

# Public Document Pack



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PUBLIC

To: Members of Regulatory - Planning Committee

Friday, 13 September 2019

Dear Councillor,

Please attend a meeting of the **Regulatory - Planning Committee** to be held at **10.00 am** on **Monday, 23 September 2019** in Committee Room 1, County Hall, Matlock, DE4 3AG, the agenda for which is set out below.

Yours faithfully,

A handwritten signature in cursive script that reads 'Janie Berry'.

**JANIE BERRY**  
Director of Legal Services

## **A G E N D A**

### **PART I - NON-EXEMPT ITEMS**

1. Apologies for Absence  
To receive apologies for absence (if any)
2. Declarations of Interest  
To receive declarations of interest (if any)
3. Declarations of Significant Lobbying  
To receive declarations of significant lobbying (if any)

4. Petitions

To receive petitions (if any)

5. Site visit (as determined by the Executive Director - Economy, Transport and Environment after consultation with the Chairman and/or Vice Chairman in accordance with the Code of Practice):-

(i) Woodville

Following the site visit the meeting will reconvene at 1:30 pm

6. Minutes (Pages 1 - 10)

To confirm the non-exempt minutes of the meeting of the Regulatory – Planning Committee held on 8 July 2019

7. To consider the non-exempt Reports of the Executive Director - Economy, Transport and Environment -

7 (a) Regrading of Paddock by Deposition and Distribution of Spoil, as Excavated in Relation to Building Works approved by High Peak Borough Council, Buxton House Farm, Back Eccles Lane, Whitehough (Pages 11 - 26)

Applicant: Ms Wellwork  
Code No: CW1/0219/96

7 (b) The Installation of a New Multi-Use Games Area at Burbage Primary School, 1 Cavendish Avenue, Buxton, SK17 9AE (Pages 27 - 38)

Applicant: Derbyshire County Council  
Code No: CD1/0219/94

7 (c) Installation of a New 3 Arm Roundabout Junction Centred on the A52 East of Ashbourne and West of Lady Hole Lane, Providing Access to Consented Development on the Former Ashbourne Airfield Site (Pages 39 - 70)

Applicant: Derbyshire County Council  
Code No: CD3/0819/38

7 (d) Construction of an All-Purpose Single Carriageway Complete with Verges, Cycleways and Footways (including Three New Roundabout Junctions), Connecting between the Existing Roundabout Spur at Occupation Lane, Woodville and the A514 Derby Road, Swadlincote (Pages 71 - 114)

Applicant: Derbyshire County Council  
Code No: CD9/0519/20

- 7 (e) Current Enforcement Action (Pages 115 - 116)
- 7 (f) Outstanding Application List (to be circulated at the meeting)
- 7 (g) Current Appeals/Called-In Applications (Pages 117 - 118)
- 7 (h) Matters Determined by the Strategic Director - Economy, Transport and Environment under Delegated Powers (to be circulated at the meeting)

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PUBLIC

**MINUTES** of a meeting of the **REGULATORY – PLANNING COMMITTEE** held at County Hall, Matlock on 8 July 2019.

**PRESENT**

Councillor M Ford (in the Chair)

Councillors J Atkin (not site visit) , D Charles, A Griffiths, L Grooby, R Iliffe, R Mihaly, R A Parkinson, P Smith and B Wright.

Apologies for absence were submitted on behalf

**36/19** **SITE VISIT** In accordance with the Code of Practice Members visited the former Whitwell Colliery Site (Minute No. 38/19).

**37/19** **MINUTES RESOLVED** that the minutes of the meeting of the Committee held on 20 May 2019 be confirmed as a correct record and signed by the Chairman.

**38/19** **PROPOSED RECLAMATION, CUT AND FILL OF THE FORMER WHITWELL COLLIERY SITE TO FACILITATE MIXED USE REDEVELOPMENT OF THE SITE, TOGETHER WITH LANDSCAPING, ECOLOGY AND DRAINAGE APPLICANT: THE WELBECK ESTATES COMPANY LIMITED CODE NO: CM5/0818/42** As reported by the Executive Director, The Welbeck Estate Company Limited had submitted concurrent planning applications to Derbyshire County Council and Bolsover District Council (BDC). This application was for the reclamation by cut and fill of the former colliery tip and associated land with landscaping, ecology enhancements and new drainage as enabling works for the application to the district for a mixed-use scheme of new housing, employment land and public open spaces.

The Executive Director's report gave special consideration to the extent of potential harm to the nearby conservation areas, in which a degree of conflict with a policy of the Bolsover District Local Plan (BDLP) was identified.

There had been two rounds of consultations on this application, the first following the receipt of the application and the second following submission of additional/other information to accompany an environmental statement The local elected member had also been consulted. Details of the comments received from consultees and following publicity were given in the report.

Darren Ridout, the applicant, Chris Jesson, agent and Chris Fridlington of Bolsover District Council, attended the meeting and made brief presentations to members in support of the application. Members made a number of comments which were duly noted.

The report in its conclusion stated that the restoration of the Whitwell Colliery tip and surrounding land in addressing the consequence of an historic mining legacy in the area was welcomed. The Executive Director was satisfied that the proposed reclamation details were not unacceptable, subject to controls as set out in the recommended conditions and completion of a suitable section 106 agreement. The landscape restoration would have benefits in the longer term. The proposed scheme would deliver through the on-site reuse the mineral waste, an improved landform, (albeit still differing from the natural surroundings in scale given the quantity of colliery tipped material at the site and generating some less than substantial harm on the conservation areas). The proposal was expected to also provide the basis for future economic benefits in the form of modern housing and commercial opportunities, since the emerging local plan was at an advanced stage. Biodiversity and ecology benefits were also expected.

The site had scope for a range of habitat types and landscaping improvements incorporating the views expressed by DWT and EMBC, and the Executive Director was satisfied that these details were capable of being agreed by a suitably worded planning conditions should planning permission be granted.

Overall, it was expected that the successful reclamation would contribute to the stated socio-economic benefits by providing the means to facilitate development of housing and employment opportunities in close proximity to each other and to existing employment opportunities, with good access onto the highway and rail networks and close to recreational and tourism opportunities.

Accordingly, it was considered that the proposal, subject to finalised ecological and landscape management and other detailed matters being agreed, which were capable of being controlled via planning conditions and legal agreement, satisfied national planning policy and accords with policies of the DDMLP. Notwithstanding a conflict with Policy CON4 of the BDLP, as identified in the report, the development was considered to be suitable to be recommended for approval.

**RESOLVED** that planning permission be granted, subject to conditions substantially similar in accordance with the schedule of draft conditions set out in the report of the Executive Director Economy, Transport and Environment, with effect from the completion of an agreement between the Council and the

land owners under section 106 of the Town and Country Planning Act 1990 which creates a planning obligation with respect to the application land to ensure that following the development there is (1) 25 years of landscape and ecology management of the site in accordance with an approved Landscape and Ecology Management Plan; (2) permanent retention of those areas of the site to be so managed for the purpose of continuing to provide amenity through landscape and biodiversity provision and (3) dedication by the owners as a public right of way of any permissive path created in accordance with the application or the Landscape Masterplan that the Council notifies to the landowner(s) as requiring to be so dedicated.

**39/19      SECTION 73 APPLICATION TO NOT COMPLY WITH CONDITION 3 (DURATION) AND 4 (APPROVED DETAILS) OF PLANNING PERMISSION REFERENCE NUMBER 9/0218/94: ERECTION OF A 15MW RENEWABLE ENERGY CENTRE AND ASSOCIATED INFRASTRUCTURE ON LAND AT THE FORMER DRAKELOW C POWER STATION, OFF WALTON ROAD, DRAKELOW APPLICANT: FUTURE EARTH ENERGY CODE NO: CW9/0319/108** The Executive Director reported that planning permission for an energy from waste power station had been granted in 2015 (planning permission code no. CW9/0615/48), and that a subsequent Section 73 application (CW9/0218/94) to change the design of the plant had been granted permission in May 2018. The principle of the development of the application site for an energy from waste power station had therefore been established.

The applicant proposed further external design changes, and to extend the duration of the operation of the plant from 25 to 30 years.

This application proposed non-compliance with the requirement of Condition 3 to which the 2018 permission was subject in order to allow a 30 year operation of the plant (rather than the d 25 year operation). The applicant contended that the additional five year period was required to cover a construction finance loan.

The applicant proposed non-compliance with the requirement of Condition 4 to which the 2018 permission was subject in order to amend the design to cater for the change of the plant from a single-line based gasification system to a three-line gasification system, (a three line gasification system was initially approved under the original planning permission CW9/0615/48, but altered under design changes approved under planning permission CW9/0218/94).

The main elements of the design changes were a reduction in height of the plant by approximately 10 metres (m), a revised built development footprint, and a general reconfiguration of layout. Fuel throughput, energy

output and HGV movements would remain as previously approved.

The original planning application was accompanied by an environmental Statement (ES) and the subsequent Section 73 application was accompanied by an addendum to the ES. The application now under consideration was also accompanied by a further addendum to the ES, which included updated analysis with regard to air quality, noise and landscape and visual impacts.

Following publicity a number of comments/responses were received. Details of the comments received from consultees following publicity were given in the Executive Director's report. The local elected members had also been consulted and no comments had been received.

Adrian Smith, on behalf of the applicant, made a brief presentation to members. Members made a number of comments which were duly noted.

The Executive Director was satisfied that the proposed changes to the design of the facility and extended operational life of five years (from 25 to 30 years) would not result in any significant environmental or amenity impacts and would accord with the Development Plan, the National Planning Policy Framework (NPPF), and the National Planning Policy for Waste (NPPW), and local planning policies, and that The applicant had provided valid reasons for seeking the variation.

An addendum to the ES had been provided which assessed likely significance of effects upon air quality, noise and visual impacts

The updated ES concluded that the proposed changes to the consented design would not result in any significant effects.

The application was therefore recommended for approval subject to the conditions contained in the Executive Director's report

**RESOLVED** that planning permission be granted, subject to conditions detailed in the report of the Executive Director Economy, Transport and Environment.

**40/19      PROPOSED DIVERSION OF PUBLIC FOOTPATH NO.11 – PARISH OF CHISWORTH** Authority was sought for the Director of Legal Services to make a Public Path Diversion Order for the permanent diversion of Public Footpath No. 11 in the parish of Chisworth in the interests of the landowners.



It was reported in the Executive Director's report that the line of the path was currently obstructed by a barn building for which planning permission had been granted by the local planning authority (High Peak Borough Council) in 2006. No legal order to divert the path had been processed in conjunction with the planning permission. A Diversion Order was sought the landowners to take the path away from the barn and for better management of the land.

The report described a proposed diversion of approximately 260 metres of Public Footpath No. 11, shown on the plan appended to the Executive Directors report, to a new path approximately 206 metres long with a width of 2 metres and a natural grass surface.

The Local Members, Councillor J Wharmby and Councillor G Wharmby, High Peak Borough Council and Chisworth Parish Council had been consulted and had offered no objections to the proposal.

A number of objections and further comments were received which were detailed in the Executive Directors report.

**RESOLVED** (1) that the Director of Legal Services be authorised to make the necessary order to divert Public Footpath No. 11 (Part) in the parish of Chisworth under the provisions of Section 119 of the Highways Act 1980; and

(2) that should objections be received to the making of the Order that could not be resolved, then the matter be forwarded to the Secretary of State for determination.

**41/19      CREATION OF PUBLIC FOOTPATH AT LOCK LANE, SANDIACRE AND PROPOSED EXTINGUISHMENT OF PART OF LONG EATON PUBLIC FOOTPATH NO.47 (NOW KNOWN AS NO.68) – LONG EATON, PARISH OF SANDIACRE** Authority was sought for the Director of Legal Services to make a Public Path Creation Order for the creation of a public footpath between Lock Lane and Sandiacre Public Footpath No. 19 (the Erewash Canal towpath) and to make a Public Path Extinguishment Order for the permanent extinguishment of part of Long Eaton Public Footpath No. 47 (numbered 68 on the Council's working copy of the definitive map)..

The Executive Director's report referred to a section of path 64 metres long on the plan appended to the report as offering a convenient link from Long Eaton Public Footpath No. 68 to Lock Lane and Sandiacre Public Footpath No. 19 It was proposed that this section was the subject of a Creation Order, to ensure it was part of the official footpath network in the interests of the public.

A public footpath was needed in this location. Part of a nearby public footpath, which would otherwise have provided access to Sandiacre Public Footpath No. 19, was unusable because it crossed the Erewash Canal at a location where no form of crossing had been provided, and there was some uncertainty over its precise alignment.

The section of path was already part of the completed Cycle Network (but had no recorded legal status and was not publicly maintainable highway. The formal creation would protect the public's right to use the path in the future.

The report referred to Long Eaton Public Footpath No. 47 being unuseable where it crossed the canal, and a proposal that that section of the footpath which crossed the canal, of approximately 27 metres length, be extinguished. .

Informal consultation of the proposals had been carried out in August 2018. The report also referred to objections and further comments which had been received. The Local Member, Councillor Hickton, and Erewash Borough Council had been consulted and had offered no objections to the proposals.

**RESOLVED** (1) that the Director of Legal Services be authorised to make an order to create a public footpath between Lock Lane and Sandiacre Public Footpath No.19;

(2) that the Director of Legal Services be authorised to make an order to extinguish part of Long Eaton Public Footpath No.47 (No. 68 on the Definitive Map working copy) upon the coming into effect of that Creation Order; and

(3) that should objections be received to the making of either or both of the orders that cannot be resolved, then the matter(s) be forwarded to the Secretary of State for determination.

**42/19      CURRENT ENFORCEMENT ACTION RESOLVED** to receive the report on current enforcement action.

**43/19      OUTSTANDING APPLICATIONS RESOLVED** to receive the list on decisions outstanding on 8 July 2019 relating to EIA applications outstanding for more than sixteen weeks, major applications outstanding for more than thirteen weeks and minor applications outstanding for more than eight weeks.

**44/19      CURRENT APPEALS/CALLED IN APPLICATIONS RESOLVED** to note that there were currently no appeals lodged with the Planning Inspectorate

**45/19      DEVELOPMENT      MANAGEMENT      PERFORMANCE**  
**MONITORING RESOLVED** to receive the Planning Services Development Management Performance Management Statistics for 1 April 2019 to 30 June 2019.

**46/19      MATTERS      DETERMINED      BY      THE      STRATEGIC**  
**DIRECTOR ECONOMY, TRANSPORT AND ENVIRONMENT UNDER**  
**DELEGATED POWERS** **RESOLVED** to note that the following applications had been approved by the Strategic Director Economy, Transport and Environment under delegated powers on:

**23 May 2019**

- 1      Provision of a Green (RAL 6009) Powder Coated Steel Storage Shed Adjacent to the School's Playground at Riddings Infant School, West Street, Riddings, Alfreton, DE55 4EW  
Applicant: Derbyshire County Council  
Planning Application Code No: CD6/0419/2
- 2      Proposed Erection of 1.8 Metres High Weldmesh Fencing and Double Vehicle Gates at Hartshorne Church of England Primary School, Main Street, Hartshorne  
Applicant: Derbyshire County Council  
Planning Application Code No: CD9/0319/111

**June 2019**

- 1      Proposed Erection of a KSI Classroom and KSI Group Room, New Modular Building at Bolsover Infants and Nursery School, Welbeck Road, Bolsover  
Applicant: Derbyshire County Council  
Planning Application Code No: CD5/0818/43
- 2      Localised Areas of Repointing to Section of the Wall which is to be retained. Dismantle and Rebuild of Existing Boundary Wall to Failing/Deteriorated Sections at Milford Community Primary School, Chevin Road, Milford, Belper, DE56 0QH  
Applicant: Derbyshire County Council  
Planning Application Code No: CD6/0319/100
- 3      Delegated Decisions on Schemes Required by Planning Conditions  
June 2019

**10 June 2019**

- 1      Section 73 Application to Vary Conditions 6 and 8 of Planning

Permission No. CW8/0817/38 to not Comply with the Timescales  
Stipulated for the Submission of Details by Condition at the Old  
Ironworks, Stanton Recycling Ltd, Crompton Road, Ilkeston  
Applicant: Stanton Recycling Ltd  
Planning Application Code No: CW8/0219/95

**14 June 2019**

- 1 Retrospective Application for Modular Building at Norbury C of E  
Primary School, 2 Lid Lane, Roston, DE6 2EG  
Applicant: Derbyshire County Council  
Planning Application Code No: CD3/0419/8
- 2 Delegated Decisions on Schemes Required by Planning Conditions  
June 2019
  - SD3227

**26 June 2019**

- 1 Delegated Decisions on Schemes Required by Planning 26 June 2019
  - SW3218
  - SW3219
  - SW3214

**2 July 2019**

- 1 Proposed Extension to Provide an Classroom and Group Room  
including Construction of Retaining Wall, Tree Felling and Relation of  
Existing –Tunnel at Ladywood Primary School, Oliver Road, Kirk  
Hallam, Ilkeston DE7 4NH  
Applicant: Derbyshire County Council  
Planning Application Code No: CD8/0319/106
- 2 Extension to the Existing School Library Facilities at Willington County  
Primary School, Trent Avenue, Derby, DE65 6DN  
Applicant: Derbyshire County Council  
Planning Application Code No: CD9/0119/87
- 3 Replacement of Flat Roof Covering, Including Cut-to-Falls Insulation,  
Replacement of Roof-Lights, Clerestory Windows, and Over-Cladding  
Upper Level Concrete Cladding Panels at Melbourne Junior School,  
Pack Horse Road, Derby DE73 8JE  
Applicant: Derbyshire County Council

Planning Application Code No: CD9/0419/3

- 4 Delegated Decisions on Schemes Required by Planning 2 July 2019
- SM3233
  - SM3228

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**Agenda Item No. 4.1**

**DERBYSHIRE COUNTY COUNCIL  
REGULATORY - PLANNING COMMITTEE**

**23 September 2019**

Report of the Executive Director – Economy, Transport and Environment

- 1 REGRADING OF Paddock BY DEPOSITION AND DISTRIBUTION OF SPOIL, AS EXCAVATED IN RELATION TO BUILDING WORKS APPROVED BY HIGH PEAK BOROUGH COUNCIL, BUXTON HOUSE FARM, BACK ECCLES LANE, WHITEHOUGH  
APPLICANT: MS. WALLWORK  
CODE NO: CW1/0219/96**

**1.1498.1**

**Introductory Summary** This is a partly retrospective planning application that seeks approval of the deposit of some 600 tonnes of inert waste on land that is currently used as a paddock. The waste has arisen from the construction of a two-storey side extension and garage at Buxton House Farm, Whitehough which was approved by High Peak Borough Council (planning permission reference HPK/2018/0026). The house is 25 metres to the south-west of the paddock.

The excavated inert waste has been stockpiled in the south-east corner of the paddock but to date has not been profiled and grass seeded. Topsoil has been stripped from the application site and stored separately ready for final deposition.

Whilst there is no identified need for this development and therefore it does not strictly comply with the saved policies of the Derby and Derbyshire Waste Local Plan, I consider on balance that the proposal is acceptable given the limited amount of inert waste involved and the close proximity of the application site in relation to where the waste has arisen. I consider that there would be limited impacts on the local amenity and environment and on that basis I am satisfied that the application is acceptable and is recommended for approval subject to the conditions as set out below.

**(1) Purpose of Report** To enable the Committee to determine the application.

**(2) Information and Analysis** This is a partly retrospective planning application for planning permission for the deposit of some 600 tonnes of

excavated material onto an adjoining paddock that has arisen from a recent extension to Buxton House Farm

### **The Site**

The application site is 0.28 hectares and comprises open grassland currently used as a paddock. The site is surrounded by farmland to the west, north and north-east and is adjacent to Back Eccles Lane. It is located to the west of Whitehough Head and is approximately 1km south-west of Chinley. The application site is accessed via a narrow metalled road, Back Eccles Lane. The site slopes steeply downhill in a south-north direction. To the north of the site 230m away is the A6 trunk road.

Approximately 340m to the north-east of the site is Chinley Conservation Area. Grade II Listed Building Eccles House is 100m to the east. Local Wildlife Sites, Eccles Fold, is approximately 30m to the south of the site and Crist Quarry is 630m to the west. The site is not within Green Belt. The Peak District National Park is 1.1km to the north and 2.5km to the east of the site.

As the application site is sloping land there are limited views from Back Eccles Lane.

### **The Proposal**

The waste that has been deposited on the land, originated from the construction works to Buxton House Farm which is 25m to the south-west of the paddock. The works comprised the erection of a two-storey extension and garage adjacent west of Buxton House Farm. This involved excavation into sloping land to achieve the platform for the house extension, generating some 600 tonnes of inert waste.

The applicant has deposited the waste material at the south-east corner of the paddock but has not commenced grading the waste to the proposed levels. An area of topsoil has been stripped to allow the material to be distributed which would then be spread with the topsoil. The applicant has submitted details of the existing levels of the site and the proposed cross-section drawings that show that the deposited material would be at its maximum 1 metre in depth.

An ecological scoping survey has been submitted with the planning application which concludes that the site has low ecological value and that there is no evidence of protected species.

In response to comments from Derbyshire Wildlife Trust further information has been submitted which proposes a 10 metre Tree Protection Zone separating the edge of the waste from woodland on neighbouring land and a Woodland Tree Protection Statement and revisions to the cross-sections.



## **Planning History**

There is no County Council planning history relevant to the site.

High Peak Borough Council granted planning permission (planning permission code. HPK/2018/0026) on 29 March 2018 for a two storey side extension and garage to a dwelling. Material excavated from the building works is the waste which is this subject of this planning application.

## **Consultations**

### **Local Member**

Councillor Fox has no comments to make.

### **High Peak Borough Council (Planning)**

The Borough Council has been consulted and comments were requested by 9 May 2019.

### **High Peak Borough Council (Environmental Health Officer)**

The Borough Council Environmental Health Officer (EHO) responded on 24 April 2019 as follows:

*Regulation of waste issues of this type would fall to the EA, including the determination as to whether or not the material would fall under the classification as waste or be subject to exemption.*

*Usually the works are undertaken under the CLAIRE (Contaminated Land Applications in Real Environments): Definition of Waste Code of Practice, and the developer is required to produce a Materials Management Plan (MMP). Testing of soils would only be required if there was a plausible pollution link (i.e. it was likely that the soils were contaminated). A Qualified Person must review the relevant documents and provide a Declaration to the EA prior to the use of materials. When the Declaration is provided to the EA demonstrating that the materials are to be dealt with in accordance with the MMP, the EA, will take the view as to whether or not the materials are waste.*

*As the enforcing authority for land contamination HPBC should be informed, but unless we are specifically asked for comments we would assume contact from regulatory bodies (EA and DCC) were as information only. In this case I can confirm that HPBC Environmental Health has no further comments to make.*

### **Chapel-en-le-Frith Parish Council**

Chapel-en-le-Frith Parish Council has been notified and comments were requested by 9 May 2019.

### **Chinley, Buxworth and Brownside Parish Council**

Chinley, Buxworth and Brownside Parish Council has been notified and comments were requested by 9 May 2019.

### **Derbyshire Wildlife Trust**

Derbyshire Wildlife Trust responded on 8 May 2019 as follows:

*The Ecological Scoping Survey (Rachel Hacking Ecology, 2018) assesses the existing grassland within the field as species-poor and has not identified any protected species constraints. Based on the information held in our database, the application area is not located within any statutory or non-statutory designated site, although it should be noted that Eccles Pike Local Wildlife Site (LWS) is located just south of Back Eccles Lane. This site is designated for acid grassland and moorland. No impacts are anticipated, however the applicant should be mindful of its proximity.*

*Our main concern is that there does not seem to be any information relating to impacts to the adjacent woodland. The Relocation of Spoil Plan shows one non-native tree to be removed, however, the boundary appears to overlap with an area of woodland (apparent on aerial imagery). Clarification of impacts to the woodland should be provided, along with information on how the adjacent trees will be protected.*

In response to Derbyshire Wildlife Trust comments, the applicant submitted a plan indicating a 10 metre Tree Protection Zone, a revised cross-sectional drawing and a Woodland Tree Protection Statement. The Trust have no further comments

### **The Coal Authority**

The Coal Authority confirmed that the application site is within the defined Development Low Risk Area and that a Coal Mining Risk Assessment is not required.

### **Environment Agency**

The Environment Agency (EA) has no objections. The EA has provided standing advice on the need or not for a waste permit which is appended as a footnote below.

### **County Highways Authority**

The County Council as Highways Authority and has no objections.

### **Lead Local Flood Authority**

The County Council as Lead Local Flood Authority has no comment to make.

## Publicity

The application has been advertised by site notices, neighbour notifications and a press advert in the Buxton Advertiser on 25 April 2019 with a requirement for observations to be made by 17 May 2019. One representation has been received which is summarised below:

- The proposals will have a detrimental impact on their property/land and are contrary to Policy W4 Precautionary Principle.
- The material is neither stable nor retained in any way and will inevitably overtop or push over the boundary wall and be deposited into the neighbours property.
- There are implications for the underlying ground conditions and stability of the original slope. Planning Practice Guidance notes *“the planning system has an important role in considering land stability by minimising the risk and effects of land stability on property.”*
- The proposals provide no information regarding how the tipped waste is to be stabilised and retained. Planning Practice Guidance contains advice to Local Planning Authorities as to the information which might be reasonably required when considering an application where slope stability might be in question. This includes for the preparation of a Slope Stability Risk Assessment Report.
- The objector suggests that either:
  - a) planning permission should be refused and enforcement action be taken to remedy the breach of planning control through the removal of the deposited materials, or
  - b) alternatively if planning permission is granted they request a condition is made requiring that all deposited material in the area hatched red on their location plan marked (submitted with objection) MCD is completely removed from that area and no further tipping of materials is allowed in the future.

