

REPORT TO:	PLANNING COMMITTEE	AGENDA ITEM: 6
DATE OF MEETING:	31 MAY 2022	CATEGORY: Delegated
REPORT FROM:	HEAD OF PLANNING AND STRATEGIC HOUSING	
MEMBERS' CONTACT POINT:	SARAH BEEBY sarah.beeby@southderbyshire.gov.uk	DOC:
SUBJECT:	CONSULTATION FROM THE COUNTY COUNCIL ON APPLICATION REF. CD9/0222/34	REF: DMOT/2022/0426
WARD(S) AFFECTED:	ASTON	TERMS OF REFERENCE:

1. Recommendations

- 1.1 That the Committee agrees to provide a response to the County Council's consultation on the application which draws attention to the following considerations:
- Highways impact and the subsequent amenity impact on the residents of Thulston and Elvaston
 - Impact on trees and biodiversity
 - Drainage and land contamination
 - Impact on Listed Buildings
- 1.2 That the Committee delegate authority to the Head of Planning and Strategic Housing in consultation with the Chair to agree the finer detail and wording of the response.

2. Purpose of Report

- 2.1 The purpose of the report is to inform members of the consultation on the planning application at Elvaston Castle which is being considered by Derbyshire County Council as the Local Planning Authority in this instance. This report considers the proposals against relevant local and national policy and provides the recommendations above in response to the consultation exercise by the County Council.

3. Background

- 3.1 A planning application has been submitted by Derbyshire County Council in relation to the conversion and extension of existing buildings to commercial use, and construction of access drive and car park at Elvaston Castle Country Park. The County Council are the Local Planning Authority for this application and have consulted South Derbyshire District Council on the proposals. SDDC will be the Local Planning Authority for the corresponding Listed Building consent application

(DMPA/2022/0318) which is under consideration and relates solely to the works proposed to the Listed Buildings.

3.2 The works applied for in this planning application include:

- The restoration and conversion of a number of the 'core buildings' to provide new and improved commercial, leisure and educational facilities.
- A new café and play space.
- A new entrance from the B5010, access drive, replacement car park and delivery route.
- Landscaping throughout the site

3.3 The application is supported by a number of supporting document including:

- Planning application form
- Site Location Plan, block plans, floorplans and elevation plans
- Air Quality Assessment
- Design and Access Statement
- Environmental Statement
- Heritage Statement
- Land Contamination Assessment
- Landscape and Visual Impact Assessment
- Landscaping details
- Noise Impact Assessment
- Drainage Strategy
- Planning Statement
- Statement of Pre-application Community Engagement
- Sustainability Statement
- Transport Assessment
- Travel Plan
- Tree Survey

3.4 Derbyshire County Council are the Planning Authority determining the application and as well as SDDC Local Planning Authority they have consulted with the following consultees on the application requesting their comments:

- Aston on Trent Parish Council
- Cadent Gas Limited
- Crime prevention Officer
- Derby City Council
- Derby City Council Environmental Health
- Derbyshire Wildlife Trust
- Diocese of Derby
- Elvaston Parish Council
- Environment Agency
- Highways England
- Historic England
- Natural England
- Ockbrook and Borrowash Parish Council
- Severn Trent Water Limited
- SDDC Environmental Health
- SDDC Tree Officer
- The Gardens Trust

- The Georgian Group
- The Victorian Society
- Western Power

They have also consulted a number of their own internal departments including:

- Built Heritage Officer
- Archaeologist
- Ecology Officer
- Landscape Officer
- Countryside Team
- Footpaths Team
- Flood Team (LLFA)
- Network Management
- Tree protection officer

