

Report of the Strategic Director (Service Delivery)

Section 1: Planning Applications

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

1. Planning Applications

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

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

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

Glossary of terms

The following reports will often abbreviate commonly used terms. For ease of reference, the most common are listed below:

LP1	Local Plan Part 1
LP2	Local Plan Part 2
NP	Neighbourhood Plan
SPD	Supplementary Planning Document
SPG	Supplementary Planning Guidance
PPG	Planning Practice Guidance
NPPF	National Planning Policy Framework
NDG	National Design Guide
SHMA	Strategic Housing Market Assessment
SHELAA	Strategic Housing and Employment Land Availability Assessment
s106	Section 106 (Agreement)
CIL	Community Infrastructure Levy
EIA	Environmental Impact Assessment
AA	Appropriate Assessment (under the Habitat Regulations)
CPO	Compulsory Purchase Order
CACS	Conservation Area Character Statement
HER	Historic Environment Record
LCA	Landscape Character Area
LCT	Landscape Character Type
LNR	Local Nature Reserve
LWS	Local Wildlife Site (pLWS = Potential LWS)
SAC	Special Area of Conservation
SSSI	Site of Special Scientific Interest
TPO	Tree Preservation Order
PRoW	Public Right of Way
POS	Public Open Space
LAP	Local Area for Play
LEAP	Local Equipped Area for Play
NEAP	Neighbourhood Equipped Area for Play
SuDS	Sustainable Drainage System
LRN	Local Road Network (County Council controlled roads)
SRN	Strategic Road Network (Trunk roads and motorways)
DAS	Design and Access Statement
ES	Environmental Statement (under the EIA Regulations)
FRA	Flood Risk Assessment
GCN	Great Crested Newt(s)
LVIA	Landscape and Visual Impact Assessment
TA	Transport Assessment
CCG	(NHS) Clinical Commissioning Group
CHA	County Highway Authority
DCC	Derbyshire County Council
DWT	Derbyshire Wildlife Trust
EA	Environment Agency
EHO	Environmental Health Officer
LEP	(D2N2) Local Enterprise Partnership
LLFA	Lead Local Flood Authority
NFC	National Forest Company
STW	Severn Trent Water Ltd

Item No. 1.1

Ref. No. [DMPA/2022/0545](#)

Valid date: 21/04/2022

Applicant: Asteer Planning

Proposal: Full planning application proposing the erection of 2no. employment buildings (Use Class B8, B2 and Ancillary E(g)) at Plots 10a and 10b with associated landscaping, drainage, car parking, refuse stores and other infrastructure at Plot 10, Dove Valley Park, Foston

Ward: Hilton

Reason for committee determination

The item is presented to the Committee as the proposal is considered to not fully accord with the provisions of the Local Plan designation for the site.

Site Description

The site is located in Foston at the junction of the A50 and the A511. The site is approximately 15 km west of Derby City Centre and 4.5 km west of Hilton. Hilton is a village identified as a Key Service Village, where there is the provision of local services and amenities.

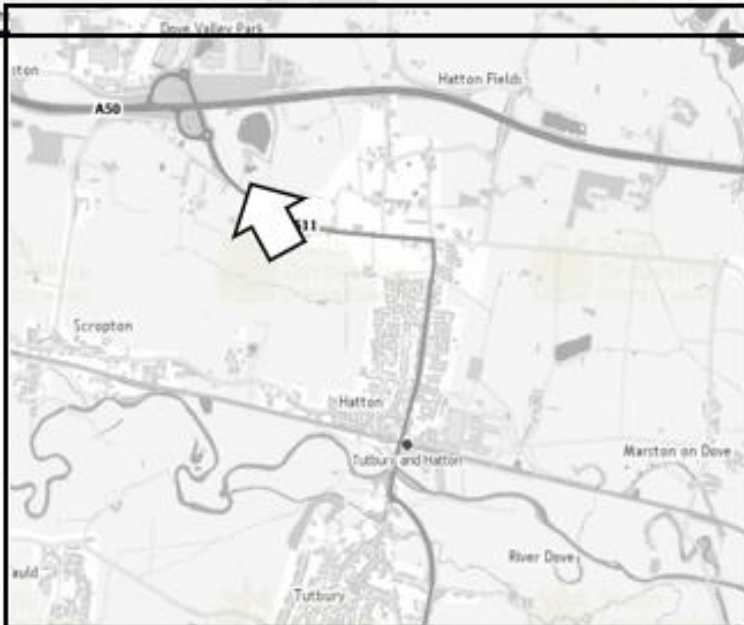
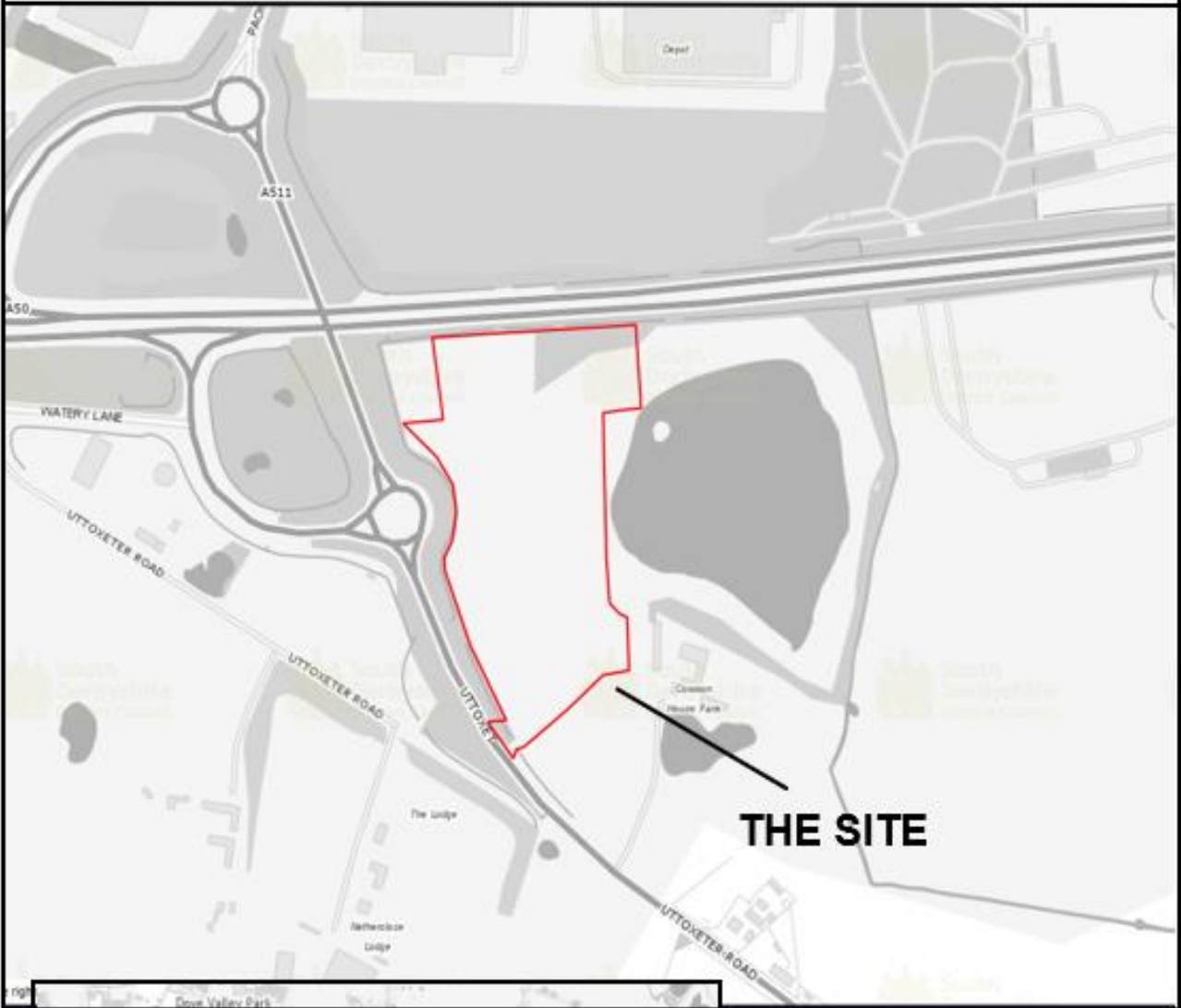
Plot 10 is approximately 4.31 hectares in size, of irregular shape and comprises vacant greenfield land. There is sporadic tree planting across the site and along the north, west and south boundaries. The site is relatively flat falling from approximately 61.70AOD along the northern boundary to approximately 59.20mAOD at the south and falling from approximately 60.0mAOD on the western boundary to 59.0mAOD along the eastern edge.

The site is bound to the north by A50 Foston – Hatton – Hilton Bypass, beyond which is Dove Valley Park (DVP) employment site. The site is bound to the east by open land which contains a large body of water and is under the control of the applicant. The site is bound to the west by the A511 which provides direct access to Dove Valley Park. To the south of the site is Common House Farm and further open land in agricultural use.

Dove Valley Park is a designated strategic employment area in the Local Plan. It comprises a number of plots, some of which have already been delivered for example, Nampak Plastics, Futaba Manufacturing, Trauma Limited and Kuehne + Nagel Ltd. But there are a number of vacant plots also. The businesses operate on a strategic and national level and is considered to be a major source of employment for SDDC area.

The positioning of the site at the junction of the A50 and A511 results in the site have a high level of accessibility by vehicles, and good vehicular links to the strategic road network of the Midlands. The A511 is a designated cycle route.

DMPA/2022/0545 PLOT 10, DOVE VALLEY PARK, FOSTON



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South Derbyshire District Council. LA 100019461.2020

The site is allocated for the development of a lorry parking facility via Policy INF2 part D (iv) which states:

“iv) Land at the junction of the A50 and A511, Foston is protected for the development of a roadside lorry park including lorry parking, refuelling and driver facilities.”

The supplementary text states:

“There is a recognised need for the provision of overnight facilities to provide for the safety and comfort of heavy goods vehicle operators in the A50 corridor. Land is therefore reserved for the development of such a facility incorporating some 200-lorry parking spaces, overnight accommodation, a café and shower facilities.”

The policy relates to objective TFR2 in the Derbyshire Local Transport Plan (LTP)3. Which seeks to:

“encourage the provision of service facilities and overnight lorry parks in locations served easily by major roads, subject to the minimisation of any environmental, social and congestion consequences this may have.”

The SDDC allocation was adopted in 2016 and the Derbyshire County LTP was adopted in 2011.

The site is not subject to any further local plan allocations. It is noted as a Green Zone for Great Crested Newts representing the lowest risk. The site is in Flood Zone 1 representing the lowest risk of surface water flooding, however there are individual pockets on site noted for medium risk of flooding due to local topography. The site has no above grade heritage assets on site or nearby. The tree planting on site is not protected by a Tree Preservation Order(s). The site is well screened from the north, west and south partially by dense tree planting.

The proposal

The proposal is for 2no. employment buildings (Use Class B8, B2 and Ancillary E(g)) at Plots 10A and 10B with associated landscaping, drainage, car parking, refuse stores and other infrastructure.

The proposed description of development is as follows:

“Full planning application proposing the erection of 2no. employment buildings (Use Class B8, B2 and Ancillary E(g)) at Plots 10a and 10b with associated landscaping, drainage, car parking, refuse stores and other infrastructure.”

Plot 10A is being specifically designed to meet the needs of the intended occupier OGM(Holdings) a plastics manufacturer of national scale. Plot 10B is being built speculatively. The proposal originally included options for the building on Plot 10A, but this has since been singularised to a final design. Further to this there have been the following amendments to the design because of the removal the option and comments made by consultees:

- At the time of submission, the planning application proposed 2no. options for the proposed employment building at Plot 10A to provide flexibility for the operator. However, during the course of the application, the Applicants have decided to pursue a single option for the smaller building at Plot 10A only.
- HGV access to Plot 10B has been amended to suit the latest vehicle tracking. (This affects the 10B and overall site plans)
- Plot 10B electric charging bays increased to 14no. in accordance with guidance (This affects the 10B and overall site plans)
- Gates and grasscrete areas now shown on Plot 10B to accommodate fire tender perimeter access. (This affects the 10B and overall site plans)
- Disabled WC now increased in size to accommodate shower (This affects the 10B Floor Plan drawings)

- During the course of the application, the Applicants have put forward additional land within Dove Valley Park to allow for a Biodiversity Net Gain (BNG) to be achieved. The Site Location Plan has therefore been amended to include the land for BNG within the blue line.
- Acoustic bund and fence included to the south, south west and south east to minimise noise levels.

Overall, across the two plots the two buildings would provide:

Table 1 – Schedule of Development

Plot	Gross Internal Area (GIA) (Sqm)	Heights (m)
Plot 10a	Warehouse – 4,771 sqm Ground Floor Office - 365 sqm First Floor Office - 354 sqm Total Office - 719 sqm Total GIA: 5,490 sqm	Haunch of 8m Overall height of 11.7m
Plot 10b	Warehouse -13,473 sqm Ground Floor Office - 345.8 sqm First Floor Office - 345.8 sqm Total GIA: 14,164.6 sqm	Haunch of 12m Overall height of 16 m

The site's access is from A511 south of the junction with the A50. The building on Plot10A is located to the north of the site and includes a warehouse and two levels of office space. The building on Plot 10B is located to the south of the site and includes a warehouse and two levels of office space. An internal service road runs along the eastern boundary of the site to Plot 10A. Both Plots A and B are served by an access yard and vehicular and cycle parking.

The building at Plot 10A has an underside of haunch height of 8m and a ridge height of 11.7m. The building at Plot 10B has an underside of haunch height of 12m and a ridge height of 16m

The proposed landscaping scheme for Plot 10A includes tree and amenity grass planting, as well as a stretch of ornamental hedging close to the building entrance and within the parking area. The proposed landscaping scheme for Plot 10B includes a combination of tree, shrub and amenity grass planting around the entrance to the site and the parking area. A native hedgerow and several trees are also proposed to be planted along the eastern side of the building and around the car park area to the west.

The proposed cladding is a combination of metal composite and built-up cladding in tones of grey with polyester powder coat aluminium windows and door sets. The buildings also feature curved roofs, soffits & profiled fascias. The corners of the building, and certain 'feature' areas are provided with a composite cladding panel.

Applicant's supporting information

The application has been supported by a range of documents set out and summarised below:

- Plot 10 - Site Location Plan - 222003-PLOT10-PL01 Rev C

- Plot 10 - Proposed Overall Site Plan - 222003-PLOT10-PL16 Rev H
- Plot 10A - Proposed External Fencing and Impact Protection Plan - 222003-PLOT10A-PL06 - Rev A
- Plot 10A - Cycle Shelter Layout - 222003-PLOT10A-PL10 - Rev A
- Plot 10A - Proposed Warehouse Ground Floor Plan - 222003-PLOT10A-PL17 - Rev A
- Plot 10A - Proposed Main Office Plans - 222003-PLOT10A-PL18 - Rev A
- Plot 10A - Proposed Roof Plan - 222003-PLOT10A-PL19 - Rev A
- Plot 10A - Proposed General Arrangement Section - 222003-PLOT10A-PL20 - Rev A
- Plot 10A - Proposed Elevations - 222003-PLOT10A-PL21 - Rev A
- Plot 10B - Proposed Site Plan - 222003-PLOT10B-PL03 - Rev J
- Plot 10B - Proposed External Finishes Plan - 222003-PLOT10B-PL05 - Rev K
- Plot 10B - Proposed External Fencing and Impact protection Plan - 222003-PLOT10B-PL07 - Rev J
- Plot 10 - Proposed Fencing and Bollard elevations - 222003-PLOT10-PL08 - Rev A
- Plot 10B - Sprinkler Tanks Layout - 222003-PLOT10B-PL09 - Rev D
- Plot 10B - Cycle Shelter Layout - 222003-PLOT10B-PL11 - Rev B
- Plot 10B - Bin Store Layout - 222003-PLOT10B-PL12 - Rev D
- Plot 10B - Proposed Ground Floor Plan - 222003-PLOT10B-PL27 Rev G
- Plot 10B - Proposed Main Office Floor Plans - 222003-PLOT10B-PL28 Rev C
- Plot 10B - Proposed Roof Plan - 222003-PLOT10B-PL29 Rev D
- Plot 10B - Proposed Elevations - 222003-PLOT10B-PL30 Rev E
- Plot 10B - Proposed GA Sections - 222003-PLOT10B-PL31 Rev B
- Plot 10B - Proposed Substation Details 222003-PLOT10B-PL34 Rev B
- Landscape Proposals Plot 10A - 22.1650.001
- Landscape Proposals Plot 10B - 22.1650.002
- Overall Drainage Strategy Plan - 2022.9506.SK01E

The drawings set out the application site boundary, wider land within the applicant's control, layout, floorplans, elevations, access arrangements, landscaping and associated infrastructure.

The application was also supported by the following technical reports:

- Air Quality Assessment – July 2022 V2
- Arboricultural Impact Assessment - April 2022
- Archaeological Desk-Based Assessment - July 2022
- Geophysical Survey Report – August 2022
- Design and Access Statement - April 2022
- Flood Risk Assessment and Drainage Strategy – July 2022
- Geo-Environmental & Geotechnical Desk Study - March 2022
- Phase 2 Intrusive Ground Investigation Report – July 2022
- UXO Desk Study & Risk Assessment - April 2022
- Noise Assessment – August 2022 V2
- Ecological Impact Assessment - March 2022
- BIA Review – 31 August 2022
- Transport Assessment - April 2022
- Travel Plan - September 2022 Rev A
- Economic Impact Note - April 2022
- Landscape and Visual Appraisal – April 2022 22.1650.R1A

Relevant planning history

The relevant planning history for the Site and surrounding set out below:

9/2007/0325/M: Outline application (all matters reserved except for access and layout) for a truck stop facility including lorry parking, refuelling and drivers' facilities and associated landscaping. Approved on 12th December 2007

9/2008/0384/MB: Application under section 73 to vary Condition 2 to require the layout of the site to be submitted as a reserved matter and remove condition 10 of planning permission 9/2007/0325/M that restricts access to the site for members of travelling public using private motor vehicles at the permitted truck stop. Approved 1st July 2008

Attached to the decision were conditions controlling aspects of the development. The following conditions are considered pertinent to this application as they control implementation and access both of which are material to the determination of this application.

1. Implementation

(a) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

(b) The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

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

2. Reserved Matters

Approval of the details of the layout, scale, appearance, and the landscaping shall be obtained from the Local Planning Authority in writing before any development is commenced.

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

3. General Conformity and Access

The details for the development of the site required by Condition 2 above shall conform to information provided by Dove Valley Park Ltd on the operation of the site as set out in its letter dated 21 May 2008 unless the Local Planning Authority in consultation with the Highways Agency grants approval of reserved matters for an alternative acceptable layout.

