

REPORT OF THE HEAD OF COMMUNITY AND PLANNING SERVICES

**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 1995 (as amended) and responses to County Matters.

Reference	Item	Place	Ward	Page
9/2010/1134	1.1	Boulton Moor	Aston	1
9/2011/0027	1.2	Elvaston	Aston	20

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 Head of Planning Services' report 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 Head of Planning Services, 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

Reg. No. 9/2010/1134/RM

Applicant:

E.A. CHAMBERLAIN AND CENTRAL
LAND HOLDINGS LTD
C/O AGENT

Agent:

MR. TIM BURDEN
BARTON WILLMORE
BEANSHEAF FARMHOUSE
BOURNE CLOSE
CALCOT
READING

Proposal: APPLICATION FOR PLANNING PERMISSION TO EXTEND THE TIME LIMIT FOR IMPLEMENTATION OF OUTLINE APPLICATION 9/2005/0611 (ALL MATTERS TO BE RESERVED EXCEPT FOR MEANS OF ACCESS) FOR THE CONSTRUCTION OF UP TO 1058 DWELLINGS TOGETHER WITH A PRIMARY SCHOOL, RETAIL PROVISION (COMPRISING A1-A5 USES) PUBLIC OPEN SPACE (INCLUDING CHILDREN'S PLAY AREAS AND SPORTS PITCHES) SUPPORTING INFRASTRUCTURE AND ASSOCIATED LANDSCAPE WORKS INVOLVING THE VARIATION OF CONDITIONS 1, 2, 5, 6 AND 25 INVOLVING AMENDMENTS TO THE APPROVED MASTERPLAN AND AMENDMENTS TO THE ASSOCIATED SECTION 106 AGREEMENT ON LAND AT BOULTON MOOR SHARDLOW ROAD DERBY DERBYSHIRE

Ward: ASTON

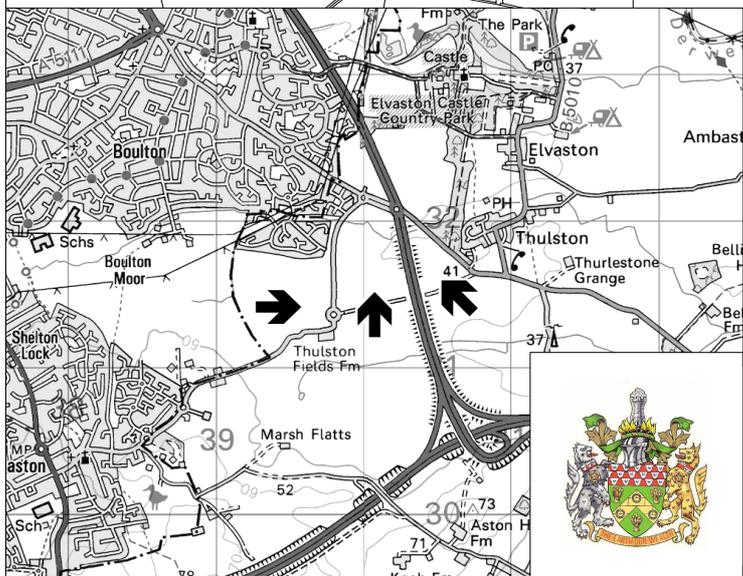
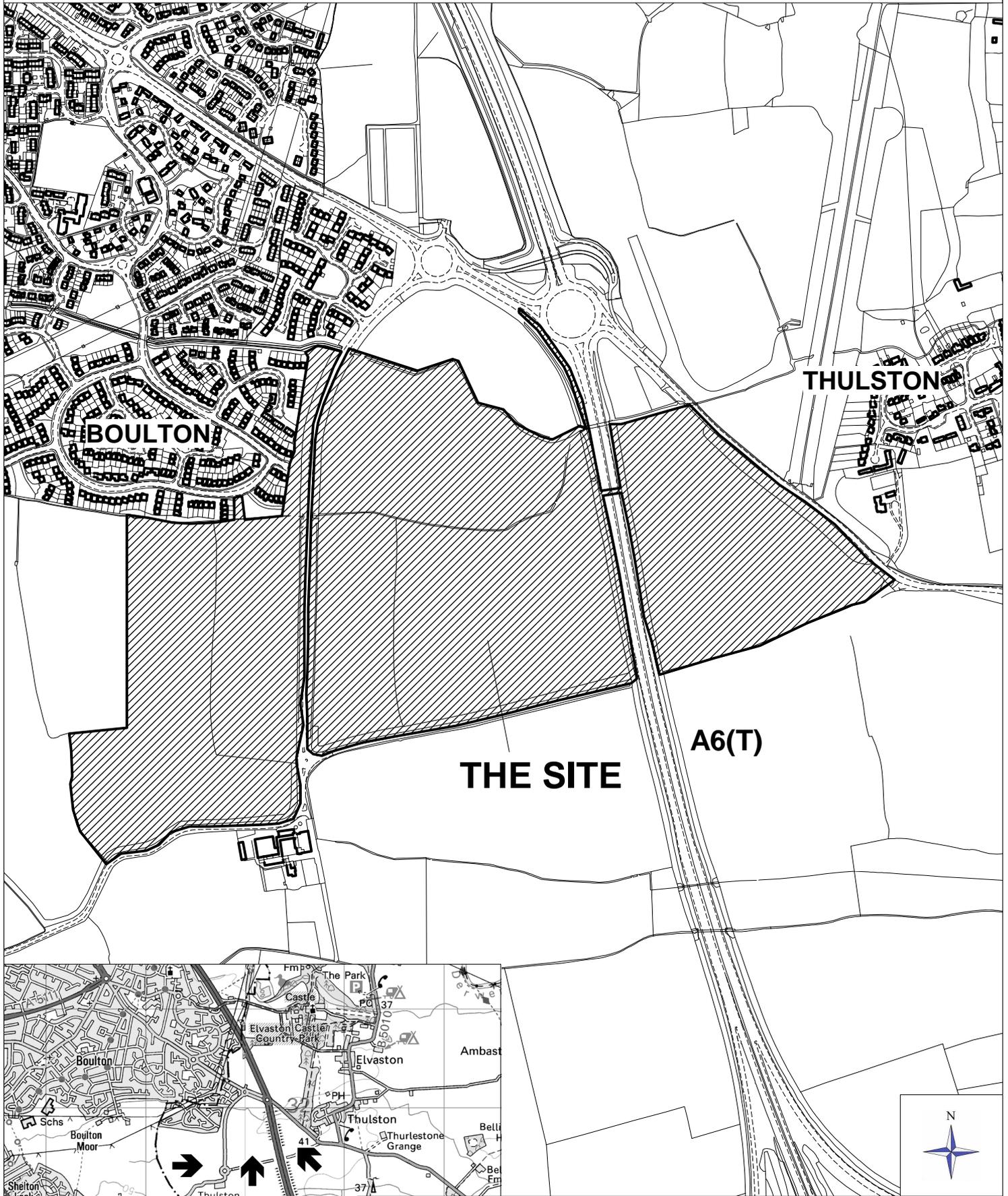
Valid Date: 10/12/2010

Reason for committee determination

This is a major application to which more than 2 letters of objection have been received, and because the Head of Planning and Community Services considers the application should be brought to the Committee's attention in view of the site's planning history.

