

**REPORT OF THE DIRECTOR OF COMMUNITY AND
PLANNING SERVICES**

**SECTION 1: Planning Applications
SECTION 2: Appeals**

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

1. PLANNING APPLICATIONS

This section also includes reports on applications for: approvals of reserved matters, listed building consent, work to trees in tree preservation orders and conservation areas, conservation area consent, hedgerows work, advertisement consent, notices for permitted development under the General Permitted Development Order 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 Director of Community and Planning Services' report or offered in explanation at the Committee meeting require further clarification by a demonstration of condition of site.
2. Further issues of principle, other than those specified in the report of the Director of Community and Planning Services, arise from a Member's personal knowledge of circumstances on the ground that lead to the need for clarification that may be achieved by a site visit.
3. Implications that may be demonstrated on site arise for consistency of decision making in other similar cases.

Item **1.1**

Ref. No. **9/2016/0917/FM**

Applicant:
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Proposal: **DEMOLITION OF EXISTING DWELLING (FORMER VICARAGE)**
AND THE ERECTION OF 2 NO DWELLINGS AT 11 TWYFORD
ROAD BARROW ON TRENT DERBY

Ward: **Aston**

Valid Date **14/09/2016**

Members will recall deferring the determination of this application from its meeting of 7 February to enable a site visit to take place. There have been no changes to this report or that following.

This application is to be considered jointly with application 9/2016/0932 below.

Reason for committee determination

The item is presented to Committee at the request of Councillor Peter Watson as local concern has been expressed about a particular issue.

Site Description

The application site is comprised of a single large detached dwelling (the former Vicarage) with large front and rear gardens, located on Twyford Road. The site is located both within the settlement boundary for Barrow on Trent and the Conservation Area.

The existing dwelling is set back around 30m from Twyford Road, with the existing War Memorial to the west of the site frontage. The rear garden to the dwelling is largely put to grass and forms an open space to the south of the building. The frontage is characterised by a stone wall, which also bounds the War Memorial, and a gap provides vehicular access to the site. There are a number of mature trees to the fore of the dwelling which provides a landscaped area to the setting of the memorial and in part screen the existing dwelling. To the west of the site, beyond a mixed boundary of hedgerows, trees, fencing and brick walling, lies 15 Twyford Road

9/2016/0917 - 11 Twyford Road, Barrow on Trent DE73 7HA



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– a detached dormer bungalow sited with a similar set-back to the Vicarage. To the east is the Sale and Davys Primary School, with its playing field and a separate public equipped play area to the south of the school, south east of the site. A footpath to the play area runs along the eastern boundary and extends to a private footpath access to 16 Church Lane (St Wilfreds – a Grade II Listed Building). The gardens of St Wilfreds and The Pinfold lie beyond high brick walling to the south and south east of the site.

Proposal

It is proposed to demolish the former Vicarage and replace it with two detached dwellings – one sited on a similar footprint as the Vicarage (plot 1) with the second dwelling proposed to the rear of the site (plot 2). Vehicular access is proposed from Twyford Road, with the existing access widened along with a private access drive down the eastern boundary to towards parking at the rear of plot 1 and plot 2. Plot 1 is to have a detached double garage within its rear garden, whilst plot 2 has an attached double garage.

The dwellings are proposed in a traditional style, with a number of projecting gables of varying widths and ridge heights providing for a varied roofscape to each of the dwellings, with key features gleaned from existing buildings within the conservation area. Throughout the design evolution of the scheme, careful attention has been paid to the importance of the site within the street scene and the conservation area, including reducing the scale and overall height of the buildings to reflect this sensitive location.

Applicant's supporting information

The Planning, Design & Access Statement describes the site and its surroundings, and the planning policy and legislation relevant to the proposal. The planning policy assessment mainly provides extracts from the NPPF and the local plan highlighting the need to apply the presumption in favour of sustainable development and approving planning application without delay. The Statement then goes on to summarise the technical reports undertaken, which are summarised below under each of the relevant headings.

The opportunities and constraints at the site are identified, with the main opportunity being to replace a building assessed as having a negative contribution on the special architectural and historic interest of the conservation area, with a building to make a positive contribution to the area, and the opportunity to make more efficient use of a large garden plot. The main site constraints are outlined as meeting the statutory tests of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the NPPF, ensuring an efficient use of the site, avoiding impacts on surrounding residential amenity, meeting the relevant design criteria, avoiding impacts on the safe operation of the local highway network, and ensuring that the development would not increase flood risk either on site or off site.

Overall, the proposal is considered to offer an enhancement to the character and appearance of the conservation area and the features within it, including the war memorial and front walling on the site. The style, massing, form and scale of the

proposed housing are considered sympathetic to the historic fabric and local residential styles of the conservation area, and compliment and preserve its character and appearance.

The Archaeological and Heritage Assessment considers the impact of the development on the Barrow on Trent Conservation Area and a number of listed buildings in the vicinity of the site. An assessment is also carried out to determine the potential for the development to impact upon features of archaeological interest.

The existing building is considered to have a negative impact on the character and appearance of the conservation area, with the rear garden not considered to be an important open space within the area. The stone walling to the site frontage has been assessed as making a positive contribution to the area along with the War Memorial. The proposed development is considered to offer an enhancement to the character and appearance of the conservation area, with the ability to appreciate key vistas and groups of listed buildings unchanged by the development. This is as a result of the maintained set back of the frontage dwelling, with better quality materials, and design more in keeping with the area. The significance of the nearby listed buildings would not be harmed as a result of the proposed development within their setting.

There is considered to be a low/moderate potential for previous unknown archaeological features relating to prehistoric or medieval activity to be present, due to the land having been greatly disturbed by the current building.

The Highways Technical Note considers the existing highways context of the site, and confirms that pedestrian and vehicular visibility splays can be provided well in excess of the recommended design standards. In order to enhance vehicular access to the site, the access would be widened to 5.25m, with the provision of a new short length of wall along the initial length of the driveway, the provision of 2m x 2m pedestrian visibility splays, and a 'H' pavement marking across the existing dropped kerb access to restrict parking.

There has only been a single recorded accident along Twyford Road within the study area since 2010, with no trends or patterns identified which would lead to the proposed development exacerbating any existing access issues. The proposal is not considered to impact upon the safe operation of the school. Overall the report concludes that the enhanced access arrangements would provide greater accessibility, and it is considered that the proposed access is suitable to serve the development.

A Flood Risk Assessment (FRA) provides information on the flood risks associated with the proposed development and presents mitigation measures so as to ensure the proposed development is safe from flooding and that it does not increase the flood risk elsewhere. This assessment states that the site of the existing dwelling (to be demolished and replaced) is located within Flood Zone 3a, with the majority of the development site within Flood Zone 2. A range of mitigation measures are capable of implementation and these would ensure that the development would have a neutral impact on flood risk to the local area. The mitigation measures outlined in the assessment include: Raising the finished floor levels of the dwellings above the 1 in

100 year (including climate change) flood event to a level of 39.645m AOD for plot 1 and 39.49m for plot 2, providing areas for compensatory storage of flood waters, and Ensuring the dwellings incorporate flood resilient construction and Sustainable Drainage Systems (SuDS).

The Ecological Assessment considers the presence of protected habitats and species within or adjacent to the site. The dominant habitat is amenity grassland, with some shrub and scattered trees. The site overall the site is considered to be of low to moderate ecological value. Subject the provision of a suitable landscaping scheme and mitigation outlined in the report the development should result be an enhancement to the biodiversity value of the site.

A Bat Survey and Mitigation Strategy has been undertaken following the ecological survey of the site. Daytime and dusk emergence surveys were undertaken and as a result of a high level of bat activity recorded, a dawn swarming survey was undertaken and a further dusk emergence survey. The survey results identify that the roof of the building is used as a summer bat roost used by Common and Soprano Pipistrelle bats, and as such, without any mitigation, the demolition of the building would have a high impact on Pipistrelle bats. In order to mitigate for the loss of the roost, a detailed mitigation strategy is proposed which involves the creation of a new roost in the proposed garage building to the rear of plot 1 prior to the demolition of the existing dwelling on the site, as well as the creation of further roosting features within the new buildings themselves. This is considered to adequately mitigate for the roost in the existing building.

A Tree Protection Plan and survey has been prepared to ensure that the development proposals do not adversely impact upon trees within the site which have been identified as worthy of retention.

A Construction Management Plan has been prepared and submitted during consideration of the application following discussions between the applicant and the adjacent school. This includes the following undertakings; installation of boundary security fencing, access only form the site frontage, deliveries not to take place between 08:30 -09:30 and 15:00 – 16:00, curb unloading to be kept to a minimum with vehicles revering in to the site, and contractors car to be parked within the site or within car park opposite the village hall.

Planning History

None relevant to the current application.

Responses to Consultations

The County Highway Authority has no objection subject to conditions relating to the provision of visibility splays, parking spaces and a restriction on the provision of gates within 5m of the highway boundary.

The Pollution Control Officer has no objection subject to conditions relating to the construction phase of the development.

The Environment Agency, having considered the updated FRA, has no objection subject to the mitigation measures contained within the FRA being conditioned – including minimum floor levels for the dwellings.

The County Flood Risk Team provides standing advice in respect of sustainable drainage.

The Development Control Archaeologist comments that the site is located within an area of high archaeological potential, as established within the conservation area statement. As such it is recommended that the site is subject to archaeological supervision and monitoring during the development groundworks and a condition to this effect is recommended.

Derbyshire Wildlife Trust has considered the proposals in detail, and following the receipt of updated ecological information has no objection subject to conditions. In terms of great crested newts, as the site is separated from existing ponds and ditches by roads and garden walls; the likelihood of newts entering the site is low but a precautionary approach is recommended. None of the trees on site have the potential to support bat roosts but the trees to be removed are to be done so under supervision. As a house martin nest has been identified at the dwelling, conditions requiring the works to be undertaken outside the bird nesting/breeding season and a detailed mitigation and enhancement strategy are recommended. In terms of bats within the existing dwelling, in acknowledging the presence of a summer bat roost the proposed method statement is considered to provide sufficient details to adequately mitigate for the loss of the roost through the demolition of the building.

Natural England has no comments on the proposal.

The Canal and Rivers Trust have no comment on the proposal.

Responses to Publicity

The Parish Council has raised the following concerns:

- i) the proposed demolition and rebuilding of the front wall in the Conservation Area would change the nature of this part of the village. The stone walls that are seen around large parts of the village are part of the vernacular of the settlement, the majority of them dating back to the Middle Ages. If the stone wall is to be modified they would like to see the same stone and style;
- ii) the proposed construction with the attendant noise, dust and building site language, etc., is immediately adjacent to the village primary school and would have an adverse effect upon the lives and learning of the children;
- iii) vehicle movements would be noisy and disruptive during the school day;
- iv) there is significant tree felling proposed on the site – this is out of keeping with the rest of the village where numerous mature and large trees enhance the character and views in the community;
- v) the proposed buildings are extremely large and would overwhelm the adjacent dwellings, nor are they sympathetic to the rest of this part of the village, with the site lying in the Barrow upon Trent conservation area;

- vi) if the site is to be developed by demolishing the property that is currently there, the village would benefit from the building of more, smaller, less expensive dwellings that would suit families and fit better into the architectural style of the surrounding area;
- vii) there is no mention in the application of the proposed brick or tile colours – the style of building in this part of the village is of a rich rustic red brick with dark roof tiles;
- viii) the extreme amount of proposed tree felling would have a detrimental effect upon the views in the village, and would affect the population of birds, bats and other animals that currently occupy the site;
- ix) there is no mention in the documentation that there is a right of way across the property to an area of land that lies to the south-west, nor is this pathway identified on the plans and map;
- x) the proposed 'H' line on the pavement that is proposed to restrict parking in the access would conflict with the zig-zag school signs that are in the road outside the school entrance;
- xi) the proposal to create 'bin parks' on the outside of the site would be visually detrimental to this part of the village/conservation area, and could create a hazard on the pavement at busy school times, with it more appropriate to site these inside the boundary; and
- xii) the indication from the FRA is that the buildings may be raised above the current finished floor level of the current building, and that flood water storage may be constructed on the site, having the potential to have a major detrimental effect upon the flood resilience of adjacent properties as a result of the elevation of this central site.

A total of 13 letters of objection have been received across the initial consultation and re-consultation stages, raising the following concerns/points:

- a) the Vicarage is an elegant house of its period;
- b) the centre of the village represents many different facets and periods that make-up village life through the ages and the Vicarage is central to this;
- c) impact on privacy and overlooking;
- d) the 3-storey structure is inappropriate for its surroundings;
- e) if an additional dwelling is to be appropriate this should be single storey with a wall to shield the dwelling;
- f) why has the access been designed for three properties;
- g) what would the floor levels of the dwellings be – there is no record of flooding in the area so the floor levels should not be set unnecessarily high;
- h) concern due to the impact of construction traffic, especially during school times;
- i) the dwellings could overshadow the surrounding environment and village;
- j) is there not a covenant on the property that prevents its demolition and another property to be built on the site;
- k) concern raised about the blocking of an existing right of access across the site;
- l) concern from the school governors regarding construction traffic, children walking to school, and the impact of the development on the use of the playing field;

- m) small dwellings would be more suitable to enhance the area and support the local school – recent developments of large dwellings appear to be out of place;
- n) the proposal should take the opportunity to address the parking issues on Twyford Road, with parking spaces provided on the site;
- o) the impact of the reconstruction of the front boundary wall;
- p) concern at significant tree felling;
- q) the brick and tile should be rich rustic red with dark roof tiles;
- r) impact on flood risk elsewhere;
- s) the building of two houses bigger than any other in the village (outside the historic context) right in the middle of the conservation area featuring small, rural workers dwellings is totally inappropriate;
- t) having had an application for tree works refused due to an adverse effect on the aesthetics of the conservation area, this development should be considered equally detrimental to the unique character of the conservation area;
- u) the properties would overpower, overlook and dominate the surrounding properties;
- v) no benefits by way of additional affordable housing;
- w) the proposal would directly impact on several listed buildings and monuments, as a significant visual intrusion; and
- x) the revisions to the scheme result in overlooking and more impacts on existing dwellings;

Development Plan Policies

The relevant policies are:

- 2016 Local Plan Part 1: S1 (Sustainable Growth Strategy), S2 (Presumption in Favour of Sustainable Development), S4 (Housing Strategy), S6 (Sustainable Access), H1 (Settlement Hierarchy), H20 (Housing Balance), 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) and INF2 (Sustainable Transport).
- 1998 Local Plan (saved policies): H5 (Village Development), EV1 (Development in the Countryside), EV8 (Open Spaces in Villages and Settlements), EV9 (Protection of Trees and Woodland), EV11 (Sites and Features of Natural History Interest), EV12 (Conservation Areas), EV13 (Listed or Other Buildings of architectural or Historic Importance) and EV14 (Archaeological and Heritage Features).

Emerging Development Plan Policies

- Pre-submission Local Plan Part 2: SDT1 (Settlement Boundaries and Development), BNE7 (Trees, Woodland and Hedgerows) and BNE10 (Heritage)

National Guidance

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

Local Guidance

- Barrow on Trent Conservation Area Character Statement (2011)
- Housing Design & Layout SPG (2004)
- Better Design for South Derbyshire (2010)

Planning Considerations

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

- The principle of development
- Design, layout and heritage
- Highway safety
- Flood risk
- Biodiversity

Planning Assessment

The principle of development

The site is located within the settlement confines for Barrow on Trent, both as adopted and emerging. Barrow is identified as one of the District's rural villages under policy H1 of the Local Plan Part 1, within which residential development of a limited nature is considered to be appropriate and reflects the presumption in favour of sustainable development within policy S2. Saved policy H5 of the 1998 Local Plan also throws weight behind the principle of the proposal, with that policy also restricting new housing development to that which can be accommodated within village confines, provided it is in keeping with the scale and character of the settlement. In terms of increasing the number of dwellings on the site, the efficient use of land is supported by policy H20. As such the principle of developing the site for residential purposes is considered to be acceptable subject to consideration of the detailed matters below.

Design, layout and heritage

The site is located within the Barrow on Trent Conservation Area where the Council has a duty to have special attention to preserving or enhancing the character and appearance the area - carefully considering any new development that could affect the setting and significance of the area. The NPPF is also explicit in its support for the conservation of heritage assets. In addition local plan policies – saved, adopted and emerging, require new development in conservation areas or affecting the setting of listed buildings to protect, conserve and, where possible, enhance heritage assets' settings. The principal character along Twyford Road primarily relates to the close knit clustered buildings fronting the road itself, which give the area an intimate feel. The site is currently occupied by a rather simple and large Vicarage built in the

1950s, set back around 30m from the road. The Vicarage has little architectural merit or relationship with the historic character of the conservation area and is considered to have a neutral impact on the conservation area.

The harm that this building has on the conservation area is mitigated to a certain extent by the set-back from the road (away from the more significant traditional buildings) and the existing tree planting to the fore of the dwelling. The proposal to demolish the existing building is considered to be acceptable in principle, which rather than harming the significance of the conservation area offers the opportunity to enhance the conservation area subject to a suitable replacement building.

In terms of the siting of the proposed dwellings, plot 1 is effectively a replacement for the Vicarage which is set back from the street frontage (similar to the existing dwelling). This set back, coupled with the retention of appropriate trees to the site frontage and supplemented by additional landscaping, is considered to result in a layout which would not harm the character or appearance of the conservation area, reflecting the absence of built form to the street frontage. Plot 2 retires in to the site and would not be visible from Twyford Road. Glimpses would be visible from Church Lane, but this would be across existing gardens within which existing tree planting and boundary features would partly screen the site, and as such is not considered to result in significant harm to the character of the conservation area. In addition, the separation of the site from the road frontage and existing listed buildings results in a form of development which would very limited harm on the setting of any listed buildings in close proximity to the site.

The two dwellings proposed have been designed through extensive pre-application and post-submission discussions, with the sensitive setting of the site in mind. The dwellings are of a traditional style, with a number of projecting gables of varying widths and ridge heights providing for a varied roofscape to each of the dwellings. This design approach reduces the 'massing' effect which might be presented by a simpler form. Key design features of the dwellings such as the projecting gable of plot 1 and the gablet feature originate from existing buildings within the conservation area. The design of the dwellings includes the provision of windows within their eastern facing side elevations, which provides for some overlooking and natural surveillance of the existing path leading to the equipped play area. This provides social benefits for the existing community in terms of increasing natural surveillance of this area and the safety of users. This overall design approach to developing the site is considered to be appropriate and the design of the dwellings are overall considered to enhance the character of the conservation area.

The proposal includes the widening of the existing vehicular access in to the site by a relatively limited amount, resulting in the partial demolition of the existing stone wall to the frontage which is likely to be contemporary with the War Memorial. The opening would be provided with a partial return utilising the existing stone, reducing the impact of widening the opening and is considered to be a suitable approach to ensuring appropriate vehicle access can be achieved in to the site.

The ability to appreciate key groups of historic buildings and key views within the conservation area would remain unchanged as a result of the proposal, and as a result of the improvement to prominent dwelling in the street scene (plot 1), the

proposed development is considered to be more in keeping with the character and appearance of the conservation area than the existing building which it replaces. Overall the proposal is not considered to result in demonstrable harm on the character of the conservation area or the setting of any nearby listed buildings, and is considered to be an appropriately designed solution to developing the site.

Highway safety

The location of vehicular and pedestrian access in to the site remains the same, with the existing access widened by 2.25m to 5.25m in order to provide sufficient width for vehicles to pass. The application demonstrates that 2.4m x 43m vehicular visibility splays can be achieved from the site entrance in both directions, with the frontage wall facilitating sufficient pedestrian visibility splays. In terms of parking provision, each of the dwellings would have double garages with additional parking bays in front, providing for a minimum of 3 cars, which is considered to be of a sufficient level. The proposals are therefore considered to comply with policy INF2 and the requirements of the NPPF, and the recommendation of the Highway Authority.

As detailed above, the site owner has prepared a construction management plan following discussions with the primary school, which includes measures to reduce the impact of the site development on highway safety and the operation of the school including delivery time restrictions. In the interests of ensuring the continued safety of the school and management of deliveries to the site, it is considered reasonable to formalise this management plan through a condition.

Flood Risk

The concerns raised regarding the levels of the proposed dwellings are noted, especially due to plot 1 being located within Flood Zone 3a and the requirement to provide the floor level above the 1 in 100 year flooding event (with 30% peak river flow climate change applied). The required floor level for plot 1 (39.645m AOD) matches the current threshold levels of the existing Vicarage (between 39.51m and 39.7m AOD), which coupled with the reduction in comparative ridge heights by approximately 1.6m and the steps in ridge and eaves levels, would result in a building that would appear to be of a smaller scale than the existing Vicarage in the street scene. The floor levels for plot 2 are equally not of concern, with the Environment Agency's minimum level actually lower than existing ground levels in this part of the site. Compensatory flood storage and preventative measures during flood events can be conditioned. No objection is raised by the Environment Agency with there no concern as to sustainable drainage of the site.

Biodiversity

The ecological and habitat surveys undertaken highlight that the main areas of interest relate to the impact of the development on a summer bat roost in the existing dwelling and nesting birds. The impact on nesting birds can be appropriately mitigated for by way of timing of the works, interim nesting provision and the inclusion of long term nesting opportunities and enhancement within the new buildings.

In terms of bats, as a roost exists within the Vicarage consideration needs to be given as to whether the Council can satisfy its requirements under the Habitat Regulations. As satisfactory survey work has been undertaken to establish the extent of bat population and appropriate mitigation can be secured to not only maintain but enhance their conservation status, whilst there are environmental and social benefits in enhancing the character of the conservation area and providing for sustainable new housing; it is considered that that the test is met. Suitable bat mitigation can be secured by condition and there is a requirement for a licence to be granted by Natural England before works can commence in any case.

The majority of trees to the site frontage are to be retained and protected throughout the development, with suitable protection and construction techniques used where the proposed access road and parking areas would fall within the root protection areas. The retention of these trees would assist in softening and screening the proposed dwellings from Twyford Road. Whilst a number of trees would be removed from the centre of the site (to the rear of the existing Vicarage), there is no fundamental objection to this given the species and/or the significance of the specimens, and a detailed landscaping scheme is considered appropriate in rebalancing this loss.

Other matters

The proposal site is within an Area of High Archaeological Potential, as established in the Conservation Area Character Statement. This corresponds to the likely area of medieval settlement within the village. The site is also in an area of extensive prehistoric and Romano-British activity, with known concentrations of archaeological cropmarks in a number of places both west and east of the village (each at around 500m from the proposal site). Negative impacts on archaeological survival are likely from the development of the site in the 1950s and its subsequent use as domestic curtilage, although the survival of the site as open space into the 20th century highlights the possibility of archaeological preservation, particularly in relatively undisturbed garden areas. As a result a conditional approach to investigation is considered proportionate.

Conclusion

The proposal is acceptable in principle taking into account the provisions of the development plan, given the site is located within the settlement boundary for Barrow on Trent. The proposed dwellings are considered to be sensitively sited and designed, having taken account of the sites sensitive location within the conservation area. Overall the development is considered to result in an overall enhancement to the character and appearance of the area though the replacement of the existing Vicarage with a dwelling which better reflects the character of the conservation area, whilst the additional dwelling is not considered to bring about harm which is not outweighed by the benefits of an extra dwelling here.

The site has been the subject of detailed ecological and bat surveys, and investigation in respect of flood risk, and these matters are acceptable subject to conditions and relevant mitigation so to comply with the relevant legislation and

planning policy. The surrounding highway network is considered to have sufficient capacity to accommodate the proposed development, suitable construction phase, access and parking arrangements are achievable such that there would be no significant detrimental impacts on the safe and efficient operation of the local highway network.