3.5 The relevant Development Plan policies are:

- Local Plan Part 1 (LP1): S1 (Sustainable Growth Strategy), S2 (Presumption in Favour of Sustainable Development), S6 (Sustainable Access), S8 (Green Belt), E2 (Other Industrial and Business Development), E7 (Rural Development), SD1 (Amenity and Environmental Quality), SD2 (Flood Risk), SD3 (Sustainable Water Supply, Drainage and Sewerage Infrastructure), SD4 (Contaminated Land and Mining Legacy Issues), BNE1 (Design Excellence), BNE2 (Heritage Assets), BNE3 (Biodiversity), BNE4 (Landscape Character and Local Distinctiveness), INF2 (Sustainable Transport), INF6 (Community Facilities), INF7 (Green Infrastructure), INF10 (Tourism Development),
- Local Plan Part 2 (LP2): SDT1 (Settlement Boundaries and Development), BNE5 (Development in Rural Areas), BNE7 (Trees, Woodland and Hedgerows), BNE10 (Heritage)

The relevant local guidance is:

- Trees and Development SPD

The relevant national policy and guidance is:

- National Planning Policy Framework (NPPF) 2021

4.0 Discussion

- 4.1 Elvaston Castle County Park encompasses approximately 321 acres of open parkland, woodland and more formal historical gardens. At the heart of the estate lies Elvaston Castle. It is owned and maintained by the County Council and has been for a period in excess of 30 years. It is a Registered Park and Garden and has a significant number of listed buildings within the grounds. There are no fees for members of the public to access the site, with many people arriving on foot and a small cost per vehicle associated with parking in the existing car park. The costs associated with maintaining the country park are in excess of any revenue from car parking charges.
- 4.2 This, coupled with a declining budget since the 1990's has resulted in the decline of a number of buildings within the upper and lower stable areas as whilst there has

been a continued financial commitment from the County Council the estate as a whole requires considerably increased resources.

- 4.3 The County Council have explored ways of attracting more visitors and increasing income such that further investment can be made to the estate, working alongside an independent charity (The Elvaston Castle and Gardens Trust) and the National Trust. A masterplan for the estate has been created, with this current application forming its first stage, with the main proposals being the relocation of the car park adjacent the historic buildings at the core of the estate and the creation of a new driveway to access this. The restoration and conversion of the buildings within the upper and lower stable areas to create enhanced visitor facilities such as improved toilets, an information point, areas for education, plant sales area, offices, craft workshops and small retail units is also proposed along with a new café and play area.
- 4.4 Access to the site by car will be off a new roundabout on the Shardlow Road (B5010), connected to the wider road network via Derby's outer ring road and the A6 Alvaston Bypass and Raynesway (A5111). These in turn connect to the A52 and A50 and through to Derby, Nottingham and the M1. Routes through Borrowash, Elvaston Village and Thulston will not be encouraged, but will be possible. The roundabout will lead to Elvaston's new vehicular access drive, this would be a two-way route, kept to minimal widths to reduce impact and encourage reduced speeds. There will be no illumination. It is understood that a number of alternative access points have been considered. Insufficient information has been included on background/options analysis to inform this application as to why alternatives were discounted and to support the proposals.
- 4.5 The access drive, closer to the core of the Estate, is twinned with an existing bridleway. Care needs to be taken to ensure that any conflict between vehicles and equestrian, cycle and pedestrian users is avoided. Where the road enters the new car park it crosses a bridleway. It will be crucial that at this point a crossing is designed to ensure that pedestrians and all users of the bridleway are given priority over vehicles, supporting sustainable travel and leisure users, ensuring this route remains direct, continuous, safe and secure in accordance with Policy INF2 and BNE1. Further information on this should be requested.
- 4.6 Policy S8 (Green Belt) states that measures to improve public access to the Green Belt and improve connectivity will be encouraged. There is a presumption against inappropriate development in the Green Belt, as set out within Chapter 13 of the NPPF, whereby the construction of new buildings should be considered inappropriate excepting in circumstance set out in the NPPF including the provision of appropriate facilities for outdoor sport and recreation, limited infilling or redevelopment of previously developed land which would have no greater impact on the openness of the Green Belt. Other forms of development such as engineering operations, the reuse of buildings and material changes of use of land are also considered not to be inappropriate.
- 4.7 It is considered that the works to repair and convert the existing buildings would be appropriate development, consistent with the relevant policies of the NPPF. The new road, car park and associated works are considered to fall within paragraph 150 parts being engineering operations for local transport infrastructure required to be in the Green Belt due to the location of the Elvaston Castle in this location.

