeing/positions, as well as safeguard property from the risk of flooding.

13. No development shall take place until a Construction Management Plan (CMP) or Construction Method Statement (CMS) has been submitted to and been approved in writing by the Local Planning Authority. The CMP/CMS shall provide details of space for the storage of plant and materials, site accommodation, loading, unloading of goods' vehicles, parking of site operatives' and visitors' vehicles, routeing plans for construction traffic and means of enforcing these, method of prevention of debris being carried onto highway and any proposed temporary traffic restrictions. The CMP/CMS shall be adhered to throughout the construction period.

Reason: To ensure safe and suitable access for all users, in the interests of highway safety, recognising that initial preparatory works could bring about unacceptable impacts.

14. No development, including preparatory works, shall commence until details of measures indicating how additional surface water run-off from the site will be avoided during the construction works have been submitted to and approved in writing by the Local Planning Authority. The applicant may be required to provide collection, balancing and/or settlement systems for these flows. The approved measures and systems shall be brought into operation before any works to create buildings or hard surfaces commence.

Reason: To ensure surface water is managed appropriately during the construction phase of the development, so as not to increase the flood risk to adjacent land/properties or occupied properties within the development itself; recognising that initial works to prepare the site could bring about unacceptable impacts.

15. Prior to any works to construct a building or hard surface, setting of finished floor/site levels or installation of services/utilities, a detailed assessment to demonstrate that the proposed destination for surface water accords with the hierarchy in paragraph 80 of the planning practice guidance (or any revision or new guidance that may replace it) shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall demonstrate, with appropriate evidence, that surface water runoff is discharged as high up as reasonably practicable in the following hierarchy:

- i) into the ground (infiltration);
- ii) to a surface water body;
- iii) to a surface water sewer, highway drain, or another surface water drainage system;
- iv) to a combined sewer.

The assessment shall also provide (i) an evidenced and full understanding of any springs within the site and any associated mitigation requirements which might be required, and (ii) a reasonable assessment of the ordinary watercourses within the curtilage of the applicant's land ownership, identified to be the point of surface water discharge. Any mitigation required shall be accommodated in the surface water drainage scheme required under condition 19.

Reason: To ensure that surface water from the development can be directed towards the most appropriate waterbody in terms of flood risk and practicality, noting that certain works may compromise the ability to subsequently achieve this objective.

16. Prior to any works to construct a building or hard surface, setting of finished floor/site levels or installation of services/utilities, a detailed design of, and associated management and maintenance plan for, surface water drainage of the site, in accordance with the principles outlined within:
- a) the Flood Risk Assessment and Sustainable Drainage Statement (July 2017 by BWB Consulting), and including any subsequent amendments or updates to those documents as approved by the Lead Local Flood Authority, and
 - b) DEFRA's Non-statutory technical standards for sustainable drainage systems (March 2015),
- shall be submitted to and approved in writing by the Local Planning Authority. The detailed design shall demonstrate that, as a minimum, suitable capacity is proposed to attenuate peak flows from the site, making allowance for climate change and urban creep, as well as provide full details of the proposed swale along the eastern boundary of the development. These details shall demonstrate that post-development flood levels in the event of culvert blockage under Deep Dale Lane do not exceed predevelopment flood levels. The detailed design shall also include measures to capture overland surface water flows between gardens. The surface water drainage infrastructure shall be installed in conformity with the approved details prior to the first occupation/use of each respective building/road/hard surface served by the surface water drainage system or in accordance with a phasing plan first submitted to and approved in writing by the Local Planning Authority. Those elements of the surface water drainage system not adopted by a statutory undertaker shall thereafter be maintained and managed in accordance with the approved management and maintenance plan.

Reason: To ensure that the principles of sustainable drainage can be incorporated into the development, noting that initial preparatory and/or construction works may compromise the ability to mitigate harmful impacts.

17. Upon completion of the surface water drainage system, including any attenuation ponds and swales, and prior to their adoption by a statutory undertaker or management company; a survey and report from an independent surveyor shall be submitted to and approved in writing by the Local Planning Authority. The survey and report shall be carried out by an appropriately qualified Chartered Surveyor or Chartered Engineer and demonstrate that the surface water drainage system has been constructed in accordance with the details approved pursuant to the above condition. Where necessary, details of corrective works to be carried out along with a timetable for their completion, shall be included for approval in writing by the Local Planning Authority. Any corrective works required shall be carried out in accordance with the approved timetable and subsequently re-surveyed by an independent surveyor, with their findings submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the effective operation of the surface water drainage scheme following construction of the development.