## Planning Considerations

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications must be determined in accordance with the provisions of the development plan unless material considerations indicate otherwise.

The development plan consists of the saved policies contained within the Derby and Derbyshire Waste Local Plan (DDWLP) (adopted 2005), the adopted policies of the High Peak Local Plan (2016) (HPLP). The application site is also within the boundary of the Chapel-en-le-Frith Neighbourhood Development Plan (adopted by High Peak Borough Council in August 2015) which forms part of the HPLP.

The National Planning Policy Framework (NPPF) (2019) and associated Planning Practice Guidance (PPG), together with the National Planning Policy for Waste (NPPW) (2014), form the national guidance for the determination of planning applications.

### **Saved Policies of the Derby and Derbyshire Waste Local Plan**

W1b: Need for the Development.

W6: Pollution and Related Nuisances.

W4: Precautionary Principle.

W7: Landscape and Other Visual Impacts.

W9: Protection of Other Interests.

W11: Need for Landfill.

### **High Peak Local Plan Policies**

Within the HPBC, the most relevant policies are:

EQ2: Landscape Character.

EQ3: Rural Development.

EQ9: Trees, Woodlands and Hedgerows.

EQ10: Pollution Control and Unstable Land.

### **Chapel-en-le-Frith Neighbourhood Development Plan (2015)**

Policy C2: Biodiversity.

### **National Planning Policy Framework**

A revised NPPF was published in February 2019. The NPPF provides guidance on material considerations in the context of determining planning applications. It states that the purpose of the planning system is to help deliver sustainable development and adds that there should be a presumption in favour of sustainable development. The term sustainable development is not defined, but is said to have interrelated economic, social and environmental aspects. The economic aspect is to provide sufficient land for the right type of development, in the right place at the right time. The social role is to support strong and vibrant communities by providing for the needs of the community whilst fulfilling the environmental role of protecting and enhancing the natural, built and historic environment.

### **National Waste Management Plan for England**

This guidance was published in 2013, however, the most relevant statements of Government waste policy on the issues raised by this proposal are contained within the NPPW.

### **National Planning Policy for Waste**

The NPPW, published in October 2014, sets out the current detailed Government policies for the determination of planning applications for waste related developments. It reinforces established Government waste policy of driving the management of waste up the waste hierarchy whilst stating that

local planning authorities need to ensure there are sufficient opportunities to meet the identified needs of the area. Appendix B of the NPPW sets out the locational criteria for consideration of the likely impacts of a proposed development on the local environment and amenity.

### **Need for the Development**

This is a retrospective application that seeks planning permission to regularise the deposit of a relatively small quantity of waste that has arisen from an adjoining extension to a residential property. Whilst the application states that this proposal will “give a more suitable and practical access to the paddock” I consider that justification for the need for agricultural improvement for the proposed development has not been provided. Whilst the waste has been stockpiled it is not yet in its final resting place. It would need to be levelled to the proposed contours, top soiled and grass seeded.

Whilst the deposit of the waste has not been placed within a void (a depressed area of land) the term “landfill” includes landraising, which is the disposal of waste above, rather than below ground level. This definition is set out in the DDWLP. On that basis I consider that the central policy that this proposal needs to be considered is Policy W11 (landfill) of the DDWLP, which states:

*“Waste disposal by means of landfill will not be permitted unless the development is essential to satisfy a need to dispose of locally generated waste and unless any material harm would be outweighed by one of the following including the development is necessary to improve the land for agricultural use”.*

I consider that this proposal is contrary to Policy W11 as the application does not provide a justification for the need for agricultural improvement, in other words it does not explain that the development would bring significant benefits to the operation of the farming business, not taking into account any financial net gains from the deposit of waste. From a general observation I note that the farmland in this location is mainly for grazing and the terrain is typically rough land.

When providing further consideration and in the context that the waste has been deposited on an area shown on the application, there are two questions that need to be addressed which are:

- 1) Would there be any further harm to the local amenity / environment should the applicant be required to remove the waste off site; and
- 2) Would the development as proposed be acceptable when assessed against the other relevant policies in the development plan.

The central issue that needs to be considered is whether there would be any harm in completing the restoration against removal of the material weighed against its removal in the context of the proposed development being contrary to Policy W11 of the DDWLP. Given that the quantity of the material stockpiled is relatively small and once graded to the proposed profile on balance I do not consider that there would be any significant difference in the current landform, especially given that there are limited views from the adjoining highway.

However, as part of the planning balance the acceptability of the scheme must be considered further, against other policies in the DDWLP, HPLP and CFNDP and the merits of the application in the following respects:

- Location of the Development.
- Landscape Impacts.
- Neighbour Amenity Impacts.
- Soils/Ground Conditions.

### **Location of the Development**

The application site is a paddock which is in open countryside on the periphery of a hamlet. The material that has been deposited is clean waste comprising of indigenous soil and shale rock which has been excavated from a nearby hillside 25m to the south-west as part of a householder extension development to achieve building levels. With regard to the locational criteria in Appendix B of the NPPW the most relevant criterion is that concerned with landscape and visual impacts. The application site is situated in a remote hamlet with no through traffic. The hamlet is isolated and surrounded by countryside. The site sits on a steep gradient, sloping downwards to the north from Back Eccles Lane and is not readily visible to pedestrians or vehicles using the lane.

I do not consider that the location of the spoil tipping would result in detriment to the local landscape or to the amenity and living conditions of local residents and this is discussed further below.

### **Landscape Impacts**

DDWLP Policy W7: Landscape and Other Impacts presumes in favour of waste development where the appearance of the development would respect the character and local distinctiveness of the area, would not materially harm the local landscape and would be located and designed to be no larger than necessary. This policy also seeks that the visual impact of the proposed development is minimised or the appearance of the landscape is improved.

HPLP Policy EQ2: Landscape Character seeks to protect, enhance and restore the landscape character of the High Peak Borough Local Plan area for its own intrinsic beauty and for its benefit to the economic, environmental and

social well-being of the Plan Area. The first criterion of this policy requires that development maintains the biodiversity and aesthetic qualities of natural and man-made features within the landscape, of particular relevance being trees and woodlands.

Policy EQ3: Rural Development of the HPLP seeks to strictly control new development to protect the landscape's intrinsic character and distinctiveness, including the character, appearance and integrity of the historic and cultural environment. HPLP Policy EQ9: Trees, Woodland and Hedgerows is relevant under this sub-heading. Trees are an important element in the landscape surrounding the application site. This policy seeks to protect existing trees, woodlands and hedgerows from loss or deterioration.

CFNDP Policy C2: Biodiversity presumes in favour of development proposals that would not lead to a significant net loss in biodiversity across the Plan area.

The application site is relatively remote and not readily visible by pedestrians or vehicular traffic. The landform dips steeply downwards in a northerly direction from Back Eccles Lane. The profiled waste would not result in significant ground level changes, being a maximum 1m in depth after the topsoil has been replaced. The profiled earthworks would be grass-seeded to revert the site back to a paddock. I do not consider that there would be any material harm to the local landscape or detriment to its character and distinctiveness and as such I consider that the proposed development accords with DDWLP Policy W7 and Policy EQ3 of the HPLP.

The applicant has accepted the comments of the DWT in respect of the need for a 10m buffer zone (Tree Protection Zone) separating the eastern edge of the deposited spoil from the edge of the woodland on adjacent land to the east and has provided a Tree Protection Statement, a Tree Protection Zone Plan, and a revised profile cross section plan. This effort to protect the adjacent trees and woodland accords, in my opinion, with the requirements of HPLP Policies EQ2 and EQ9 and CFNDP Policy C2.

### **Amenity Impacts**

Policy W4: Precautionary Principle of the DDWLP seeks to impose or make precautionary measures to prevent or minimise any damage/ risk of damage where there is reasonable cause for concern that a proposed development presents a threat of serious or irreversible damage to the environment or to the enjoyment of land. DDWLP Policy W9: Protection of Other Interests presumes in favour of waste development if it would not impede or impinge upon the social or economic activities or interests of the community. HPLP Policy EQ10: Pollution Control and Unstable Land seeks to protect people and the environment from unsafe, unhealthy and polluted environments.

I note that the representation is concerned about the detriment to property/land as a result of this proposed development, and there is concern of the implications to the underlying ground conditions and stability of the slope, the possibility that the material will overtop or push over their boundary wall with the result that the waste material would spill onto their land. The representation specifically refers to DDWLP Policy W4: Precautionary Principle. The representation also states in its conclusion:

*“.....if planning permission is granted we request a condition is made requiring that all deposited material in the area hatched red on Location Plan MCD is completely removed from that area and no further tipping of any materials is allowed in the future.”*

I am satisfied that the applicant has responded to the concerns from DWT with respect to the welfare of trees adjacent east of the application site. The revised cross section drawing shows the position of the spoil to be laid well away from the boundary with the residents land and a Tree Protection Statement. The applicant also submitted a plan showing a Tree Protection Zone, a 10m buffer zone where no depositing of waste would be allowed, measured from the base of the woodland trees on the residents land. This is to ensure the safety and welfare of tree roots from impact/ compaction damage.

I consider that the revised scheme addresses the concerns raised, where the area to be tipped and profiled is relocated westwards away from land and woodland. The delineated Tree Protection Zone exceeds the area delineated on the representation requesting that all deposited material is removed from the “*area hatched red*” shown in a plan accompanying their objection.

The relocation of the waste material away from land and trees is a precautionary measure and this accords with the requirements of DDWLP Policy W4. The proposed development would not impede or impinge upon the interests of the local resident and this accords with Policy W9 of the DDWLP.

I do not consider that the concerns raised in the representation about the underlying ground conditions and stability have substance, given the maximum 1m depth of the proposed contours and the proposed mitigation measures to keep the deposited waste well away from the local resident's land and trees. I consider, therefore, that the proposal accords with the requirements of HPLP Policy EQ10.

### **Soils/Ground Conditions**

DDWLP Policy W6: Pollution and Related Nuisances seeks to resist waste development where material harm would occur from pollution, contamination or other adverse environmental health effects to people or communities.

Policy EQ10: Pollution Control and Unstable Land of the HPLP presumes in



favour of development where the environment and people are protected from unsafe, unhealthy and polluted environments.

I note the comments of the High Peak Borough Council EHO in respect of the CLAIRE Definition of Waste Code of Practice and a MMP. The EHO stresses that soil testing would only be required if there was a risk that the soils were contaminated. I am satisfied, from both the information submitted, and from undertaking a walkover of the tipped spoil, that the soil/ shale is that excavated in relation to residential development at Buxton House Farm a short distance to the south and is clean material. I do not consider that a MMP is necessary.

A local resident has raised concerns over the stability of the site and implications for underlying ground conditions as a result of the deposited waste. I do not consider that the stability of the deposited material is an issue given the amount of waste and its proposed profiling at no more than 1m above the existing land level. I am satisfied that the waste material is inert construction spoil and there would not be any detrimental impact to the underlying ground. I do not consider that there would be material harm from pollution, contamination or other adverse environmental health effects to people or the local community and as such I consider that the proposed development accords with Policy W6 of the DDWLP and HPLP Policy EQ10.

## **Conclusion**

Whilst the need for the proposed development has not been provided I consider that the small scale tipping and earth-moving operation on this relatively remote site is acceptable, would accord with the proximity principle and would not result in any detriment to other land uses, the landscape, the local environment, neighbouring amenity nor any adverse environmental or health effects. The local character and distinctiveness of this remote, predominantly agricultural environment, surrounding this hamlet would, in my opinion, not be affected and would be retained. I also do not consider that there would be any impediment or endangerment to the social or economic activities or interests of the local community.

I am satisfied that the deposit of the waste is inert soil/shale material which has been excavated as a result of residential development nearby. The applicant has provided a Tree Protection Statement, a Tree Protection Plan and revised cross-section drawings in response to the concerns of the DWT over the impact of tipping waste material in close proximity to trees/ woodland on adjacent land. I am satisfied that the trees and woodland adjacent east of the site on neighbouring land would be adequately protected from any potential tree root damage as a result of earthwork operations.

On that basis, when considered against the relatively small scale nature of the development and that there would be limited impacts associated with final

restoration I am satisfied that it would be not expedient to take enforcement action for its removal as suggested in the representations. I recommend, subject to the conditions below that the application is approved.

(3) **Financial Considerations** The correct fee of £468 has been submitted for this planning application.

(4) **Legal Considerations** This is an application submitted under Part III of the Town and Country Planning Act 1990, which falls to this Authority to determine as the Waste Planning Authority.

I do not consider that there would be any disproportionate impacts on anyone's human rights under the European Convention on Human Rights as a result of this permission being granted subject to the conditions referred to in the delegated decision.

(5) **Environmental and Health Considerations** As indicated in the report.

In preparing this report the relevance of the following factors has been considered: prevention of crime and disorder, equality and diversity, human resources, social value, property and transport considerations.

(6) **Background Papers** File No 1.1498.1  
Application documents received from the Director of Property dated 17 July 2019:  
1APP form dated 11 February 2019.  
Supporting Statement (no ref.) (undated).  
Site Location Plan (no ref.) (undated).  
Existing Topographic Plan (no ref.) (undated).  
Site Sections (no ref.) (undated).  
Woodland Tree Protection Statement (no ref.) (undated).  
Woodland Tree Protection Zone Plan (no ref.) (undated).  
Ecological Scoping Survey, Rachel Hacking Ecology, July 2018.

Highways Authority response dated 18 April 2019.  
Lead Local Authority response dated 15 July 2019.  
Landscape Officer response dated 2 May 2019.  
Built Conservation and Design Team response dated 16 April 2019.  
Councillor Fox responses dated 18 April and 22 May 2019.  
High Peak Borough Council's EHO response dated 29 April 2019.  
The Coal Authority response dated 18 April 2019.  
Environment Agency response dated 26 April 2019.  
Derbyshire Wildlife Trust responses dated 8 and 31 May 2019.

Representation from local resident dated 9 May 2019.

(7) **OFFICERS RECOMMENDATION** That the Committee resolves that planning permission is **granted** subject to the following conditions:

- 1) That the existing spoil heap shall be removed and the material shall be spread and profiled in accordance with the approved details within six months of the date of this planning permission.

**Reason:** In the interests of neighbouring amenity.

- 2) No waste other than that the subject of this planning application shall be imported to or dealt with at the planning application site.

**Reason:** In the interests of local amenity.

- 3) Notice of the commencement of the development shall be provided to the Waste Planning Authority at least seven days prior to the start of works on site.

**Reason:** To enable the County Planning Authority to monitor the development in the interests of the amenity of the area.

- 4) The development shall take place in accordance with the details in the 1APP form dated 17 July 2019 and the following:

Supporting Statement (no ref.) (undated).

Site Location Plan (no ref.) (undated).

Existing Topographic Plan (no ref.) (undated).

Site Sections (no ref.) (undated).

Woodland Tree Protection Statement (no ref.) (undated).

Woodland Tree Protection Zone Plan (no ref.) (undated).

Ecological Scoping Survey, Rachel Hacking Ecology, July 2018.

**Reason:** To enable the County Planning Authority to monitor the development in the interests of the amenity of the area.

### **Hours of Operation**

- 5) All earthmoving work on the development, including the movement of plant/machinery, shall only be carried out between the hours of 0800 hours to 1800 hours Mondays to Fridays and 0900 hours to 1700 hours on Saturdays. Work shall not be carried out on Sundays and public or Bank Holidays.

**Reason:** In the interests of minimising the impact on the amenity of the area.

### **Re-Seeding**

- 6) The finished earthworks shall be re-seeded to grassland within the next available seeding season (late March – mid-October).

**Reason:** In the interests of landscape and visual amenity

### **Tree Protection**

- 7) The Tree Protection Zone shall be implemented and maintained for the duration of spoil distribution and profiling. All works shall be carried out in accordance with the submitted Woodland Tree Protection Zone Plan and the Woodland Tree Protection Statement received by the Waste Planning Authority on 21 May 2019. The Tree Protection Zone shall at all times during earthwork operations be delineated with high visibility tape or temporary fencing to prevent encroachment during works.

**Reason:** To protect adjacent trees from potential root damage.

### **Statement of Compliance with Article 35 of the Town and Country (Development Management Procedure) (England) Order 2015**

The Authority worked with the applicant in a positive and pro-active manner based on seeking solutions to problems arising in the processing of planning applications in full accordance with this Article. The applicant had engaged in pre-application discussions with the authority prior to the submission of the application. The applicant was given clear advice as to what information would be required.

### **Footnotes**

#### **Environment Agency**

Any development using waste or other material for engineering works may require an Environmental Permit, unless it is exempt from the need for a permit. Waste transported to and from the development must only be carried by a registered waste carrier.

If planning permission is granted, the applicant should arrange a meeting with the Environment Agency to discuss the permitting implications. Such a meeting is unnecessary where the proposal is exempt from the need for a permit. For information, the applicant will have to agree a waste recovery plan with the Environment Agency for any activity involving the recovery of waste on land as part of the Environmental Permit (unless the activity is exempt from the need for a permit).

Please contact our National Customer Call Centre (Tel. 03708 506 506) for advice prior to commencing work or to check whether someone is a registered waste carrier on the public register.

More information regarding waste permits can also be found at the following link:

<http://www.gov.uk/topic/environmental-management/environmental-permits>

### **The Coal Authority**

Development Low Risk Area – Standing Advice

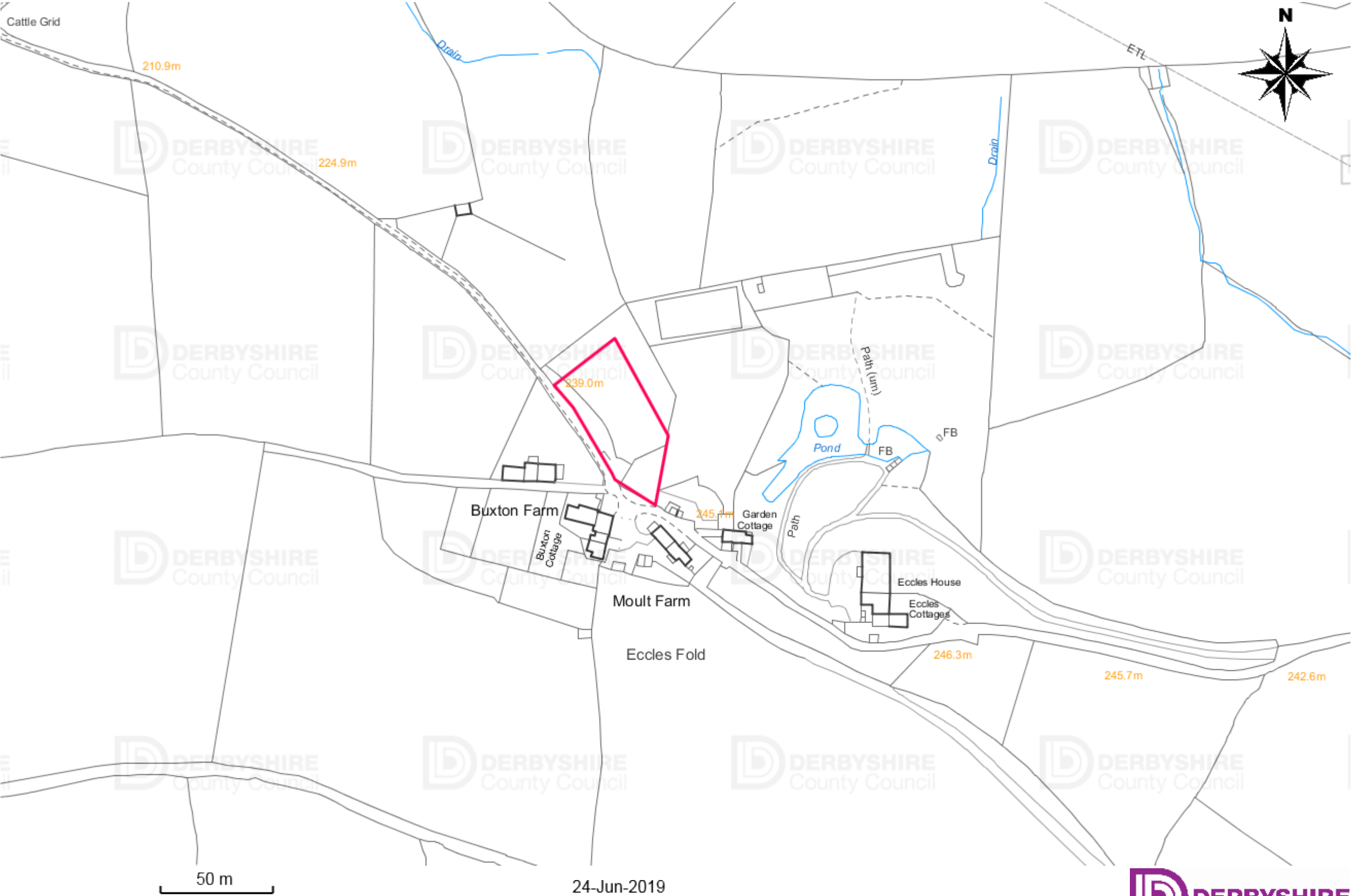
The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be recorded immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:

[www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

**Mike Ashworth**  
**Executive Director - Economy, Transport and Environment**

CW1/0219/96 - Land at Buxton House Farm, Back Eccles Lane, Whitehough



**Agenda Item No. 4.2**

**DERBYSHIRE COUNTY COUNCIL  
REGULATORY - PLANNING COMMITTEE**

**23 September 2019**

Report of the Executive Director – Economy, Transport and Environment

- 2 THE INSTALLATION OF A NEW MULTI-USE GAMES AREA AT  
BURBAGE PRIMARY SCHOOL, 1 CAVENDISH AVENUE, BUXTON,  
SK17 9AE  
APPLICANT: DERBYSHIRE COUNTY COUNCIL  
CODE NO: CD1/0219/94**

**1.1376.8**

**Introduction Summary** The proposal is for the erection of a 30 metres (m) by 15m Multi-Use Games Area (MUGA) on land at Burbage Primary School's playing field. The development as proposed is considered to be of good design and would be situated within a discrete location which would not result in any significant impacts on the amenity of the area. The applicant has demonstrated a justified need for the development. It complies with Sport England's Playing Field Policy. Due to the proximity of the development to residential properties, local residents may on occasion be disturbed by noise arising from the MUGA. The application site is not located within a Conservation Area (CA) or within the setting of a listed building. I am satisfied that the proposal would accord with relevant development plan policies and the National Planning Policy Framework (NPPF), and is therefore recommended for approval, subject to conditions.

**(1) Purpose of Report** To enable the Committee to determine the application.

**(2) Information and Analysis** Burbage Primary School is situated within the village of Burbage, approximately 1 mile from Buxton. The proposed site is on the existing playing field to the north of the school complex. The school site is within a residential area and is enclosed by residential dwellings. The school site is not situated within a CA or within a setting of a listed building. No draft or adopted Neighbourhood Plan has been progressed as yet for the area.

**Proposed Development**

The proposed development is for the erection of a 30m by 15m MUGA, which would include 3m high rebound fencing to the north, east and south of the proposed MUGA. The MUGA's western elevation would have 1.1m high

rebound fencing. The MUGA would contain two enclosed recessed goals and two basketball units. The MUGA is proposed to be surfaced with tarmac and Match Play 2XL multi-sports surface (sand dress), with inlaid lines for football, reduced tennis and basketball, or equivalent surface. The site would be accessed by a proposed pathway constructed from stone.

In addition to the school's own use, the proposed MUGA would be rented out for local community sporting use after school until 2000 hours. The external users of the MUGA would park their vehicles within the school's existing car park. In order to accommodate the proposed MUGA on the playing field, the existing sporting activity areas would require relocating. These areas consist of a running track, rounders pitch and a multi-sports area.

### **Relevant Planning History**

- Application Code No: CD1/0313/161 – Single storey two classroom building with standard and accessible toilet facilities, internal circulation space and plant room, and the creation of additional car parking spaces (approved 1 July 2013).
- Application Code No: CD1/0609/67– The installation of an aluminium canopy measuring 12 metres by 4 metres with a maximum height of 2.9 metres, to be erected to the rear elevation of the school (approved 28 July 2009).
- Application Code No: CD1/1007/133 – The erection of a single storey block extension with three classrooms and teaching area, relocation of play area and equipment, provision of two additional car parking spaces and construction of a new gas meter house (approved 9 January 2008).

### **Consultations**

#### **Local Member**

Councillor Kemp has been consulted.

#### **High Peak Borough Council-Planning**

*"The site is situated within the built-up area boundary and is not constrained by any sensitive statutory designation. On behalf of High Peak Borough Council, I can confirm that we have no objections to this application subject to the application demonstrating compliance with all relevant Local Plan policies relating to public and neighbouring residential amenity – namely Policies EQ6 and EQ10, and all other material considerations including the NPPF."*

#### **High Peak Borough Council's Environmental Health Officer**

No comment.

#### **Lead Local Flood Authority**

No comment.



### **Coal Authority**

No objection.

### **Sport England**

No objections.