Site Description

Boulton Moor lies within South Derbyshire immediately to the south-east of the built-up area of Derby. The site is in agricultural use and is located to both sides of the A6 Derby Spur Road, south of the former A6 London Road/Shardlow Road. Snelsmoor Lane runs north-south through the site. There is residential development, in part, to the west and north of the site. The triangle of land to the east of the Derby Spur Road contains a small area of trees that form part of the Elvaston Castle registered historic garden, albeit separated from the main garden by London Road. There is an area immediately to the south of London Road and to the north of the application site that is identified as a Park and Ride site.



This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office. Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. South Derbyshire District Council. LA 100019461. 2010

Proposal

The application seeks to extend the extant permission for the construction of up to 1058 dwellings and associated development granted permission by the Secretary of State following the conjoined inquiry into appeals concerning strategic housing sites. Simultaneously the application seeks approval to vary a limited number of other conditions of the extant planning permission for the land and, at the same time, amend some provisions of the associated S106 Planning Obligation Agreement through the redistribution of the existing obligations, with the aim of fostering the early implementation of development on the site. The scheme also shows changes to the approved master plan. In summary, the changes being sought to the Masterplan, as described in the applicant's submissions include:

- Relocating the proposed local centre to land adjacent to the proposed Park and Ride site, providing improved linkages to Colwell Drive and the existing Boulton Moor community, as well as maximising its commercial viability;
- Relocating the pavilion building alongside the proposed sports pitches within 'The Triangle' land;
- Amending the proposed spine roads through the site to make them more efficient and compliant with 'Manual for Streets' principles;
- Re-evaluating the Snelsmoor Lane corridor, in accordance with 'Manual for Streets' principles; and
- A revised distribution of housing density across the site, whilst maintaining the same number of dwellings.

The conditions to be revised as a consequence of the amended master plan and extension of time are:

- (1) The development hereby permitted, within the land edged red on the plan notated 6748-16C (Site and Ownership Boundaries) ~~attached to application Ref. 9/2005/0611~~, shall be begun either before the expiration of 3 years from the date of this permission, or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
- (2) Application for approval of all reserved matters for the first phase of the development hereby permitted shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission and applications for approval of reserved matters for subsequent phases shall be made to the Local Planning Authority within 10 years from the date of this permission.
- (5) The reserved matters submitted in accordance with condition 3 and details submitted in accordance with any other condition of this planning permission shall accord with the principles outlined in the concept master plan for application development ~~6748-007C~~ 6748 1000 D, ~~the Planning and Design Brief, May 2005~~, and specifically shall be in general accordance with the following

aspects of the Design and Access Statement ~~April 2007 (as amended)~~ February 2011:

- Overall 'Vision and Concept' (pages no. 44)
 - The master plan (page no. 53)
 - The guidelines on density, scale and building parameters (pages no 58-to 63)
 - The typologies of building form along the access roads (page no 70)
 - The materials palette (page no. 73)
 - The access and circulation principles (pages no. 86 - 88)
 - The open space strategy (pages no 80 - 83); and
 - The guidelines for treatment of the public realm (page 84-85)
- (6) No development shall commence until a scheme for phasing of the development has been submitted to and agreed in writing by the Local Planning Authority. The scheme for phasing shall show the boundaries of the proposed phases of the development and shall include reference to the provision of the children's play spaces and other open spaces shown on the master plan (drawing ~~6748-007 rev C~~ 6748 1000 D), and the pedestrian and cycle bridge across the A6 Derby Spur road. The development shall be carried out in accordance with the approved scheme.
- (25) No part of the development shall commence until details of the design and phasing of the off-site highway works ~~including the proposed roundabouts and Toucan Crossings on Snelsmoor Lane (as shown indicatively on pages 90 and 91 of the Design and Access Statement (February 2011) Figure 10.1 of the Supplementary Environmental Statement, Technical Appendices, September 2006)~~, the proposed improvement to the Snelsmoor Lane / Shardlow Road junction (as shown indicatively on pages 90 and 91 of the Design and Access Statement (February 2011) Figure 11.1 of the Supplementary Environmental Statement, Technical Appendices, September 2006), have been submitted to and approved in writing by the Local Planning Authority. Thereafter the off-site highway works shall be laid out and constructed in accordance with the approved details and phasing. For the avoidance of doubt the developer will be required to enter into a S278 Agreement with the Highway Authority in order to comply with the requirements of this condition.

In addition the proposed development of Boulton Moor gives rise to a number of matters that will need to be secured as planning obligations, either by condition or by S106 Agreement. The applicant has been in discussions with the Council over the past 18 months regarding these matters, with an aim to release a first phase of up to 99 dwellings in order to 'kick start' the development. Many of the contributions agreed at the appeal only require action from the 100th dwelling. The areas the applicant wishes to be considered are as follows:

- i. open space and leisure provision, including the provision of a pavilion;

- ii. transport provision, with particular regard to public transport and the provision of land for the park and ride facility;
- iii. primary and secondary education;
- iv. the development of the local centre;
- v. the provision of a community building within the local centre; and
- vi. provision of land and/or a contribution towards primary health care infrastructure.

The table below summarises the amendments which are sought to the Section 106 Agreement with respect of transport matters, and which, subject to relevant legal drafting, have been in principle agreed with the relevant stakeholders:

S106 Item	February 2008 S106 + Side Agreement		Proposed Amendments	
	Contribution	Trigger ¹	Contribution	Trigger
Public Trans PT1	£450,000	On first occupation	£450,000	100 dwellings
Public Trans PT2	£150,000	On first occupation + 2 yrs	£150,000	100 dwellings + 2yrs
Public Trans PT3	£100,000	On first occupation + 3 yrs	£100,000	100 dwellings + 3 yrs
Public Trans PT4	£100,000	On first occupation + 4 yrs	£100,000	100 dwellings + 4yrs
Derby City Council (DCC)		DCC will endeavour to provide the bus service prior to 100 dwellings		DCC will endeavour to provide the bus service prior to 200 dwellings
Alvaston District Centre	£150,000	On first occupation	£150,000*	50 dwellings
London Road Contribution	£100,000	On first occupation	£100,000	50 dwellings

**Up to £75,000 of which can be spent on Park & Ride provision, at the election of the City Council.*

In terms of other components of the Section 106 Agreement, a range of other minor changes are proposed to facilitate the release of the first phase of

development, as summarised below and to be subject to further discussions with Officers:

Second Schedule – Open Space

This is not affected – the requirements are all triggered beyond the occupation of the 99th dwelling, except for children’s play areas, where a play area is expected to be provided within this first phase in accordance with clause 6.1 (subject to plans to be provided in accordance with conditions), and open space areas which may be provided in accordance with the conditions.

Fourth Schedule – Park and Ride Facility

The commencement of the obligation to provide the site for the Park and Ride should be deferred until the occupation of the 100th dwelling, with consequential changes to clauses 1.2 (to provide that the written request from the City Council cannot be made until the occupation of the 100th dwelling) and clause 1.9 to provide for 10 years from the occupation of the 100th dwelling, rather than 10 years from commencement.

Fifth Schedule - Primary Education

The schedule provides for Primary School Provision with initial provision of £150,000 for funding the design process (clause 1.2) and thereafter, on receipt of a notice that the design and specification has been settled and that reserved matter approval has been received, choices for the developer to either build the school or pay contributions for the County Council to build or procure the building of the school.

The applicants are willing to meet the clause 1.2 requirement but thereafter seek an agreement that the County Council will not serve the notification that the design and specification has been completed until the occupation of the 100th dwelling on the scheme.

Sixth Schedule - Secondary Education

Not affected – requirement triggered prior to the occupation of the 100th Market Dwelling.