18. Prior to the construction of a dwelling a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The content of the LEMP shall include the following:
- a) a description and evaluation of features to be created and managed, which shall include the incorporation of bat roost and bird box features;
 - b) ecological trends and constraints on site that might influence management;
 - c) aims and objectives of management;
 - d) appropriate management options for achieving aims and objectives;
 - e) prescriptions for management actions;
 - f) preparation of a work schedule (including an annual work plan capable of being rolled forward over a ten-year period);
 - g) details of the body or organisation responsible for implementation of the plan, along with funding mechanism(s) for that body or organisation; and
 - h) ongoing monitoring and remedial measures, including where monitoring shows that conservation aims and objectives of the LEMP are not being met.

Where biodiversity enhancement measures are incorporated into dwellings or private gardens to those dwellings, the submitted LEMP shall also include a method of communicating the purpose of such biodiversity enhancement measures to occupiers of those dwelling(s). The approved scheme shall be implemented so that any physical measures are incorporated before the first occupation of each respective dwelling, or use of the garden or open space concerned, and thereafter retained and maintained.

Reason: In order to safeguard and enhance habitat on or adjacent to the site in order to secure an overall biodiversity gain.

19. Prior to the first occupation of each dwelling hereby permitted, the new street(s) between each respective plot and the existing public highway shall be laid out in accordance with the plan(s) approved under condition 2, constructed to base level, drained and lit in accordance with the County Council's specification for new housing development roads. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or abutting the footway. The carriageway and footway(s) in front of each respective plot/unit shall be completed with the final surface course within 12 months (or 3 months in the case of a shared surface road) from the first occupation of that plot.

Reason: To ensure safe and suitable access for all users, in the interests of highway safety.

20. No later than the occupation of 75% of the dwellings hereby approved on the site, the alterations at the junction of Stenson Road/Wragley Way as shown on drawing ref. JNY10303-02 Revision B shall be completed, unless, before that time, alternative junction arrangements have been submitted to and approved in writing by the Local Planning Authority by way of a planning application or an associated approval of reserved matters. The modifications to the junction shall be constructed in accordance with Derbyshire County Council's specifications for works within the public highway. For the avoidance of doubt, the works will need to be the subject of an Agreement under Section 278 of the Highways Act 1980.

Reason: To ensure the impacts of the development on the local highway network can be satisfactorily accommodated.

21. Each dwelling shall be constructed and fitted out so that the estimated consumption of wholesome water by persons occupying the dwelling will not exceed 110 litres per person per day, consistent with the Optional Standard as set out in G2 of Part G of the Building Regulations (2015). The developer must inform the building control body that this optional requirement applies.

Reason: To ensure that future water resource needs, wastewater treatment and drainage infrastructure are managed effectively, so to satisfy the requirements of policy SD3 of the Local Plan Part 1.

22. Recharge points for electric vehicles shall be provided within the development to comply with the following criteria:
- Residential - 1 charging point per dwelling with dedicated on plot parking, or 1 charging point per 10 spaces (or part thereof) where the dwelling(s) are served by courtyard or roadside parking;
 - All other uses - 1 charging point for every 10 parking spaces (or part thereof) which may be provided in phases first submitted to and approved in writing by the Local Planning Authority.
- Residential charging points shall be provided with an IP65 rated domestic socket 13amp socket, directly wired to the consumer unit with 32 amp cable to an appropriate RCD. This socket shall be located where it can later be changed to a 32amp EVCP. Non-residential charging points shall be supplied by an independent 32 amp radial circuit and equipped with a type 2, mode 3, 7-pin socket conforming to IEC62196-2. Alternative provision to this specification must be first submitted to and approved in writing by the Local Planning Authority.
- To prepare for increased demand in future years suitable and appropriate cable provision shall be included in the scheme design in accordance with details first submitted to and approved in writing by the Local Planning Authority.
- The electric vehicle charging points shall be provided in accordance with the stated criteria and approved details prior to the first occupation or use of the respective premises and shall thereafter be maintained in working order and remain available for use throughout the life of the development.

Reason: In the interests of protecting and enhancing air quality through reducing and minimising emissions from vehicles.