Reason: For the avoidance of doubt as the development of the land as an all-purpose roadside services would be contrary to the policies of the Development Plan identified in the 'Reasons for Granting Planning Permission' below.

16. Approved Access Delivery

The proposed junction onto the A511 shall be laid out, constructed and brought onto use in accordance with a detailed scheme based on the layout as submitted, before the commencement of construction works within the site, all such details to be approved in writing by the LPA.

Reason: In the interests of highway safety.

9/2011/0525/SSR: Approval of reserved matters of application 9/2008/0384 for the formation of a truck stop facility including lorry parking, refuelling and driver facilities and associated landscaping. Approved 30th September 2011

It is considered therefore that the site had permission both outline and detail for the development of a lorry parking including associated access from the A511 to the site.

However, condition 1 of planning permission ref: **9/2008/0384/MB** required development to commence 2 years from the approval of reserved matters. Officers have reviewed SDDC's public planning register and there is no evidence that any pre-commencement conditions were discharged and the development was not implemented, therefore it is considered that this consent has now elapsed.

Responses to consultations and publicity

The application was publicised via two rounds of consultation the first running from the 25th May until 17th June 2022, during which letters were sent to neighbours and a site notice and press notice publicised the application. Further to this, a second round of consultation running from the 05th October 2022 and this will run until the 17th October, during which the matter that this application was considered a departure from the Local Plan and notifications of amendments were sent to interested parties and statutory consultees.

On this basis, the application is considered to have been publicised in accordance with national and local legislation.

Given the second consultation period is still on going at the time of writing any updates and further comments will be presented to the committee.

At the time of writing the application have received the following responses broken down as follows:

Environmental Health – No objection in principle but final comments are awaited

Final comments are awaited and will be presented to committee

Force designing out crime officer – No objection but wider comments and conditions

Comments noted the provision and positioning of the proposed cycle parking which could be better located in terms of safety and location.

A subsequent condition was requested controlling these matters.

Design Officer – No response to date

Local Flood Officer – No response to date

Tree Officer – No response to date

Derbyshire County Council Highways (DCC Highways/LHA) – No objection in principle but further details requested and final comments are awaited

At the time of writing further comments were requested from DCC Highways in response to information submitted to address the comments below:

Policy –

Whilst the Local Transport Plan (LTP) supports the provision of lorry parks across the County, the LHA does not have the policy base at a site level to object to any planning application for change of proposals from a lorry park to industrial park as in this case. On this basis, the LHA raised no objection in principle.

Sustainable Travel –

Concerns were raised regarding deficiencies in surrounding pedestrian infrastructure that connect the site to bus infrastructure. Provision to improve and enhance this was sought.

The local bus service 401 was planned to be reduced around the site, and therefore the applicant was therefore requested to consider the imminent reduction in bus services serving the site and demonstrate how satisfactory bus accessibility to the site will be provided. The site is close to Foston and Scropton Footpath 9. As a minimum, this right of way should be retained and remain open throughout the build of the development, and any reasonable opportunity should be taken to upgrade to a suitable all-weather surface where feasible.

Access –

A priority junction to the A511 from the site was previously approved. This is considered acceptable subject to S78 approval.

Layout –

Swept paths show vehicles up to HGV can satisfactorily access and egress the site. This level of car parking provision is considered acceptable for the type and quantum of development proposed.

Trip Generation and Distribution –

The use of the TRICS database, Industrial Unit category and AM/PM peak is accepted. Distribution has used acceptable comparables and methodology. This is acceptable.

Traffic Impact –

Future traffic growth has been acceptably modelled including cumulative developments. The operational assessment year is 2028 and satisfactorily demonstrates that it would operate well within capacity with minimal queues or delays occurring. Additional operational assessments indicates that the internal junctions and junctions on the local highway network will all also operate well within capacity with the addition of background traffic growth and committed development traffic.

Travel Plan –

The applicant is directed towards the Travel Plan guidance used by Derbyshire County Council. As a member of the 6C's partnership, this accords with that issued by Nottinghamshire County Council:

<https://www.nottinghamshire.gov.uk/media/124515/travelplanguidance.pdf>

Further comments were provided on design considerations including provision of facilities for staff – cycle showers etc. car share spaces, EV charging points, promotion of sustainable travel methods, discounted bus tickets.

Upon receipt of the requested information further comments will be issued.

Derbyshire County Council – Archaeology – No objection subject to further intrusive fieldwork

The applicant has provided the results of archaeological desk-based assessment and geophysical survey following previous comments.

The proposal site of c5ha coincides with three records on Derbyshire Historic Environment Record (HER), for prehistoric features including ring ditches identified from aerial photographs (MDR801), narrow ridge and furrow earthworks (MDR14573) and the former Church Broughton WW2 airfield (MDR2677). The prehistoric features in particular are likely to be of regional importance, with one of the features excavated in 1993 producing evidence for both Bronze Age and Saxon activity. The cropmark plots and geophysics suggest that the prehistoric archaeology is likely to survive on site, albeit masked in places by debris from the former runways.

There is a clear requirement here for further archaeological work in line with NPPF para 205, to investigate and record the archaeological landscape to be impacted by the proposed development. This should be secured by planning conditions, and should comprise in the first instance evaluation trial trenching of the cropmarks, geophysical anomalies, and sample blank areas, to be followed by targeted full scale excavation of archaeological remains in areas found to be well-preserved and significant.

The following conditions should therefore be attached to any planning consent:

"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, and until any pre-start element of the approved scheme has been completed to the written satisfaction of the local planning authority. The scheme shall include an assessment of significance and research questions; and

- 1. The programme and methodology of site investigation and recording*
- 2. The programme for 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*
- 6. Nomination of a competent person or persons/organization 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) The development shall not be occupied until the site investigation and post investigation reporting has been completed in accordance with the programme set out in the archaeological Written Scheme of Investigation approved under condition (a) and the provision to be made for publication and dissemination of results and archive deposition has been secured."

South Derbyshire District Council Planning Policy – No objection in principle

Local Plan Part 1 Policy INF2 Part D(iv) states:

"Land at the junction of the A50 and A511, Foston is protected for the development of a roadside lorry park including lorry parking, refuelling and driver facilities"

The Explanatory text para 9.25 states:

"There is a recognised need for the provision of overnight facilities to provide for the safety and comfort of heavy goods vehicle operators in the A50 corridor. Land is therefore reserved for the development of such a facility incorporating some 200-lorry parking spaces, overnight accommodation, a café and shower facilities."

The area protected for these purposes is shown on the Local Plan Policies Map for the Hilton Area and includes the application site.

Since the application is for development of the site for purposes other than those identified in the Local Plan any grant of planning permission will need to be justified on the basis that other material considerations indicating that the plan should not be followed.

The applicant refers to the failure to implement the reserved matters planning permission for a lorry park dating from 2011, indicating that this was due to lack of market demand. Since then, no further planning application to develop a lorry park on the site has been submitted. The applicant also refers to the fact that the Derbyshire Local Transport Plan, published in 2011, identifies a need for a lorry park on the site but considers that it is dated and should therefore be afforded reduced weight in determining the current planning application.

The Local Transport Plan has not yet been superseded by a more up to date replacement and remains relevant. It is therefore recommended that the views of Derbyshire County Council, as Local Transport Authority, should be sought as to whether there remains an unmet need for an overnight lorry park in this location.

Local Plan Policy S5 indicates that provision for a minimum of 53ha of net additional employment land will be made for industrial and business development. The Authority Monitoring Report 2020/21 indicates that in combination sites developed since the Local Plan base year of 2011; sites under construction; sites with extant planning permission and Local Plan employment allocations without planning permission comprise 130.86ha. Losses of established employment sites since 2011 amount to 24.77ha. It can therefore be seen that there is a substantial net surplus of employment land (106.09ha) relative to the minimum provision identified in the Local Plan meaning that, in quantitative terms, there is no current unmet need for employment land.

The application has been submitted jointly by Dove Valley Park Ltd and OGM Holdings Ltd, the latter being the intended end user of the proposed Plot 10A, the larger Plot 10B being proposed as a speculative unit. The fact that an end user has been identified provides greater assurance that this part of the development will proceed than would be the case were the proposal to be purely speculative and should be afforded due weight, as should the attendant economic and social benefits identified by the applicant.

Derbyshire County Council – Local Lead Flood Authority – No objection subject to conditions

The LLFA has no objection subject to the conditions below:

1. No development shall take place until a detailed design and associated management and maintenance plan of the surface water drainage for the site, in accordance with the principles outlined within:

a. Delta Simons, Flood Risk Assessment and Drainage Strategy, Plot 10, Dove Valley Park (July 2022) ref: 22-0012.01 including any subsequent amendments or updates as approved by the Flood Risk Management Team.

b. And DEFRA's Non-statutory technical standards for sustainable drainage systems (March 2015),

have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not increase flood risk and that the principles of sustainable drainage are incorporated into this proposal, and sufficient detail of the construction, operation and maintenance/management of the sustainable drainage systems are provided to the Local Planning Authority, in advance of full planning consent being granted.

2. No development shall take place until a detailed assessment has been provided to and approved in writing by the Local Planning Authority, to demonstrate that the proposed destination for surface water accords with the drainage hierarchy as set out in paragraph 80

reference ID: 7-080-20150323 of the planning practice guidance.

Reason: To ensure that surface water from the development is directed towards the most appropriate waterbody in terms of flood risk and practicality by utilising the highest possible priority destination on the hierarchy of drainage options. The assessment should demonstrate with appropriate evidence that surface water runoff is discharged as high up as reasonably practicable in the following hierarchy:

I. into the ground (infiltration);

II. to a surface water body;

III. to a surface water sewer, highway drain, or another drainage system;

IV. to a combined sewer.

3. Prior to commencement of the development, the applicant shall submit for approval to the LPA details indicating how additional surface water run-off from the site will be avoided during the construction phase. The applicant may be required to provide collection, balancing and/or settlement systems for these flows. The approved system shall be operating to the satisfaction of the LPA, before the commencement of any works, which would lead to increased surface water run-off from site during the construction phase.

Reason: To ensure surface water is managed appropriately during the construction phase of the development, so as not to increase the flood risk to adjacent land/properties or occupied properties within the development.

4. The attenuation ponds should not be brought into use until such a time as it is fully designed and constructed in line with CIRIA SuDS manual C753 and to the agreed specifications on document:

a. Delta Simons, Flood Risk Assessment and Drainage Strategy, Plot 10, Dove Valley Park (July 2022) ref: 22-0012.01 including any subsequent amendments or updates as approved by the Flood Risk Management Team.

and an associated management and maintenance plan, in line with CIRIA SuDS Manual C753 is submitted to and approved in writing by the Local Planning Authority

Reason: To ensure that the proposed attenuation pond does not increase flood risk, that the principles of sustainable drainage are incorporated into the proposal, the system is operational prior to first use and that maintenance and management of the sustainable drainage systems is secured for the future.

5. Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority. This must demonstrate that the drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls).

Reason: To ensure that the drainage system is constructed to the national Non-statutory technical standards for sustainable drainage and CIRIA standards C753.

1. A detailed analysis including a full survey of the receiving watercourse must be undertaken to clarify invert levels and condition of the watercourse to be used as the primary point of discharge for the site. Evidence of any necessary third party consent for the outfall or associated works, maintenance agreements or access must also be provided.

2. A detailed assessment of proposed site shallow surface water flooding during the 100 year + 40% cc event to ensure that all flood waters will remain on the site and will not increase flood risk to adjacent properties and will not adversely affect flood risk in the broader catchment.

3. Additional water quality measures (separators or similar) should be added in the area of the lorry park and loading docks. Additional information should be provided to support any

decision not to use such measures in these areas.

Forestry Commission – No response to date

Highways England – No objection subject to conditions

No objection subject to the following conditions given the adjacent strategic road - A50, operated by Highways England:

Condition 1: No part of the development shall commence until geotechnical information has been submitted to and approved in writing by the Local Planning Authority in consultation with National Highways to demonstrate that the proposed earthworks associated with the development will have no adverse effect on the structural integrity of the SRN.

Condition 2: No part of the development shall commence until full details of the boundary treatment adjacent to the A50 boundary have been submitted to and approved in writing by the Local Planning Authority in consultation with National Highways. The approved boundary treatment shall therefore be constructed in accordance with the approved plans and maintained in perpetuity.

Condition 3: No part of the development shall commence until details of a final surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority in consultation with National Highways. The development shall be carried out in accordance with the approved scheme.

Reason for above conditions: To ensure that the A50 trunk road continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act 1980, in the interest of road safety.

South Derbyshire District Council Economic Development – Support

The planning application for Plot 10 at Dove Valley Park could directly deliver a significant number of employment opportunities. These come at a time when the population of South Derbyshire is growing rapidly, potentially leading to increased levels of out-commuting. If the current proposals are realised the employment creation could include valuable jobs in the manufacturing sector.

Outline Planning Permission was granted in 2007 for a truck stop facility on the site. Since this time, a service station has opened at Willington at the key intersection of the A50/A38, approximately 8 miles away. This service station includes HGV parking and refuelling facilities, together with a budget hotel.

National Forest Company – No comments

National Grid – No objection

No objection, informative note required. We have received a notification from the LinesearchbeforeUdig (LSBUD) platform regarding a planning application that has been submitted which is in close proximity to our medium and low pressure assets. We have no objection to this proposal from a planning perspective.

Severn Trent Water – No response to date

Foston Parish Council – No response to date

Where responses have not been provided it is considered that this would not undermine the determination of the application and therefore delaying determination would be unreasonable.

Public Objections

2.no of objections have been received from the public over both consultation periods (at the time of writing) raising the following comments:

- a) No objection in principle subject to the roads leading up to DVP become 40mph due to increase traffic and impacts on local areas like Hatton
- b) Noise impacts created by the operation of the units and increased traffic on local roads to local residences
- c) Air Quality impacts due to traffic fumes and odorous trade effluents to local residences

Relevant policy, guidance and/or legislation

The relevant Development Plan policies are:

2016 Local Plan Part 1: S1 (Sustainable Growth Strategy); S2 (Presumption in Favour of Sustainable Development); S5 (Employment Land Need); S6 (Sustainable Access); S3 (Environmental Performance); S6 (Sustainable Access); E1 (Strategic Employment Land Allocation); E5 (Safeguarded Employment Sites Dove Valley Park); SD1 (Amenity and Environmental Quality); SD2 (Flood Risk); SD3 (Sustainable Water Supply, Drainage and Sewerage Infrastructure); SD4 (Contaminated Land and Mining Legacy Issues); SD5 (Minerals Safeguarding); BNE1 (Design Excellence); BNE3 (Biodiversity); BNE4 (Landscape Character and Local Distinctiveness); INF1 (Infrastructure and Developer Contributions); INF2 (Sustainable Transport); INF7 (Green Infrastructure).

2017 Local Plan Part 2: SDT1 (Settlement Boundaries and Development); BNE5 (Development in the Countryside); BNE7 (Trees, Woodland and Hedgerows)

The relevant National Guidance is:

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

The relevant Local Guidance is:

South Derbyshire Design Guide SPD

Planning considerations

Taking into account the application made, the documents submitted (and supplemented and/or amended where relevant) and the site and its environs; the main issues central to the determination of this application are:

- The principle of the development;
- Access, Parking and Sustainable Travel;
- Flooding and Drainage;
- Design and visual impact;
- Biodiversity impacts;
- Cultural heritage;
- Effect on neighbouring amenity;
- Conclusion and Planning Balance

Environmental Impact Assessment (EIA)

The application was screened under Regulation 5 of the Environmental Impact Assessment (EIA) Regulations, following the submission of a request in April 2022. The proposal was considered to fall within the definition of an infrastructure project (Schedule 2 10a) for a site which exceeded the area threshold set out by Schedule 2. However, having taken into account the criteria of Schedule 3 to the Regulations, the proposal is not considered to give rise to significant environmental effects in the context and purpose of EIA, and the application is not accompanied by an Environmental Statement.

Planning assessment

The Principle of Development

As set out above, the site is allocated for use as a roadside lorry park under Policy LPP1 INF2 which states at D iv) that: *“Land at the junction of the A50 and A511, Foston is protected for the development of a roadside lorry park including lorry parking, refuelling and driver facilities.”*

The development of Plot 10 for employment buildings (Use Classes B8, B2 and ancillary E(g)) therefore represents a departure from Policy INF2 in terms of the land use proposed.

The supporting text to Policy INF2 notes *“There is a recognised need for the provision of overnight facilities to provide for the safety and comfort of heavy goods vehicle operators in the A50 corridor. Land is therefore reserved for the development of such a facility incorporating some 200-lorry parking spaces, overnight accommodation, a café and shower facilities.”*

The policy relates to objective TFR2 in the Derbyshire Local Transport Plan (LTP) (2011). The Derby Transport Plan covers the period until 2028 and includes a policy objective TFR2 which seeks to *“encourage the provision of service facilities and overnight lorry parks in locations served easily by major roads, subject to the minimisation of any environmental, social and congestion consequences this may have.”* It does not include any specific reference or commentary on the site itself or how the need for a lorry park has been quantified.

The Derby Transport Plan was published in 2011. There have not been any subsequent iterations of the Derby Transport Plan which provide an up-to-date position regarding the need, market interest of viability for a lorry park at the application site. On this basis, whilst adopted limited weight is given to this objective due to its date.

Paragraph 122 of the NPPF states that planning policies and decisions need to reflect changes in the demand for land. They should be informed by regular reviews of both the land allocated for development in plans, and of land availability. Where the local planning authority considers there to be no reasonable prospect of an application coming forward for the use allocated in a plan:

- a) it should, as part of plan updates, reallocate the land for a more deliverable use that can help to address identified needs (or, if appropriate, deallocate a site which is undeveloped); and
- b) in the interim, prior to updating the plan, applications for alternative uses on the land should be supported, where the proposed use would contribute to meeting an unmet need for development in the area

In terms of a reasonable prospect of the site coming forward for a use in line with the allocation, it is noted there was permission for a lorry parking in 2007 and 2011 as set out in the planning history this was never implemented and since the allocation in the Local Plan 2016 no applications have been made to implement the allocated lorry park use. During this time the applicant has also provided information outlining a suite of lorry parking facilities that have been approved within 50 miles of Dove Valley Park, which is likely to have contributed to

addressing the need identified in 2011 and reduced demand for lorry parking around the site undermining the viability of such as use at the site. Given the above, it is accepted that there is little reasonable prospect of an application coming forward for a lorry park on the site.

In terms of criteria A of paragraph 122, the submitted information sets out that the application is supported by an identified operator OGM Holdings who have advised on the design of Plot 10A to fit their operational needs. The SDDC Annual Monitoring Report 2021 shows that there had been a delivery of 73.61ha of employment land over the monitoring period was consented but only 0.65ha was under construction. SDDC Policy team have outlined that it is not considered that there is unmet economic need.