Seventh Schedule – Local Centre

Not affected – the Local Centre Land Marketing Plan has to be implemented prior to the occupation of the first Market Dwelling and the land offered for sale prior to the occupation of the 100th Market Dwelling.

Eight Schedule – Community Facilities

Not affected – obligations not triggered until beyond the 99th market dwelling.

Ninth Schedule – Healthcare contribution

Not affected – payment per dwelling to remain as committed in Schedule 9 of S106 Agreement.

Tenth Schedule – Strategic Highways Contributions

Following discussions with representatives of the Highways Agency, it has been agreed in principle that the obligation to pay £168,706.00 on commencement can be revised such that a contribution of £16,827.06 (i.e. 10% of the total) is paid on commencement and the balance of £151,443.54 is paid on the occupation of the 100th dwelling.

It should be noted that none of these changes result in any removal of the Section 106 provisions as agreed at appeal, but would result in the deferral of some elements in order to facilitate the release of the site.

An Environmental Assessment accompanied the original application. The Council has issued a formal Scoping Opinion, which confirms that a revised Environmental Statement is not needed.

Applicants' supporting information

The applicants have provided a comprehensive supporting statement and a new Design and Access Statement to take account of the proposed changes summarised in the previous section. The reason given for the application within the statement concludes:

It is considered that the scheme (as amended) offers a wide range of benefits in meeting local needs, ensuring a high quality design and securing sustainability and sustainability enhancements, including:

- a) the provision of sustainable, high quality housing, of an appropriate mix, to meet local housing needs;
- b) the provision of affordable housing to help meet needs in South Derbyshire and in Derby;
- c) the provision of a new mixed use local centre, including community and commercial facilities which can serve both new and existing communities.
- d) the provision of a new primary school, which can serve both new and existing communities;
- e) the provision of a range of open space and playing fields which will benefit the wider community;
- f) the conservation and enhancement of biodiversity as part of the development;
- g) the provision of land for a park and ride facility that will meet transport needs in the A6 corridor into the centre of Derby in accordance with the approved strategy in the Local Transport Plan of the Highway Authority and well related to major employment locations in the corridor; and
- h) the funding of transport improvements, including measures to enhance bus services and travel and support improved foot, cycle and public transport accessibility in the area, to the overall benefit of the local community.

It is concluded that the proposal still complies with the relevant policies of the Development Plan, and there have not been any material changes in circumstances to resist an extension of time of this consent.

Further, the proposed amendments to the Masterplan are appropriate, and reflect up to date planning policy guidance and market requirements.

As such, it is concluded that an extension of time should be permitted to facilitate the construction of this important site, which is in full accordance with the development plan, and that the relevant conditions should be amended in order to respond to the updated high quality design proposals, as well as the request for amendments to the Section 106 Agreement in order to facilitate commencement of development.

Amendments to the Section 106 Agreement are being sought in order to facilitate an early release of the first phase of dwellings, totalling up to 99 units. These amendments have been discussed with stakeholders and have been deemed acceptable and appropriate in correspondence. It should be stressed that they do not seek release from any of the requirements of the overall development but seek to defer a proportion of the expenditure at the commencement of development in order to render the first phase more readily capable of implementation with a reduced requirement for up-front expenditure on the part of the developer.

Planning History

Following a conjoined public inquiry which was held between 15th May 2007 and 24th January 2008, and closed in writing on 28th February 2008, the Secretary of State, in a letter dated 26th January 2009, granted planning permission subject to planning conditions. In association with the planning application and appeal, the Council and the applicants had completed a Section 106 Planning Obligation Agreement to secure the delivery of a number of associated infrastructure and community benefits. (Reg. No 9/2005/0611).

Responses to Consultations

The Parish Council objects to any changes that are not required by legislation and also that development should be confined to the land west of Snelsmoor Lane and The Triangle should not be developed at all. (Officer comment: the latter points were fully considered by the Secretary of State).

The Highways Agency, the Education Authority, Derby City PCT, Environment Agency and Severn Trent Water Ltd have no objection.

The County Highway Authority has no objection in principle but points out that proposals in the Design and Access Statement to reduce the speed limit on Snelsmoor Lane would need a traffic regulation order to be funded by the developer, the maximum cost of which would be £3000 (index linked).

The Development Control Archaeologist recommends a condition to take into account the more rigorous approach set out in PPS5.

Derby City Council considers that there are no material changes that would make the proposal unacceptable. However the City Council points out changes that have occurred affecting the trunk road network and also the London Road corridor, in particular the London Road rail bridge, which will be subject to traffic management measures to facilitate repairs by 2016. [*Officer comment: The Section 106 Agreement*

already enables monies to be expended towards a scheme of bus priority measures within the London Road corridor. The City Council could allocate funds to achieve this at the problem area. The Highways Agency has not identified any need for additional strategic highways contributions].

The City Council also raises concern about surface water flooding. [*Officer comment: Sustainable urban drainage will be employed and the Environment Agency has no objection*].

Natural England reminds the local planning authority of its duty to ensure that ecological information is up to date. [*Officer comment: The applicant's ecological consultant has reviewed the ecology surveys and, noting the intensive agricultural usage of the site at present, and subsequent surveys, is of the opinion that it is not likely that changes to the ecological status of the site have occurred and there is no reason to expect the amended scheme to have any different effects on protected species or other ecological attributes. Further ecological studies are to be undertaken prior to the commencement of development and are the subject of appropriate conditions as in the existing planning permission*].

Responses to Publicity

Three letters of objection have been received as follows:

- a) The development is not wanted by local residents and the associated facilities would be of no benefit to them.
- b) Colwell Drive should not be used as a bus route.
- c) Further consultation should be undertaken.
- d) Phasing should be defined – it could be years before the public amenities are delivered.
- e) The school may not be built due to lack of funds.
- f) The design philosophy is not in keeping with the area.
- g) There may not be enough off street parking.
- h) Realignment of Snelsmoor Lane would cause traffic congestion (Officer comment: this would be dealt with under highways legislation).
- i) There may be flooding.
- j) The housing is not needed.
- k) There would be loss of amenity to existing residents.
- l) The local highway network is inadequate.
- m) There would be loss of habitat.
- n) There would be harm to the character of the area.
- o) The sewerage system may be inadequate.
- p) There are bats in existing hedgerows.

Development Plan Policies

The relevant policies are:

South Derbyshire Local Plan – Transport Policy 6, Environment Policy 15, Environment Policy 11 and Environment Policy 14

East Midlands Regional Plan Policies 1, 2, 3, 12, 14, 27, 35, 39, 44, Three Cities SRS 3.

National Guidance

PPS1, PPS3, PPS5, PPS7, PPS9, PPG13 and PPS17.

Planning Considerations

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

- Whether the proposal still complies with the relevant policies of the Development Plan, and whether, since the Secretary of State's decision, there have been any material changes in circumstances to warrant withholding an extension of time to the existing permission.
- Whether the proposed amendments to the design of the Masterplan are appropriate.
- Changes to the Section 106 Agreement.
- Changes to conditions.

Planning Assessment

Policy

It should be noted that since the Secretary of State's (SoS) decision in January 2009, the development plan for the purposes of the Act, as well as national planning policies, remain largely unchanged. The minor changes to PPS3 in June 2010 do not materially affect the outcome of this decision.