### **Highway Authority**

*"There are no objections to the proposals as submitted subject to any hiring by external parties not being permitted to commence until least 1 hour after normal school hours i.e. to enable pick-up to be clear of the site before after hours users arrive."*

### **Publicity**

The application has been advertised by site notice with a request for comments by 12 June 2019. In response to this publicity, seven representations have been received, all raising objections to the proposal. The main points of objection are summarised as follows:

#### **Representations Summary**

- Noise and light pollution impacting upon ecology and local residents.
- Noise from users of the proposed MUGA and potential use of undesirable language.
- Light pollution impacting upon mental and physical health.
- Reduction in playing field space which could be a detriment to pupils who are unlikely to use the MUGA or participate in sporting activities.
- Renting out the proposed MUGA to the wider community outside of school hours.
- Existing facilities at Buxton Community School which are not fully utilised and this is within walking distance.
- Existing parking provision may not be sufficient to accommodate teams, spectators and larger vehicles, such as mini buses and coaches.
- Use of the school entrance would impact on parking on Dovedale Crescent. The area is already heavily parked between 9am and 3pm making access for residents difficult.
- The MUGA should have 3m high noise reduction fencing on all sides. Damage to properties and residential garden spaces as a result of footballs and individuals retrieving them.
- The height of the proposed 3m high fencing is considered inadequate for adults, because they have a much stronger ability to kick a ball, even over a 5m high fence.
- Close proximity to residential boundary fences.
- Detrimental effect on house prices.

## Planning Considerations

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning applications are determined in accordance with the development plan unless there are any material considerations which indicate otherwise. In respect of this application, the relevant development plan policies are contained in the High Peak Local Plan (2016) (HPLP). The National Planning Policy Framework (NPPF) (2019) and the associated Planning Practice Guidance (PPG) are also material considerations.

The principal planning policies relevant to this planning application are:

### High Peak Local Plan (2016) Policies

S1: Sustainable Development Principles.  
 S1a: Presumption in Favour of Sustainable Development.  
 S2: Settlement Hierarchy.  
 EQ1: Climate Change.  
 EQ6: Design and Place Making.  
 EQ9: Trees, Woodland and Hedgerows.  
 EQ10: Pollution Control and Unstable Land.  
 CF4: Open Space, Sports and Recreation Facilities.  
 CF5: Provision and Retention of Local Community Services and Facilities.  
 CF6: Accessibility and Transport.

The most relevant paragraphs from the NPPF for this proposal are:

11: The presumption in favour of sustainable development.  
 45-48: Decision-making.  
 54-55: Planning conditions.  
 80, 84: Building a strong, competitive economy.  
 103, 108-110: Promoting sustainable transport.  
 117,121: Making effective use of land.  
 124 -127: Achieving well-designed spaces.  
 170,175: Conserving and enhancing the natural environment.  
 180, 183: Ground conditions and pollution.

The key planning considerations for this development are:

- Need for the development.
- Playing field and open space.
- Sport England's playing fields policy.
- Lighting impacts.
- Design and visual impact.
- Noise impacts.
- Traffic and highway safety.

### Need for the Development

The supporting information accompanying this application identifies that *“the new M.U.G.A will provide the children at Burbage Primary School the opportunity to explore and learn through play in a controlled and zoned area”*. The applicant acknowledges that Sport England advises that children get at least 60 minutes of physical activity every day. The applicant believes that the MUGA would improve the chances of achieving this target and encourage further participation from students. This is because the facility can be used all year round due to its all-weather surface and can facilitate a wider choice of physical activities the children could take part in as part of their curriculum.

The supporting information also states that by renting out the facility, it is likely to bring the additional benefit of improved community links for the school, as it will be providing improved local facilities for sporting groups.

Paragraph 94 of the NPPF relates to meeting the needs of schools and requires local planning authorities to take a *“proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education:*

*a) give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications.”*

HPLP Policy CF4 identifies that enhancements to existing land, such as playing fields, is supported, *“where it can be demonstrated that alternative facilities of equal or better quality will be provided”* and where, *“an alternative sports provision that would deliver benefits that would clearly outweigh the loss”*.

The proposal demonstrates that there is a need for the proposed works to erect a MUGA at the school. Therefore, I am satisfied that there is a justified need for the proposed development.

### Playing Field and Open Space

The proposed site is part of the existing school playing field and running track. I am satisfied that the applicant has demonstrated that there is sufficient space to alter the existing layout of the playing field to accommodate the MUGA without adversely impacting upon existing sports provision at the school. I have no reason to doubt this assessment as this has been considered against the standards set out by Sport England.

Sport England has raised no objection to the proposed development and has concluded that the MUGA would comply with Exception E5 of its policy which states; *“The proposed development is for an indoor or outdoor facility for sport, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss, or prejudice to the*

*use, of the area of playing field.* This is also consistent with Local plan policy CF4 as mentioned above, which supports *'alternative sport provision that would deliver benefits that would clearly outweigh the loss'*.

I am satisfied that the loss of playing field land would comply with HPLP policies CF4 and CF5. The proposal is also in compliance with Exception Policy E5 of Sport England's playing fields policy.

### **Lighting Impacts**

It is acknowledged that a number of representations raised objections and concerns to floodlighting being installed at the application site. It should be noted that the development does not include any floodlighting as part of the proposal. Therefore, impacts on health and ecology as a result of light pollution would not occur.

### **Design and Visual Impact**

The school site is enclosed by residential properties and the application area is within close proximity to a small number of rear residential gardens. The site benefits from existing screening from mature hedgerows and residential boundary fences. The MUGA would be situated within the existing playing field, which is away from the public highway and any public right of way. Therefore, the MUGA's location is considered to be in a relatively discrete location and would not have a visual impact on the amenity of the area. However, the proposal would be positioned approximately 21m west of nearest residential property. The MUGA would involve altering the existing layout of the existing playing field. However, the repositioning would not interfere with any other sporting activities that take place on the field.

I am satisfied that the proposed development would not result in a significant visual impact as the MUGA would be discretely located. Therefore, I consider the proposed development complies with policies EQ1 and EQ6 of the HPLP and the NPPF.

### **Noise Impacts**

I note that concerns have been raised by local residents about the potential noise generated from the proposed development, in particular outside of the school hours. The nearest noise receptors would be the residential properties located along Dovedale Crescent, approximately 21m east of the MUGA. The school proposes to make the MUGA available for community use for no more than 25 people at a time and would be restricted until 2000 hours. I am satisfied that there are elements to the design of the MUGA that would help reduce any noise impacts on the surrounding area. I acknowledge that given the close proximity to residential properties, there would be, on occasions, some noise disturbance from the potential users of the MUGA, but I am satisfied that this would be ensured to be within acceptable limits by the imposition of a condition as referred to below..

I note that some of the representations are concerned about the impacts of noise on the local wildlife, in particular, owls that have been observed in the vicinity. Given the nature of the proposal and the hours of operation, I am satisfied that the proposed development would not have a significant impact on the local wildlife.

The Environment Agency and High Peak Borough Council both have regulatory responsibilities in relation to the control of noise pollution. They were consulted on the application and neither consultee have raised any objections to the proposal on noise grounds.

I am satisfied that the MUGA would not significantly impact on the amenity of nearby residents or local wildlife in terms of noise and would accord with policies EQ1, EQ6 and EQ10 of the HPLP and the NPPF in this respect. However, given the close proximity of the proposed development to residential properties, a condition proposed under the Officer's Recommendation would restrict the hours of operation of the MUGA to ensure that the use of the MUGA does not exceed 2000 hours during weekdays or 1800 hours on Saturdays, Sundays and Bank Holidays.

### **Ecology**

Taking into consideration the concerns and objections made by local residents in respect of local wildlife and protected species, it is considered that the potential impact upon local wildlife is insignificant, as the proposal contains no artificial lighting as part of the development. The potential noise generated from the site would not exceed reasonable hours. The site is not situated within or in close proximity to a local wildlife site and is considered to have no significant ecological value as a result of the existing use as a playing field.

The field margin, trees and hedgerows remain unaffected by the proposal which are the likely hunting/feeding grounds for protected species, such as owls and bats. No lighting is proposed as part of the development and, therefore, should not result in any adverse impacts in respect of light pollution on protected species.

I am satisfied that there is no ecological barrier to the determination of this development and that it would accord with policies EQ9 and EQ10 of the HPLP and the NPPF.

### **Traffic, Highway Safety**

Whilst I acknowledge the concerns raised in representations with regard to the suggestion of insufficient parking, I am of the view that the requirements for parking generated by the proposed development would be able to be accommodated within the existing school site. The applicant has stated, with the Community Use Statement submitted with the application, that the existing

parking provision on site can accommodate the number of potential users of the site.

The Highway Authority has not raised any objections to the proposed development but does advise that the MUGA should not be available to external parties until 1 hour after normal school hours. This is to prevent congestion along the local highway and to enable children to be picked up from the school site without impediment from users of the MUGA. This would also encourage users to park within the grounds of the school site and deter parking along the local highway.

Therefore, I do not consider that the construction of a MUGA would lead to any significant increase in the volume of traffic or parking. I am satisfied that the MUGA would not have an unacceptable impact on highway safety or impact on the highway network in capacity terms. However, I do recommend a condition to be imposed to restrict community use of the MUGA to between 1600 hours and 2000 hours. The development would accord with Policy CF6 of the HPLP and the NPPF.

### **Conclusion**

The proposal would contribute towards an increase in noise as a result of the external parties using the facility after school hours. The design and materials have been chosen to reduce the noise impact of the proposal on the residential properties nearby the site. I do not consider that the proposal would result in any adverse visual impacts or have any significant impact on ecology. The works, as described above, have a justified need to take place and would accord with local and national planning policy. The development would not, in my opinion, generate significant amounts of traffic or pollution and related nuisances. Subject to the recommended conditions, I am satisfied that the proposal would accord with the HPLP and the NPPF, and it is recommended for approval.

The representations which raise a number of concerns, as listed above, have been taken into consideration when determining this application.

(3) **Financial Considerations** The correct fee of £234 has been received.

(4) **Legal Considerations** This is an application submitted under the terms of the Town and Country Planning General Regulations 1992 for development which the Authority itself proposes to carry out.

I do not consider that there would be any disproportionate impacts on anyone's human rights under the European Convention on Human Rights as a result of this permission being granted subject to the conditions referred to in the delegated decision.

- (5) **Environmental and Health Considerations** As indicated in the report.

### Other Considerations

In preparing this report the relevance of the following factors has been considered: prevention of crime and disorder, equality and diversity, human resources, property, social value and transport considerations.

- (6) **Background Papers** File No. 1.1376.8  
Application Form received 19 February 2019.  
Site Location Plan Installation of new MUGA received 12 February 2019.  
Key Plan Installation of new MUGA Existing layout of field as provided by School and Key Plan Installation of new MUGA Proposed layout of field, both received 29 July 2019.  
Community Use Statement, Design Access Statement, Open Space Statement and Tree Impact Assessment all received 30 April 2019.

### Correspondence

Clarification - No flood Lighting 07 CD1/0219/94 dated 13 August 2019.

### Consultation Responses from:

The Highway Authority received 2 May 2019.  
The Coal Authority received 13 May 2019.  
Sport England received 14 May 2019 and 13 August 2019.  
Lead Local Flood Risk Authority received 20 May 2019.  
High Peak Borough Council – Planning received 22 May 2019.

- (7) **OFFICER'S RECOMMENDATIONS** That the Committee resolves that planning permission be **granted** subject to the following conditions:

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

**Reason:** The condition is imposed in accordance with Section 91 of the Town and County Planning Act 1990.

- 2) Notice of a date for the commencement of the development shall be provided to the County Planning Authority at least seven days prior to the start of works on site.

**Reason:** To enable the County Planning Authority to monitor the development in the interests of the amenity of the area.

- 3) The development shall take place in accordance with the details contained in the 1APP dated 14 February 2019, Design and Access

Statement, Community Use Statement, Tree Impact Assessment, Open Space Statement and the following plans:

- Drawing entitled 'KEY PLAN Installation of new MUGA Proposed layout of field'.
- Drawing entitled 'KEY PLAN Installation of new MUGA Existing layout of field as provided by School.
- Drawing entitled 'Site Location Plan'.

2019 08 13 Clarification -No flood Lighting 07 CD1-0219-94

**Reason:** To enable the County Planning Authority to monitor the development in the interests of the amenity of the area.

### **Construction**

- 4) No construction/demolition work at the site shall take place outside the following hours:

0700 hours to 1900 hours Mondays to Fridays,  
0800 hours to 1300 hours on Saturdays,

or at any time on Sundays or Public Holidays except by agreement with the County Planning Authority.

All deliveries to the site shall be limited to within the above hours.

Any equipment which needs to be operated outside the hours specified above shall be acoustically screened in accordance with a scheme approved in writing by the County Planning Authority. The scheme shall be implemented as approved.

**Reason:** In the interests of local amenity and the environment.

### **Hours of Operation**

- 5) The MUGA to be provided by the development hereby permitted, shall only be used during the following hours:

Mondays to Fridays 0800 hours - 2000 hours.  
Saturdays, Sundays and Bank Holidays 0900 hours - 1800 hours.

**Reason:** In the interests of local amenity and the environment.

- 6) The MUGA shall not be made available for use by any external parties except between the following hours:

Mondays to Fridays 1600 hours - 2000 hours.



Saturdays, Sundays and Bank Holidays 0900 hours - 1800 hours.

**Reason:** In the interests of highway safety and local amenity.

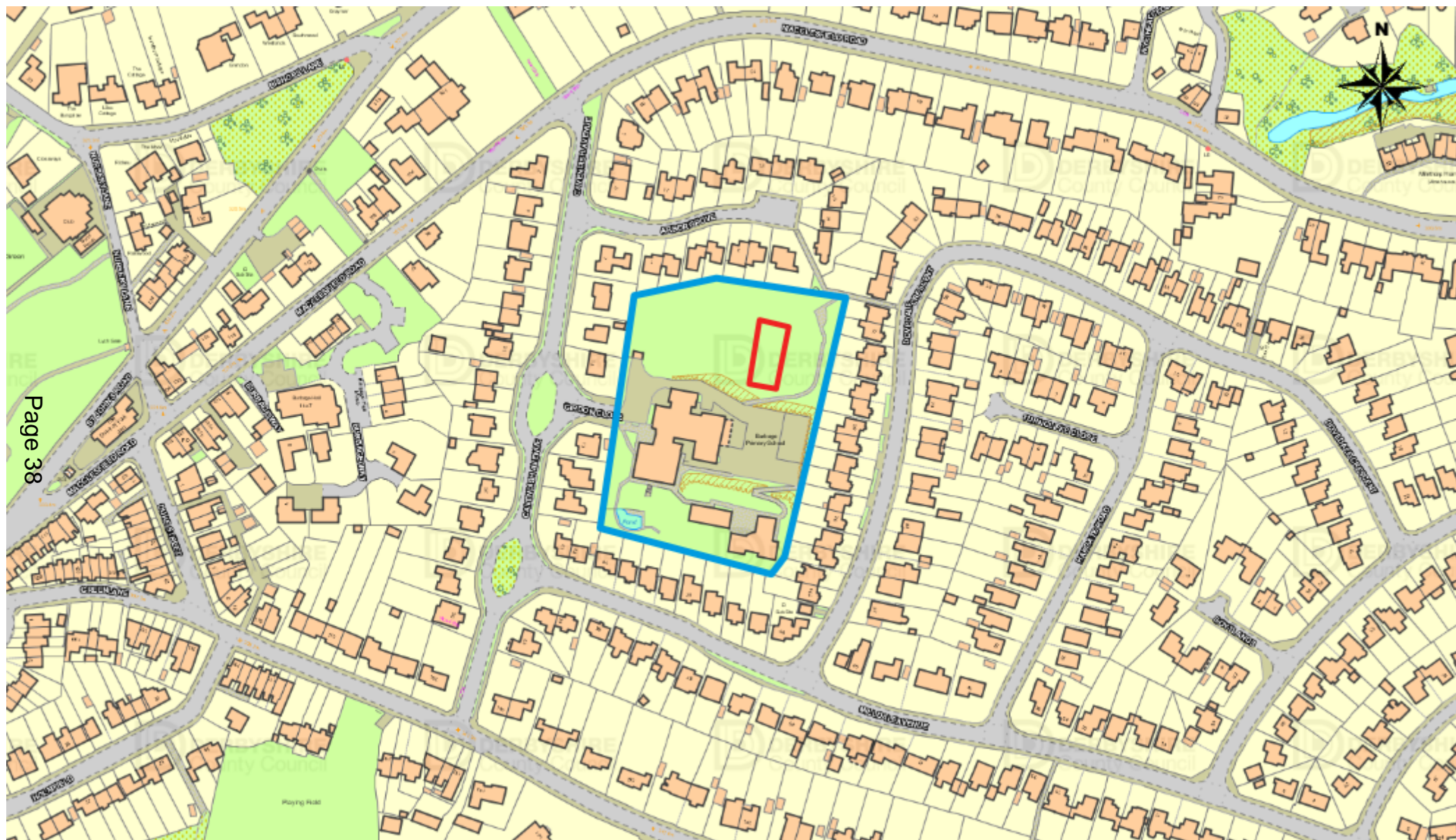
**Statement of Compliance with Article 35 of the Town and Country (Development Management Procedure) (England) Order 2015**

The Authority worked with the applicant in a positive and pro-active manner based on seeking solutions to problems arising in the processing of planning applications in full accordance with this Article. The applicant had engaged in pre-application discussions with the Authority prior to the submission of the application. The applicant was given clear advice as to what information would be required.

**Footnote**

- 1) This permission, granted under the terms of Regulation 3 of the Town and Country Planning General Regulations 1992, is for the sole benefit of Derbyshire County Council and can only be implemented by that Authority.

**Mike Ashworth**  
**Executive Director - Economy, Transport and Environment**



**Agenda Item No. 4.3**

**DERBYSHIRE COUNTY COUNCIL  
REGULATORY – PLANNING COMMITTEE**

**23 September 2019**

Report of the Executive Director – Economy, Transport and Environment

**3     INSTALLATION OF A NEW 3 ARM ROUNDABOUT JUNCTION  
CENTRED ON THE A52 EAST OF ASHBOURNE AND WEST OF  
LADY HOLE LANE, PROVIDING ACCCESS TO CONSENTED  
DEVELOPMENT ON THE FORMER ASHBOURNE AIRFIELD SITE  
APPLICANT: DERBYSHIRE COUNTY COUNCIL  
CODE NO: CD3/0819/38**

**3.1734.3**

**Introductory Summary**     This report considers the application by the County Council for the installation of a roundabout junction off the A52 giving access to a District Council approved mixed-use development of the former Ashbourne Airfield. The site is on land including part of the A52 Derby Road, and part of the former airfield. The application site is not located in an area subject to sensitive natural or ecological designations. There are no designated heritage assets within the site, however, a grade II listed property “The Thatched Cottage” is located adjacent the site to the south-east.

There would be considerable public economic and social benefits arising from the installation of the roundabout junction, which is considered to be an important infrastructural element in bringing forward additional housing, commercial and employment development, in accordance with Derbyshire Dales Local Plan (DDL P). The development of the former Ashbourne Airfield site is to be brought forward in two phases. The Phase 2 development would lead to the generation of traffic beyond the capacity of the signalled junction previously consented to by Derbyshire Dales District Council (DDDC) as part of the mixed-use development of the former airfield, which has the capacity to only serve Phase 1 of the development in isolation.

The Council, as applicant, regards the roundabout as being fundamental to the delivery of the Phase 2 development. The roundabout would facilitate a safe means of access not only for the approved Phase 1 development (development comprising an 8 hectares (ha) business park and 367 homes), but also 1,100 homes and a further 8ha of employment land under Phase 2 identified in the DDL P.

The proposal, however, does not accord fully with certain relevant policies in the DDLP and in the NPPF. One such policy is that concerning listed buildings where it is considered the proposals would result in harm to the setting of the grade II listed building, although such harm would be less than substantial. The proposal would also result in landscape and visual impacts.

Some of these impacts could be minimised through the imposition of conditions, although they would not prevent the impacts altogether. In determining planning applications, planning authorities must give special regard to the desirability of preservation of any affected heritage assets, including any listed buildings and their settings. This report has been produced having regard to the special importance of the issue of harm to the setting of the listed building, which is associated with the application in this case, as well as the benefits that the roundabout junction would bring as infrastructure required for the planned redevelopment of the former Ashbourne Airfield.

It is considered that, in this instance, the application can be recommended for approval, subject to conditions, on the basis that the value of the benefit is sufficient to outweigh the limited extent of the harm to the listed heritage asset.

(1) **Purpose of Report** To enable the Committee to determine the application.

(2) **Information and Analysis**

### **Site and Surroundings**

The application site covers an area of 2.78ha and includes land of the former Ashbourne Airfield, the A52 Derby Road and adjacent highway verge. The site is located approximately 1.5 miles to the south-east of Ashbourne and close to the village of Osmaston. The proposed roundabout would be sited centrally on the A52 to the north-west of the A52 junction with Lady Hole Lane. The site of the proposed roundabout is largely level, bounded to the east by the curtilage of a residential grade II property known as 'The Thatched Cottage'. The site is bounded by open countryside to all other sides. A copse of trees is positioned to the southern side of the A52 opposite the application site.

The site does not contain, and is not within close proximity to, any national or local ecological or landscape designations. No heritage assets are within the site, however, the adjacent property, the Thatched Cottage, is a grade II listed building.

The site lies in Flood Risk Zone 1 and contains no waterbodies.

## The Proposal

The application seeks planning permission for the construction of a roundabout to form a means of access to the Ashbourne Airfield Industrial Estate. This roundabout would facilitate the expansion of the Estate and be capable of accommodating traffic generated by two phases of expansion as identified in the DDLP. The roundabout would connect to a link road to be constructed through the Estate. The scheme indicates that the roundabout would be approximately 50m in diameter with a footway/cycleway of approximately 3m in width to the northern side of the A52. The roundabout junction will be located approximately 225m to the west of the junction of Lady Hole Lane and the A52.

The Committee approved a planning application (CD3/0419/1) for a roundabout in a similar position to that now proposed on 20 May 2019. That approved roundabout design was 40m in diameter. Subsequent to that approval, the proposed design of the roundabout has been reconfigured, following further consideration of optimum design potential by the Council and its design team. As a result of those considerations, a slightly larger diameter (50m) roundabout is now proposed, approximately 10m to the south of the design approved, and given the variation in design and amended site area, a new planning application has now been submitted. The principle of a roundabout has been established at this location.

Outline planning permission was granted 30 March 2017 by DDDC for development under the first phase of development at the former Airfield (application code no.14/00074/OUT). It includes approval for a mixed-use development comprising 367 dwellings, 8ha of employment land, ancillary commercial and community facilities.

The roundabout is proposed to provide a new means of vehicular access into the Airfield Industrial Estate, as an alternative to the signalled junction provided for within the existing permission 17/01142/FUL granted by DDDC. The roundabout is regarded as fundamental to the delivery of Phase 2 of the overall projected Airfield development under the DDLP. The Phase 2 development would lead to the generation of traffic beyond the capacity of the consented signalled junction and would, therefore, require either major modification or the provision of some alternative means of access, such as this proposed roundabout.

The Transportation Assessment, produced in support of application code no. 14/00074/OUT, demonstrated that the signalled junction would perform adequately when accommodating the Phase 1 development, but in the morning peak period would be at approximately 70% of its capacity for both of the A52 approaches and for traffic turning right (i.e. towards Ashbourne) from the Estate. With 1,100 additional homes allocated under Phase 2, the demands on the junction would be substantially increased, for example,

'outbound' traffic from the Estate in the morning peak period could increase by 150%. The provision, timed in association with Phase 1 development, of a means of access capable of accommodating traffic, subsequently to be generated by Phase 2 would, therefore, remove the need for any future works.

The roundabout would support the delivery of a major mixed-use development on the Airfield Industrial Estate and, as such, would support the local economy and housing delivery.

## **Planning Application History**

### **CD3/0419/1**

Planning permission was granted for a 40m diameter roundabout off the A52 20 May 2019.

### **CD3/0219/89**

An application for the installation of a 40m diameter roundabout off the A52 was withdrawn by the applicant 28 May 2019.

### **CD3/0219/89**

An application by the Council for development of similar description to the application under consideration in this report, but within a smaller site area of 0.99ha, is also currently under consideration by the County Planning Authority.

### **14/00074/OUT**

Outline planning permission was granted 30 March 2017, by DDDC for a mixed-use development comprising 367 dwellings, 8ha of employment land, ancillary commercial and community facilities, strategic landscaping, a new link road and associated infrastructure (all matters reserved except for access).

### **14/00075/FUL**

Full planning permission was granted 16 November 2016, by DDDC for the formation of vehicular access to service the potential employment development site at land off Derby Road, Ashbourne.

### **16/00168/FUL**

Full planning permission was granted by DDDC 25 May 2016, for the formation of a new link road with the A52 at Ashbourne Airfield.

### **17/01142/FUL**

Full planning permission was granted by DDDC 27 February 2018, for a variation to the design of the link road (as approved under application reference (16/00168/FUL) to provide an enlarged drainage facility and accommodate a foul pumping station. The route of the revised link road



(17/01142/FUL) remains on the same alignment as previously approved under 16/00168/FUL. This proposal (17/01142/FUL) includes additional/modified junction arrangements, improved junction geometry and a foul pumping station/enlarged surface water balancing pond.

## **Consultations**

### **Local Member**

Councillor Bull has been consulted.

### **Derbyshire Dales District Council (Planning)**

DDDC is supportive of the application and comments remain largely as those made to the previous application.

DDDC is not opposed to this roundabout on the A52 provided the Highway Authority is satisfied that highway safety on the A52 will not be compromised and subject to the new design having the capacity to cater for the likely volume of traffic.