The Economic Development Department of SDDC have commented on the application and set out that the development *could directly deliver a significant number of employment opportunities. These come at a time when the population of South Derbyshire is growing rapidly, potentially leading to increased levels of out-commuting. If the current proposals are realised the employment creation could include valuable jobs in the manufacturing sector.*

Lastly, the application has been consulted upon by both DCC Highways and South Derbyshire District Council Planning Policy team. DCC Highways and their policy team implement the Derby Transport Plan and have not raised an objection to the proposal on a policy basis. SDDC Policy team acknowledges the allocation and conflict with the proposal, however, do not have any up to date robust data to show an ongoing need of lorry parking in the area; again it is pertinent to consider the information submitted by the applicant to show the approved permissions for lorry parking within a 50 mile radius.

Overall, the proposal conflicts with the local plan in relation to the site specific allocation, however it is considered given the material reasons set out above and in particular the provision of viable job creating development, that it is justified a departure in this instance.

Moving to the suitability of the site for employment generating uses, Policy E2 relates to 'other industrial and business development' and states that the development of land for uses defined by classes B1(b), B1(c), B2 and B8 will be permitted on sites within or on the edge of the Swadlincote urban area, Derby or Burton upon Trent, or a Key or Local Service Village; or the proposal is for the expansion of an existing business; or the proposal is for the redevelopment of established industrial or business land or premises.

Whilst the site and proposed development does not fully align with the criteria in Policy E2, this policy allows for employment development essentially on greenfield, open countryside where it is on the edge of an existing settlement. Whilst this site does not abut any of the settlements specified in the policy, it is located directly adjacent to Dove Valley Park which is an established strategic employment location. As set out in SDDC's Employment Land Position, Dove Valley Park is an important strategic allocation that will allow the District to take advantage of identified demand of employment development in the A50 corridor on an established site that offers immediate access to the trunk road network. The site is located directly adjacent to the A50 which in turn connects quickly to both the M1 and M6.

Furthermore, the allocation of the site for development, albeit a different use to that proposed, acknowledges that the site is suitable for an employment/economic-related development and is not intended form part of the open countryside.

Its is accepted that the proposed development will likely result in job creation both in construction and operation. This application is supported by an Economic Benefits Statement

which sets out that Plot 10 specifically is anticipated to generate operational on-site jobs as follows:

Plot 10A – 90 jobs

Plot 10B – 180 jobs

On this basis then, notwithstanding that the site is allocated for a lorry park as per Policy INF2 (Sustainable Transport) states at D(iv), there has been no objection raised in policy terms by either DCC or SDDC and wider material considerations would suggest an employment generating use is acceptable in this instance. This is in line with the NPPF given it is accepted it is unlikely that an application for the allocation will come forward and the proposal is considered to represent a deliverable employment generating use which will help SDDC meet its economic development objectives. The employment generating use itself would not strictly align with Policy E2, however the site is allocated for a use and therefore not intended as open land and whilst not adjacent to a settlement identified by the policy, is in an accessible location adjacent to a strategic employment site, wider considerations such as impacts on amenity are considered below. For these reasons the proposed development is acceptable in principle.

Access, Parking and Sustainable Travel

This application is supported by a Transport Assessment (TA) and Travel Plan (TP), prepared by Hub Transport Planning.

Access & Layout

Plots 10 lies to the south of the A50 and east of the A511. As set out above, outline planning permission was granted in December 2007 for a lorry park development on the site (Ref: 9/2007/0325/M) and subsequent reserved matters were granted in 2011 (Ref: 9/2011/0525/SSR). Whilst this permission was never implemented and has now expired, as part of that planning permission access was approved via a priority junction arrangement which is considered suitable for the proposed development.

The proposed development seeks to replicate this arrangement and drawing ref: T22521.003, contained within the submitted TA indicates the proposed site access with appropriate visibility splays. Internally, there is an internal service road and each plot has parking and associated yard. Swept paths show movement of vehicles up to HGV scale on the plots and enable access and egress of vehicles in forward gear.

This element of the application has been consulted on by DCC Highways and no objection is raised subject to a Section 78 for the amendments to the public highway at the point of connection.

Parking

It is noted that proposed car parking provision for Plot 10a is 60 spaces and for Plot 10b is 144 spaces, which includes electric vehicle charging spaces. It should be noted that motorcycle and cycle parking provision is also proposed.

This level of car parking provision was considered acceptable by DCC Highways for the type and quantum of development proposed.

Highways Impact and Sustainable Travel

The development will likely result in a significant increase in persons employment at the site (which whilst is an economic benefit) will increase trips to and from the site. The TA methodology, use of comparable TRICS and operational year of 2028 is accepted. No objection was raised by DCC Highways to the traffic impact arising from the development.

To promote sustainable travel policies at local and county level the applicant has sought to address this with the Travel Plan and provision of on-site cycle storage and electric vehicle charging points.

The travel plan has been considered by DCC Highways who have also suggested that other mechanisms are necessary, which would include:

- (a) A contribution to improve the footway/cycleway links from nearby bus stops to the site
- (b) Upgrading of local bus-stops,
- (c) Liaising with the bus companies to improve services
- (d) Discounted bus tickets
- (e) Provision of facilities such as lockers, showers and changing

The above are all aimed at encouraging increased use of walking/cycling and public transport by making their use more attractive. Some of the above will be conditioned whilst others will need to be secured by legal agreement.

The Highway Authority response in relation to the extent of other mechanisms and level of contributions is awaited.

The progress on this matter will be reported verbally to Planning Committee.

Flooding and Drainage

The site lies within Flood Zone 1 on the Environment Agency's flood map. Consequently, the area is deemed to be at the least risk to flooding. The FRA does highlight small isolated areas of at risk of medium of surface water flooding due to on site topography. The most applicable policies to consider are S1, S2, SD2, SD3 and SD6 of the LP1.

As the built development proposed has a significant roof area and introduces considerable impermeable paving it would therefore generate appreciable rainwater run-off, there is potential for substantial surface water and therefore potential for flooding of the site and/or other land. The strategy is to collect run off and attenuate in an off site basin under the control of the applicant to the east. In greater storm events, it is anticipated that there will be a need to collect run off in lesser areas of the site such as parking areas and landscaping, to then feed into the basin to maintain an acceptable rate of discharge.

The proposed drainage strategy was subject to consultation with the Local Lead Flood Authority (LLFA). In response to initial concerns, further information has been provided to the LLFA, which subsequently satisfactorily addressed all concerns. The LLFA do not object subject to conditions controlling the detailed drainage strategy, its maintenance and control of surface water during construction.

Overall, in terms of flood risk, water management and drainage subject to conditions and informatives it is considered that the development is in compliance with the listed policies.

Visual Impact and Design

Although the site is allocated for development in Policy INF2, the landscape surrounding it, which it will potentially impact upon is classified as a 'Rural Area'. The Policy BNE5 Development in Rural Areas states the following which is relevant to this development. Outside of settlement boundaries (as defined in policy SDT1) within the Rural Areas of the district planning permission will be granted where the development;

v) will not unduly impact on: landscape character and quality, biodiversity, best and most versatile agricultural land, and heritage assets.

Further to this, Policy BNE4 Landscape Character and Local Distinctiveness sets out that the council will expect all developments to demonstrate how they respect local landscape character and where practicable contribute towards enhancing landscape character.

The site sits on a major transport intersection, with the A50 running along the northern boundary of the site in an east-west direction interconnecting with the A511 Uttoxeter Road to the south and to Dove Valley Park and Foston to the north, at the Foston Interchange. In terms of statutory designations, as set out in the site description, the site is not designated for its value, does not comprise of a registered parks and/or gardens, nor within a 2km vicinity. The landscape is not considered to form part of the setting of any heritage assets.

The site falls within the Trent Valley Washlands Landscape Character Area and within the Lowland Village Farmlands Landscape Character Type as characterised by the Derbyshire Landscape Character Study 2014. The land-use is predominantly an agricultural, being a mixture of arable but also with grazing pasture and the stabling of horses present. Fields are generally rectangular and vary in size, with a mixture of predominantly well maintained, but some overgrown boundary hedgerows, and with some large and mature hedgerow trees.

Key characteristics of Lowland Village Farmlands are set out in the character study as:

- Gently rolling, almost flat, lowland with river terraces
- Low slopes and summits give a sense of elevation over a broad flood plain
- Mixed farming with arable cropping and improved pasture
- Thinly scattered hedgerow trees including some willow pollards
- Scattered, locally dense, watercourse trees
- Medium to large regular fields with thorn hedgerows
- Discrete red brick villages with farms and cottages
- Large red brick outlying farms

The development will result in two large scale commercial units on site; Plot 10A's width is 54.9m and length is 84.9m; and Plot 10B's width is 78.5m and length is 179.17m. The design proposed reflects the operational and functional requirements of modern commercial units, in terms of Plot B the design has been informed by the specific operational needs of the intending occupier. The proposed development seeks a mixture of external materials are used

- Metal Composite Cladding - the corners of the buildings, and certain 'feature' areas are provided with a composite cladding panel which has a micro-rib finish, to order to provide an enhanced aesthetic to the building.
- Metal Built-up Cladding - this is the primary material to the building, which features heavily on industrial buildings such as those being proposed. In this instance it is to be laid vertically and contrasts in colour to other materials.
- Aluminium Feature Band - running all the way around the perimeter of the building is a feature band which is a flashing band included to provide a further enhancement to the design.
- Glazing - the use of glazing to both the main entrance and the first floor office area provides an enhanced feel to the design.
- Curved Roof - the use of a curved roof design provides an enhanced aesthetic to the building.

The design given its scale will be an intrusion into the landscape. However, it is considered that, in most areas views of the site are not possible, views are limited to parts of Uttoxeter Road to the south-west, occupants of vehicles using the A50 to the north, very limited

viewpoints from Public Rights of Way south of the site and farm occupants of the adjacent Common House Farm. In addition, the allocation for a lorry park is considered to promote a land use which would also be incongruent with the landscape. With this in mind, the impact on national and local landscape character is not considered to be significant, whilst the more localised visual impacts can be minimised by way of appropriate buffer planting which will be conditioned and further material conditions set out below.

The applicant has proposed a design which is obviously functional. There is limited scope to amend the scale here without undermining the operational flexibility. The elevation detail has different elements to help create visual interest, but as proposed would be in a singular grey/metal colour. The design is considered acceptable, however, a condition will be added seeking specific samples of the proposed materials to ensure they are high quality, will resist ageing/be maintainable and explore modern options of colouring/banding to reflect the green surroundings and so where visible the intrusion will be mitigated.

Drawing the above together, it is considered that development located in open land and there would be some visual intrusion, but there is already an allocation seeking development which would be incongruent to the local landscape. Protective designations are possible but have not been put in place here. Mitigation will be conditioned which overall would result in no undue harm on landscape character and where possible enhancement in the form of planting, boundary treatments and tree planting will be delivered via condition. On this basis, the proposed development is acceptable with regards to design and visual impact.

Biodiversity, Ecology and Trees

An Ecological Impact Assessment has been prepared by Ramm Sanderson which assesses the potential ecological constraints associated with the proposed development site. The habitats impacted on site were of negligible ecological value.

Although none of the habitats on the site are considered to be of substantive nature conservation value, the proposed development would result in the removal of the majority of semi-natural vegetation from the site.

Policy BNL3 (biodiversity) supports development which contributes towards protecting or improving local biodiversity or geodiversity and delivering net gains in biodiversity wherever possible.

On this basis, the approach is to secure a Biodiversity Net Gain on land outside of the redline but controlled by the applicant (Clowes as freeholders of the wider Dove Valley Park employment site and adjacent sites). To evidence this control a blue line plan has been provided and ownership is accepted by Officers.

At the time of writing, Derbyshire Wildlife Trust (DWT) is considering the supporting Ecological Impact Assessment and approach to securing Biodiversity Net Gain off site.

Overall it is considered that it is important for the approach to offsite provision is based on an acceptance by DWT that all on site enhancement has been maximised; then off site provision is sufficient to deliver the value to result in a net gain to wildlife and biodiversity; and then such is deliverable/maintainable for a minimum of 30 years (but as per guidance in perpetuity) which needs to be suitably controlled by obligation as per the Environment Act.

Comments from DWT will be provided to the committee when available. If positive comments are secured by DWT, the proposed development from an ecology perspective would be in accordance with LPP1 Policy BNE3 and paragraph 174 of the NPPF.

With regards to trees, the proposed development will result in the loss of three groups of trees. Non are covered by a protective designation. The applicant provided a tree survey which is stated to meet British Standards on the matter and Officers have no reason to doubt this. Of the three to be removed, the survey identified 2 low quality groups of trees (G2 and G4) and a section of 1 moderate quality tree group (G1). Whilst no response has been received from the tree officer, Officers have considered the matter of the impact to trees.

Policy BNE7 seeks to protect trees, woodland and/or hedgerows which are important in terms of their amenity, ecological, landscape or historic value. In terms of amenity and landscape, the visual impact of the development is considered above and the site is not located within a designation seeking to protect the value of the landscape. It is considered that there is undoubtedly amenity value to the trees, but they are not protectively designated nor part of a protected view, indeed given the surroundings any views would be limited or transitional. The trees are not ancient woodland or protected by virtue of being within a conservation area. The ecological value will be considered by DWT, who's comments from DWT will be provided to the committee when available. The retained trees will be protected during construction and these protective measures will be requested by condition prior to commencement.

On this basis, subject to positive comments from DWT, the application is considered in compliance with relevant policies and guidance.

Cultural Heritage

The site does not contain any designated or non-designated heritage assets, however it is considered that there are possible archaeological remains, despite most previously being an airfield. The application was supported by a heritage statement including historical data regarding archaeological assets.

With regards to archaeological assets, the approach is set out in NPPF paragraph 205 and at local level policy BNE10 Heritage states:

Where appropriate, the Council may also require historical research and archaeological recording to be undertaken before works to a heritage asset commence; and, Development affecting non-designated archaeological sites will be assessed having regard to the scale of any harm and the significance of the site. In all cases measures will be undertaken to minimise impact and, where possible, to preserve the site in situ. The District Council will require public display and interpretation where appropriate

The application was consulted upon with Derbyshire County Archaeological Service who have outlined that the possibility of remains is the very high based on prehistoric crop marking and these would be of regional importance. On this basis, the applicant has provided a further desk-based assessment that provides research of the previous areas use through data and mapping and a geophysical assessment to better understand what is beneath the ground. Though this was limited given the debris of the airfield.

Overall, the final comments from Derbyshire County Archaeology Service set out that the best approach would be to condition further intrusive fieldwork which has been accepted by the applicant. Such an approach would require trial trenching to be followed by a second mitigation phase where significant remains are encountered, irrespective of the delay and cost to the applicant.

On this basis, there is an agreed approach which would acceptably maintain any historic remains inline with paragraph 205 of the NPPF and policy BNE10 and is therefore acceptable.

Effect on neighbouring amenity

The proposed development would result in industrial operations being sited closer to residential properties than might already exist. The allocation for lorry parking would also result in noise generating uses being sited closer to such properties also. The applicant submitted both an air quality assessment and noise assessment for the consideration of the Environmental Health Officer (EHO). The boundary of the site is well landscape with mature trees which assist in noise and air management, furthermore the baseline includes both A road which are sources of noise and odours, albeit the site is not within a designation suggesting a stress on the environment i.e. air quality management area. There has been an ongoing

dialogue between the applicant's consultants and the EHO, the main concern was noise to the Common House Farm to the south west. It appeared that a solution of a acoustic barrier and bund would be acceptable, the details of which would be conditioned.

At the time of writing Officers were waiting on final comments. Assuming positive comments and suitable agreed condition on the acoustic barrier the associated impacts from the development could be controlled and mitigated, so to accord with policy SD1.

The final position will be provided to committee on this matter.

Conclusions and Planning Balance

The proposal is contrary to the allocation set out in policy INF2 D(iv). Local authorities may depart from the development plan policy where material considerations indicate that the plan should not be followed. This power to depart is confirmed by article 32 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The approach to departing is set out in paragraph 122 of the NPPF. It is considered that the following are the material considerations which justify a departure:

- The site had historic permission for a lorry park, but this was never implemented
- The allocation was made as part of the LP1 dated 2016 which itself followed the strategic objective set out in LTP dated 2011. On this basis, the evidence based is not up to date.
- Since these allocations a range of lorry parking has been approved within a 50mile radius of Dove Valley Park
- The application proposes a development which is considered to deliver economic development benefits as confirmed by SDDC Economic Development team
- No objections have been raised by either Derbyshire County as the Local Highway Authority and South Derbyshire Policy Team, and no evidence has been provided to suggest an ongoing need for lorry parking
- The application will result in construction and operational full-time jobs which is also very likely to be greater than that created by a lorry park.

On this basis, it is considered in line with NPPF paragraph 122, that there are material considerations indicate that the allocation set out in policy INF2 D(iv) should not be followed.

The proposal has been assessed against wider land use policies, most pertinently Policy E2, and whilst it doesn't fully align, given the allocation representing this land is suitable for economic development and the location is adjacent to a strategic employment site, it was deemed acceptable on this basis.

Whilst there is likely some visual intrusion, the proposal is considered an appropriate functional design for a commercial development and will be screened by the existing and proposed planting. It is likely that there is archaeological remains and as such intrusive field work will be conditioned, but the impact will be acceptably mitigated by this process and no objection is raised by consultees. Whilst there are outstanding matters of biodiversity and sustainable travel upon which comments are still sought, assuming these are positive these matters will be acceptable and inline with the local plan.

Wider technical matters of drainage, highways impact, access, noise and air quality have given rise to no objections, subject to conditions.

Overall, for the reasons above, the development is acceptable in land use terms, gives rise to economic benefits and would not result in any unacceptable impacts in terms of technical matters, therefore the proposed development is considered to be in accordance with the adopted development plan, overarching policies of the NPPF and wider guidance set out in the

NPPG, and it should be supported, subject to positive consultee comments and resolution of outstanding matters.