At the time of the SoS decision, the East Midlands RSS was close to formal adoption and was at a very advanced stage, and consequently its adopted version replicated the same drafting of policies considered by her in making the appeal decision. The RSS remains in force albeit that the Government's intention to withdraw it is a material consideration. However as the Localism Bill still has some way to progress through Parliament and thus onto the statute books limited weight can be given to the revocation of the RSS at this particular point in time.

Therefore, in essence, nothing has changed since the appeal decision, and the application proposals remain in full accordance with the development plan in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004. There are no material considerations that indicate otherwise.

Although the proposed development area falls within South Derbyshire District Council it lies alongside the City boundary. Therefore, the policies applied to the neighbouring land by the City Council within the "*City of Derby Local Plan Review*" (Adopted on the 25th January 2006) remain pertinent. It is considered that the development proposals at Boulton Moor are not in conflict with the aims of the City of Derby Local Plan Review (2006), as also concluded by the Secretary of State.

Changes to the Masterplan

In summary, the changes being sought to the Masterplan include:

- Relocating the proposed local centre to land adjacent to the proposed Park and Ride site, providing improved linkages to Colwell Drive and the existing Boulton Moor community, as well as maximising its commercial viability;
- Relocating the pavilion building alongside the proposed sports pitches within 'The Triangle' land;
- Amending the proposed spine roads through the site to make them more efficient and compliant with 'Manual for Streets' principles;
- Re-evaluating the Snelsmoor Lane corridor, in accordance with 'Manual for Streets' principles; and
- A revised distribution of housing density across the site, whilst maintaining the same number of dwellings.

The applicants have stated that the updated scheme reflects current market requirements, provides for the relocation of the same facilities as approved (there is no change to the composition – only the location of them), and has been refreshed in order to make it attractive to housebuilders in order to facilitate its delivery.

The proposed relocation of the local centre and school would not reduce their accessibility and would facilitate the possible relocation and 'downgrading' of Snelsmoor Lane in due course.

The proposed changes to the distribution of housing density across the site would not affect the number of houses to be delivered, nor would the design concepts accepted by the Secretary of State be materially affected. The Masterplan has also been updated to take into account contemporary design advice, most notably Manual for Streets.

The relocation of the pavilion to the Triangle land is the only appreciable element of the proposed amendments which change the appearance of the consented scheme, as previously no built development was proposed in this area.

PPS7, at paragraph 26 regarding "*The countryside around urban areas*" recognises that:

"Planning authorities should aim to secure environmental improvements and maximise a range of beneficial uses of this land, whilst reducing potential conflicts between neighbouring land uses. This should include improvement of public access (e.g. through support for country parks and community forests) and facilitating the provision of appropriate sport and recreation facilities."

The introducing of a pavilion within this area to support the playing fields therefore fully accords with PPS7. Further, the proposals accord with the advice set out in PPG17 as the proposals will support essential facilities for outdoor sport. It is noted that there is an intention for the Triangle to be designated as Green Belt in future LDF document. PPG2 and PPG17 both note that playing pitches are not inappropriate development in the Green Belt.

English Heritage's objection is the same as was made to the Conjoined Inquiry. The Secretary of State accepted that no harm to the heritage assets would arise. The only change is the proposed pavilion in the Triangle. The application site is located approximately 900 metres from Elvaston Castle and there would be no impacts to the fabric or the setting of this listed building and other listed buildings within the grounds,

these being visually separated by a belt of woodland within the application site, this being part of the Registered Park. Beyond the Registered Park boundary, an area currently in arable cultivation would be managed as grassland. Thus no adverse impacts to the Registered Park would occur and the ecological interest of its setting should be improved. The introduction of a carefully designed and located pavilion in this area would not adversely affect the special architectural or historic interest of any listed building or the Registered Historic Park at Elvaston Castle, nor would it adversely affect their setting. The detailed design of this building will be considered at the reserved matters stage.

Section 106 Agreement

That applicant states that the amendments to the Section 106 Agreement are being sought in order to facilitate an early release of the first phase of dwellings, totalling up to 99 units. The amendments would not diminish the substance of the existing agreement in any way but on balance the changes would be likely to stimulate delivery of housing at Boulton Moor, which is a desirable planning objective.

Changes to conditions

DCLG guidance entitled “*Greater Flexibility for Planning Permissions*” (October 2010) at paragraph 30 clearly states that the Local Planning Authority are able to amend conditions placed on the original condition, as appropriate. The full text is as follows:

30. Do the same conditions have to be attached as previously?

Not necessarily. The primary legislation giving local planning authorities the power to impose such conditions as they see fit (s. 70 of the TCPA 1990) is unchanged. Therefore, if appropriate, different conditions could be imposed or some conditions could be removed – for example in order to make the scheme acceptable in the light of new policies, or if some pre-commencement conditions have already been discharged.

The additional requirements of the Development Control Archaeologist may thus be imposed by amended condition. The time limit condition will change by virtue of the renewed permission. However while the applicant seeks a 10 year time limit for the last of the reserved matters, the previous 8 year period was imposed following the Secretary of State’s detailed consideration and there is no good reason to depart from this time limit. The other amended conditions flow from the changes to the Masterplan and are thus appropriate.

Conclusion

The current policy framework does not give rise to changed circumstances that would amount to the need to withhold the renewal of the permission granted by the Secretary of State in January 2009.

The changes to the Masterplan would not diminish the quality of the scheme and introduces more up to date urban design principles.

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

GRANT permission subject to the amended Section 106 Agreement (to include a maximum £3000 sum for any traffic regulation order affecting Snelsmoor Lane) and to the following conditions:

1. The development hereby permitted, within the land edged red on the plan notated 6748-16C (Site and Ownership Boundaries) shall be begun either before the expiration of 3 years from the date of this permission, or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To conform with Section 92(2) of the Town and Country Planning Act 1990.

2. Application for approval of all reserved matters for the first phase of the development hereby permitted shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission and applications for approval of reserved matters for subsequent phases shall be made to the Local Planning Authority within 8 years from the date of this permission.

Reason: To conform with Section 92(2) of the Town and Country Planning Act 1990.

3. Approval of the details of the siting, design and external appearance of the buildings, means of access thereto and the landscaping of the site (hereinafter called "the reserved matters") for each phase of the development shall be obtained from the Local Planning Authority in writing before any development is commenced in that phase. Plans and particulars of the reserved matters for each phase of the development shall be submitted in writing to the Local Planning Authority and the development of each phase shall be carried out as approved.

Reason: The application is expressed to be in outline only and the Local Planning Authority has to ensure that the details are satisfactory.

4. Notwithstanding the information submitted with the planning application, details of the means of access to the proposed buildings, and recreation areas and of the proposed pedestrian and cycle bridge across the A6 Derby Spur road shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: The application is expressed to be in outline only and the Local Planning Authority has to ensure that the details are satisfactory.

5. The reserved matters submitted in accordance with condition 3 and details submitted in accordance with any other condition of this planning permission shall accord with the principles outlined in the concept master plan for application development 6748 1000 D , and shall be in general accordance with the following aspects of the Design and Access Statement February 2011:

- . Overall 'Vision and Concept' (pages no. 44)
- . The master plan (page no. 53)
- . The guidelines on density, scale and building parameters (pages no 58-to 63)
- . The typologies of building form along the access roads (page no 70)
- . The materials palette (page no. 73)
- . The access and circulation principles (pages no. 86 - 88)
- . The open space strategy (pages no 80 - 83); and
- . The guidelines for treatment of the public realm (page 84-85)

Reason: The application is expressed to be in outline only and the Local Planning Authority has to ensure that the details are satisfactory.