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

Recommendation

GRANT permission subject to the following conditions:

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

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

2. The development hereby permitted shall be carried out in accordance with drawing numbers 130 Rev D, 131 Rev B, 132 Rev B, 133 Rev A, 134 Rev A, and VC0030 001 Rev A (relating to the access only) unless as otherwise required by condition attached to this permission or allowed by way of an approval of a non-material minor amendment made on application under Section 96A of the Town and Country Planning Act 1990 (as amended).

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

3. The development permitted by this planning permission shall be carried out in accordance with the approved Amended Flood Risk Assessment (FRA) (12th January 2017/ 207239/Canham Consulting Ltd) and the following mitigation measures detailed within the FRA:

- a. Finished floor levels are set no lower than 39.49m above Ordnance Datum (AOD) for plot 2 and no lower than 39.645m above Ordnance Datum (AOD) for plot 1, as stated in Section 6 of the FRA.
- b. Compliance with the compensatory flood plain storage, as stated in Section 6 of the FRA.

Reason: To reduce the risk of flooding to the proposed development and occupants.

4. No works or demolition of buildings or structures or removal of vegetation that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period, and details of measures to protect the nesting bird interest on the site, have first been submitted to and approved in writing by the local planning authority and then implemented as approved. All tree works or felling should be undertaken with caution by an Arboriculturalist experienced in working on trees with bat roost potential. If elevated survey by the Arboriculturalist finds any further

evidence of bat roosts then all works should cease and further advice sought from a qualified ecologist.

Reason: In the interests of protected species

5. During the period of construction, there shall be no deliveries, and no plant or machinery shall be used outside the following times: 0800 - 1800 hours Monday to Friday and 0800 - 1300 hours on Saturdays and at no time on Sundays, Bank and Public Holidays.

Reason: In the interest of protecting the amenity of nearby residents.

6. No generators or pumps shall be used on site during the construction phase of the development without prior written permission from the Local Planning Authority, and there shall be no burning of construction/demolition waste on site.

Reason: In the interest of protecting the amenity of nearby residents.

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

Reason: In the interests of highway safety.

8. 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

- i. The programme and methodology of site investigation and recording;

- ii. The programme for post investigation assessment;

- iii. Provision to be made for analysis of the site investigation and recording;

- iv. Provision to be made for publication and dissemination of the analysis and records of the site investigation;

- v. Provision to be made for archive deposition of the analysis and records of the site investigation; and

- vi. 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 assessment 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 analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To enable items of archaeological interest to be recorded/and or preserved where possible, recognising that initial ground clearance and preparation works could compromise archaeological interest at the site.

9. Prior to the commencement of any works which may affect bats and their habitat, a Natural England European Protected Species licence, shall be submitted to and approved in writing by the Local Planning Authority. All works should then proceed in accordance with the approved strategy, a copy of which should be submitted to the Local Planning Authority, and the requirements of the licence. The bat mitigation measures shall be monitored for a minimum of two years after construction, and reports submitted to the Local Planning Authority, Derbyshire Wildlife Trust and Derbyshire Bat Conservation Group immediately following completion of each survey.

Reason: In the interests of safeguarding protected species, recognising that demolition, initial ground clearance and preparation works could compromise protected species.

10. Prior to the commencement of any works on the site, a detailed mitigation and enhancement strategy for nesting birds, including house martin, should be submitted to and approved in writing by the Local Planning Authority. All works should then proceed in accordance with the approved strategy.

Reason: In the interests of safeguarding protected species, recognising that demolition, initial ground clearance and preparation works could compromise protected species.

11. Prior to the commencement of any works on site a strategy for Great Crested Newts shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall include a precautionary method of works, reasonable avoidance measures and a watching brief to be undertaken by a suitable qualified and licenced ecologist during vegetation clearance and demolition works. All works shall then proceed in accordance with the strategy.

Reason: In the interests of safeguarding protected species, recognising that demolition, initial ground clearance and preparation works could compromise protected species.

12. Prior to the development hereby approved commencing, details of the finished floor levels of the buildings hereby approved and of the ground levels of the site relative to adjoining land levels, shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the development shall be constructed in accordance with the agreed levels.

Reason: To protect the amenities of adjoining properties, the locality generally, and in the interests of flood risk. Recognising that initial ground clearance and preparation works could compromise flood risk in the locality.

13. No development shall take place until a construction management plan or construction method statement, based on the submitted site management plan, has been submitted to and been approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for the storage of plant and materials, site accommodation, loading, unloading of

goods' vehicles, parking of site operatives' and visitors' vehicles, routes for construction traffic, hours of operation, method of prevention of debris being carried onto highway and any proposed temporary traffic restrictions.

Reason: In the interests of highway safety and the amenities of nearby residents and the adjacent primary school, recognising that works including the demolition, initial ground clearance and preparation works could compromise highway safety.

14. Before any other operations are commenced the existing access to Twyford Road shall be modified in accordance with the approved plans, laid out, constructed and provided with 2.4m x 43m visibility splays in both directions, the area in advance of the sightlines being maintained clear of any object greater than 1m in height (0.6m in the case of vegetation) relative to the adjoining nearside carriageway channel Level.

Reason: In the interests of highway safety, recognising that works including the demolition, initial ground clearance and preparation works could compromise highway safety.

15. Prior to the commencement of building operations on the site a scheme for the method of construction of the driveway within the Root Protection Areas as detailed in drawing 'TREE PROTECTION PLAN (612 TRB 03 Rev C)' shall be submitted to an approved in writing by the Local Planning Authority. All works shall then proceed in accordance with the approved details.

Reason: To protect the trees from undue disturbance, recognising that initial demolition, ground clearance works and site preparation could compromise the long term health of the trees affected.

16. Prior to the commencement of building operations on the site scaffold protective fencing in accordance with BS5837:2012 shall be erected in accordance with drawing 'TREE PROTECTION PLAN (612 TRB 03 Rev C)' and retained in position until all building works on adjoining areas have been completed.

Reason: To protect the trees from undue disturbance, recognising that initial demolition, ground clearance works and site preparation could compromise the long term health of the trees affected.

17. A scheme of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of any part of the development.

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

18. A sample of both the roof tile and the brick shall be submitted for approval in writing by the Local Planning Authority before the construction of any buildings.

Reason: To ensure the building/extension is in keeping with its surrounding in the interest of the character and visual amenity of the area.

19. Notwithstanding any details submitted, precise details of the type, size and position of the proposed rooflights shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. The approved

rooflights shall be fitted such that their outer faces are flush with the plane of the roof.

Reason: In the interests of the appearance of the building(s) and the character of the area.

20. No external lighting shall be installed until a detailed lighting strategy has been submitted to and approved in writing by the Local Planning Authority. The strategy shall thereafter be implemented in accordance with the approved details and maintained as such.

Reason: In the interests of safeguarding protected species.

21. Notwithstanding the submitted drawings/plans, no development involving the construction of a dwelling or boundary treatment shall commence until revised drawings detailing the height, types and materials of boundary fences and walls and the positions of associated pedestrian gates have been submitted to and approved in writing by the Local Planning Authority. Such drawings shall be based on the positions of boundary fences and walls shown on layout plans hereby approved and be supplemented with elevational plans to show the typical heights and materials of such fences and walls. The fences and walls and the positions of associated pedestrian gates shall be completed in accordance with the approved details before the respective dwellings to which they serve are first occupied or in accordance with a timetable which shall first have been submitted to and approved in writing by the Local Planning Authority.

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

22. Large scale drawings to a minimum Scale of 1:10 of eaves and verges and external joinery, including horizontal and vertical sections, precise construction method of opening and cill and lintel details shall be submitted to and approved in writing by the Local Planning Authority before their installation. The eaves and verges and external joinery shall be constructed in accordance with the approved drawings.

Reason: In the interests of the appearance of the building(s), and the character of the area.

23. The dwellings, the subject of this application shall not be occupied until space has been provided within the application site in accordance with approved drawings for the parking of a minimum of two vehicles per dwelling, laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.

Reason: In the interests of highway safety.

24. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme first submitted to and approved in writing by the Local Planning Authority.

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

25. All plumbing and service pipework, soil and vent pipes, electricity and gas meter cupboards and heating flues shall be located inside the building unless alternative details are first submitted to and approved in writing by the Local

Planning Authority. The type, number, position and finish of heating and ventilation flue outlets shall be agreed in writing with the Local Planning Authority before their installation.

Reason: In the interests of the appearance of the building(s) and the character of the area.

26. External doors shall be timber and painted in a colour and to a specification which shall have previously been agreed in writing by the Local Planning Authority and be set back from the face of the wall by a minimum of 50mm.

Reason: In the interests of the appearance of the building(s) and the character of the area.

27. Gutters and downpipes shall have a black finish.

Reason: In the interests of the appearance of the building(s), and the character of the area.

28. Pointing of the proposed buildings shall be carried out using a lime mortar no stronger than 1:1:6 (cement:lime:yellow sand). The finished joint shall be slightly recessed with a brushed finish in accordance with Derbyshire County Council's advisory leaflet: Repointing of Brick and Stonework.

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

29. No gates shall be erected within 5m. of the highway boundary and any gates elsewhere shall open inwards only.

Reason: In the interests of highway safety.

Informatives:

- a. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through suggesting amendments to improve the quality of the proposal and quickly determining the application. As such it is considered that the Local Planning Authority has implemented the requirement set out in paragraphs 186 and 187 of the National Planning Policy Framework.
- b. The Highway Authority recommends that the first 5m of the proposed access driveway should not be surfaced with a loose material (i.e. unbound chippings or gravel etc.). In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users the Authority reserves the right to take any necessary action against the householder.
- c. Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991, at least 12 weeks prior notification should be given to the Environmental Services Department of Derbyshire County Council before any works commence on the vehicular access within highway limits; please contact 01629 538537 for further information.
- d. The County Flood Risk Team advises:
 - Any alteration to existing impermeable surface area of the site may exacerbate surface water flood risk, so new impermeable surfaces should be limited where possible. Where an increase in impermeable area is unavoidable, Derbyshire County Council (DCC) strongly promote Sustainable Drainage Systems (SuDS) to be incorporated within the design of a drainage

strategy for any proposed development, applying the SuDS management train with an appropriate number of treatment stages. Applicants should consult Table 3.3 of the CIRIA SuDS Manual (C697) to confirm the appropriate number of treatment stages, or contact the EA or the DCC Flood Risk Management Team directly. Surface water drainage should be designed in line with the non-statutory technical standards for SuDS (March 2015) where reasonably practicable, and ground infiltration to manage the surface water is preferred over discharging to a surface water body or public sewer system.

- Any SuDS should be designed to ensure that the maintenance and operation requirements are economically proportionate and that a maintenance plan is available to the persons/organisations that will be responsible for ongoing maintenance.

- The applicant is advised to contact the Environment Agency (EA) that hold modelling data for Main Rivers and some ordinary watercourses if fluvial flood risk is a concern.

- Due to the historic mining and mineral extraction operations in Derbyshire, adits may exist beneath the surface. The applicant is therefore advised to investigate the potential for hidden watercourses existing on the land prior to any works being undertaken.

- Development located in areas where the water table is at a shallow depth may be susceptible to groundwater flooding. Development site drainage should be considered carefully to avoid any increased risks associated with groundwater. DCC would not recommend infiltration as a means of development site surface

water disposal in areas where geohazards or ground instability are deemed likely without appropriate analysis of the risks involved. Infiltration of surface water to the ground is also not advised in sensitive groundwater areas without an appropriate SuDS management train.

- e. The applicant is advised to seriously consider the installation of a sprinkler system to reduce the risk of danger from fire to future occupants and property.
- f. During construction you are requested to ensure that your or any other contractors' vehicles are parked legally and in a manner that shows consideration to the occupiers of adjacent and nearby properties. Thank you for your co-operation.

Item 1.2

Ref. No. 9/2016/0932/CC

Applicant:
Mr Gary Supple
20 Victoria Way
Victoria Way
Pride Park
Derby
DE24 8AN

Agent:
Mr Christopher Lindley
DPDS Consulting Group
3 Gleneagles House
Vernon Gate
Derby
DE1 1UP

Proposal: **RELEVANT DEMOLITION CONSENT FOR DEMOLITION OF EXISTING DWELLING (FORMER VICARAGE) AT 11 TWYFORD ROAD BARROW ON TRENT DERBY**

Ward: **Aston**

Valid Date 14/09/2016

This case was deferred for a site visit at the meeting on 7 February 2017.

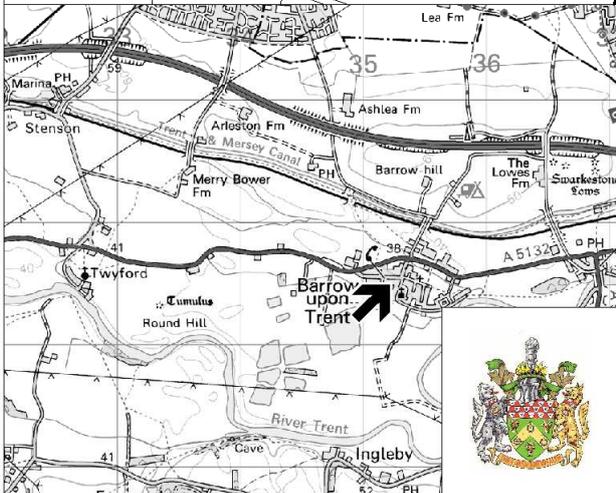
This application is submitted pursuant to the demolition of the existing dwelling on the site known as the Vicarage. The merits of the case are examined in the companion application for the redevelopment of the site under 9/2016/0917 above.

Recommendation

GRANT relevant consent for demolition subject to the following conditions

1. The development permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To conform with Section 18(1) of the Planning and Listed Buildings and Conservation Area Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall relate to the existing building known as the Vicarage, 11 Twyford Road, Barrow On Trent, Derby, DE73 7HA.
Reason: For the avoidance of doubt.
3. No demolition shall take place until a contract for the implementation and construction of the development approved under planning permission ref: 9/2016/0917 has been secured. If for any reason that development does not then commence within 6 months of the demolition of the existing building, a scheme for the restoration of the land shall be submitted to and approved in writing by the Local Planning Authority. The land shall then be restored in

9/2016/0932 - 11 Twyford Road, Barrow on Trent DE73 7HA



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accordance with the approved scheme within 6 months of the date of its approval or in accordance with an approved timetable of restoration.

Reason: To ensure all reasonable steps have been taken to ensure the new development will proceed after the loss of the existing building has occurred.

Informatives:

- a. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through pre-application discussions, seeking to resolve planning issues and quickly determining the application. As such it is considered that the Local Planning Authority has implemented the requirement set out in paragraphs 186 and 187 of the National Planning Policy Framework.

Item **1.3**

Ref. No. **9/2016/1095/SSA**

Applicant:
Mr Stewart Alcock
Calke Abbey
Main Street
Ticknall
Derby
DE73 7LE

Agent:
Miss Jane Willars
Allan Joyce Architects Ltd
16-20 Bath Street
Nottingham
NG1 1DF

Proposal: **CONSTRUCTION OF NEW OUTDOOR HUB AND ASSOCIATED INFRASTRUCTURE INCLUDING SERVICES, ACCESS ROADS (INCLUDING DEMOLITION OF SECTION OF EXISTING PARK BOUNDARY WALL TO PROVIDE ACCESS), CAR PARKING, FOOTPATHS AND DRAINAGE ALONG WITH CHANGE OF USE OF LITTLE TOWN LEYS FROM AGRICULTURAL LAND TO CAR PARKING AT CALKE ABBEY MAIN STREET TICKNALL DERBY**

Ward: **Repton**

Valid Date **09/11/2016**

This application is to be considered jointly with application 9/2016/1124 below.

Reason for committee determination

The item is presented to Committee at the request of Councillor Stanton as local concern has been raised about a particular issue.

Site Description

The application site is located within the Calke Abbey estate, which is located to the south of the village of Ticknall. The estate itself extends to over 2300 acres and contains the Grade I listed house, within a Grade II* Registered Park and Garden. The estate also contains SSSIs and National Nature Reserve.

The proposals are confined to land within the ownership of the National Trust and located to the west of the main historic registered park and garden.

Proposal

The application proposes the creation of a new 'Outdoor Hub' facility within the Calke Estate. The facility would comprise a new building containing a café, toilets and cycle hire facility with outdoor seating areas. An outdoor discovery area is proposed linking to cycle trails and walks within the immediate and wider estate. New infrastructure is

proposed to support the building and use of the site with access roads, car parking and drainage proposed.

The hub is shown located centrally to the estate, and would be accessed off the main drive to Calke Abbey after it passes through the Middle Lodge Gate House, and Raggs Close which is currently used for informal parking. The new access road extends from the main drive through a small part of the SSSI which is bound by an existing dry stone wall through which the access road is proposed to pass. The creation of a breach in the wall requires listed building consent in its own right and is the subject of application reference 9/2016/1124. The access road then passes through an area of woodland to the site of the proposed Hub, and its parking area within an area known as Pokers Wetland, the car parking area extends in to the adjacent field to the west known as Little Town Leys where an area of formal parking and informal overflow parking is proposed. The site access is proposed as a one way system, which extends from the car parking area through Pokers Leys to link with the an existing track (serving Calke Explore) to link in to the main estate drive.

Applicant's supporting information

The Planning Statement provides an assessment of the proposal in relation to the main national and local policy considerations. The proposal is considered to be inherently sustainable, strengthening the local economy and improving the leisure facilities at Calke Abbey. The impact of the development on the SSSI and the surrounding heritage assets have been a key consideration throughout the site selection, access routes, site layout and construction strategy. The proposal is considered to comply with the relevant policies of the 2016 Local Plan Part 1; meeting the sustainable growth strategy; promoting the use of sustainable modes of transport; providing for suitable sustainable drainage; The proposal utilises sustainable technology through photovoltaics and an air source heat pump; The proposal has been designed as a response to its immediate surroundings and heritage with the hub conceived in order to relieve pressure on the heritage core of the estate and to improve public access to the wider estate; The scheme has been designed to work with the existing site topography to minimise impact on the wider landscape; The traffic survey considers that the existing infrastructure would operate satisfactorily and can cope with the predicted future increase in flows to Calke Abbey; The hub will provide a high quality outdoor open space that would aid in improving the visitor experience at Calke and the tourist facilities within the District.

The Design and Access Statement incorporating a Heritage Impact Assessment sets the context for the proposal, outlining the scheme itself, with the need for the development being driven by:

1. Delivery of the National Trust's vision and ambitions within the Trust's 10 year Strategic Plan 2025;
2. Implementation of the recommendations set out in the Calke Abbey Parkland Plan that are designed to conserve, protect and enhance the key historic, cultural and natural significances of Calke;
3. Addressing the impacts and harm being caused to Calke by the increased pressure of rising visitor numbers;

4. Meeting the needs of the increasing numbers of visitors using and enjoying the outdoors at Calke.

The key benefits of the scheme are outlined as being:

1. Dissipating visitors into the wider and less visited part of the estate will reduce pressure on the visitor facilities at the important heritage core of the house and gardens and help conserve the unique character of this part of Calke.
2. Enable Raggs Close to be restored as an integral part of the Historic Park Landscape by relocating car parking and recreational use and introducing grazing and replanting as wood pasture.
3. New opportunities for people to get closer to nature and experience wildlife at first hand and to learn more about nature conservation including the importance of the National Nature Reserve through improved interpretation and engagement.
4. Providing for the needs of and a better visitor experience for people wanting to use and explore the outdoors and Calke's wide variety of landscapes and natural habitats, through new facilities and better access.
5. Offering many health and wellbeing benefits by providing ways for people to get active and fit, get closer to nature and enjoy being outdoors in a way that brings pleasure throughout life and fosters wellbeing.
6. Widening participation and engagement through providing new opportunities and improving accessibility for a wider range of audiences who have different motivations for visiting and enjoying National Trust properties, including young people and people who have disabilities.

The statement includes details of the widespread pre-application consultation undertaken with residents and statutory bodies. The design development of the scheme is set out, outlining the options considered as part of the design process for the location of the hub which is considered in detail in the 'Landscape and Site Analysis for the Location of the Hub', and the access options taking in to account the impact on SSSI / NNR and wildlife, impact on the historic park, operational, technical constraints and cost, and the mitigation potential. This assessment has resulted in the current proposal, with the building sited to the north west of the existing pond within an area outside the SSSI and away from the main historic interest of Calke Abbey and its park. The car parking is arranged as an area of permanent parking and overflow spaces to the west of the hub building. Generally due to the relatively low level of the site and the extensive belts of mature and plantation woodland; the visibility of the site is greatly restricted and the building would be hidden from views beyond the immediate site area. In order to minimise the impact of the roadway a one-way system is proposed in order to minimise the width of vegetation removed and reduce the impact of the development on the park itself. The building itself is designed to be an individual, interesting building attractive to visitors whilst acknowledging its place in the hierarchy of buildings on the estate and reflecting its woodland environment. Overall the benefits of the proposal are considered to outweigh any impact on the heritage assets in the area.

The Transport Implications Technical Report has utilised visitor data from the National Trust and existing traffic data by observation of turning counts of a number of junctions. The junctions assessed were;

- A514 Main Street, Ticknall (Main entrance to Calke);
- A514 Burton Road / B5006 High Street (Ashby Road);
- Exit from Calke Abbey north of Calke Village;
- Calke Village on to Heath Lane;
- Heath Lane / Staunton Lane; and
- B5006 Derby Road / Staunton Lane.

Each of these junctions has been assessed using three scenarios of visitor numbers to the estate in order to assess the predicted operation of these junctions;

- 350,000 visitors per year;
- 450,000 visitors per year; and
- 550,000 visitors per year.

The assessment indicates that all of the assessed junctions would operate satisfactorily with the worst case predicted flows (i.e. 550,000 visitors per year). Further on-site assessments of the existing junctions were undertaken and the report concludes that the existing road network can cope with the predicted future increase in flows to Calke Abbey and as such the predicted impacts of the development would not be severe.

A number of Ecology Surveys have been carried out at the site and include a Desk Study, Extended Phase 1 Habitat Survey, Pond Habitat Assessments, Badger Sett Monitoring, White-clawed crayfish Survey, and Water Vole Survey. The site is partly within the Calke Park SSSI and NNR, which encompasses the ancient deer park, rich woodland pasture and large old/veteran oak trees with exceptional deadwood invertebrate fauna. Notable habitats recorded within the survey area include woodland, streams, ponds and marshy grassland. White-clawed crayfish, bats, birds, invertebrates, common amphibians and fish have been recorded within the survey area. It is recommended that works avoid the water network within the survey area, with the visitor building and car parking situated on the improved grassland fields so as to have as little impact as practicable. Cycle tracks have been sites carefully sited to stick as closely as possible to existing paths and desire lines. Detailed mitigation measures are outlined within the reports in order to mitigate any likely impacts of the development.

An Invertebrate Survey of Selected Trees has been undertaken of trees affected by the road proposed within the SSSI. The report considers that the affected trees are no more important than any other veteran or mature trees in the Park and concludes that the invertebrate fauna of the small number of trees affected should not be adversely impacted by the development. A number of specific mitigation measures are proposed to minimise any impacts.