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

Recommendation

GRANT permission subject to the conditions and planning obligations secured via legal agreement under S106 of the Town and Country Planning Act 1990 (as amended)

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

Standard

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. The development hereby permitted shall be carried out in accordance with plans/drawings:

Plot 10 - Site Location Plan - 222003-PLOT10-PL01 Rev C
Plot 10 - Proposed Overall Site Plan - 222003-PLOT10-PL16 Rev H
Plot 10A - Proposed External Fencing and Impact Protection Plan - 222003-PLOT10A-PL06 - Rev A
Plot 10A - Cycle Shelter Layout - 222003-PLOT10A-PL10 - Rev A
Plot 10A - Proposed Warehouse Ground Floor Plan - 222003-PLOT10A-PL17 - Rev A
Plot 10A - Proposed Main Office Plans - 222003-PLOT10A-PL18 - Rev A
Plot 10A - Proposed Roof Plan - 222003-PLOT10A-PL19 - Rev A
Plot 10A - Proposed General Arrangement Section - 222003-PLOT10A-PL20 - Rev A
Plot 10A - Proposed Elevations - 222003-PLOT10A-PL21 - Rev A
Plot 10B - Proposed Site Plan - 222003-PLOT10B-PL03 - Rev J
Plot 10B - Proposed External Finishes Plan - 222003-PLOT10B-PL05 - Rev K
Plot 10B - Proposed External Fencing and Impact protection Plan - 222003-PLOT10B-PL07 - Rev J
Plot 10 - Proposed Fencing and Bollard elevations - 222003-PLOT10-PL08 - Rev A
Plot 10B - Sprinkler Tanks Layout - 222003-PLOT10B-PL09 - Rev D
Plot 10B - Cycle Shelter Layout - 222003-PLOT10B-PL11 - Rev B
Plot 10B - Bin Store Layout - 222003-PLOT10B-PL12 - Rev D
Plot 10B - Proposed Ground Floor Plan - 222003-PLOT10B-PL27 Rev G
Plot 10B - Proposed Main Office Floor Plans - 222003-PLOT10B-PL28 Rev C
Plot 10B - Proposed Roof Plan - 222003-PLOT10B-PL29 Rev D
Plot 10B - Proposed Elevations - 222003-PLOT10B-PL30 Rev E

Plot 10B - Proposed GA Sections - 222003-PLOT10B-PL31 Rev B
Plot 10B - Proposed Substation Details 222003-PLOT10B-PL34 Rev B
Landscape Proposals Plot 10A - 22.1650.001
Landscape Proposals Plot 10B - 22.1650.002
Overall Drainage Strategy Plan - 2022.9506.SK01E

Air Quality Assessment – July 2022 V2
Arboricultural Impact Assessment - April 2022
Archaeological Desk-Based Assessment - July 2022
Geophysical Survey Report – August 2022
Design and Access Statement - April 2022
Flood Risk Assessment and Drainage Strategy – July 2022
Geo-Environmental & Geotechnical Desk Study - March 2022
Phase 2 Intrusive Ground Investigation Report – July 2022
UXO Desk Study & Risk Assessment - April 2022
Noise Assessment – August 2022 V2
Ecological Impact Assessment - March 2022
BIA Review – 31 August 2022
Transport Assessment - April 2022
Travel Plan - September 2022 Rev A
Economic Impact Note - April 2022
Landscape and Visual Appraisal – April 2022 22.1650.R1A

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

Reason: For the avoidance of doubt and to ensure a high-quality development.

Pre-Commencement

3. No development shall take place until a detailed design and associated management and maintenance plan of the surface water drainage for the site, in accordance with the principles outlined within:
 - a. Delta Simons, Flood Risk Assessment and Drainage Strategy, Plot 10, Dove Valley Park (July 2022) ref: 22-0012.01 including any subsequent amendments or updates as approved by the Flood Risk Management Team.
 - b. And DEFRA's Non-statutory technical standards for sustainable drainage systems (March 2015),
have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not increase flood risk and that the principles of sustainable drainage are incorporated into this proposal, and sufficient detail of the construction, operation and maintenance/management of the sustainable drainage systems are provided to the Local Planning Authority, in advance of full planning consent being granted.

4. No development shall take place until a detailed assessment has been provided to and approved in writing by the Local Planning Authority, to demonstrate that the proposed destination for surface water accords with the drainage hierarchy as set out

in paragraph 80 reference ID: 7-080-20150323 of the planning practice guidance.

Reason: To ensure that surface water from the development is directed towards the most appropriate waterbody in terms of flood risk and practicality by utilising the highest possible priority destination on the hierarchy of drainage options. The assessment should demonstrate with appropriate evidence that surface water runoff is discharged as high up as reasonably practicable in the following hierarchy:

- I. into the ground (infiltration);
- II. to a surface water body;
- III. to a surface water sewer, highway drain, or another drainage system;
- IV. to a combined sewer.

5. Prior to commencement of the development, the applicant shall submit for approval to the LPA details indicating how additional surface water run-off from the site will be avoided during the construction phase. The applicant may be required to provide collection, balancing and/or settlement systems for these flows. The approved system shall be operating to the satisfaction of the LPA, before the commencement of any works, which would lead to increased surface water run-off from site during the construction phase.

Reason: To ensure surface water is managed appropriately during the construction phase of the development, so as not to increase the flood risk to adjacent land/properties or occupied properties within the development.

6. The attenuation ponds should not be brought into use until such a time as it is fully designed and constructed in line with CIRIA SuDS manual C753 and to the agreed specifications on document:
 - a. Delta Simons, Flood Risk Assessment and Drainage Strategy, Plot 10, Dove Valley Park (July 2022) ref: 22-0012.01 including any subsequent amendments or updates as approved by the Flood Risk Management Team.and an associated management and maintenance plan, in line with CIRIA SuDS Manual C753 is submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed attenuation pond does not increase flood risk, that the principles of sustainable drainage are incorporated into the proposal, the system is operational prior to first use and that maintenance and management of the sustainable drainage systems is secured for the future.

7. Prior to the commencement of the development a Construction Environmental Management Plan (CEMP) for the proposed development shall be submitted to and approved in writing by the Local Planning Authority.

The CEMP shall provide details of how demolition and construction works are to be undertaken and include:

- i) The identification of stages of works;
- ii) The parking of vehicles of site operatives and visitors
- iii) The erection and maintenance of security hoarding including external safety and information signage, interpretation boards, decorative displays

and facilities for public viewing, where appropriate

- iv) Details of working hours, which unless otherwise agreed with the Local Planning Authority shall be limited to 08.00 to 18.00 Monday to Friday and 08.00 to 13.00 on Saturdays);
- v) Details of all plant and machinery to be used during preparatory and construction stage, including an inventory of all Non-road Mobile Machinery (NRMM);
- vi) Details of any further Unexploded Ordnance Surveys;
- vii) Details of community engagement arrangements and complaints procedure;
- viii) Details of a acoustic hoarding on boundary of site;
- ix) Details of mitigation measures any species identified on site;
- x) Details for avoiding vegetation clearance during the bird nesting season;
- xi) A temporary drainage strategy and performance specification to control surface water runoff and Pollution Prevention Plan (in accordance with Environment Agency guidance);
- xii) Details of external lighting demonstrating no unacceptable impact on wildlife;
- xiii) Details of noise, dust and air quality monitoring and compliance arrangements, including provision for monthly attendance at the Parish council meeting;
- xiv) Details of measures to remove/prevent re-colonisation of non-native species; and
- xv) The appointment of an Ecological Clerk of Works to oversee the works and approved monitoring and compliance arrangements.
- xviii) Access and protection measures around the construction site for pedestrians, cyclists and other road users

The Proposed Development shall only be carried out in accordance with an approved CEMP.

Reason: To safeguard residential amenity and protect areas of nature conservation interest.

8. No part of the development shall commence until geotechnical information has been submitted to and approved in writing by the Local Planning Authority in consultation with National Highways to demonstrate that the proposed earthworks associated with the development will have no adverse effect on the structural integrity of the SRN.

Reason: To ensure that the A50 trunk road continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act 1980, in the interest of road safety.

9. No part of the development shall commence until full details of the boundary treatment adjacent to the A50 boundary have been submitted to and approved in writing by the Local Planning Authority in consultation with National Highways. The approved boundary treatment shall therefore be constructed in accordance with the approved plans and maintained in perpetuity.

Reason: To ensure that the A50 trunk road continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act 1980, in the interest of road safety.

10. No part of the development shall commence until details of a final surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority in consultation with National Highways. The development shall be carried out in accordance with the approved scheme.

Reason: To ensure that the A50 trunk road continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act 1980, in the interest of road safety.

- 11.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, and until any pre-start element of the approved scheme has been completed to the written satisfaction of the local planning authority. The scheme shall include an assessment of significance and research questions; and
1. The programme and methodology of site investigation and recording
 2. The programme for 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
 6. Nomination of a competent person or persons/organization 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) The development shall not be occupied until the site investigation and post investigation reporting has been completed in accordance with the programme set out in the archaeological Written Scheme of Investigation approved under condition (a) and the provision to be made for publication and dissemination of results and archive deposition has been secured.

Reason: In the interests of archaeology and designated heritage asset protection, conservation and recording.

12. No development, including preparatory works, shall commence until a scheme for the protection of trees and hedgerows has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall be based on best practice as set out in BS 5837:2012 and ensure that no vehicles can access, and no storage of materials or equipment can take place within, the root and canopy protection areas. The approved scheme of protection shall be implemented prior to any works commencing on site and thereafter retained throughout the construction period.

Reason: To protect existing trees and hedgerow through the construction period of the development.

13. Prior to the commencement of development including preparatory works the details of any fencing (including temporary) including the specification of suitable mammal gaps shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of safeguarding against harm to protected species during the period of construction and throughout the life of the development.

14. Prior to the commencement of the development a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The content of the LEMP shall cover a period of 40 years and include the following:

- a) Description and evaluation of features to be managed;
- b) Ecological trends and constraints on site that might influence management;
- c) Aims and objectives of management, including mitigation and enhancement for species identified on site;
- d) Appropriate management options for achieving aims and objectives;
- e) Prescriptions for management actions;
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a twenty-year period);
- g) Details of the body or organisation responsible for implementation of the plan, along with funding mechanism(s) for that body or organisation;
- i) Ongoing monitoring and remedial measures, including where monitoring shows that conservation aims and objectives of the LEMP are not being met.

The approved plan shall be implemented in accordance with the approved details.

Reason: In the interests of safeguarding against harm to protected species throughout the construction period and for the life of the development.

Standalone trigger

15. Prior to their incorporation into the buildings hereby approved, details and samples of the external materials shall be submitted to and approved in writing by the Local Planning Authority. The buildings shall thereafter be constructed in accordance with the approved materials.

Reason: In the visual interest of the buildings and character and appearance of the area.

Prior to occupation

16. Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority. This must demonstrate that the drainage system has been constructed as

per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls).

Reason: To ensure that the drainage system is constructed to the national Non-statutory technical standards for sustainable drainage and CIRIA standards C753.

Compliance

17. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To protect and prevent the pollution of controlled waters, future end users of the land, neighbouring land, property and ecological systems from potential pollutants

18. No removal of hedgerows, trees or shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.
19. Throughout the period of construction 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 interest of highway safety and that there would be no debris on the highway during the construction period.

Please note a list of suggested conditions will be circulated at the Planning Committee following further comments from consultees.

Informatives:

- A. The County Council does not adopt any SuDS schemes at present (although may consider ones which are served by highway drainage only). As such, it should be confirmed prior to commencement of works who will be responsible for SuDS maintenance/management once the development is completed.
- B. Any works in or nearby an ordinary watercourse may require consent under the Land Drainage Act (1991) from the County Council. For further advice, or to make an application please contact Flood.Team@derbyshire.gov.uk.
- C. No part of the proposed development shall be constructed within 5-8m of an ordinary watercourse and a minimum 3 m for a culverted watercourse (increases with size of culvert). It should be noted that DCC have an anti-culverting policy.
- D. The applicant should be mindful to obtain all the relevant information pertaining to proposed discharge in land that is not within their control, which is fundamental to allow the drainage of the proposed development site.

E. The applicant should demonstrate, to the satisfaction of the Local Planning Authority, the appropriate level of treatment stages from the resultant surface water discharge, in line with Table 4.3 of the CIRIA SuDS Manual C753.

F. The County Council would prefer the applicant to utilise existing landform to manage surface water in mini/sub-catchments. The applicant is advised to contact the County Council's Flood Risk Management team should any guidance on the drainage strategy for the proposed development be required.

G. The applicant should provide a flood evacuation plan which outlines:

- The flood warning procedure
- A safe point of extraction
- How users can safely evacuate the site upon receipt of a flood warning
- The areas of responsibility for those participating in the plan
- The procedures for implementing the plan
- How users will be made aware of flood risk
- How users will be made aware of flood resilience
- Who will be responsible for the update of the flood evacuation plan

H. Flood resilience should be duly considered in the design of the new building(s) or renovation.

Guidance may be found in BRE Digest 532 Parts 1 and 2, 2012 and BRE Good Building Guide 84.

I. Surface water drainage plans should include the following:

- Rainwater pipes, gullies and drainage channels including cover levels.
- Inspection chambers, manholes and silt traps including cover and invert levels.
- Pipe sizes, pipe materials, gradients, flow directions and pipe numbers.
- Soakaways, including size and material.
- Typical inspection chamber / soakaway / silt trap and SW attenuation details.
- Site ground levels and finished floor levels.

J. On Site Surface Water Management;

- The site is required to accommodate rainfall volumes up to the 1% probability annual rainfall event (plus climate change) whilst ensuring no flooding to buildings or adjacent land.
- The applicant will need to provide details and calculations including any below ground storage, overflow paths (flood routes), surface detention and infiltration areas, etc, to demonstrate how the 100 year + 40% Climate Change rainfall volumes will be controlled and accommodated. In addition, an appropriate allowance should be made for urban creep throughout the lifetime of the development as per 'BS 8582:2013 Code of Practice for Surface Water Management for Developed Sites' (to be agreed with the LLFA).
- Production of a plan showing above ground flood pathways (where relevant) for events in excess of the 1% probability annual rainfall event, to ensure exceedance routes can be safely managed.
- A plan detailing the impermeable area attributed to each drainage asset (pipes, swales, etc).

Peak Flow Control

- For greenfield developments, the peak run-off rate from the development to any highway drain, sewer or surface water body for the 1 in 1 year rainfall event and the 1 in 100 year rainfall event, should never exceed the peak greenfield run-off rate for the same event.
- For developments which were previously developed, the peak run-off rate from the development to any drain, sewer or surface water body for the 100% probability annual rainfall event and the 1% probability annual rainfall event must be as close as reasonably practicable to the greenfield run-off rate from the development for the same rainfall event, but should never exceed the rate of discharge from the development, prior to redevelopment for that event.

Volume Control

- For greenfield developments, the runoff volume from the development to any highway drain, sewer or surface water body in the 6 hour 1% probability annual rainfall event must not exceed the greenfield runoff volume for the same event.
- For developments which have been previously developed, the runoff volume from the development to any highway drain, sewer or surface water body in the 6 hour 1% probability annual rainfall event must be constrained to a value as close as is reasonably practicable to the greenfield runoff volume for the same event, but must not exceed the runoff volume for the development site prior to redevelopment for that event.

Note:- If the greenfield run-off for a site is calculated at less than 2 l/s, then a minimum of 2 l/s could be used (subject to approval from the LLFA).

- Details of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure the features remain functional.
- Where cellular storage is proposed and is within areas where it may be susceptible to damage by excavation by other utility contractors, warning signage should be provided to inform of its presence. Cellular storage and infiltration systems should not be positioned within the highway.
- Guidance on flood pathways can be found in BS EN 752.
- The Greenfield runoff rate which is to be used for assessing the requirements for limiting discharge flow rates and attenuation storage for a site should be calculated for the whole development area (paved and pervious surfaces - houses, gardens, roads, and other open space) that is within the area served by the drainage network, whatever the size of the site and type of drainage system. Significant green areas such as recreation parks, general public open space, etc., which are not served by the drainage system and do not play a part in the runoff management for the site, and which can be assumed to have a runoff response which is similar to that prior to the development taking place, may be excluded from the greenfield analysis.

K. If infiltration systems are to be used for surface water disposal, the following information must be provided:

- Ground percolation tests to BRE 365.
- Ground water levels records. Minimum 1m clearance from maximum seasonal groundwater level to base of infiltration compound. This should include assessment of relevant groundwater borehole records, maps and on-site monitoring in wells.
- Soil / rock descriptions in accordance with BS EN ISO 14688-1:2002 or BS EN ISO 14689-1:2003.
- Volume design calculations to 1% probability annual rainfall event + 40% climate change standard. An appropriate factor of safety should be applied to the design in accordance with CIRIA C753 – Table 25.2.
- Location plans indicating position (soakaways serving more than one property must be located in an accessible position for maintenance). Soakaways should not be used within 5m of buildings or the highway or any other structure.
- Drawing details including sizes and material.
- Details of a sedimentation chamber (silt trap) upstream of the inlet should be included.

Soakaway detailed design guidance is given in CIRIA Report 753, CIRIA Report 156 and BRE Digest 365.

L. All Micro Drainage calculations and results must be submitted in .MDX format, to the LPA. (Other methods of drainage calculations are acceptable.)

M. The applicant should submit a comprehensive management plan detailing how surface water shall be managed on site during the construction phase of the development ensuring there is no increase in flood risk off site or to occupied buildings within the development.

Item No. 1.2

Ref. No. DMPA/2022/0318

Valid date: 15/03/2022

Applicant: Derbyshire County Council **Agent:** Planning and Design Practice Ltd

Proposal: **Listed building consent for the conversion and extension of buildings to provide commercial, recreational and educational uses, and the demolition of a section of retaining wall Elvaston Castle Country Park, Borrowash Road, Elvaston, Derby, DE72 3EP**

Ward: Aston

Reason for committee determination

This item is presented to the Committee at the discretion of the Head of Planning and Strategic Housing due to the public interest in the application, and that an application for redevelopment at Elvaston Castle submitted to Derbyshire County Council was previously considered by committee.

There are two concurrent applications for the site; a Planning Application, being determined by Derbyshire County Council, and a Listed Building Consent application, being determined by South Derbyshire District Council. This report, and subsequent decision, is for the Listed Building Consent only. There has been a level of public interest in the Planning Application, and comments have been submitted to this case reference. The matter is brought to Committee to clarify the extent of the Listed Building Consent and the decision required by the Local Planning Authority.