- 4.8 In regard to the new café, this would be set within the range of courtyard buildings, with a link connecting the existing buildings to the new café, with the entrance being through the existing building. This has been designed in such a way so as to minimise the impact on the built heritage by ensuring that the proposals are seen as a clear extension to the earlier parts of the complex. Paragraph 150 part c allows for 'the extension or alteration of a building provided that it does not result in disproportionate additions over the size of the original building'. There is no definition of what would be a 'disproportionate addition', this is something for the decision maker to conclude, however in practise this is often taken as meaning an increase of over 50%. Whilst the café would not be insignificant, it is attached to and set within the complex of the courtyard buildings which form a typical continuum of the built form on three sides. In this context it could be considered to not be a disproportionate addition to the complex as a whole. It is relatively low lying so as not to compete with the existing buildings and is informed by the land levels in this area such that it is not considered to conflict with the purposes of Green Belt.
- 4.9 SDT1 of the LP2 provides definition of the limits of a settlement, i.e. settlement boundaries. Elvaston Castle Country Park is located in a rural area/open countryside location. To this end policy BNE5 of the LP2 'Development in Rural Areas' is relevant which states that 'outside of settlement boundaries (as defined in policy SDT1) within the Rural Areas of the district planning permission will be granted where the development is:
- i. allowed for by policies H1, H22, E7, INF10, H24, H25, H26, H27 or H28; or
 - ii. otherwise essential to a rural based activity; or
 - iii. unavoidable outside settlement boundaries; or
 - iv. considered to be infill that is in keeping with the character of the locality and represents the infilling of a small gap not for normally more than two dwellings, within small groups or housing; and
 - v. will not unduly impact on: landscape character and quality, biodiversity, best and most versatile agricultural land, and heritage assets.'

As the works relate to improved leisure and tourism facilities at Elvaston Castle Country Park it is considered that part iii) of the above is satisfied and thus the impacts on loss of character, landscape, ecology and flood risk require assessment in order to inform whether the development is in compliance with policy and if sufficient mitigation is proposed. Noting that the site is in a rural location and would offer employment opportunities also it could also be considered as a site of Rural Development in terms of E7 subject to highways, amenity, local character and visual impacts being considered. The County Council will need to be satisfied that the proposals comply with the requirements of these policies, informed in part by the consultation responses of statutory consultees.

- 4.10 Policy BNE3 states that the Local Planning Authority will support development which contributes to the protection, enhancement, management and restoration of biodiversity and delivers net gains where possible by protecting sites of local and national significance from inappropriate development, supporting and contributing to relevant targets for priority habitats, protecting ancient woodland and veteran trees from loss, unless the need or benefits outweigh this loss. Proposals that affect local nature reserves or wildlife sites will need to be supported by appropriate surveys sufficient to fully understand the likely impacts. Policy BNE7 states that where

development could affect important trees, woodland or hedgerows developers will be expected to demonstrate the layout has been informed by appropriate surveys, appropriate measures ensure adequate root protection and buffer zones. The felling of trees should be considered in accordance with national guidance, replacements should be sought, impact on biodiversity should be minimised.