6. No development shall commence until a scheme for phasing of the development has been submitted to and agreed in writing by the Local Planning Authority. The scheme for phasing shall show the boundaries of the proposed phases of the development and shall include reference to the provision of the children's play spaces and other open spaces shown on the master plan (drawing 6748 1000 D), and the pedestrian and cycle bridge across the A6 Derby Spur road. The development shall be carried out in accordance with the approved scheme.

Reason: The application is expressed to be in outline only and the Local Planning Authority has to ensure that the details are satisfactory and that the development proceeds in an orderly manner.

7. No development of any phase shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved, unless otherwise agreed in writing by the Local Planning Authority. These details shall include trees to be retained showing their species, spread and maturity; proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.); proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc. indicating lines, manholes, supports etc.); retained historic landscape features and proposals for restoration.

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

8. Soft landscape works shall include planting plans; written specifications; schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and implementation programme.

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

9. The first landscaping scheme to be submitted in accordance with conditions 3 and 8 shall include details of the proposed landscaped treatment of the western boundary of the development and of the Derby City Council boundary with the land edged blue on plan 6748-016C (Site and Ownership Boundaries). The approved landscaping on these two boundaries shall be implemented prior to the occupation of the 100th dwelling hereby approved.

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

10. No development shall commence within 75 metres of the carriageway of the A6 Derby Spur road until there has been submitted to and agreed in writing with the Local Planning Authority, details of the proposed foot/cycle bridge across the carriageway of the A6 Derby Spur and of the landscaped bund along the western edge of the A6 Derby Spur. Thereafter no dwelling shall be occupied that lies within 75 metres of the A6 Derby Spur until the landscape bund has been constructed and landscaped in accordance with the approved scheme and retained thereafter.

Reason: In the interests of the appearance of the area and to protect the aural amenities of residents occupying dwellings in that proximity to the road.

11. All hard and soft landscape works shall be carried out in accordance with the approved details and finished not later than the first planting season following completion of the relevant phase of the development.

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

12. A landscape management plan, including phasing and implementation strategy, long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than privately owned domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority as part of the reserved matters submission in accordance with conditions 2 and 8. The landscape management plan shall be implemented as approved.

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

13. Any tree or shrub which forms part of the approved landscaping scheme which within a period of five years from planting fails to become, established, or becomes seriously damaged or diseased, or dies, or for any reason is removed, shall be replaced in the next planting season by a tree or shrub of a species, size and maturity to be approved in writing by the Local Planning Authority.

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

14. No site clearance works or development of a phase shall take place until there has been submitted to the Local Planning Authority for their written approval a scheme showing the type, height and position of protective fencing to be erected around each tree or hedgerow to be retained in that phase. The scheme shall comply with BS 5837:2005.

No site clearance works or development of any phase shall be commenced in the vicinity of the protected tree or hedgerow until such a scheme is approved in writing by the Local Planning Authority and thereafter the development hereby permitted shall only be carried out in accordance with the approved scheme. The area surrounding each tree or hedgerow within the protective fencing shall remain undisturbed during the course of the works, and in particular in these areas:

- (i) There shall be no changes in ground levels;
- (ii) No material or plant shall be stored;
- (iii) No buildings or temporary buildings shall be erected or stationed;
- (iv) No materials or waste shall be burnt within 20 metres of any retained tree or hedgerow; and

(v) No drain runs or other trenches shall be dug or otherwise created;

without the prior written consent of the Local Planning Authority.

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

15. No development of a phase shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected within that phase. The boundary treatment shall be completed in accordance with a timetable agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

16. Prior to the commencement of development hereby permitted, a scheme for the disposal of surface water from the site shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include consideration of any surface or ground water disposal necessary during construction activities and shall adopt sustainable drainage principles in accordance with the principles of sustainable drainage systems set out in Appendix F of PPS25, and shall not result in an increase in the rate and/or volume of surface water discharge to the local land drainage system. The submitted scheme shall:

- (i) Provide information including calculations regarding the design, storm period and intensity (up to the 1% Annual Probability of Flooding event), the method employed to delay and control the surface water discharged from the site, and the measures taken to prevent pollution of the receiving ground water and/or surface waters;
- (ii) Details of the methods employed to prevent the risk of pollutants and rain water contaminated with silt/oil from ground disturbed during the construction process, from discharging into the watercourses, land drains, Thulston Brook or sewer during the period of construction;
- (iii) Specify the responsibilities of each party for the implementation of the sustainable drainage scheme, together with a timetable for its implementation;
- (iv) Provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The scheme shall be implemented, maintained and managed in accordance with the approved details.

Reason: In the interests of flood protection.

17. No phase of the development shall commence until surface water drainage details in accordance with the approved drainage strategy for that phase have been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before any dwelling is first occupied.

Reason: In the interests of flood protection.

18. No phase of the development shall take place until details of the proposed means of disposal of foul sewage have been submitted to and approved in

writing by the Local Planning Authority. All foul water shall be directed into the main foul sewerage system. The development shall be carried out in accordance with the approved details.

Reason: In the interests of pollution control.

19. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water draining from parking areas and hardstandings shall be passed through trapped gullies with an overall capacity compatible with the area being drained.

Reason: In the interests of pollution control.

20. No development of a phase shall take place until details of the materials proposed to be used on the surfaces of the roads, footpaths, car parking areas and courtyards along with samples of the materials to be used on the external surfaces of the buildings have been submitted to and approved in writing by the Local Planning Authority. The development of each phase shall be carried out using the approved materials unless otherwise agreed in writing with the Local Planning Authority.

Reason: To safeguard the appearance of the buildings and the locality generally.

21. Prior to the first occupation of any dwelling in each phase of the development the estate carriageways and footways between the dwelling and the adopted highway shall be constructed to minimum base level together with highway surface water drainage and street lighting, in accordance with the details to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

22. The internal layout of the site shall be designed in accordance with the guidance contained in the "Manual for Streets" document issued by the Departments for Transport and Communities and Local Government, March 2007 or an appropriate successor document.

Reason: In the interests of highway safety.

23. Before the commencement of development of any phase, space shall be provided within the curtilage of the site for site accommodation, storage of plant and materials, parking and manoeuvring for employee and visitor vehicles, loading and unloading and manoeuvring of lorries in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority. The facilities shall be retained in accordance with the approved scheme throughout the construction period.

Reason: In the interests of highway safety.

24. Throughout the period of development vehicle wheel cleaning facilities shall be provided and retained within the site. All construction vehicles shall have their wheels cleaned before leaving the site in order to prevent the deposition of mud and other extraneous material on the public highway.

Reason: In the interests of highway safety.

25. No part of the development shall commence until details of the design and phasing of the off-site highway works on Snelsmoor Lane (as shown indicatively on pages 90 and 91 of the Design and Access Statement (February 2011) , the proposed improvement to the Snelsmoor Lane / Shardlow Road junction (as shown indicatively on pages 90 and 91 of the Design and Access Statement

(February 2011), have been submitted to and approved in writing by the Local Planning Authority. Thereafter the off-site highway works shall be laid out and constructed in accordance with the approved details and phasing. For the avoidance of doubt the developer will be required to enter into a S278 Agreement with the Highway Authority in order to comply with the requirements of this condition

Reason: In the interests of highway safety.

26. Notwithstanding the submitted information and in accordance with condition 4 above, details of the maintenance access to the recreation area served from the B5010 shall be submitted to and approved in writing by the Local Planning Authority. Development of the recreation area shall not be commenced until the maintenance access has been implemented in accordance with the approved design and it shall thereafter be retained.