The Flood Risk Assessment identifies that the site is located within flood zone 1 and is therefore not at risk of flooding from watercourses. The site of the visitor centre and main car park are at very low risk of flooding from surface water, with the site of the overflow car park shown to be at medium/high risk of flooding from surface water but in reality due to the topography of the site this is not considered to be a constraint to the development. Rainwater harvesting is proposed on site in order to

reduce the water demand of the building, with swales proposed to provide attenuation storage, reducing the run-off rate from the proposed development to Greenfield rates before discharging to the local watercourse. As there are no public sewers within the vicinity of the site, foul water from the site would be treated on site (foul water treatment plant and an aerated reed bed) before discharging to the local water course. Overall the proposed development is considered to have an acceptable flood risk within the terms and requirements of the NPPF.

The Landscape and Visual Appraisal identifies that the site lies within National Character Area 70 known as Melbourne Parkland, which covers most of the 2km study area. The landscape is characterised by a mixture of pasture and woodland that makes up the wider Calke Estate. The site is considered to be generally typical of the local character, with areas of pastoral estate and agricultural land mixed with woodland and wood pasture. The site lies within a 'bowl' within the local topography which, when combined with local vegetation creates only short views of the site which are restricted by tree cover, which is characteristic of the 'Wooded Estatelands'. Due to this restricted zone of visibility the representative viewpoints chosen for the appraisal are focussed to within the Calke Estate. Landscape and visual impacts and impacts on the historic environment are predicted to be slight adverse at most during the construction phase of the development, which at around 12 months is considered to be short term and temporary. Measures such as the preparation of a detailed landscape scheme and the careful management of the landscape by the National Trust will further minimise the impacts of the proposed development, on both landscape character and visual amenity with aspirations are to create a slight beneficial effect in time, through landscape mitigation and management.

An Arboricultural Survey & Impact Assessment has been undertaken at the site, and has assessed all of the trees that would be affected or have the potential to be affected by the development. Whilst the proposed layout seeks to minimise the impact on the surrounding landscape, given the wooded nature of site and scale of the development, the removal of a significant number of trees is unavoidable. The assessment separates the site in to three sections; the entrance road; hub and car park; and exit road. The entrance road results in a requirement to provide a 'no dig' cellular confinement system upon which the access road is to be constructed where the road passes through the SSSI and in close proximity to three substantial mature oak trees which would also need to be crown raised in order to avoid the lower branches being damaged by construction traffic. A number of poor specimen trees would also need to be removed, although this is not considered to impact on the wider landscape. The roadway whilst 3.2m wide would require a 'construction' width of 6m with trees within 8m of the centre line being removed and others within falling distance assessed for their stability. This is also the case for the proposed exit road. The area for the hub building itself and the car park would be cleared of trees, which are generally of poor quality due to the expanse of the plantation and generally poor management of this area. Through the feasibility studies and options appraisals for the site the development overall has been sited in order to retain important trees within the area. The exact scale of tree works and removal would be determined on site at the time of installation, in consultation with the Council's Tree Officer with the aim of minimising the number of trees impacted upon and ensuring that any significant trees are not detrimentally affected by the proposal.

Planning History

9/2016/0811 Construction of a new surfaced multi use recreational family cycle trail comprising a main section connecting the ends of the existing tramway cycle route to form a circular trail and a shortcut section connecting to a mid-way point on the existing cycle route – Approved 30/11/16.

Responses to Consultations

The Open Space and Facilities Manager is in full support of the proposal. The development fits entirely with the Council's Sport and Recreation Strategy though providing a hub for sport and active recreation. The proposal strengthens local infrastructure, and contributes to providing a connected network of high quality multi-functional recreation hubs. Within the strategy, the Open Space Action Plan identifies a priority need to develop and promote outdoor activity hubs connected by greenways to improve recreational infrastructure, increase participation and improve satisfaction with facilities. From a Landscape perspective, good consideration seems to have been given to the siting of the facility, and the proposal appears to be sympathetic with the historic and ecologically sensitive environment. Commendable thought has been given to sustainable drainage, and the need to reduce environmental impact through sensitive design and good building practice.

The National Forest Company supports the principle of establishing an outdoor recreation hub within the Calke Estate, which helps to support one of the key aspirations of the NFC. The NFC requests that any loss of trees is minimised, with the specific detail of new tree planning conditioned. The proposed reintroduction of wood pasture to Raggs Close is welcomed and a condition to secure this is recommended. The design of the building is welcomed, and the introduction of timber including elements sourced from the estate will help to assimilate the building it to its surroundings. The use of timber and the incorporation of renewable and low carbon energy generation are encouraged in the National Forest. The proposed development will encourage greater participation in outdoor recreation which the NFC welcomes. The facility has the potential to be another key tourism destination within The National Forest and one which is strongly aligned to the aims and aspirations of the Forest.

Historic England (HE) notes that the access route favoured by the National Trust does require alteration to the registered park, requiring a new estate type road off the main drive leading into the HUB site adjacent to Betty's Pond. The access route options have been discussed in detail with the National Trust and the arguments presented for explaining why access off Staunton Lane is not possible. Creating the main access off the existing entrance road will cause some harm to significance of the registered park through the creation of a further road, and a breach in the boundary wall which clearly separates the historic parkland from the wider estate. This is less than substantial harm. In this circumstance the NPPF advises on the need to balance public benefits against the harm (para 134). There are wider public benefits associated with providing public access and associated facilities to the park and with removing ad hoc parking from Raggs Close. HE considers that the National

Trust has minimised the impact of the road on the parkland through its design and location. The proposed Hub building may be visible from within the registered park in those months when the trees are not in leaf. Its impact has also been minimised through careful design which aims to make the building visually recessive. Thus on balance HE has no in principle objection to make to the proposed Hub and access road on heritage grounds. Some detailed comments are provided on the scheme in terms of the mounds created in order to screen the car parking area and to minimise the off-site removal of material. However, this is considered to be at odds with the existing landscape character of this area of the site and this level of mitigation is considered to be excessive.

The Development Control Archaeologist confirms that the site does not contain any known archaeological assets, and as such there is little likelihood of significant archaeological impacts from the development proposals, and there is no requirement for archaeological works to be undertaken.

The Highway Authority has considered the proposal in detail and note that the submitted Transport Implications Technical Report is some 4 years out of date. However, as there are no controls over the number of visitors which can visit the site and the Highway Authority consider that much of the proposed development, such as toilets, café, cycle paths and formal car parking etc. would cater for existing visitors to the site, although it is understood that the intention would be to attract new visitors also. Whilst out of date, the submitted Report has considered the various increases in traffic which may be generated as a result of the provision of additional attractions and the Highway Authority considers that it would be difficult to demonstrate that approval of the proposal would result in such an increase in vehicle movements that an objection on highway safety grounds could be sustained.

Derbyshire Wildlife Trust considers that the main issues and concerns, as a result of the proposed development to be; Impact on veteran trees and invertebrates; Impact on protected species; Loss or impact on wetland and developing grassland and other habitats; Increase in human disturbance. Overall subject to the mitigation outlined within the submitted surveys there is no objection to the proposal.

Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.

The Environment Agency has no objection to the proposed development but note that a permit may be required for the discharge of the sewerage treatment plant to surface waters.

Severn Trent Water has no objection to the proposal.

The Peak and Northern Footpaths Society have no objection to the proposal. They note that some views from Footpath 12 Ticknall will be affected but overall as screening is planned and the overall gain to walkers from the new facilities would outweigh any loss of enjoyment of the use of the footpath.

Responses to Publicity

The Derby and Derbyshire Local Access Forum have questioned the increase in traffic, and the developments impact on local roads, whether the site is closer to a bus route than the current facilities, and whether there will be a traffic free route between the hub and Ticknall.

Ticknall Parish Council raises the following points:

1. No provision has been made to alleviate the parking impact on Calke's neighbours in Ticknall village. The charging policy for parking encourages visitors to park in the village, which will only increase;
2. If passed then suitable behavioural signage should be erected encouraging cyclists to give way to pedestrians on public footpaths;
3. Concern at lack of parking on Staunton Lane; this lane is extremely narrow and there has been an increase in parking on the lane from the original track;
4. The PC acting on the advice of the Council is working to set up a Community Liaison Group, and if successful some of the concerns mentioned could be solved. The PC is not opposed to cycling or leisure facilities in Calke Park;
5. Is the size of the proposal really necessary? The amount of parking will ruin an unspoilt area with damage to ecology.

12 letters/e-mails of objection have been received, raising the following concerns/points:

- a) The traffic data should be more up to date as traffic has increased since 2012;
- b) Increase in speeding and additional traffic problems in Ticknall;
- c) Concern at an increase in unscrupulous visitors parking in the village hall car park and across peoples drives due to the fees for parking;
- d) A new entrance must be found closer to the amenities to avoid congestion on the roads of Ticknall;
- e) The area for the Hub has hot springs;
- f) The National Trust do not properly maintain their woodland adjacent to local residents and should pay more attention to local residents;
- g) Creating the car park will have a detrimental effect on the wildlife and ecology and many trees will be lost;
- h) The National Trust were asked to maintain the 'mystery' of the park, this will not be done with the Hub;
- i) The demolition of a wall sets a precedent for other walls to be demolished, it was listed for a reason and therefore should remain;
- j) Had an ecological report been undertaken;
- k) Encouraging cyclists, who never give way to pedestrians will ruin the atmosphere of the park for walkers;

11 letters of support have been received, which note the following points:

- a) The proposal will allow more people to access the park, and to experience the outdoors and areas of ancient woodland;
- b) This will encourage more people to get out and enjoy the countryside;

- c) The current parking restricts access to the outer areas of the park form many visitors;
- d) The proposal will spread visitors more evenly across the park and will be of benefit to those with reduced mobility, walkers and dog owners;
- e) This seems to be a well-hidden spot for the hub;
- f) It is a good idea to have toilets and refreshments at the hub;
- g) This will prove to be an area for gaining a greater knowledge of the natural and industrial history of that part of South Derbyshire;
- h) This will enhance the location and provide much needed facilities for visitors to Calke;

Development Plan Policies

The relevant policies are:

- 2016 Local Plan Part 1: S1 (Sustainable Growth Strategy); S2 (Presumption in Favour of Sustainable Development); SD1 (Amenity and Environmental Quality); SD2 (Flood Risk); BNE1 (Design Excellence); BNE2 (Heritage Assets); BNE3 (Biodiversity); BNE4 (Landscape Character and Local Distinctiveness); INF2 (Sustainable Transport); INF6 (Community Facilities); INF7 (Green Infrastructure); INF8 (The National Forest); INF9 (Open Space, Sport and Recreation); INF10 (Tourism Development).
- 1998 Local Plan (saved policies): EV1 (Development in the Countryside); EV9 (Protection of Trees and Woodland); EV11 (Sites and Features of Natural History Interest); EV12 (Conservation Areas); EV13 (Listed or Other Buildings of Architectural or Historic Importance); EV14 (Archaeological and Heritage Features); EV15 (Historic Parks and Gardens).

Emerging Development Plan Policies

The relevant policies are:

- Submission Local Plan Part 2: BNE5 (Development in the Countryside); BNE7 (Trees, Woodland and Hedgerows); BNE10 (Heritage).

National Guidance

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

Planning Considerations

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

- Principle of development;
- Design, layout and heritage;
- Ecology and biodiversity; and
- Highway safety.

Planning Assessment

Principle of development

Policy S1 sets the sustainable growth strategy for the District, which is explicit in its support and encouragement for new tourism developments, and encouraging healthy lifestyles through leisure pursuits, the provision of open space and providing greater accessibility to this area for residents. Indeed policy INF9 highlights the fact that the current provision of open space, sports and recreation facilities in the District is not sufficient to meet local needs and seeks to encourage the creation of new and enhanced facilities. Within the National Forest the provision of leisure opportunities for local communities and visitors is supported by policy INF8 with general support for tourism development outlined in policy INF10.

The proposed outdoor Hub would be a further enhancement of the existing leisure provision at Calke and would encourage further use of this key site within the National Forest. The proposal would help to encourage and facilitate healthy lifestyles for both existing residents and visitors a key component of the strategy for the District, as highlighted in the response received from the Council's Open Space and Facilities Manager. In principle therefore the proposed works are considered to be acceptable, supporting one of the main strategies of the District. This however, subject to consideration of the detailed matters discussed below.

Design, layout and heritage

The proposal site is just outside the Grade II* Listed Registered Park/Garden at Calke, and is about 860m from the Grade I Listed Calke Abbey. The site is within the setting of these highly designated assets, and the Council has a duty to have special regard to preserving the setting of these assets though carefully considering any new development that could affect their setting and significance. In addition local plan policies – saved, adopted and emerging, require new development in registered parks and gardens or affecting the setting of listed buildings to protect, conserve and, where possible, enhance heritage assets' settings. The NPPF is also explicit in its support for the conservation of heritage assets. Consideration therefore needs to be given to the impact of the proposal on this important group of assets, and whether there is an impact on the registered park, and to what extent any impact can be mitigated.

The approach into the Calke Estate along the entrance drive is a long winding route, which partly gives the sense of mystery and intrigue which is part of the significance of the estate and its buildings. There are no glimpses of the house from the main drive until after the proposed Hub. The location of the proposed Hub within the estate is a result of a thorough, well informed and detailed options appraisal undertaken taking into account the sensitive nature of the estate and its heritage assets.

In terms of the impact of the development on the registered park, this is primarily as a result of the creation of vehicular access and egress from the main estate drive and the requirement to form a breach in the listed wall to provide access to the Hub site. The listed wall forms the boundary of the registered park. In considering this

impact the proposal has been designed to provide a one-way traffic routing system, to the Hub area, which enables the overall width of the vehicular access to be minimised to a single carriageway and as such the loss of any significant vegetation and trees is minimised as is the breach in the listed wall to approximately 5m. In terms of the breach in the wall, the significance of the wall in this location lies in its alignment, detail and character of construction rather than its inherent historic value. As such a relatively small breach in the wall (similar to that already created at the gated access to the Calke Explore form where the exit track is proposed) is not considered to harm the significance of the registered park.

In the short term the drive would appear as an obvious new addition to the park, however this impact would soften as the drive blends in with the landscape within this heavily wooded area. It is not considered that the access road would cause substantial harm to the registered park, subject to an appropriate surfacing material for the drive, and the implementation of a sensitive scheme of signage.

The main element of the proposal is located to the west of the registered park, within an area of plantation woodland and is comprised of the Hub building, the car parking and overflow car parking area. The Hub building itself is proposed as a simple linear building with a split pitched roof which has been designed as a response to its setting in order to sit quietly within the landscape. The building merges into the wider landscape when viewed from the vehicular approach into the site, and as such the building sits unassumingly within the surrounding landscape against a backdrop of established woodland. The materials proposed have been chosen to reflect the buildings surroundings, with the timber cladding sourced from the estate itself. Overall the building is considered to be well-designed, and sympathetic to its setting.

The main car parking area is proposed close to the main Hub building, arranged in small blocks along the winding access and circulation road interspersed with landscaping and drainage. An area of car parking is also proposed to the west of the Hub area within Little Town Leys, this area is currently open pasture where additional formal parking is proposed along with an area of overflow car parking. The main parking areas would be provided using a plastic grid infilled with gravel, with the overflow area provided with a form of 'grasscrete'. This area of parking would be screened from the north with screen planting, and small bunds. In the interests of ensuring that these additional landscape features do not impact detrimentally on the landscape character in this area it is considered appropriate and necessary to condition their detail as the creation of large new bunds would be inappropriate in this landscape setting and small variations in land levels with woodland planning is considered the most appropriate approach.

The Hub building and its infrastructure would be seldom visible from the registered park, main drive and wider landscape, even in winter without leaf cover due to the heavy tree cover and recessive design of the building. Overall it is considered that the location of the Hub is acceptable in terms of its impact on the park, and the proposed works are not considered to cause detrimental harm to the significance of the nearby listed assets and would not diminish the immediate or wider setting of these assets. It is therefore considered that the proposed works would cause 'less than substantial' harm to the Registered Park & Garden as a whole as well as 'less than substantial' harm to the setting of the these heritage assets. When this small

degree of harm is weighed against the public benefits achieved through the provision of a new visitor attraction, relieving pressure of the main historic area of the estate, and increasing public access to the wider estate the proposal is considered to be acceptable from a heritage and design perspective.

Ecology and biodiversity

The detailed assessments undertaken consider that the main impacts of the proposal would be on trees, veteran trees and invertebrates, protected species, and the existing wetland created in 2004 following the clearance of a Poplar plantation. The proposed access road to the Hub extends partly through the Calke Park SSSI.

The proposal includes the removal of pine and broadleaved trees to facilitate Hub building, main car parking, access road and western car park. Development is also proposed in part of the existing wetland. However, in the context of the site as a whole these changes in habitat extent would not significantly diminish the ecological value of the site and in places there could be some benefits as a result of improved management of this part of the estate.

The mitigation measures identified include the use of no dig construction of roads, the protection of veteran trees and retained habitats through appropriate fencing, new and enhanced wildlife habitats, and the protection and avoidance of protected species. These measures would be secured through appropriate conditions and would ensure that the development would not result in any detrimental impacts on ecological interests and would lead to biodiversity enhancements outside of the SSSI.

The establishment of a hub, with car parking and new trails through the site would inevitably increase the level of human disturbance, and this may have a slight impact on the breeding activities of birds and possibly use of the site by mammals. However, these impacts are considered to be limited to the immediate area and would be highly variable depending upon the season. Overall the development is supported by Derbyshire Wildlife Trust.

In terms of the arboricultural impacts of the development it is acknowledged that the proposal would result in the loss a number of trees along the proposed access route, site of the building and the proposed car parking area. The access road has been located so as to avoid any impacts on the existing veteran trees within the SSSI, and where this is not possible the drive would be constructed in a 'no dig' construction.

Whilst a number of trees would be removed from within the area proposed for the Hub, and car parking, there is no fundamental objection to this given the species and/or the significance of the specimens, and a detailed landscaping scheme is considered appropriate in rebalancing this loss. In addition, the proposals include extensive re-planting around the central and western car parking and Raggs Close to replace trees lost and introduce both species and structural diversity into the new landscape. As part of the detailed design following visits to the site with the Council's Tree Officer it is considered appropriate to identify the exact route of the road, tracks and parking areas on-site in order to minimise and agree to any loss of trees and the ensure that the route has a minimal impact.

Highway safety

The proposed Hub is located within the confines of the Calke Estate, with no alterations proposed to the existing access and egress arrangements currently in place for access to and from the highway network. As detailed above, an assessment has been undertaken of the existing site accesses, and nearby junctions.

The assessment was undertaken at a time when the visitor numbers were around 250,000 (2012), with current estimations indicating that the estate currently attracts over 300,000 annual visitors. The 2012 assessment was based on three predicted scenarios of an increase in visitors to 350,000, 450,000, and 550,000 visitors annually to allow for a robust assessment of potential increase in visitors to the estate. Research undertaken by the National Trust indicates that there is likely to be an increase in visitors of between 50,000 and 100,000 over the next ten years for various reasons including an increase in numbers visiting heritage attractions in general and Calke's location close to three large and expanding cities. This predicted increase in numbers is not attributable to the current proposal as it is envisaged that the development would cater for existing visitors to the estate rather than attract a significant number of new visits. Of the existing visitors to the estate around 50% visit Calke to use the outdoors and explore the parkland rather than the house and gardens. The current application seeks to relieve visitor pressure on the main heritage core of the estate. It is certainly noteworthy that there are currently no restrictions on the number of visitors to the estate.

The assessment indicates that each of the junctions assessed would safely operate within capacity at the worst-case scenario (i.e. with an addition of 250,000 visitors more than current visitor numbers). The assessment has been scrutinised by the Highway Authority, which concludes that it would be difficult to demonstrate that the proposed hub and facilities would result in such an increase in vehicle movements so as to have a severe impact on the existing highway network and consider that the proposed development is acceptable in highway safety terms.

The layout of the site provides for 140 formal parking spaces (including 10 disabled and 4 for longer vehicles), and an additional overflow area of 100 spaces. Whilst there are no specific parking standards for the type of facility proposed this level is considered to be generally appropriate and the overflow parking provision would enable potential demand to be accommodated within the site.

As with the recently approved application for a number of cycle tracks within the estate, a number of comments have been received from the Parish Council and local residents regarding the impact of the proposal on Ticknall village. However, the proposals are not considered to result in a demonstrable increase in the number of visitors to Calke or the likelihood of vehicles parking within the village. In any event as part of considering the highway safety implications of the proposal, the potential for increased on-street parking in Ticknall is considered by the County Highway Authority to be inconvenience rather than an issue of highway safety and as such is not considered to be a material consideration that would weigh significantly against the proposal.

Other matters

Following the approval of the previous application for the formation of a new cycle track within the Estate, and at the request of this committee a 'Ticknall Community Liaison Group' has been set up in order to improve the relationship between the National Trust and the village. The group is comprised of two members each of the Parish Council, National Trust, and local residents, and a representative of the village hall. The first meeting of the group took place on 3rd February, and is scheduled to take place every two months. The group has the following purpose;

“To act as a sounding board to share experiences, knowledge and areas of common interest to promote understanding and a positive relationship between the local resident community of Ticknall Village and the National Trust Calke Abbey”.

The group aims to provide a positive communication channel between the local community and the National Trust, in particular to review issues relating to car parking and traffic management within Ticknall Village. Whilst this may not immediately solve the concerns of local residents it is certainly a positive outcome that the group has been set up, and acknowledges a commitment from all parties to improve relationships and address areas of concern.

Conclusions

It is considered that the proposals would comply with the general thrust of local planning policy and national guidance which aims to support and encourage new and existing tourist facilities within the District, with overriding support for new developments which support leisure activities, health and well-being. The proposal is considered to make a valuable contribution to the provision of multi-functional and accessible green infrastructure in the District, which weigh heavily in favour of the proposal.

Any harm to the historic environment and biodiversity as a result of the proposal is considered to be less than substantial, and can be suitably mitigated, with programmes and management plans required to ensure this before works can commence.

The proposal is considered to represent sustainable development which provides for the social needs of existing residents and visitors to the District, the environmental impacts of the development are not considered to be significant or substantial and where identified can be suitably mitigated. In addition, the proposal would continue to support the economic role that Calke plays within the District.

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

Recommendation

GRANT permission subject to the following conditions:

1. The development permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To conform with Section 91(1) of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with drawing numbers; 2961 01, 2961 02, 2961 03, 2961 04, 2961 05, 2961 06, 988 200 Rev B, 988 201 Rev B, 988 202 Rev C, 988 203 Rev C, 988 204 Rev B, 988 205, 988 206 Rev A, 988 207, 24693-01 Ver 3, 24693-02 Ver 2, 24693-10 Ver 3, 24693-11 Ver 2, 24693-10 Ver 3, 24693-14 Ver 2, 24693-15 Ver 2, 24693-16 Ver 3, 24693-20 Ver 2, 24693-80 Ver 3, and the following documents and mitigation measures contained therein; Flood Risk Assessment (24693 October 2016), Invertebrate Survey of Selected Trees (September 2016), Ecological Surveys (September 2015). Unless as otherwise required by condition attached to this permission or allowed by way of an approval of a non-material minor amendment made on application under Section 96A of the Town and Country Planning Act 1990 (as amended).
Reason: For the avoidance of doubt and in the interests of sustainable development.
3. No development shall take place until a construction management plan or construction method statement has been submitted to and been approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for the storage of plant and materials, site accommodation, loading, unloading of goods vehicles, parking of site operatives' and visitors' vehicles, routes for construction traffic, hours of operation, and any proposed temporary traffic signing or restrictions.
Reason: In the interests of highway safety, recognising that initial works to clear and prepare the site could give rise to unacceptable impacts.
4. No development shall take place (including ground works and vegetation clearance) until a tree management plan (TMP) has been submitted to and approved in writing by the local planning authority. The TMP shall incorporate the following;
 - a) A tree protection plan identifying where protective fencing is to be installed;
 - b) A tree removal plan identifying which trees are to be removed along the route;
 - c) Identification of the precise locations of the different types of road and track construction within the site.The approved TMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To protect the trees/landscape areas from undue disturbance.