Informatives:

1. This permission is the subject of a unilateral undertaking or agreement under Section 106 of the Town and Country Planning Act 1990. This agreement also requires the agreement of a Design Code for the site if it is disposed of to multiple developers. All formal submissions to discharge obligations of the undertaking or agreement, or queries relating to such matters, must be made in writing to s106@southderbyshire.gov.uk with the application reference included in correspondence.
2. You are advised, as part of the application for approval of reserved matters, to provide details of the following (so to avoid the need for additional conditions at a later stage):
- facing materials, eaves and verge details, and cill and lintel details;
 - rooflight, porch and bay canopy details;
 - surfacing materials and patterns;
 - boundary treatments (including materials thereof and means to support wildlife integration and migration, such as hedgehog holes or trellis); and
 - if applicable, details of a management and maintenance strategy for any highways not adopted under an agreement pursuant to section 38 of the Highways Act 1980, nor conveyed to individual property owners.
- You should also ensure that the reserved matters ensure that (1) all exposed housing elevations are well treated to allow a view between interiors and external space; and (2) where housing is set in blocks of more than two properties rear garden access should originate within the view of

associated houses either by using gated undercroft alleyways, through plot access where practical, or by breaking up housing blocks into two or less.

3. Pursuant to Section 278 of the Highways Act 1980 and the provisions of the Traffic Management Act 2004, no works may commence within the limits of the public highway without the formal written Agreement of the County Council as Highway Authority. It must be ensured that public transport services in the vicinity of the site are not adversely affected by the development works. Advice regarding the technical, legal, administrative and financial processes involved in Section 278 Agreements may be obtained by contacting the County Council via email - es.devconprocess@derbyshire.gov.uk. The applicant is advised to allow approximately 12 weeks in any programme of works to obtain a Section 278 Agreement.
4. Pursuant to Sections 149 and 151 of the Highways Act 1980, the applicant must take all necessary steps to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (eg; street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.
5. The applicant is advised to consider the document 'Guidance on the assessment of dust from demolition and construction' from the Institute of Air Quality Management (IAQM) for advice on how dust assessments should be performed. The assessment of the impacts of construction on local air quality should be undertaken following a risk based approach, as outlined in the IAQM document 'Guidance on the Assessment of the Impacts of Construction on Air Quality and the Determination of their Significance'.
6. The watercourses, attenuation pond(s) and/or swale(s) hereby permitted or which would be incorporated into public areas on the site should be designed to accord with health and safety guidance as set out in the CIRIA SuDS Manual 2015 (C753) or guidance that may update or replace it, and to meet the requirements of the Construction (Design and Management) Regulations (CDM) 2015 through assessing all foreseeable risks during design, construction and maintenance of the pond, minimising them through an 'avoid, reduce and mitigate residual risks' approach.
7. Any works in or nearby to an ordinary watercourse may require consent under the Land Drainage Act (1991) from Derbyshire County Council (e.g. an outfall that encroaches into the profile of the watercourse, etc.). Upon receipt of any application (including the legislative fee) Derbyshire County Council has an 8-week legislative period in which to make a decision and either consent or object the proposals. If the applicant wishes to make an application for any works please contact Flood.Team@derbyshire.gov.uk.
8. The County Flood Risk Team advises:
 - Any alteration to existing impermeable surface area of the site may exacerbate surface water flood risk, so new impermeable surfaces should be limited where possible. Where an increase in impermeable area is unavoidable, Derbyshire County Council (DCC) strongly promote Sustainable Drainage Systems (SuDS) to be incorporated within the design of a drainage strategy for any proposed development, applying the SuDS management train with an appropriate number of treatment stages. The applicant should demonstrate, to the satisfaction of the Local Planning Authority, the appropriate level of treatment stages from the resultant surface water in line with Table 4.3 of the CIRIA SuDS Manual C753. This type of development usually requires >2 treatment stages before outfall into surface water body/system which may help towards attainment of the downstream receiving watercourse's Water Framework Directive good ecological status. Surface water drainage should be designed in line with the non-statutory technical standards for SuDS (March 2015) where reasonably practicable, and ground infiltration to manage the surface water is preferred over discharging to a surface water body or public sewer system.
 - Any SuDS should be designed to ensure that the maintenance and operation requirements are economically proportionate and that a maintenance plan is available to the persons/organisations that will be responsible for ongoing maintenance.
 - The applicant is advised to contact the Environment Agency (EA) that hold modelling data for Main Rivers and some ordinary watercourses if fluvial flood risk is a concern.