Reason: In the interests of highway safety.

27. There shall be no vehicular or pedestrian access between any dwellings and Snelsmoor Lane unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

28. No development within any phase shall take place until there has been submitted to, and approved in writing by the Local Planning Authority, an initial design stage assessment by an accredited assessor for The Code for Sustainable Homes and an accompanying interim certificate stating that the dwellings within the submitted phase achieve either Code Level 3 or the then-required Code Level rating whichever is the higher. The development shall be carried out in accordance with the certificated design.

Reason: To optimise energy efficiency in the interests of sustainability.

29. Before the development hereby permitted is begun a scheme for generating 10% (or a higher percentage) of the predicted energy requirement of the development from on-site renewable sources shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the development is first occupied and thereafter be maintained so that it provides the required level of generation.

Reason: To optimise energy efficiency in the interests of sustainability.

30. No development of a particular phase shall commence before details of the finished floor levels of each building has first been submitted to and approved in writing by the Local Planning Authority. The buildings within that phase shall be constructed in accordance with the approved details.

Reason: To protect the amenities of adjoining properties and the locality generally.

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

Reason: To protect the amenities of nearby residents.

32. During the period of construction of any phase of the development which abuts any occupied dwelling, no construction work shall take place outside the following times: 0730 - 1900 hours Monday to Friday and 0730 - 1330 hours on Saturdays and at any time on Sundays, Bank and Public Holidays.
- Reason: To protect the amenities of nearby residents.
33. The maximum gross floor space hereby permitted for the proposed general purpose shop and retail units (within Use Classes A1-A5) shall be 1,929 square metres for the general purpose shop and 556 square metres total retail space for the four additional shops.
- Reason: To ensure that the commercial element is commensurate with the residential development in the interest of sustainability.
34. No deliveries shall be taken in or despatched from the proposed local centre outside the following times: 0700 hours to 1900 hours Monday to Saturday and at any time on Sundays, Bank and Public Holidays, unless otherwise agreed in writing with the Local Planning Authority.
- Reason: To protect the amenities of nearby residents.
35. Before use of the retail uses (within Use Classes A1-A5) commence, a scheme designed to protect the living conditions of occupants of nearby buildings from noise, vibration and odours from the air ventilation and extraction system, including the methods of treatment of the emissions and the external ducting, shall be submitted to and approved in writing by the Local Planning Authority. Before the use hereby commences, the measures approved under the scheme shall be installed and brought into use. Thereafter the approved measures shall be retained, operated and maintained in accordance with the manufacturer's specifications.
- Reason: To protect the amenities of nearby residents.
36. Before use commences of any building for retail or commercial use (within Use Class A1-A5) or of the proposed community centre, details of all external lighting equipment associated with the proposed use of that building shall be submitted to and approved in writing by the Local Planning Authority and the development implemented in accordance with the approved details. No other external lighting equipment may then be used on that building except with the approval in writing of the Local Planning Authority.
- Reason: In the interests of the amenities of nearby residents and the appearance of the area.
37. No fixed plant or equipment (LAeq,t) associated with any building hereby permitted shall exceed the background level (LA90,t) as measured at the boundary of the nearest residential properties at any time, unless otherwise approved in writing by the Local Planning Authority.
- Reason: In the interests of the amenities of nearby residents.
38. a) No development shall take place until a Written Scheme of Investigation for archaeological work has been submitted to and approved by the local planning authority in writing. The Written Scheme shall explain the proposed phases for the development. No development shall take place in any phase of the development until the fieldwork element of the scheme for that phase is complete to the written satisfaction of the local planning authority. The scheme

shall include an assessment of significance and research questions; and on a phased basis:

- (1) The programme and methodology of site investigation and recording;
 - (2) The programme of post investigation assessment;
 - (3) Provision to be made for analysis of the site investigation and recording;
 - (4) Provision to be made for publication and dissemination of the analysis and records of the site investigation;
 - (5) Provision to be made for archive deposition of the analysis and records of the site investigation; and
 - (6) Nomination of a competent person or person/organisation to undertake the works set out within the Written Scheme of Investigation.
- b) No development shall take place other than in accordance with the archaeological Written Scheme of Investigation approved under condition (a);
 - c) Unless otherwise agreed in writing by the Local Planning Authority, no more than 50% of the market dwellings within any development phase shall be occupied until the site investigation and post investigation assessment for that phase has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under part (a) above, and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To enable items of archaeological interest to be recorded/and or preserved where possible.

39. Prior to the commencement of development, a programme of further ecological surveys of bats, badgers and water voles shall be submitted to and approved in writing by the Local Planning Authority. The further surveys shall be carried out in accordance with the approved programme.

Reason: To ensure protection of ecological interests.

40. Prior to the commencement of development an ecological management plan including the provision of the mitigation measures identified in the Environmental Statement May 2005 (paragraphs 9:49 - 9:59 and 9:67 - 9:70); detailed habitat design and layout, long term objectives, management responsibilities, site monitoring and maintenance schedules shall be submitted to and approved in writing by the Local Planning Authority and the plan shall be carried out in accordance with the approved details.

Reason: To ensure protection of ecological interests.

Item 1.2

Reg. No. 9/2011/0027/NO

Applicant:

Mr C Beech
Beechwood Park
Main Road
Elvaston
Derby
Derby

Agent:

Mr Peter Diffey
Peter Diffey & Associates Ltd
Cotesbach Villa
Stapenhill
54 Woods Lane
Burton On Trent