5. No development shall take place (including ground works and vegetation clearance) until a construction environmental management plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include the following incorporating the measures outlined within the ecology report;

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection/buffer zones" to include ponds, hedgerows, woodland, trees other habitat as required.
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts on habitats and species during construction.
- d) The location and timing of sensitive works to avoid harm to habitats and species.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person (as required).
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of the preservation of the species.

6. No development shall take place (including ground works and vegetation clearance) until a landscape and ecological management plan (LEMP) for all retained and created habitats has been submitted to and approved in writing by the local planning authority. The LEMP shall include the recommendations and information from the ecology and invertebrate reports along with the following:

- a) Description and evaluation of features to be managed / created
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a 10 year period).
- g) Details of the body or organization responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

Reason: In the interests of protected species recognising that initial ground clearance work could harm protected species without appropriate mitigation and methods of working as recommended by Derbyshire Wildlife Trust.

7. No development shall take place until a method statement regarding the presence of White-Clawed Crayfish occurring during the works, has been submitted to and approved in writing by the local planning authority. Such a scheme shall include details of the following:
 - a) The timing of the works;
 - b) The measures to be used during works to minimise the risk of introducing crayfish plague;
 - c) The measures to be used during works to minimise risk to native White-clawed crayfish
 - d) Information on the persons/bodies responsible for particular activities associated with the method statement that demonstrates they are qualified for the activity they are undertaking;

Specific measures should also be employed to reduce the risk of mortality of any amphibians and reptiles within the application boundary during the operational phase of the proposed works. This can be achieved by inserting modified kerbs adjacent to any roadside gully pots throughout the developed site to reduce the risk of amphibian/reptile mortality.

Reason: In the interests of protected species recognising that initial ground clearance work could harm protected species without appropriate mitigation and methods of working as recommended by Derbyshire Wildlife Trust.

8. No works which include the creation of trenches or culverts or the presence of pipes shall commence until measures to protect badgers (and other mammals) from being trapped in open excavations and/or pipe and culverts are submitted to and approved in writing by the local planning authority. The measures may include:
 - a) creation of sloping escape ramps (mammal ladders) for badgers (and other mammals), which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day; and
 - b) open pipework greater than 200 mm outside diameter being blanked (capped) off at the end of each working day.

Reason: In the interests of protected species recognising that initial ground clearance work could harm protected species without appropriate mitigation and methods of working as recommended by Derbyshire Wildlife Trust.

9. Prior to the commencement of building works on site samples of the external materials to be used in the construction of the hereby approved buildings and

structures shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the buildings are in keeping with its surrounding in the interest of the character and visual amenity of the area.

10. Prior to the installation of the road, access and cycle tracks precise details, specifications and, where necessary, samples of the road, access and cycle track surfacing material has been submitted to and approved in writing by the Local Planning Authority. The work shall be carried out in accordance with the approved details.

Reason: To safeguard the appearance of the locality generally.

11. Prior to the commencement of building works or earthworks on site details of earthworks and land profiling have been submitted to and approved in writing by the Local Planning Authority. These details shall include the proposed grading and mounding of land areas including the existing and proposed levels and contours to be formed, showing the relationship of the proposed mounding to existing vegetation and surrounding landform.

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

12. Prior to the first use of the development the car parking and manoeuvring space shall be laid out in accordance with the application drawings and maintained throughout the life of the development free of any impediment to its designated use.

Reason: To ensure that adequate parking provision is available.

13. Prior to the first use of the development a scheme of landscaping, including the restoration of Raggs Close shall be submitted to and approved by the Local Planning Authority.

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

14. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the first use of the site or in accordance with a programme first submitted to and approved in writing by the Local Planning Authority.

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

15. Notwithstanding any details submitted or the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any statutory instrument amending, revoking and/or replacing that Order; prior to the first use of the development a plans indicating the positions, design, materials and type of fencing/boundary treatments to be erected (including around the proposed swales) shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be completed in accordance with the approved details before the first use of the development or in accordance with a timetable which shall first have been submitted to and approved in writing by the Local Planning Authority.

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

16. Prior to the installation of any external lighting, a Lighting Strategy shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of safeguarding protected species as recommended by Derbyshire Wildlife Trust.

17. No works to or demolition of buildings or structures or removal of vegetation that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period, and details of measures to protect the nesting bird interest on the site, have first been submitted to and approved in writing by the local planning authority and then implemented as approved.

Reason: In the interests of the preservation of the species.

Informatives:

- a. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through seeking to resolve planning issues and quickly determining the application. As such it is considered that the Local Planning Authority has implemented the requirement set out in paragraphs 186 and 187 of the National Planning Policy Framework.
- b. The County Flood Risk Team advises:
- Any alteration to existing impermeable surface area of the site may exacerbate surface water flood risk, so new impermeable surfaces should be limited where possible. Where an increase in impermeable area is unavoidable, Derbyshire County Council (DCC) strongly promote Sustainable Drainage Systems (SuDS) to be incorporated within the design of a drainage strategy for any proposed development, applying the SuDS management train with an appropriate number of treatment stages. Applicants should consult Table 3.3 of the CIRIA SuDS Manual (C697) to confirm the appropriate number of treatment stages, or contact the EA or the DCC Flood Risk Management Team directly. Surface water drainage should be designed in line with the non-statutory technical standards for SuDS (March 2015) where reasonably practicable, and ground infiltration to manage the surface water is preferred over discharging to a surface water body or public sewer system.
 - Any SuDS should be designed to ensure that the maintenance and operation requirements are economically proportionate and that a maintenance plan is available to the persons/organisations that will be responsible for ongoing maintenance.
 - The applicant is advised to contact the Environment Agency (EA) that hold modelling data for Main Rivers and some ordinary watercourses if fluvial flood risk is a concern.
 - Due to the historic mining and mineral extraction operations in Derbyshire, adits may exist beneath the surface. The applicant is therefore advised to investigate the potential for hidden watercourses existing on the land prior to any works being undertaken.
 - Development located in areas where the water table is at a shallow depth may be susceptible to groundwater flooding. Development site drainage should be considered carefully to avoid any increased risks associated with groundwater. DCC would not recommend infiltration as a means of development site surface water disposal in areas where geohazards or ground instability are deemed

likely without appropriate analysis of the risks involved. Infiltration of surface water to the ground is also not advised in sensitive groundwater areas without an appropriate SuDS management train.

- c. The applicant should be aware that, to satisfy Condition 3, a routing plan will be required. The Highway Authority would not accept routes which direct construction traffic along Staunton Lane.
- d. The application site is affected by a number of Public Rights of Way, as shown on the Derbyshire Definitive Map (see attached plan). The routes must remain unobstructed on their legal alignments at all times and the safety of the public using them must not be prejudiced either during or after development works take place. Further information can be obtained from the Rights of Way Duty Officer in the Economy, Transport and Communities Department at County Hall, Matlock. Please note that the granting of planning permission is not consent to divert or obstruct a public right of way. If it is necessary to temporarily obstruct a right of way to undertake development works then a temporary closure is obtainable from the County Council. Please contact 01629 533190 for further information and an application form. If a right of way is required to be permanently diverted then the Council that determines the planning application (The Planning Authority) has the necessary powers to make a diversion order. Any development insofar as it will permanently affect a public right of way must not commence until a diversion order (obtainable from the Planning Authority) has been confirmed. A temporary closure of the public right of way to facilitate public safety during the works may then be granted by the County Council. To avoid delays, where there is reasonable expectation that planning permission will be forthcoming, the proposals for any permanent stopping-up or diversion of a public right of way can be considered concurrently with the application for the proposed development rather than await the granting of permission.
- e. Regarding the proposed sewage treatment system discharging to surface waters, a permit will be required if the maximum daily volume of discharge will be greater than 5 cubic metres. If the volume will be less than 5 cubic metres then the General Binding Rules will apply. For more information see: <https://www.gov.uk/permits-you-need-for-septic-tanks/general-binding-rules>
- f. Prior to the installation of any signage within the site it is recommended that you agree a Signage Strategy with the Local Planning Authority to include the details, type, number and materials of construction of any signage associated with the development and to ensure that no express consent is required under the Control of Advertisement Regulations.

28/02/2017

Item 1.4

Ref. No. 9/2016/1124/L

Applicant:
Mr Stewart Alcock
Calke Abbey
Main Street
Ticknall
Derby
DE73 7LE

Agent:
Miss Jane Willars
Allan Joyce Architects Ltd
16-20 Bath Street
Nottingham
NG1 1DF

Proposal: LISTED BUILDING CONSENT FOR THE DEMOLITION OF SECTION OF EXISTING PARK BOUNDARY WALL TO PROVIDE ACCESS TO A NEW OUTDOOR HUB AND ASSOCIATED INFRASTRUCTURE AT CALKE ABBEY MAIN STREET TICKNALL DERBY

Ward: Repton

Valid Date 09/11/2016

This application is submitted pursuant to the creation of a breach in the listed wall to facilitate the provision of an access road to the proposed Hub site. The merits of the case are examined in the companion application for the Hub development itself under 9/2016/1095 above.

Recommendation

GRANT listed building consent subject to the following conditions:

1. The development permitted shall be begun before the expiration of three years from the date of this consent.
Reason: To conform with Section 18(1) of the Planning and Listed Buildings and Conservation Area Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall relate to the section of wall detailed on Drawing No 24693-10 Version 3.
Reason: For the avoidance of doubt.
3. No demolition shall take place until a contract for the implementation and construction of the development approved under planning permission ref: 9/2016/1095 has been secured. If for any reason that development does not then commence within 6 months of the demolition, a scheme for the rebuilding of the section of wall demolished shall be submitted to and approved in writing by the Local Planning Authority. The wall shall then be reconstructed in

accordance with the approved scheme within 6 months of the date of its approval or in accordance with an approved timetable of restoration.

Reason: To ensure all reasonable steps have been taken to ensure the new development will proceed after the demolition of a section of the listed wall.

Informatives:

- a. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through pre-application discussions, seeking to resolve planning issues and quickly determining the application. As such it is considered that the Local Planning Authority has implemented the requirement set out in paragraphs 186 and 187 of the National Planning Policy Framework.

28/02/2017

Item **1.5**

Ref. No. **9/2016/1181/FH**

Applicant:
Mr B Chera
9-11 Chera Brothers Stores
Kelso Walk
Sinfin
Derby
DE24 3DY

Agent:
Mr Paul Bowler
A P Design & Surveying Ltd
29 Horsley Road
Kilburn
Belper
DE56 0NE

Proposal: **THE RETENTION OF FRONT GARDEN WALL AND RAISED
GROUND BEHIND AT 183 SWARKESTONE ROAD CHELLASTON
DERBY**

Ward: **Aston**

Valid Date **24/11/2016**

Reason for committee determination

The item is presented to Committee at the request of Councillor Watson due to local concern that has been expressed.

Site Description

The site is highly prominent and is positioned on the classified Swarkestone Road. Consent was granted for a replacement dwelling at the site and a large retaining wall has been partially constructed at the front of the property. The street scene is characterised by minimal built up boundary treatments and dense landscaping.

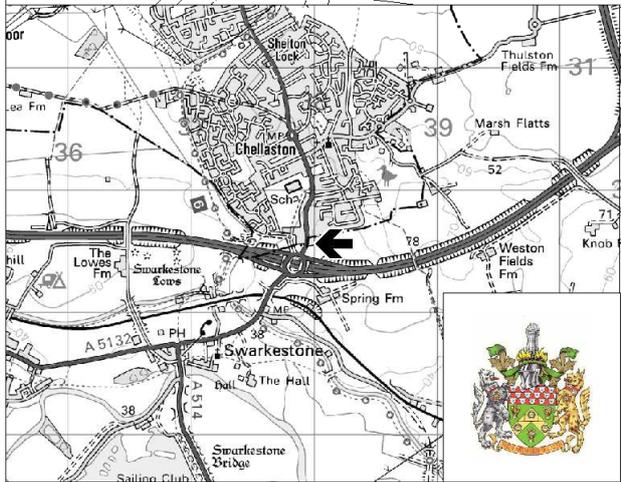
Proposal

Consent is sought for the retention of the retaining wall and engineering works to the front of the property, of which, the wall is currently partially constructed. The proposal seeks to drop the current height of the retaining wall to 1.8m in height and for the current block wall to be clad with stone and for a hedgerow and landscaping to be planted behind the wall to soften its appearance and create more seclusion for the owner of the property.

Planning History

9/2011/0953 The erection of replacement dwelling (amended scheme of previously approved planning permission 9/2010/1142) – Approved with conditions January 2012

9/2016/1181 - 183 Swarkestone Road, Chellaston, Derby DE73 6UD



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Responses to Consultations

The County Highway Authority notes that the wall does make some attempt to provide a small area for pedestrian intervisibility. On the basis of this, it is not considered that a highway objection could be sustained.

Responses to Publicity

10 objections that have been received, raising the following concerns/comments:

- a) The design and construction is totally out of character to the neighbouring properties. The wall was originally a low stone/earth bank retaining structure, as is the neighbours. The new height is overbearing and is a visual eyesore, as it is in a prominent position on the main A514 when entering Chellaston.
- b) The wall construction is of a very poor design and does not conform to national standards with regard to wall thickness for its height and the complete absence of pillars and buttresses needed to retain the high earth bank behind.
- c) The wall is a future safety hazard to pedestrians and road users. The balustrades on the top only emphasize the height of the wall which would actually be nearer 4m high when complete.
- d) The palisade height from the raised garden level does not conform to building regulations regarding the minimum height of pedestrian safety rails/barriers at height.
- e) This application relates to a retrospective application principally in respect of the newly constructed high wall facing the main road out of Derby through Chellaston, the A514.
- f) As the breeze block was constructed a very high volume of soil was massed up behind it (prior to the walls construction) the soil level tapered down from the house to road level. Currently the soil level is flush with the top of the new 7 foot wall). Is new high volume of soil behind the wall suitably drained and stable?
- g) Is the new 7 foot breeze block suitably strong enough and have sufficient drainage capability to resist a landslide movement of the soil onto the A514, say arising from a heavy rain storm? If the answer is no, and the this wall collapsed, it would probably result in breeze block and soil being deposited onto the A514 and could therefore also potentially cause a major road accident.
- h) If the Planning Committee is not convinced of the walls structural strength and integrity, then I would respectfully request that application is either rejected or that the applicant is given a very limited time period within which to correct any potential failings in the wall design and / or address any associated to the massed volume of soil behind it.
- i) Concerns have been raised that this wall is not strong enough to hold back the weight of soil behind it, as it is only single skin.
- j) The whole wall is not in keeping with the surrounding frontages of houses.

- k) The wall has been erected outside the above property on the main A514, as you enter Chellaston from the A50 roundabout. The wall is so big that planning consent is required, and an application has been submitted to South Derbyshire council.
- l) The wall is a visual eyesore and is one of the first things you see when entering Chellaston.
- m) The proposed completed wall will be even taller than it is now.
- n) The consultation period is now open, and I was wondering if local councillors were aware, and have any comments which could be put to South Derbyshire council.
- o) The wall does not appear to have been subject to any detailed design considerations.
- p) It does not encompass any of the features required for a retaining wall and its failure could potentially cause a major incident on the A514.
- q) Once the balustrades are in place, the wall will be in excess of 3m high, which is not in keeping with the surrounding area.
- r) The wall is unsightly and potentially dangerous. Unless they are building a prison, there is no need for such a monster of a wall.
- s) The wall is far too high and looks as though it has not been built as a proper retaining wall. Surely it should have more reinforcement in it. It is probably very dangerous to have that amount of earth behind it.
- t) The wall is very unsightly and not in keeping with the surrounding area.
- u) The wall is currently of breeze block construction which will presumably be faced by the proposed mixture of stone and balustrading.
- v) The current height seems far too high to be safe, considering the huge amount of earth that has been piled up behind it and the balustrading will make it even higher.
- w) The total effect of such a high wall is to give a fortress appearance, which is not in keeping with the street scene and certainly not with the dwarfed historic Windmill Cottage next door which has already been compromised by the enormous dwelling house on this site.
- x) The site is an eyesore.
- y) The present wall is made of breeze blocks not stone and looks most unsafe.
- z) The proposed wall in the plan will look very pretentious.
- aa) This wall is far too high to be in keeping with the site and adjacent buildings and is a danger to passing pedestrians and motorists. It does not appear to have been erected to a safe standard and is far in excess of the statutory height for walls adjacent to the pavement and roadway.

Following the submission of amended plans, 4 further representations were received raising the following points:

- a) Even with the alterations to the application, the wall is too tall for the position; does not appear to have been built to a satisfactory standard, and is too close to traffic and pedestrians.
- b) The revised proposals are much improved.
- c) There is no proposal for the species of hedge to be planted and it would be detrimental if conifers were used.
- d) Could a condition be attached to prevent the planting of a conifer hedge?

- e) There potentially could be a problem with the hedge height in future, and structural damage to the wall.
- f) The weep holes in the wall still drain onto the pedestrian footway. Would it not be better if a land drain was incorporated at a low level behind the wall, exiting onto the property driveway, away from the footpath?
- g) The amended application is more in keeping with surrounding property, but there is no engineering detail regarding the construction of the retaining wall which will need to hold back many tonnes of soil.
- h) The soil level should not be very close to the top of the wall as shown.
- i) The type of hedging is not specified.

Development Plan Policies

The relevant policies are:

- 2016 Local Plan Part 1: S2 (Presumption in Favour of Sustainable Development), S6 (Sustainable Access), SD1 (Amenity and Environmental Quality), BNE1 (Design Excellence), BNE4 (Landscape Character and Local Distinctiveness) and INF2 (Sustainable Transport).

Emerging Development Plan Policies

The relevant policies are:

- Submission Local Plan Part 2: SDT1 (Settlement Boundaries and Development), H24 (Replacement Dwellings in the Countryside), BNE5 (Countryside), BNE7 (Trees, Woodland and Hedgerows)

National Guidance

- National Planning Policy Framework (NPPF): paragraphs 6-10 (Achieving sustainable development), paragraphs 11-14 (The presumption in favour of sustainable development), paragraph 17 (Core principles), paragraph 32 (safe and suitable access) and chapter 7 (Requiring good design).
- Planning Practice Guidance (PPG) ID26 (Design).

Planning Considerations

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

- Size and scale of the wall and impact on local character;
- Stability of the structure (as a highway safety issue); and
- Landscaping.

Planning Assessment

Size and scale of the wall and impact on local character

Amended plans have been submitted that show that the proposed wall would measure 1.8m in height from the pavement level when completed. This is a

significant reduction in height to the original plans that were submitted and a reduction in the height of the wall as currently constructed on site.

The front boundary treatment of properties in the area are characterised by a mixture of small stone retaining walls, hedgerows and areas of planting. There are only a few instances where properties have adopted different frontage designs along the street.

The wall has been partially constructed, out of concrete blocks so far forming the rear 'skin' of the wall. It is the intention, as shown on the amended plans, to adjust the overall height accordingly and clad the wall in stonework to match the appearance of the neighbouring properties. Planting would be placed behind the wall in order to soften the appearance and to provide more privacy. Whilst the wall would be higher than the usual boundary treatments in the area, the amended plans respond positively to the local vernacular. Through the reduction in height of the wall, the use of stone work and introduction of planting; the proposal would reflect the design approach which is seen at the front of other properties in the area. On the basis of this, the proposed alterations to the wall would be consistent with adopted and emerging policies.

Stability of the structure

Concerns have been raised by local residents with regard to the safety of the wall, in particular the amount of earth that has been positioned behind it. As the wall is 'single skinned', residents are concerned that this would have a negative impact and could allow the wall to collapse; however it must be recognised that the situation on site is not complete, with cladding of the wall to be undertaken. This could be a material planning consideration if it impacted on highway safety, but as the Highway Authority has not raised this as an issue, and with further advice from building control officers; there is no evidence that would dictate a withholding of permission on these grounds.

Landscaping

The proposed planting area would be on the raised land behind the wall and species used would be controlled through planning conditions. The planting would help to soften the appearance of the wall and would respond positively to the immediate vicinity and reflect the local character of the local area, which already benefits from trees, hedgerows and planting to the front of the properties.

Summary

With there no demonstrable safety issue and the design of the wall and landscaping approach reflecting the predominant characteristics of the area, the proposal is considered to accord with the relevant policies. None of the other matters raised through the publicity and consultation process amount to material considerations outweighing the assessment of the main issues set out above.

Recommendation

GRANT permission subject to the following conditions:

1. The front wall shall be carried out in accordance with the approved plans (Boundary Treatment - amended plan) received on 20th January 2017, within 3 months of the date of the permission.

Reason: To ensure that the works comply with the approved plans and in the interest of the visual amenity of the area.

2. The development hereby permitted shall be carried out in accordance with plans/drawings 2010/PP/01 and the amended Boundary Treatment plan, received on 20 January 2017; unless as otherwise required by condition attached to this permission or allowed by way of an approval of a non-material minor amendment made on application under Section 96A of the Town and Country Planning Act 1990 (as amended).

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

3. Prior to further works taking place, a scheme of landscaping for the hedgerow to be planted behind the wall hereby permitted shall be submitted to and approved in writing by the Local Planning Authority.

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

4. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

Informatives:

- a. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through suggesting amendments to improve the quality of the proposal and quickly determining the application. As such it is considered that the Local Planning Authority has implemented the requirement set out in paragraphs 186 and 187 of the National Planning Policy Framework.

Item **1.6**

Ref. No. **9/2016/1233/NO**

Applicant:
Miss Clare Hill
Army Reserve Centre
Triumph Road
Lenton
Nottingham
NG7 2GG

Agent:
Mr Tom Burton
Bruton Knowles
15 Castle Gate
Nottingham
NG1 7AQ

Proposal: **THE ERECTION OF AN EXTENSION TO EXISTING MODULAR BUILDING AT ATC HUT JOHN STREET SWADLINCOTE**

Ward: **Swadlincote**

Valid Date **16/01/2017**

Reason for committee determination

The item is presented to Committee at the request of Councillor Coe as local concern has been expressed about a particular issue, and unusual site circumstances should be considered by the committee. The application site is also owned by the District Council.

Site Description

The application site is located within Eureka Park, one of the largest formal parks within the District. The park provides for a variety of recreational uses including bowls, tennis, and is home to the 1211 (Swadlincote) Squadron Air Cadets. The Air Cadets currently occupy an existing pre-fabricated hut located to the north-western corner of the park. John Street is located to the west, beyond a hedgerow, and the existing dwellings on the western side of John Street overlook the site. An existing bowling green and tennis courts are sited to the east of the existing building with an equipped play area to the south. Newhall Road is located to the north with the main pedestrian entrance to the park at the junction of Newhall Road and John Street.

Proposal

The application proposes the erection of an extension to the existing hut to provide an extended drill hall, new classrooms and an additional storage area. The extension is proposed in a similar design to the existing building and will sit alongside it to the east with a pitched roof just over half the width of the existing building. The proposal also includes relocating the main entrance to the building from the elevation adjacent to John Street to the elevation within Eureka Park.