- Due to the historic mining and mineral extraction operations in Derbyshire, adits may exist beneath the surface. The applicant is therefore advised to investigate the potential for hidden watercourses existing on the land prior to any works being undertaken.
- Development located in areas where the water table is at a shallow depth may be susceptible to groundwater flooding. Development site drainage should be considered carefully to avoid any increased risks associated with groundwater. DCC would not recommend infiltration as a means of development site surface water disposal in areas where geohazards or ground instability are deemed likely without appropriate analysis of the risks involved. Infiltration of surface water to the ground is also not advised in sensitive groundwater areas without an appropriate SuDS management train.

Item No. 1.4

Ref. No. [DMOT/2019/1333](#)

Valid date: 07/11/2019

Applicant:
Repton School

Agent:
Repton School
The Bursary
Willington Road
Repton
DE65 6FH

Proposal: The felling and removal of copper beech tree at Chapel, Repton School, Willington Road, Repton, Derby, DE65 6FH

Ward: Repton

Reason for committee determination

This item is presented to the Committee at the discretion of the Head of Planning and Strategic Housing.

Site Description

The tree stands prominently to the front of The Chapel within a lawn located adjacent to the Willington Road. The Chapel and the tree are within the grounds of Repton School which is also within the Repton Conservation Area. The tree is a substantial and mature Copper Beech tree offering significant amenity value.

The proposal

It is proposed to fell and remove the Copper Beech tree.

Applicant's supporting information

The applicant has submitted an Arboricultural Report which goes into detail regarding the health of the tree, but ultimately outlines that the tree has signs of decay causing fungi.

Relevant planning history

9/2007/1319: The felling and pruning of trees at various locations at Repton School - no objections
19/12/2007

Responses to consultations and publicity

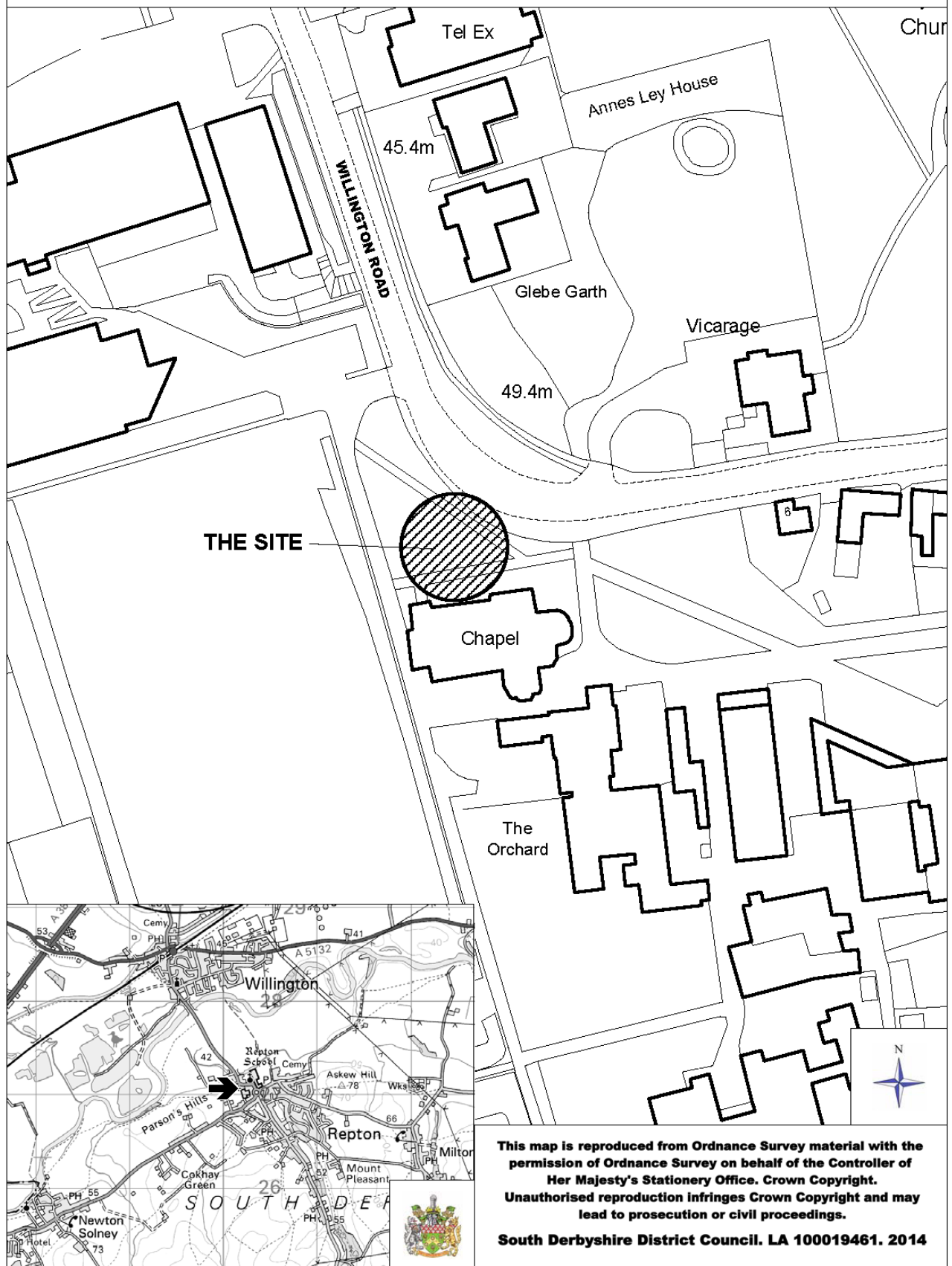
None received.

