Report of the Executive Director

Section 1: Planning Applications
Section 2: Planning Appeals

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

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1. Planning Applications

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

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

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

Glossary of terms

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

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

Item No. **1.1**

Ref. No. **DMPA/2025/0701**

Valid date: **29/05/2025**

Applicant: Mr P Tuckwell

Proposal: The demolition of an existing agricultural building (benefiting from prior approval for residential conversion ref. DMPN/2024/1410), the change of use of adjoining land, and the erection of a single self-build dwelling with Integral auxiliary accommodation, together with associated landscaping, access improvements and infrastructure works at Common Farm, B587 From Robinsons Hill To County Boundary, Melbourne, Derby, DE73 8DN

Ward: **Melbourne**

Reason for committee determination

This item is presented to the Committee at the discretion of the Head of Planning and Strategic Housing due to the proposal not being fully in accordance with the provisions of the Development Plan.

Executive Summary

Common Farm is located c.330m to the east of the B587 and to the south of Melbourne. It incorporates Common Farmhouse (a Grade II listed farmhouse) and curtilage listed courtyard buildings. The application site is situated to the south of the listed buildings and incorporates a contemporary agricultural barn that is c. 45m distant from the traditional range and benefits from Class Q permission for conversion to a single dwelling.

The proposal is for demolition of the existing contemporary barn and replacement with a new, self-build dwelling together with integral auxiliary accommodation and associated works. The dwelling would have a contemporary appearance and would be distinct from the listed buildings by virtue of its appearance and physical separation.

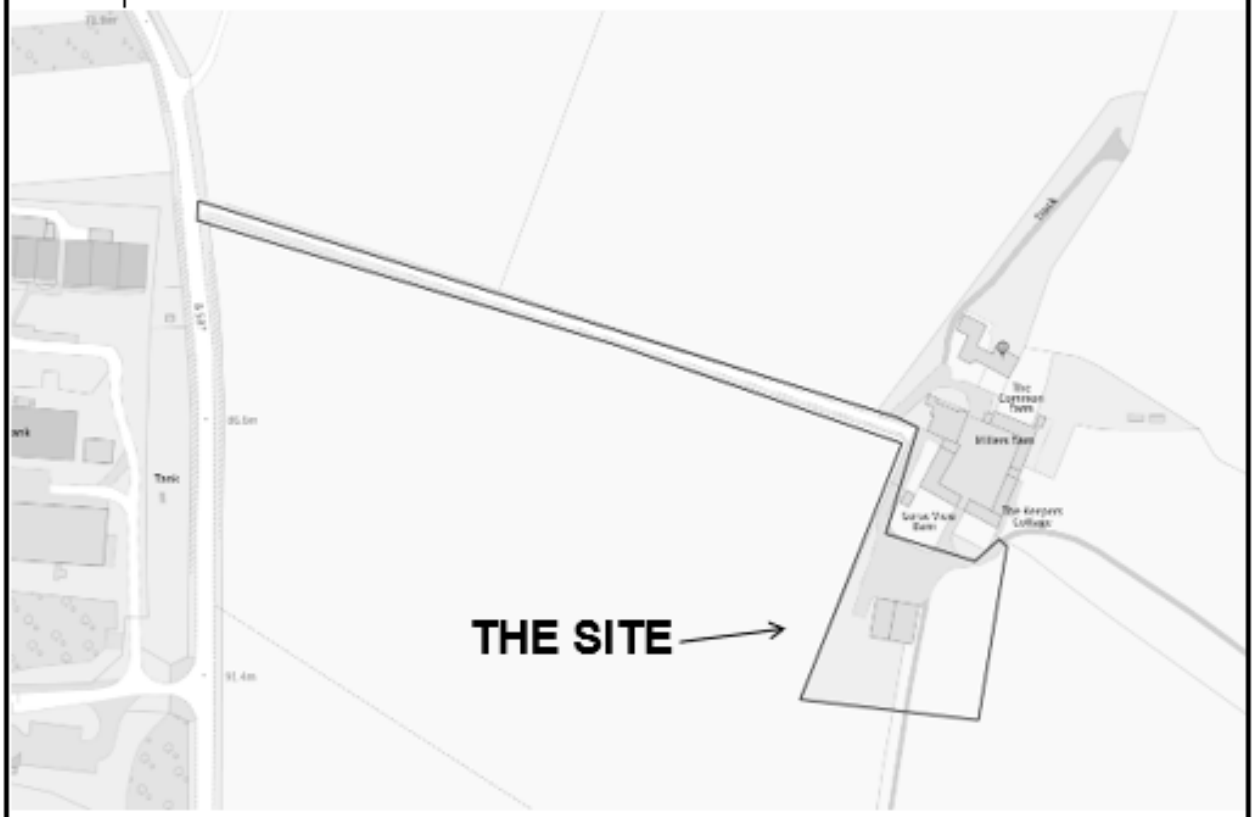
There are no objections to the proposal from the technical consultees and seven comments of support from members of the public have been received. The local Civic Society objects to the proposal on basis of non-conformity with the development plan, and one objection to the proposed design has been received from a member of public.

The proposal is outside of any defined settlement boundary and there is no policy that allows for the demolition of an agricultural barn and its replacement with a dwelling.

Whilst this proposal would be contrary to a strict interpretation of Policy H24 as the works have not yet been implemented to convert the building to be demolished to a dwelling, the existence of this conversion permission is a fall-back position to be taken into account in assessing the merits of the current application. Weight is afforded to the conflict of the proposal with the settlement hierarchy.

However, in this instance the material considerations, and in particular the great weight attributed to the enhancement of the setting of the listed buildings (through provision of a high-quality, contemporary design dwelling, representing a betterment to the existing situation and Class Q alternative), when considered collectively with other benefits of the proposal would outweigh the conflict with the development plan in principle. There are no material considerations weighing negatively in the balance. Accordingly, the application is recommended for approval subject to conditions.

DMPA/2025/0701 – Common Farm, B587 From Robinsons Hill To County Boundary, Melbourne, Derby, DE73 8DN



Site Description

The application site is located c.330m to the east of the B587 and to the south of Melbourne. The site is situated to the south of Common Farmhouse (a Grade II listed building) and curtilage listed courtyard buildings, and incorporates a contemporary agricultural barn that has planning permission for a Class Q conversion to one large dwellinghouse (ref. DMPN/2024/1410). The former farmstead is set in the centre of large agricultural fields with a Public Right of Way (PROW) that runs north to south c. 200m to the east.

The proposal

The application seeks the demolition of the existing contemporary agricultural building, the change of use of adjoining land, and the erection of a single self-build dwelling with integral auxiliary accommodation, together with associated landscaping, access improvements and infrastructure works. The new dwelling would have the appearance of a contemporary rural building, with an L-shaped footprint that would be positioned in a north-easterly / south-westerly orientation within the site, c. 39m to the south of the curtilage listed courtyard buildings. The main linear form of the building would be two storey with gable roof form (c. 7.8m to the top of the ridgeline, with low eaves of c. 4.2m), from which there would be single storey projections (c. 6.1m to the ridgeline) to the north and west. The southern two storey gable end would incorporate a glass balustrade. Materials would comprise sandstone cladding with black panelling above. Anthracite seam sheeting with integral PV panels would be used for the roof. Windows would predominantly comprise full, rectangular apertures with aluminium frames, canopies or sandstone headers.

The proposed site layout shows that the dwelling would be accessed via an existing agricultural track, which would be refurbished. A driveway and parking would be provided in front of the dwelling (on the western side). There would be patio and garden areas to the south and east. Access for agricultural vehicles would be maintained in between the new dwelling and curtilage listed courtyard buildings and would wrap around the eastern side of the new dwelling's garden.

Applicant's supporting information

Application Drawings

- Site Location Plan (2505-PJT-A-L01, received by the LPA on 29th May 2025)
- Existing Block Plan (2505-PJT-A-E01, received 29th May 2025)
- Proposed Bock Plan (2505-PJT-A-P03, received 29th May 2025)
- Existing Floor Plan and Elevations (2505-PJT-A-E02, received 29th May 2025)
- Proposed Floor Plan (2505-PJT-A-P01, received 29th May 2025)
- Proposed Elevational Plan (2505-PJT-A-P02, received 6th June 2025)
- Curtilage Comparison Plan (2505-PJT-A-P06, received 1st July 2025)
- Elevations Comparison Plan (2505-PJT-A-P05, received 1st July 2025)

Application Documents

- Materials Statement (received 29th May 2025), including visualisations
- Design and Access Statement (received 29th May 2025)
- Land Contamination Assessment - Phase I & II Geo-Environmental Assessment (Werda Associates Ltd, received 29th May 2025)
- Preliminary Bat Roosting Assessment (Consultant Dr. Louise Sutherland MIALE & Dr Stefan Bodnar MCIEEM, received 29th May 2025)
- Planning Statement Addendum Rev A Comparison Document (received 1st July 2025)

Relevant planning history

DMPN/2024/1410 Application to determine if prior approval is required under Part 3 Class Q (Agricultural buildings to dwellinghouses) for the proposed conversion of an agricultural barn to one large dwellinghouse – approved December 2024

DMPN/2024/1121 Prior Notification for agricultural track – approved September 2024

Responses to consultations and publicity

Conservation Officer

Initial Response - The application site is adjacent to, and associated with curtilage Listed barns related to the principal Listed Building; Common Farmhouse Common Farmhouse and Attached Garden Walls. The application site is not located with a Conservation Area. My assessment relates to the principle of the following, and their potential impact upon the setting of the Listed Buildings.
For the purpose of this assessment, although I know the site very well from previous applications to the Listed and curtilage listed buildings, I have conducted two site visits. The first to walk the site thoroughly to view from all angles and assess the relationship between the existing building and its surroundings. The second visit was to walk the public footpath from Melbourne Hall towards the site to assess the existing relationship at a distance, to consider the current impact of the building and its relationship with the surrounding built form. I make the following observations:

Existing Building
- The existing building reads as a contemporary farm structure, built for modern-day changes in farming/storage purposes, and at a reasonable distance from the historic outbuildings.
- The existing building reads as part of the farmstead, but with a clear visual separation in style, material and form.
- There are limited visual interactions between the principal Listed building and the existing building.
- The existing building is visible from a distance, and the character and visual relationship between the existing building and the historic buildings is limited. The two read very separately; a historic farmstead with a tight pattern of brick-built form, and a standalone barn.
- The existing building is of a standard of build and construction that is now showing its age and quality. Unlike the original brick-built outbuildings associated with Common Farm which are of a high build and design quality comparable with the Listed farmhouse, this is a building which is indicative of being required for a specific purpose and has no heritage significance.
- The existing building, whilst indicative of the evolution of farming practice and change, does not have a heritage value. Given that there is no farming use now requiring the building, it is vacant and no longer serving a purpose to Common Farm. It is therefore starting to have a negative impact on the character and appearance of the heritage assets.
- Since change of ownership of Common Farm, the renovations, change of use and reuse have impacted upon the character and appearance of the designated heritage assets. The setting, curtilage and appearance has changed from active agricultural use to domestic. The activity on site has changed. The regularity of vehicle movements and requirements for parking, the boundary details creating separation and garden space, the type of species planted in garden spaces, the addition of extensions, garages and outbuildings all impact on domesticating what was originally an active rural enterprise.