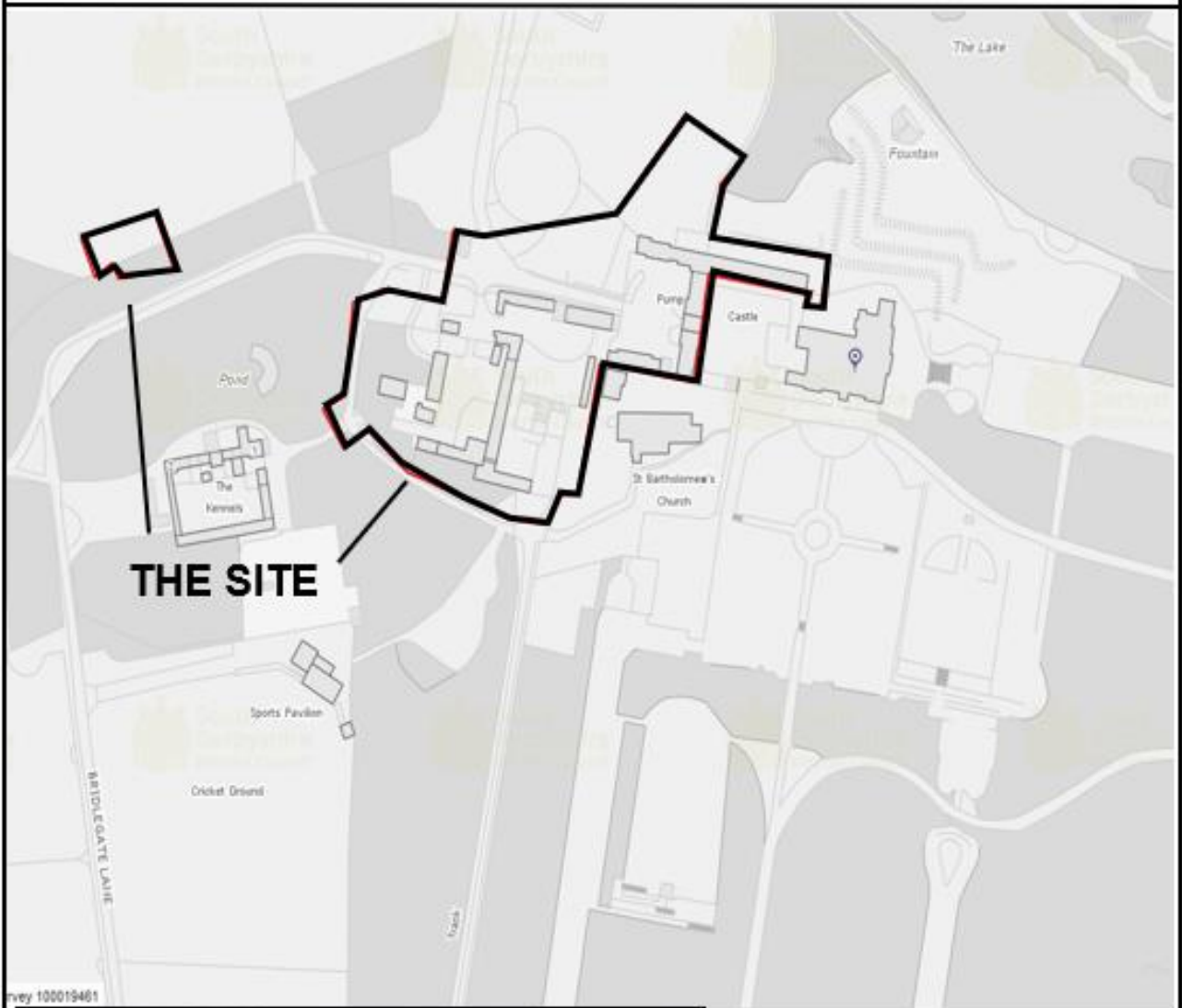
Site Description

Elvaston Castle Country Park is located approximately 6km southeast of Derby City centre and sits in close proximity to the villages of Thulston and Elvaston. The Castle estate comprises Elvaston Castle itself and associated core buildings, formal gardens, parkland, and lake, the existing visitor car park, and surrounding arable and grazing land and outlying estate buildings.

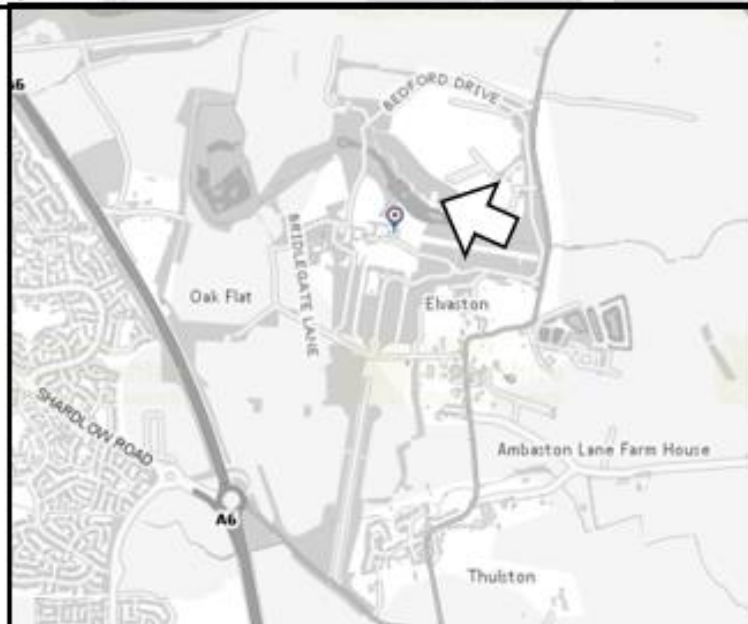
Elvaston Castle Country Park encompasses approximately 321 acres of open parkland, woodland and more formal historical gardens. At the heart of the estate lies Elvaston Castle, a gothic revival masterpiece designed by James Wyatt in the early 1800s based on the original house dating back to 1633. The gardens are locally renowned for their rockwork structures and fine examples of topiary, originally introduced and designed by William Barron in the 19th century. Both the buildings and gardens are registered as being of special architectural and historical interest.

The site was historically accessed via the southern avenue, which now adjoins the B5010, but the site is now primarily accessed from the visitor car park which is situated approximately 350m northeast of the Castle. The visitor car park is accessed via Ball Lane (B1050). It is a Grade II* Listed Registered Park and Garden, described by Historic England as a "unique Victorian fantasy" and designed by influential garden designer William Barron. It is a remarkably well preserved and complete historic country house estate, comprising the Grade II* Listed castle (remodeled in the early 19th century to the designs of James Wyatt around a still surviving Elizabethan core), the Grade I Listed Church of St Bartholomew and 17 other

DMPA/2022/0318 ELVASTON CASTLE COUNTRY PARK, BORROWASH ROAD, ELVASTON, DERBY, DE72 3EP



LA 100019461



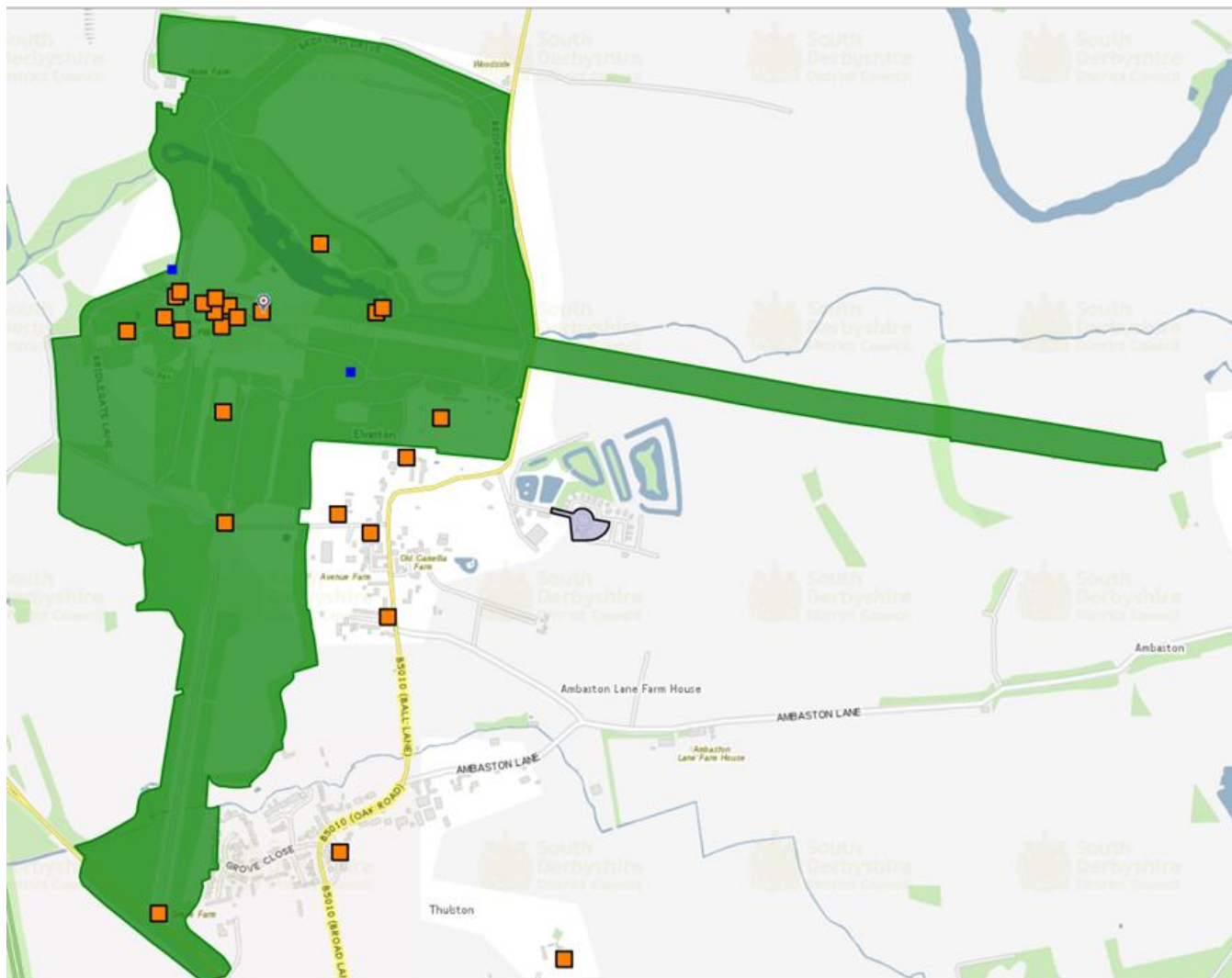
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South Derbyshire District Council, LA 100019461.2020

Grade II Listed buildings including stable block and coach house ranges, garden structures, farm buildings and kennels.

The mapping below indicates the extent of the Registered Park and Garden (green), the designated heritage assets/Listed Buildings (orange) and non-designated heritage assets (blue).



The proposal

To support the exploration of new ways of attracting more visitors, increasing income and protecting Elvaston's heritage in the years to come, a 10 year vision for the estate and gardens was developed to manage the estate. In 2018 Derbyshire County Council, working alongside the Elvaston Castle and Gardens Trust progressed the vision to produce the Elvaston Castle Masterplan, which sets out the joint ambitions for the future of the estate. The Masterplan tackles the legibility of the estate with the aim to restore and regenerate the historic castle and county park.

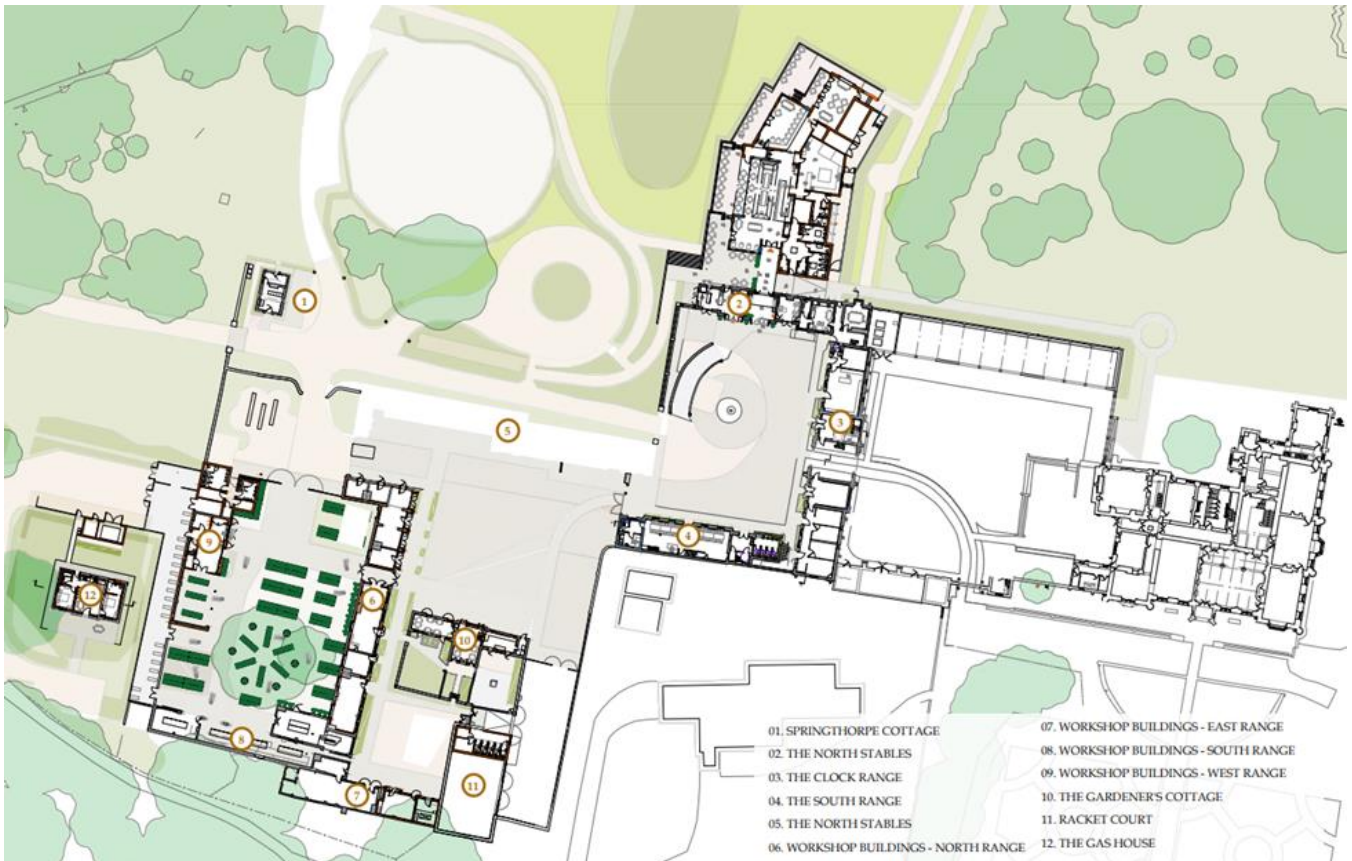
This application seeks Listed Building Consent for the conversion and extension of buildings to provide commercial, recreational and educational uses, and the demolition of a section of retaining wall.

Key proposals include relocating the car park adjacent to the historic buildings at the core of

the estate (**not part of this LBC application**). These buildings will be restored and converted to accommodate uses to enhance visits to Elvaston. Uses will include visitor welcome and interpretation; visitor facilities such as toilets; a new café/restaurant; retail and craft units and an adventurous play facility. In combination with this, some spaces and buildings will be managed for 'pop-up' retail. The proposals are intended to ensure a sustainable future for the estate, attracting more visitors, increasing income to help with the high running costs and protecting the heritage of the site.

The first part of the Elvaston Castle Masterplan to be implemented will be the Core Buildings, to the west of the castle and consisting of Springthorpe Cottage; the Upper and Lower Stable Yard Buildings; the former Workshop Building, Gardener's Cottage; and former Gas House. Many of these former service buildings are now redundant and sit empty and their condition is actively deteriorating. Through this regeneration project, the historic courtyards will become the vibrant heart of the estate, from which visitors set out to explore the castle and grounds.

Springthorpe Cottage, the first building most visitors will encounter on their way into the estate from the new car park, will be restored and opened to the public to provide a friendly welcome, introduce visitors to both the history and amenities of the estate and show them how they can explore the grounds. Further interpretation will be provided in an exhibition space proposed in the East Range of the Upper Stables Yard, and elsewhere in the estate using innovative methods. Elsewhere in the Core Buildings area, a mixture of new retail and studio style workshop space is proposed in the existing stables and workshop buildings which surround the two stable yards. The existing buildings will be restored and converted whilst retaining and enhancing their original charm and historic details. A new garden plant sales area is proposed to the south and west of the former Workshop Building, with the original features of the engine and saw rooms in these spaces being retained as display areas. The former museum shop (built around 1970) will be renovated, reclad and extended to provide additional covered display space and a shop for the plant sales area. A new purpose-built café is proposed in an extension to the north range of the Upper Stable Yard, and the former Gardener's Cottage, with its walled garden, will be restored and converted into a tearoom. New public toilets, including accessible WCs and a Changing Places room, for people with severe disabilities, will also be provided within the Core Buildings area. Education will be an important part of the regenerated estate. As well as using the stable yards and parkland as informal outdoor classrooms, a dedicated education centre has been proposed in the South Range of the Upper Stable Yard Buildings for use by school and community groups. The Elvaston Castle Masterplan identified several parts of the estate where holiday-let accommodation could be developed. Within the first phase of the masterplan it is proposed that the former Gas House, in the south-west corner of the Core Buildings area will be converted into a two bedroom self-catering guest house. It is also proposed that lettable office space will be provided in parts of the Upper and Lower Stable Yard buildings.



Springthorpe Cottage will be restored and opened to the public as a welcome and information centre. Visitors will be introduced to the history of the estate, activities taking place and the facilities available to them during their visit. It will be one of the first buildings that visitors to the estate will engage with during their visit.

The Upper Stable Yard will be another key location for visitors as it will be one of the first spaces they enter after exiting the new car park. Here it is proposed to locate a mix of uses, including café, gift shop, interpretation spaces and education centre.

The North Range of the Upper Stable Yard will be restored, and a new 150 cover café created, which will replace the 50-cover café operating from the ground floor of the Castle. The new café building will consist of a main and lower café, and service block, which will extend to the Paddock at the rear of the North Range. The North Range will serve as the main entrance to the café, as well as a small ice cream parlour / coffee shop and accommodation for staff. Outside the café, a new adventurous play space will be created.

The East Range of the Upper Stables Yard a mix of retail, office and exhibition space is proposed. The ground floor of the southern stable will be repurposed with minor alterations as a retail unit. On the ground floor of the north East Range a further retail unit is proposed, which will be used as a gift shop. On the first floor, 4 new commercial offices to let are proposed.

The South Range of the Upper Stable Yard, which is currently an information centre and shop, will become an education centre. The centre will play an important role in educating children and adults about the importance of conservation and the preservation of the built and natural environment. Accessible toilet facilities and a calm room for individuals who require this space, will also be provided.

The remains of the Racket Court located on the south side of the Upper Stable Yard will be redeveloped to provide a new public toilet for those using the Gardener's Cottage or attending outdoor events hosted in the Stable Yard.

The former Gas House is a two-bedroom holiday let cottage, which will have its own car parking area, accessible via the new road which leads from the proposed new carpark.

The Lower Stables Yard will be repurposed to provide a mix of retail, studio, and commercial workspace. The proposed plan will create six commercial units in the North Stables, which will each have their own direct access from the stable yard. The outside space will be used for holding pop-up events or markets.

The Gardener's Cottage will be converted to a new tearoom within the former Gardener's Cottage and its grounds.