DDDC requests that the County Council should ensure that the alignment of the new access is designed to fit with the alignment of the access road approved under permission 17/01142/FUL and should impose conditions accordingly. DDDC is of the view that it should facilitate the bringing forward of both employment and housing provision at the Ashbourne Airfield site in accordance with policies EC2, HC2 and S8 of the DDLP, which it considers are key to allowing for the sustainable expansion of the town and meeting the housing needs of the District. From an economic development perspective, the application is supported. DDDC is of the view that the proposed roundabout, in place of a signal controlled junction, provides the opportunity to serve, via a single access, both the Phase 1 development comprising an 8ha business park and 367 homes and larger Phase 2 scheme extending to 1,100 homes and a further 8ha of employment land. Delivery of Ashbourne Airfield, facilitated through the new access and link road, is a priority for DDDC and important to the delivery of both the Council's Economic Plan and Local Plan, providing the opportunity for business expansion, retention of local jobs and delivery of new homes.

### **Derbyshire Dales District Council (Environmental Health Officer)**

No objections.

### **Ashbourne Town Council**

Objects to the application on the following grounds:

*"Members feel this will further encroach into green fields with a loss of habitat and hedgerow for wildlife. Members feel this could be moved into the*

*brownfield site (airfield) and they would also like to see a continual filter lane into Ashbourne.”*

### **Bradley Parish Council**

No comments received at time of writing.

### **Osmaston and Yeldersley Parish Council**

No comments received at time of writing.

### **Highway Authority**

The County Council, as Highway Authority, has no objections to the proposals, provided permission is granted, subject to certain types of conditions.

The proposals are supported by a further transport statement technical note, which provides information on additional modelling and sensitivity testing that has been undertaken for the new roundabout, this is primarily based on the information provided in connection with the previously approved roundabout design, although this has been updated with the revised geometry, etc. This identifies that the junction would operate within its theoretical capacity, however, there may be some minor queuing at times.

A new Stage 1 Road Safety Audit has been undertaken for the roundabout design. This identifies a number of issues raised, similar to those in respect of the previously approved roundabout designs. However, as before, the Audit also offers recommended solutions to the identified problems, which appear feasible to achieve. These will need to be incorporated into the final design and any permission should be conditioned accordingly.

The current design proposal offers a further improvement in design terms, made possible by the use of previously unavailable third party land. Whilst further detailed design and construction information will be required, to ensure a satisfactory scheme can be delivered within highway limits, the Highway Authority remains confident that an acceptable roundabout junction solution can be achieved at this particular location.

The Highway Authority raises no objection to the proposal, subject to conditions being imposed to require recommendations from the future Stage 2 of the Road Safety Audit to be incorporated into the final detailed design and securing a construction management plan.

### **Lead Local Flood Authority**

The County Council, as the Lead Local Flood Authority (LLFA), has no objections to the principles of the proposals for the new roundabout or the methods of managing surface water. The LLFA does have a concern regarding the modelling for this particular iteration of the proposals,



approximately 70m<sup>3</sup> of surface water is modelled to flood onto the roundabout from the surface water system. The LLFA is aware, however, that plans may develop with the removal of some surface water to another system and that additional modelling may reduce the 70m<sup>3</sup> predicted flooding but requires this to be demonstrated. Therefore, the LLFA recommends a condition to require further detailed surface water management plans to be approved.

### **Natural England**

Has confirmed it wishes to make no comments on the application.

### **Derbyshire Wildlife Trust**

No comments received at time of writing.

### **Publicity**

Site notices have been placed at the site and immediate neighbours have been notified in writing. The application has been advertised by press notice in the Ashbourne News Telegraph with a period for representations up to 6 September 2019.

Two representations has been received from the public. Comments in summary are:

- The extent of the roundabout is too large.
- Construction delays, noise, traffic congestion and general disturbance.
- An alternative route should be found.
- The A52 has weekly accidents/incidents which will potentially increase.
- Impact upon the setting of the Thatched Cottage listed building, contrary to the Local Plan.
- Impact upon Yeldersley's distinctiveness and character.
- Insufficient safe sighting distance from both the roundabout exit and the Thatched Cottage exit to allow safe departure of vehicles from the driveway.
- The proposed roundabout does not conform to the Highways standard document, the design manual for roads and bridges.

### **Planning Considerations**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the provisions of the development plan unless material considerations indicate otherwise. In relation to this application, the relevant policies of the development plan are contained in the policies of the adopted DDLP (2017). Other material considerations include national policy, as set out in the 2019 NPPF, and associated Planning Practice Guidance (PPG).

## The Development Plan

The policies of the DDLP that are most relevant to the development are:

S1: Sustainable Development Principles.  
S8: Ashbourne Development Strategy.  
S10: Local Infrastructure Provision and Developer Contributions.  
HC2 (d): Housing Land Allocations- Land at Ashbourne Airfield Phase 1.  
HC2 (d): Housing Land Allocations- Land at Ashbourne Airfield Phase 2.  
DS1: Land at Ashbourne Airfield (Phase 1).  
DS8: Land at Ashbourne Airfield, (Phase 2).  
EC2 (a): Employment Land Allocations-Land at Ashbourne Airfield Phase 1.  
EC2 (b): Employment Land Allocations-Land at Ashbourne Airfield Phase 2.  
PD2: Protecting the Historic Environment.  
PD3: Biodiversity and the Natural Environment.  
PD5: Landscape Character.  
PD6: Trees, Hedgerows and Woodlands.  
PD8: Flood Risk Management and Water Quality.  
HC20: Managing Travel Demand.  
EC1: New and Existing Employment Development.

## Neighbourhood Plan

The site is located within Yeldersley Parish. The relevant Parish Council is Osmaston and Yeldersley Parish Council. A Neighbourhood Plan has not been progressed as yet, and the site is outside the area covered by the Draft Ashbourne Neighbourhood Plan.

## National Planning Policy Framework

The NPPF sets out the Government's planning policies for England and how these should be applied. It states that the purpose of the planning system is to contribute to the achievement of sustainable development and the framework as a whole contains a presumption in favour of sustainable development. The term '*sustainable development*' is defined as '*meeting the needs of the present without compromising the ability of future generations to meet their own needs*'. The NPPF goes on to say that achieving sustainable development means that the framework has three overarching objectives, economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives).

Those sections of the NPPF that are particularly relevant to this proposal are:

Section 2: Achieving sustainable development.  
Section 6: Building a strong, competitive economy.  
Section 9: Promoting sustainable transport.  
Section 12: Achieving well-designed spaces.  
Section 16. Conserving and enhancing the historic environment.

### **The Need for and Benefits of the Development**

As noted above, the application seeks planning permission for the construction of a roundabout to form a means of access to the Ashbourne Airfield Industrial Estate. This roundabout would facilitate expansion of the Estate and be capable of accommodating traffic generated by two phases of expansion as identified in the DDLP.

This proposed development is fundamental to the delivery of Phase 2 of the overall projected Airfield development. The Phase 2 development would lead to the generation of traffic beyond the capacity of the approved signalled junction which, if constructed, would therefore either require major modification unless some other means of access was constructed to meet the additional demands of Phase 2.

DDDC is the determining Authority with regard to the overall Phase 1 and Phase 2 development of the former Ashbourne Airfield site, except for the proposed roundabout under this application.

The proposed roundabout is intrinsically linked to the strategic vision under the DDLP of cumulative delivery of both phases of mixed-use development of the former Ashbourne Airfield site, given that a safe and efficient means of access to manage the associated levels of traffic flow is required.

There are considerable economic and social benefits to the County, District and the immediate area from facilitation of expansion to the Estate, in bringing forward additional housing, commercial and employment development.

DDDC has confirmed that the proposed roundabout provides the opportunity to serve, via a single access, both the Phase 1 development comprising an 8ha business park and 367 homes, and larger Phase 2 scheme extending to 1,100 homes and a further 8ha of employment land. Delivery of these Ashbourne Airfield developments, facilitated through the new access and link road, is a priority for DDDC and important to the delivery of both the Council's Economic Plan, and Local Plan, providing the opportunity for business expansion, retention of local jobs and delivery of new homes.

An Economic Statement submitted with the application indicates that, drawing upon existing analysis of the Phase 1 expansion, the additional 1,100 homes to be delivered under Phase 2, could be expected to support as many as 36 full-time equivalent (FTE) jobs through additional household expenditure, of which 24 would be 'net additional' (with the remaining 12 being displaced from elsewhere). The Gross Value Added by the new households would be approximately £7.8 million by 2031.

The NPPF promotes sustainable development through overarching economic, social and environmental objectives. Policy SD1 of the DDLP requires that all

developments should seek to make a positive contribution towards the achievement of sustainable development by improving the economic, environmental and social conditions of the area wherever possible.

The proposed new roundabout access would help deliver both phases of expansive development identified for the former Airfield by the DDLP. The expansion, in turn, would bring economic and social benefits whilst ensuring protection of the environment as considered by DDDC in the positive determination of the Phase 1 development and in the identification of the subsequent Phase 2 development.

DDDC has made its own assessment with regard to housing supply and employment land in the DDLP. It has also assessed and approved in outline part of the Phase 1 development, and will accordingly assess the planned Phase 2 development, against planning policy in detail.

Paragraph 72 of the NPPF states that the supply of large numbers of new homes can often be best achieved through planning for larger scale development, provided that they are supported by the necessary infrastructure and facilities.

The roundabout access is considered to be important infrastructure to support the planned strategic development of the former Ashbourne Airfield site. Paragraph 80 of the NPPF states that planning decisions should help create the conditions in which businesses can invest, expand and adapt. Paragraph 82 of the NPPF advises that planning policies and decision should recognise and address the specific locational requirements of different sectors.

The proposal reflects the intention of Policy S10 of the DDLP which is the securement of new transport infrastructure to address traffic congestion and to support growth identified in the DDLP.

It is considered that the proposal would be in accordance with the requirements of the NPPF and DDLP in this regard, given that the roundabout would provide an important element of associated infrastructure for the successful implementation of the planned development of the former Ashbourne Airfield site. The previous planning approval of a 40m diameter roundabout, in a similar position, also weighs in favour of the proposal.

Therefore, the need for and benefits of the proposal are considered to be substantial. The acceptability of the scheme in the planning balance must be considered, however, against planning policy and the merits of the application in the following respects:

- Location of the development.
- Landscape.

- Highways.
- Heritage.
- Archaeology.
- Ecology.
- Drainage.

### **Location of the Development**

The application site lies in the countryside. However, a large extent of the site is part of a former Airfield area which is designated as a mixed-use site for housing and employment land in the adopted DDLP. The site is not within any sensitive environmental, or landscape designation. The site is outside any Heritage Asset designation, however, it is adjacent to a grade II property known as The Thatched Cottage. The Heritage aspects are considered further in the appropriate section of this report.

The roundabout, which would be in the main positioned in the area designated in the DDLP for Phase 1 of the airfield development, would therefore be in accordance with the relevant policies HC2 (c), DS1 and EC (2) of the DDLP, which seek to bring the strategic development of this area forward.

Whilst the site falls outside the identified area for the subsequent Phase 2 development, a roundabout of this type would provide capacity for traffic relating to both the Phase 1 and subsequent Phase 2 development. In this regard, the proposal is in the spirit of policies HC2(d), EC2(b) and DS8 of the DDLP which identify the Phase 2 area for mixed-use development.

The proposed roundabout is also supported by Policy S8(c) of the DDLP which seeks to provide a new access to, and link road through, the Ashbourne Airfield Industrial Estate to help realise the full economic potential of the site.

DDDC has already approved a link road, including a junction with the A52 at this site, under application code no. 16/00168/FUL, with variations to design under application code no. 17/01142/FUL. That permission site includes the approved junction area in the same location as the current roundabout position. Outline planning permission has also been granted by the DDDC, under application code no. 14/00074/OUT, which includes approval for a mixed-use development comprising 367 dwellings, 8ha of employment land, ancillary commercial and community facilities.

The position of the proposed roundabout does not differ significantly from that of the junction approved by DDDC, nor the position for the roundabout previously approved by the County Council, and its location is considered to accord with policies identified in the DDLP and the NPPF in bringing forward the required infrastructure to appropriately support housing and employment land development.

## Landscape

The site is within the area identified in the DDLP as the Landscape Character Area of the Needwood and South Derbyshire Claylands. The landscape type is described as predominantly pasture, being settled Plateau farmlands.

The majority of the site itself, however, is uncultivated scrub land, being part of the former Ashbourne Airfield. There are eight individual trees located on or close to the boundaries of the site adjacent to the A52, identified in the supporting tree survey as Trees T1-T11. These trees are predominantly Oak and Ash. The tree survey indicates that, given the design of the roundabout, there is an advantage over the previous design, in that it is unlikely that these trees will need to be removed.

To the southern side of the A52 on the boundary and adjacent to the site is a small copse of trees which are protected by Tree Preservation Orders. These trees again would be retained and would be subject to root protection areas during works should the application be successful.

The revised location for the proposed junction has had a positive effect on tree retention with the majority of the existing trees within the hedgerow to the north of the A52 now being retained, which is a positive factor with regard to the landscape character of the wider landscape where densely scattered hedgerow trees are a key characteristic. Whilst the tree survey plan submitted shows that all trees would be retained, it is considered reasonable to impose a condition to allow some flexibility for any tree removal to be agreed but not yet anticipated at the planning and design stage of the scheme.

Although the new junction will be closer to an existing tree group/copse on the southern side of the A52, the supporting Arboricultural Assessment suggests that there is sufficient distance between these trees and the new junction to avoid any significant adverse effects to the trees and their root protection area.

The site may be regarded as being semi-rural in character at present, given that the existing Airfield Industrial Estate is positioned within approximately 200m of the application site to the north-west, and existing residential properties are located immediately adjacent to the site to the south-east.

Paragraph 127 (c) of the NPPF requires that planning decisions are sympathetic to local character, including the surrounding built and landscape setting, whilst not preventing or discouraging appropriate innovation or change.

Policy PD5 of the DDLP seeks to protect landscape character by requiring that development has particular regard to maintaining the aesthetic qualities of the landscape, such as trees, hedgerows, walls and water features, and through

resisting development that would harm or be detrimental to the character of the local landscape. Policy PD6 of the DDLP similarly seeks the retention of trees and hedgerows, and requires their replacement where removal is justified.

With conditions requiring suitable root protection areas for trees to be retained, this would assist in mitigation of any adverse impact upon the landscape. The retention of trees is in accordance with Policy PD5 of the DDLP.

The landscape restoration treatments identified in the 'Landscaping Statement', that standard highway verge grass planting would be the most appropriate landscaping solution for the location are to be considered appropriate, in principle, but an appropriately worded planning conditions should be included to secure a detailed landscape scheme, and measures to ensure the full establishment of the landscape mitigation.

The main visual impacts are likely to relate to the highway infrastructure required in relation to the proposed roundabout and would be experienced primarily by people travelling along the A52, as well as a number of local roads, occasional footpaths and nearby dwellings. The A52 is currently unlit along this section of the route and is very much experienced as a rural road. There is some signage associated with the Church Lane/Lady Hole Lane junction but otherwise the road is free from road clutter. There are no lighting or signage details submitted with the application, but it is assumed that the roundabout junction would need to be lit. In addition, there is likely to be a need for be lit bollards in the small splitter islands on each approach, directional arrows (maybe chevrons) on the roundabout, keep left signs and directional boards. Collectively, this would have a significant effect on the rural character at this location. A condition to agree to control the overall lighting and signage design is considered appropriate to ensure that any visual impacts are minimised. The proposals would not be considered in isolation to the approved masterplan for the wider redevelopment of the Ashbourne Airfield, given that these are currently in outline form as approved by DDDC, who is in general support of this proposal, and given that approval of detailed matters would further consider the position of the roundabout.

On balance, it is considered that any impacts upon the character of the landscape, as a result of the roundabout development, would be minimal in the context of the eventual Phase 1 and Phase 2 development of the locality. The character of the immediate locality will, in the near future, become more urban, rather than rural. However, the site currently remains largely rural and there would be some visual impact as outlined above. With appropriate conditions required for landscaping details yet to be submitted; retention of trees and tree/hedge protection; and design of lighting and signage, then these effects could be further mitigated and limited.

The benefits of the proposed roundabout access are considered to outweigh the likely impact upon the wider landscape that would result from its development. In this regard, the proposal is considered to be in general accordance with Paragraph 127 (c) of the NPPF which requires that planning decisions are sympathetic to local character, including the surrounding built and landscape setting, *“while not preventing or discouraging appropriate innovation or change.”*

## Highways

Paragraph 109 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Policy S8 (c) of the DDLP seeks the sustainable growth of Ashbourne by several criteria, including providing a new access to, and link road through, the Ashbourne Airfield Industrial Estate to help realise the full economic potential of the site.

Whilst sustainable transport methods are prioritised in the DDLP (such as walking, cycling and public transport), Policy H20 of the DDLP commits to deliver highway capacity enhancements to deal with residual car demand where more sustainable transport methods are insufficient to avoid significant car journeys.

DDDC will promote and provide for sustainable transport methods within its own assessment of proposals coming forward for the expansion of the former Ashbourne Airfield Site. Residual car demand would still occur, however, which would not be able to be safely and efficiently accommodated through the junction approved to serve the Phase 1 development in isolation.

The Transportation Assessment, produced in support of application code no. 14/00074/OUT, demonstrated that the signalled junction would perform adequately when accommodating the Phase 1 development, but in the morning peak period would be at approximately 70% of its capacity for both of the A52 approaches and for traffic turning right (i.e. towards Ashbourne) from the Estate.

With 1,100 additional homes allocated under Phase 2, the demands on the junction would be substantially increased, for example, ‘outbound’ traffic from the Estate in the morning peak period could increase by 150%. The provision, timed in association with Phase 1 development, of a means of access capable of accommodating traffic subsequently to be generated by Phase 2 would, therefore, remove the need for any future works.



The Highway Authority is satisfied with the supporting information for this application including a Transport Statement Technical Note and Road Safety Audit.

Subject to conditions based on those suggested within the response from the Council as Highway Authority, the application is considered to be in general accordance with the provisions of national and local planning policy with regard to highway considerations, as set out above.

### **Heritage**

The site is not within a Conservation Area and has no listed buildings within the application boundary. Conservation Areas in closest proximity to the site are at Osmaston 0.75 Kilometres (km) to the south, and at Ashbourne 2.25km to the north-west. The closest Scheduled Monument is Osmaston Fields Bowl Barrow approximately 1km to the south-west of the application site. It is considered that there is more than adequate distance between the site, CAs and the Scheduled Monument to ensure that there is no potential for impact upon these particular heritage assets.

The site is adjacent, however, to a grade II listed property known as “The Thatched Cottage”. According to the list entry, the building is a simple 17th Century vernacular agricultural building with a thatched roof with brick gable end stacks. It is noted that there is a modern, substantial double garage building located in the curtilage of the property, close to the boundary immediately adjacent to the application site. The agricultural setting of The Thatched Cottage has, in part, been eroded by 20th Century development such as the construction of the Airfield in the 1940s and subsequent establishment of the Ashbourne Industrial Estate and construction of dwellings to the south-east. Its setting is now more constrained and its relationship with the land to the west (the application site) has also been affected by the garage.

DDDC has identified the former Airfield site for future expansion in its adopted Local Plan and subsequently approved applications relating to the Phase 1 development which includes a signalised junction arrangement, which would be in a similar position to the roundabout as proposed, adjacent to the Thatched Cottage.

This aside, the County Council must consider this application for a roundabout on its own merits, including an assessment of any harm upon the neighbouring listed building. This process was also followed in the planning assessment of the previous roundabout application.

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, in the determination of this application, ‘*special regard*’ is

had to *‘the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.’*

Paragraph 190 of the NPPF expects local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset).

As the NPPF indicates, in considering a development proposal, what has to be assessed with regard to the setting is the effect that any change to the setting from the development would have on the heritage significance of the asset concerned. Paragraph 193 states: *“When considering the impact of a proposed development on the significance of a designated heritage asset great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”*

Policy PD2 of the DDLP seeks to conserve heritage assets in a manner appropriate to their significance, taking into account the desirability of sustaining and enhancing their significance and ensuring that development proposals contribute positively to the character and appearance of the built and historic environment. It promotes protection of designated and non-designated heritage assets and their settings, including inter alia, listed buildings, CAs and archaeological sites or heritage features.

The applicant has provided a Heritage Impact Assessment (HIA) which notes that DDDC consented to a signalised junction with vertical features, such as signal poles, to the west of the Thatched Cottage in 2016. The HIA concludes that neither the listed building, nor any other heritage asset would be significantly affected by the proposal.

Despite the erosion of the agricultural setting, the locality remains semi-rural which does contribute to the significance of the setting of the listed building. Contrary to the HIA, therefore, it is acknowledged that there would be some impact upon the setting of the grade II Thatched Cottage adjacent to the site.

However, this application must be considered in the context that outline planning permission exists to develop the adjacent area under the Phase 1 development, as does a planning permission for a signalised junction at the site, which would likewise erode the rural character of the locality and some of the contribution which this makes to the setting of the grade II Thatched Cottage. There is also modern development in the form of a substantial double garage building located in the curtilage of the property, immediately adjacent to the application site, which did not preserve or enhance the significance of the heritage asset.

Having regard to the nature of the loss of openness and the urbanisation of the existing rural/semi-rural character of the locality, which is associated with this application, I am of the opinion that the construction of the roundabout would harm the setting of the listed building, however, the level of harm would be 'less than substantial'.

The proposal in this regard is therefore considered to be contrary to Policy PD2 of the DDLP, which requires that development proposals contribute positively to the character of the built and historic environment. The proposal is partially contrary to Policy S8 of the DDLP, which requires protection and enhancement of the historic environment, in that it would cause harm and have an adverse effect on the setting of a listed building.

It would also be contrary to Paragraph 192 of the NPPF in so far as the proposals would not preserve that local character and distinctiveness which contributes to the heritage asset or its setting.

According to paragraphs 193 and 194 of the NPPF, where there would be harm to the heritage asset (including through potential effects on the setting of the heritage asset), there should be a clear and convincing justification for the development to take place at the location and, if this is demonstrated, the harm weighed against the public benefits of the proposal.

Paragraph 196 provides that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its [the asset's] optimum use.

I do not dispute that the 'harm' to the setting of the listed building would, indeed, be at a 'less than substantial' scale, whilst remaining a consideration of great weight. I regard the public benefits to be delivered by this proposal as being a factor of sufficient weight to justify a positive recommendation of the application, even having special regard to the desirability of preservation of the setting of the listed building (as required by Section 66), and having regard to the other impacts associated with the development as referred to in this report.

### **Archaeology**

Paragraph 199 of the NPPF states that local authorities should require developers to record an advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.

The development also has the potential to impact on archaeology within the Site. With regard to below-ground archaeology, the site is within the area of the former Ashbourne Airfield (Derbyshire Historic Environment Record MDR853). The site has undergone a considerable level of ground disturbance in association with the WW2 Airfield and the area of the proposed roundabout appears to be within the footprint of a former runway/dispersal area.

Archaeological investigation of undisturbed areas of the former Airfield, in the context of Derbyshire Dales planning application, has indicated very little archaeological potential. I consider, therefore, that the proposals will have no archaeological impact.

## **Ecology**

Section 15 of the NPPF and Policy PD3 of the DDLP are the appropriate policies which seek to conserve and enhance biodiversity in the natural environment.

The application site is not within any sensitive area of ecological designation, such as a Site of Nature Conservation Importance (SNCI), a Site of Special Scientific Interest (SSSI), or a Special Protection Area (SPA).

There has been a host of surveys undertaken with respect to the road/roundabout, the link road and the development on the Airfield over several years and part of the footprint of the proposed roundabout on the north side of the A52 was cleared in 2017, including a large area of scrub alongside the A52.

An ecological survey report submitted with this application consolidates the previous findings, as well as including results of an ecological site walkover and consideration of impacts to any areas not considered previously, given the slight change in the site area and location.

Ecological Surveys have not found any evidence of the presence of protected species on the site. The survey found that the hedgerow on the south side of the A52 is unremarkable and consists of mainly hawthorn with occasional blackthorn.

The hedgerow to the north of the A52 is marginally more interesting in ecological potential as it has been planted to double width. An area of grassland close to the highway verge is bounded by a continuous avenue of trees to the north and a line of roadside trees, double width hedge and embankment to the south, together form a more valuable collection. This habitat provides some connection to the wider landscape and is likely to be used as a corridor by species such as bats and small animals. The sheltered avenue is likely to be of benefit to invertebrates.

No evidence of bats has been observed, however, surveys indicate that it is possible that bats could roost in oak trees in summer months. However, the revised scheme now shows retention of these trees.

The survey carried out in January 2019 found no evidence of recent badger activity. No features were found with the potential to support water vole or great crested newt.

A further survey was carried April 2019, and an addendum to the January 2019 walkover survey report has been provided to support the application. This recommended further investigation into badger activity at the site through sensitive remote camera survey. This has been undertaken and no active setts have been found at the site. Derbyshire Wildlife Trust (DWT), whilst in recognition that no activity was recorded, noted at the time (during consultation on application CD3/0419/1) that there is no information to assess the time length of camera survey, and previously in consideration of application therefore advised a condition for further survey and mitigation if necessary, prior to commencement of development.

Natural England wishes to make no comment on the application and provided its note of standard advice in the consultation response.

Extensive ecological survey and mitigation strategies have been required by DDDC in granting the permission under application code no.16/00168/FUL for the link road which includes the area of the previously proposed junction, and now roundabout application site. It is understood that further ecological survey and proposed mitigation details for the wider area, where required under Condition 3 of that approval, have been submitted for the consideration of the DDDC.