No objection to the demolition of the existing barn. Positive impact on the setting of the designated heritage assets.

Change of use of the adjoining land
- The character and appearance of the curtilage of Common Farm has altered through the domestication of the historic buildings. This is not necessarily negative; the reuse of vacant redundant historic buildings is preferable to their total loss.
- The existing use and curtilage of the historic buildings is now relevant to the proposed change of use of the adjoining land. The historic farm has been subdivided into several units, each requiring their own curtilage for driveway, parking, boundary separation and outdoor amenity space. The storage of bins, air source heat pumps, patio furniture and washing lines all alter the

character of the farmstead to a domestic appearance.
- The existing barn is located upon a plot that is contained on three sides; hedgerow on two side, and the farmstead on one side. One side is open the wider countryside. The plot is not cultivated, having previously been the hardstanding for farm use.

No objection to the change of use of the adjoining land to domestic garden. Whilst there is an impact on the character and appearance of the plot, especially resulting from boundary treatment and domestic planting/hardstanding, the neighbouring land has also changed in character and appearance, therefore I assess no additional harm to the setting of the heritage assets.

Proposed building
- The architectural style, material palette, scale and appearance takes its cues from the existing setting without being pastiche.
- The proposed dwelling is a contemporary barn style house, utilising the linear form of the curtilage outbuildings.
- The width, height and length is comparable to the curtilage barn and outbuildings on the site.

No objection to the proposed new building. I assess no additional harm to the setting of the principal listed building of Common Farmhouse. I assess no additional harm to the setting of the curtilage Listed Buildings. (02/07/2025)

Subsequent Response - I have revisited the application for the Class Q, reference DMPN/2024/1410. My observations note the following points of the Class Q
- Reuse of a redundant building
- Clear evolution of the farmstead
- Minimal impact to the curtilage and hardstanding of the yard
- Limited fenestration and interrelationship between the setting and the domestic use
- As is sometimes required for a building that was never intended to be converted to housing; a slightly contrived redesign/floorplan to reuse the barn.

As per my comments for application DMPA/2025/0701, the existing building is redundant. There is no requirement for its use as an active agricultural barn, and as such the condition is deteriorating and poor. This building is not a high-quality example of such a structure, therefore its reuse and repurpose is adequate, but does not enhance the setting of the heritage assets.

The character of the curtilage of Common Farm has altered through the domestication of the historic buildings. The existing use and curtilage of the historic buildings is now relevant to the proposed change of use of the adjoining land. The historic farm has been subdivided into several units, each requiring their own curtilage for driveway, parking, boundary separation and outdoor amenity space. The storage of bins, air source heat pumps, patio furniture and washing lines all alter the character of the farmstead to a domestic appearance. Given the change and evolution of the buildings within the curtilage of Common Farm, the existing building could now be considered to be incongruous to the setting; a redundant barn within a setting no longer active as a farm, but rather a number of domestic sites. Therefore, I assess the proposed DMPA/2025/0701 as an enhancement to the approved DMPN/2024/1410 (04/07/2025).

Derbyshire Wildlife Trust
No objection. Sufficient survey work has been undertaken. Conditions recommended for sensitive lighting and submission of a biodiversity enhancement plan. (03/07/2025)

County Highways
Based on the analysis of the information submitted it is noted that the site is served by an existing vehicular access that has satisfactory visibility in both directions. Therefore, the Local Highway Authority concludes that there would not be an unacceptable impact on highway safety or a severe impact on congestion and there are no justifiable grounds on which an objection could be maintained. (16/06/2025)

Environmental Health
No objection. Conditions requested to control construction working hours and to prevent burning of materials. (13/06/2025)

Melbourne Civic Society
Melbourne Civic Society objects to this Planning Application on the basis that your Authority deemed there was no requirement for prior approval for the conversion of the existing steel framed 'barn' into a dwelling house, reference DMPN/2024/1410 on the 23 December 2024, and that consequently the development must be carried out in accordance with the plans and details specified forming the application. However, this Planning Application for the same site proposes that the structurally 'sound' existing Barn be demolished to make way for a completely new building, which therefore does not satisfy one of the exceptions for residential development in rural areas as specified in Policy BNE5 of the Local Plan, i.e. demolition of an existing building capable of conversion, and should therefore be unacceptable. The proposal is also located outside of the settlement boundary and within the rural area of the District (as defined by Policy SDT1 of the Local Plan). The proposed development, which would be contrary to the District's settlement hierarchy and Policy H1 of the Local Plan, comprises an unsustainable form of development located in an isolated location which would fail to secure the benefits that would otherwise be secured through reuse of rural buildings under Policy H28. We would, therefore, restate our objection to this unacceptable application.

Public Comments
One member of public objected to the proposal stating that the design is poor and basic.

Seven members of public wrote in support of the application and commented:

a) That the design represents a thoughtful and sustainable reuse of land, replacing an outdated agricultural building with a well-considered self-build home. The planned landscaping, improved access, and infrastructure upgrades will enhance the local environment and contribute positively to the character of the area.
b) The existing building is an eyesore and the removal of this and provision of a new building, with sustainability measures, would be an enhancement.
c) The scheme demonstrates a sensitive and well-considered approach to rural development, making use of an existing building footprint and ensuring the new dwelling integrates well with the surrounding landscape.
d) The design reflects a high standard of architecture, with thoughtful landscaping and access improvements that will enhance the setting and overall appearance of the site.
e) The application supports the government's objective to encourage self-build homes, providing a bespoke, high-quality alternative to standard housing developments.
f) The proposal makes efficient use of previously developed land.

Relevant policy, guidance and/or legislation

The relevant Development Plan policies are:
(2016) Local Plan Part 1: H1 (Settlement Hierachy), BNE1 (Design Excellence), BNE2 (Heritage Assets), BNE3 (Biodiversity), BNE4 (Landscape Character and Local Distinctiveness), INF2 (Sustainable Transport), SD3 (Sustainable Water Supply, Drainage and Sewerage Infrastructure).
(2017)Local Plan Part 2 (LP1): SDT1 (Settlement Boundaries and Development), BNE5 (Development in Rural Areas), BNE10 (Heritage), H24 (Replacement Dwellings in Rural Areas), H28 (Residential Conversions).

Melbourne Neighbourhood Plan: DP1, OS3, HC1

The relevant local guidance is:
South Derbyshire Design Guide Supplementary Planning Document (SPD)

The relevant national policy and guidance is:
National Planning Policy Framework (NPPF)
Planning Practice Guidance (PPG)

Emerging Local Plan
On 10 March 2025 the South Derbyshire Local Plan Part 1 Review was published for its period of formal representations under Regulation 19 (of the Local Plan Regulations) prior to submission to the Secretary of State (The Publication Version). This is the version of the Local Plan that the Council intends to submit for examination, and it is a material consideration in the determination of planning applications.

The weight to be attached to emerging local plans is set out in paragraph 49 of the NPPF.

With regard to paragraph 49a) the plan is at an early stage of preparation having not reached examination. In terms of 49b) there remain unresolved objections to the plan from its Regulation 18 consultation and the period for comments concluded on 25 April and these comments are being reviewed in advance of a report to Environmental and Development Services committee in the summer of 2025. Although the plan is in general conformity with the NPPF (paragraph 49c) it has been published to benefit from the transition arrangements set out in paragraph 234 of the NPPF, meaning the Local Plan will be examined under the 2023 version of the NPPF. For all these reasons the weight to be attached to polices in the publication version of the Local Plan is low.

Where there is any conflict between policies in the publication version of the Local Plan and existing adopted Local Plan policies the decision should be taken in line with the adopted Local Plan policies.

Paragraphs 50 and 51 of the NPPF are also relevant which clarify that refusals of permission in line with emerging policies will seldom be justified before a plan has been submitted for examination. The plan is intended to be submitted for examination in Autumn 2025.

Planning considerations

The determining issues are as follows:

- Principle of the Development
- Material Considerations
  - Fallback Position
  - Provision of a Self Build Dwelling

- Design and Impact on the Character of the Surrounding Area (including Heritage Assets)
- Ecology
- Access and Parking
- Other Considerations.

Planning assessment

Principle of the Development
The application site is located within the rural area outside of the village settlement boundary for Melbourne. In rural areas, Policy H1 states that only development of limited infill and conversions would be considered acceptable. This point is reiterated in Policy BNE5. Policy H28 supports the conversion of buildings to residential accommodation and Policy H24 allows for replacement dwellings. Policy DP1 of the Melbourne Neighbourhood Plan states that proposals for development beyond the settlement boundaries of Melbourne and Kings Newton will only be supported where they comply in full with relevant policies of the Neighbourhood Plan and Local Plan.

It is noted that the Class Q (DMPN/2024/1410) allowed a dwelling through the conversion of agricultural building on the site.

Policy H24 allows for the provision of replacement dwellings within rural areas provided *i) the form and bulk does not substantially exceed that of the existing dwelling or that which could be achieved as permitted development; ii) is not more intrusive in the landscape than that which it replaces and iii) the new dwelling has substantially the same siting as the existing.* Whilst Policy H24 supports replacement dwellings in the countryside this Class Q development has not been implemented therefore this policy cannot be applied in its literal sense as a dwelling is not currently present. It is acknowledged however that if this development was completed, then a dwelling would be acceptable in principle under policy H24 particularly as this policy allows consideration of the scale of development allowing for permitted development.