The former Saw Yard and its associated buildings will also be used as a plant sales area.

The Workshop Buildings which are comprised of a range of former workshops situated along the western edge of the Lower Stable Yard will be used to create ten additional commercial units.

The former Blacksmith Shop will be brought back into its historic use and host live demonstrations to the Estate's visitors.

Delivery drive, spurring from the car park to the core buildings. This will plot a careful path through existing woodland, and will require the removal of a short section of retaining wall.

Applicant's supporting information

The proposal will also deliver public benefits. The provision of a new access drive in close proximity to the A6 will provide better connection to the strategic road network – increasing the attractiveness of Elvaston as a visitor destination and place to invest, and negating the need to drive through the villages of Elvaston and Thulston to access the park. A Green Travel Plan has been prepared as part of the scheme, which will promote and facilitate sustainable travel options into the future. A pedestrian link with the proposed sports facility to the south, and new housing to the south west, will be provided.

The scheme includes a designated education space and a visitor information hub. Hitherto inaccessible historic buildings and spaces will be opened to the public, their historic significance revealed and interpreted. The William Barron gardens will be restored and better protected through reduced foot fall pressures around the existing car park. Events spaces will be created to help increase the range and depth of public engagements – with the intention of reaching 'hard to reach' groups. Increased public engagement with Elvaston and improved visitor facilities will enable more people to benefit from its cultural and recreational opportunities – with the associated benefits to physical and mental wellbeing that this will bring.

The conversion and re-use of the many of the historic buildings at Elvaston will facilitate their repair and restoration, as well as their long term upkeep into the future. The spaces around them will be sensitively landscaped – to improve their appearance, accessibility and usability, whilst protecting and restoring historic surfacing. Whilst the restoration and re-use of the castle itself does not form part of this particular application, it does form part of the second phase of

the masterplan, and the first phase will act as an 'enabler' by providing the infrastructure, footfall and inward investment needed to facilitate the redevelopment of the castle.

Key to the Masterplan are six 'guiding principles'. These principles will direct all future management decisions, whoever is responsible for Elvaston Castle and Estate:

1. Freehold of the Estate will be retained by Derbyshire County Council;
2. A competent single management body will control the overall governance of the Estate with the balance of conservation, heritage and access at its core;
3. Financial sustainability will be fundamental to the delivery of the vision, facilitated by a business model that provides on-going reinvestment in the long term stewardship of the Estate without eroding its significance;
4. The historic, landscape and biodiversity significance will be protected, conserved and, where sustainable, enhanced;
5. Public access to the gardens, parkland and house will be provided and maintained; the parkland at least will be free at the point of entry on foot. The stories and rich heritage will be understood, shared and celebrated;
6. People, community involvement and partnership working will be at the heart of all activities.

Documents submitted supporting the application included:

Planning Statement

Heritage Statement

Design & Access Statement

Materials - outline specification

Desk based Archaeological Assessment

Submitted existing & proposed elevations and floorplans, plus roof plan where applicable of:

- Springthorpe Cottage
- The Upper Stable Yard
- The North Range of the Upper Stable Yard
- The East Range of the Upper Stables Yard
- The South Range of the Upper Stable Yard
- The remains of the Racket Court
- The former Gas House
- The Lower Stables Yard
- The Gardener's Cottage
- The former Saw Yard
- The Workshop Buildings
- The former Blacksmith Shop

Plans provided to illustrate

- Proposed alteration to the boundary wall
- Proposed café building

Additional information was provided for the wider context of the Planning Application

- Landscape Proposals - car park
- Illustrative landscape mitigation
- Detail proposal plan - adventurous play
- Proposed roundabout arm
- Landscaping materials - outline specification
- Landscape proposals - core project
- Estate landscape - proposed site plan
- Detail proposals plan - Rookery Wood

Relevant planning history

None

Responses to consultations and publicity

Historic England

Initial Comments May 2022: Historic England has concerns regarding the application on heritage grounds.

While heritage benefits would be delivered by some aspects of the proposals, some interventions would result in a degree of less than substantial harm to the significance of the registered park and garden, and the significance, derived from their setting, of the registered park, Castle and other key listed buildings. Your authority will need to be satisfied that there is clear and convincing justification for any harm to heritage significance, and that these are outweighed by public benefits, in line with the requirements of the National Planning Policy Framework. We have identified aspects of the proposals that we believe would benefit from further exploration and review, and have concerns about the application on heritage grounds. We would be happy to engage in further discussion and provide further advice.

In particular, in our view the proposed café would not sit happily within the historic landscape and in relation to the historic buildings. We recommend that both materials and design are revisited and that your authority is satisfied that there is a clear and convincing justification for its size and scale. We have also identified areas that we believe would benefit from further exploration and review, including likely demand for commercial uses such as office space. Clarity is also needed on the use of the Castle following the implementation of the proposed new development, to ensure the conservation of the registered park and Castle is secured. We would be happy to engage in further discussion and to provide further advice.

Subsequent on site meeting: June 2022

On site meeting with Historic England, architects, heritage consultant, DCC & SDDC.

All matters addressed from Historic England's previous comments. There was a request for minor adjustment to the design of the café building which was submitted to Historic England, and informal comments received. No further formal comments were received for the LBC application, and conversations on site enabled the concerns to be clarified by the development team. The comments state that the LPA should be satisfied that the level of harm is outweighed by the proposed outcome, and the scale of new build is justified. The Conservation

Officer participated in the site visit, no further concerns were raised, and the planning assessment below confirms the support at Conservation Officer level.

Elvaston Parish Council

The Parish Council are supportive of the plans to convert and extend current historical buildings to provide recreation and educational facilities as outlined, with the caveat that this is completed utilising current access arrangements and the plans for the new access road are not accepted.

Friends of Elvaston Castle

The Friends of Elvaston Castle wish to object to the proposals for a number of reasons; The scale and massing of the proposals is incongruous in comparison to the Castle and core buildings, especially when approaching from the western end of the lake.

A number of views of the setting of the Castle will be compromised by the size and structure of the proposed changes, completely destroying any possible historical interpretation of the significance of the setting of the house and, in particular, its relationship to the Grade I Listed St. Bart's Church.

The Friends of Elvaston believe that reason for the proposals is to support a hidden agenda of Derbyshire County Council's and, as such, our complete objection is as follows;

On behalf of The Friends of Elvaston Castle, a voluntary community group containing approximately 2,500 members an official objection by the Friends Group, to the new road and car parks aspects of the latest development proposals by Derbyshire County Council for Elvaston Castle and Country Park, on the grounds that they are;

Detrimental to the future of the Estate as a country park and are unwanted by the majority of the community, as proven by a 10,510 signature public petition against them, which was ignored by the County Council in favour of its development proposals contrary to at least two of the Six Guiding principles which are supposed to drive the Council's masterplan in respect of Elvaston Castle Country Park;

Number 4: The historic, landscape and biodiversity significance will be protected, conserved and, where sustainable, enhanced

Number 6: People, community involvement and partnership working will be at the heart of all activities

Plus additional comments and concerns raised on the public consultation, the local nature reserve, the green belt, flood zone, maintenance of water course, drainage, job creation figures, and loss of visual amenity.

Public Comments

In total 43 comments were submitted to SDDC in response to this application. However, the comments largely focussed on the proposed driveway. a summary of comments is below:

- a) Objection to on the provision of the driveway, highway development and new car parking
- b) Objection to the felling of trees
- c) Objection to the use of public money to fund the development
- d) Objection to the impact to environment, ecosystem & flooding
- e) Objection to the new build café
- f) Objection to the impact on bridle ways
- g) Support the redevelopment of the existing buildings

Relevant policy, guidance and/or legislation

The relevant Development Plan policies are:

Local Plan Part 1 (LP1): BNE2 (Heritage Assets)

Local Plan Part 2 (LP2): BNE10 (Heritage)

The relevant national policy and guidance is:

National Planning Policy Framework (NPPF) 2021

Planning Practice Guidance (PPG)

The relevant legislation is:

Planning (Listed Buildings and Conservation Areas) Act 1990

Planning considerations

Taking into account the application made, the documents submitted and the site and its environs; the main issues central to the determination of this application are:

- the extent to which the proposal will result in a level of harm to the historic environment
- if harm will result, whether it is less than substantial harm, and is that harm outweighed by the public benefit; and
- the extent to which the proposal will result in preservation and/or enhancement of the designated heritage assets.

Planning assessment

The extent to which the proposal will result in a level of harm to the historic environment

This application seeks Listed Building Consent for the conversion and extension of buildings to provide commercial, recreational and educational uses, and the demolition of a section of retaining wall. Having assessed the application, it is considered that the proposal results in less than substantial harm (low level).

If harm will result, whether it is less than substantial harm, and is that harm outweighed by the public benefit

It is the officer's view that the level of harm is outweighed by the public benefits arising from the proposed project and in particular securing a long term viable investment into the historic site. Alterations are subject to the Listed Building Consent application; the design, methodology, materials and conservation principles having been considered as part of the LBC assessment. The principle of reuse and repair of the existing Listed Buildings is supported, as is the principle of a contemporary extension and new build to facilitate visitor requirements.

The extent to which the proposal will result in preservation and/or enhancement of the designated heritage assets.

The officer assessment is that the principle of adaptation, alteration and extension to the built form within the application site is acceptable, having taking into account the site, and the At Risk status. It is considered that the proposal results in both preservation and enhancement of the historic environment and designated heritage assets.

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 brings 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. When preservation in the original purpose is no longer feasible, conservation and management of the assets can result in a successful outcome for the future of the At Risk buildings. Historic England did raise a concern regarding the new build element of the proposal, and the potential underutilisation of the existing buildings on the site. This was discussed in detail at the site visit in June, and clarity was provided on the reasons for the new café facility, and the next step proposals (subject to a future LBC application) for the Castle. The application requires new build, in part an enabler to the next phase of the Masterplan, to provide a fit for purpose café, and allow for grander plans for the reuse of the Castle.

At the core of the Masterplan, and not considered as part of this application, is the proposed vehicular approach to the built form by creating a new access driveway and parking facility. 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. Car parking and the associated change to the natural landscape is the most contentious aspect of many applications. 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.

Having considered the application it is concluded that the proposed scheme of work outlined in the LBC would result in less than substantial harm to the historic fabric, character and appearance, and the setting of Listed Buildings. The proposed plans and annotated drawings clearly demonstrate there is a collective understanding by the application team for the appropriate conservation approach to the historic environment. Repair, redecorate, reinstate damaged/defective/missing architectural detail, removal of derelict/redundant later additions, secondary glazing - detail that reassures that the approach is appropriate for the level of significance this site deserves. The use of natural materials, matching like-for-like, and incorporating sensitive materials such as zinc for newly introduced elements of the building is the appropriate conservation and redevelopment principles, which is supported. The level of harm (less than substantial) can be outweighed by the public benefit, and will result in preserving and enhancing the historic environment and the designated heritage assets. The proposal complies with the relevant legislation and policies outlining development of a Listed Building.

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

Recommendation

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

Reason: To conform with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. The works hereby permitted shall be carried out in accordance with plans/drawings ref. below unless as otherwise required by condition attached to this consent.

DRAWING NUMBER DRAWING TITLE

SITE PLAN

ECR_SAB_XX_XX_LP_A_01 10 Proposed Site Plan - Planning Application Boundary
ECR_SAB_XX_XX_LP_A_01 11 Proposed Site Plan - LBC Application Boundary
ECR_SAB_XX_XX_LP_A_01 12 Proposed Site Plan - Phase 1 Development Boundary

UPPER STABLES

ECR_SAB_US_00_SU_A_01 01 Existing Ground Floor Plan
ECR_SAB_US_01_SU_A_01 01 Existing First Floor Plan
ECR_SAB_US_RP_SU_A_01 01 Existing Roof Plan
ECR_SAB_US_00_SU_A_02 01 South Range - Existing Elevations
ECR_SAB_US_00_SU_A_02 11 East Range - Existing Elevations
ECR_SAB_US_00_SU_A_02 21 North Range - Existing Elevations
ECR_SAB_US_00_GA_A_01 01 Proposed Ground Floor Plan
ECR_SAB_US_01_GA_A_01 01 Proposed First Floor Plan
ECR_SAB_US_RP_GA_A_01 01 Proposed Roof Plan
ECR_SAB_US_XX_GA_A_02 01 South Range - Proposed Elevations
ECR_SAB_US_XX_GA_A_02 11 East Range - Proposed Elevations
ECR_SAB_US_XX_GA_A_03 01 South Range - Proposed Section A-A
ECR_SAB_US_XX_GA_A_03 11 East Range - Proposed Section B-B and C-C

NORTH STABLES

ECR_SAB_NS_00_SU_A_01 01 Existing Ground Floor Plan
ECR_SAB_NS_01_SU_A_01 01 Existing First Floor Plan
ECR_SAB_NS_RP_SU_A_01 01 Existing Roof Plan
ECR_SAB_NS_XX_SU_A_02 01 Existing Elevations
ECR_SAB_NS_00_GA_A_01 01 Proposed Ground Floor Plan
ECR_SAB_NS_01_GA_A_01 01 Proposed First Floor Plan
ECR_SAB_NS_RP_GA_A_01 01 Proposed Roof Plan
ECR_SAB_NS_XX_GA_A_02 01 Proposed Elevations

WORKSHOPS

ECR_SAB_WB_00_SU_A_01 01 Existing Ground Floor Plan
ECR_SAB_WB_01_SU_A_01 01 Existing First Floor Plan
ECR_SAB_WB_RP_SU_A_01 01 Existing Roof Plan
ECR_SAB_WB_XX_SU_A_02 01 Existing North Elevations
ECR_SAB_WB_XX_SU_A_02 02 Existing East and West Elevations
ECR_SAB_WB_XX_SU_A_02 03 Existing South Elevations
ECR_SAB_WB_00_GA_A_01 01 Proposed Ground Floor Plan
ECR_SAB_WB_01_GA_A_01 01 Proposed First Floor Plan
ECR_SAB_WB_RP_GA_A_01 01 Proposed Roof Plan
ECR_SAB_WB_XX_GA_A_02 01 Proposed North Elevations
ECR_SAB_WB_XX_GA_A_02 02 Proposed East & West Elevations
ECR_SAB_WB_XX_GA_A_02 03 Proposed South Elevations

GARDENERS COTTAGE

ECR_SAB_GC_XX_SU_A_01 01 Existing Plans
ECR_SAB_GC_XX_SU_A_02 01 Existing Elevations
ECR_SAB_GC_XX_GA_A_01 01 Proposed Plans

ECR_SAB_WS_XX_GA_A_02 01 Proposed Elevations

GAS HOUSE

ECR_SAB_GH_XX_SU_A_01 01 Existing Floor Plans

ECR_SAB_GH_RP_SU_A_01 01 Existing Roof Plan

ECR_SAB_GH_XX_SU_A_02 01 Existing Elevations

ECR_SAB_GH_00_GA_A_01 01 Proposed Ground Floor & First Floor Plans

ECR_SAB_GH_RP_GA_A_01 01 Proposed Roof Plan

ECR_SAB_GH_XX_GA_A_02 01 Proposed Elevations & Section AA

SPRINGTHORPE COTTAGE

ECR_SAB_SC_00_SU_A_01 01 Existing Ground Floor Plan

ECR_SAB_SC_RP_SU_A_01 01 Existing First Floor Plan

ECR_SAB_SC_XX_SU_A_01 01 Existing Elevations

ECR_SAB_SC_00_GA_A_01 01 Proposed Ground Floor Plan

ECR_SAB_SC_RP_GA_A_01 01 Proposed Roof Plan

ECR_SAB_GH_XX_GA_A_02 01 Proposed Elevations

PLANT SALES

ECR_SAB_PS_00_SU_A_01 01 Existing Ground Floor Plan

ECR_SAB_PS_RP_SU_A_01 01 Existing Roof Plan

ECR_SAB_PS_XX_SU_A_02 01 Existing Elevations

ECR_SAB_PS_00_GA_A_01 01 Proposed Ground Floor Plan

ECR_SAB_PS_RP_GA_A_01 01 Proposed Roof Plan

ECR_SAB_PS_XX_GA_A_02 01 Proposed Elevations

CAFÉ

ECR_SAB_CA_00_GA_A_01 01 Ground Floor Plan Café

ECR_SAB_CA_RP_GA_A_01 02 Roof Plan

ECR_SAB_CA_XX_GA_A_02 01 (rev p04) West Elevations

ECR_SAB_CA_XX_GA_A_02 02 (rev p02) North Elevations

ECR_SAB_CA_XX_GA_A_02 03 East Elevations

ECR_SAB_CA_XX_GA_A_02 04 South Elevations

ECR_SAB_CA_XX_GA_A_03 01 Sections AA & BB

Reason: For the avoidance of doubt.

3. Other than where specified on the approved plans/drawings, all external materials used in the development shall match those used in the existing building in colour, coursing and texture unless, prior to their incorporation into the development hereby approved, alternative details are first submitted to and approved in writing by the Local Planning Authority pursuant to an application made in that regard, whereafter the approved alternative details shall be incorporated into the development.

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

4. Prior to any pointing commencing, a sample panel of pointed brickwork/stonework no less than 1 sq. m shall be prepared for inspection and approval in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved sample, with the approved sample retained on site throughout the duration of construction works.

Reason: In the visual interest of the building(s), the significance of the heritage asset(s) and the surrounding area.

Item No. 1.3

Ref. No. [DMPA/2022/0407](#)

Valid date: 06/06/2022

Applicant: Pallot

Agent: TUKArchitecture

Proposal: **Erection of two 3 bedroomed new build dwellings, and the creation of orchard at Land off Trent Lane, Kings Newton, Derby, DE73 8BT**

Ward: Melbourne

Reason for committee determination

This item is called to Committee by Councillor Fitzpatrick

Site Description

The application relates to a vacant plot of land situated on the eastern side of Trent Lane, Kings Newton and is positioned between the existing properties known as No 32 and No 46 Trent Lane. The site is located outside of the settlement boundary of Kings Newton as identified on the development plan policies map.

The topography of the landscape means there is a significant change in levels west–east so that properties located on the western side of Trent Lane occupy an elevated position compared to those on the eastern side and similarly the land to the rear of properties on the eastern side of the lane continues to fall away.

The application site is currently undeveloped land positioned between existing residential buildings. An existing access point and driveway/track dissects the site into two parcels/plots. There are existing outbuildings and an area of open storage located beyond the rear (eastern) boundary of the site.