These reports for the wider area under that application indicated a presence of certain species and habitats on the wider area. Mitigation for loss of habitat, includes the requirement of provision of 20 native trees, creation of wild scrub and the introduction of bird boxes through the link road site.

On balance, therefore, subject to conditions requiring that measures based on the recommendations of the submitted ecological walkover surveys January 2019, and ecological technical note July 2019, together with appropriate measures with respect to the ecological mitigation for the wider area, are identified and carried out by the developer, and a condition for up-to-date badger survey prior to commencement of development, the proposal is considered to be in general accordance with Section 15 of the NPPF and Policy PD3 of the DDLP in the protection of the natural environment. Enhancement may occur overtime through additional highways verge planting required under the specific landscaping scheme to be agreed by condition for

the roundabout, and through the provision of mitigation on the wider site (the roundabout being within this area) to be agreed by DDDC.

### **Drainage**

Section 14 of the NPPF and Policy PD8 of the DDLP are concerned with effective drainage, flood risk management and maintenance of water quality. The site is within Flood Risk Zone 1, the lowest probability category area, having a less than 1 in 1,000 annual probability of river or sea flooding.

A Surface Water Drainage Strategy (SWDS) has been submitted with the application. The SWDS concludes that the drainage network would have sufficient capacity to accommodate projected surface water run-off levels. The Council, as LLFA, has not objected to the proposal, but considers further detailed designs for surface water management would be required, but these details could be secured through the imposition of conditions.

The site is not in a flood susceptible locality and it has been demonstrated that the proposal can be effectively drained in accordance with Section 14 of the NPPF and Policy PD8 of the DDLP, subject to the recommended condition.

### **Conclusions**

The principle of a roundabout junction within this locality has already been accepted by the County Council through the recent approval of planning application CD3/0419/1. It is not considered that the change in position and increase in size of the roundabout would incur any additional impacts to that of the previously approved scheme.

The development would bring significant public benefit through the provision of the roundabout junction to adequately serve both phases of development of the former Ashbourne Airfield site. The mixed housing and employment uses identified in the DDLP require safe, adequate and efficient access, and in turn the economic and social benefits of the development of the wider Ashbourne Airfield site are of strategic significance.

The proposed roundabout provides the opportunity to serve, via a single access, both the Phase 1 development comprising an 8ha business park and 367 homes and larger Phase 2 scheme extending to 1,100 homes and a further 8ha of employment land. Delivery of the Ashbourne Airfield, facilitated through the new access and link road is a priority for DDDC and important to the delivery of both the DDDC's Economic Plan, and Local Plan, providing the opportunity for business expansion, retention of local jobs and delivery of new homes.

Drawing upon existing analysis of the Phase 1 expansion, the Phase 2 development could be expected to support as many as 36 FTE jobs through additional household expenditure, of which 24 would be 'net additional' (with

the remaining 12 being displaced from elsewhere). The Gross Value Added by the new households would be approximately £7.8 million by 2031.

The development would, however, also result in some impacts on the landscape and some harm to the setting of the Grade II listed Thatched Cottage. Such harms would result from the likely loss of some hedgerow, potentially several trees and the physical introduction of the roundabout junction, with associated metalled road and footpaths, and any signage and lighting as required under Highway Authority standards. The harm is specifically to the openness and rural character of the locality, which is considered to also add to the significance of the setting of the listed building.

The harm is capable of some mitigation to the landscape through protective root barriers to trees and hedges.

The imposition of conditions to control the design details for the roundabout junction, including signage and lighting, would allow the Planning Authority to limit visual clutter to the minimum required in order to meet Highway Authority standards. Despite these mitigations, however, a level of harm to the heritage asset would still occur.

I do not dispute that the 'harm' to the settings of the listed building, would indeed be at a 'less than substantial' scale, whilst remaining a consideration of great weight. The public benefits from the development, however, are significant. I regard the public benefits to be delivered by this proposal as being a factor of sufficient weight to justify a positive recommendation of the application, having special regard to the desirability of preservation of the setting of the listed building (as required by Section 66), and having regard to the other impacts associated with the development as referred to in this report.

I consider that any highways, ecological, drainage, archaeological or other impacts in their assessment are of limited weight in the 'planning balance', and, where necessary, can be mitigated by way of condition, and do not outweigh the public benefits of the proposal.

The application is therefore recommended for approval subject to the conditions (or conditions substantially similar to the effect of) listed below.

(3) **Financial Considerations**      The correct fee of £2,028 has been received.

(4) **Legal Considerations**      This is an application submitted under the Town and Country Planning General Regulations 1992 for development which the County Council itself proposes to carry out.

I do not consider that there would be any disproportionate impacts on anyone's human rights under the European Convention on Human Rights as a result of this permission being granted subject to the conditions referred to in the Officer's Recommendation.

- (5) **Environmental and Health Considerations** As indicated in the report.

### Other Considerations

In preparing this report the relevance of the following factors has been considered: prevention of crime and disorder, equality and diversity, human resources, property, social value and transport considerations.

- (6) **Background Papers** File No. 3.1734.3  
Application documents from the Director of Property submitted 1 August, 6 August and 2 September 2019. Correspondence from the Highway Authority dated 28 August 2019, Natural England dated 9 August 2019, and the LLFA dated 04 September 2019. Representations from interested parties of various dates.

- (7) **OFFICER'S RECOMMENDATION** That the Committee resolves that planning permission is **granted** subject to conditions substantially similar to the following draft conditions:

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

**Reason:** The condition is imposed in accordance with Section 91 of the Town and Country planning Act 1990.

- 2) Notice of the proposed date of commencement of the development shall be provided to the County Planning Authority at least seven days prior to the start of works on site.

**Reason:** To enable the County Planning Authority to monitor the development in the interests of the amenity of the area.

- 3) The development shall take place in accordance with the details set out in the application for planning permission registered as valid on 1 August 2019, and the documentation accompanying it, unless otherwise modified or amended by the conditions of this planning permission. For the avoidance of doubt, the accompanying documentation comprises:

- Drawing no Figure 01 entitled 'Location Plan'
- Drawing no PC-15-02-08-03-001, entitled General Arrangement Plan



- Drawing no PC- 15- 02-08-03/003, entitled A52 Westbound Vertical Visibility Assessment
- Drawing no PC-15-02-08-03/Tree 001-Rev P1, entitled Tree Removal and Protection Works
- Document entitled Ecology Walkover Survey dated January 2019
- Document entitled Supplementary Ecology Report - Addendum dated 5 April 2019
- Document entitled Ecology Mitigation Plan for the Link Road and Surrounds (Eyebright Ecology, January 2018 Version 3 – 1 March 2018)
- Document Entitled Ecological Technical Note dated January 2019
- Document entitled Economic Statement dated January 2019
- Document entitled Surface Water Drainage Strategy dated July 2019
- Document entitled Heritage Statement dated July 2019
- Document entitled Landscaping Statement dated July 2019
- Document entitled Noise Statement dated July 2019
- Document entitled Planning Application Supporting Statement dated July 2019
- Document entitled Statement of Engagement dated January 2019
- Document entitled Ashbourne Airfield Technical [Transport] dated June 2019
- Document entitled Tree Survey Report dated April and updated July 2019
- Document entitled Waste Management Statement dated July 2019
- Document entitled Stage 1 Road Safety Audit dated July 2019

**Reason:** To ensure that the development hereby approved is carried out in conformity with the details submitted with the application.

- 4) All trees and hedgerows to be retained shall have root protection barriers afforded during construction works in accordance with British Standard BS5837 Trees in relation to design, demolition and construction.

**Reason:** In the interests of retaining landscape characteristics which contribute to the biodiversity, visual amenity of the area and the setting of the adjacent grade II listed building.

- 5) Before the development is brought into use, the site shall be surveyed to identify the absence or presence and location on the site of Japanese Knotweed. If found through identification to be present on the site, details for the further identification treatment and eradication from the site of Japanese Knotweed, shall be submitted to the County Planning Authority for its written approval.

**Reason:** In order to prevent the spread of Japanese Knotweed.

- 6) No clearance of trees, hedgerow or any existing scrub planting on site, shall be undertaken during the nesting bird season (March- August inclusive) unless an ecologist has undertaken a careful, detailed assessment of the site for active birds' nests immediately before such work is commenced and provided written confirmation to the County Planning Authority within seven days of the assessment that no birds will be harmed by the clearance and/or that there are appropriate measures in place to protect nesting bird interest on site.

**Reason:** In the interests of the protection of breeding birds.

- 7) Prior to commencement of the development, the applicant shall submit for approval to the local planning authority, a detailed surface water management scheme. The scheme shall detail how any overland flows are to be managed safely up to the 1% probability annual event with a 40% rainfall increase due to climate change.

**Reason:** To ensure surface water is managed appropriately following construction of the roundabout, so as to minimise the flood risk to the highway and adjacent property in higher order rainfall events and to mitigate the impacts of climate change.

- 8) No development shall take place until a construction management plan has been submitted to the County Planning Authority for its written approval. The construction management plan shall cover details relating to the following items and shall be adhered to throughout the construction period:
- i. Site access/temporary access arrangements.
  - ii. Construction compound and site accommodation.
  - iii. Parking of vehicles of site operatives and visitors.
  - iv. Arrangements for loading/unloading and turning vehicles within the site.
  - v. Routes for construction traffic.
  - vi. Method of prevention of debris being carried onto highway.
  - vii. Proposed temporary traffic restrictions.
  - viii. Roadside hoarding (including any gates).

**Reason:** In the interests of highway safety. It is considered that compliance with these requirements would only be effective if the construction management plan is provided to the County Planning Authority prior to the commencement of development.

- 9) No development shall be commenced until a Phasing and Completion Plan for the new junction has been submitted to and approved in writing by the Planning Authority. The Phasing and Completion Plan shall set out in detail the works programme for the delivery of the roundabout junction and tie-in / connection to the industrial estate link road (linking to Blenheim Road), together with the standards that the junction / estate streets serving any phase of the development will be completed to, all as may be agreed in writing with the Planning Authority.

**Reason:** In the interests of highway safety.

- 10) Prior to the commencement of development, a written landscaping scheme and plan shall be submitted to the County Planning Authority. The scheme shall include all planting works associated with the development, identify all proposed species of planting, trees and hedges to be retained, and shall identify:
- i) any trees to be removed;
  - ii) replacement of any trees to be removed;
  - iii) any hedgerow to be removed; and
  - iv) a written scheme of on-going maintenance for a minimum five year period following implementation.

The scheme, as approved of the County Planning Authority, shall be implemented in full within the first available planting season of the roundabout coming into use.

**Reason:** In the interests of retaining landscape characteristics which contribute to the biodiversity, visual amenity of the area and the setting of the adjacent grade II listed building. It is considered that compliance with these requirements would only be effective if the plan is submitted and approved prior to commencement of works on site.

- 11) Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the County Planning Authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the County Planning Authority gives its written consent to any variation.

**Reason:** To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs.

- 12) No development shall be begun before a scheme to identify any ecological mitigation as necessary, including consideration of measures

provided in the Ecological Mitigation Plan by Eyebright Ecology dated January 2019 (as referred to in Condition 3 above) and based on an up-to-date protected species survey, so far as relevant to detailed roundabout design shall be submitted to and agreed in writing by the County Planning Authority.

**Reason:** To provide appropriate ecological mitigation as compatible with the development. It is considered that compliance with these requirements would only be effective if sufficient detail of any proposed ecological mitigation measures is provided to the County Planning Authority prior to the commencement of development.

- 13) Prior to the commencement of any works, including preparatory works such as vegetation clearance or any ground works, an up-to-date Badger Survey including sensitive motion camera survey, and timings and locations of the camera survey, shall be undertaken. Should the survey identify any active sett or setts, then a Mitigation Strategy shall be provided to the County Planning Authority for approval. This shall include an assessment of impacts and mitigation measures to be implemented and identify whether works can proceed under a non-licensed Method Statement or whether a licence for disturbance or destruction of any sett or setts is required from Natural England.

**Reason:** To provide appropriate ecological mitigation as compatible with the development. It is considered that compliance with these requirements would only be effective if sufficient detail of any proposed ecological mitigation measures is provided to the County Planning Authority prior to the commencement of development.

- 14) Before any works in connection with the roundabout are commenced, detailed designs, generally in accordance TD16/07: Geometric Design of Roundabouts, shall be submitted to and be approved in writing by the County Planning Authority, including layout, levels, gradients, construction, drainage, signing, lining and lighting. The detailed designs shall also satisfactorily address and incorporate the recommendations of Stage 2 of a Road Safety Audit and include any departures from standards that may be required from TD16/07, by such recommendations. The works shall thereafter be implemented strictly in accordance with the approved details unless otherwise agreed with the County Planning Authority in writing.

**Reason:** In order that the County Planning Authority can agree detailed design, and in the interests of Highway Safety. It is considered that compliance with these requirements would only be effective if the detailed design is provided to the County Planning Authority prior to the commencement of development.

### **Statement of Compliance with Article 35 of the Town and Country Development Management Procedure Order 2015**

The Authority worked with the applicant in a positive and pro-active manner based on seeking solutions to problems arising in the processing of planning applications in full accordance with this Article. The applicant has engaged in pre-application discussions with the Authority prior to the submission of the application. The applicant was given clear advice as to what information would be required.

In accordance with the Town and Country Planning (Pre-Commencement Conditions) Regulations 2018 ('the Regulations'), the applicant was provided with a draft schedule of conditions attached which included pre-commencement conditions, requiring the submission of detailed schemes. The applicant provided a substantive response to the effect that it agreed with the imposition of those pre-commencement conditions.

### **Footnotes**

- 1) This permission, granted under the terms of regulation 3 of the Town and Country Planning General Regulations 1992, is for the sole benefit of Derbyshire County Council and can only be implemented by that Authority.
- 2) Pursuant to sections 149 and 151 of the Highways Act 1980, steps shall be taken to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.
- 3) Pursuant to Section 163 of the Highways Act 1980, where the site curtilage slopes down towards the public highway, measures shall be taken to ensure that surface water run-off from within the site is not permitted to discharge across the footway margin. This usually takes the form of a dish channel or gulley laid across the access immediately behind the back edge of the highway, discharging to a drain or soakaway within the site.
- 4) Pursuant to Section 278 of the Highways Act 1980 and the provisions of the Traffic Management Act 2004, no works may commence within the limits of the public highway without the formal written Agreement of the County Council as Highway Authority. It must be ensured that public transport services in the vicinity of the site are not adversely affected by the development works. Advice regarding the technical, legal, administrative and financial processes involved in Section 278 Agreements may be obtained from the Economy, Transport and

Environment Department at County Hall, Matlock (telephone: 01629 533190). The applicant is advised to allow approximately 16 weeks in any programme of works to obtain a Section 278 Agreement.

5. Pursuant to Section 50 (Schedule 3) of the New Roads and Street Works Act 1991, before any excavation works are commenced within the limits of the public highway (including public Rights of Way), at least six weeks prior notification should be given to the Executive Director of the Economy, Transport and Environment Department (contact the Highways Hub – [highways.hub@derbyshire.gov.uk](mailto:highways.hub@derbyshire.gov.uk)).
6. Construction works are likely to require Traffic Management and advice regarding procedures should be sought from the Highways Hub ([highways.hub@derbyshire.gov.uk](mailto:highways.hub@derbyshire.gov.uk)).
7. Under the provisions of the New Roads and Street Works Act 1991 and the Traffic Management Act 2004, all works that involve breaking up, resurfacing and/or reducing the width of the carriageway require a notice to be submitted to Derbyshire County Council. Works that involve road closures and/or are for a duration of more than 11 days require a three month notice; developers' works will generally fall into this category. Developers and Utility companies (for associated services) should prepare programmes for all works that are required for the development, such that these can be approved through the coordination, noticing and licencing processes. This will require Developers and Utility companies to work to agreed programmes and booked slots for each part of the works. Discussions should therefore take place with the Highways Hub ([highways.hub@derbyshire.gov.uk](mailto:highways.hub@derbyshire.gov.uk)) at the earliest stage possible.
8. The application proposals are affected by a Prescribed Improvement/ Building Line under the Public Health Act/Road Improvement Act 1925 – 83B, Ashbourne. Whilst it is an offence to undertake building works in advance of this line, it may be possible for the applicant to apply to rescind the line(s). The applicant is advised to write to the Executive Director - Economy, Transport and Environment Department at County Hall, Matlock, DE4 3AG, at least six weeks before commencing works requesting that the line(s) be removed and confirming that they will meet the Authority's administrative/legal costs if the removal is approved.

**It should be noted, that the information detailed below (where applicable), will be required as an absolute minimum in order to discharge any of the drainage conditions set by the County Planning Authority:**

A. The County Council does not adopt any Sustainable Drainage Systems (SuDS) schemes at present (although may consider ones which are served by highway drainage only). As such, it should be confirmed prior to commencement of works who will be responsible for SuDS maintenance/management once the development is completed.

B. Any works in or nearby an ordinary watercourse may require consent under the Land Drainage Act (1991) from the County Council. For further advice, or to make an application please contact [Flood.Team@derbyshire.gov.uk](mailto:Flood.Team@derbyshire.gov.uk).

C. No part of the proposed development shall be constructed within 3m-8m of an ordinary watercourse and a minimum 3m for a culverted watercourse (increases with size of culvert). It should be noted that DCC has an anti-culverting policy.

D. The applicant should be mindful to obtain all the relevant information pertaining to proposed discharge in land that is not within their control, which is fundamental to allow the drainage of the proposed development site.

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

F. Flood resilience should be duly considered in the design of the new building/s or renovation. Guidance may be found in BRE Digest 532 Parts 1 and 2, 2012 and BRE Good Building Guide 84.

G. Surface water drainage plans should include the following:

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

H. On Site Surface Water Management

The site is required to accommodate rainfall volumes up to 1 in 100 year return period (plus climate change) whilst ensuring no flooding to buildings or adjacent land.

- The applicant will need to provide details and calculations including any

below ground storage, overflow paths (flood routes), surface detention and infiltration areas, etc, to demonstrate how the 100 year + 30% Climate Change rainfall volumes will be controlled and accommodated, also incorporating a sensitivity test to 40% Climate change. In addition, an appropriate allowance should be made for urban creep throughout the lifetime of the development as per 'BS 8582:2013 Code of Practice for Surface Water Management for Developed Sites' (to be agreed with the LLFA).

- Production of a plan showing above ground flood pathways (where relevant) for events in excess of 1 in 100 year rainfall, to ensure exceedance routes can be safely managed.
- A plan detailing the impermeable area attributed to each drainage asset (pipes, swales, etc).

### **Peak Flow Control**

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

### **Volume Control**

- For greenfield developments, the run-off volume from the development to any highway drain, sewer or surface water body in the 1 in 100 year, 6 hour rainfall event must not exceed the greenfield run-off volume for the same event.
- For developments which have been previously developed, the run-off volume from the development to any highway drain, sewer or surface water body in the 1 in 100 year, 6 hour rainfall event must be constrained to a value as close as is reasonably practicable to the greenfield run-off volume for the same event, but must not exceed the run-off volume for the development site prior to redevelopment for that event.

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

- Details of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure the features remain functional.

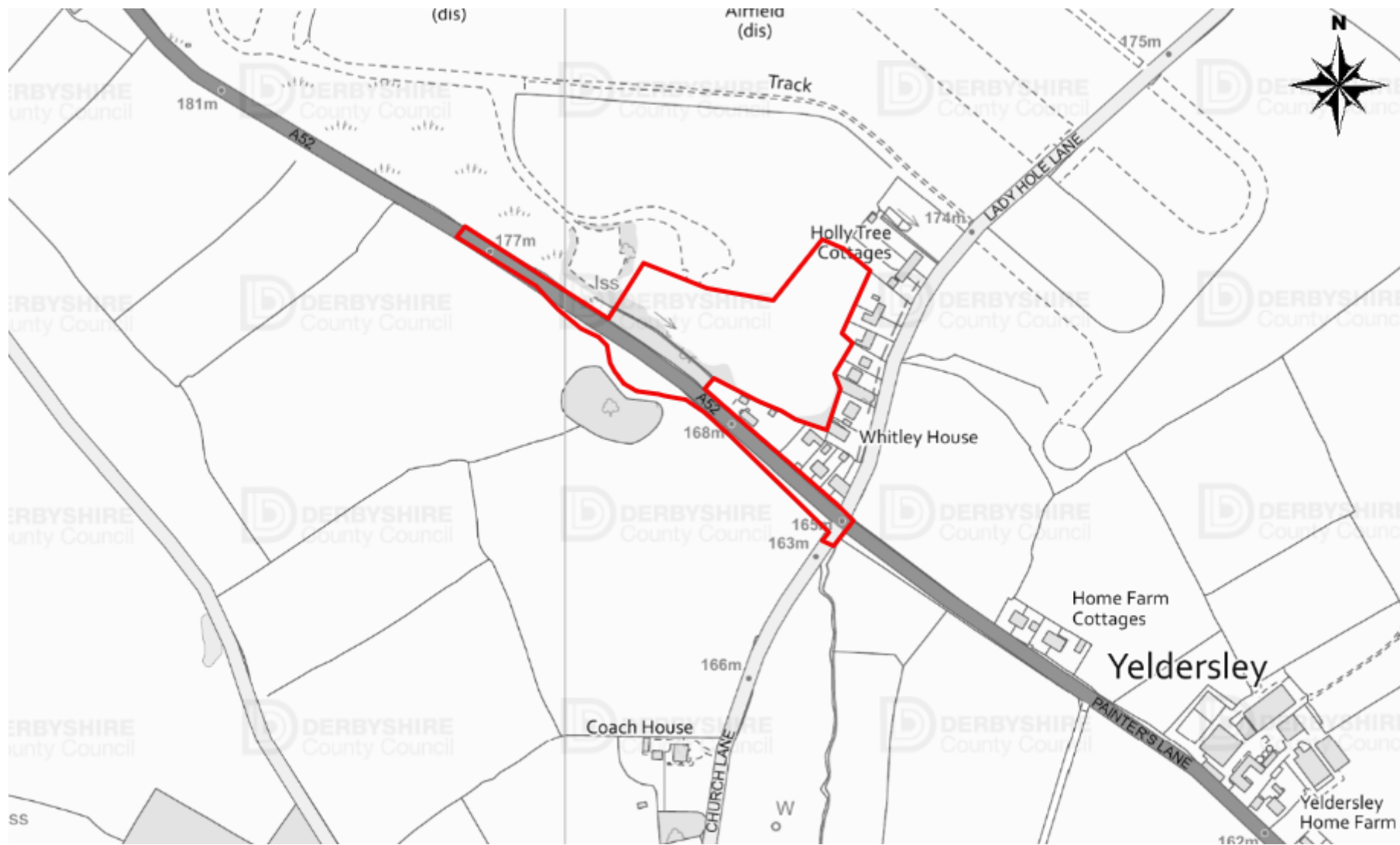


- Where cellular storage is proposed and is within areas where it may be susceptible to damage by excavation by other utility contractors, warning signage should be provided to inform of its presence. Cellular storage and infiltration systems should not be positioned within the highway.
- Guidance on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

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

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

**Mike Ashworth**  
**Executive Director – Economy, Transport and Environment**



100 m  
Scale = 5000

4-Sep-2019

**Agenda Item No. 4.4**

**DERBYSHIRE COUNTY COUNCIL**  
**REGULATORY – PLANNING COMMITTEE**

**23 September 2019**

Report of the Executive Director – Economy, Transport and Environment

- 4 CONSTRUCTION OF AN ALL-PURPOSE SINGLE CARRIAGEWAY COMPLETE WITH VERGES, CYCLEWAYS AND FOOTWAYS (INCLUDING THREE NEW ROUNDABOUT JUNCTIONS), CONNECTING BETWEEN THE EXISTING ROUNDABOUT SPUR AT OCCUPATION LANE, WOODVILLE AND THE A514 DERBY ROAD, SWADLINCOTE**  
**APPLICANT: DERBYSHIRE COUNTY COUNCIL**  
**CODE NO: CD9/0519/20**

**9.1604.2**

**Introductory Summary** The proposed link road would be a single carriageway road with a parallel footway/cycleway, associated drainage and landscaping, including three new roundabout junctions. The site lies within the administrative area of South Derbyshire District Council (SDDC).

A similar scheme has already been granted planning permission subject to conditions by SDDC. The current application for planning permission has been made by the County Council for development it proposes to carry out.

The development would bring significant public benefit through the provision of a new road transport link, as part of the 'Woodville to Swadlincote Regeneration Route', in an area identified in the South Derbyshire Local Plan (SDLP) for economic, social and environmental regeneration.

The proposed mixed housing and employment uses, identified in the SDLP, require safe, adequate and efficient access, and in turn the economic and social benefits of the development of the wider "Woodville Regeneration Area" are of strategic significance.

The proposed link road would provide the opportunity to unlock the development of the Woodville Regeneration Area; an extensive site including 12 hectares (ha) of employment land and land for approximately 150 houses. Delivery of the link road is important to the delivery of both the SDDC's Economic Plan and the SDLP, providing the opportunity for business expansion, retention of local jobs and delivery of new homes. The proposal would also alleviate some of the existing traffic congestion issues at the Clock

Roundabout and provide a new cycle and pedestrian route to the National Forest, Swadlincote Woodlands and Swadlincote Town Centre.

Disturbance to businesses and residents would, in the main, be during the construction period and could be mitigated through the imposition of conditions. It is considered that the application can be recommended for approval, subject to conditions, on the basis that the value of the benefit of the development is sufficient to outweigh any limited extent of the harm from impacts identified.