The comments from the Civic Society are noted. There is no planning policy within the Local Plan Parts 1 or 2, or the Neighbourhood Plan, that supports the demolition of agricultural buildings and erection of new dwellings in their place. Although the proposal is considered to be in conflict with the Local Plan settlement hierarchy and Policy H1 in relation to new dwellings the development does have the fall back of the Class Q approval on the site.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with the provisions of the development plan unless material considerations indicate otherwise. The material considerations in this case are explored below.

Material Considerations

Fallback Position

The applicant, through the Planning Statement puts forward a case that there is a lawful fall-back position for residential use of the site and the cases of Mansell v Tonbridge and Malling Borough Council (2017) EWCA Civ 1314 and R v Secretary of State for the Environment and Havering BC (1998) EnvLR189 are cited. In the latter case, Mr Lockhart-Mummery QC established the following three elements: '*first whether there is a fallback use, that is to say whether there is a lawful ability to undertake such a use; secondly, whether there is a likelihood or real prospect of such occurring. Thirdly if the answer to the second question is 'yes' a comparison must be made between the proposed development and the fallback use'*.

The application site benefits from permission (ref. DMPN/2024/1410) for the conversion of an agricultural barn to one large dwellinghouse. The lawful ability to convert the building is provided through the Class Q conversions, and there is also a real prospect that the building would be converted. Taking into account the scale of the proposal which relates to a single dwelling, it is more realistic that in this instance the fallback would be realised, than in similar applications for multiple dwellings within the District. The position is afforded limited weight, although more weight than would be afforded in the case that the fallback scheme involved multiple dwellings.

Policy H24 allows for the provision of replacement dwellings within rural areas provided i) the form and bulk does not substantially exceed that of the existing dwelling or that which could be achieved as permitted development; ii) is not more intrusive in the landscape than that which it replaces and iii) the new dwelling has substantially the same siting as the existing. Whilst Policy H24 supports replacement dwellings in the countryside, this Class Q development has not been implemented and therefore this policy cannot be applied in its literal sense as the building is not a dwelling at present. The applicant has provided plans and volumetric calculations that compare the siting, scale and volume of the Class Q and current proposal. These show that the new dwelling would have similar siting to the Class Q. It would be taller in places, although the volume would be reduced overall. If the fallback were realised then the new dwelling would meet the criteria for Policy H24.

Provision of a Self Build Dwelling

Paragraph 73 of the National Planning Policy Framework (NPPF) part b) notes that small and medium sites can make an important contribution to meeting the housing requirement of an area, and to promote the development of a good mix of sites, local planning authorities should 'seek opportunities, through policies and decisions, to support small sites to come forward for community led development for housing and self-build and custom-build housing'.

The Self and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) places a duty on relevant authorities to give suitable development permission to enough suitable serviced plots of land to meet the demand for self-build and custom housebuilding in their area. As per the guidance in the Planning Practice Guidance, the level of demand is to be established by reference to the number of entries added to an authority's register during a base period. The first base period begins on the day on which the register (which meets the requirement of the 2015 Act) is established and ends on 30 October 2016. Each subsequent base period is the period of 12 months beginning immediately after the end of the previous base period. Subsequent base periods will therefore run from 31 October to 30 October each year. At the end of each base period, relevant authorities have three years in which to permission an equivalent number of plots of land, which are suitable for self-build and custom housebuilding, as there are entries for that base period.

There is no policy relating specifically to the provision of self-build plots within the adopted Local Plan. The Council's Draft Local Plan Part 1 is currently being reviewed and includes draft Policy H20 which relates to housing balance and custom/self-build. This policy would require major development sites of 30 or more homes to include a percentage (15%) of self and custom housebuilding plots to be accommodated. As the policy is in draft (having undergone Regulation 19 consultation) it is attributed limited weight at this time.

The Council's Planning Policy team keeps a register of persons seeking plots for self or custom build dwellings. At the end of the ninth base period (31/10/2023 – 30/10/2024) there were a total of 116 entries for persons seeking plots for self or custom build dwellings on the self and custom build register. By comparison, there were only two planning permissions with the words self build or custom build with the application description (ref. DMPA/2020/1467 for one self build dwelling approved 30/09/2021; and DMPA/2022/1480 for one self build dwelling approved 15/02/2023). There is currently a large gap therefore between persons seeking self or custom build plots and planning permissions granted for this type of plot; and although the number of self or custom build plots is generally expected to increase (with more applications coming forward identified as self-build to benefit from exemption to Biodiversity Net Gain, and the emerging local policy framework), such factors cannot be taken into consideration at this time.

The applicant is on the Council's self build register and has advised in writing that they would commit to the self-build nature of development through legal agreement. If approved, the development would contribute 1no. self-build dwelling that would be occupied by the applicant and their family, and contributing towards the needs of persons seeking such plots on the self and custom build register. This comprises a material consideration and significant benefit weighing in favour of the application.

<u>Design and Impact on Character of the Surrounding Area (including Heritage Assets)</u>
The 1990 Planning (Listed Buildings and Conservation Areas) Act places a duty on local planning authorities to preserve or enhance Conservation Areas, listed buildings and their settings. This is underpinned by Paragraph 212 of the NPPF which states that 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. Local Plan policy BNE2 states that development that affects South Derbyshire's heritage assets will be expected to protect, conserve and enhance the assets and their settings; and Policy BNE10 expands upon these requirements. Policy HC1 of the Neighbourhood Plan seeks to promote and support heritage assets in the plan area in order to maintain the character and distinctiveness of the area.

Policy BNE1 sets out principles for design excellence, which is supported by the detail within the South Derbyshire Design Guide SPD. It requires new development to create places with a locally inspired character that respond to their context and have regard to valued landscape, townscape and heritage characteristics. New development should be visually attractive, appropriate, respect important views, and possess a high standard of architectural and landscaping quality amongst other factors.

The proposal would result in the removal of the existing, poor quality portal frame barn to the south of the listed buildings. In place of this, a new contemporary dwelling would be provided, set in an area of landscaping and parking. The new dwelling would have a rural appearance with a traditional L-shaped footprint and gable roof form. The comments of support and one objection from members of public are noted. The Conservation Officer visited the site twice specifically for this planning application and confirmed that there are limited visual interactions between the site and the principal listed building. Also, that the existing building, whilst indicative of the evolution of farming practice, does not have a heritage value. The building stands alone and physically separated from the traditional range by c. 45m. The Conservation Officer raises no objection to demolition of the existing barn, with a positive impact resulting on the setting of designated heritage assets. The new dwelling takes cues from its setting, however would be distinct by virtue of its contemporary appearance and the distance from the existing buildings. No objection is raised to the new building and the conclusion is that there would be no additional harm to the setting of the principal listed building of Common Farmhouse or to the setting of the curtilage listed buildings.

The proposed change of use of land from agricultural to domestic use would also have impact on the setting of the buildings and landscape character. Policy BNE4 states that development which has an unacceptable impact on landscape character, visual amenity and sensitivity and cannot be satisfactorily be mitigated, will not be permitted. The Conservation Officer has considered this aspect of the scheme and noted that the character and appearance of Common Farm has been altered through domestication of the historic buildings. The historic farm has been subdivided into several units, each with its own curtilage for driveway, parking, boundaries and amenity space. The storage of bins, air source heat pumps, patio furniture and washing lines all alter the character of the farmstead to a domestic appearance. The Conservation Officer raises no objection to the change of use of the land and assesses there would be no additional harm arising from this part of the scheme. The plot is visually contained on three sides from the wider countryside, although visible from the PROW to the east. The periphery of the development would be physically defined by the agricultural track that already has permission (ref. DMPN/2024/1121), limiting the potential for countryside encroachment. The new patio areas would be predominantly to the south and west of the dwelling with the garden area on the eastern side. Soft boundary treatments could be secured by planning condition to ensure that the impact on landscape character is minimised, and permitted development rights for outbuildings, extensions etc. also removed. These features would likely represent an improvement compared to the current bare ground and hard core surrounding the agricultural building.

Paragraph 219 of the NPPF states that LPAs should look for opportunities for new development within Conservation Areas, and the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably. In the Officer's report for the Class Q, it was noted that the scheme would have neutral impact on the setting of the nearby designated heritage assets. It was noted in the Conservation Officer's comments on this application that the '*existing building is not a high-quality example of [an agricultural barn], therefore its reuse and repurpose is adequate, but does not enhance the setting of the heritage assets*'. It is pertinent that volumetrically, the new build would be smaller than the Class Q scheme and that full planning permission would enable the LPA to secure boundary treatments and remove permitted development rights that would otherwise be available under the Class Q scheme. The Conservation Officer concluded that the proposed new dwelling would represent an enhancement to the setting of the listed buildings compared to the previously

approved Class Q scheme. Overall, the proposal would therefore comply with paragraph 219 of the NPPF, Policies BNE1, BNE2, BNE4 and BNE10 of the Local Plan, and Policy HC1 of the Neighbourhood Plan, and as per paragraph 212 of the NPPF, great weight should be attributed to assets' conservation.

Ecology

Policy BNE3 of the South Derbyshire Local Plan Part 1, states that development will be supported which contributes to the protection, enhancement, management and restoration of biodiversity. Policy OS3 of the Neighbourhood Plan also seeks to protect and enhance biodiversity.

The application has been supported by an Internal / External Bat Survey Report, which found negligible potential for roosting bats within the building. Derbyshire Wildlife Trust (DWT) reviewed the submitted information and advised that the proposal would be unlikely to have a substantive adverse effect on biodiversity, although given the rural nature of the proposed condition for sensitive lighting scheme would be reasonable to attach to any planning approval. As a self-build dwelling the application would be exempt from the mandatory requirement for Biodiversity Net Gain (BNG). DWT recommended a biodiversity enhancement plan be secured through planning condition, which would also be reasonable in the context of Policies BNE3 and OS3. This is afforded some weight as whilst the development is exempt from the 10% net gain (as with the Class Q development) there was no opportunity to seek enhancement opportunities with that scheme, which this proposal provides.

Access and Parking

Policy INF2 sets the policy framework for sustainable transport and states that planning permission will be granted for development where appropriate provision is made for safe and convenient access to and within the development for users of the private car and other modes of transport.