The proposal

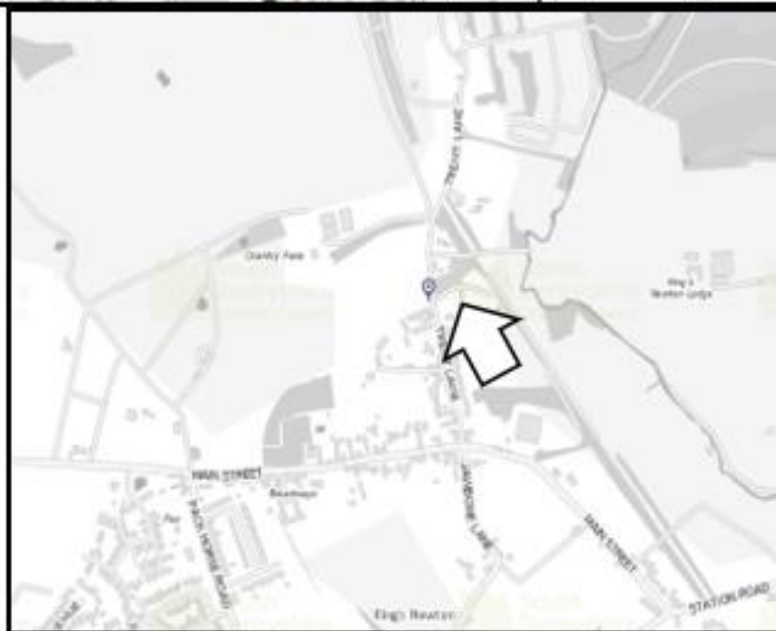
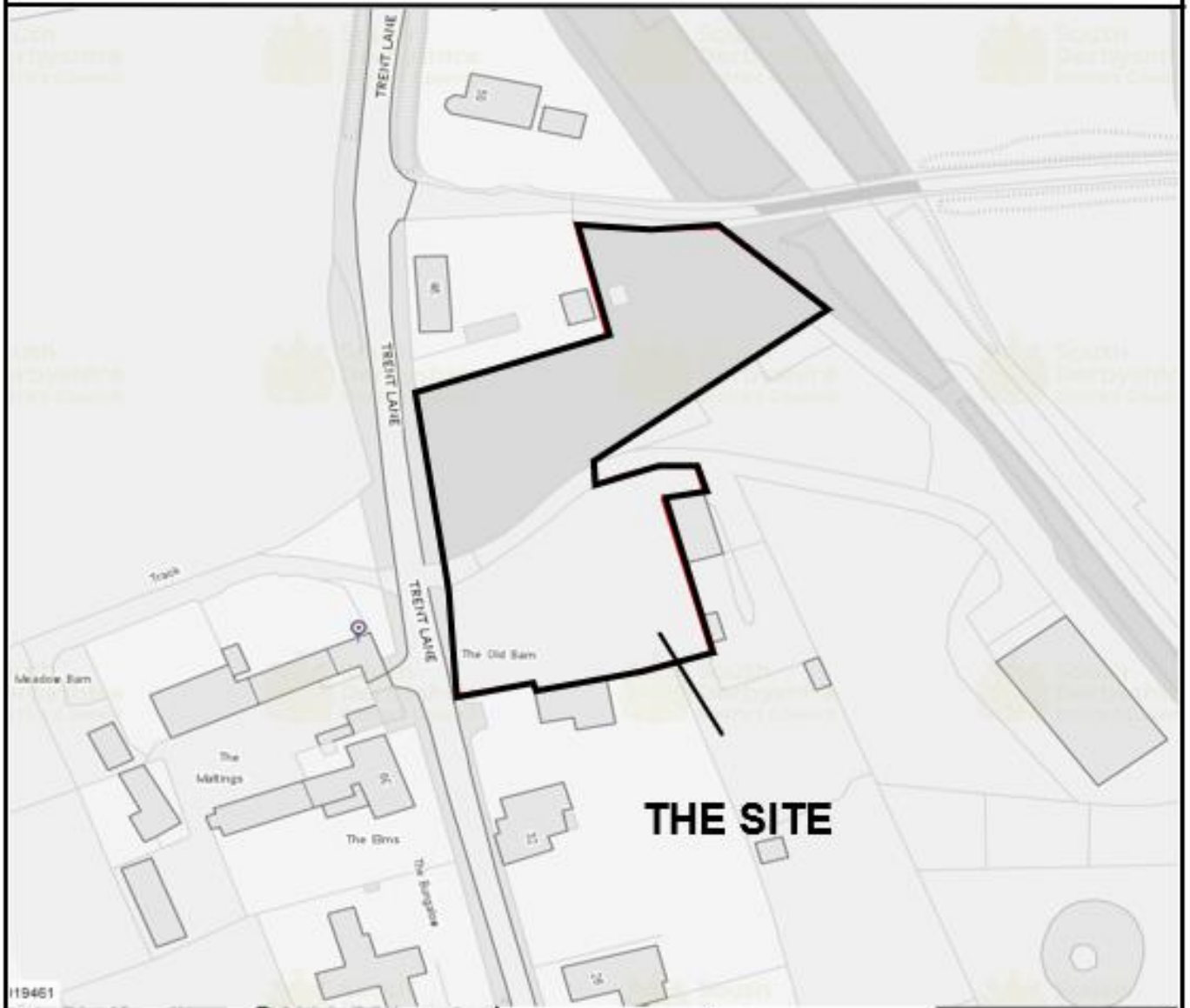
The application seeks to build 2 x 3 bed houses at the front of the site and plant an orchard to the rear.

Applicant's supporting information

The applicant has submitted the following documents;

- Application Form
- Location Plan and Proposed Site Plan
- Proposed Floor Plans and Elevations
- Proposed Street Scene and Site Section
- Heritage Statement
- Planning, Design & Access Statement
- Archaeological Assessment
- CGI Artist Impression 1-3
- Agent supporting email received 4th July 2022

DMPA/2022/0407 LAND OFF TRENT LANE, KINGS NEWTON, DE73 8BT



South Derbyshire District Council

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South Derbyshire District Council. LA 100019461.2020

Relevant planning history

No planning history.

Responses to consultations and publicity

Environmental Health

No objection subject to conditions.

Highways

No objections subject to conditions.

Conservation Officer

This case has required more of my time and consideration than I initially expected and surprised me in its complexity of heritage issues. This requires consideration of land adjacent to the Conservation Area, the potential impact on setting of a Listed Building, and there being potential for archaeological remains. I have visited the site and I have met with the architect to discuss my initial comments, and I have utilised further analysis provided by the architect to provide these final comments.

I have taken the opportunity to review the plot, and the heritage assets that are within close proximity. I have had a meeting with the architect, who has provided additional supporting evidence, and the planning history for the surrounding area. The architect has provided me with more detailed site plans of the identified archaeological sites. It remains the case that there is potential for disturbance, but the development is further from the potential significant area than I first understood.

It is noted that the site has been submitted for consideration as part of the SHELAA process and this would involve further discussions with the Planning Policy team.

There is an intention to rebuild a section of stone boundary wall adjacent to Trent Lane, which could be deemed to be a public benefit (I am aware that there is public objection to the removal of the hedgerow which will be assessed as part of the application process).

I have reviewed the drawings of the proposed dwellings; their siting, architectural design and layout. The architect has considered the height and build line of the neighbouring garage at 32 Trent Lane. I have no observations to make on the architectural style.

I consider that there remains an impact to the setting of Listed Buildings, and to the character and appearance of the adjacent Conservation Area, albeit this plot is just outside the boundary line.

Consideration of Harm

My focus has been primarily to assess whether development on this land would result in harm to the designated and non-designated assets. I conclude that it would result in harm – less than substantial harm, due to the impact on the character of the Conservation Area, the setting of the Listed Buildings, and direct impact upon potential remains of a non-designated heritage asset. However, much more difficult to quantify and often overlooked, is the historic land characterisation. It is my assessment that the principle of developing this land would result in less than substantial harm to the character of the historic landscape.

My comments conclude with less than substantial (low-medium) for potential impact to archaeological remains (with condition for investigations prior to start on site). Impact on

setting of the Listed Buildings and landscape characterisation, less than substantial (medium-low).

Archaeology

No objections subject to conditions.

Parish Council

No objections. A condition is requested to have native trees planted for the creation of the orchard.

Melbourne Civic Society

Object. We believe that this application negatively affects the settings of the listed buildings and causes harm to the Conservation Area and should be refused.

Kings Newton Residents Association

Item 7.4.1 Policy DP1 Development will be 'Infill only' within the Settlement Boundaries. The local Table and Map of Local Green Spaces shows that this development is outside the settlement area and therefore the application should be refused on this basis alone. The Parish of Melbourne in which Kings Newton sits has already fulfilled its quota for housing development. Therefore, if parameters for new building have been achieved then further development should not be agreed.

Members of the Public Responses

Ten letters of objections have been received from members of the public outlining the following reasons:

- a) impact on landscape setting and surrounding listed buildings.
- b) lies outside the settlement boundary and is not 'infill'
- c) area displays a rich diversity of flora and fauna - not 'scrub' as described
- d) a similar planning application was made on Sleepy Lane (ref. 9/2018/0446). This was denied at appeal due to '... the effect of the proposal upon the setting of Elms Farmhouse, a grade II listed building...'
- e) fail to see the proportionate public benefits acquired by building two houses and completely disagree that they will have 'neutral/slight' adverse impact on the conservation area and its assets.
- f) It is also an area enjoyed by the great many walkers and cyclists using the Cloud Trail with views of the open countryside.
- g) The Gatehouse detailed as No 21 Trent Lane in the "Proposed street scene and site section" would have its conservation area setting severely altered due to the height of the proposed properties even though its stated they are single storey.
- h) Trent Lane is a Lane, a rural lane, particularly towards the lower end where the houses are proposed. It is in danger of becoming a Street.
- i) With regards to 'Delivering a sufficient supply of homes' - this has already been addressed by the building of eight houses in Kings Newton this year, so cannot be given as a reason to grant further planning.
- j) According to the plans put forward the existing hedgerow fronting Plot 2 would be totally removed and replaced by a stone wall and described as 'minor impact' - this must not happen as hedgerow must be protected - see Natural England, Countryside hedgerows protection and management. The mature hedgerow is made up of Hawthorn, Elder and Holly and would be a great loss to not only the wildlife that inhabits it, but also to the natural landscape of Trent Lane which needs to be conserved as it is so enjoyed by the many people who use the lane - walkers and cyclists.

- k) The application site is also described as 'under-developed scrubland positioned between existing residential buildings'- but this is considered to be incorrect as it is meadow land dissected by a track leading to a storage unit. Because the land has not been maintained by its present owners for several years it has become a haven for wildlife, until it was mown recently and now it has been returned to meadow.

Relevant policy, guidance and/or legislation

The relevant Development Plan policies are:

2017 Local Plan Part 1 (LP1) – S1 (Sustainable Growth Strategy), S2 (Presumption in Favour of Sustainable Development), S3 (Environmental Performance), S6 (Sustainable Access), 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)

2016 Local Plan Part 2 (LP2) – SDT1 (Settlement Boundaries and Development), BNE5 (Development in Rural Areas), BNE7 (Trees, Woodland and Hedgerows), and BNE10 (Heritage)

Melbourne Neighbourhood Development Plan (MNDP) – DP2 (Character and setting of Melbourne and Kings Newton), HC1 (Heritage Assets).

The relevant local guidance is:

South Derbyshire Design Guide Supplementary Planning Document (Design SPD)

The relevant national policy and guidance is:

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

Planning considerations

Taking into account the application made, the documents submitted (and supplemented and/or amended where relevant) and the site and its environs; the main issues central to the determination of this application are:

- Principle of development
- Impact of the development on landscape character and heritage assets;
- Impact of the development on highway safety

Planning assessment

The principle of a new dwelling in this countryside location

The site is located outside the settlement boundary of Kings Newton. The site is therefore part of the open countryside. In terms of strategic housing policy, Kings Newton is identified as a Rural Village in Policy H1 Settlement Hierarchy. This policy states that development of limited infill and conversion of existing dwellings will only be acceptable. Residential development of all sizes is considered acceptable in principle within the settlement boundaries. Housing development is also acceptable adjacent to settlements as an exceptions or cross subsidy site.

Policy BNE5 seeks to ensure that development which must take place in Rural Areas does not lead to unacceptable environmental effects in the countryside. The applicant considers that the development is acceptable on the basis of policy BNE5 Development in Rural Areas on the

basis that this development can be considered as 'infill' development. Policy BNE5 states at point iv) that permission will be granted if the development is "considered to be infill that is in keeping with the character of the locality and represents the infilling of a small gap for not normally more than two dwellings, within small groups of housing..." Point v) further states "will not unduly impact on; landscape character and quality, biodiversity,and heritage assets".

Paragraph 6.3 of the MNDP describes the characteristics of the village as 'an historic, rural market town surrounded by a rural and attractive landscape. It has a powerful sense of place in terms of both built environment and rural setting and there is a strong defining link between the two. The views of the settlement within the surrounding landscape, from outside the town, and the views outwards, from within the town, provide a constant and important visual connection between town and countryside. The location, landscaping and design of any new development is therefore crucial to maintaining this critical balance between landscape and settlement'.

This is carried forward in Policies DP2 and HC1 of the MNDP.

Whilst the development could be argued to be infill development in this location, in factoring in the comments received from the Conservation Officer outlined in the following section, the development is not considered to be in keeping with the character of the locality and would result in some level of harm to not only the Conservation Area and Listed Buildings, but also the important rural landscape character of the area that is integral to the village.

This impact cannot be detached when considering the acceptability of the principle of the development. Therefore the proposal would not be considered in accordance with the requirements set out in Policy BNE5, DP2 or HC1 and therefore would represent unacceptable development within this rural location.

The Council currently has a five year supply of housing. Decisions should be made in compliance with the requirements of the development plan unless material considerations indicate otherwise. The Local Plan should be read as a whole and sets out the strategic policies of the Council. It allows for development within the countryside in strict circumstances essential to a rural activity, or for residential development which is identified as an exception where there is a particular need. Development in this instance cannot be said to be compliant with those strategic policies identified within the Local Plan.

The proposal is therefore considered to be unacceptable development in the countryside. It is not an acceptable location for development and would be an unsustainable development. It is considered that the proposal is contrary to policies S1, S2, S4, and H1 of the South Derbyshire Local Plan Part 1 2016, and policies SDT1 and BNE5 of the South Derbyshire Local Plan Part 2 2017.

Impact of the development on landscape character and heritage assets

Policy BNE10 of the Local Plan states developments affecting a heritage asset or its setting will be required to demonstrate how the proposal has taken into account the design, form.....and setting of the heritage asset.

Policy HC1 of the Neighbourhood Plan outlines the preservation and enhancement of designated assets will be promoted and supported and development should ensure that there are no adverse impacts upon such assets.

The proposed development would be located just outside the Kings Newton Conservation Area and lies 20m north of Elms Farmhouse and 33m north of 32 Trent Lane which are both Grade II Listed buildings. The Conservation Officer has visited the site and has assessed the scheme and whilst they have no concerns on the architectural design of the two proposed

dwellings, they still consider the development itself to result in a level of harm (less than substantial) to the character of the Conservation Area, the setting of the Listed Buildings, and direct impact upon potential remains of a non-designated heritage asset. They also concluded the development would result in less than substantial harm to the character of the historic landscape.

Paragraph 202 of the NPPF 2021 states ' Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use'.

In this case the consideration of any public benefit should be informed by Policy DP3 of the MNDP. Although this policy relates to development within the defined settlement boundaries, it does include in principle support for dwellings of four bedrooms or fewer. However any support offered by this policy is limited by the fact that it seeks such smaller dwellings within settlement boundaries, and notwithstanding this the provision of smaller dwellings on the application site is not considered to amount to a public benefit that would overcome the impact on the character and appearance of the Conservation Area or the setting of the Listed Buildings in the locality. As previously mentioned, the Council has an up to date 5-year housing land supply and this combined with the negative impact on the surrounding heritage assets defines the development as unacceptable on both principle and heritage grounds.

From this, the proposal is considered to result in a harmful impact on the character of the Conservation Area and the setting of the nearby listed buildings. It is not considered that it deliver a public benefit that would override the potential harm and would therefore not comply with Policies BNE2, BNE5, BNE10, HC1 or the NPPF 2021.

Impact of the development on highway safety

The County Highways Authority (CHA) have reviewed the submission and do not object subject to conditions. The conditions sought include the submission of a Highway Construction Management Plan, the existing access to Trent Lane shall be provided with visibility sightlines of 2.4 x 43m in both directions measured to a point 1m in from the nearside edge of the carriageway and the entrance gates shall be set back a minimum of 5m from the highway boundary and maintained at that distance for the life amongst others.

It is therefore considered that the proposal would not result in any detrimental impact on highway safety and comply with policy INF2 of the South Derbyshire Local Plan Part 1 2016.

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

Recommendation

Refuse for the following reason:

1. The proposed dwelling would be located outside the Limits to Development of the village of Kings Newton and would result in a development in an unsustainable location. The proposal would result in the unacceptable development along Trent Lane that would result in a detrimental impact to the character of the Conservation Area and the historic

setting of the nearby Listed Buildings. The proposal would be contrary to policies S1, S2, H1 and BNE2 of the South Derbyshire Local Plan Part 1 2016, policies BNE5 and BEN10 of the South Derbyshire Local Plan Part 2 2017, Policies DP2 and HC1 of the Melbourne Neighbourhood Development Plan, and paragraph 170 of the National Planning Policy Framework.

Item No. 1.4

Ref. No. [DMPA/2022/0865](#)

Valid date: 16/06/2022

Applicant: Ian Robert Lucas

Agent: Anthony Construction Ltd

Proposal: Portal steel framed structure for the storage of equipment at Melbourne Sports Pavilion, Cockshut Lane, Melbourne, Derby, DE73 8DG

Ward: Melbourne

Reason for committee determination

This item is presented to Committee as the Council is associated with the Melbourne Sporting Partnership (MSP).

Site Description

The site relates to a large piece of land located to the east of Cockshut Lane which consists of tennis courts, a cricket ground, rugby pitches, parking spaces as well as two storey building on site. The proposal in particular relates to the southern end of the site where there is currently a number of bunkers used for storage of rugby equipment.

The proposal

The application seeks permission to build a portal steel framed structure for storage of equipment associated with the club.