(1) **Purpose of Report** To enable the Committee to determine the application.

(2) **Information and Analysis**

### **Site and Surroundings**

The application site is located to the south-east of Swadlincote in South Derbyshire. The site covers an area of approximately 11ha, including land required for landscaping and drainage purposes. Current land use along the proposed route comprises predominantly scrub grassland (southern and central sections), a small pond, commercial and light industrial properties (adjacent to the northern section), and Common Land for the northern roundabout. The wider area includes Swadlincote Woodlands and Park to the north and residential properties developed as part of the Woodville Woodlands scheme to the south.

The site lies within The Woodville Regeneration Area, designated as such in the SDLP Part 1, (SDLP1). This area was once the industrial centre of Swadlincote and home to numerous ceramics factories and coal mines, but is now largely open scrub and grass land. Two quarries are recorded in the south of the site, although the remains are no longer visible. The route of the Woodville Branch Railway survives as a track running through the middle of the site, with some of the embankments still present.

The link road would run from north of Woodhouse Street to Occupation Lane to the south-east, through the Woodville Regeneration Area. The northernmost point of the proposed link road site comprises the existing Derby Road/Swadlincote Road, where terraced residential properties line the road to the north. The proposed roundabout would be situated on Common Land, which is currently a grassed area with some trees largely to peripheral areas. The proposed link road would then follow the route of the existing Kiln Lane through an area previously developed for industrial premises. Two commercial units, as part of Woodhouse Business Centre, would be demolished as part of this process. The southern part of the proposed link road site is vacant land/grassland.

The proposed link road would intersect two small drainage ditches, one flowing in a south-westerly direction along the southern boundary of the industrial estate and the other flowing west towards a small pond located to the west of the proposed road. The two drainage ditches drain a combined catchment area of approximately 0.5km<sup>2</sup>.

The site does not contain any national or local ecological designations, designated heritage assets or landscape designations, nor is it close to these designations. The River Mease Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI) is located approximately 6.5km to the south of the proposed development. Drainage systems for the road are designed to ensure that there are no significant impacts on this designation. The site is part of a wider area recognised as 'National Forest'.

### **The Proposal**

The proposed link road would be a single carriageway road with a parallel footway/cycleway, associated drainage and landscaping, including three new roundabout junctions. The site lies within the administrative area of SDDC.

The purpose of the proposed Woodville Link Road is to unlock the development potential of the Woodville Regeneration Area and provide relief to existing junctions within Woodville. The route would provide essential infrastructure for access to the Woodville Regeneration Area, which is a site allocated for employment (12ha) and housing use (for approximately 150 houses) as identified in the SDLP1 (policies E1C and E6). The link road would also provide an alternative route to Swadlincote from the south, which is envisaged to reduce traffic pressure at the heavily congested Clock Roundabout.

A first section of the new road link has already been constructed in conjunction with the 'Woodville Woodlands' housing development, taking traffic from the A511 Ashby Road as far as Occupation Lane. The second section (the subject of this planning application) would complete the link from Occupation Lane to the A514 Swadlincote Road.

The length of road from the new roundabout at the northern end to Occupation Lane is approximately 850 metres (m), with the full scheme being approximately 1km long when including sections to be widened along Derby Road.

The proposal comprises:

- A new three arm roundabout located on the land between the A514 Derby Road and Woodhouse Street.
- Two roundabouts located within the Woodville Regeneration Area to give access to adjacent development land.

- A new service road fronting on to properties 8-38 Derby Road to provide access to these properties, which currently take access directly from the busy Derby Road. Properties 2, 4, and 6 will be accessed by a dropped kerb driveway along the Swadlincote leg of the roundabout.
- Redesigned access to the industrial units at the northern end of Woodhouse Street.
- Demolition of two commercial units at Woodhouse Business Centre.
- Improvements to Kiln Way and Derby Road, including road widening, enhanced cycleway and improvements to accesses for existing units.
- A 2m footway on the western side and a 3m shared footway/cycleway on the east. A sign will be provided on the Link Road to the section of Public Right of Way that has not been subsumed by the Link Road. The cycleway will extend up Derby Road to enhance the connection between the Link Road provision and onward cycle routes.
- Sustainable drainage systems to manage surface water run-off.
- Landscaping and street lighting.

The proposed width of the main section of the Woodville Link Road (across the vacant land) is 18.3m. This would comprise a 7.3m wide carriageway, a 2m wide footway to the west of the road and a 3m cycle/ footway to the east. Where there is space to do so, the footway/shared ways are proposed to be separated from the carriageway by grass verges of 1m wide, with additional grass verges of 2m being provided to the rear of the cycleway and footway respectively. Where the road passes through the existing built up area along Kiln Way, the verges would be reduced due to land constraints.

The provision of two roundabouts along the route would enable the site to be split in terms of residential and employment uses, and would limit traffic travelling around future development sites to the east and west of the Link Road.

### **Site Planning Application History**

#### **9/2017/122- South Derbyshire District Council (SDDC)**

Planning application (reference number 9/2017/1222) was granted by SDDC on 11 April 2018 for a similar link road scheme, as is the subject of this planning application. Work is progressing to discharge the planning conditions associated with that consent. The current application for full planning permission is made to Derbyshire County Council (DCC) as a road construction scheme which DCC would carry out as Highway Authority. It is understood that DCC might implement such permission following acquisition of land by compulsory purchase. The boundary of this application site is only very slightly different to the site under the permission approved by SDDC. It includes two access areas for existing business premises; the first extends the site south along Woodhouse Street and the second covers access to the Midland Lead premises, off Kiln Way.

## Consultations

### Local Member

Councillors Musson and Swann have been consulted.

### South Derbyshire District Council (Planning)

No objections. Comment as follows:

1. *"The County Council should satisfy itself that all matters in respect of ecology/biodiversity, drainage (including impacts on the River Mease SAC), highway safety and capacity effects off-site, noise impacts on surrounding residents and businesses, ground stability and heritage interests can be satisfactorily addressed by way of design and/or appropriately worded conditions (including consideration of the triggers for submission of detail and implementation of works). Attention should be given to conditions 3, 4, 5, 7, 8(b), 11, 12, 13, 15 and 16 of SDDC planning permission ref. 9/2017/1222.*
2. *The submitted layouts indicate surplus areas of tarmac on footways where these areas could be more appropriately put to soft landscaping with consideration given to planting of trees to offset those lost. Examples include the proposed footway immediately south-west of 38 Derby Road (the present carriageway to Derby Road), the entire 4m radius created in front of 36-38 Derby Road (save for retaining a pedestrian footway to link with the pedestrian crossing and refuge on the realigned Derby Road), the proposed footway immediately south of 2-6 Derby Road (the present carriageway to Derby Road), the footways either side of the realigned junction of Woodhouse Street and Derby Road, the retained/created footway to the north-west side of Woodhouse Street (given an alternative means for pedestrians would exist on the south-east side of this stopped up section), the retained/created footway to the south-western end of the turning head stopping up Woodhouse Street and the created footway immediately adjacent to the retained part of Woodhouse Business Centre. Many of these areas would otherwise provide for indiscriminate parking by adjoining residents and business users to the detriment of the visual amenities of the area and/or to highway safety, as well as increase urban heat island effects and surface water run-off rates. It is recommended that these areas be altered to soft landscaping, put to verge, with specimen tree planting where feasible (including subterranean measures to enable trees to reach maturity). Lines of timber bollards should also be introduced to prevent indiscriminate parking in these and other areas.*
3. *The proposed link road includes a 1m wide verge to both sides between the carriageway and footway/cycleway south of the proposed culvert. The plans also indicate a further 2m wide verge to the rear of the footway/cycleway. During the course of the previous application, it was*

*requested that the verge between the carriageway and footway/cycleway be widened to no less than 2m at the expense of the verge to the rear of the footway. This would appear to still be achievable following further work to detail the drainage ponds and swales and establish levels, but the verge to the rear of the footway remains at 2m width. SDDC requests that amendments be made to accommodate this change so to support avenue tree planting within the desired verge.*

- 4. If not already carried out, a detailed Traffic Impact Assessment of the surrounding road network around Swadlincote should be undertaken.”*

### **South Derbyshire District Council (Environmental Health Officer)**

No objections. The Environmental Health Officer (EHO) has confirmed that it is satisfied that overall, the air quality and noise impacts of the development itself are likely to be net beneficial in that the development is likely to re-distribute traffic across the network. The EHO has confirmed that it has no objections in principle to the application. The following conditions are recommended:

#### **“Noise**

- 1. Prior to the commencement of development, a scheme of noise mitigation, based upon the measures identified in the noise report reference Project number: 60486419, should be submitted and agreed with the County Planning Authority.*
- 2. Before the commencement of the development, a construction phase noise mitigation scheme shall be submitted to and approved in writing by the local planning authority detailing measures that will be implemented to ensure that noise during the construction and demolition phase does not cause detriment to amenity or a nuisance, especially to those living and working in the vicinity. The commitments made within the noise mitigation scheme shall be implemented for the duration of the demolition and construction phase.*
- 3. During the period of construction, no ground, construction or fitting out works shall take place other than between 0730 hours and 1800 hours Monday to Friday and 0800 hours and 1300 hours on Saturdays. There shall be no works on Sundays or public holidays except in an emergency.*

#### **Dust**

- 1. The development shall not be commenced until a scheme, specifying the provisions to be made to control dust and respirable particulate emanating from the development during the construction and demolition phases, has been submitted to and approved in writing by the local planning authority. The agreed scheme shall then be implemented in full before the proposed development is started.*



### **Contaminated Land**

*With regards contaminated land, we recommend the following conditions:*

- 1. A post completion verification report is required in regards to the submitted proposed scheme of remediation within 1 month of the completion of the scheme.*
- 2. If during development any contamination or evidence of likely contamination is identified that has not previously been identified or considered, a written scheme to identify and control that contamination shall be submitted to and approved in writing by the local planning authority prior to any further works taking place on the site. This shall include a phased risk assessment carried out in accordance with the procedural guidance of the Environmental Protection Act 1990 Part IIA (or equivalent guidance which may subsequently update or replace it), and appropriate remediation/mitigation proposals. The approved scheme shall be implemented in accordance with the approved remediation/mitigation proposals.*
- 3. A materials management plan should be provided for any import of soils, to ensure that any materials meet the end of waste criteria/certification of usable soils or any removal of waste/materials is compliant with technical guidance WM3."*

### **Woodville Parish Council**

No comments received at time of writing.

### **Hartshorne Parish Council**

No comments were received at time of writing.

### **Highway Authority**

The Council, as Highway Authority, has no objections. The Highway Authority considers that the context of the comments made in respect to the earlier application to SDDC to be relevant to the current application. These are, in summary:

- Based on the supporting Transport Assessment, the overall effects upon the local highway network are considered to be beneficial, particularly in terms of congestion relief at the A511/A514/Moira Road 'Clock' Roundabout junction and approaches to it.
- Outcomes are predicted to be positive in terms of an overall improvement to the safety of the network post development.
- Further detailed drawings for technical and construction purposes will be needed. The following conditions are advised:
  - 1) The proposed works, the subject of the application, shall not be first taken into use until they have been laid out, constructed, drained and lit to adoptable standard generally in accordance with application drawings

WVL-AEC-XX-XX-DR-CE-00055 rev P1, -00056 rev P1, -00057 & -00058 rev P1, but specifically in accordance with detailed designs to be first submitted to and approved in writing by the County Planning Authority, in consultation with the County Highway Authority, to ensure safe and suitable access for all users in the interests of highway safety.

- 2) No development, including preparatory works, shall commence until a temporary means of access for construction traffic has been created and space has been provided within the site for the storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods vehicles and parking and manoeuvring of employees and visitors vehicles, with the temporary access and space laid out in accordance with a scheme first submitted to and approved in writing by the local planning authority. Once implemented, the approved facilities shall be retained free from any impediment to their designated use throughout the construction period.

### **Lead Local Flood Authority**

The Council, as Lead Local Flood Authority (LLFA), has no objections and has commented that the surface water drainage strategy is to dispose of surface water via five different surface water networks. These are to discharge at 5 l/s to the public sewers and ordinary watercourses via differing mechanisms, incorporating a suitable quantity of treatment trains for each catchment.

The LLFA welcomes the applicant's current plans for above attenuation ground storage as this demonstrates the principles and aims of Sustainable Drainage. However, the LLFA would change its stance should the proposed above ground attenuation storage be replaced with below ground attenuation storage, as this would be a significant departure from the principles submitted at this planning stage.

### **Natural England**

Has confirmed it wishes to make no comments on the application. Natural England noted in its correspondence that the proposal is sited on an area of land that is registered common land. This is covered by the Commons Act 2006 and will have rights of access by the public. If planning permission is granted, the applicant will be required to apply to the Secretary of State for consent under Section 16 or Section 38 of the Commons Act 2006.

### **Derbyshire Wildlife Trust**

The Derbyshire Wildlife Trust (DWT) provided comments to SDDC on a similar scheme which was considered under the reference 9/2017/1222 and subsequently conditionally approved. The application was accompanied by the same ecological reports:

- Preliminary Ecological Appraisal prepared by AECOM dated November 2017.

- Ecological Addendum prepared by AECOM dated 2018.

On the basis of the submitted survey information, DWT advise that there is little likelihood of great crested newts being present at the site and affected by the scheme.

Comments, dated 23 March 2018, in response to the South Derbyshire application remain relevant.

DWT recommends that consideration is given to the creation of areas of wildflower meadow along the verges and embankments to provide a greater opportunity to achieve biodiversity gain in line with the objectives of the National Planning Policy Framework (NPPF), Planning Practice Guidance (PPG), Natural Environment and Policy BNE3 Biodiversity of the SDLP1.

DWT has also commented that the ecology-related conditions attached to planning permission 9/2017/122 remain relevant and should be re-issued to any permission granted by Derbyshire County Council.

*“No development, including preparatory works, shall commence until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following:*

- (a) a risk assessment of potentially damaging construction activities;*
- (b) identification of biodiversity protection zones (e.g. buffers to trees and hedges or to protected wildlife habitat);*
- (c) practical measures (both physical measures and sensitive working practices, such as protective fencing, exclusion barriers and warning signs) to avoid or reduce impacts during construction (particularly in relation to works within canopy and root protection areas for hedgerows or protected trees);*
- (d) the location and timing of sensitive works to avoid harm to biodiversity features (in relation to breeding birds in particular);*
- (e) the times during construction when specialist ecologists need to be present on site to oversee works (as required);*
- (f) responsible persons and lines of communication; and*
- (g) the role and responsibilities on site of an Ecological Clerk of Works (ECoW) or similarly competent person (as necessary).*

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

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

*“No development, including preparatory works, shall take place until an Ecological Design Strategy (EDS) addressing mitigation, compensation and enhancement to ensure the proposal does not result in a net loss of biodiversity in line with the Defra approved Biodiversity Accounting Metrics has been submitted to and approved in writing by the Local Planning Authority. The EDS shall include the following:*

- a) details of retained habitats together with their enhancement; and*
- b) details of newly created habitats including ponds, swales, wildflower grassland and woodland.*

*The EDS shall be implemented in accordance with the approved details and all features shall be maintained thereafter.*

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

*“No development, including preparatory works, shall commence until a Common Toad Mitigation Strategy (CTMS) has been submitted to and approved in writing by the Local Planning Authority. The CTMS shall deal with both mitigation for the duration of construction works, and measures to protect migrating animals during the operational phase of the development. The approved CTMS shall be adhered to throughout the construction phase and permanent measures implemented strictly in accordance with the approved details.*

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

### **The National Forest Company**

No objections. The National Forest Company (NFC) comments that the landscape masterplan is the same as that considered during the determination of the SDDC application. While that masterplan was an improvement to the scheme submitted at the start of the process, there are still some minor amendments and clarifications required.

Firstly, the grass verge is of insufficient width for tree planting. Ideally, a wider tree planted verge should be positioned between the carriageway and the footpath/cycleway. This helps to separate vehicular and non-vehicular traffic creating a more pleasant experience for cyclists and pedestrians. The NFC considers that the design should be amended in this way which would

encourage non-vehicle modes of travel between Swadlincote Woodlands and the Heart of the Forest off-road network along the new road.

In addition to the above, further details are required on the below ground infrastructure to be installed to ensure that the highway verge trees have sufficient support and rooting space to establish and thrive. Root deflectors and/or tree pits will be required. These details should be agreed by condition.

The proposed tree species need some further thought. Recent planting along the A514 through Swadlincote, undertaken by SDDC, has all been Field maple. It would therefore make sense to continue this approach for the tree planting on the A514 around roundabout 3. The proposed fastigate hornbeam for the remainder of the new road is acceptable.

NFC is supportive of tree planting within the tree roundabouts although suggest the following species would be more appropriate:

Roundabout 1 (yellow) – Field Maple. Will have yellow autumn foliage.  
Roundabout 2 (orange) – Pear (*Pyrus calleryana* Chanticleer. Orange/red autumn foliage.  
Roundabout 3 (red) – Liquidamber styraciflua Worplesdon. (Red autumn foliage).

### **Historic England**

Has confirmed it wishes to make no comments on the application.

### **Cadent Gas**

Has no objection. Due to the presence of Cadent and/or National Grid apparatus in proximity to the specified area, the contractor should contact Plant Protection before any works are carried out to ensure the apparatus is not affected by any of the proposed works.

### **Coal Authority**

Has no objection. The site falls within the defined Development High Risk Area. The Coal Authority notes the submitted Phase II Investigation Report (24 May 2019, prepared by AECOM), which accompanies this planning application. The report confirms that no coal seams or voids were encountered, but that careful consideration will be required to address the risks posed by potential differential settlement associated with the high wall of the former surface extraction, (i.e. a Building Regulations matter).

### **Environment Agency**

Has no objection, subject to a condition. The new road is proposed to be constructed through a previously developed area and, as such, there may be contamination present that is encountered during the preparation and construction phase that the recent site investigation has not identified. As

such, the Environment Agency recommends that the following planning condition is included on the decision notice if planning permission is granted:

**“Condition:** *If, during development, contamination not previously identified is found to be present at the site, then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy, detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.*

**Reason:** *To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with Paragraph 170 of the National Planning Policy Framework.”*

### **Butterfly Conservation East Midlands**

Have no objections, however, state that The Dingy Skipper butterfly is a High Priority species at the regional level within the East Midlands; it has a restricted distribution in South Derbyshire and many of its existing sites are destined for development or are not managed to sustain the required habitat. The skipper species requires rough grassland containing Bird's Foot Trefoil and this habitat could be created and managed on this new road side verge.

Butterfly Conservation is available to advise on the creation and management of habitat important for our butterfly populations and we hope the opportunity is taken for this new road if planning consent is duly granted.

### **Publicity**

The application has been advertised by press notice in the Burton Mail and six site notices have been posted around the site, with a request for observations by 5 July 2019.

Seven representations have been received, six from residents and one from the legal representatives of a neighbouring business, Midland Lead.

Comments of residents in summary:

- The general increase in development in the area detracts from the beauty of the locality.
- More trees should be planted, the locality is in the National Forest.
- The area is a haven for wildlife and habitat would be lost.
- Noise pollution.
- Additional light pollution.
- Vibration from heavy vehicles.
- Dust and dirt impacts.
- Highway safety concerns.
- Additional litter thrown from traffic.

- Would not alleviate traffic problems, would simply re-route traffic through Woodville in busy periods and increase traffic congestion there.
- Likely to lead to further proposals for additional housing developments, without appropriate services, and Swadlincote is losing its green spaces.
- The field entrance to be used as new access road is too narrow - there is potential for damage to cars and, in turn, impact on house prices.

Comments of solicitors, on behalf of Midland Lead, (in summary):

- Object due to proximity to its business.
- Highways Issues - Access to Midland Lead is required on a permanent basis as is required in case of emergency. Although the operator has been reassured that this would be the case, it requests a condition to this effect to ensure that the proposal does not result in the closure of the clients business which is a local employer.
- Need for alarmed boundary treatment to be secured by condition before the existing boundary treatment is removed to enable the development to proceed.
- Amendments have been requested to the proposals in order that Midland Lead site does not become less accessible and to ensure continued ability to access the relevant parts of their land holdings. However, these do not form part of the submitted scheme for planning.
- Concern heavy goods vehicles (HGVs) will not be able to turn right on leaving the site due to the volume of traffic on the new road.
- Planning decisions should 'create conditions in which businesses can invest, expand and adapt'.
- Noise impacts - question robustness of Noise Impact Assessment.
- Not clear if a screening opinion for Environmental Impact Assessment (EIA) has been undertaken.
- Out of date ecological surveys.
- Planning submission refers to use of "Common Land." It is not clear whether the DCC has yet complied with the obligations to obtain consent for re-designation of common land.

## Planning Considerations

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the provisions of the development plan unless material considerations indicate otherwise. In relation to this application, the relevant policies of the development plan are contained in the policies of the SDLP1 adopted June 2016, and South Derbyshire Local Plan Part 2 (SDLP2) adopted November 2017. Other material considerations include national planning policy, as set out in the 2019 NPPF, and associated Planning Practice Guidance (PPG).

## **The Development Plan**

The policies of the SDLP that are most relevant to the development are:

### **SDLP1:**

S1: Sustainable Growth Strategy.

S6: Sustainable Access.

E1: Strategic Employment Land Allocation.

E6: Woodville Regeneration Area.

SD1: Amenity and Environmental Quality.

SD2: Flood Risk.

SD3: Sustainable Water Supply, Drainage and Sewerage Infrastructure.

SD4: Contaminated Land and Mining Legacy Issues.

BNE1: Design Excellence.

BNE2: Heritage Assets.

BNE3: Biodiversity.

BNE4: Landscape Character and Local Distinctiveness.

INF2: Sustainable Transport.

INF4: Transport Infrastructure Improvement Schemes.

INF7: Green Infrastructure.

INF8: The National Forest.

### **SDLP2:**

SDT1: Settlement Boundaries and Development.

BNE7: Trees, Woodland and Hedgerows.

BNE10: Heritage.

## **Neighbourhood Plan**

The relevant Parish Council is Woodville Parish Council. A Neighbourhood Plan has not been progressed as yet for this area.

## **National Planning Policy Framework**

The NPPF sets out the Government's planning policies for England and how these should be applied. It states that the purpose of the planning system is to contribute to the achievement of sustainable development and the framework, as a whole, contains a presumption in favour of sustainable development. The term '*sustainable development*' is defined as '*meeting the needs of the present without compromising the ability of future generations to meet their own needs*'. The NPPF goes on to say that achieving sustainable development means that the framework has three overarching objectives - economic, social and environmental - which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives).

Those sections of the NPPF that are particularly relevant to this proposal are:

2: Achieving sustainable development.

6: Building a strong, competitive economy.



- 9: Promoting sustainable transport.
- 12: Achieving well designed spaces.
- 15: Conserving and enhancing the natural environment.
- 16. Conserving and enhancing the historic environment.

### **Environmental Impact Assessment**

A Screening Opinion of the County Council as to whether the proposal would require Environmental Impact Assessment (EIA) was sought by the applicant, prior to submission of the application. The proposal has been screened under Regulation 6 of the EIA Regulations 2017. The proposal is considered to fall within Paragraph 10(f) of Schedule 2 to those Regulations, being an infrastructure project. However, having taken into account the criteria of Schedule 3 to the Regulations, the proposal is not considered to give rise to significant environmental effects in the context and purpose of EIA. Accordingly, the Screening Opinion adopted by the County Council on 18 April 2019 was that the proposal would not constitute 'EIA development'. The application is therefore not accompanied by an Environmental Statement.

### **The Principle of and Need for the Development**

The proposal intends to deliver a new road transport link as part of the 'Woodville to Swadlincote Regeneration Route', in an area identified in the SDLP for economic, social and environmental regeneration.

The SDLP1 identifies 'A Vision for South Derbyshire', which includes the following text:

*"Major urban renewal will also have taken place in the wider Swadlincote urban area with the reclamation and re-development of underused and derelict brownfield land south of Woodville. The environment and job opportunities in the Area will have been significantly enhanced through the construction of the Woodville - Swadlincote Regeneration Route bypassing - and providing relief from traffic congestion at - the Clock Roundabout, opening up land for development and providing better links between Swadlincote and the A42 to the east."*

Policy S1 of the SDLP1 promotes sustainable growth to meet its objectively assessed housing and commercial needs in the plan period 2011-2028. The proposal is in accordance with this strategic policy, particularly with regard to Policy S1 iii), which makes a commitment to:

*"Provide new infrastructure to support the growth across the District. This will include new transport and education provision, and other services and facilities....."*

The need to regenerate this area and to provide the infrastructure for that to happen is demonstrated, in that the new transport route is essential for safe

and suitable access to allow wider redevelopment to come forward in the Woodville Regeneration Area.

Policy S6 of the SDLP1 promotes sustainable transport methods through the provision of new or enhanced walking, cycling, public transport and rail freight services and infrastructure and, where needs cannot be met by the aforementioned means, highway and car/lorry parking infrastructure.

The SDLP1 Proposals Map identifies the proposed Woodville Link Road and the surrounding Woodville Regeneration Area (allocated for employment (Policy E1C) and regeneration/housing (Policy E6).

Policy INF4 of the SDLP1, confirms that *‘The Council [District] will work with partners to deliver the following transport schemes: i) Woodville –Swadlincote Regeneration Route... ‘*

In accordance with these policies, the development is a key scheme of highway infrastructure, seeking to facilitate the development of the Woodville Regeneration Area, bringing with it significant benefit in terms of employment, economic development, regeneration of a vacant site and provision of additional housing.