The proposal would use the existing access to the public highway. Within the site there would be some upgrading of the private estate drive, with the proposed site plan indicating that the existing track would be refurbished. The applicant has confirmed that this would be through application of recycled tarmac clippings to improve the appearance of the track and ensure it remains permeable. The County Highway Authority has been consulted on the proposals and confirmed that the existing access to the public highway would be satisfactory to serve the proposed development. Four parking spaces are indicated on the proposed site plan, which would exceed the recommendations of the Design Guide SPD for a single dwelling, although it is noted that the accommodation also incorporates integral auxiliary accommodation. Still, the proposed driveway is large and the parking provision would be sufficient. Although the application site is located within the rural area, the Design and Access Statement states that the site is within walking distance of a bus route that has a stop at the bottom of Robinson's Hill (at its junction with Ashby Road) provides connections to Melbourne, Swadlincote and the wider area. The proposed development would not have an unacceptable impact on the public highway and would overall comply with Policy INF2.

Other Considerations

The new dwelling would be sufficiently separated from the existing dwellings to the north such that it would not materially impact neighbouring residential amenity.

Policy BNE1, k) states that new development should be designed to facilitate the efficient use of resources and support the reuse and recycling of waste throughout the life cycle of development. Retention of the modern building (through conversion) would not therefore be without merit, as it would enable the existing building fabric and structure to be utilised. On the other hand, the Design and Access Statement highlights that there would be a suite of sustainable technologies with ground source heat pump, triple glazing, photovoltaic panels and rainwater harvesting. These features are identified on the proposed site plan. Such features could conceivably be incorporated into the conversion scheme, although they were not committed to on the Class Q plans. As no life

cycle analysis has been put forward, it is not possible to provide a quantified comparison of the energy and sustainability credentials of the Class Q or new build.

A condition could be attached to ensure the dwelling be fitted out to restrict water usage in accordance with the Optional Standard G2 of the Building Regulations (2015), as per Policy SD3 of the Local Plan.

It is noted that there is a stable block currently within the land of the application site, which does not benefit from planning permission. The applicant has confirmed that the building would be used for the temporary storage of materials and welfare facilities for staff during construction of the new dwelling and subsequently removed from site. It would need to be removed in order for the proposed site layout to be adhered to and so the matter has not been referred to planning enforcement at this time.

Conclusion

The Council has a five-year supply of deliverable land for housing. Decisions should therefore be made in consideration of the requirements of the development plan unless material considerations indicate otherwise.

There is no planning policy within the Local Plan Parts 1 or 2 that supports the demolition of agricultural buildings and erection of dwellings in their place. The proposal is outside of the Local Plan settlement hierarchy, and this is afforded significant weight.

The applicant has put forward a case that the new build dwellings would be acceptable due to a fallback position being in place. Taking into account the scale of the proposal which relates to a single dwelling, it is more realistic that in this instance the fallback would be realised, than in similar applications for multiple dwellings within the District. The position is afforded limited weight, although more than would be afforded in the case that the fallback scheme involved multiple dwellings, resulting in a finer planning balance.

Merits of the scheme include: The provision of 1no. self build dwelling meeting the needs of the applicant who is identified on the Council's self build register. This is attributed significant positive weight in the balance. Provision of a high-quality new build that would be an improvement to the setting of the listed heritage assets when compared to the Class Q scheme, particularly taking into account the additional planning controls available. This positive is attributed great weight. Contributions to biodiversity through conditions for biodiversity enhancement are attributed minor weight. There would also be the opportunity for integration of sustainable design measures, attributed minor weight in recognition that this would be offset to an extent by the loss of opportunity for reuse of the existing building fabric. Matters of access and other considerations are attributed neutral weight in the planning balance. There are no material considerations weighing negatively in the balance.

In this case, whilst the proposal would be in some conflict with the strict interpretation of the development plan, specifically Policy H1 and H24, great weight would be attributed to the improvement in setting of the listed heritage assets when compared to the Class Q scheme and significant weight attached to the self build provision. These factors are considered to outweigh the conflict that the proposal has with the development plan in principle. Accordingly, the application is recommended for approval subject to conditions.

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

Recommendation

A. Grant delegated authority to the Head of Planning and Strategic Housing to complete an agreement under section 106 of the Town and Country Planning Act 1990 so to secure the dwelling is occupied as a self-build as outlined in this report; and

B. Subject to A, **Approve** the application subject to the following conditions:

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans/documents:

- Site Location Plan (2505-PJT-A-L01, received by the LPA on 29th May 2025)
- Existing Block Plan (2505-PJT-A-E01, received 29th May 2025)
- Proposed Bock Plan (2505-PJT-A-P03, received 29th May 2025)
- Existing Floor Plan and Elevations (2505-PJT-A-E02, received 29th May 2025)
- Proposed Floor Plan (2505-PJT-A-P01, received 29th May 2025)
- Proposed Elevational Plan (2505-PJT-A-P02, received 6th June 2025)
- Curtilage Comparison Plan (2505-PJT-A-P06, received 1st July 2025)
- Elevations Comparison Plan (2505-PJT-A-P05, received 1st July 2025), unless as otherwise required by condition attached to this permission or following approval of an application made pursuant to Section 96A of the Town and Country Planning Act 1990.

Reason: For the avoidance of doubt and in the interests of achieving sustainable development in accordance with Policies BNE1, BNE2, BNE10 of the Local Plan and Policy HC1 of the Neighbourhood Plan.

3. Materials, including facing materials, doors and windows, used in the development shall be as detailed on the approved plans and Materials Statement (received by the LPA on 29 May 2025) unless, prior to their incorporation into the development hereby approved, alternative details are first submitted to and approved in writing by the Local Planning Authority pursuant to an application made in that regard, whereafter the approved alternative details shall be incorporated into the development.

Reason: In the visual interest of the area and to preserve the setting of the designated heritage assets in accordance with Policies BNE1, BNE2 and BNE10 of the Local Plan and Policy HC1 of the Neighbourhood Plan.

4. Prior to incorporation within the development, a detailed scheme of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. The scheme should include specifications of hard landscaping materials; and for soft landscaping evidence the proposed locations of each tree species, the size of each type of tree (standard, select standard, or heavy standard with girth dimensions), the mix of any proposed grass areas, and the proposed locations and sizes of any ornamental shrubs (in litre pots). All planting, seeding or turfing comprised in the approved scheme shall be carried out in the first planting and seeding seasons following first occupation of the dwelling or completion of the development (whichever is the sooner); and any plants which within a period of five years (ten years in the case of trees) from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species and thereafter retained for at least the same period, unless the Local Planning Authority gives written consent to any variation.

Reason: In accordance with Policies BNE1, BNE2, BNE4 and BNE10 of the Local Plan, Policy HC1 of the Neighbourhood Plan and in the interest of landscape character and the impact on setting of the designated heritage assets.

5. Notwithstanding the plans hereby approved, prior to the construction of a boundary wall, fence or gate, details of the position, appearance and materials of such boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be completed in accordance with the approved details before the dwelling is first occupied or in accordance with a timetable which shall first have been submitted to and approved in writing by the Local Planning Authority and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any statutory instrument amending, revoking and/or replacing that Order, no further boundary treatments shall thereafter be erected without the permission of the Local Planning Authority pursuant to an application made in that regard.

   Reason: In the interests of the character and appearance of the area in accordance with Policies BNE1, BNE2, BNE4 and BNE10 of the Local Plan.

6. Prior to occupation of the dwelling a Species Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented in full and maintained thereafter. The Plan shall clearly show positions, specifications and numbers of features, which will include (but are not limited to) the following:

   - 1no. integrated universal nest box / swift brick in the new dwelling (avoiding southern elevations)
   - 1no. integrated bat box in new dwelling at eave height (favouring southern elevations)
   - fencing gaps 130 mm x 130 mm to maintain connectivity for hedgehogs
   - summary of ecologically beneficial landscaping (full details to be provided in Landscape Plans).

   A statement of good practice including photographs should be submitted to the local planning authority prior to the discharge of this condition, demonstrating that the enhancements have been selected and installed in accordance with the above.

   Reason: In order to achieve a species enhancement in accordance with Policy BNE3 of the Local Plan and Policy OS3 of the Neighbourhood Plan.

7. Any external lighting within the site shall be low level, low wattage down lights (on PIR sensors), positioned away from trees, hedgerows or any bat/bird boxes. No uplighting shall be provided during construction or for the lifetime of the development. The external lighting scheme shall comply with the requirements of Guidance Note 08/18 - Bats and Artificial Lighting in the UK (BCT and ILP, 2018).

   Reason: In order to protect biodiversity and habitat on or adjacent to the site in accordance with Policy BNE3 of the Local Plan.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any statutory instrument amending, revoking and/or replacing that Order, the dwelling hereby permitted shall not be enlarged or extended and no outbuildings shall be erected, without the prior grant of planning permission pursuant to an application made to the Local Planning Authority in that regard.

   Reason: To maintain control in the interest of the character and amenity of the area, having regard to the setting and size of the development, the proximity to existing features on or adjacent to the site, and the effect upon neighbouring properties and/or the street scene.

9. The dwellings shall be fitted out so that the estimated consumption of wholesome water by persons occupying the dwellings will not exceed 110 litres per person per day, consistent

with the Optional Standard as set out in G2 of Part G of the Building Regulations (2015). The development must inform the building control body that this optional requirement applies.

Reason: To ensure that future water resource needs, wastewater treatment and drainage infrastructure are managed effectively and to satisfy the requirements of policy SD3 of the Local Plan.

10. During the period of construction, no ground, construction or fitting out works shall take place and no deliveries shall be taken at or dispatched from the site other than between 0800 and 1800 hours Monday to Friday and 0800 and 1300 hours on Saturdays. There shall be no construction works (except for works to address an emergency) or deliveries on Sundays or Bank Holidays.

    Reason: In the interests of protecting the amenity of the area and adjoining occupiers.

11. During the period of construction there should be no clearance of vegetation by burning, or disposal of other materials by burning.

    Reason: To protect the amenity of the locality, especially for people living and/or working nearby in accordance with Policy SD1.

Informatives:

a) This permission is the subject of a unilateral undertaking or agreement under Section 106 of the Town and Country Planning Act 1990. All formal submissions to discharge obligations of the undertaking or agreement, or queries relating to such matters, must be made in writing to s106@southderbyshire.gov.uk with the application reference included in correspondence.

b) Biodiversity Net Gain
The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition (the biodiversity gain condition) that development may not begin unless:
(a) a Biodiversity Gain Plan has been submitted to the planning authority, and
(b) the planning authority has approved the plan.
The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be South Derbyshire District Council. Based on the information available **this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements in the list below is/are considered to apply**.