Proposal: **RE-ROOF, CLAD AND EXTEND AN EXISTING STORAGE
BUNKER AT BEECHWOOD PARK MAIN ROAD
ELVASTON DERBY**

Ward: **ASTON**

Valid Date: **12/01/2011**

Reason for committee determination

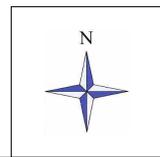
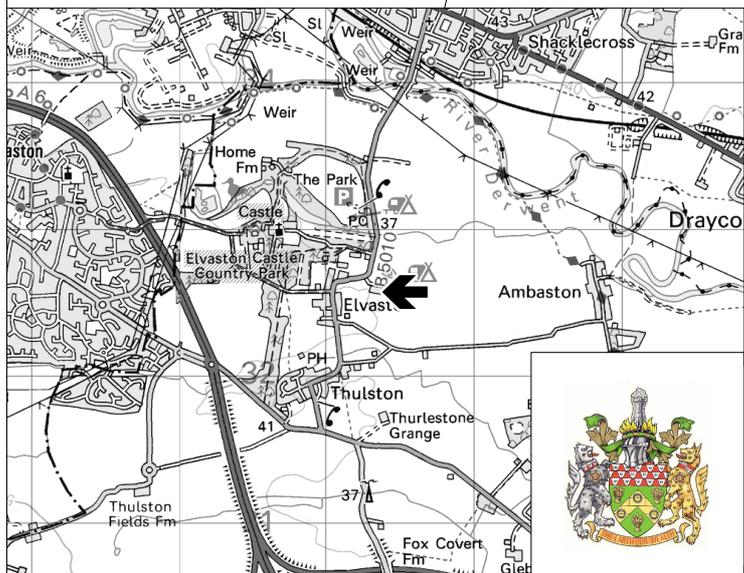
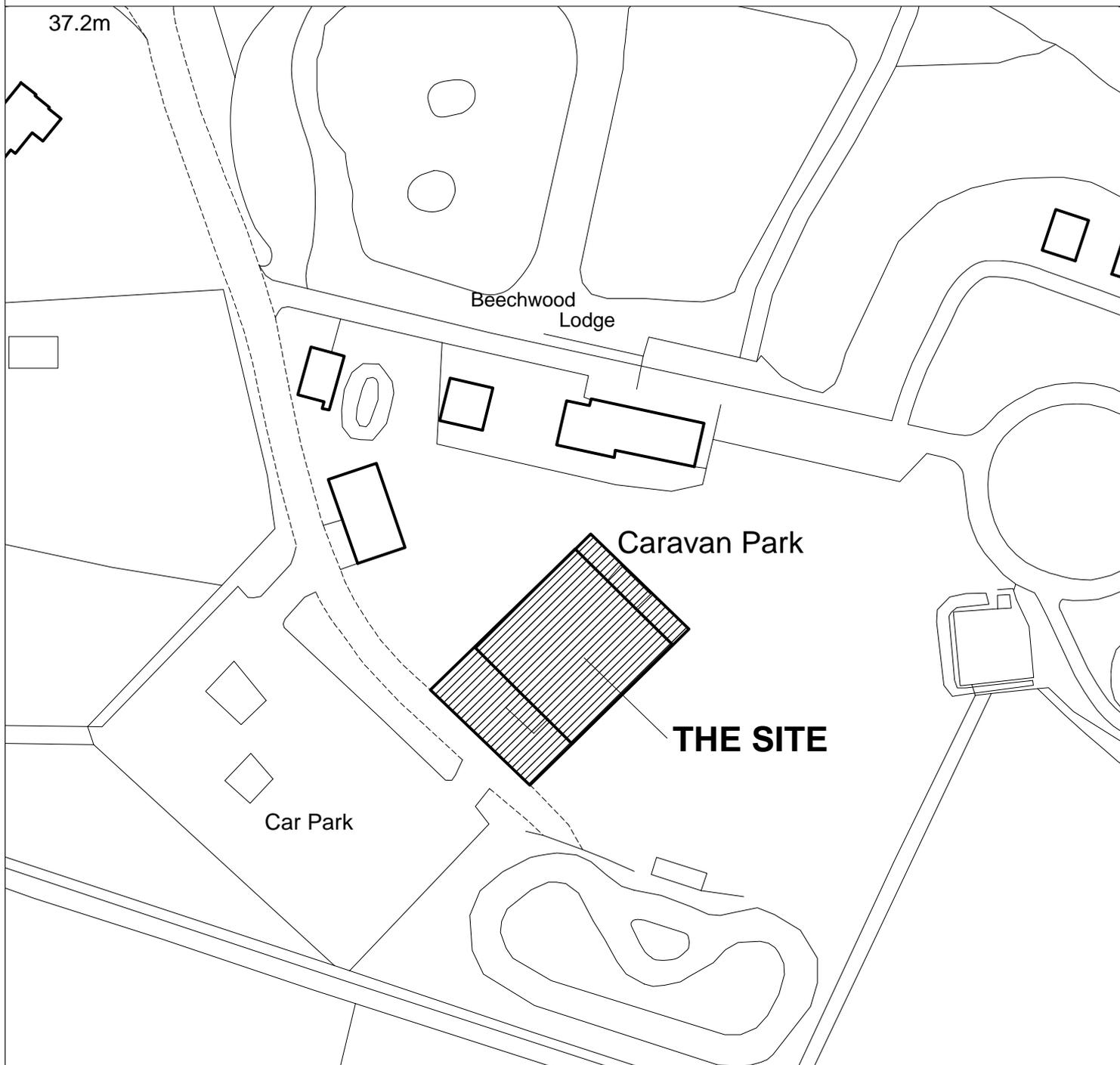
The application is referred to Committee because the site lies in the green belt and the relevant development plan policies do not carry a general presumption in favour of the proposal.

Site Description

Beechwood Park is a recreational facility on the edge of Elvaston, being the site of a former ministry of defence establishment. The site is mainly used as a caravan site although there are several fishing lakes and a small go-kart track. There is a dwelling on the site occupied by the site owners, a reception building, toilet blocks, a small shop and an anglers' specialist shop along with various buildings dating back to the previous use. The subject building is a large concrete bunker, measuring 25 m x 25 m with small extensions. It is about 3.2 m high with a 5.5m high chimney. The walls are about 600 mm thick in reinforced concrete. There is evidence that the concrete roof leaks and the walls are deteriorating visually. The building is used for storage, albeit limited by the internal layout and height of the building.

Proposal

The proposal would involve cladding the building and constructing a new roof, along with extensions front and back. The eaves of the new roof would be 2 m higher than the existing flat roof, with a height to the ridge of some 6.3 m. The extended building would be used for the storage of equipment associated with the host use of the site.



This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office. Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.
South Derbyshire District Council. LA 100019461. 2010

Applicants' supporting information

The applicant's agent has submitted a comprehensive report, which is summarised below:

- The current recreation and leisure use of the site is long established and provides opportunities for people to enjoy outdoor recreation. The building would serve the existing use.
- This is previously used land.
- The site is well screened from public view.
- Green belt policy favours the re-use of existing buildings. Although the building would be extended, the proposal would have no adverse effect on the openness of the green belt.
- The appearance of the building would be enhanced.
- The building would reduce the need for open storage of equipment.
- Various permissions have been granted in recognition of the changed role of the site, to enable it to meet the recreational, leisure and tourism needs of the inhabitants of the nearby urban and local areas.

Planning History

The site has been the subject of incremental associated development following the grant of permission for its current use in the mid-1980s. There is an extant permission for the erection of an 8 metre high building to provide a tearoom and angling shop (9/2000/0020).

Responses to Consultations

None received.

Responses to Publicity

None received.

Development Plan Policies

The relevant policies are:

South Derbyshire Local Plan Recreation and Tourism Policy 1, Environment Policy 1, Green Belt Policies 1 & 2.

National Guidance

PPG2, PPS4

Planning Considerations

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

- The principle.
- Impact on the openness of the green belt.

Planning Assessment

PPG2 sets out the limited range of types of development that are 'appropriate' in the green belt. Other development is 'inappropriate' by definition and requires the demonstration of very special circumstances to be acceptable. Although green belt policy is supportive of the re-use of existing buildings the proposal does not fall within the category of "appropriate development" as defined in PPG2, because of the amount of extension proposed. Therefore it is necessary for the local planning authority to assess whether there are very special circumstances that outweigh 'inappropriate development'. When the recreational use was originally permitted the very special circumstances were the re-use of a derelict site, containing substantial buildings. Since then various permissions have been granted that have enabled the use to be sustainable in economic terms, providing a variety of outdoor recreational and leisure opportunities.

The current proposal continues the trend of incremental development based on the established use. In this case the extended existing building would be used to provide storage for the goods and equipment associated with the primary use of the site.

Because of the building's location within the existing complex, and its general lack of visibility, there would be no demonstrable loss of openness to the green belt.

Having regard to all the material considerations, which amount to very special circumstances, the proposal would not offend the objectives of the green belt and inappropriate development is justified in this particular case. This reasoning is consistent with an inspector's decision on a building at Shardlow Marina, which was rejected because of its impact on the openness of the green belt. However the inspector implied that had the development been within the existing built up part of the site, rather than encroaching into an open area, a grant of permission may have been justified.