The proposal would also alleviate some of the existing traffic congestion issues at Clock Roundabout and provide a new cycle and pedestrian route to the National Forest, Swadlincote Woodlands and Swadlincote Town Centre. Given that the proposal provides for alternative methods of travel to the car, through footway and cycle way provision, it is considered to be a sustainable solution to the required infrastructure provision for the successful regeneration of the locality, in accordance with the NPPF, and the local plan policies identified.

Whilst there would be some impacts on existing businesses and dwellings during construction, particularly those around Kiln Way and Woodhouse Street, these impacts would be, in the main, of temporary nature. There would be a redesigned access to commercial units at the northern end of Woodhouse Street.

There would also be some loss of employment floor space to facilitate the proposal, as the scheme proposes the demolition of two commercial units at the Woodhouse Business Centre. The benefits of the proposal are considered to outweigh the loss of employment floor space and other temporary inconveniences during construction to local businesses and residents, in the planning balance.

The principle of the scheme is also supported by the Derbyshire Local Transport Plan, the South Derbyshire Economic Development Strategy, the

D2N2 (Derby, Derbyshire, Nottingham and Nottinghamshire) Local Enterprise Partnership Strategic Economic Plan and the South Derbyshire Cycle Strategy. A similar scheme has extant planning permission granted by SDDC, and this is also a material consideration weighing in favour of the acceptability of the principle of the development. The proposal is therefore considered, in principle, to be acceptable being in line with development plan policies identified, the NPPF, and other policy documents identified which are material considerations.

The acceptability of the scheme in the planning balance must be considered further, however, against planning policy and the merits of the application in the following respects:

- Landscape.
- Highways.
- Heritage.
- Archaeology.
- Ground Conditions
- Ecology.
- Drainage.
- Amenity Impacts
- Open Space.

### **Landscape**

Good design principles are required by Policy BNE1 of the SDLP1, and at national level in Section 12 of the NPPF: *“Achieving Well Designed Spaces.”* Policy BNE4 of the SDLP1 requires inter-alia that *“The character, local distinctiveness, and quality of South Derbyshire’s landscape and soilscape will be protected and enhanced through the careful design and sensitive implementation of new development.”*

The site is not located within or in close proximity to any National Parks or Areas of Outstanding Natural Beauty. The site is located within the National Forest, a large designation in the Midlands where almost 8.5 million trees have been planted in the last 25 years. The National Forest is a ‘forest in the making’, aiming to provide an extensive green link between the ancient forests of Charnwood and Needwood. Around one third of The National Forest is within South Derbyshire District.

The Woodville Regeneration Area is currently vacant and is unlikely to be improved in landscape terms unless this improvement is associated with development of the surrounding site. Other development of the Regeneration Area would be encouraged to include tree planting due to its location in the National Forest, but this will not come forward without the infrastructure required to access the site and increase its viability. Therefore, development of the Link Road could facilitate landscape improvements and planting in the

wider Woodville Regeneration Area in line with National Forest objectives and Policy INF8 of the SDLP.

The site is within an area of 'Coalfield Village Farmlands Landscape Character Type', and an area defined as 'urban', as identified within the Landscape Character of Derbyshire (2013).

A Landscape and Visual Impact Assessment (LVIA) has been submitted in support of the application which suggests that the landscape is already strongly influenced by the urban environment and is described as a "*fragmented mosaic of land uses*". The LVIA concludes that the landscape value of the site is very low and landscape value of the study area, as a whole, (500m buffer) is low. I do not necessarily disagree with this assessment, however, the aspirations for the delivery of design excellence, as required by Policy BNE1 of the SDLP1, remain a significant consideration. The overall effects on the landscape character of the site is judged to be low with a negligible effect on the wider study area.

In visual terms, there are very few sensitive visual receptors due to the nature of the surrounding area. There are residential properties along Swadlincote Road that would receive a view of the northern junction, but this would be within the context of what is already a much urbanised vista. There are further residential properties along Occupation Lane to the south that would view the southern connection of this new route but again, this would be in the context of the existing road junction and surrounding industrial uses. A footpath runs along the eastern side of the proposed route but crosses generally low quality agricultural land surrounded by predominantly industrial uses. Overall, I would generally concur with the judgements of the LVIA that, from each of the selected viewpoints, the effects on surrounding visual receptors would not be significant. The greatest visual impact would be on the residential properties along the A514 to the north.

A comprehensive landscape masterplan has been submitted showing that the landscape works, along the route proposed, would include a mix of grass verge, wildflower seeding, low level and ornamental planting at roundabouts, gravel areas, and tree planting. Two attenuation ponds would be positioned adjacent to the two most southerly roundabouts. The overall approach to the landscape treatment of the road corridor is acceptable with the themed landscaping of each traffic roundabout within the scheme and an avenue of predominantly oak trees along the road corridor. There are other trees proposed as well; birch trees to filter views from residential properties along Swadlincote Road and alder adjacent to the proposed water attenuation ponds. There is also new hedge planting proposed around the A514 junction.

A short section of hedgerow would also be beneficial, planted along the length of the redundant Woodhouse Street, to soften the impact of the road and help

reduce the extent of visual intrusion on the properties along the A514, and this could be required by way of condition in an amended landscaping scheme to be agreed.

The supporting documents state that it is *“anticipated that a palisade fence will be erected between the back of footway and the boundary wall along the northern side of Kiln Way”*. Whilst I would accept that Kiln Way is probably a low quality urban environment, the erection of a palisade fence is unlikely to bring about any additional design quality. If a fence is indeed required along this boundary, it should be a weldmesh type fence, finished in a dark recessive colour and perhaps supported by some additional hedge planting to help screen views of industrial properties along Kiln Way for the benefit of pedestrians using this new route. Again, final details of this could be required by the imposition of a condition.

SDDC has requested that consideration be given to further soft landscaping and bollards in certain areas. Whilst these options have been considered, the applicant has indicated that there would be a number of practical difficulties in providing this at this time. It has addressed the comments as follows:

*“The area southwest of no. 38 Derby Road.*

*This appears to be a suitable candidate for planting but we have a proposal to extend the shared footway along the northern side of Derby Road and access would be needed to and from the newly created service road to do this. SDDC highlights the fact that a footway route would still be needed to access the traffic island which would impinge on the width of planting alongside the highway. The highway also acts as a conduit for utilities. While bushes and shrubs would not be an issue, tree planting has the potential over time to damage the utilities through root development/damage. In addition, access to the utilities will be needed from time to time for renewal or replacement which may involve disturbing or digging through the planting areas. Therefore, the benefit of the planting would be quite small once the above considerations have been taken into account and hence why the area is shown as footway.*

*The western entry radius opposite no.36 Derby Road*

*Part of this area uses the former footway on Derby Road within which there are utilities. Utilities in footways are laid at a shallower depth so root damage from shrubs and the like may have a detrimental effect. Tree planting would certainly have a detrimental impact. The need to maintain lateral visibility from the service access, the need for a footway linking to the traffic island and clearance from the highway for its users. Therefore, the benefit of the planting would be quite small once the above considerations have been taken into account and hence why the area is shown as footway.*

#### *Outside nos. 2-6 Derby Road*

*The motorcycle shop on the corner of Bernard Street identified that part of the footway on this frontage was used by motorcyclists to park their vehicles outside the shop following the public engagement. Similarly the owner of no. 6 has a driveway access onto the current Derby Road and he wished to ensure that this was still achievable on completion. There is a turning assessment available that will demonstrate that part of the area will be required for this purpose. Lateral visibility envelopes for both the service road and Bernard Street will also impinge on the extent of planting against the Derby Road frontage as will the maintenance of a footway for pedestrian use. Therefore, the benefit of the planting would be quite small once the above considerations have been taken into account and hence why the area is shown as footway.*

#### *Woodhouse Street*

*The County Council is in separate discussion with an adjacent landowner about the possible sale of this land if the County is successful in its acquisition either through negotiation or CPO. The proposals for planting may therefore impinge on their development needs. There are also aspects that impact on the ability to convert these footways as indicated due to buried services in the footway and the need by the utility company for access. These aspects would therefore need to be considered should the sale proceed. Therefore, our preference would be to wait and see if the sale of the land proceeds rather than to invest time and resource into converting these areas now should a change of use for the land ultimately be agreed through a separate planning consent to SDDC.*

#### *The use of Timber Bollards*

*DCC preference is to wait and see what parking issues arise following the introduction of the works and then to take action proportionate and as a direct consequence of the problem encountered. If not, then we could add a significant amount of street furniture that would add to the Council's maintenance burden which may be unnecessary if the problem doesn't materialise. The majority of these properties have parking to the rear and do not currently enjoy the benefit of on street parking given the traffic conditions on this busy road. Although we anticipate parking arrangements to change slightly once the alterations are implemented it is anticipated that residents will still prefer to park off the highway as it will be their habit to do so and for reasons of vehicle security.*

*Timber bollards would not be appropriate to install along the remaining open space between the new road and Woodhouse Street and south of Derby Road. These areas are designated as public open space and so enjoy the benefit of unobstructed access. The provision of bollards may hinder the rights of access which is why no access restrictions have been proposed.*

*The request to widen the verge adjacent to the carriageway at the expense of the verge width to the rear will be considered at a design meeting next week. It is a change that might be easily accommodated, subject to discussion with our wider design team."*

I am satisfied, for the reasons given above, that additional soft landscaping and bollards in the areas identified may not be practically achievable and it is therefore unreasonable to require this by way of planning condition. The Highway Authority has not cited the lack of bollards as being to the detriment of highway safety in its comments. Given that the applicant has indicated that the widening of the verge may be possible, and as this has been requested by SDDC and the NFC, this could come forward as detail to be approved in a revised landscaping plan which would be required by way of condition, as could additional hedge planting along Woodhouse Street.

Policy BNE7 of the SDLP1 requires that where development is proposed that could affect trees, woodland/or hedgerows, which are important in terms of their amenity, ecological, landscape or historic value, developers will be expected to demonstrate that the layout and form of development have been informed by an appropriate arboricultural survey. Accordingly, an Arboricultural Impact Assessment (AIA) has been submitted with the application.

The AIA demonstrates that a number of existing trees, either as individual specimens or in tree groups will be affected by the proposed scheme although the affected trees are only adjudged to be category B or C trees and are therefore not deemed to be individually significant. A Tree Protection Plan (included within AIA) identifies trees to be removed and how retained trees are to be successfully protected. The survey area contains 42 trees and groups which consist of 'B' and 'C' category trees. Collectively, however, they contribute to the character of the site and the local amenity.

The proposed development would require the removal of nine individual trees, seven groups and six partial groups including four trees, a group and three partial groups classed as Category B and the remaining five individuals, six groups and three partial groups classified as Category C.

In mitigation, there is substantial new tree planting proposed in excess of the number to be removed (the landscape masterplan indicates a figure in excess of 50 new trees). Trees to be retained will be required to be protected to British Standard during construction works.

It is considered that any impacts upon the character of the existing landscape, as a result of the development, would be minimal. With mitigating planting proposed in the context of the existing vacant site, and facilitation of wider development that the proposal would bring forward in time with further

landscape improvements, visually the locality is very likely to become more attractive.

The proposal is considered to be in general accordance with the planning policies identified with regard to landscape issues.

### Highways

Policy INF4 of the SDLP1, confirms that *'The Council [District] will work with partners to deliver the following transport schemes: i) Woodville –Swadlincote Regeneration Route...'*

Policies INF2 and S6 of the SDLP1 promote sustainable transport methods through the provision of new or enhanced walking, cycling, public transport and rail freight services and infrastructure and, where needs cannot be met by the aforementioned means, highway and car/lorry parking infrastructure.

Paragraph 109 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

A Transport Assessment (TA) has been submitted with this planning application, assessing the transport impacts of the proposed Link Road. The TA provides the results of traffic surveys; a review of road safety collision statistics; a review of sustainable transport options; and modelling of different scenarios for development in the Swadlincote/Woodville area. The TA assesses the impact of the Link Road on surrounding traffic flows.

The TA findings show that the Clock Roundabout junction is already at full capacity with significant queues at peak periods. The TA concludes that development of the Link Road would have a positive impact on this junction by providing an alternative route for traffic through the Woodville Regeneration Area. Any reduction in congestion could also have positive impacts in terms of noise and pollution in the area around the Clock Roundabout. The TA also notes that significant increases in capacity are not possible at the junction itself, given its existing layout, so the provision of the Link Road is an option for reducing congestion at this point. The impact of the Link Road on other routes and junctions are also provided in the accompanying TA.

The Woodville Regeneration Area would be located close to the District's main centre, Swadlincote and in close proximity to existing bus services, walking and cycling links. Therefore, there is some potential to encourage use of sustainable modes of transport alongside any future application for development on the Woodville Regeneration Area.



The proposed link road would provide a new cycleway and footpath, providing an option for sustainable access to Swadlincote. This could also have positive impacts in terms of sustainability and greenhouse gas emissions, provided that the new cycle route serves to encourage a modal shift from vehicles to cycles/walking. The proposal also ensures that any development at the Woodville Regeneration Area can be accessed sustainably, minimising the impact of that development on the surrounding area.

The Highway Authority (DCC) is of the opinion that the overall effects upon the local highway network would be beneficial, particularly in terms of congestion relief at the A511/A514/Moira Road 'Clock' Roundabout junction and approaches to it. Outcomes are predicted to be positive in terms of an overall improvement to the safety of the network post development.

Further detailed drawings for technical and construction purposes will be needed as would details of a temporary construction access and construction management plan which could be agreed by condition.

- Whilst the comments of objectors are noted, the Highway Authority considers the proposals ultimately to be beneficial to the highway network. Management of short interruptions to rights of access to premises from the highway would generally be outside planning control. However, in the interests of clarity, in response to the access and traffic movement concerns of Midland Lead, the applicant has confirmed that under the construction contract, there would be a contract condition, such that access and security of the site is to be maintained to this business unless agreed otherwise. However, there will be times when access may have to be denied for short periods for works directly outside Midland Lead's access, such as kerbing and paving, the former requiring time for kerbing concrete to go off and the latter to enable resurfacing of the highway, until such time as the bituminous layers have cooled and can be trafficked. The applicant has also explained that the County Council has a statutory responsibility to maintain the highway which overrides any specific access constraints desired by those that benefit from the highway being maintained or improved.

With regard to Highways Issues within the remit of planning control, the application is considered to be in general accordance with the planning policies identified above.

## **Heritage**

There are no designated heritage assets within the proposed development site boundary, although it is close to a number of listed buildings and the Swadlincote Conservation Area.

A Heritage Impact Assessment (HIA) has been submitted with the application. The HIA identifies a total of 17 listed buildings and the Conservation Area within a 500m buffer of the site.

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, in the determination of this application, ‘*special regard*’ is had to ‘*the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.*’

Section 16 of the NPPF and policies BNE2 and BNE10 of the SDLP1 provide the appropriate policies on the conservation and protection of the historic environment.

Paragraph 190 of the NPPF expects local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset), taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal.

Paragraph 192 of the NPPF expects planning authorities to take account of a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities, including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness.

As the NPPF indicates, in considering a development proposal, what has to be assessed with regard to the setting is the effect that any change to the setting from the development would have on the heritage significance of the asset concerned. Paragraph 193 states: “*When considering the impact of a proposed development on the significance of a designated heritage asset great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.*”

Paragraph 194 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification. Substantial harm to or loss of: a) grade II listed buildings should be exceptional; b) assets of the highest significance, notably grade I and II\* listed buildings should be wholly exceptional.

Paragraph 196 provides that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its [the asset's] optimum use.

These NPPF paragraphs therefore recognise that to reach a decision to grant permission in a case of 'less than substantial' harm need not involve so much public benefit to weigh against the harm as would be needed in a case of 'substantial' harm.

Nevertheless, even "less than substantial" harm to the significance of a listed building is an important consideration, which Section 66 requires considerable weight to be given to.

The HIA concludes that neither the listed buildings, nor the Conservation Area would be significantly affected by the proposal.

The setting of these buildings is relatively well contained given their very urban form and, for some of these, their industrial context. It is my opinion that that the impact of the proposed scheme on the setting of these will be very limited. However, the new road link will form part of the sequential appreciation of these heritage assets and become part of their urban context. It is therefore important that improvements in the design quality of the scheme are capitalised on. Most pertinent to this is the new roundabout to the north. Given that additional hedge planting and widening of footway verge in this locality can be required by way of condition through a revised landscape scheme, then this would go some way to mitigate further against any limited effects upon heritage assets outside of the site.

The harm that would be caused is considered to be 'less than substantial' to the setting of the listed buildings. In mitigation against the harm, significant additional landscaping is proposed along the corridor of the route.

According to paragraphs 193 and 194 of the NPPF, where there would be harm to the heritage asset (including through potential effects on the setting of the heritage asset), there should be a clear and convincing justification for the development to take place at the location and, if this is demonstrated, the harm weighed against the public benefits of the proposal.

In weighing the very limited harm to the setting of the listed buildings, the public benefits from the development are significant. I regard the public benefits to be delivered by this proposal as being a factor of sufficient weight to justify a positive recommendation of the application, even having special regard to the desirability of preservation of the setting of the listed building (as required by Section 66), and having regard to the other impacts associated with the development as referred to in this report.

## Archaeology

Paragraph 199 of the NPPF states that local authorities should require developers to record an advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.

Policy BNE10 of the SDLP1 requires that any proposed development which impacts on archaeological remains will be required to be accompanied by an archaeological evaluation of the site and a statement demonstrating how it is intended to overcome the archaeological constraints of the site.

The HIA submitted includes an archaeological evaluation which indicates that there is negligible potential for the survival of archaeological remains dated to the prehistoric, Roman, early medieval and medieval periods as the area was sparsely populated, occupied or exploited during these periods. Due to significant exploitation of the area for minerals and coal from the post-medieval period onwards, there is high potential for archaeological remains to survive dated to the post-medieval and modern periods. These include evidence for the two Granville Collieries, a brick yard, a railway and a tramway on the line of the new link road.

During the post-medieval period, the study area developed as a result of intense industrial activity. The site was used for the extraction of raw materials for use in these industrial activities including clay, sandstone and coal. The land to the south of the Woodland Branch Railway was opencast mined for coal in the 1970s and then subject to landfill, removing the potential for any buried archaeological remains in this part of the site.

A Written Scheme of Investigation (WSI) for some initial archaeological evaluation has been approved by SDDC under the application considered by it and has been submitted with this application. In consultation with the County Archaeologist, it is apparent that the scheme is acceptable. However, conditions would be required to undertake the field work identified within the agreed WSI. These conditions would require appropriate levels of archaeological investigation and recording prior to commencement of development, and I am satisfied, therefore, that the application is in accordance with the policies identified above in regard to archaeology.

## Ground Conditions

Policy SD4 of the SDLP1 states that:

*“Planning permission for development on land which is known to comprise made ground or which is unstable, contaminated or potentially contaminated, will only be granted where the applicant has demonstrated through*

*appropriate investigations, that the scheme will incorporate any necessary remediation measures to protect human health and/or the natural environment”*

The application has been supported by a Preliminary Geotechnical Interpretative Report and a Coal Mining Risk Assessment.

The site falls within the defined Development High Risk Area. The Coal Authority has confirmed, however, that no coal seams or voids were encountered in initial investigations outlined in the report.

The proposed link road is not a particularly vulnerable use to contamination and the level of remediation required for the land associated with the road would be less than that required, for example, for land to be used for development of houses and gardens on the adjacent sites.

The site is within the South Derbyshire Coalfield and coal has been worked at depth from beneath the proposed route. Shallow pottery coals have been worked across the southern area of the site in opencast workings. A shaft from the Granville Colliery is recorded close to the proposed road alignment, approximately 150m along the route. The southern section of the route was formerly the site of the Milk Hill Opencast, which was worked between 1965 and 1978 and removed Pottery Coals.

The proposed link road crosses former opencast mine workings and areas of thick made ground. The reports submitted provide guidance on measures to control and mitigate risks associated with construction on this land. Any further ground investigation work could be carried out as part of the construction process and no further work is considered necessary prior to determination of the planning application. Work carried out to date and as part of the construction process will ensure that the road scheme is compliant with the objectives of the NPPF and Policy SD4 of the SDLP1.

It should be noted that the construction of the road is facilitating the development of surrounding land which, in turn, would require remediation of the surrounding land. Overall, the scheme can therefore be seen as facilitating land remediation of the wider locality

A condition is advised by the Environment Agency that, should any contamination not previously identified in the report be found, development ceases and further investigation and mitigation be required. Subject to this condition, the proposal is considered to be in accordance with Policy SD4 of the SDLP1.

## Ecology

Section 15 of the NPPF and policies BNE3 and INF7 of the SDLP are the appropriate policies which seek to conserve and enhance biodiversity and the natural environment.

The application site is not within any sensitive area of ecological designation, such as a Site of Nature Conservation Importance (SNCI), a SSSI, Special Protection Area (SPA) or SAC.

The River Mease SAC and SSSI has been considered in the submitted Flood Risk Assessment despite its location 6.5km to the south of the site, to ensure there is no impact on water quality. The proposal has also been screened under the Habitats Regulations and an appropriate assessment of the County Council is not considered necessary.

The application is supported by ecological assessment, consisting of a Preliminary Ecological Appraisal (PEA) (AECOM, November 2017), with a separate great crested newts eDNA report (AECOM, 2018). The application area itself consists of an industrial area and plantation woodland to the north and a restored area of grassland to the south. Overall, habitats on site predominantly consist of semi-improved grassland (62.3% of the site area); with hard standing, bare ground and broad-leaved plantation (around 10% each); a pond (4.5%), with other habitats (scrub and broadleaved woodland, amenity grassland, inaccessible land and a short length of hedgerow) present as minor components accounting for the remainder of the site.

None of these habitats are considered especially ecologically valuable or noteworthy in their own right, although all native hedgerows are considered conservation priorities, and standing and running water have ecological merit. Nevertheless, I concur with the assessment that the habitats on site are of generally low ecological value posing little constraint on the development of the site, and I am satisfied that the impacts of the proposals with regard to habitats are not especially significant, particularly as mitigation and compensation measures, set out in the surveys, would be required to be implemented by condition.

The site has been assessed for the potential presence of protected or notable species including badger, bats, great crested newts, reptiles, otters, water vole and birds. Nesting birds will be present on site during the bird nesting season, common toad was identified as present, and water voles could not be ruled out, and whilst no reptiles were observed during recent surveys, a previous survey did detect grass snake. Whilst bat activity was noted, no roosts were identified and badger, otter and great crested newts were demonstrated as likely to be absent from the site.

With the implementation of the mitigation and compensation measures set out in section 5 of the PEA, I am confident that the impact of the proposals on species, even those believed present on site, can easily be rendered acceptable.

Natural England wishes to make no comment on the application and provided its note of standard advice in the consultation response.

DWT has not objected to the application, subject to conditions as outlined in its comments in summary above.

The proposal is considered to be in general accordance with Section 15 of the NPPF and policies BNE3 and INF7 of the SDLP1 in the protection of the natural environment. Further enhancement may occur overtime through additional highways verge planting required under the revised landscaping scheme to be agreed by condition, and through the provision of mitigation on the wider site to be agreed by SDDC.

### **Drainage and Flood Risk**

Section 14 of the NPPF and policies SD1, SD2 and SD3 of the SDLP1 are concerned with effective drainage, flood risk management and maintenance of water quality.

A Flood Risk Assessment (FRA) accompanies this application as the site is over 1ha. The site is within Flood Risk Zone 1, the lowest probability category area having a less than 1 in 1,000 annual probability of river or sea flooding.

Based on existing site conditions, the flood risk to the proposed development from all sources including tidal, fluvial, surface water, sewer, groundwater and artificial sources has been assessed as either low or very low.

There are two drainage ditches that are dissected by the proposed Link Road, with a combined catchment area of 0.5km<sup>2</sup>. These ditches will be culverted beneath the proposed development to ensure existing flow pathways are not impeded or blocked.

The proposed development would result in a net increase in impermeable surface and, therefore unmitigated, there is potential for an increase in surface water flood risk. Mitigation is proposed in the form of the Sustainable Drainage Systems (SuDS) strategy. Therefore, the scheme will incorporate SuDS in line with policies SD2 and SD3 in the SDLP1.

With the incorporation of SuDS, the scheme would not result in any exacerbation of fluvial flooding or any significant adverse effects on the water environment more generally. The LLFA welcomes the applicant's current plans for above attenuation ground storage as this demonstrates the

principles and aims of sustainable drainage. On this basis, the proposals are considered to be compliant with the NPPF in respect of managing flood risk, along with SDLP1 policies SD1, SD2 and SD3, which collectively seek to protect and enhance watercourses, minimise flood risk, manage surface water in a sustainable manner and protect water quality in the River Mease.

### **Amenity Issues**

Policy SD1 of the SDLP1 seeks to mitigate against general amenity impacts from development. With regard to air quality, National Planning Policy Guidance (NPPG) states that the planning system should consider the potential effect of new developments on air quality where relevant limits have been exceeded or are near the limit. There are no Air Quality Management Areas (AQMAs) in South Derbyshire and no areas where levels of key pollutants are likely to exceed limits set in air quality objectives.

The Link Road could reduce traffic in one of the most heavily congested points in the local area and direct traffic away from existing residential areas, across a site that is currently vacant and allocated predominantly for employment uses. The new roundabout at the northern point of the road is situated away from the centre of Woodville. Dust may be an issue at the construction phase, however, it is considered that this could be effectively mitigated through the imposition of a condition requiring a construction phase dust mitigation scheme.