4.8 Self and Custom Build Development, meaning development which:

iv) consists of no more than 9 dwellings;

v) is carried out on a site which has an area no larger than 0.5 hectares; and

vi) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

Item No. 1.2
Ref. No. DMPA/2022/0225
Valid date: 22/04/2022
Applicant: National Highways **Agent:** Carter Jonas

Proposal: Erection of an operational compound to support highway maintenance (sui generis use), with associated storage, parking and landscaping Land Adjacent to Derby with Burton Services, Etwall Road, Willington, DE65 6DX
Ward: Willington and Findern

Reason for committee determination
This item is presented to the Committee as it is a Major application with an objection from a Parish Council.

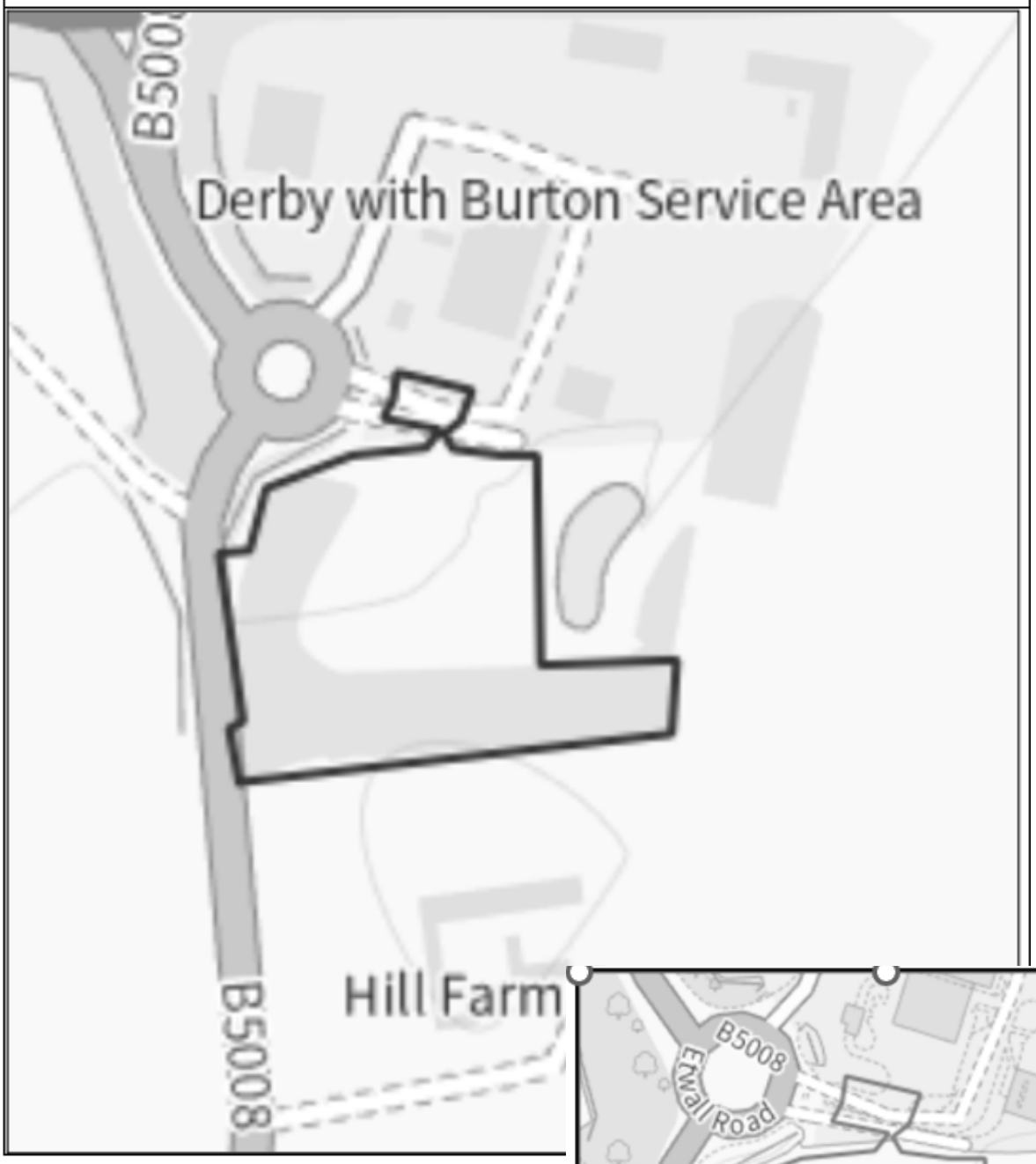
Executive Summary
The application seeks full permission for the development of an operational compound to support highway maintenance on the strategic road network. The development would fall within sui generis use.

Existing landscaping and a landscape bund would be retained between the site and the nearest residential dwellings to the south. This serves not only to minimise the impacts of the development in terms of amenity but also to retain intervening landscaping that limits the impact of the proposed development on a Grade II Listed Building.

Objections in relation to amenity, highway capacity and safety, protected species, biodiversity, flood risk, the accuracy of some submitted information and the suitability of the location have been received. During the course of the application the supporting information has been scrutinised by Officers and technical experts including statutory consultees. Some points raised are addressed through subsequent submission documents and technical experts do not offer objections on any grounds.

The scheme is assessed in accordance with the requirements of the development plan policies and the NPPF as providing economic, social and environmental benefits, which are discussed in the following sections of the report. The harms arising from the development are not considered to outweigh these benefits in the planning balance and no technical objections are received. Officers consider that, subject to the necessary legal agreement and the conditions of this recommendation, that the application complies with the development plan and it is therefore recommended for approval.

DMPA/2022/0225 - Land Adjacent to Derby with Burton Services, Etwall Road, Willington, DE65 6DX



Site Description

The application site lies to the east of the B5008 (Etwall Road) and extends to 1.9ha, the boundary with Etwall Road comprises an area dense with trees and shrubs. Immediately north of the site is the access to Willington services, beyond which lies the A50. To the east of the site lies a drainage pond, beyond which are fields and Mercia Marina, to the south of the site is an existing landscaped bund which runs for the duration of the site boundary in this location and is densely covered with trees and shrubs. South of the bund lies the grounds of Willington Hall Farm which is a Grade II listed fam with surrounding gardens and buildings which also takes access off the B5008. To the west of the site, on the opposite side of the B5008 are fields beyond which lies the A38 circa 380m from the site limits. The

services complex is comprised of a petrol station with small service area with drive through facilities adjoined to the rear (noted to be vacant at the most recent Officer visit on 11/07/2025) some small shops, cafes and restaurants, a hotel and a pub restaurant.

With the exception of the southern bund and the treed areas the site is comprised predominantly of flat grassed meadow land with areas of scrub. The site lies entirely in flood zone 1 and crosses both green and amber impact risk zones for Great Created Newts. The site is wholly within the Parish of Willington and the Ward of Willington and Findern.

Settlement boundary	Outside	Flood zone	1
Neighbourhood Plan Area	Not within	Green belt	No
Conservation area	No	Listed building	c. 58m south of site boundary
River Mease SAC Zone of Influence	No	Allocated site	No
Tree preservation order	No	Coal Mining risk	None
Agricultural Land Classification	Grade 3	National Forest Area	Not within
Great Crested Newt (GCN) risk zone	Amber & green		

The proposal

The application seeks permission for a new National Highways operational compound in sui generis use. The compound is proposed to enable easy access to the A50 and A38 which form part of the Strategic Highway Network in this location. The supporting information sets out that the connectivity is essential to serve winter treatment routes.

The application proposes two accesses to the site one off the B5008 (Etwall Road) enables access for both operational vehicles and staff vehicles and provides egress only for staff vehicles. The staff parking area is located parallel to Etwall Road. The office and garage building would be located behind the carpark, providing direct pedestrian access from the staff car park. The second access point provides solely for operational vehicles to exit the site and connects onto the spur providing access from Etwall Road to the Services adjacent. Pedestrian access is provided at both entrances connecting to the footway. Within the site a 1.8m black paladin fence is proposed to enclose the development.

A dual-purpose building would provide offices fronting the staff carpark to the front and a garage for operational vehicles extending to the rear of the site. This layout allows for the required 1-way system for operational vehicles using the site. The staff parking and operational areas would be located within fencing as would 2 swales one to the north east corner of the site and the other to the south of the site.

The proposed office and garage building will be sited behind the staff car park, set back from, but parallel to Etwall Road and will have two floors. To the front elevation the Office building will be stepped in height with the northern third of the building reaching a maximum height of around 8.9m and the remaining southern third being set down to a height of around 8.4m. Different coloured cladding would serve to break up the frontage which would have large glazed areas as would the northern and southern elevations of the office building.

To the rear the garage area is set at 7.3m and is served by 4 vehicular doors and 2 pedestrian doors each /.to the north and south and 2 vehicular doors to the east elevation. These provide access and egress enabling the operational vehicles to both enter and leave the garage in a forward gear. The roof of the offices and garage would be a flat roof with a parapet, the offices are proposed to be fitted with photovoltaic panels and the garage roof layout would have rooflights set between a sedum roof surrounded and bisected by a 1m access path.

A salt dome is proposed in the western area of the site, 41m from the boundary with Willington Hill Farmhouse. This is a dome structure with a circular base which tapers to the centre as the height increases. It is shown on the supporting plans to have a maximum diameter of 30.9m and a maximum height of 14.45m.The base of the structure to a height of 3m will be constructed of concrete push walls, above this height the dome structure begins to taper and would be constructed of bitumen roof shingles reinforced with fibreglass and proposed to be green (RAL 6002). To the west elevation, facing the B5008 would be the vehicular entrance which is shown to have a width of 6.2m and a height of 11m, with a shallow gable pitched roof. Adjacent the entrance would be water and brine tanks, these measure 3.5m and reach a height of 6.4m.

Within the service area the application proposes areas for AdBlue and diesel storage. These are located to the northern area of the site and would measure 2.8m by 1.5m with a height of 1.6m for the AdBlue tank and 4.9m by 2.5m with a height of 3m for the diesel storage tank.

A wash gantry and truck washer are proposed to the east of the site (rear) the gantry would be constructed in galvanised metal with a max height to the railings of 3.29m and 2.09 m to the gantry platform. It will be circa 17m from the base of steps either end and a width of 1.55m. Fencing within the site is proposed to be 2m high paladin fencing in black with pedestrian and vehicle gates to the same height.