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

GRANT permission subject to the following conditions:

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

Reason: To conform with Section 91(1) of the Town and Country Planning Act, 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).

2. This permission shall relate solely to the plans submitted with the application, except for any changes that the local planning authority deems to be non-material.

Reason: For the avoidance of doubt.

2. PLANNING AND OTHER APPEALS

(references beginning with a 9 is planning appeal and references beginning with an E is an enforcement appeal)

Reference	Place	Ward	Result	Cttee/delegated
9/2010/0291	Hartshorne	Hartshorne/Ticknall	Dismissed	(Non-determination)



Appeal Decision

Site visit made on 19 October 2010

by Steven Fox BA MA MRTPI

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

Decision date: 1 February 2011

Appeal Ref: APP/F1040/A/10/2132318

Greengates, Gravel Pit Hill, Brook Street, Hartshorne, Swadlincote DE11 7AW

- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr J Whiting against South Derbyshire District Council.
 - The application Ref 9/2010/0291/U is dated 25 March 2010.
 - The development proposed is the extension of existing gypsy caravan site to accommodate 3 additional caravans.
-

Decision

1. I dismiss the appeal and refuse planning permission for the extension of existing gypsy caravan site to accommodate 3 additional caravans.

Inspector's Reasons

2. The Council draws my attention to three saved local plan policies. Environment Policy 1 restricts development in the countryside and requires that the impact of any development permitted is minimised. Transport Policy 7 seeks to provide safe, pleasant and convenient conditions for pedestrians. Housing Policy 15 is a criteria-based policy relating specifically to gypsy caravan sites. The policy requires sites to be in an area frequented by gypsies, satisfactorily related to their surroundings, accessible to services and facilities and have adequate vehicular and pedestrian access. Reference is made by both parties to Circular 01/2006 (Planning for Gypsy and Traveller Caravan Sites), but recent announcements that Ministers intend to revoke this Circular reduce the weight I can attach to it.
3. From what I have seen and read I consider the main issues to be:
 - (i) Whether the character and appearance of the area would be materially harmed
 - (ii) Whether highway safety would be compromised
 - (iii) Whether this is a sustainable location for the development proposed
 - (iv) Whether other material considerations relating to the provision of gypsy sites and personal circumstances outweigh any harm caused.

4. The appeal site is in open countryside to the north-west of Hartshorne village, accessed from Brook Street by Gravel Pit Hill, a single track country lane. The site adjoins land already developed by the applicant as a gypsy caravan site (Greengates) for four units. The proposal is to extend this site westwards and provide a further three pitches.

Character and Appearance of the Area

5. The site stands in an elevated position in attractive rolling countryside characterised by hedgerows and blocks of woodland, much of which has been planted as part of the National Forest scheme. The existing caravan site has planting on its northern, western and southern boundaries and on part of its road frontage. I saw that during the summer months this planting affords some screening to the caravans and outbuildings on the site although there are unobstructed views in from the road frontage. The situation would change in winter, although there would still be some filtering of views because of the dense nature of the planting.
6. The appeal site comprises part of what appears to be tipped land that falls away to the west. There are no physical features marking its western boundary and on the south side the boundary is formed by a fence. Immediately to the north is an area of woodland. Standing on the appeal site it is evident that because of the undulating topography and its elevated position any development would be open to view from a wide arc of countryside to the west and south-west. I also viewed the site from the public footpath to the west. Whilst the visual impact of the existing caravan site is to some extent mitigated by planting around it the caravans and outbuildings can be seen in close and more distant views. The intensification of development by extending onto the appeal site would in my opinion give rise to considerable harm in that the caravans, associated hard standing areas and the trappings of residential occupation would present themselves as prominent alien features in an attractive rural landscape.
7. The submitted plans indicate new planting along the southern and part of the western boundary. If native species were used for this planting the trees would take a considerable time to become established to the stage where they would have any screening effect. Even when established the screening effect that could be achieved would reduce significantly during the winter months. Above all, because the site falls away to the west and is seen in medium and long distance views across undulating countryside even with the possibility of boundary planting the development would result in serious harm to the rural character and open appearance of the area, contrary to the objectives of the policies referred to above.

Highway Safety

8. I am aware that the Highway Authority raises no objection to this proposal, but other representations express concerns about highway safety. From what I saw during my time at the site I consider that any intensification of the use of the single track roads that serve the site would have the potential to create problems and dangers for pedestrians and drivers. The access from Hartshorne is narrow with passing places, steep gradients and limited forward visibility. A sign at the edge of the village states that it is unsuitable for motor vehicles. Having driven along this section of road and observed other vehicles doing so I noted that drivers were at times forced to reverse when vehicles met and also saw that there are limited opportunities for walkers to step off the

carriageway. Although the appellant says that the additional caravans would be occupied by members of his family and that there would be shared transport I consider it inevitable that the presence of more residents would generate more vehicular movements. It seems to me that any additional movements on roads such as those serving the appeal site should be discouraged because of the inherent dangers. My conclusion is that this development is unacceptable on highway safety grounds.

Sustainability

9. The site is some 0.65 km from the edge of the village of Hartshorne, where there is a primary school and local services. Although this is not an unreasonable distance to walk the nature of the route that would be taken and the absence of footways and street lights makes it likely that most journeys would be made by car. Nonetheless, the situation for occupiers of the site in terms of travel modes would be similar to that in many other rural areas, where there is a reliance on the motor car to access local facilities. Therefore I do not consider there to be a strong objection to this development on sustainability grounds.

Other Considerations

10. The Council does not dispute the appellant's gypsy status or that the occupation of the site could be restricted by conditions to prevent an unfettered residential use. The appellant's evidence as to who would occupy the site is vague. Apart from reference to the use of the site by his immediate family and an elderly aunt there is no nothing of substance concerning the personal circumstances of the prospective occupiers, for example where there are currently living or any particular need to be together as a family group at the appeal site.
11. As far as the wider picture relating to the need for gypsy sites is concerned a Gypsy and Traveller Accommodation Assessment (GTAA) was carried out to feed into the Regional Plan. Information provided by the Council indicates that the GTAA and Regional Plan figure of 19 additional pitches for the District has now largely been met by the provision of 18 new pitches. Whilst, technically, there remains an outstanding need for one further pitch this does not constitute a significant additional need on a scale that would justify the three caravans sought by the appellant. The appellant has brought no evidence, apart from reference to the GTAA, to counter that of the Council and support an argument that there is currently a demonstrable need for three additional gypsy pitches, and that this proposal would serve to meet that need.
12. In light of the evidence relating to need, together with the lack of information about the personal circumstances of intended occupiers, I am unable to afford these matters significant weight in the appellant's favour.

Conclusions

13. Because of the prominent, exposed location of the site this development would materially harm the character and appearance of the area. This harm could not be overcome by additional boundary planting. Gravel Pit Hill is narrow with steep gradients and limited forward visibility in places. Additional vehicular movements generated by the proposed development would compromise highway safety. Whilst the site is in the countryside and its occupiers are likely to rely on private transport local facilities are relatively accessible and the

position here is not dissimilar to that in many rural areas. I do not consider this to be an unsustainable location. The gypsy status of the appellant is not in dispute but there is no evidence to demonstrate a current need for additional sites in the area on the scale proposed, or any submissions relating to the personal circumstances of prospective occupiers. Therefore these are not matters to which I can attach significant weight. My conclusion is that there are compelling objections to this development because of its effect on the character and appearance of the area and highway safety, and that this appeal should fail and planning permission should not be granted.

Steven Fox

Inspector