Given that the scheme is not likely to affect any AQMAs, or significantly increase congestion (indeed, it is designed to reduce it), the proposal is considered to be in accordance with the NPPG and Policy SD1 of the SDLP1 with regard to air quality.

With regard to noise issues, the proposal would affect few residents relative to the scale of the project. Residents on Derby Road and Occupation Lane are likely to experience most noise disturbance during construction, although this would be limited to normal working hours.

It is considered that these noise impacts could be appropriately mitigated to acceptable levels through the imposition of a condition requiring a construction noise mitigation scheme. A Noise Impact Assessment (NIA) has been submitted with the application, and the EHO has advised that with regard to longer term noise impacts, that a scheme of noise mitigation, based upon the measures identified in the NIA, should be submitted and agreed with the County Planning Authority by way of condition.

It is considered that with the imposition of conditions relating to amenity issues specified above, that the proposal would be in accordance with Policy SD1 of the SDLP1 and the NPPG.



## Open Space

The NPPF, 2019 defines open space as; *'all open space of public value, including not just land, but also areas of water (such as rivers, canals, lakes and reservoirs) which offer important opportunities for sport and recreation and can act as a visual amenity.'*

There is an open triangular shaped area in the site, covered in trees, to the west of the junction of Derby Road and Woodhouse Street, which is not a designated public open space in the SDLP. However, the area is publicly accessible and there is a pedestrian path into it from Derby Road, which has not been officially recorded (in the definitive map) as being any Public Right of Way. The area provides a visual amenity to local residents, particularly the residents of the properties situated opposite on the north side of Derby Road. The applicant's supporting statement acknowledges that there is still a covenant within the title deeds for this area to require it to remain as open space. The open space area is currently 0.729ha (7,289m<sup>2</sup>) in size. The supporting statement indicates that roundabout 3 would result in the loss of just over half of this open space, 0.41ha (4,135m<sup>2</sup>); leaving an area of 0.315ha (3,154m<sup>2</sup>) of the original open space untouched. The design of the link road would result in a further area of 0.0104ha (104m<sup>2</sup>) being converted to open space in the immediate surroundings of the roundabout.

The supporting planning statement also indicates that to compensate (in planning terms) for the loss of open space, land equating to 0.469ha (4,690m<sup>2</sup>) Regeneration Area (the former Dyson site) is expected to be used as public open space. It refers to a total new open space provision as representing a 15.9% increase over current open space provision.

In view of the larger area of open space being provided, the loss of the open space to roundabout 3 is considered to be acceptable.

## Conclusions

A scheme of very similar content already has extant planning permission granted by SDDC and the current planning application has been made to the County Council following legal advice to the applicant in relation to ongoing compulsory purchase procedure related to the proposal.

The development would bring significant public benefit through the provision of a new road transport link as part of the 'Woodville to Swadlincote Regeneration Route', in an area identified in the Local Plan for economic, social and environmental regeneration.

The mixed housing and employment uses identified in the SDLP require safe, adequate and efficient access, and in turn the economic and social benefits of the development of the wider Woodville Regeneration Area are of strategic significance.

The proposed link road would provide the opportunity to unlock development of the Woodville Regeneration Area; an extensive site including 12ha of employment land and land for approximately 150 houses. Delivery of the link road is a priority for the SDDC and important to the delivery of both the District Council's Economic Plan, and Local Plan, providing the opportunity for business expansion, retention of local jobs and delivery of new homes.

The proposal would also alleviate some of the existing traffic congestion issues at Clock Roundabout and provide a new cycle and pedestrian route to the National Forest, Swadlincote Woodlands and Swadlincote Town Centre.

Disturbance to businesses and residents would, in the main, be during the construction period, and could be mitigated through the imposition of conditions. I consider that any highways, ecological, drainage, and archaeological impacts, and even the weight to be accorded to the heritage impacts, are modest in comparison to the weight to be afforded to the benefits of development in furtherance of the adopted local plan. Where necessary, the impacts can be mitigated by way of condition, and would not outweigh the public benefits of the proposal.

The proposal is considered to be acceptable, being in line with development plan policies identified, the NPPF, and other policy documents identified which are material considerations.

The application is therefore recommended for approval subject to the conditions (or conditions substantially similar to the effect of) listed below.

(3) **Financial Considerations** The correct fee of £2,028 has been received.

(4) **Legal Considerations** This is an application submitted under the Town and Country Planning General Regulations 1992 for development which the Authority itself proposes to carry out.

I do not consider that there would be any disproportionate impacts on anyone's human rights under the European Convention on Human Rights as a result of this permission being granted subject to the conditions referred to in the Officer's Recommendation.

The Conservation of Habitats and Species Regulations 2017 consolidate earlier regulations and now transpose the European Union (EU) Directive on Natural Habitats, and Wild Fauna and Flora (92/143/EEC) into national legislation. They afford a high level of protection to a variety of species that are considered important at a European scale. The Regulations identify European Protected Species and various habitats of importance within the EU, with important sites being designated as SAC. Any proposed

development that may have a significant effect on a SAC (either direct, indirect, temporary or permanent) should be assessed in relation to the site's 'conservation objectives', i.e. the reasons for which the site is designated.

Under the 2017 Regulations, an "appropriate assessment" of the implications of the proposed development, in view of the site's conservation objectives must be made in respect of any decision to be taken for any consent for a project (or a plan) or which either alone or in combination with other plans or projects would be likely to have a significant effect on a European Site, and is not directly connected with the management of the site for nature conservation.

A screening assessment has been undertaken by the Authority to consider the need for an appropriate assessment to be undertaken under the Habitat Regulations 2017. The screening assessment has found that the proposed development will have no likely significant effect on the River Mease SAC, and that there is no requirement to undertake an appropriate assessment for the proposed development.

### **Other Considerations**

In preparing this report the relevance of the following factors has been considered: prevention of crime and disorder, equality and diversity, human resources, environmental, health, property, social value and transport considerations.

(6) **Background Papers** File No. 9.1604.2  
All Application documents from the Director of Property. All consultation correspondence received with regard to the planning application.

(7) **OFFICER'S RECOMMENDATION** That the Committee resolves that planning permission is **granted** subject to conditions substantially similar to the following draft conditions:

### **Form of Development**

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

**Reason:** The condition is imposed in accordance with Section 91 of the Town and Country planning Act 1990.

- 2) Notice of the proposed date of commencement of the development shall be provided to the County Planning Authority at least seven days prior to the start of works on site.

**Reason:** To enable the County Planning Authority to monitor the development in the interests of the amenity of the area.

- 3) The development shall take place in accordance with the details set out in the application for planning permission registered as valid on 31 May 2019, and the documentation accompanying it, unless otherwise modified or amended by the conditions of this planning permission. For the avoidance of doubt, the accompanying documentation comprises:
- Drawing no WVL-AEC-XX-XX-DR-LP-003 entitled 'Site Location Plan'
  - Drawing no WVL-AEC-XX-XX-DR-CE-0055 Rev P1 entitled 'General Arrangement Sheet 1 of 3'
  - Drawing no WVL-AEC-XX-XX-DR-CE-0056 Rev P1 entitled 'General Arrangement Sheet 2 of 3'
  - Drawing no WVL-AEC-XX-XX-DR-CE-0057 entitled 'General Arrangement Sheet 3 of 3'
  - Drawing no WVL-AEC-XX-XX-DR-CE-0058 Rev P1 entitled 'General Arrangement'
  - Drawing no WVL-AEC-XX-XX-DR-CE-0059 Rev P1 entitled 'General Arrangement'
  - Drawing no WVL-ACM-XX-XX-DR-ZZ-05001 Rev P2 entitled 'General Arrangement Sheet 1 of 3'
  - Drawing no WVL-ACM-XX-XX-DR-ZZ-05002 Rev P2 entitled 'General Arrangement Sheet 2 of 3'
  - Drawing no WVL-ACM-XX-XX-DR-ZZ-05003 Rev P2 entitled 'General Arrangement Sheet 2 of 3'
  - Drawing no WVL-ACM-XX-XX-DR-ZZ-05000 Rev P1 entitled 'Drainage Site Plan'
  - Drawing no WLR-AEC-XX-XX-DR-LA-00001 Rev B entitled 'Landscape Masterplan'
  - Drawing no WLR-AEC-XX-XX-DR-LA-00001 Rev B entitled 'Landscape Masterplan'
  - Drawing no WVL-AEC-XX-XX-DR-CE-00011 Rev P2 entitled 'Long Sections Sheet 1 of 2'
  - Drawing no WVL-AEC-XX-XX-DR-CE-00012 Rev P1 entitled 'Long Sections Sheet 2 of 2'
  - Drawing no EC00002 entitled 'Phase 1 Habitat Survey'
  - Drawing no WVL-AEC-XX-XX-DR-CE-00023 Rev P2 entitled 'Post Development Rights of Way'
  - Drawing no WVL-AEC-XX-XX-DR-CE-00026 Rev P2 entitled 'Post Development Rights of Way'
  - Drawing no WVL-AEC-XX-XX-DR-CE-00013 entitled 'Typical Cross Sections'
  - Document entitled Arboricultural Impact Assessment dated July 2019
  - Document entitled Coal Mining Risk Assessment dated March 2018

- Document entitled Cultural Heritage Desk Based Assessment dated November 2015
- Documents entitled Detailed Drainage Design (Technical Notes) dated May and July 2019
- Document entitled Preliminary Geotechnical Interpretative Report dated October 2007
- Document entitled FRA and SUDs Strategy dated December 2017
- Document entitled Great Crested Newt eDNA surveys dated June 2018
- Document entitled Design Statement dated August 2018
- Document entitled Landscape and Visual Appraisal dated May 2019
- Document entitled Noise Impact Assessment dated November 2018
- Document Entitled Preliminary Ecological Assessment dated November 2017
- Document entitled Planning Application Supporting Statement dated May 2019
- Document entitled Transport Assessment dated October 2017
- Document entitled Investigation Report dated May 2019
- Document entitled Written Statement of Investigation for an Archaeological Evaluation dated May 2018

**Reason:** To ensure that the development hereby approved is carried out in conformity with the details submitted with the application.

### Highways

- 4) The proposed works, the subject of the application, shall not be first taken into use until they have been laid out, constructed, drained and lit to adoptable standard generally in accordance with application drawings WVL-AEC-XX-XX-DR-CE-00055 rev P1, -00056 rev P1, -00057 & -00058 rev P1, but specifically in accordance with detailed designs to be first submitted to and approved in writing by the County Planning Authority in consultation with the County Highway Authority to ensure safe and suitable access for all users in the interests of highway safety.

**Reason:** In the interests of highway safety.

- 5) No development, including preparatory works, shall commence until a temporary means of access for construction traffic has been created and space has been provided within the site for storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods vehicles and parking and manoeuvring of employees and visitors vehicles, with the temporary access and space laid out in accordance with a scheme first submitted to and approved in writing by the local Planning Authority. Once implemented, the approved facilities shall be

retained free from any impediment to their designated use throughout the construction period.

**Reason:** In the interests of highway safety.

## Ecology

- 6) The development shall be carried out in accordance with the recommendations set out in Section 5 of the Preliminary Ecological Assessment undertaken November 2017.

**Reason:** In the interests of ecological conservation.

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

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

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

- 8) No development, including preparatory works, shall take place until an Ecological Design Strategy (EDS) addressing biodiversity mitigation, compensation and enhancement to ensure the proposal does not result in a net loss of biodiversity in line with the Defra approved Biodiversity

Accounting Metrics has been submitted to and approved in writing by the Local Planning Authority. The EDS shall include the following:

- a) details of retained habitats, together with measures for their enhancement; and
- b) details of habitats to be created including ponds, swales, wildflower grassland and woodland.

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

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

- 9) No development, including preparatory works, shall commence until a Common Toad Mitigation Strategy (CTMS) has been submitted to and approved in writing by the Local Planning Authority. The CTMS shall deal with both mitigation of harm to common toad for the duration of construction works, and measures to protect migrating amphibians during the operational phase of the development. The approved CTMS shall be adhered to throughout the construction phase and permanent measures implemented strictly in accordance with the approved details.

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

### **Contamination**

- 10) A post completion verification report shall be submitted to the County Planning Authority with regards to the submitted proposed scheme of remediation within one month of completion of the development.

**Reason:** To ensure appropriate remediation if identified.

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

**Reason:** To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with Paragraph 170 of the National Planning Policy Framework.

- 12) A materials management plan shall be provided for any import of soils, to ensure that any materials meet the end of waste criteria/certification of usable soils or any removal of waste/materials is compliant with technical guidance WM3.

**Reason:** To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with Paragraph 170 of the National Planning Policy Framework.

### **Landscaping and General Arrangement**

- 13) Prior to the commencement of development, revised general arrangement and landscaping plans shall be submitted for approval in writing by the County Planning Authority which indicate the inclusion of a section of hedgerow along the length of Woodhouse Street, and widening of the verge between the carriageway and footway/cycleway to no less than 2 metres (except where unachievable). The landscaping scheme shall include tree planting species as identified by the National Forest Company in its comments, received by the County Planning Authority 3 September 2019.

The development shall be carried out in accordance with the schemes approved under the condition.

**Reason:** In the interests of visual amenity.

- 14) Any tree or plant, or any replacement of it, that is removed, uprooted, destroyed or dies within five years of the date of planting shall be replaced with the same or similar species in the same location.

**Reason:** To minimise the visual impact of the development.

- 15) All trees and hedgerows to be retained shall have root protection barriers afforded during construction works in accordance with British Standard BS5837 Trees in relation to design, demolition and construction.

**Reason:** In the interests of retaining landscape characteristics which contribute to the biodiversity, and visual amenity of the area.



- 16) No clearance of trees, or hedgerow or any existing scrub planting on site, shall be undertaken during the nesting bird season (March- August inclusive) unless an ecologist has undertaken a careful, detailed assessment of the site for active birds' nests immediately before such work is commenced and provided written confirmation to the County Planning Authority within seven days of the assessment that no birds will be harmed by the clearance and/or that there are appropriate measures in place to protect nesting bird interest on site.

**Reason:** In the interests of the protection of breeding birds.

- 17) Prior to the commencement of development, details of any fencing proposed within the site shall be submitted in writing for approval by the County Planning Authority.

**Reason:** In the interests of the visual amenity of the locality.

- 18) Prior to the commencement of development, details outlining below ground infrastructure shall be installed to ensure that the highway verge trees have sufficient support and rooting space to establish and thrive (including by root deflectors and/or tree pits) will be required shall be submitted in writing for approval by the County Planning Authority.

**Reason:** In the interests of the visual amenity of the locality.

### **Drainage**

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

- a. Woodville Link Road Flood Risk Assessment and SuDS Strategy, (AECOM, December 2017) and including any subsequent amendments or updates to those documents as approved by the Flood Risk Management Team; and
- b. DEFRA's Non-statutory technical standards for sustainable drainage systems (March 2015),

have been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design, prior to the use of the building commencing.

**Reason:** To ensure that the proposed development does not increase flood risk and that the principles of sustainable drainage are incorporated into this proposal, and sufficient detail of the construction, operation and maintenance/management of the sustainable drainage

systems are provided to the Local Planning Authority, in advance of full planning consent being granted.

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

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

### Archaeology

- 21) a) No development shall take place until the archaeological fieldwork phase of the scheme of work defined in the Written Scheme of Investigation *AECOM: Woodville Link Road WSI; Written Scheme of Evaluation for an Archaeological Evaluation, project number 60541293 2 May 2018* has been completed, and until any further archaeological fieldwork required to satisfy NPPF Paragraph 199 in relation to the findings of the evaluation has been defined in a further agreed WSI and completed to the written satisfaction of the local planning authority.  
 b) No development shall take place subsequently other than in accordance with the archaeological Written Scheme(s) of Investigation approved under Condition 17a).  
 c) The development shall not come into use until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological Written Scheme(s) of Investigation approved under Condition 17(a) and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

**Reason:** In the interests of recording any archaeological features of the site.

### Dust

- 22) The development shall not be commenced until a scheme specifying the provisions to be made to control dust and respirable particulate emanating from the development during the construction and demolition phases, has been submitted to and approved in writing by the local planning authority. The agreed scheme shall then be implemented in full before the proposed development is started.

**Reason:** To protect the amenities of nearby residents/other occupiers.

**Noise**

- 23) Before the commencement of the development, a construction phase noise mitigation scheme shall be submitted to and approved in writing by the local planning authority detailing measures that will be implemented to ensure that noise during the construction and demolition phase does not cause detriment to amenity or a nuisance, especially to those living and working in the vicinity. The commitments made within the noise mitigation scheme shall be implemented for the duration of the demolition and construction phase.

**Reason:** To protect the amenities of nearby residents/other occupiers.

- 24) During the period of construction, no ground, construction or fitting out works shall take place other than between 0730 hours and 1800 hours Monday to Friday and 0800 hours and 1300 hours on Saturdays. There shall be no works on Sundays or public holidays except in an emergency.

**Reason:** To protect the amenities of nearby residents/other occupiers.

- 25) Prior to the commencement of development a scheme of noise mitigation, based upon the measures identified in noise report reference Project number: 60486419 should be submitted and agreed with the County Planning Authority.

**Reason:** To protect the amenities of nearby residents/other occupiers.

**Statement of Compliance with Article 35 of the Town and Country Development Management Procedure Order 2015**

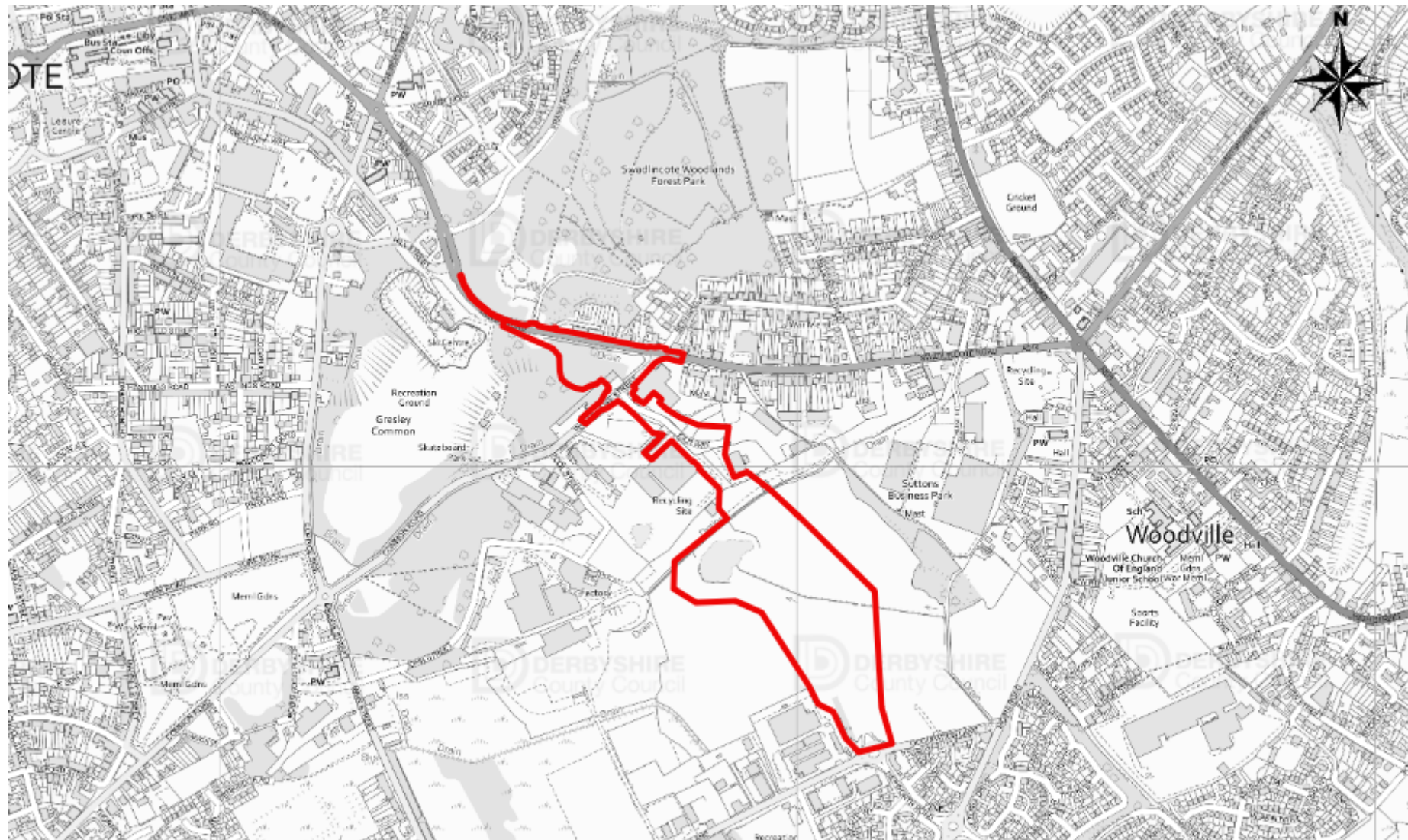
The Authority worked with the applicant in a positive and pro-active manner based on seeking solutions to problems arising in the processing of planning applications in full accordance with this Article. The applicant has engaged in pre-application discussions with the Authority prior to the submission of the application. The applicant was given clear advice as to what information would be required.

In accordance with the Town and Country Planning (Pre-Commencement Conditions) Regulations 2018 ('the Regulations'), the applicant was provided with a draft schedule of conditions attached which included pre-commencement conditions, requiring the submission of detailed schemes. The applicant provided a substantive response to the effect that it agreed with the imposition of those pre-commencement conditions.

## Footnotes

- 1) This permission, granted under the terms of Regulation 3 of the Town and Country Planning General Regulations 1992, is for the sole benefit of Derbyshire County Council and can only be implemented by that Authority.
- 2) It should be noted, that the information detailed below (where applicable), will be required as an absolute minimum in order to discharge any of the drainage conditions set by the local planning authority:
  - A. The County Council does not adopt any Sustainable Drainage Systems (SuDS) schemes at present (although may consider ones which are served by highway drainage only). As such, it should be confirmed prior to commencement of works who will be responsible for SuDS maintenance/management once the development is completed.
  - B. Any works in or nearby an ordinary watercourse may require consent under the Land Drainage Act (1991) from the County Council. For further advice, or to make an application please contact [Flood.Team@derbyshire.gov.uk](mailto:Flood.Team@derbyshire.gov.uk).

**Mike Ashworth**  
**Executive Director – Economy, Transport and Environment**



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**DERBYSHIRE COUNTY COUNCIL**  
**REGULATORY – PLANNING COMMITTEE**

**23 September 2019**

Report of the Executive Director – Economy, Transport and Environment

**Item for the Committee's Information**

**5 CURRENT ENFORCEMENT ACTION**

<b>Site</b>	<b>Breach</b>	<b>Action Taken</b>	<b>Comment</b>
BM Tech, Foston. 9.1564.4	Non-compliance with conditions 2 and 3 of planning permission CW9/1110/115.	Condition 2 - Breach of Condition Notice issued 8 March 2012 requiring the cessation of importation and deposit of waste outside the building.  Condition 3 - Breach of Condition Notice issued 8 March 2012 requiring the cessation of use of processing plant outside the building.	Regularising planning application received August 2019 (awaiting validation).
Lindrick, Mansfield Road, Corbriggs (formerly MXG)	Unauthorised storage and processing of inert waste.	Enforcement Notice issued 27 June 2013, requiring removal of all waste material before 1 August 2014. A Notice of Relaxation of Enforcement Notice was issued on 23 March 2015. This extended the period of compliance for the processing and removal of waste to 31 January 2016, and the seeding of the exposed perimeter banks to 31 July 2016.  Planning Contravention Notice issued 1 November 2016 (response received). Breach of Condition Notice (Mud on Road) issued 19 December 2016.	Site inactive.

		Notice of Relaxation of Enforcement Notice issued on 10 July 2017 extended the period of compliance to 31 December 2017.	
Stancliffe Quarry 3.696R	Condition 43 relating to stability of land adjacent to quarry face. Non-compliance relating to requirement to provide appropriate remediation scheme.  February 2017 Breach involving the removal of stone via unauthorised access, creation of access track and damage to trees covered by Tree Preservation Order.	Breach of Condition Notice served October 2013 requiring submission of a relevant scheme by end of January 2014 (extended date).  Temporary Stop Notice issued 17 February 2017.  Interim Injunction Order granted 31 March 2017.	Site inactive. Two planning applications relating to the site under consideration (CM3/0918/48 and CM3/0918/49).
Land west of Park Farm, Woodland Road, Stanton	Without planning permission the change of use of the Land from an agricultural use to a use comprising agriculture and the importation and storage of waste material.	Enforcement Notice issued 14 December 2018	Date notice takes effect – 21 January 2019.  Ongoing monitoring of notice requirements.
Land at Park Hills Farm, Muggington Lane End, Weston Underwood	Without planning permission the deposit of waste materials onto land.	Temporary Stop Notice issued 29 May 2019	Ongoing monitoring/review.

**Mike Ashworth**  
**Executive Director – Economy, Transport and Environment**



**Agenda Item No. 4.7**

**DERBYSHIRE COUNTY COUNCIL  
REGULATORY – PLANNING COMMITTEE**

**23 September 2019**

Report of the Executive Director – Economy, Transport and Environment

**Item for the Committee's Information**

**7 CURRENT APPEALS/CALLED IN APPLICATIONS**

There are currently no appeals lodged with the Planning Inspectorate.

**Mike Ashworth  
Executive Director – Economy, Transport and Environment**

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