Due to the nature of the use, to maintain the surrounding highway network, the site would be operated on a 24/7 basis. It is anticipated that the site would employ approximately 50 members of staff.

Applicant's supporting information

Alternative Sites Assessment (ASA) Land Adjacent to Derby with Burton Services, Etwall Road, Willington. Reference: J0059559, dated as received 01/10/2024.
The ASA sets out the purposes of demonstrating that the proposed site is the most suitable and operationally viable location and providing a response to planning policy consultation requesting clarification on the availability and suitability of alternative sites. It reviewed 30 sites across six local authorities and applied a three-stage filtering process. Stage 1 required all sites to be assessed in terms of size compliance of a minimum of 0.8 hectares; stage 2 related to the area of developable land in terms of the shape, access and constraints. Stage three undertook a more detailed assessment of each site-specific planning and environmental constraints including heritage, flood risk, ecology, amenity, highways and other matters.

The ASA set out the key reasons for discounting alternative sites as being planning policy conflicts (e.g. Green Belt, loss of public open space, employment land allocations); ecological constraints (e.g. Local Nature Reserves, Priority Habitats, Tree Preservation Orders); flood risk (many sites in Flood Zones 2 or 3); access limitations (narrow roads, unsuitable junctions,

residential areas); amenity impacts (proximity to housing, noise and lighting concerns); operational inefficiency (distance from A38/A50, poor response times). In some cases, the sites experienced a combination of the above effects.

The key benefits of the application site were summarised as:

1) The site met all operational requirements for National Highways.
2) No insurmountable constraints were identified: the site lies in an area of low flood risk (Flood Zone 1); there were no ecological designations or TPOs; there were no adverse impact on nearby heritage assets there were no amenity impacts due to existing bunding and landscaping and the site was supported by Transport Statement and Travel Plan
3) The site was considered also to comply with Policy BNE5 (Development in Rural Areas) as the location is unavoidable and essential for strategic network maintenance.

The ASA concluded that it had demonstrated that no other site is suitable or preferable in planning or operational terms. The Application Site is optimal for serving both the A38 and A50, ensuring efficient maintenance and response coverage. The development is justified and policy-compliant.

Drainage Strategy, Derby NH Maintenance Depot, dated as received 16/02/2022

The drainage strategy sets out the characteristics of the existing site and surrounding area. The appraisal sets out the site is broadly level with surveyed levels of between 60 and 61m AOD, dropping below 60m AOD to the southern corners. They note the bund has a height or around 63.57 AOD and the ground levels south of this drop to 58.04m AOD, noting the North-west corner of the site contains a ditch with a depth of around 1.2m.

The strategy identifies a single foul sewer serving the pumping station and running in an east – west direction along the services access road north of the site. There are no public surface water sewers in the site's vicinity. It notes the presence of 4 land drains / infiltration trenches in the site which form the outfall of the detention basin to the east. The report questions the efficacy of these citing previous reports that show soakaway testing on the site had previously failed due to the ground conditions.

The strategy has determined the pre-development/Greenfield run-off rate to be 2.0l/s and notes that as the minimum rate achievable by a 75mm orifice is 3l/s it is proposed to discharge surface water at this rate. It further specifies an attenuation capacity of 550m3 is required to sufficiently drain the proposed impermeable area for the 1 in 100 year + 40 % climate change return period. The strategy proposes the following sustainable drainage features: permeable paving and associated sub-base storage; swales and detention basins; rainwater harvesting on the roofs of the offices/garage and salt barn, where feasible, filter drains and other SuDS planting i.e. raingardens. Surface water will we pumped to an existing ditch in the northwest corner and the adjacent pond (from neighbouring site) will connect to the new drainage network.

In respect of foul water the system will serve contaminated areas such as the salt dome, washdown and fuelling facilities which will be pumped to the existing Severn Trent pumping station to the north east to discharge to the foul network. The report notes that pre-development enquiries were submitted to Severn Trent.

Land adjacent to Derby with Burton Services, Built Heritage Statement, ref: PMC-BWB-ZZ-XX-RP-LH-0001, prepared by BWB for Carter Jonas, dated as received 16/02/2022

The Heritage Statement (HS) sets out the location of heritage assets within a 1km radius of the site, Willington Hill Farmhouse (List Entry: 1038328) and The Green Man Public House, Willington (List Entry: 1096519). It notes that there are no designated or undesignated assets within the application site limits. It summarises that Willington Farmhouse was historically connected to agricultural land and is now visually separated by bunding and landscaping, that there is no intervisibility or functional relationship between the asset and the proposed site and (in the

consideration of the author) the proposed development will not impact the significance or setting of Willington Hill Farmhouse. In respect of the Green Man Public House it notes that this is circa 1km away and within the built up area of Willington Village, it further sets out there is no visual or historic connection with the application site and that the development will not affect the setting of the heritage asset.

The HS concludes that the development does not harm the significance or setting of nearby heritage assets and that, on this basis, beyond the proposed bunding and landscaping, no further mitigation measures are required and the proposed development complies with the requirements of relevant legislation and policy specifically the Planning (Listed Buildings and Conservation Areas) Act 1990 and the National Planning Policy Framework guidance.

Design and Access Statement, Proposed Maintenance Compound at Land Adjacent Derby with Burton Services, prepared by The Harris Partnership Ltd, Document reference: 17882-DAS04, dated as received 21/11/2022

The Design & Access Statement (D&AS) appraises the application site which extends to just under 2 hectares and the surrounding area and describes the merits of the site in terms of the proposed development which is a depot to support highway maintenance, especially gritting and snow clearance, with 24-hour operational capability. It notes the location of the site in terms of the surrounding developments which include Derby with Burton Services (Ibis Hotel, Shell, Cherry Tree Pub), proximity to Willington Village and Mercia Marina. It notes the presence of Hill Farm, a Grade II listed building.

The D&AS states the site would be within sui generis use and (not within standard planning use classes) and provides an overview of the proposed structures and facilities. In terms of the proposals it also sets out that the existing bund and mature trees would be retained within the proposed development to assist in the protection of Hill Farm and that further soft landscaping would form part of the proposals. It notes that swale would be used for sustainable drainage and that no additional acoustic mitigation would be required.

The statement sets out the proposed access arrangements and details how these allow for a one-way system enabling safe and efficient vehicle movement for all vehicles and in particular to facilitate HGV turning and gritter operations.

The proposed buildings will aim to achieve a BREEAM ‘Very Good’ rating and include features such as PV panels to the office roof, rainwater harvesting, sustainable materials and construction practices.

The statement concludes that the development complies with the Local Plan and the NPPF and that it would support sustainable development and rural employment whilst addressing material considerations such as the impact upon heritage assets, biodiversity and transport matters.

Noise Impact Assessment, National Highways Maintenance Compound, BS 4142 Noise Impact Assessment, reference: 1700620-RP-NIA-0001 Rev 2, dated as received 21/11/2022

The Noise Impact Assessment (NIA) provides an evaluation of potential noise effects from the proposed development, including the salt barn, garage, office and service areas.

The NIA confirms compliance with the relevant British Standard guidance (BS 4142; BS 7445 and BS 8233. It further provides a review of the existing site and existing environment in terms of the noise environment as well as existing developed and undeveloped areas. The NIA progresses to describe the proposed development and an overview of the relevant policy and guidance.
The assessment progresses to identify nearby noise-sensitive receptors which may be affected by the development as being Hill Farmhouse and the associated dwellings (NSR1) and the Hotel within the service area (NSR2).

An overview of the noise survey and modelling work confirms the survey was undertaken between 18-19 November 2021 and provides an overview of the methodology, conditions and results. The background noise levels observed during the daytime and nighttime were stated to be Daytime (LA90,1hr): 56 dB Night-time (LA90,15min): 49 dB. It notes that the dominant noise sources at the measurement positions (in the SE of the site and adjacent the hotel within the services) were the B5008 (Etwall Road) and the A50.

In predicting the likely noise levels the NIA assessors have undertaken a survey of an existing highways depot of a similar site in Alnwick on 14/04/2021. The NIA provides an overview of the noise generating activities that were measured and the results at a distance of 5m from the activity. This provides within the NIA an operations scenario which is followed by target noise emission limits.

Taking account of the site survey, the NIA predicts the operating noise levels at the identified NSR's as being: 33 dB day & night at NSR1, Hill Farmhouse, and 37 dB day & night at NSR2, the hotel. These are noted to be 17dB and 13dB respectively below the existing background noise levels during the day and 10dB and 6dB (again respectively) below the existing night time noise levels at the hotel and Farmhouse.

The 'worst case scenario assessment detailed the noise levels in all events simulated would be 53 dB externally, 38 dB with an open window, 20 dB with a closed window at Hill Farmhouse (NSR1) and at the hotel (NSR2):) 60 dB externally, 45 dB with an open window and 27 dB with a closed window. The report confirms the noise levels to below both WHO and British Standard guidelines for sleep disturbance.

The report concludes that all results indicate the development will have a low impact in terms of noise and there are no observed adverse effects. It confirms that internal noise level at NSRs are well within the acceptable limits and that no additional mitigation is required. Notwithstanding this the NIA provides oversight of best practice measures including: limiting vehicle idling and manoeuvring; use of broadband reversing alarms; locating noisy activities away from receptors and avoiding operations during quietest night-time hours.

Planning Statement, Maintenance compound, reference: J0051857, prepared by Carter Jonas and dated as received 16/02/2022

The Planning Statement sets out the overview of the proposed development and the site context before progressing to provide an assessment of how the proposed development on this site complies with the requirements of development plan and national planning policies and guidance. It seeks to justify the principle of development in this location on by virtue of the need for the development to be strategically located for operational reasons. It further sets out the impacts of the development and concludes these to be policy compliant. The PS concludes that the proposal meets with local ad national policy requirements and is a sustainable form of development that is justified by a strong business case and strategic need for the development in this location.

Preliminary Ecological Appraisal Report (PEAR) Proposed Highways Depot, reference: RSE_5580_01_V1, dated as received 21/11/2022

The PEA provides an overview of the site and surroundings site investigation findings and the likely impact of the development. It provides an overview of the habitats present and their suitability to support various protected and priority species, based on this is advises of the need for further survey works for badger and GCN. It further sets out how BNG could be achieved in reference to the requirements of the 2021 NPPF (which was current at the time of submission). The recommendations included the installation of bird boxes on the eastern/southern aspects of buildings; the inclusion of hedgehog boxes in the southern area beyond the bund, native tree and hedgerow planting across the site, inclusion of wildflower meadow and swale planting.