9/2016/1233 - ATC Hut, John Street, Swadlincote DE11 0AZ



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Applicant's supporting information

A Design and Access Statement sets out the justification for the proposed extension, that the works are required in order to safeguard future use of the existing building/site and the squadron. The proposal would provide a facility for the benefit of the local community. The scale and layout of the proposed extension is considered to be the minimum required in order to facilitate the increased need for accommodation by the organisation. No part of the proposals is considered to be imposing or detrimental to the amenities of the locality or neighbouring properties.

Planning History

9/0698/0228 Siting of a modular building - Approved 30/07/98.

9/2002/0312 The renewal of planning permission 9/0698/0228 - Approved 21/05/2002.

9/2004/1083 The erection of a squadron building - Approved 12/10/14.

9/2007/1261: The erection of a vertical flagpole with No 1211 SQN ensign - Approved 12/12/07.

Responses to Consultations

The Open Space & Facilities Development Manager considers that the Air Cadets are a valuable asset to the park, and contribute to the upkeep of the park through litter picking and tree planting, and by getting engaged in and contributing to activities and events. The Council are keen to ensure they can remain on the Park for at least another 60 years.

The Pollution Control Officer has no objections to the proposal in principle but recommends conditions relating to the noise levels of any fixed plant or equipment and external lighting.

The County Highway Authority has no objections.

The Crime Prevention Design Advisor has no comments.

The County Archaeologist considers that the proposal would have no archaeological impact.

The Coal Authority, having reviewed the Coal Mining Risk Assessment, considers that the likely risk from part coal mining activity is low/very low, and no further investigations are required.

Responses to Publicity

9 objection letters have been received, raising the following concerns/comments:

- a) lack of parking in the area, with John Street and Newhall Road already congested when the ATC is open;
- b) concern about the safety of children;
- c) a car park should be built;
- d) parking restrictions should be in place on John Street, as there is plenty of space on the main road;
- e) excessive and increased noise levels (including from drums, drills, etc.);
- f) concern at inconsiderate parking of those picking up from the ATC hut, with engines left running, and the mess made of the grass verges;
- g) parking across private drives; and
- h) the park should be a place where people can enjoy sport, either watching, playing or just relaxing in a quiet area not hearing the noise of drilling cadets, band playing, etc.

Development Plan Policies

- 2016 Local Plan Part 1: S2 (Presumption in Favour of Sustainable Development), S6 (Sustainable Access), SD1 (Amenity and Environmental Quality), SD4 (Contaminated Land and Mining Legacy Issues), BNE1 (Design Excellence), INF2 (Sustainable Transport), INF6 (Community Facilities), INF8 (The National Forest) and INF9 (Open Space, Sport and Recreation).

Emerging Development Plan Policies

- Submission Local Plan Part 2: BNE8 (Local Green Space).

National Guidance

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

Planning Considerations

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

- Principle of development;
- Design; and
- Impact on amenity (including parking concerns).

Planning Assessment

Principle of development

In planning policy terms there is general support for the provision of new and expanded community facilities that support recreational organisations, particularly within sustainable locations such as Eureka Park. This is an acknowledgement of the important role that these facilities play in ‘facilitating social interaction and creating healthy, inclusive communities’, with the NPPF also noting that access to high quality opportunities for sport and recreation can make an important contribution to the health and well-being of communities.

Policy INF6 supports the development of community facilities, particularly those accessible to all members of the community through a variety of travel options, which is true of this location close to the town centre. The current deficiency of recreation facilities within the District is acknowledged within policy INF9, which supports the provision of new facilities to meet the needs of the existing population. In principle, the expansion of this facility is considered to be acceptable and is further supported by the Council's Open Space and Facilities Manager.

Design

The proposed extension takes the same general form and appearance as the existing, rather utilitarian, pre-fabricated building, constructed with a hipped roof in plain tiles and with brick faced cladding. Whilst a building of an improved design would be more ideal in this park setting, the proposal is for an extension and the fact that it reflects the design of the existing building; the design response is considered to be acceptable – especially given the tight budgetary constraints on the group.

Impacts on amenity (including parking concerns)

Policies SD1 and BNE1 set out support for developments which do not unduly affect neighbouring land uses. The site is located in close proximity to existing dwellings on John Street to the east and Newhall Road to the north. A number of concerns have been raised by local residents, regarding noise from the existing use of the building and the impact of inconsiderate and increased parking. The existing building is unrestricted in its use, and the extension is not considered to result in an increase in noise levels at the site given that the proposal is designed to accommodate the existing users of the building and it would be sited away from noise sensitive facades. Environmental Health has confirmed that there have been no significant complaints and no evidence to suggest that the existing use is a significant issue.

The concerns in respect of car parking associated with the use are noted. The roads surrounding the park are unrestricted and there would be no planning mechanism to prevent car parking on local roads. Certainly, it would not be appropriate to use this application to address an existing shortcoming. Given this existing situation, and the primary intention being to accommodate the existing uses of the building rather than expanding the occupancy, as well as a lack of objection from the Highway Authority; the proposal is not considered to result in a demonstrable highway safety concern.

However, in the interests of utilising this proposal to improve the functioning of the building and its relationship with the existing nearby residents, the applicants have agreed to re-locate the main entrance to the building from John Street to the new main elevation within the park itself. The relocation of the entrance would help to discourage people congregating and parking on John Street and using the existing steps, and encourage the use of the main pedestrian entrance the park close to the junction of John Street and Newhall Street.

Conclusion

The proposed extension is considered to be acceptable in principle, facilitating the improvement of an existing community facility. The design of the extension is reflective of the existing building and would sit comfortably on the site. Alterations to the layout of the building would help to minimise the impact of the use on the surrounding residents, with no objections to the proposal on highway safety or noise grounds. Overall the proposal is considered to be a sustainable form of development supported by the Development Plan and the provisions of the NPPF.

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

Recommendation

GRANT permission under subject to the following conditions:

1. The development permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To conform with Section 91(1) of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with drawing numbers TB:RFCA:SW-002 Rev A and TB:RFCA:SW-003; unless as otherwise required by condition attached to this permission or allowed by way of an approval of a non-material minor amendment made on application under Section 96A of the Town and Country Planning Act 1990 (as amended).
Reason: For the avoidance of doubt and in the interests of sustainable development.
3. All external materials used in the development to which this permission relates 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 have been first submitted to and approved in writing by the Local Planning Authority.
Reason: To safeguard the appearance of the existing building and the locality generally.
4. Prior to the installation of any external lighting a Lighting Strategy shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the external lighting shall be installed and subsequently maintained in accordance with the approved strategy.
Reason: In the interests of protecting the amenity of nearby residents.
5. The noise level of any fixed plant or equipment installed (measured as LAeq,t) shall not exceed the background level (LA90,t) as measured at the boundary of the nearest residential properties at any time.
Reason: In the interests of the amenity of nearby residents.

Informatives:

1. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through suggesting amendments to improve the quality of the proposal and quickly determining the application. As such it is considered that the Local Planning Authority has implemented the requirement set out in paragraphs 186 and 187 of the National Planning Policy Framework.
2. Where development is proposed over areas of coal and past coal workings at shallow depth, The Coal Authority is of the opinion that applicants should consider wherever possible removing the remnant shallow coal. This will enable the land to be stabilised and treated by a more sustainable method; rather than by attempting to grout fill any voids and consequently unnecessarily sterilising the nation's asset. Under the Coal Industry Act 1994 any intrusive activities, including initial site investigation boreholes, and/or any subsequent treatment of coal mine workings/coal mine entries for ground stability purposes require the prior written permission of The Coal Authority, since such activities can have serious public health and safety implications. Failure to obtain permission will result in trespass, with the potential for court action. Application forms for Coal Authority permission and further guidance can be obtained from the Coal Authority's website at:
www.coal.gov.uk/services/permissions/index.cfm.

Item **1.7**

Ref. No. **9/2016/1296/FH**

Applicant:
Mr & Mrs James & Hilary Coyle
Shardlow House
94 London Road
Shardlow
Derby
DE72 2GP

Agent:
Mr Mark Pringle
Making Plans Architecture
Ivy Lodge
Twyford Road
Willington
Derbyshire
DE65 6DE

Proposal: **THE PARTIAL DEMOLITION, REBUILDING AND RENOVATION OF AN OUTBUILDING TO CREATE A DETACHED ANNEXE ALONG WITH THE REPLACEMENT OF AN EXISTING TIMBER KITCHEN WINDOW AND CONSERVATORY DOOR TO MAIN HOUSE WITH ALUMINIUM BI-FOLD DOORS AND FIXED WINDOW AT SHARDLOW HOUSE 94 LONDON ROAD SHARDLOW DERBY**

Ward: **Aston**

Valid Date **19/12/2016**

Reason for committee determination

The item is presented to Committee as the applicant is Councillor Hilary Coyle.

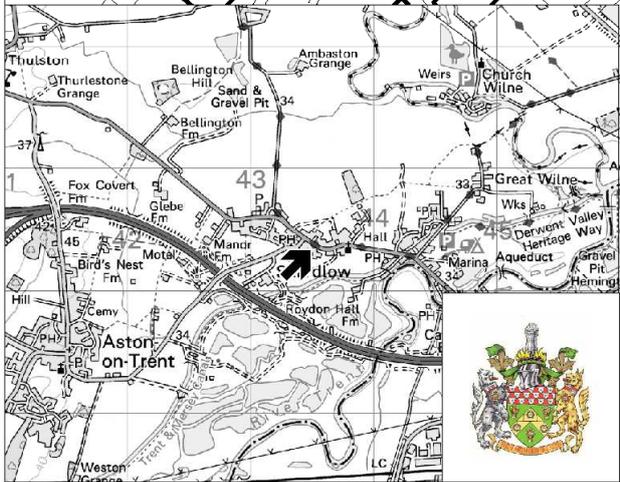
Site Description

The host property, known as 'Shardlow House', is a 3-storey detached farmhouse from circa 1726 which is Grade II listed. The outbuilding is curtilage listed. Both structures are generally of traditional red brick and clay tile roof, with some rough cut stone to the outbuilding. The application site is located within the key service village and conservation area of Shardlow. The application site is a substantial residential plot with vehicular access onto London Road.

Proposal

The application seeks planning permission for the partial demolition, rebuilding and renovation of an outbuilding within the grounds of the site to create a detached annex to the host property. The application also includes proposed alterations to the host property, these being the replacement of an existing fixed glazed timber window with aluminium bi-fold doors, coated anthracite grey, together with a glazed frameless freestanding canopy above; and the replacement of an existing

9/2016/1296 & 1297 - 94 London Road, Shardlow, Derby DE72 2GP



Telephone Exchange



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conservatory door with a slim profile aluminium fixed glazed window, again coated anthracite grey.

Applicant's supporting information

A Design and Access Statement includes a Heritage Statement which covers the following:

- The official listing description for Shardlow House;
- A description of the brick built outbuilding (Dow House) within the garden: the ground floor comprises the main body of the Dow House and includes a cast iron range and ceramic WC, with first floor storage above. Further projections on the ground floor to the northwest and southeast are used for storage. The roof consists of Staffordshire Blue plain clay roof tiles that match those to Shardlow House, whilst the vast majority of the walls are red facing brickwork with a dentil course to the first floor eaves. The walls to the northeast and southwest elevations of the southeast projection partially consist of sandstone. Doors and windows are timber with brick arched headers over the openings;
- The proposals to house: it is proposed to replace the fixed glazed window (below) with slim profile aluminium bi-fold doors, powder coated anthracite grey, and replace glazed timber door (below) with a slim profile aluminium fixed glazed window, powder coated anthracite grey. It is proposed to replace the existing guttering with new aluminium painted black and the fascia and downpipes also in black aluminium. A glazed, frameless, freestanding canopy would be erected above the two openings;
- The proposals to the outbuilding: the existing conservatory timber frame would be painted anthracite grey, whilst the existing guttering to the conservatory would be painted black. It is proposed to renovate the Dow House into an annexe to the main house.
- Consultation: In November 2016, the Council's Principal Area Planning Officer and conservation consultant met with the applicant and their agent on site to discuss the proposals. Regarding Shardlow House, the previously described window, door, fascia, gutter, downpipe and canopy details were agreed. The renovation of the Dow House was agreed in principle as long as no part was demolished, unless it was considered that part was unrepairable. It was agreed, therefore, that the existing footprint and brick and stone walls remained. The outbuilding is generally in a repairable state but there are parts that have collapsed and may require rebuilding. Existing openings are to be maintained and no new openings are to be created. To allow the new kitchen to be practical it is proposed to block up the kitchen door to the south-east elevation but keep the door to the outside as a false door. There are sizeable parts of the existing northeast and southwest gables to the southeast projection missing. Any new brickwork is to be with reclaimed heritage brick to match existing. Eaves are to be a plain corbel detail, not dentil as with the existing first floor. In order to utilise the space to the first floor as habitable

space, it would be necessary to adapt one of the existing timber trusses. This was agreed as long as a structural report is undertaken prior to any building work being undertaken. The new floor to the Dow House is to be finished with a breathable limecrete screed enclosing an underfloor heating system. Windows are to be repaired where possible and glazing is to remain single glazed. Rooflights are to be traditional conservation type with slim, low profiles to match the roof line. Products from the rooflight Company or Lumen were deemed acceptable, those from Velux were not. Rooflights were considered to be acceptable to either slope of the ground floor roof element to the annexe. Guttering is to be black cast aluminium and downpipes are to be black cast iron. The freestanding canopy over the front door opening was considered acceptable as long as the length was kept to about half the length of the northwest projection.

- Heritage Statement: The proposed door, window, fascia, gutter and downpipe treatment to Shardlow House is to parts of the house that were not original. These existing extensions are of a much later period and as such, it is considered that the proposals do not harm the historic merit of Shardlow House. The renovation of the Dow House would be undertaken taking into account the principles discussed at the site meeting. As such, the building would maintain its historic merit. A structural appraisal and design of the truss adaptation would be undertaken by a structural engineer prior to any building works being undertaken to the Dow House.

Planning History

- 9/1995/0043 Rebuilding of the boundary wall on the frontage – Approved June 1995 (along with accompanying listed building consent under 9/1995/0044).
- 9/2000/1023 Erection of a conservatory – Approved December 2000 (along with accompanying listed building consent under 9/2000/1024).
- 9/2001/0982 Installation of timber access gates and a pair of automated driveway gates and side panel – Approved December 2001 (along with accompanying listed building consent under 9/2001/0983).
- 9/2012/0862 Notification for tree works – No objection November 2012.

Responses to Consultations

The County Highway Authority raises no objection subject to the building be used as an annexe and ancillary to the existing dwelling on the site.

Responses to Publicity

None.

Development Plan Policies

The relevant policies are:

- 2016 Local Plan Part 1: S2 (Presumption In Favour of Sustainable Development), SD1 (Amenity & Environmental Quality), BNE1 (Design Excellence), BNE2 (Heritage Assets), INF2 (Sustainable Transport).
- 1998 Local Plan (saved policies): H13 (Residential Extensions), EV12 (Conservation Areas), EV13 (Listed or other Buildings of Architectural or Historic Importance).

Emerging Development Plan Policies

The relevant policies are:

- Pre-Submission Local Plan Part 2: H27 (Residential Extensions and other Householder Development), BNE10 (Heritage)

National Guidance

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

Local Guidance

- Extending Your Home Supplementary Planning Guidance (SPG) – May 2004
- Shardlow Conservation Area Character Statement (CACs) – Adopted 2014
- Historic South Derbyshire SPG – November 1991

Planning Considerations

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

- The impact of the proposals on the historic fabric, character and setting of the Grade II listed property and the curtilage outbuilding;
- The impact of the proposals on the character and appearance of the conservation area; and
- The impact of the proposals on the amenities of the neighbouring properties and highway safety.

Planning Assessment

The outbuilding

The application primarily affects an ancillary building, which has origins as an early 18th century agricultural building with blocked 'breathers'. The footprint of both the main range and the 'wing' to the east is contemporary with Shardlow House of 1726. There are still large panels of early 18th century 9" brickwork. The building was later adapted in the late Georgian period into accommodation for a servant and the

elevations were made symmetrical with blind windows (not blocked up); and there are surviving domestic details including a range cooker, a domestic staircase, lime-washing of ceilings and beams, and horizontally sliding sash windows. The eastern wing is in a poor state of repair, with partial collapse and vegetation ingress. It is not certain at this stage how much of the original fabric can be retained.

The outbuilding falls within the curtilage of the Grade II listed principal building 'Shardlow House'. Even though it is not listed in its own right, it is nevertheless of considerable historic interest and is curtilage listed. The building is at risk whilst it has no active use and the principle of allowing the change of use to ensure that it is repaired and retained should be supported. This principle extends as far as replacing the eastern wing if necessary, with this part containing large areas of early 18th century brickwork and stone masonry; and it is the composition of different materials and the evidential value of this wing that makes its retention important. A conditional approach should be used to ensure full assessment of the scope for retention, and so to minimise the loss of existing historic fabric across the whole building – ensuring incorporation as far as is practicable.

During pre-application discussions it was recognised that the internal arrangement of the main range needed to be adapted in order to make it suitable for residential use. Internal alterations to enable this use would be acceptable, and it would be expedient to condition a full specification for repair, so as to ensure that the main features of interest are retained. The treatment of walls, staircase and ceilings should all be conditioned as part of the listed building consent, especially as the drawings show the retention of the existing cast-iron kitchen range and staircase whilst at the same time proposing the dry-lining of the chimney breast/wall behind – both not feasible if these features are retained. Similarly conditions are appropriate in controlling joinery, eaves and verge details, pointing and materials.

Subject to the specific extent of rebuilding works being properly justified, and works being carried out in accordance with the conditions; it is considered that the significance of the outbuilding as part of the wider value of the listed heritage asset and conservation area would be preserved and enhanced.

Alterations to Shardlow House

There are a number of existing modern extensions where fenestration has been historically given a modern treatment. The proposed use of a bi-fold aluminium door to replace a large fixed pane of glass is acceptable and causes no harm to the asset. Pre-application advice for the existing ogee gutters and conservatory to be painted to the same colour to match the proposed bi-fold doors has, in part, been taken up – and this is welcomed. However, the finish should be the same for the guttering as for the joinery and aluminium sections. Black ogee gutters do not read as a continuation of the elevation and where there are fixed fascia boards on a conservatory, it is far better to unify the treatment so that the eaves read as the wall plane, as the originally designed purpose of an ogee gutter. For this reason a condition to require all new ogee gutters and cast-iron downpipes be painted to match the conservatory and bi-fold doors is considered necessary. Overall, subject to conditions, it is considered that the significance of the listed dwellinghouse would be preserved in

undertaking the proposed alterations, whilst there would be no harm to the conservation area.

Other considerations

The response of the Highway Authority confirms that the ancillary use of the outbuilding would not lead to a demonstrable harm to highway safety by way of an intensification of the access, and a condition can secure this going forward. In respect of the impact on adjoining properties, proposed habitable windows to the outbuilding would mainly overlook the garden of Shardlow House which is appropriate given the linked usage intended. There is one window at first floor which would look towards a blank elevation and primary external amenity space at The Barn, London Road. However, a separation of 12m to the boundary is achieved, well in excess of the 5-6m required to avoid overlooking of such spaces.

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

Recommendation

GRANT permission subject to the following conditions:

1. The development permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To conform with Section 91(1) of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with plan/drawing J2293-02 Rev A, J2293-04 Rev D and J2293-05 Rev A; unless as otherwise required by condition attached to this permission or allowed by way of an approval of a non-material minor amendment made on application under Section 96A of the Town and Country Planning Act 1990 (as amended).
Reason: For the avoidance of doubt and in the interests of sustainable development.
3. The living accommodation hereby permitted within the outbuilding shall be occupied solely by members of the household of Shardlow House, 94 London Road, Shardlow, DE72 2GP, or by domestic staff of that property, and shall not be severed from the main house as a separate and unconnected dwelling.
Reason: Although the conversion to provide additional accommodation to be used in conjunction with the existing dwelling is acceptable, the highway safety and amenity impacts of this proposal have been assessed on the basis of annex accommodation. Since the proposal includes all the domestic facilities necessary for the establishment of a separate self-contained unit, the Council hereby seeks to make it clear that separate occupation is not authorised by this permission.

4. Prior to commencement of any development involving the outbuilding, a full measured survey of all building elevations shall be undertaken to a Level 3 Historic England standard in accordance with their 2016 Guidelines for Recording Buildings. The survey shall include the form and location of any structural features of historic significance, such as blocked doorways, windows and masonry joints, plinths, differences in materials, bonds and course types. This shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on the outbuilding.

Reason: In the interests of providing a permanent record of the surviving historic fabric.

5. Prior to commencement of any development involving the outbuilding, a condition survey shall be undertaken by a conservation accredited structural engineer, or other suitably qualified structural engineer as agreed in advance with the Local Planning Authority, identifying the extent to which the existing building can be retained and repaired in-situ. The survey shall include details of any demolition(s), method of repair and consolidation, and specify how existing fabric can be incorporated into the new fabric; and be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on the outbuilding. The development shall proceed in accordance with the approved details.

Reason: In the interests of maintaining the character and integrity of the curtilage listed building (Dow House).

6. Prior to the commencement of construction, renovation or repair works to the outbuilding, a detailed sectional drawing of the proposed corbelled eaves to the single-storey wing at a scale of 1:5 shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

Reason: In the interests of maintaining the character and integrity of the curtilage listed building (Dow House).

7. Prior to the commencement of construction, renovation or repair works to the outbuilding, brick samples for both repairs and new walls shall be submitted to and approved in writing by the Local Planning Authority. The approved bricks shall be used in carrying out the development.

Reason: In the interests of maintaining the character and integrity of the curtilage listed building (Dow House).

8. Notwithstanding the submitted plans/drawings, prior to the commencement of construction, renovation or repair works to the outbuilding, sectional and plan drawings at a scale of 1:10 to show the position of all new windows and doors, relative to the existing masonry of the outbuilding, along with sections at a scale of 1:1 through glazing bars, cills, lintels, casements and mullions, details of the proposed materials and the colour of the joinery, shall be submitted to and approved in writing by the Local Planning Authority. All existing horizontally sliding sash windows shall be retained where practicable or replicated like-for-like if not practicable. The works shall be carried out in accordance with the approved details.

Reason: In the interests of maintaining the character and integrity of the curtilage listed building (Dow House).

9. Prior to the commencement of works to the outbuilding, a detailed drawing at a scale of 1:10 of the proposed boarded front door to the outbuilding shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

Reason: In the interests of maintaining the character and integrity of the curtilage listed building (Dow House).

10. All pointing shall be carried out using a hydraulic lime:sand mortar. Prior to the commencement of construction, renovation or repair works to the outbuilding, a sample brickwork and pointing panel, at least one square metre, shall be completed on site for the inspection and approval in writing by the Local Planning Authority. This panel shall remain on site during the period of works so to enable comparison and reference.

Reason: In the interests of maintaining the character and integrity of the curtilage listed building (Dow House).

11. Prior to its installation full details and working drawings, in plan and section at a scale of 1:10, of the proposed canopy to the outbuilding shall be submitted and approved in writing by the Local Planning Authority. Thereafter the canopy shall be installed in accordance with the approved details and drawings.

Reason: In the interests of maintaining the character and integrity of the curtilage listed building (Dow House).

12. Rainwater goods to the outbuilding shall be half-round, cast-iron gutters fixed on metal rise and fall brackets and cast-iron round rainwater pipes, all painted gloss black.

Reason: In the interests of maintaining the character and integrity of the curtilage listed building (Dow House).