Applicant's supporting information

The applicant has submitted the following documents to support this application including;

- Location Plan
- Proposed East Side Elevation
- Proposed West Side Elevation
- Proposed Floor Plan
- Proposed Typical Gable Elevation
- MRFC email response received 6th September 2022
- Site photos

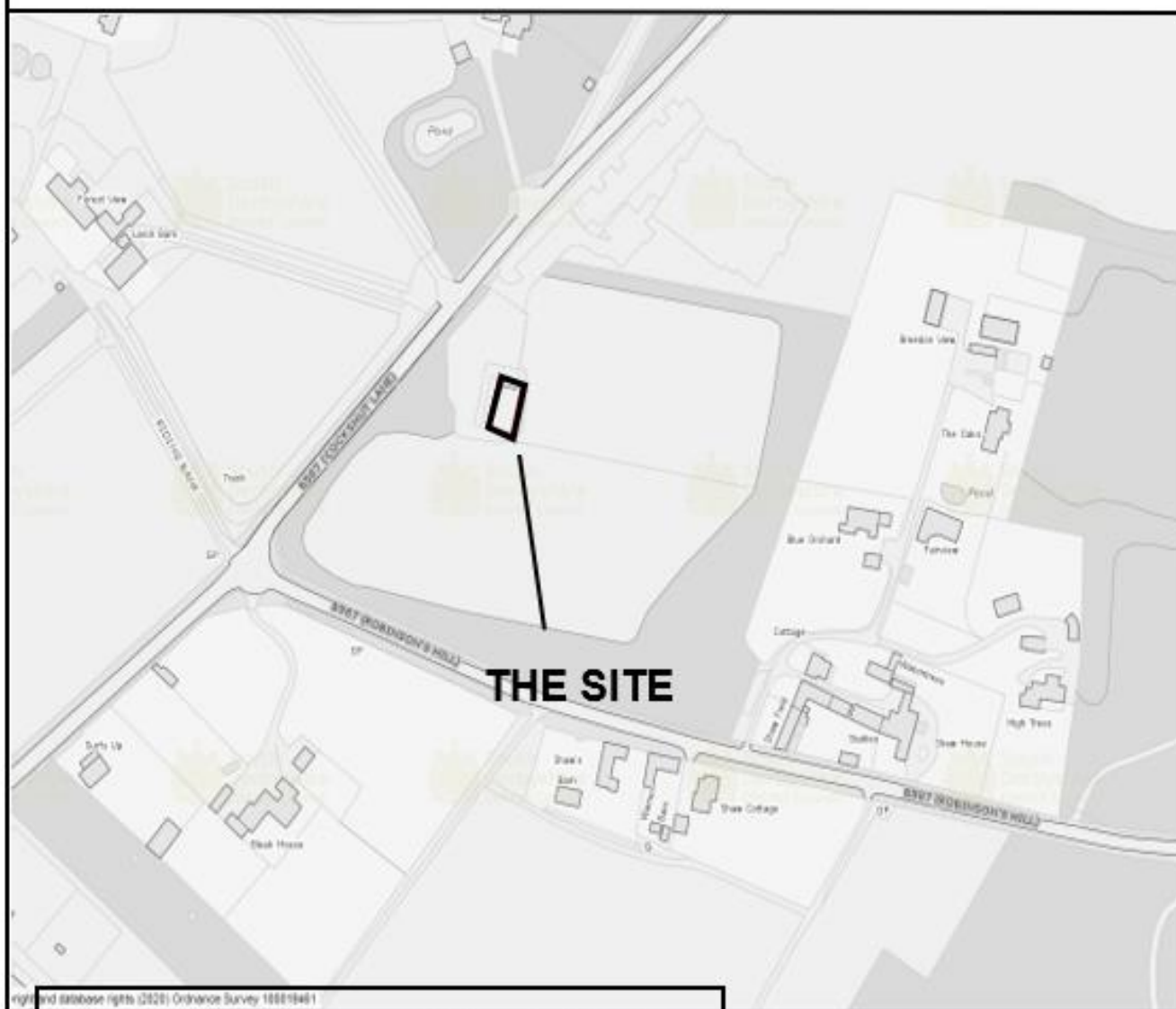
Relevant planning history

DMPA/2021/0487 - The formation of pedestrian access to car park - Approved.

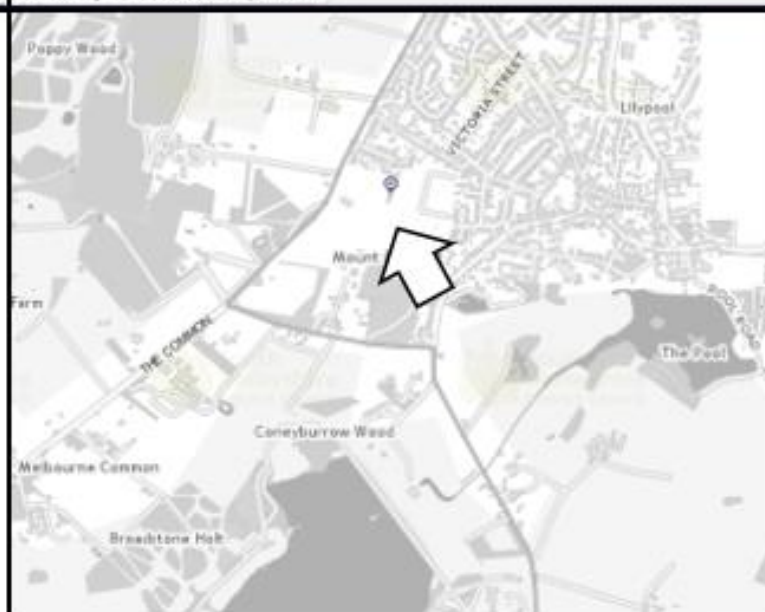
9/2018/1378 - The creation of 3no. artificial grass tennis courts with 3m high perimeter fencing. Approved

Redevelopment of the playing fields was permitted under planning permission 9/2011/0910 (amended by 9/2013/0458).

**DMPA/2022/0865 MELBOURNE SPORTS PAVILION, COCKSHUT LANE,
MELBOURNE, DERBY, DE73 8DG**



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Responses to consultations and publicity

Melbourne Civic Society

There's mention of "welfare facilities" on the application form but there's nothing shown on the floor plan, no windows, vents etc., and no connection to mains foul sewer! We think that more information is needed from the applicant. It's a big building in the National Forest catchment so we think it should be clad in wood.

Relevant policy, guidance and/or legislation

The relevant Development Plan policies are:

Local Plan Part 1 2016 (LP1): BNE1 (Design) BNE4 (Landscape) S2 (Presumption in Favour of Sustainable Development), SD1 (Amenity) and INF9 (Open Space, Sport and Recreation). Melbourne Neighbourhood Plan.

The relevant local guidance is:

South Derbyshire Design Guide Supplementary Planning Document (SPD)

The relevant national policy and guidance is:

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

Planning considerations

Taking into account the application made, the documents submitted (and supplemented and/or amended where relevant) and the site and its environs; the main issues central to the determination of this application are:

- Principle of development
- Visual Amenity
- Residential Amenity

Planning assessment

Principle of Development

The site lies just outside the Key Service Village of Melbourne within the existing Melbourne Sports Partnership complex to the south of the wider site. The proposal seeks to expand the existing facilities to provide a portal steel framed structure for storage of equipment associated with the local sporting clubs. The proposal would benefit the existing community facility and would be accessible to all members of the community and therefore would be in accordance with Policy INF6 and would be considered acceptable in principle.

Visual Amenity

The proposed structure would sit to the south of the wider site not far from the access off Cockshut Lane. The structure would be visible from the street scene but given its small size and simple design it would not appear unduly prominent from the public realm. Currently on site, there are a number of dilapidated containers used for storage. This structure would replace these and would improve the character and appearance of the wider site. Some concerns have been raised regarding the appearance of the structure with the suggestion of cladding materials to be used. Steel framed structures such as the proposed are commonly found in the wider area, notably to the west and north west of the site. Given the size, location and function of the proposed structure within the sports fields, it raises no concerns on design grounds, and would be considered acceptable and in accordance with Policies S2 and BNE1 of the Local Plan.

Residential Amenity

Due to the nature of the proposed building and its distance away from any residential properties it would not result in harmful impact to neighbouring amenity and would comply with Policy SD1 of the Local Plan.

Although there are not explicit Neighbourhood Plan policies directly relevant to this application, it is considered to be broadly consistent with the Melbourne Neighbourhood Plan in providing improved facilities to enable outdoor sport and recreation. None of the other matters raised through the publicity and consultation process amount to material considerations outweighing the assessment of the main issues set out above, noting that conditions or obligations have been attached where meeting the tests for their imposition. Where relevant, regard has been had to the public sector equality duty, as required by section 149 of the Equality Act 2010 and to local finance considerations (as far as it is material), as required by section 70(2) of the Town and Country Planning Act 1990 (as amended), as well as climate change, human rights and other international legislation.

Recommendation

Approve permission subject to the following conditions:

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

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

2. The development hereby permitted shall be carried out in accordance with drawing refs:

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

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

3. All external materials used in the development shall match those outlined in the application form and drawings submitted unless unless, prior to their incorporation into the development hereby approved, alternative details are first submitted to and approved in writing by the Local Planning Authority pursuant to an application made in that regard, whereafter the approved alternative details shall be incorporated into the development.

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

Item No. 1.5

Ref. No. [DMPA/2022/0895](#)

Valid date: 22/06/2022

Applicant: Andrew Bennett on behalf of
SDDC

Proposal: Installation of dropped kerb and hard standing at 49 Main Street,
Netherseal, Swadlincote, DE12 8DB

Ward: Seales

Reason for committee determination

The application has been made by South Derbyshire District Council

Site Description

The site is situated on Main Street, Netherseal, and is within a suburban setting, being a semi-detached property within a largely residential area. The dwelling is set at a higher level than the adjoining highway and has a substantial grassed frontage.

The proposal

Planning permission is sought for the creation of a dropped curb from Main Street which is a classified road. In addition, an area of hardsurfacing 6 metres in depth by 4.5 metres in width would be created to facilitate an off-road parking space. The created driveway would be constructed from permeable macadam and a drainage channel would be put in where the new surfacing would meet the front boundary to prevent surface water drainage running onto the public highway. This would facilitate easier, more accessible access to the house for the occupants.

Applicant's supporting information

None of relevance.

Relevant planning history

No relevant history.

Responses to consultations and publicity

Parish Council - Supportive of the application. Parking on the roadside in this area causes traffic problems & the ability of homeowners to park their cars off the road would help to alleviate this problem

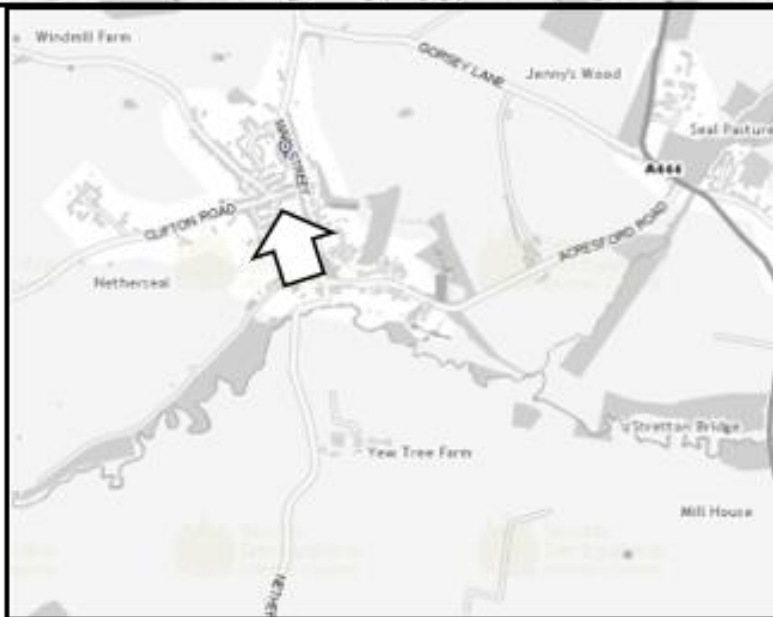
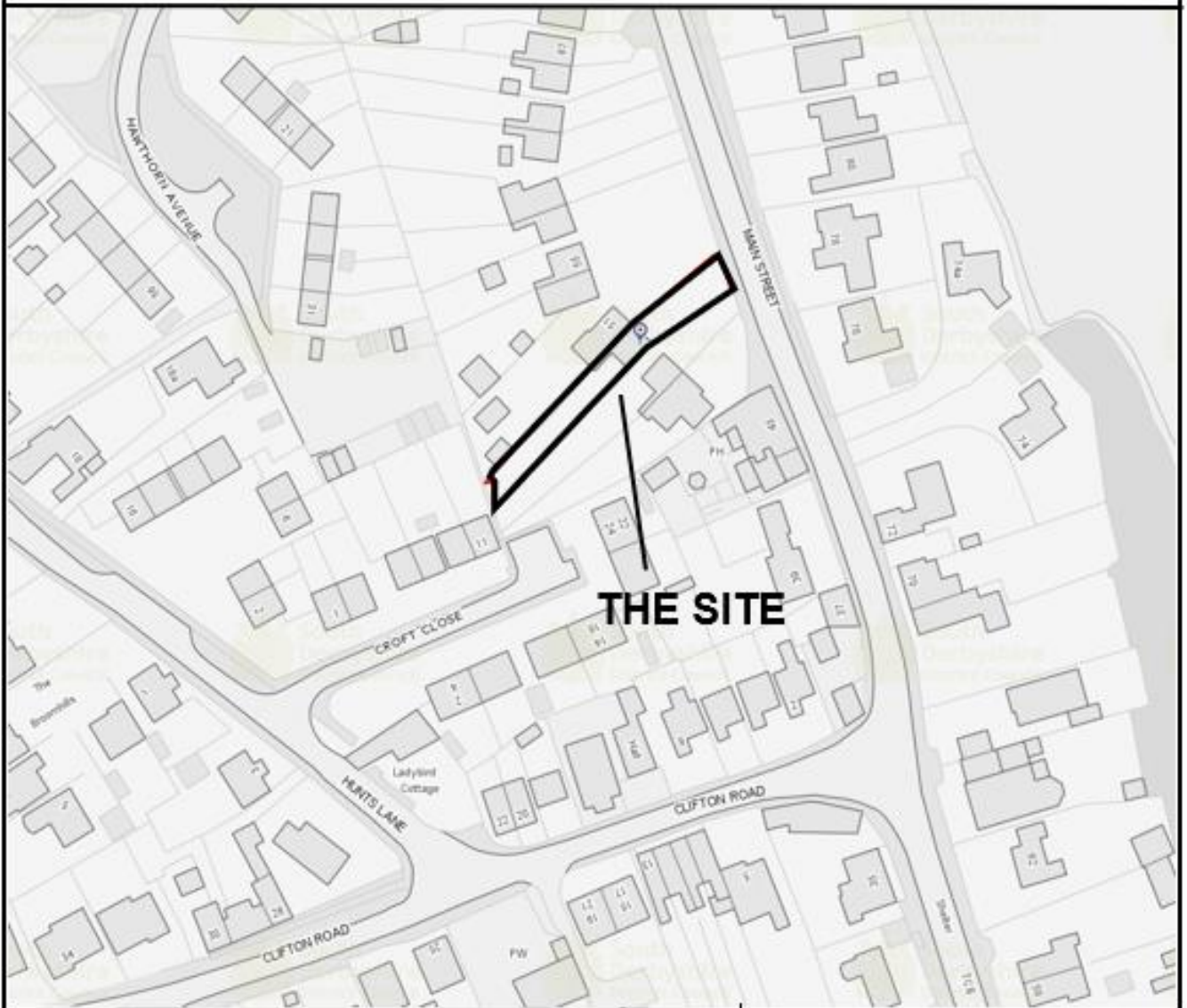
County Highway Authority - No objections subject to conditions.

Relevant policy, guidance and/or legislation

The relevant policies are:

2016 Local Plan Part 1: S2 (Presumption in Favour of Sustainable Development); SD1 (Amenity and Environmental Quality); INF2 (Sustainable Transport); and BNE1 (Design

DMPA/2022/0895 49 MAIN STREET, NETHERSEAL, SWADLINCOTE, DE12 8DB



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Excellence).

2017 Local Plan Part 2: H27 (Residential Extensions and Other Householder Development).

National Guidance:

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

Local Guidance:

South Derbyshire Design Guide SPD (Design SPD)

Planning considerations

In taking account of the application documents submitted (and supplemented and/or amended where relevant) and the site and its environs; the main issues central to the determination of this application are:

- Impact on the character of the area; and
- Highway safety

Planning assessment

Impact on the character of the area

The proposed development is not considered to erode the character of the area. The proposed hard surfacing would be appropriate in this residential area, and it is considered to be in accordance with Policies SD1 and BNE1 of the Local Plan.

Highway safety

Policy INF2 states that development should not have an undue detrimental impact upon highway safety. The proposal would create an off-road parking space within the front garden of the property, and this is considered to be a benefit where safe parking on the highway is at a premium. The parking space is of sufficient size to accommodate a parked vehicle safely, with no obstruction of the highway. The County Council Highway Authority offer no objections to the proposal subject to conditions and it is considered that these, related to gates, surfacing and visibility are appropriate.

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

Recommendation

Approve subject to the following conditions:

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

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

2. The development hereby permitted shall be carried out in accordance with plans/drawings submitted unless otherwise required by condition attached to this permission or following approval of an application made.

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

3. Pedestrian visibility splays of 2m x 2m shall be provided and permanently maintained on both sides of the access. There shall be no obstruction to visibility between 0.6m and 2.0m above carriageway level.

Reason: To provide adequate visibility for drivers entering or leaving the site and to ensure the safety of pedestrians and vehicles.

4. The development hereby permitted shall not be occupied until such time as the hardstand has been surfaced with tarmacadam, or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and, once provided, shall be so maintained in perpetuity.

Reason: To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) in the interests of highway safety and in accordance with the National Planning Policy Framework (2019).

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no gates, barriers, bollards, chains or other such obstructions shall be erected to the vehicular access.

Reason: To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway in accordance with the National Planning Policy Framework (2019).

Informatives:

- a. Planning permission does not give you approval to work on the public highway. To carry works associated with this planning permission, separate approval must first be obtained from Derbyshire County Council as Highway Authority - this will take the form of a section 184 licence (Highways Act 1980). Information and relevant application forms, regarding the undertaking of access works within highway limits, are available via the County Council's website www.derbyshire.gov.uk, email highways.hub@derbyshire.gov.uk or telephone 01629 533190.
- b. Under provisions within Sections 149 and 151 of the Highways Act 1980, the developer must take all necessary action to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the developer's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.
- c. Where the site curtilage slopes down towards the public highway provisions within Section 163 of the Highways Act 1980 requires measures to be taken to ensure that surface water run-off from within the site is not permitted to discharge across the footway margin. This usually takes the form of a dished channel or gully laid across the access immediately behind the back edge of the highway, discharging to a drain or soakaway within the site.
- d. Planning permission does not give you approval to work on the public highway. To carry out works associated with this planning permission, separate approval must first be obtained from Derbyshire County Council as Highway Authority - this will take the form of a section 184 licence (Highways Act 1980). It is strongly recommended that you make contact with the County Council at the

earliest opportunity to allow time for the process to be completed. Information and relevant application forms, regarding the undertaking of access works within highway limits, are available via the County Council's website www.derbyshire.gov.uk, email highways.hub@derbyshire.gov.uk or telephone 01629 533190.