Transport Statement and Travel Plan, ref: 2101638, revision 06, dated as received 21/11/2022

The Transport Statement for the Proposed Maintenance Compound adjacent to Derby with Burton Services provides a detailed assessment of the site's transport implications and sustainability measures. It provides and overview of the buildings and parking provision which includes 32 spaces, of which 2 will be accessible; 6 will be EV spaces; 4 will be reserved for future EV and the remaining 20 for general use. Cycle storage will also be provided on the site.

The statement sets out the access arrangements from Etwall Road (ingress for operational vehicles and two way access for car) and egress for operational vehicles to the service road at the northern boundary of the site. The accesses would be constructed to meet necessary safety standards and provide adequate visibility splays.

In respect of trip generation the report sets out that the would be 13 vehicles per hour during peak times and concludes this would have a minimal impact on the local highway network. In respect of other modes of transport the TS sets out that Willington is 2km away and that walking to the site is feasible; that there are a umber of villages within a 5km radius from which cycle access is considered feasible, noting secure cycle storage will be provided on site. Public transport links are identified with Burton and Derby (route V3 – which runs hourly) and Willington Train Station which is 1km away and serves lines to Butron, Derby, Nottingham and Tamworth amongst further destinations.

The document sets out a traffic management plan for the construction phase will be agreed with Derbyshire County Council.

The Travel Plan (TP) included within the TS sets out objectives of reducing single-occupancy car use and promotion non-car modes including walking, cycling and public transport use. In order to achieve this reduction is seeks to include measures such as information packs, a car sharing database, offer of a Cycle2work scheme, a walking buddy system. Monitoring and annual surveys for a period of 5 years are proposed.

Relevant planning history

The application site previously formed part of the application site for the Derby with Burton Services and associated road improvements. The history relating to this area of the site is below:
9/2008/0612 - The display of one 12 metre high totem sign. Approved subject to conditions. 29/07/2008
9/2008/0519 - The display of corporate signage. Approved subject to conditions. 01/07/2008
9/2005/0035 - The formation of a trunk road service area including 100 bed lodge, public house, amenity building, petrol filling station, drive thru diner and associated car, coach and HGV parking and access. Approved subject to conditions. 03/08/2005
9/2003/0261- Application for approval of reserved matters pertaining to trunk road service area including 100 bed hotel, public house restaurant, filling station, food outlets and associated parking, access and landscaping. Approved subject to conditions. 01/07/2003
9/2000/0241- The variation of condition 1 of planning permission 9/0696/0206/O to permit an extended period of a further three years for the submission of reserved matters on the proposed motorists service area. Approved subject to conditions. 07/08/2000
9/2005/1400 - The formation of a trunk road service area including 100 bed lodge, public house, amenity building, petrol filling station, restaurant/ diner and associated car, coach and HGV parking and access at

Responses to consultations and publicity

Environment Agency – No comment
Initial: Confirm review of the submitted documents and state the Environment Agency will not be making any formal comment on the submission as the development falls within flood zone 1 and

therefore there are no fluvial flood risk concerns associated with the site.

Comments further confirm that there are no other environmental constraints associated with the application site which fall within the remit of the Environment Agency.

Note that if the proposal changes such that Officers consider it may pose a significant environmental risk then the EA will be happy to review. 28/11/2022
Final: State the Environment Agency does not have any new comments to make to this re-consultation and refer to previous comments made (28/11/2022). Reiterate location of development in FZ1 and ensuing absences of fluvial flood risk concerns. Furter state that there are no other environmental constraints associated with the application site which fall within the remit of the Environment Agency.

Request consultation if significant environmental risks are subsequently identified to enable further review of response.14/07/2025

National Highways – No objection 09/05/2025

Initial comments: No objection. 30/05/2022

Subsequent comments: confirm previous no objection response in May 2022. Note the re-consult is in relation to comments relating to flood risk, landscaping, noise and lighting and notes that the agent has addressed the comments in a letter to the LPA. Confirm that none of the matters raised adversely impact the SRN and as such NH have no further comments.

Final comments – confirm previous no objection responses in May 2022 and November 2022. Note the latest re-consult is in relation to biodiversity, revised plans and landscaping and set out that these issues do not adversely impact the safe operation of the SRN and as such, the original response remains valid and there are no further comments.09/07/2025

Historic England – No comment 17/05/2022

On the basis of the information available to date, in our view you do not need to notify us of this application under the relevant statutory provisions.

Derbyshire Wildlife Trust (DWT) – No objection subject to condition 07/08/2025

Initial comments: confirm review of the PEA report and note the requirement for GCN surveys. They note that pond 1 is a breeding pond for Common Toad, which are a priority species and that the site provides suitable habitat for the species.

Comments confirm that the proposal will result in the loss of broadleaved plantation woodland, scrub and semi-improved grassland habitats and confirm that in accordance with the NPPF the application must demonstrate how a measurable net biodiversity gain will be achieved, and that the Defra calculator should be used.

Confirm the above surveys and metric are required, along with any mitigation proposals prior to determination of the application. 20/07/2022

Subsequent comments: Confirm review of the submitted eDNA survey result letter and state that given the findings Great Creased Newt should not present a constraint to the proposed development. Confirm DWT look forward to subsequent review of the biodiversity metric. 13/09/2022

Subsequent comments: Confirm review of the Biodiversity Metric dated 31st May 2024, BIA Baseline Habitat Plan 31st May 2024 and the BIA Proposed Habitat Plan 31st May 2024.

Note that the Baseline and Proposed Habitat Plans have been submitted to the Council on 19th December 2024, but they appear to have been prepared in May at the same time as the Biodiversity Metric 3.1 assessment. Confirm that the information provided has calculated that the proposed development will result in a net loss of -1.09 habitat units and a net gain of 0.09 hedgerow units. The Trading rules for medium and low distinctiveness habitats have not been satisfied.

Note that the baseline habitat map and the proposed habitat map for the on-site habitat measures are acceptable and offer no concerns with the maps. State that it remains unclear whether the applicant intends to provide a net gain off-site to address the net loss. Further refer to a meeting (between applicant's agent, LPA Officers and DWT) at which this was discussed the applicant referred to several potential off-site locations for delivery of BNG. They indicate they were expecting this information to be submitted following the meeting.

Request the applicant confirm their chosen or preferred strategy for this to provide confidence that a solution is available. Set out that if this information was available DWT would have no objection to the details for this being provided as part of a condition.

Note that the application pre-dates mandatory net gain and as such a mandatory gain plan is not a legal requirement and the requirements [of policy] could be met by on-site and off-site LEMP.
20/03/2025

Final Comments: Confirm review of additional information submitted. They note that the BNG Walkover Update has not found any significant changes to have occurred in terms of the habitat and species assessment and note and support the recommendations in this report confirming these have been taken these into consideration in the recommended conditions.

They confirm the applicants propose to purchase biodiversity units at an off-site Habitat Bank (Common Farm, Wild Solutions). Note that although the habitat bank is some distance from the development and in a different Character Area and LPA the type and number of biodiversity units are such that they do not think this is a major problem. Noting that the application pre-dates mandatory BNG so there is no legal requirement for a Biodiversity Gain Plan.

They further advise the Council will need to be confident that the required biodiversity habitat creation and / or enhancement at Common Farm is undertaken successfully.

They further advise that conditions for on-site species mitigation are required for birds, reptiles, amphibians, hedgehog, badger and bats. Confirm that most of this can be included in a Construction Environmental Management Plan (CEMP: Biodiversity) and the recommendations in the BNG Walkover Update (document number RSE_5580_L2_V2) should be included and implemented as part of the CEMP.

In respect of lighting they confirm that the submitted lighting plan does not specifically reference the Guidance Note 08/23 - Bats and Artificial Lighting at Night (BCT and ILP, 2023) so the requirement for a condition remain, subject to amendments.

They note that a condition for on-site habitat creation/enhancement and management (LEMP) is also still advisable. They confirm support for the recommendations in the updated walkover report for conditions specifically relating to protecting common toad.

Confirm that as Common Farm Habitat Bank has a Habitat Management and Monitoring Plan in place this would meet the requirements of the previously advised condition for an off-site LEMP.

Noting the small loss to biodiversity on-site and the applicants intention to address this by purchasing offsite biodiversity units from a habitat bank to achieve a 10% net gain in biodiversity. They further note the applicant has proposed that the application proceeds to the planning

committee stage, with a legal agreement to formalise and monitor the selected BNG option, including associated fees. In this regard they highlight that the Habitat Bank is owned by a third party and once the applicant has paid for the biodiversity units, the delivery of the habitat creation or enhancement is the responsibility of the third party (Wild Solutions). The habitat bank at Common Farm is registered with Natural England and there is a legal agreement between the habitat banks owners (DWT) and Amber Valley Borough Council. The advice that the Council request written confirmation of the purchase of the units from the Habitat Bank provider, and a copy of the Habitat Management and Monitoring Plan and recommend a condition for this.

In terms of monitoring of the delivery of the BNG they advise the Council could ask to receive a copy of the monitoring report from the Habitat Bank, although as this is pre-mandatory and for a small number of units it may not be essential.

Conditions are requested for:

- Confirmation of the purchase of habitat units and the associated HMMP for Common Farm have been received
- CEMP
- Common Toad condition
- Condition in relation to dropped kerbs
- Lighting
- Species enhancement
- Onsite LBEMP

Derbyshire County Council

County Archaeologist – No objection subject to condition 28/07/2025

Initial comments: Note that the proposed development area is recorded in the Derbyshire HER as lying between an archaeological site, adjacent to the east (MDR4333) dating from the Neolithic and Bronze Age. To the west, numerous palaeolithic flint implements were retrieved from Willington North Gravel Pit (MDR2575). The PDA obviously sits within an archaeological landscape.

Comments note the submission of a built heritage statement with the application and identify the omission of consideration of the buried archaeological resource and potential impacts to it from the proposed development.