13. New ogee gutters and rainwater pipes on the main house shall be cast-aluminium and painted to colour RAL 7016.

Reason: In the interests of maintaining the character and integrity of the listed building.

14. Prior to its installation full details and working drawings, in plan and section at a scale of 1:10, of the proposed canopy to the south east elevation of the main house shall be submitted and approved in writing by the Local Planning Authority. Thereafter the canopy shall be installed in accordance with the approved details and drawings.

Reason: In the interests of maintaining the character and integrity of the listed building.

Informatives:

- a. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through pre-application discussions, seeking amendments to overcome issues and improve the quality of the proposals, and promptly determining the application. As such it

is considered that the Local Planning Authority has implemented the requirement set out in paragraphs 186 and 187 of the National Planning Policy Framework.

28/02/2017

Item 1.8

Ref. No. 9/2016/1297/L

Applicant:
Mr & Mrs James & Hilary Coyle
Shardlow House
94 London Road
Shardlow
Derby
DE72 2GP

Agent:
Mr Mark Pringle
Making Plans Architecture
Ivy Lodge
Twyford Road
Willington
Derbyshire
DE65 6DE

Proposal: LISTED BUILDING CONSENT FOR THE PARTIAL DEMOLITION, REBUILDING AND RENOVATION OF AN OUTBUILDING TO CREATE A DETACHED ANNEXE ALONG WITH THE REPLACEMENT OF AN EXISTING TIMBER KITCHEN WINDOW AND CONSERVATORY DOOR TO MAIN HOUSE WITH ALUMINIUM BI-FOLD DOORS AND FIXED WINDOW AT SHARDLOW HOUSE 94 LONDON ROAD SHARDLOW DERBY

Ward: Aston

Valid Date 19/12/2016

This application is submitted pursuant to the proposed works to the listed buildings on the site. The merits of the case are examined under the assessment for application ref: 9/2016/1296 above.

Recommendation

GRANT permission subject to the following conditions:

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

Reason: To conform with Section 18(1) of the Planning and Listed Buildings and Conservation Area 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 plan/drawing J2293-02 Rev A, J2293-04 Rev C and J2293-05 Rev B; unless as otherwise required by condition attached to this permission.

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

3. Prior to commencement of any development involving the outbuilding, a full measured survey of all building elevations shall be undertaken to a Level 3 Historic England standard in accordance with their 2016 Guidelines for Recording Buildings. The survey shall include the form and location of any structural features of historic significance, such as blocked doorways, windows and masonry joints, plinths, differences in materials, bonds and course types. This shall be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on the outbuilding.

Reason: In the interests of providing a permanent record of the surviving historic fabric.

4. Prior to commencement of any development involving the outbuilding, a condition survey shall be undertaken by a conservation accredited structural engineer, or other suitably qualified structural engineer as agreed in advance with the Local Planning Authority, identifying the extent to which the existing building can be retained and repaired in-situ. The survey shall include details of any demolition(s), method of repair and consolidation, and specify how existing fabric can be incorporated into the new fabric; and be submitted to and approved in writing by the Local Planning Authority prior to any works commencing on the outbuilding. The development shall proceed in accordance with the approved details.

Reason: In the interests of maintaining the character and integrity of the curtilage listed building (Dow House).

5. Prior to the commencement of construction, renovation or repair works to the outbuilding, details of all internal finishes to existing brick masonry walls and any upgrading of existing ceilings and staircase in the outbuilding shall be shown on plan, and shall be first submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

Reason: In the interests of maintaining the character and integrity of the curtilage listed building (Dow House).

6. Prior to the commencement of construction, renovation or repair works to the outbuilding, a detailed sectional drawing of the proposed corbelled eaves to the single-storey wing at a scale of 1:5 shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

Reason: In the interests of maintaining the character and integrity of the curtilage listed building (Dow House).

7. Prior to the commencement of construction, renovation or repair works to the outbuilding, brick samples for both repairs and new walls shall be submitted to and approved in writing by the Local Planning Authority. The approved bricks shall be used in carrying out the development.

Reason: In the interests of maintaining the character and integrity of the curtilage listed building (Dow House).

8. Notwithstanding the submitted plans/drawings, prior to the commencement of construction, renovation or repair works to the outbuilding, sectional and plan drawings at a scale of 1:10 to show the position of all new windows and

doors, relative to the existing masonry of the outbuilding, along with sections at a scale of 1:1 through glazing bars, cills, lintels, casements and mullions, details of the proposed materials and the colour of the joinery, shall be submitted to and approved in writing by the Local Planning Authority. All existing horizontally sliding sash windows shall be retained where practicable or replicated like-for-like if not practicable. The works shall be carried out in accordance with the approved details.

Reason: In the interests of maintaining the character and integrity of the curtilage listed building (Dow House).

9. Prior to the commencement of works to the outbuilding, a detailed drawing at a scale of 1:10 of the proposed boarded front door to the outbuilding shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

Reason: In the interests of maintaining the character and integrity of the curtilage listed building (Dow House).

10. All pointing shall be carried out using a hydraulic lime:sand mortar. Prior to the commencement of construction, renovation or repair works to the outbuilding, a sample brickwork and pointing panel, at least one square metre, shall be completed on site for the inspection and approval in writing by the Local Planning Authority. This panel shall remain on site during the period of works so to enable comparison and reference.

Reason: In the interests of maintaining the character and integrity of the curtilage listed building (Dow House).

11. Prior to its installation full details and working drawings, in plan and section at a scale of 1:10, of the proposed canopy to the outbuilding shall be submitted and approved in writing by the Local Planning Authority. Thereafter the canopy shall be installed in accordance with the approved details and drawings.

Reason: In the interests of maintaining the character and integrity of the curtilage listed building (Dow House).

12. Rainwater goods to the outbuilding shall be half-round, cast-iron gutters fixed on metal rise and fall brackets and cast-iron round rainwater pipes, all painted gloss black.

Reason: In the interests of maintaining the character and integrity of the curtilage listed building (Dow House).

13. New ogee gutters and rainwater pipes on the main house shall be cast-aluminium and painted to colour RAL 7016.

Reason: In the interests of maintaining the character and integrity of the listed building.

14. Prior to its installation full details and working drawings, in plan and section at a scale of 1:10, of the proposed canopy to the south east elevation of the main house shall be submitted and approved in writing by the Local Planning Authority. Thereafter the canopy shall be installed in accordance with the approved details and drawings.

Reason: In the interests of maintaining the character and integrity of the listed building.

Informatives:

1. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through pre-application discussions, seeking amendments to overcome issues and improve the quality of the proposals, and promptly determining the application. As such it is considered that the Local Planning Authority has implemented the requirement set out in paragraphs 186 and 187 of the National Planning Policy Framework.

28/02/2017

Item **1.9**

Ref. No. **9/2017/0053/TP**

Applicant:
Mr Martin Buckley
South Derbyshire District Council
Civic Offices
Civic Way
Swadlincote
DE11 0AH

Agent:
Mr Martin Buckley
South Derbyshire District Council
Civic Offices
Civic Way
Swadlincote
DE11 0AH

Proposal: **THE PRUNING OF A LIME TREE COVERED BY SOUTH DERBYSHIRE DISTRICT COUNCIL TREE PRESERVATION ORDER NUMBER 195 AT 64 GEORGE STREET CHURCH GRESLEY SWADLINCOTE**

Ward: **Church Gresley**

Valid Date **16/01/2017**

Reason for committee determination

The item is presented to the Committee as the Council is the applicant - the tree equally protected by a South Derbyshire District Council Tree Preservation Order (TPO) and furthermore situated on Council owned land.

Site Description

The tree is situated in the front garden of Number 64 George Street, a mainly residential street and is one of three sizeable trees here on this particular site. There are other trees in the locality, of equal standing which together create a positive 'green' feature.

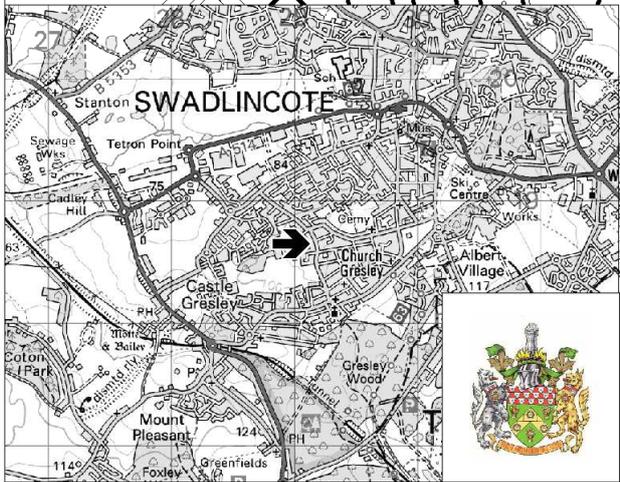
Proposal

The proposal is to crown lift the tree (to 5m) additionally carrying out a crown clean. The crown clean would constitute removal of all defective material including interlocking branches and epicormic growth. The works would also involve pruning the tree away from the adjacent lamppost and telecommunication wires.

Applicant's supporting information

The tree has been assessed by the Council's tree officer, part of his role of inspecting all trees on council owned land. He has advised the works are urgent from

9/2017/0053 - 64 George Street, Church Gresley, Swadlincote DE11 9NZ



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a public safety point of view, the crown causing conflict with the highway and highway/telecommunication apparatus.

Planning History

The TPO has been in force since 2002.

Responses to Consultations

None

Responses to Publicity

None

Development Plan Policies

The relevant policies are:

- 2016 Local Plan: BNE3
- 1998 Local Plan (saved policies): EV9

Emerging Development Plan Policies

The relevant policies are:

- Submission Local Plan Part 2: BNE7

National Guidance

- National Planning Policy Framework (NPPF) 7, 8, 14, 17 and 118
- Planning Practice Guidance (PPG) ID21b and ID36

Planning Considerations

The main issue central to the determination of this application is whether the work proposed is warranted given the protective designation.

Planning Assessment

The works proposed are required (in the main) to remove some conflict with the users of the adjacent highway; its low lying crown presently overhanging whilst the epicormic growth on its lower bole causes some trespass. Cutting back to remove that conflict will be of no significant harm to the visual offer of the tree or its health, with Lime trees responding well (in the main) to such pruning. The bulk of the work could be carried out (by exemption) under the guise of Health and Safety or indeed by statutory undertakers (in terms of 'clearing' the lamppost and telephones wires). The level of work proposed here however is less than what the statutory undertakers prefer, which is to the benefit of the protected status of the tree.

At the same time the inner crown of the tree will be 'cleaned' removing basic defective and interlocking branches. This level of work is seen to constitute basic maintenance which will remove any potential hazards within its crown. This is felt to constitute prudent 'management', given the relatively high target zone.

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

Recommendation

GRANT permission subject to the following conditions:

1. The work hereby approved shall be carried out within two years of the date of this consent.

Reason: To conform with Regulation 17(4) of the Town and Country Planning (Tree Preservation) (England) Regulations 2012, in order to enable the local planning authority to consider any proposals beyond this period in the interests of safeguarding the amenity value of the tree(s).

2. The work shall be carried out in accordance with BS3998:2010 - Tree Work.

Reason: To safeguard the health of the tree(s).

Informatives:

- a. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner through quickly determining the application. As such it is considered that the Local Planning Authority has implemented the requirement set out in paragraphs 186 and 187 of the National Planning Policy Framework.

Item 2.1

Ref. No. 9/2016/0612/MR

Applicant:
Mr Dean
Dean Lewis Estates Ltd
The Hayloft
Park Lane
Endon
Stoke-On-Trent
ST9 9JA

Agent:
Mr Dean
Dean Lewis Estates Ltd
The Hayloft
Park Lane
Endon
Stoke-On-Trent
ST9 9JA

Proposal: **OUTLINE APPLICATION (ALL MATTERS EXCEPT FOR ACCESS TO BE RESERVED) FOR THE RESIDENTIAL DEVELOPMENT OF UP TO 56 DWELLINGS ON LAND AT SK2731 3157 WILLINGTON ROAD ETWALL DERBY**

Ward: **Etwall**

Valid Date 20/06/2016

Reason for committee determination

This case is brought before the Committee as it is a major application where more than two objections have been received.

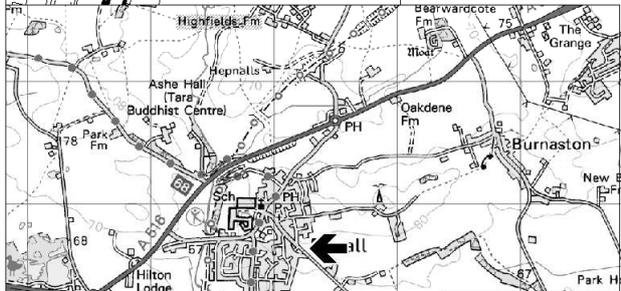
Site Description

This 2.91 hectare site is located on the left hand side of Willington Road, Etwall, to the south east of Etwall Lodge. The site is a triangular field with mature trees along the Willington Road boundary and enclosed by hedging to the east and north. Fields bound the site to the east and north and the farm complex at Field View adjoins the south eastern boundary. The majority of the trees on the Willington Road boundary and some groups on the northern boundary are protected by Tree Preservation Order (TPO) No. 444. Etwall Footpath number 11 runs some distance away to the south east and Sandypitts Lane runs to the north, beyond further land. Etwall Footpath number 14 also runs between Belfield Road and Oaklands Road, emerging between dwellings on the latter facing the western corner of the site.

Proposal

Outline permission is sought for 56 dwellings with access to be agreed at this stage. All other matters would be reserved for a future application. The access to the site would be 237m south east of the existing junction leading to Etwall Lodge and 37m south east of the access to the housing development under construction to the south

9/2016/0612 - Land at SK2731 3157 Willington Road, Etwall, Derby (DE65 6NT)



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west. The indicative layout retains part of the field immediately to the south of Etwall Lodge as a 'proposed village green' with the remainder of the site for residential development. 1.02 hectares (35%) of the site would be green infrastructure.

Applicant's supporting information

The Planning Statement details the pre-application discussions, outlines the relevant Local Plan policies and describes the site. It considers that the proposals accord with the strategic policies contained within the Part 1 Local Plan. In this case the settlement hierarchy supports growth at Etwall and these proposals accord with the Local Plan approach. It is claimed the Council is presently unable to demonstrate a 5-year housing land supply. The emerging Part 2 Local Plan will perform the allocation process for the remainder of the housing need and this application site constitutes a contender site for such an allocation. At least 600 dwellings are required to meet the identified need beyond the main urban areas and as a tier one settlement. Etwall is regarded a sustainable location where additional growth should be accommodated. The benefits of the proposal are identified as a deliverable housing site, high quality development that respects the character of Etwall, improvements in housing mix and choice, provides affordable housing, provision of a new village green and open space, retention of existing trees and hedgerows, a net gain in biodiversity, population growth, economic benefits in respect of the Council Tax and New Homes Bonus, and that it is a sustainable location. It concludes that there are no significant and demonstrable adverse impacts that would outweigh the benefits of granting permission when assessed against the Framework as a whole, with the proposals constituting sustainable development in the context of the three dimensions of environmental, social and economic.

The Design and Access Statement (DAS) outlines the background to the DAS and Building for Life 12, and the response to the context in relation to housing need and Local Plan Policies. The DAS then discusses the site's context with historical maps showing the settlements growth over time and photos of existing properties in Etwall. It discusses the topography and landscape character, identifies designations and summarises ecology and tree impacts. It also describes and identifies Etwall's facilities and services. Access and layout are discussed and focal points, vistas and landmarks considered. The density of the development would be 30 dwellings per hectare and a Building for Life assessment concludes a green light for all 12 criteria.

The Landscape and Visual Impact Assessment (LVIA) confirms the site lies within the 'Needwood and South Derbyshire Claylands' National Character Area 68. The site is described as 'settled farmland' with key characteristics of gently rolling upland plateau, rolling lowland, scattered Oak and Ash trees within hedgerows and strip fields enclosed by hedgerows. Etwall conservation area is 0.2km from the site and the Grade II listed Etwall Lodge is adjacent. At County and District level, the site is located within the 'Needwood and South Derbyshire Claylands' Character Area. The hedgerows and the existing mature trees would be retained, preserving the field boundary patterns, along with new proposed groups of trees along the eastern boundary and within the proposed village green. The assessed landscape effect is considered to be minor adverse on completion, reducing to negligible once landscaping has matured. Overall effects on the site and immediate setting are considered to be moderate adverse reducing to minor adverse. The site occupies a

visually contained position with visual 'envelope', constrained to the west, north and south of the site by a combination of topography, strong boundary vegetation and the existing fabric of Etwall. To the east, overlapping hedgerows combine to limit the visual envelope. Views are primarily restricted to vehicular and pedestrian receptors on Willington Road and a small number of adjacent residential properties. Etwall Lodge adjoins the sites northern boundary and the provision of a village green that aligns with its frontage would retain views south from the Lodge, with impacts considered to be moderate adverse reducing to minor adverse within the long term. Impacts on existing residential properties surrounding the site are considered to be minor adverse. The proposals would have negligible effects on users of Public Footpath 11, given minimal intervisibility with the site. The proposals would be set back from Willington Road, behind existing mature tree planting and a hedgerow, such that effects are considered to be minor adverse at both completion and year 10. Overall it is considered that the development proposal demonstrates a well-considered approach to the landscape and context of the site and appropriate development can be achieved without unacceptable landscape or visual effects.

The Heritage Statement outlines the relevant policies and describes and photographs the site. The statement follows the methodology set out in Historic England guidance. Etwall Lodge's setting is considered to be its garden, the suburban development to the north, east and south and agricultural land to the east and south-east. The Lodge is considered to be of archaeological or artistic interest. It states the agricultural use of some of the remaining land "...is a reminder of the rural context of the house and the enclosure of the garden... tends to isolate the house from its surroundings...". The name 'Lodge Farm' suggests that there may have been a functional relationship between the house and the farm, and confirms that the site of the proposed development forms part of the agricultural setting that contributes to the significance of Etwall Lodge. It identifies that some views would be affected but these are already reduced by existing trees and the housing development to the south west side of the road. It states that the proposed development would cause some harm to the significance of Etwall Lodge and its setting would not be entirely preserved. However it concludes "...the design of the proposed development provides the opportunity to enhance the setting...by providing better public views of the house...", and that in relation to NPPF paragraphs 133 and 134, the harm on the significance would be 'less than substantial harm'.

The Flood Risk Assessment notes that the site is located within Flood Zone 1 and has been identified as being at low risk from all sources of flooding including groundwater, sewer related and flooding from artificial sources. Any residual or unforeseen flood risk to the proposed development would be further mitigated by raising finished floor levels to at least 150mm above existing external levels. Flood Risk would not increase as a result of the development as flows would be restricted to mimic the pre-existing scenario, and storm-water volumes would be attenuated on-site prior to outfall. The proposed planning layout has incorporated an area for an attenuation pond in the low point of the site, the south-east corner. Surface water is proposed to outfall to an existing drainage ditch that currently serves the highway and properties of Willington Road. If this could not be utilised, a pumped surface water system to Oakland Road is suggested as an alternative. Foul water would connect to the existing combined sewer located on-site.

The Transport Assessment confirms accident and speed survey data has informed the assessment, with routes to existing services and facilities identified. The proposed Willington Road junction is a standard T-junction arrangement. To encourage residents to elect to walk to local amenities, it is proposed to introduce new footway on Willington Road to connect with the existing footway in the vicinity of the proposed village green. The indicative masterplan provides links to allow a cohesive well planned framework of pedestrian facilities that encourage walking for a range of everyday journeys. Comprehensive analysis is undertaken of the traffic impact of the proposed development on the local highway network. Junction modelling of the site access and Willington Road/Main Street junctions are undertaken. It is concluded that the traffic generated by the proposed development would not have a detrimental impact on the operational performance of the local highway network.

The Travel Plan identifies existing walking and cycling routes to facilities and services, and bus services. Census data has been assessed in terms of journeys to work and trip rates, and discusses how targets can be set. A target of a maximum 0.531 vehicles/hour/dwelling (AM peak hour 2-way vehicle trip rates) is proposed.

The Arboricultural Assessment states that no individual trees or tree groups would be required for removal with only a small section of the southern boundary hedgerow removed to allow for the access point. As such a large majority of the existing tree cover would be retained and incorporated into the final scheme namely. Two trees are awarded category A for their potential veteran qualities and a Veteran Tree Management Plan is recommended.

The Ecological Report states that the site is comprised of a single species poor semi-improved grassland field supporting a limited diversity of common and widespread species. Six mature trees were identified which had features potentially suitable for use by roosting bats – four of which were classified as having moderate potential, and two with low potential. Three of these are to be removed due to arboricultural recommendations and would therefore require further aerial inspection. If any roosts or evidence of roosting bats were identified, a further nocturnal survey and a Natural England licence for removal of these trees would be required. A pond is situated on the north eastern boundary of the site. Great crested newts have been confirmed as absent from the pond. The proposals provide scope for habitat enhancement and diversification with the opportunity to increase the biodiversity of the area.

The Archaeological Assessment confirms that there are no Scheduled Monuments on the site. From the evidence obtained from the Historical Environment Record (HER) the site is considered to have a low/negligible potential for significant remains of all periods.

The Geo-technical Report identifies one matter of interest which may be archaeological in origin. A number of other interests are probably due to agricultural activity. Evidence of ridge and furrow cultivation and ploughing is present across the site, and there are possible drains in the southern part. Areas of magnetic

disturbance and ferrous responses at the edges of the site are considered to have a modern origin.

The Noise Screening Report outlines the policy and legislation requirements. The existing sources of noise are identified as road traffic on the local road network and commercial development to the south east. It concludes that both noise sources are unlikely to have a significant impact on the development.

An Air Quality Screening Report states that the site is not within an Air Quality Management Area (AQMA) and a review of the impacts during both construction and operation suggests effects should not be significant.

The Statement of Community Involvement was informed by a leaflet drop to 175 properties, emails sent to Ward Councillors and Etwall Parish Council, and a public consultation event on the 16th May 2016. The document outlines the pre-application discussions with the Council. Comments and responses are summarised and the main issues raised are that Etwall's infrastructure and services do not have capacity for new housing, a village green was not needed and the increase in traffic using the junction adjacent to the Spread Eagle, which is already difficult to navigate.

Planning History

None

Responses to Consultations

The Environment Agency has no comments.

The Environmental Health Officer has no objections subject to conditions controlling dust, noise during construction, air quality and submission of a noise assessment.

The Contaminated Land Officer considers a phased contamination condition is necessary due to the proximity to potential sources of ground contamination.

The Strategic Housing Manager recommends securing 30% affordable housing, which equates to up to 17 dwellings, with a split of 75% for rent and 25% intermediate. Consideration should be given to a proportion of 2 bed units being bungalows suitable for elderly/disabled people.

The Local Education Authority (LEA) seeks contributions, to be secured via a Section 106 agreement, of £125,389.11 for 11 primary places at Etwall Primary School, and £193,293.06 for 8 secondary places and 3 post-16 places at John Port School.

The County Archaeologist states the site is within an area of archaeological interest and the results of a geophysical survey show a single linear feature within the site of probable archaeological origin. A scheme of archaeological investigation and recording should be secured through a condition.

Severn Trent Water has no objection subject to a drainage condition.

The Lead Local Flood Authority (LLFA) advises that the drainage ditch should be investigated prior to a drainage strategy being developed. Drainage conditions are recommended.

The County Minerals Officer has confirmed the proposal would not adversely impact the minerals safeguarding interest.