Relevant policy, guidance and/or legislation

The relevant Development Plan Policies are:

- 2016 Local Plan Part 1 - BNE4
- 2017 Local Plan Part 2 - BNE7

**DMOT/2019/1333 - Chapel, Repton School, Willington Road, Repton, Derby
DE65 6FH**



The relevant Local Guidance is:

- Repton Conservation Area Character Statement

The relevant National Guidance is:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)

The relevant legislation is:

- The Town and Country Planning (Tree Preservation) Regulations 2012

Planning considerations

To clarify, in determining this notification the Committee have three options: (1) do not object to the proposal of felling and removing the tree, (2) not respond within the 6 week period allowing an automatic grant of consent, or (3) place a Tree Preservation Order on the tree.

In taking account of the application documents submitted and the site and its environs, the main issue central to the determination of this application is whether the amenity value of the tree is high enough to warrant a Tree Preservation Order (TPO), given the extent of works proposed and other relevant considerations.

Planning assessment

The tree is sited within the Repton School grounds with several buildings in the locale. There are several trees in various locations within the school grounds. The tree in question is prominent in the public domain, offering a landmark feature close to a main thoroughfare through the village (Willington Road), and holds historical value as well as its excellent amenity value.

An Arboricultural Report has shown that the tree has signs of decay causing fungi and therefore a TPO would not be expedient. The Tree Officer agrees that there would be no way of successfully pruning the tree in an attempt to mitigate potential failure without reducing it to a low pollard, which would result in demise and death of three within 2-3 years.

The Local Planning Authority, inclusive of the Tree Officer, recognises that the loss of this tree would be substantial given its significant amenity value along with the historical value that it holds. However, the report submitted has been undertaken by a professional tree consultant and identifies three species of decay fungus one of which causes decay to structural roots. Such decay is evident on the two primary roots on the Chapel side, which are critical in structural terms. A further main buttress root on the Chapel side has been identified as dying for some years and extensively decayed.

Whilst the tree may be considered a reasonable candidate for crown reduction pruning, the acceptable threshold for such pruning does not adequately mitigate the hazard association with the failure of the tree towards the public highway.

Therefore, it is considered that in the interest of public safety, the tree should be removed. There is evidence of previous pigeon nesting within the crown of the tree and therefore the removal of the tree should be scheduled ahead of the closed bird nesting season commencing in March.

A replacement tree would be expedient. If a deciduous tree is proposed, then the applicant is advised to seek further arboricultural advice to ensure that the suitability of the species in this location.

None of the other matters raised through the publicity and consultation process amount to material considerations outweighing the assessment of the main issues set out above.

Recommendation

Do not object to the works proposed, but encourage that a suitable replacement tree is provided.