- 4.11 The application is supported by an Arboricultural Assessment and ecological survey work in the form of an Environmental Statement (ES) Biodiversity Chapter with supporting appendices. The survey baseline appears to have been undertaken in accordance with best practice industry standards and is sufficiently robust. Limitations to survey work have been appropriately described.
- 4.12 The access drive has been designed to minimise its impacts on the setting of the historic Estate and retain as many trees as possible, especially veteran trees. However, the access, drive, cafe and car park would result in the loss of three Category B trees (Pine, Silver Birch and Aspen) trees. There would also be some impact on 5 woodlands, with some removal of edge trees close to pathways or infrastructure and the removal of the first line of trees either side of the car park access to provide a working area. The service road would require the removal of one mature tree within W15. Other removals would be smaller, but using a no dig engineering solution, the road could be constructed with a low overall harm to the woodland.
- 4.13 There will be some more significant harm to category B woodlands 3, 8, 9 and 13. Works are considered to be more significant where there are some uncertainties in level changes required to facilitate development. In the case of woodlands 8, 9 and 13 most of the woodland cover would need to be removed to create the road, in the case of woodland 13 this includes the removal of 12 mature oak trees to facilitate the roundabout and road widening on the B5010. There would be some encroachment from the road on part of the avenue planting (Cat A), for a distance of 90 metres. There would likely be tree removal needed in woodland 12 (Cat A) due to the size of the trees and the working strip required. A no dig solution is unlikely to be possible.
- 4.14 It is proposed that where a tree is removed, at least two will be planted as replacements. The scale of removals proposed is unfortunate. Further consideration should be given to the need for this and should permission be granted consideration should be given to conditions to control protective fencing, root protection areas, no-dig construction areas and appropriate maintenance and management.
- 4.15 The Council's Tree Officer has been consulted on the application but at the time of writing the report these comments were unavailable and will be reported at Planning Committee.
- 4.16 The Council's Biodiversity Officer has been consulted on the proposals and his comments can be summarised as follows:
- The submitted Biodiversity Chapter identifies potential adverse construction impacts to protected species including reptiles, great crested newts, nesting birds, small mammals and bats (both in trees and in buildings). Appropriate mitigation in the form of Reasonable Avoidance Measures (RAM's) are proposed and can be secured through a Construction Ecological Method Statement (CEMP), as well as

appropriate strategies to secure as appropriate, European Protected Species Mitigation Licences (EPSML's) for great crested newts and bats.

- A Biodiversity Gain Assessment (BGA) report has been submitted which identifies a 16% net gain in Habitat Units, a 150% net gain in Hedgerow Units and a 34% net gain in River Units (figures rounded). However, it provides limited supporting quantitative data. Whilst the proposals will predominantly require the removal of lower value habitats such as arable land and poorer-quality grasslands, higher value habitats such as sections of established woodland supporting mature trees will also be removed (i.e. Rookery Wood), as well as x12 non-woodland mature trees. Veteran trees will not be removed.
- To mitigate habitat compensation measures both within the Application Boundary as well as outside, the latter within the curtilage of the Country Park and Zone of Influence arising from the proposals. Habitat compensation measures include the creation of mixed native woodland blocks and strips, the enhancement of species-poor grassland swards with over sowing of wildflower mixes, the creation of damp and dry meadows, new native hedgerow planting and the enhancement of existing wet woodlands and the planting of scattered trees across the development site.
- The applicant claims that the prescribed habitat compensation measures deliver the positive net gains identified. However, with the limited supporting quantitative data it is not possible at this time to fully assess the validity of the submitted BGA report. In addition to compensatory habitat for protected species the submitted Biodiversity Chapter proposes additional enhancement measures, such as the installation of a high number of bat and bird boxes (x200 of each), as well as the creation of herpetofauna hibernacula and refugia.

4.17 The Officer supports the view of Derbyshire Wildlife Trust (DWT), who have provided comments to the County Council that conditions should be used to secure the various mitigation and compensation measures proposed within the submitted Biodiversity Chapter. It is advised that further information should be submitted in respect of the Biodiversity Gain Assessment, ideally prior to determination of the planning application.

4.18 Policy BNE2 states that development affecting heritage asset will be expected to protect, conserve and enhance the assets and their settings, that the council will work to bring forward opportunities to secure long term future uses for underutilised buildings and seek opportunities to improve public access to existing heritage features. Policy BNE10 states development affecting heritage assets will be determined in accordance with national policy.

4.19 The works will involve the conversion and adaptation of a number of the listed buildings within the core of the estate. The significant new build café will also form an extension of the courtyard buildings. The driveway and car park will also fall within parts of the Registered Park and Gardens. Consideration needs to be given to the impact of the proposals on these designated heritage assets and their settings, in accordance with the NPPF.