The County Highway Authority considers that a satisfactory means of access into the site can be achieved by means of widening the existing carriageway to 5.5m and providing a 2m footway on the side of the proposed development up and including the access into the site. The revised drawing submitted indicating the highway improvements is considered acceptable and conditions are recommended in respect of a temporary construction access, construction management plan, widening of the carriageway and provision of a footway, estate streets specification and swept path analysis, surface water drainage, parking, bins stores, gates and the Travel Plan. The principle of a Cellweb system in root protection areas (RPAs) would be acceptable provided that construction would be to adoptable standards. Cycle storage, charging points, dropped kerbs and tactile paving adjacent to Etwall Footpath 14 should be incorporated into the provisions of the Travel Plan.

Derbyshire Wildlife Trust states that 3 of the mature trees within the hedgerows are identified as having potential to support roosting bats, and these are to be removed as part of the development. Two trees were subject to aerial inspection, which concluded the trees were unsuitable for bats and downgraded to negligible potential. One of the trees (T1) offered moderate potential for bats and two subsequent nocturnal surveys were undertaken. Both surveys were undertaken in September, with no bats noted emerging and/or re-entering. Foraging and commuting bats were noted. A pond located beyond the northern boundary of the site has been subject to DNA analysis in order to determine the presence/absence of great crested newt, with no evidence detected. Great crested newt is therefore not considered to be a constraint. Two veteran trees have been identified within the site. These are to be retained, but it will be important that these are designed out of residential gardens and protected during construction. The proposal would result in the loss of the grassland, 3 mature trees and some hedgerow for the creation of access; but the grassland is assessed as being of limited ecological value and compensatory measures could be factored into the design of the village green area so to be of maximum benefit for biodiversity. Native tree and hedgerow planting, along with wildflower grassland creation, should be secured by condition.

Responses to Publicity

Etwall Parish Council states that this site was a SHLAA site and was not considered suitable for development in the Local Plan Part 2. The proposal is contrary to Policy H10(i) in the Local Plan Part 1 as it would adversely affect the setting of Etwall Lodge, and the open space proposed does not mitigate this impact. The site is greenfield, on good to moderate agricultural land, and would have an impact on school and healthcare provision. There is no indication of the site layout, house types and only a general description of a mix of bungalows and detached dwellings - including 2½ storeys. Site storm drainage is a concern as it relies on an outlet to the

existing Willington Road drainage ditches which are currently liable to flooding during storms. The proposal assumes the improvement works to Willington Road by Bloor Homes would improve the road sufficiently but this is likely to be reduced. The Parish Council also believes that the junction of Willington Road and Main Street is currently at capacity, particularly at school opening and closing times. The Travel Plan assumes a lot of walking or cycling from the site in lieu of car use when, in their opinion, this would not occur due to the edge of village location of the site. It is also thought that there was a covenant on this land put in place by the previous occupier of Etwall Lodge, preventing building on adjacent land.

7 objections have been received, raising the following concerns/comments:

- i) this beautiful village is being spoilt by developers;
- j) a Local Plan is now in place;
- k) Etwall Lodge should not be ruined by being surrounded by new homes;
- l) there is a concern about the additional traffic en-route to Derby and the increased use of the junction with Burnaston Lane which is dangerous;
- m) the site was not been allocated as a Local Plan Part 2 site as it presumably did not meet the criteria set;
- n) additional housing sites are not required as the Council has a 5 year supply via Part 1 and the draft Part 2;
- o) Etwall has a high number of housing allocated and even more is unsustainable given its fragile infrastructure and limited often term time amenities;
- p) Etwall Lodge is a Grade II Listed building and this development would adversely affected contrary to Local Plan Policy H10 and the submitted Heritage Statement states it would cause harm to its significance;
- q) the Transport and Travel Plans are flawed as the current traffic levels are low due to there being no through route and a low number of existing properties and there is a third peak flow of traffic when the school day ends at John Port School;
- r) the development is outside the village boundary and there may be a restriction of use agreement on the land;
- s) increased traffic would exacerbate the bottleneck on Main Street where people park next to the shops;
- t) it would exacerbate flooding;
- u) Etwall primary school is at capacity and that is even before the 200 new houses been passed for construction adjacent to the site;
- v) doctors surgeries are already at capacity;
- w) the Village Green is not needed and may be a magnet for disruptive behaviour;
- x) large bungalows are required for the elderly residents of the area to free up existing family homes;
- y) would the houses be energy efficient with water harvesting, solar panels, etc.

Development Plan Policies

The relevant policies are:

- 2016 Local Plan Part 1: S1 (Sustainable Growth Strategy), S2 (Presumption in Favour of Sustainable Development), S4 (Housing Strategy), H1 (Settlement Hierarchy), H20 (Housing Balance), H21 (Affordable Housing), SD1 (Amenity and Environmental Quality), SD2 (Flood Risk), SD3 (Sustainable Water Supply, Drainage and Sewerage Infrastructure), SD4 (Contaminated Land and Mining Legacy Issues), SD5 (Minerals Safeguarding), BNE1 (Design Excellence), BNE2 (Heritage Assets), BNE3 (Biodiversity), BNE4 (Landscape Character and Local Distinctiveness), INF1 (Infrastructure and Developer Contributions), INF2 (Sustainable Transport), INF6 (Community Facilities), INF7 (Green Infrastructure) and INF9 (Open Space, Sport and Recreation).
- 1998 Local Plan (saved policies): H5 (Village Development), H8 (Housing Development in the Countryside), EV1 (Development in the Countryside), EV9 (Protection of Trees and Woodland), EV11 (Sites and Features of Natural History Interest), EV13 (Listed or Other Buildings of Architectural or Historic Importance), EV14 (Archaeological and Heritage Features).

Emerging Development Plan Policies

The relevant policies are:

- Submitted Local Plan Part 2: SDT1 (Settlement Boundaries and Development), H23 (Non-Strategic Housing Allocations), BNE5 (Development in the Countryside), BNE7 (Trees, Woodland and Hedgerows), BNE10 (Heritage).

National Guidance

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

Local Guidance

- Housing Design and Layout SPG
- Section 106 Agreements – A Guide for Developers

Planning Considerations

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

- Principle of development;
- Tree and landscape impacts;
- Impact on heritage assets;
- Ecology;
- Highways;
- Layout, design and residential amenity; and
- Infrastructure capacity and mitigation

Planning Assessment

Principle of development

The application must be determined in accordance with the Development Plan unless there are material considerations that indicate otherwise.

Policy H1 relates to the settlement hierarchy. Etwall is defined as a Key Service Village where the scale of development proposed would respect the capacity of services and facilities to support the development in principle. However the policy requires development, unless it being an affordable exceptions site on the edge of the settlement, to be located within the settlement confines. It is not. It also does not benefit from an allocation under the Local Plan Part 1 (LPP1) or emerging policy H23 of the LPP2. It is equally not proposed to include the site within the amended settlement confines under the LPP2 (policy SDT1). Saved policy H5 also restricts new housing development within Etwall to within the village confines. The site is outside the adopted and emerging settlement boundary for Etwall, and thus is contrary to policy. Saved policy H8 states that outside of settlements, new housing development will only be permitted for rural workers dwellings and replacement dwellings. Saved policy EV1 and emerging policy BNE5 reflect this strategy of directing new housing to sustainable locations, only allowing for exceptions where there is an unavoidable need.

Appeal decisions prior to the adoption of the LPP1 confirmed that the housing needs for the District, and the requirement to maintain a rolling 5-year supply of housing land, might constitute an 'unavoidable need' under the aforementioned policies. Adoption of the LPP1 in summer 2016 meant that the Council could demonstrate a 5 year housing supply. This supply is made up of over 13,600 dwellings across the Plan period, against an actual assessed need of 12,618. The applicant highlights the shortfall over recent years and the need to 'catch up', but the method of calculating supply in bringing forward the 20% buffer and the 'oversupply' which is baked in to the trajectory address this in a sustainable manner. At least 600 dwellings are to be allocated under the Local Plan Part 2 (LPP2), and the Submission LPP2 actually proposes the delivery of 700 dwellings – again highlighting the pragmatic approach to maintaining supply and achieving overall delivery. The Council is thus looking to provide well above the minimum housing requirements for the Plan period, meeting the intentions of the NPPF to 'significantly boost the supply of housing'.

The Council's published position is that a supply of 5.33 years exists. The applicant however refutes this, pointing to the Jawbone Lane appeal decision where the Inspector considered the supply fell just short of 5 years, and that in order to maintain a consistent approach this application should be determined under the same 'policy landscape'. The appeal decision was predicated on his acceptance of an alternative method for calculating the supply – one which considered the start of the 5 year 'window' to include the current year. Nonetheless, in the same decision the Inspector confirmed that the Council would be able to demonstrate a 5 year supply in 2017. In addition, further permissions for some 237 dwellings have been granted since that decision, such as Court Street in Woodville, Moira Road in Woodville, Swadlincote Road in Woodville, Milton Road in Repton, Moor Lane in Aston, and the Mandarin restaurant in Hilton. Coupled with Jawbone Lane itself, if

the Inspector's approach were considered correct, these additional sites would now boost the supply to a degree which would overcome the minor shortfall identified.

In addition, the Inspector in the Mandarin appeal did not reiterate the view taken by the Jawbone Lane Inspector in terms of 5 year supply. In that case he considered the extent of development within Hilton has resulted in much of the settlement expanding beyond the boundaries originally set under policy H5, and concluded that those settlement boundaries were out of date. Notwithstanding the fact that the settlements of Hilton and Etwall differ substantially, the former having changed by way of redevelopment of a large brownfield site; this decision does not sit comfortably with recent case law which confirms that where a supply exists, the age of a settlement confine has no effect on the full weight which can be afforded to it (i.e. the confine is still facilitating sustainable delivery of housing). Equally, the LPP2 acknowledges that changes to the settlement confines are required to accommodate committed and allocated growth. In this case, and in light of the presence of a 5 year supply, the settlement confines do not need to be relaxed in order to boost housing provision. The LPP2, coupled with the strategy of LPP1, represents the sustainable framework for housing in the District – much as the NPPF does on a national scale – and it is not necessary to deviate from the plan led process in this instance. Indeed it should be noted that the LPP2 can be afforded considerably elevated weight given its very existence relies on the adoption of the LPP1 and its evidence base, and the advanced stage it has reached.

An additional appeal decision has been submitted by the applicant just prior to the writing of this report, highlighting a decision taken by the Secretary of State in Lichfield. In that case permission was granted against the advice of his Inspector despite agreeing that the Local Plan and its policies were up to date; that there was conflict with said policies as well as considerable harms brought about; and that a 5 year housing supply existed. Notwithstanding the ramifications this decision has in terms of maintaining public confidence in the plan led system, it is not a precedent for the proposal being considered here. This site would provide a much, much smaller contribution to addressing any shortfall which might exist presently, with fewer public benefits arising. If paragraph 14 of the NPPF were engaged, these benefits would need to be weighed against the harm. Instead it is the case that the merits of the proposal need to constitute a material consideration which outweighs the statutory presumption of the Development Plan. Recent case law in East Staffordshire has reminded all of the primacy afforded to the Plan by the 1990 Act, and that deviation from an up-to-date Plan should be truly exceptional.

As a consequence of the overall position in respect of the Development Plan, paragraph 49 of the NPPF is not engaged and in turn the test under paragraph 14 cannot be applied. The development of 56 dwellings outside the settlement boundary of Etwall is contrary to a raft of policies designed to guide and deliver housing in the District in a sustainable manner, and the development of this site is not unavoidable. Accordingly the principle of development on this site is not appropriate.

Tree and landscape impacts

Saved policy EV9 and policy BNE4 requires the protection and/or retention of trees and hedgerows. Under these provisions, development should not be permitted

where it would lead to the loss of trees which are of value to their landscape setting. Emerging policy BNE7 also states that where developments affect trees or hedgerows of high value, it should be demonstrated that the layout has been informed by appropriate surveys and appropriate measures secured to ensure adequate root protection. Paragraph 118 of the NPPF also states that planning permission should be refused for developments resulting in the loss of aged or veteran trees, unless the need for, and benefits of, clearly outweigh the loss.

The site is defined by a line of mature trees along the south-western hedgerow boundary to Willington Road, together with some groups on the eastern and northern boundary. One of the oak trees on the northern boundary adjacent to the proposed village green is identified as a possible veteran tree. A number of trees have been protected by the TPO due to the threat from this development – specifically in relation to the highway improvements required along Willington Road. Whilst the indicative layout shows their retention, the highway improvements required by the Highways Authority require the road to be widened to 5.5m and provision of a 2m wide footway up to and including the access into the site. This involves some 167m of highway works which are likely to be within the RPA of the protected trees on the Willington Road boundary. Further detail on the possible methods of construction have been provided which would inform the specification and methodology for construction. The applicant's arboriculturist recommends a 'no-dig' construction within RPAs and installation of a cellular confinement system. Details of the implementation of this system within RPA on adopted roads has been provided, which allows water penetration and reduces compaction. The Highway Authority has confirmed the principle of using this system is acceptable and a condition can be used to secure the mitigation. Thus it is considered that the impact on protected trees would be acceptable.

Aside from the principle of development, saved policy EV1 states that new development in the countryside would need to safeguard and protect the character of the countryside, the landscape quality, and wildlife and historic features. The policy goes on to state that where development is permitted it should be designed and located so as to create as little impact as practicable on the countryside. Emerging policy BNE5 reflects these aims whilst policy BNE4 requires the character, local distinctiveness and quality of South Derbyshire's landscape to be protected and enhanced. Here it is specific in stating that "development that will have an unacceptable impact on landscape character, (including historic character), visual amenity and sensitivity and cannot be satisfactorily mitigated will not be permitted". Paragraph 17 of the NPPF states that the intrinsic character and beauty of the countryside should be recognised; and valued landscapes should be protected and enhanced (paragraph 109).

The majority of the hedging and mature trees would be retained. The site is in a visually contained position, constrained to the west, north and south of the site by a combination of topography, strong boundary vegetation and the existing built development of Etwall. Views are primarily restricted to vehicular and pedestrian receptors on Willington Road and a small number of adjacent residential properties. There are relatively few aspects from public rights of way. The landscape design and mitigation follows on logically from the judgements made in the LVIA. The resulting design seems to have therefore taken account of the likely landscape and visual

effects, with a number of elements incorporated to lessen the impact. There would be adverse effects on the landscape character of the site, certainly in the early stages of the development; but these impacts would reduce over time taking in to account the village green, the attenuation pond and planting within the development. Visual effects for residential receptors around the site would also be adverse, but towards the lower magnitude. This takes in to account the position of the village green, boundary hedgerows and trees, and the proximity of receptors. The same conclusions are reached for of the footpaths.

The overall impact of the development on the surrounding landscape is not considered to be significant, and as such (notwithstanding the matter of principle), the impact on landscape character, visual amenity and sensitivity is not felt to be unacceptable.

Impact on heritage assets

Policy BNE2, saved policy EV13 and emerging policy BNE10 all require proper regard to be had to preserving and enhancing the heritage of the District. The Council has a statutory duty to "...have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses". Recent case law has served as a useful reminder of this strong statutory presumption as to the preservation of the setting of a listed building, and linked presumption to refuse permission where unacceptable harm arises. Policy BNE2 draws directly on the NPPF to assess development proposals which have heritage implications. Paragraph 133 sets out the considerations where the level of harm equates to 'substantial harm', whilst paragraph 134 sets out the need to balance the public benefits against the harm where that harm is 'less than substantial'.

The only designated heritage asset affected by the proposal is Etwall Lodge – a grade II listed building, purpose-built by the Master of Etwall Hospital, Rev. William Beer, for his own use in 1812. Etwall Lodge is a handsome, two-storey Georgian house, symmetrical and occupying a relatively deep footprint with rear service wings and ancillary service buildings – all brick-built. The front three-bay elevation faces south-south-east across the fields, with a long oblique view overlooking the application site, and standing at the southern edge of the current garden the views across the field take in the greater part of the site. The house has historic interest and moderate status as the home of a number of important local men, including the former headmaster of Repton School a J.P., retired from the East India Company, and members of the local gentry.

The name chosen for the house – 'The Lodge' (later Etwall Lodge) and the open space to its south (the site) – named 'The Lawn', were very fashionable for the early 19th century when a 'lodge' was a particular type of detached gentleman's house. Wherever possible, a lodge was placed at the highest point of the park. The name 'The Lawn' was adopted for the field to the south of Etwall Lodge, and recorded in the Tithe Award. Lodges and lawns went hand-in-hand in deer parks. A 'lawn' was also reserved for open spaces around high status houses occupied by the northern European aristocracy. Although there is no historic link with a deer park at Etwall Lodge, its name and plantation layout alludes to a parkland landscape – it signifies a

relatively high status and 'lodge' and 'lawn' have a formal relationship, with seamless visual connections between the listed building and the application site.

The house was built on a large green-field site, just outside the village, and it is notably set positioned so that its side flank is closest to the western entrance drive, with its front aspect designed to overlook the large field towards Willington Road. In 1848, the occupation of the field (the site) and the lodge is recorded as shared by John Sheppard, and this close relationship has continued to the present day. The two spaces were separated by a fence, probably an estate fence – the most transparent of boundaries; and the only vestige of this original fence is a wrought-iron gate with cast-iron gateposts along this boundary. This type of boundary enabled long seamless exchanges of view where a hedge would have cut them off. Historically, it appears to have been maintained as permanent pasture in order to provide a grazed "lawn" to the house. Although the land has an agricultural use, it was designed and planted to be visualised as semi-parkland from the listed building. Grazed permanent pasture is the usual land use for this relationship. The trees around the southern and western perimeter are pocket plantation clumps, designed to punctuate the views. Etwall Lodge and its "Lawn" to the south contains evidence of the design aesthetic of late 18th century and early 19th century English landscaping. The edge plantations were detached and enabled glimpsed views in and out. The same arrangement applies today, enabling views across to the house.

The setting of the listed building is thus designed and incorporates the application site. Given the disposition of trees and the map and documentary evidence, the site is an integral part of this setting and makes a very important contribution to the significance and status of the listed building, as originally designed. A large proportion of the housing would be visible in views from the garden of the listed building. Views from Willington Road towards Etwall Lodge were also designed to be glimpsed between the tree clumps, to provide a sense of the house in its generous setting from the public domain – its former status as the master's house being part of its historic significance. The developments recently approved to the south of Willington Road, and the historical development of land to the north and west of the listed building, have the effect of reinforcing the sense of privacy, seclusion and status that Etwall Lodge has always enjoyed. The proposed development of housing on the "Lawn" would fundamentally change this well preserved aspect of its designed setting.

This aspect of its significance has not been understood and has been overlooked in the application documents. The impact of the proposed development is not substantial harm, as defined in the NPPF, but would be high; and on the relative scale of "less than substantial harm" would fall within the definition of high harm – not moderate or slight. For it to be very high it would involve the development of the whole of the site, completely blocking views of the listed building, inward and outward. Even so, the proposal emphatically removes a large part of the designed setting from the listed building and harms its historic and aesthetic significance.

The scheme proposes a village green to the south of the listed building. Whilst this has positive connotations and provides social benefit, it is not positive in the sense that the character is likely to be contrary to that of the semi-parkland character; with a different maintenance regime – enclosed, rather than open, with extensive

additional tree planting as proposed on the Development Framework Plan. There is likely to be a complete change of relationship between the listed building and the space – to create privacy and remove public views from looking into the main windows of the listed building. At present, the two are visually connected and the house overlooks the open space. There is a formal physical connection between the “part of the Lawn” and the “Lawn” itself. As proposed, the identity of the separate plantation clumps would be removed, by filling in the deliberate gaps with more trees.

Historic England setting guidance highlights a number of these aspects of significance and makes particular reference to “*Views which contribute more to understanding the significance of a heritage asset include... those where the composition within the view was a fundamental aspect of the design or function of the heritage asset...*” and “*Designed Settings: many heritage assets have settings that have been designed to enhance their presence and visual interest or to create experiences of drama or surprise and these designed settings may also be regarded as heritage assets in their own right*”. It is considered that both of these characteristics apply to the listed building and its setting. The site should be considered as a non-designated heritage asset in its own right, in light of the foregoing, and assessment should extend to paragraph 135 of the NPPF also. For all of these reasons, the level of harm to the designated heritage asset is considered to be high and the harm to the non-designated heritage asset is considered to be very high.

In weighing the less than substantial harm to the significance of the heritage asset against the benefits, as required in paragraph 134 of the Framework, account has been taken of the economic and social benefits of providing 56 dwellings which would include affordable homes and the creation of a village green. The weight given to these public benefits is reduced due to need for the release of this site for development now not having been demonstrated, given the earlier discussion as to principle and delivery of housing needs more sustainably elsewhere under the plan led. The peripheral location of the village green also reduces the accessibility and subsequent level of public benefit arising here. In comparison, great weight is attached to the desirability of preserving the significance of the heritage assets, and with the high level of harm brought about it is not considered this is outweighed by the public benefits identified.

Ecology

Policy BNE3 states that planning proposals that could have a direct or indirect effect on sites with ecological or geological importance, and where mitigation measures cannot sufficiently offset the significant harm resulting, should be refused. Policy EV11 seeks to afford similar protection of biodiversity interests, whilst paragraph 109 requires impacts on biodiversity to be minimised and net gains provided and paragraph 118 aims to conserve and enhance biodiversity.

No evidence of protected species was found on site, with surveys indicating that bats only use the site for foraging and commuting. A sensitive lighting strategy which prevents light spill on the hedges and trees is recommended to conserve these interests. The proposal would result in the loss of the grassland, three mature trees

and part of one hedgerow for the creation of access, resulting in a net loss of biodiversity within the site; but the proposed village green area could be designed to be of maximum benefit for biodiversity with native tree and hedgerow planting and wildflower grassland creation in mitigation of this loss. The proposal thus does not give rise to significant harm in respect of biodiversity, and aligns with the policy framework.

Highways

Policy INF2 states that planning permission will be granted for development where travel generated would have no undue detrimental impact upon local amenity, the environment, highway safety and the efficiency of the transport infrastructure and availability of public transport services. It also requires that appropriate provision is made for safe and convenient access to and within the development, and car travel is minimised. The NPPF supports these principles.

The supporting Transport Assessment demonstrates that the existing network has the capacity to accommodate the additional traffic from the site, and the County Highway Authority has not challenged this. Indeed, the trip rate results in movements which would be 'absorbed' amongst existing flows without discernible effects. The Highway Authority also considers that a satisfactory means of access into the site can be achieved by means of widening the existing carriageway to 5.5m and providing a 2m footway on the side of the proposed development up and including the access into the site. The revised drawing submitted indicates the highway improvements are acceptable, with the principle of using a Cellweb system to mitigate impacts on existing trees also acceptable and adoptable in principle.

Layout, design and residential amenity

Policy BNE1 outlines specific criteria that should be adhered to when designing new developments. The NPPF supports this policy, as well as more specific guidance in the PPG. All these documents advocate developments with locally inspired character which respond to their context, function well and add to the overall quality of the area over the lifetime of the development. Policy SD1 supports development that does not lead to adverse impacts on the environment or amenity of existing and future occupiers, and again paragraph 17 of the NPPF supports this principle.

The layout is indicative and simply identifies the residential development area, the village green and the location of the attenuation pond. The village green indicates a pedestrian route to connect the site with the village, whilst the detail of the access provides a further walking route and cycling opportunities. The impact on the amenity of both existing residential properties on Gerard Close and the newly constructed properties across Willington Road would unlikely be significant due to the retention of the existing trees and hedging, the position of the village green and distance of existing habitable windows from the site boundaries. It appears possible to accord with separation standards set out in the SPG. An assessment of the detailed layout and specific relationships between properties would occur at the reserved matters stage.

