

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 70m³ 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 70m³ 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 are, 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 gully 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).
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).
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) 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.

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