4.20 The Council's Conservation Officer has been consulted on the proposals and their comments can be summarised as follows:

- I do not object to the principle of adaptation, alteration and extension to the built form within the application site, noting the At Risk status. Historic sites are best conserved when they are either used for their original purpose, or sensitively adapted for a new economic use. Conservation of the historic environment should bring together an appreciation of our social, economic and architectural heritage, allowing a greater appreciation for our past, providing access to previously isolated sites, whilst managing sensitive change to the historic fabric. It should not be the intention to preserve as existing, but rather to guide change for a successful outcome for the future of the At Risk buildings.
 - Alterations are subject to a Listed Building Consent application, which will be assessed by South Derbyshire District Council. The design, methodology, materials and conservation principles will be considered in the LBC application process. The principle of reuse and repair of the existing Listed Buildings and the principle of a contemporary extension and new build to facilitate visitor requirements is something which can be supported from a conservation viewpoint.
 - I acknowledge that this proposal will result in significant change within the Grade II* Listed Registered Park & Garden.
 - **The access driveway** - As is often the case with adaptation to historic buildings, there is a compromise required to provide facilities for new users, especially in a setting which would have originally had little or no requirement to manage such large numbers of visitors. The rationale is to improve the visitor experience, guide visitors to the commercial aspects of the site, and direct visitors around the site to minimise the immediate access and pressure upon the gardens. I am aware that there are years of work to produce a Masterplan and to be able to financially support these proposals. I am not party to all the background options analysis, nor advice the applicant has sought from the National Trust or other relevant agencies. There would appear to be an alternative access point from the A6 which would require less intervention within the Registered Park & Garden, and I am aware this was discounted as an option. This information should be provided to provide support for the current proposals.
 - Agree with the assessment that the proposed driveway would result in less the substantial harm to the Registered Park & Garden. In addition, it is my assessment that the proposed work would result in less than substantial harm to the historic fabric, character and appearance, and the setting of Listed Buildings. That being said, it is my assessment that the level of harm can be outweighed by the public benefit.
 - Further information should be sought relating to a number of matters including, the intention for reuse of the existing car parking; the management of horsebox parking and access to the country park; the use of the events space, and connectivity to the car parking and facilities; the management of the existing driveways to the church and cricket ground.
- 4.21 Policy SD1 states that the Council will support development that does not lead to adverse impacts on the environment or amenity of existing and future occupiers around proposed developments, by way of surface and ground water quality, air quality and amenity issues such as fumes, dust, noise and vibrations. Policy SD3

states that the Council will work with the relevant authorities to ensure that South Derbyshire's water resource and drainage infrastructure are managed effectively. Policy SD4 requires that land known to be contaminated to be supported by appropriate investigations and remediation measures.

- 4.22 The application has been supported by an Air Quality Management Assessment, Drainage Strategy, Noise Impact Assessment and Land Contamination Assessment. Comments from the Council's Environmental Health Officer has been sought in relation to these matters. No comments were available at the time of writing this report and these will be reported at Planning Committee.

5.0 Conclusions

- 5.1 The proposals, if successful in attracting additional visitors will increase trip rates and have immediate implications for important trees and biodiversity, heritage impacts, drainage, amenity and visual implications. It is considered that a number of these matters could be appropriately mitigated through the use of conditions. However, the County Council should be satisfied that the proposals would not have severe highways implications, be of detriment to air quality or the amenity of those residents living in surrounding villages which may be used by vehicles accessing the County Park. They will also need to be satisfied that the proposals would minimise impacts on and provide for net gains in biodiversity and should seek to avoid or mitigate any significant harm. In relation to the designated heritage assets they should be satisfied that there would be no substantial harm (to the buildings, Registered Park and Gardens or their settings) or where there is, that this is demonstrated to be necessary to achieve substantial public benefits that outweigh that harm.
- 5.2 Derbyshire County Council as Planning Authority for the application will receive comments on the application directly from experts relating to the highways impact (traffic generation and safety), drainage (surface water and foul sewerage) and matters such as heritage and landscaping. They will need to be content that the proposals comply with both national and local policy.