Informatives:

- d. In view of the significance of the tree concerned and the landmark feature it provides both in the Conservation Area but also as a gateway into the historic village and school grounds, the applicant is encouraged to liaise with the Council's Tree Officer to agree a suitable replacement tree of adequate size and species to replace that which is to be removed.

2. Planning and other Appeals

(References beginning with a DMPA, DMPN, DMOT or 9 are planning appeals and references beginning with an ENF or E are enforcement appeals)

Reference	Place	Ward	Outcome	Decision level
E/2017/00143	Hallcroft Avenue, Overseal	Seales	Dismissed	Delegated

Appeal Decision

Site visit made on 22 October 2019

by Stephen Brown MA(Cantab) DipArch RIBA

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 3rd December 2019

Appeal Ref: APP/F1040/C/19/3221939

Land to the rear of Overseal Manor Stables, Hallcroft Avenue, Overseal

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is by William Statt against an enforcement notice issued by South Derbyshire District Council.
 - The enforcement notice, ref. E/2017/00143, was issued on 18 January 2019.
 - The breach of planning control alleged in the notice is without planning permission the material change of use of the land to use for the storage of a caravan.
 - The requirements of the notice are to:
 1. Permanently cease the use of the land for storage of a caravan.
 2. Permanently remove from the land the caravan presently stored there.
 - The period for compliance with the requirements is 2 months.
 - The appeal is proceeding on the ground set out in section 174(2)(c) of the Town and Country Planning Act 1990 as amended. Since the prescribed fees have not been paid within the specified period, the application for planning permission deemed to have been made under section 177(5) of the Act as amended does not fall to be considered.
-

Decision

1. The appeal is dismissed and the enforcement notice is upheld.

Background matters

2. The appeal site is an open field with access at the end of a recently developed residential cul-de-sac off the south-western side of Hallcroft Avenue. Overseal Manor and its outbuildings are Grade II listed and that site has a common boundary with a large part of the north-eastern side of the appeal site.
3. Immediately on entering through the gate at the site entrance is a substantial area of tarmac hardstanding that has clearly been there for a considerable number of years. The touring caravan subject of the enforcement notice is parked within this area. There are also extensive amounts of building materials and components stacked there, including bricks, blocks, cast iron radiators and scaffold planks, as well as a quantity of cut logs under a shelter.

The appeal on ground (c)

4. This ground of appeal is that there has been no breach of planning control, as might be the case where express planning permission has been granted, or the matter is development permitted under the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO). In an appeal on ground (c) – known as one of the ‘legal grounds’ – the

burden of proof is on the appellant to show that on the balance of probabilities there has been no breach of planning control.

5. The planning use of the appeal site is clearly agricultural. A caravan on agricultural land might not require planning permission if it is there for a purpose ancillary to the agricultural use. However, the field is uncultivated, and there do not appear to be any agricultural activities carried on either currently or even recently. Furthermore, the appellant states that he keeps the caravan there pending restoration for festival use. There are no GPDO provisions that permit storage of a caravan in such circumstances.
6. Although planning applications have been made, these were for residential development of the site, and have been refused. Nothing has been put forward to suggest that permission has been granted for storage of a caravan.
7. Overall, I do not consider that it has been shown that on the balance of probabilities there has been no breach of planning control by use of the site for storage of a caravan. The appeal on ground (c) therefore fails.

Other matters

8. The appellant argues that the hardstanding has been there for at least 40 years, and that he has kept various building materials and trailers there for nearly 20 years. That is essentially an appeal on ground (d) – that the alleged development is immune from enforcement action due to the passage of time. In a case such as this the appellant must show, on the balance of probabilities that the alleged breach has been continuous for a period of ten or more years before the notice was issued.
9. The notice in this case does not attack the presence of the hardstanding, nor the presence of building materials. Furthermore, it is not adequate to assert the continuous existence of a development without providing detailed evidence to support such an assertion. In my opinion, the appellant has put forward virtually no evidence to show that a caravan has been stored on the site for 10 or more years continuously. Had an appeal been made on ground (d), on the balance of probabilities it would have failed.
10. Other arguments are made to the effect that the caravan is little seen from public viewpoints, and that it has no effect on the setting of the nearby listed building. However, these arguments go to the merits of the development, which are not matters for consideration in a ground (c) appeal.

Conclusions

11. For the reasons given above and having regard to all other matters raised, I consider the appeal should not succeed.

Stephen Brown

INSPECTOR