Infrastructure capacity and mitigation

The occupation of the proposed dwellings would impact on existing services and facilities in the area, including sports and recreational facilities, healthcare and education provision. The proposal triggers the need for provision of affordable housing as part of the overall housing balance, at 30% of the total number with a split between rent and intermediate accommodation (as set out in the response of the Strategic Housing Manager above); as well as generating the need for the following contributions:

- £125,389.11 towards the provision of primary 11 places at Etwall Primary School for an additional classroom;
- £193,293.06 towards the provision of 8 secondary places and 3 post-16 places at John Port School for additional teaching accommodation.
- £21,302 towards improving the capacity of Wellbrook Medical Centre to accommodate additional patients;
- £220 per bedroom created towards outdoor sports facilities in the locality;
- £122 per bedroom created towards built facilities in the locality; and
- provision of a Locally Equipped Area for Play (LEAP) within the on-site open space (village green).

Committed sums would be required where the village green and/or drainage infrastructure were transferred to the Council for its adoption and subsequent maintenance.

All these provisions seek to mitigate the impact of the development, whilst there are no pooling issues in respect of the projects concerned, such that the requests comply with the CIL regulations.

Conclusions

The Development Plan is the starting point for decision making and a proposed development that conflicts with it should be refused unless other material considerations indicate otherwise. The position is that a 5 year housing supply can be demonstrated such that policies relevant for the supply of housing can be relied upon – even where they relate to settlement boundaries which were set some time ago. This approach accords with recent rulings in the courts. With the LPP2 progressing towards adoption, the supply will increase in the future and there are no indications that the shortfall to date cannot be catered for in the manner envisaged when the LPP1 was found sound and subsequently adopted.

In considering whether the proposal actually constitutes sustainable development as set out by the three dimensions in the NPPF. The provision of 56 dwellings, part of which would be for affordable housing needs, compliments the economic and social roles through facilitating a choice of housing as well as the construction and subsequent input to the local economy. The creation of the village green also provides some social benefit, albeit tempered by its peripheral location to the wider village. However, the negative impact on the designated and non-designated heritage assets is considered to carry significant weight against the proposal, with the public benefits considered not to outweigh this less than substantial harm.

Moreover, this proposal is an unplanned approach to the strategic and sustainable delivery of housing across the District advocated by the plan led system – in particular policies S1 and S4. With the site not featuring in the emerging LPP2, this point alone indicates that the development is not sustainable in principle, it failing to achieve the mutually balanced approach under paragraph 7 of the NPPF; and the specific social and environmental harm which arises from the development confirms this. Consequently, it is not considered there are other material considerations which outweigh the primacy of the Development Plan.

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

Recommendation

REFUSE permission for the following reasons:

1. The site is located outside the settlement confines for Etwall and does not benefit from an allocation in the Local Plan Part 1 or emerging Local Plan Part 2. With the proposal not benefitting from any other policy presumption in favour, and the Council being able to demonstrate a 5 year supply of housing land; no justification exists in order to merit a departure from the plan-led approach to sustainable delivery of objectively assessed housing needs within the District. The proposed development would therefore represent an unwarranted incursion in to the countryside, leading to the unjustified loss of greenfield land and not representing sustainable development in principle; contrary to policies S1, S4 and H1 of the Local Plan Part 1, saved policies H5, H8 and EV1 of the Local Plan 1998, emerging policies SDT1 and BNE5 of the Local Plan Part 2, and the provisions of the NPPF.
2. Etwall Lodge, a grade II listed building, was designed to deliberately overlook a landscape that is called 'The Lawn'. The application site contributes to the significance of the listed building, as it is part of this designed setting of an open semi-parkland landscape, which is understood in conjunction with the listed building. The listed building faces south-south-east across this landscape such that there remains a strong relationship between the two, and it is considered this landscape constitutes an undesignated heritage asset in its own right. Great weight is attached to the desirability of preserving the significance of heritage assets and the level of harm to the listed building is found to be high. The proposal directly erodes the significance of the non-designated heritage asset of 'The Lawn' and the level of harm identified is very high. The proposed is thus considered to lead to less than substantial harm to the significance of both the designated and undesignated heritage assets, contrary to policy BNE2 of the Local Plan Part 1, saved policy EV13 of the Local Plan 1998, emerging policy BNE10 of the Local Plan Part 2, and the provisions of the NPPF.

Informatives:

- a. Notwithstanding this refusal, the Local Planning Authority has worked with the applicant in a positive and proactive manner through seeking to resolve planning objections. However despite such efforts, the planning objections

relate to matters of principle that cannot be overcome. As such it is considered that the Local Planning Authority has implemented the requirement set out in paragraphs 186 and 187 of the National Planning Policy Framework.

2. PLANNING AND OTHER APPEALS

(References beginning with a 9 are planning appeals and references beginning with an E are enforcement appeals)

Reference	Place	Ward	Result	Cttee/Deleg	Page
9/2016/0548	210 High Street, Woodville	Woodville	Dismissed	Delegated	104
9/2016/0776	16 Nettlefold Crescent	Melbourne	Dismissed	Delegated	111



Appeal Decision

Site visit made on 31 January 2017

by Elaine Worthington BA (Hons) MTP MUED MRTPI

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

Decision date: 13th February 2017

Appeal Ref: APP/F1040/W/16/3161576

210 High Street, Woodville, Swadlincote, DE11 7DT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Graham Grouse against the decision of South Derbyshire District Council.
 - The application Ref 9/2016/0548, dated 29 May 2016, was refused by notice dated 10 October 2016.
 - The development proposed is outline planning permission for 1 No. new dwelling including access – all other matters reserved.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application was submitted in outline with all matters other than access reserved for future consideration. However, indicative plans showing a proposed site layout, new dwelling and example perspective images were also provided to which I have had regard.

Application for Costs

3. An application for costs was made by Mr Graham Grouse against South Derbyshire District Council. This application is the subject of a separate Decision.

Main Issue

4. The main issue is the effect of the proposed access on highway safety.

Reasons

5. The appeal site comprises the garden area of 210 High Street which is a semi-detached house. It is on the corner of High Street and Hepworth Road where there are traffic lights. No 210 has an existing access to High Street and another to Hepworth Road. The appeal scheme seeks to close the existing access to High Street such that No 210 and the proposed house would use the access to Hepworth Road.

6. A previous application¹ for a house on the site sought to use both the existing accesses (with No 210 to be accessed from High Street and the proposed dwelling from Hepworth Road). It was refused on highway safety grounds relating to visibility and proximity to the signalised junction.
7. On the basis of the submitted Go-surveys Ltd Transport Note (and subsequently provided additional information) including speed survey data, the Highway Authority is satisfied that the appeal scheme allows vehicles to enter and leave the site in forward gear and raises no objections in terms of visibility. However, it remains concerned about the increase in use of the Hepworth Road access given its proximity to the traffic lights and the potential for confusing vehicle manoeuvres.
8. The existing access to Hepworth Road is already utilised by No 210. That said, the parties agree that the appeal scheme would double the number of vehicles using it. Vehicle movements per day would increase from 8 to 16 which would amount to 4 additional two way vehicle movements each day.
9. The access is very near to the signal controlled junction where Hepworth Road meets High Street (the A511 linking Coalville with Swadlincote and Burton upon Trent). Both have a speed limit of 30 mph in the vicinity of the appeal site. In terms of traffic approaching from the south along Hepworth Road, the appellant estimates there would be only two extra left turns a day into the site. Vehicles are not travelling at high speed on approach to the junction and are slowing down as they reach the appeal site. The access would not be gated (this could be precluded by a planning condition) and the wide pavement in front of the appeal site provides space for vehicles to turn off the highway promptly.
10. Even so, in practical terms, cars would turn left into the site only very shortly before the traffic lights at the junction with High Street. Whilst the appellant refers to clear visibility on this stretch of Hepworth Road, I saw at my visit that there is a high fence to the back edge of the highway verge immediately to the south. This would to some extent obscure longer range views of the access to approaching drivers. In this context, I share the Highway Authority's concern that following drivers may not necessarily be aware of the access and could reasonably expect vehicles to be turning later, at the junction, rather than into the appeal site. As such, they could misinterpret the signal to turn left.
11. On approaching the site from High Street, drivers will just have turned either right or left into Hepworth Road at the traffic lights. Having entered Hepworth Road, they would be immediately looking to turn right into the appeal site (directly after the pedestrian refuge in the middle of the road). Under either scenario the driver behind would not be expecting the second somewhat awkward manoeuvre, which would require a reduction in speed. This would occur at a point where vehicles joining Hepworth Road from High Street would be accelerating away to get through the lights and continue along Hepworth Road. Notably, drivers approaching from the west and turning right into Hepworth Lane would need to signal to turn right for the appeal site, which could be mistaken as being a continuation of the initial right turn signal at the lights rather than a further intended manoeuvre.

¹ 9/2015/0197

12. Drivers would then have to cross the northbound carriageway of Hepworth Road where other vehicles could be waiting at the lights to join High Street, directly outside the appeal site. There is also a cycle lane here. In such instances the access may be blocked and the driver seeking to enter the appeal site would have to stop and wait in the highway. The appellant considers that the driver could pull into the hatched area in the middle of Hepworth Road to allow following vehicles to pass. He also offers to fund any necessary re-lining of the road surface to formalise this arrangement and ensure it is kept clear.
13. I have seen no reaction from the Highway Authority to this suggestion. However, it seems to me that the hatched area on the approach to the pedestrian refuge is intended to separate the two opposing flows of traffic on Hepworth Road rather than to accommodate turning or waiting traffic. Moreover, the hatched area is not wide. The swept path analysis drawings in the appellant's Transport Note show that, even if vehicles were to wait within it at its widest point closest to the refuge and facing southwards (rather than westwards to face the site), they would to some degree overhang both the northbound and the southbound carriageways. As such, the proposal could also lead to following drivers stopping and waiting in the highway and result in vehicles backing up in the vicinity of the junction.
14. Taking all these factors into account, I consider that these manoeuvres associated with the appeal proposal's use of the Hepworth Road access, in such close proximity to the junction, would be unusual and generally unexpected in nature. This would be to the extent that they would lead to confusion for other drivers and the increased likelihood of rear end collisions. They would also have the potential to interfere with the free flow of traffic in the vicinity of the junction.
15. I note the appellant's view that Hepworth Road experiences traffic levels below its design capacity and am aware that there are no records of accidents arising from the existing use of the access. Nevertheless, even though there would not be a substantial number of vehicular movements associated with the proposal, in my view the increase in these manoeuvres would unacceptably compromise highway safety. This would be so even assuming that drivers pay proper and due attention as required by the Highway Code (as referred to by the appellant).
16. Whilst I acknowledge the appellant's view to the contrary, it is clear from the Highway Authority's statement that it has considered the potential benefits that would arise from the closure of the appeal site's other existing access to High Street. However, it argues that since No 210 is served by two access points, each access is potentially used only 50% of the time, and as such, the closure of the High Street access would be insufficient to offset a 100% increase in the use of the Hepworth Road access (which it considers to be unsafe). I concur with this view and confirm that the improvements in highway safety arising from the closure of the High Street access would not be of such a scale as to outweigh the harm that would be caused by the proposed increase in use of the Hepworth Road access.
17. Thus, I find overall that the proposal would fail to provide safe and suitable access to the site as required by paragraph 32 of the National Planning Policy Framework (the Framework). I also confirm in this regard that the scheme's residual cumulative impacts would be severe.

18. I therefore conclude on the main issue that the proposed access would be harmful to highway safety. This would be contrary to Policy INF2 of the South Derbyshire Local Plan Part 1 which is permissive of new development provided that (amongst other things) travel generated by it has no undue detrimental impact on highway safety and the efficiency of transport infrastructure (criterion a) and that appropriate provision is made for the safe and convenient access to and within the development for pedestrians, cyclists, public transport users and the private car (criterion b).

Other matters

19. The Council raises no other objections to the scheme and no other areas of conflict with the development plan or the Framework are identified. The absence of harm in these regards counts neither for nor against the proposed development.
20. The proposal would provide a dwelling which would contribute to housing land supply. It would also create construction jobs and the future residents would support local services and facilities. However, given its small scale, the scheme's contribution in all these regards would not be great and, even taken together, these benefits would be insufficient to outweigh the harm I have identified in relation to the main issue in this case.
21. The appellant refers to paragraph 49 of the Framework but acknowledges that the Council's Local Plan is up to date. He also cites the Framework's presumption in favour of sustainable development. However, since I have seen nothing to demonstrate that the development plan is absent, silent or the relevant policies are out of date, and because I have found the proposal to be contrary to the development plan, paragraph 14 of the Framework does not apply.

Conclusion

22. For the reasons set out above, I conclude that the appeal should be dismissed.

Elaine Worthington

INSPECTOR



Costs Decision

Site visit made on 31 January 2017

by **Elaine Worthington BA (Hons) MTP MUED MRTPI**

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

Decision date: 13th February 2017

Costs application in relation to Appeal Ref: APP/F1040/W/16/3161576 210 High Street, Woodville, Swadlincote, DE11 7DT

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Graham Grouse for a full award of costs against South Derbyshire District Council.
 - The appeal was against the refusal of the Council to grant outline planning permission for 1 No. new dwelling including access – all other matters reserved.
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Decision

1. The application for an award of costs is refused.

Reasons

2. Planning Practice Guidance (the Guidance) advises that where a party has behaved unreasonably and this has directly caused another party to incur unnecessary or wasted expense in the appeal process, they may be subject to an award of costs. The Guidance advises that although costs can only be awarded in relation to unnecessary or wasted expense at the appeal, behaviour and actions at the time of the planning application can be taken into account in my consideration of whether or not costs should be awarded.
 3. The appellant's claim relates in part to the handling of the planning application and refers to the Council not determining the application within 8 weeks and asking for two extensions of time. Paragraph 48 of the Guidance indicates that if it is clear that the local planning authority will fail to determine an application within the time limits, it should give the applicant a proper explanation.
 4. The appellant considers that there were delays in making the Highway Authority's response available (both on the Council's website and then directly to the appellant). However, the Council advises that the Highway Authority's response was provided to the appellant's agent prior to the 8 week deadline. Moreover, subsequent delays in the determination of the application thereafter were due to the appellant submitting further evidence and the Council seeking revised comment from the Highway Authority (who undertook a further site visit and assessment). This period of negotiation led to an initially intended reason for refusal relating to visibility and sight lines not being imposed.
 5. As such, it seems to me that the reasons why the application was not determined within the time limits were explained by the Council and understood by both parties. Whilst the appellant may not have received the Highway Authority's comments initially, I have seen nothing to suggest that the Council's overall handling of the application fell short of the positive and pro-
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- active approach anticipated by paragraph 186 and 187 of the National Planning Policy Framework. Nor has there been a lack of cooperation on the Council's part with the appellant.
6. The Guidance gives examples of behaviour that may give rise to a procedural award against a local planning authority. These include introducing fresh and substantial evidence at a late stage, or a new reason for refusal. The appellant considers that the reason for refusal for the previous application¹ related only to vehicles turning left into the site. Be that as it may, the reason for refusal for the appeal scheme refers more generally to manoeuvres close to the junction and vehicles signalling to access the site, and is not limited to those turning left. Whilst the appellant's statement has focussed on the impact of left turns, right turns are considered in the appellant's Transport Note (including swept path analysis drawings) and subsequent additional information. Moreover, the Highway Authority refers to its concerns in relation to right turns in its statement which the appellant addresses in his final comments.
 7. As such, and since it seems logical to me that right turning traffic would be likely to be an important consideration (along with left turning traffic), the issue of turning right into the site was not introduced by the Highway Authority at a late stage and it does not constitute a new reason for refusal. Accordingly, and notwithstanding the reasons for refusal of the previous application, I am satisfied that the appellant has had sufficient opportunity to consider this matter in relation to the appeal scheme.
 8. The Guidance also gives examples of behaviour that may give rise to a substantive award of costs against a local planning authority. These include preventing or delaying development which should clearly be permitted, having regard to the development plan, national policy and any other material considerations. Another example concerns failure to produce evidence to substantiate each reason for refusal on appeal, and vague, generalised or inaccurate assertions about a proposal's impact which are unsupported by objective analysis.
 9. The planning application was supported by the Transport Note and further additional technical evidence from a specialist and qualified highway consultant. Nevertheless, the Highway Authority has explained why it does not share the appellant's view as to the impacts of manoeuvres arising from the appeal scheme in close proximity to the signalised junction. I agree with its concerns, as set out in my appeal Decision, and have dismissed the appeal.
 10. To my mind, the decision notice and the appeal documents provide clear and unambiguous reasons to explain the Highway Authority's concerns and adequately describe the impacts the proposal would have on highway safety. They are accompanied by a step by step objective analysis of what would be likely to happen in a number of scenarios and follow a practical and common sense approach. As such, the Highway Authority has substantiated the reason for refusal. Whilst its statement refers to another appeal decision regarding what it considers to be a similar situation, the Highway Authority's case is not supported by this evidence alone.

¹ 9/2015/0197

11. That the Council relies on the Highway Authority's statement and has not produced its own, is not unusual given the reason for refusal and does not indicate that the Council does not wish to defend its decision itself or cannot substantiate the reason for refusal as suggested by the appellant. Nor do I see any reason to doubt that the Highway Authority's comments were not provided by an appropriately qualified or experienced highway engineer.
12. Although the reason for refusal does not refer to the presumption in favour of sustainable development or paragraphs 14 or 49 of the National Planning Policy Framework, since the appellant advises that the Local Plan is up to date, and for the reasons set out in my appeal Decision, I see no reason why it should. I am also content that the Highway Authority considered the proposal's closure of the site's existing access onto High Street as a benefit of the scheme, but found it insufficient to offset the harm caused overall to highway safety. The Council's delegated report refers to the site's sustainable location close to services and facilities, but I accept that it makes no mention of the proposal's role in increasing housing land supply or its associated socio-economic benefits including construction jobs. Even so, as set out in my appeal Decision, I have considered all these matters and found that, even taken together, they would not outweigh the harm I have identified in relation to the main issue in this case.
13. Thus overall I am content that the Council has not prevented or delayed development which should clearly have been permitted, having regard to the development plan, national policy and any other material considerations.
14. I therefore conclude that the Council's behaviour has not been unreasonable and the appellant's costs in mounting the appeal were not unnecessarily incurred. Consequently, for the reasons given above, the application for an award of costs is refused.

Elaine Worthington



Appeal Decision

Site visit made on 17 January 2017

by **David Cross BA (Hons), PGDip, MRTPI**

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

Decision date: 13 February 2017

Appeal Ref: APP/F1040/W/16/3159958

Garden to side of dwelling, 16 Nettlefold Crescent, Melbourne, Derby DE73 8DA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Ms Alison Lomas against the decision of South Derbyshire District Council.
 - The application Ref 9/2016/0776, dated 26 July 2016, was refused by notice dated 20 September 2016.
 - The development proposed is erection of one detached three bedroomed dwelling and a double garage.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is the effect of the proposal on the character and appearance of the area.

Reasons

3. The proposal consists of erecting a detached dwelling in the garden to the side of an existing semi-detached dwelling. Although there is a mix of dwelling designs in the wider area, Nettlefold Crescent and Smith Avenue are characterised by semi-detached properties of a consistent design and regular spacing which gives the street scene a pleasant suburban character. Whilst there is some variation in the use of materials and some properties have been altered through the addition of extensions, porches or canopies etc., this does not detract from the rhythm and character of the street scene.
 4. The site is adjacent to the junction with Smith Avenue and is in a prominent position at the end of the street. A relatively strong building line is established by the existing dwelling on the appeal site and 122 Pack Horse Road. Although a 2-storey extension to 37 Nettlefold Crescent projects beyond this building line, I saw on my site visit that this is viewed as a backdrop to the street scene and is not as prominent when entering the area from Pack Horse Road.
 5. The proposal would introduce a detached 2-storey dwelling at the end of the row of semi-detached properties on Nettlefold Crescent. This would be visually prominent in views along Nettlefold Crescent and when entering the area along Smith Avenue. Due to the difference in the design of the proposal from other
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dwellings in the immediate area and its prominent location, the proposal would appear as an obtrusive feature projecting into the street scene. The use of a gable to the front of the dwelling would exacerbate this incongruous appearance, as this is not a feature of dwellings on Nettlefold Crescent or Smith Avenue.

6. In support of the appeal, the appellant has referred to 2-storey extensions to the side of 35 and 37 Nettlefold Crescent. However, I saw on my site visit that both of these extensions are subsidiary to the host dwelling in that they are set back from the main front elevation and have a lower ridge line and therefore do not unduly detract from the character of the area. I acknowledge that the extension to the side of No 37 is relatively large and projects beyond the building line along Smith Avenue. However, as stated previously, this extension is viewed as a backdrop in views of the area and is not in as prominent a position as the appeal site. I do not consider that this existing extension should justify the further erosion in the character of the street scene which would arise from the appeal proposal.
7. I have also been referred to a detached dwelling which has been granted planning permission on land between 11 and 19 Nettlefold Crescent. However, this dwelling would be materially different from the appeal proposal in that it would be viewed within the context of residential properties on either side as well as to the rear and would also be of a design which complements the immediately adjacent dwelling.
8. I am mindful that the site is in a sustainable location within convenient reach of services in a 'key service village' as identified in the South Derbyshire Local Plan Part 1 2016 (LP1). I also acknowledge that the proposal would add to the supply and mix of housing in the area, albeit to a very limited degree. However, this does not outweigh the identified harm arising from the proposal.
9. I have had regard to the appeal decision¹ provided by the appellant and the comments therein in relation to housing land supply. However, even if I were to conclude there is a shortfall in 5 year housing land supply and that relevant policies for the supply of housing should not be considered up-to-date, the adverse impacts of granting permission for the proposal would significantly and demonstrably outweigh the benefits.
10. The proposal would result in the loss of two trees consisting of a conifer and a cherry tree to the side of the property. However, I note that these trees are not protected and I consider that they are not of such significance within the street scene to justify the refusal of the proposal on this issue. Although the dwelling would be located in close proximity to a hedge on the site boundary, no evidence has been provided to me that the proposal would result in the loss of this hedge. Therefore, the proposal would not conflict with Policy BNE7 of the emerging South Derbyshire Pre-Submission Local Plan Part 2 2016 which seeks to protect trees and hedgerows of high value.
11. I have taken into account the local objections relating to the effects of the proposed development on privacy, highway safety, precedent, overdevelopment, noise, overshadowing, wildlife and the capacity of infrastructure in the area. However, consideration of these matters has not led me to a different conclusion on this appeal.

¹ Ref: APP/F1040/W/16/3147682

12. I conclude that the proposal would be harmful to the character and appearance of the area due to the siting and design of the proposed dwelling. The proposal would therefore conflict with Policy H5 of the South Derbyshire Local Plan 1998 which requires development to be in keeping with the character of the settlement. This policy is broadly consistent with the principles of the National Planning Policy Framework which seeks to secure high quality design. The proposal would also be contrary to Policy BNE1 of the LP1 which states, amongst other things, that new development should be visually attractive, appropriate and achieve continuity within the street scene. I consider that Policy BNE4 of the LP1 is not relevant to this proposal as this relates to wider landscape issues, and in any case I have not been provided with a copy of the Melbourne Parklands Character Area referred to by the Council.

Conclusion

13. For the reasons given above, and having regard to all other matters raised, it is concluded that the appeal should be dismissed.

David Cross

INSPECTOR