Comments further note that the section of the Salt Barn submitted intimates that the pad foundations will be c.1.4m deep. They confirm that this is deep enough to impact on any buried archaeology. Further state that is also clear from the submission regarding drainage that the provision of infrastructure and services would also impact on any below ground heritage assets. Note that under NPPF Para 194 (previous NPPF para reference) an applicant should describe the significance of any heritage assets affected. While the submitted Heritage Statement does not assess the likelihood of their being any below ground archaeology, nor establish what/if there would be any impacts, the site itself sits within an archaeologically populous landscape and the presence of archaeology on the site is likely.

They recommend, therefore, that under Para 205 of NPPF (previous NPPF para reference), a scheme of further archaeological works is required. This is to include Archaeological Field Evaluation and reporting, with provision for mitigation, so that the understanding and significance of any heritage assets to be lost can be advanced and made publicly accessible. These works can be undertaken post-determination, conditioned into consent.

Wording for a condition securing these works is offered within the comments in addition to guidance setting out that such works should be undertaken by a professional archaeological

organisation, preferably registered with CIfA. They further state that the appointed archaeological organisation should liaise with the DCC Archaeology Office prior to producing the WSI.

Final comments: Confirm previous request for predetermination archaeological evaluation but confirm that, following further review archaeological impacts evaluation can be secured by pre-determination condition. Wording is provided for the suggested condition. 28/07/2025

Local Highways Authority – No objections subject to conditions and obligations 05/08/2025

Initial comments: Confirmed the application was under review and request in the interim that the red line is amended to exclude highways land, as shown on plan attached to email.04/07/2025
Initial comments (Travel Plan): Request that pedestrian walkways are provided at all access points complete with lighting, surfacing and dropped tactile kerbs as appropriate and to the relevant standard. Comments provide further guidance on the content of the travel information packs and request the submission of draft information packs to DCC for comment prior to approval. Consider that the Travel Plan should be an agenda item at any site wide staff forum at least twice yearly. Condition and monitoring fee requested in attached email.

Subsequent comments: Confirm review of the application and offer no further comments (other than previous comments issued) and offer no objection to the proposed development subject to the imposition of conditions for:

- The access, parking and turning arrangements to be provided prior to the first use of the development
- The provision and retention of visibility splays, prior to first use of the development and retained in perpetuity
- Implementation and monitoring of the travel plan, including provision of a revised travel plan to address shortfalls
- The submission, prior to commencement of development, of a Construction Management Plan

Subsequent comments: Comments confirm that the development or proposed discharge wouldn't alter the position in respect of who's responsibility the ditch is, which would be the riparian landowner, i.e. the developer. Officer in the respondents' team has already been consulted on the application, earlier on in the year, and would have conditioned the planning application, accordingly, based upon the proposals at that time. If the developers adhere to the required conditions, then the officer responding could not envisage any issues.

Therefore, they consider that the discharge of surface, water as per your proposed drainage strategy, is acceptable.

Note that the responding officer had not had sight of the Flood Teams' comments to South Derbyshire District Council at the time of writing. 24/11/2022

Subsequent comments (drainage) confirm that the discharge of surface water as per the proposed drainage strategy is acceptable provided the developers adhere to the required conditions. 20/09/2023.

Further informative notes were also requested in respect of the requirement for highway agreements under section 278; the preparation and completion of the travel plan agreement and the need to meet any costs incurred and the requirement for other fees / bonds associated with the S278 works. 05/10/2023

Subsequent comments: Confirm the updated wording for the travel plan conditions and the changes to monitoring fee to be sought via S106 for the travel plan monitoring fee. 10/07/2024

Final comments: Confirm review of the updated information and consider that there is no material impact on the operation of the local road network and that our previous response remains valid, the Local Highway Authority has no further comments to make. 05/08/2025

Lead Local Flood Authority – No objection subject to conditions – 08/07/2025

Initial comments: No objection subject to the inclusion of conditions for:

- Prior commencement submission of detailed surface water drainage design and management and maintenance plans.
- Prior commencement of a detailed assessment to demonstrate the SW drainage plan adheres to the drainage hierarchy
- Prior commencement submission of construction surface water management measures
- Prevention of use of the attenuation pond until construction is complete in lined with the agreed specification and approved by LLFA
- Submission of a verification report for the drainage system, prior to occupation of the development.

Further informative notes are also requested. 23/05/2022

Subsequent comments: Amendments do not alter the drainage strategy or surface water management plan and the LLFA's response remains unchanged. 07/12/2022
Final comments: Updated response rewords and reiterates 4 of the previously requested conditions and removes the requirement for a condition for verification of the system.

South Derbyshire District Council

Conservation Officer – No objection 22/072025

Initial comments: Confirm previous discussions and review of the site and submitted Planning and Heritage Statements. The comments set out that the existing landscaping provides a visual break between the two sites and while there will be changes to the character and appearance of the setting they do not consider that these will be additional significant harm to what is existing. The comments further describe the site and intervening landscaping between the application site and the heritage asset and conclude that due to the location of the site (closer than the existing services and between these and the heritage asset) they conclude that there is a level of harm and that this is less than substantial and to the lower end of scale. 05/09/2023

Final comments: The comments confirm subsequent review following the additional information provided. These reiterate the previous comments which concluded that the setting of the heritage assets was changed with historic permissions for the highway associated access, links and services, and consider this proposal results in a minimal level of harm having regard for these historic changes. The comments further set out that the Officer considers that the existing landscaping provides a visual break between the two sites, and whilst noting that changes will occur to the character and appearance of the setting, do not consider that there will be additional harm to what is existing. Comments further note that the proposed development will take design cues from the existing highway and services developments and will be in character with the area directly associate with operations and that main sight lines will be between the site and these features and as such the appearance, layout and style is within the existing character. The comment note the existing mature landscape bund that provides a visual screen between the site and the heritage asset. They confirm that the previous assessment, having regard for the above considerations and the location of the application site in closer proximity to the heritage asset, than the existing development. concluded that there is a level of harm, but that this was less than substantial to the lower end of the scale. Comments confirm that there is no change to this assessment following revisions to the application. 22/07/2025

Environmental Health – No objection subject to conditions 08/07/2025

Initial response: No objections to the proposed development and make recommendations for conditions including:

- Not using tonal reversing alarms
- Inclusion of recharging points for EVs at a ratio of 1:10 spaces – to be agreed by one condition and secured by a subsequent condition
- Submission of a dust mitigation scheme pad control measures for noise emissions during the construction period
- Restriction of house of working during the construction period.

Subsequent response: Previous comments still apply. 29/11/2025
Subsequent response: No further comments. 08/07/2025
Final response: Resulting from Officer query regarding EV charging provision only, awaited at time of publication

Landscape Officer – No specific comments in respect of the proposed landscaping note the application details have been forwarded to the Biodiversity Officer. 26/09/2024

Planning Policy –
Note the requirements of policy BNE5 it state that the application site is outside the settlement boundary and not allowed for by the exception policies, as such they set out that, in order for the development to be acceptable in principle it should demonstrate compliance with points iii) and v). In regard to point (iii) they note the applicant states that the proposed development would not be suitable within a settlement. It is not explained why this would be so, although the need for 24/7 operation could potentially give rise to amenity concerns within a settlement.

Regardless of this, the minimum site size for a development of this kind is identified in the D&AS as 0.8 ha. No such sites within the settlement boundaries identified in LP Policy SDT1 have been identified as part of the consideration of alternative sites submitted by the applicant, nor are officers aware of the existence of any such currently available sites offering convenient access to the trunk road network

In respect of Policy E7 they note the submission content state 50 jobs would be created which may help to demonstrate the requirement to support the social and economic needs of rural communities can be met, although it should be noted that (at the time comments were issued) the unemployment rate in Willington and Findern ward was very low (1.8% as opposed to 2.6% for Derbyshire and 3.7% for England, November 2022). Likewise the purpose of the proposal, to maintain the safety of trunk roads, can be considered a social and economic benefit to the local community.

In regard to point (i) they note the content of the Planning Statement which indicates that the strategic location is essential to meet the winter treatment routes managed by National Highways and that the D&AS states that National Highways is undergoing a national exercise of strategic operational requirements for new depots at various locations across England. It goes on to say that it is a contractual requirement that routes can be completed within a two hour time period. The officer comments that it is not clear whether this represents the only site that would allow these contractual requirements to be met or whether other sites could potentially meet this requirement but would be less desirable for other reasons, such as cost efficiency.

They note the consideration of three possible alternative sites for the proposal, comprising two at Dove Valley Business Park within South Derbyshire and one at the Centrum Way, Burton-on-Trent. The Dove Valley sites are dismissed on the basis that one would have a “detrimental impact on north south winter treatment routes” due to being 10km east of the application site and the other being “not suitable” for National Highways given the distance to the A38. The Centrum Way site is dismissed partly due to the need for access via industrial estate roads, but mainly due to it

being some 10km south of the A50, “negatively impacting” east-west treatment routes. The officer considered there to be some ambiguity in the wording used.

They comments conclude that if the development is to be considered acceptable against BNE5 then it is queried if the application site is the most suitable site in planning terms noting that other sites may offer better connections or be located on PDL.

Tree Officer - No objection 10/09/2024

Note the findings of the tree survey dated July 2024 and prepared by Carter Jonas, set out the features of the site and confirm the proposed removal of ash trees identified as suffering from Hymenoscyphus Fraxinus (ash dieback).
They observe from aerial photographs and photographs in the Tree Survey the group/woodland plantings appear to be overstocked and may benefit from thinning out. However, the tree survey does not provide areas, spacing of trees and percentage composition of tree species in the 4 groups that would provide the information to carry out a silvicultural thinning. Note this information would be useful to determine the area of trees to be removed and the area to trees to be retained. The Officer recommends restocking of diseased ash trees is to be carried out in retained areas consideration be given to use of shade bearing species such as field maple or hornbeam.

Elected Member
1 comment is received that offers no objection in principle to the development subject to adequate conditions to control contaminants and water runoff and preserve the heritage and amenity of the nearby Grade II Listed Building.

Willington Parish Council – Object 21/06/2022

Initial response*: Query if the application will be reported to Planning Committee. Sets out serious concerns on the impact this will have on the surrounding area and also raise concerns in relation to the impact on highways given the existing high volume of traffic on this roundabout, and consider that the construction of this compound will only increase this. Further concerns regarding the visibility at the access points and the present of a blind bend. Note access is also close to a Listed Building. Raise concerns regarding increased risk of flooding from the lorry wash facility. Consider palisade fencing is not in keeping with the surround area.*

Members of the public
8 comments have been received from members of the public (noting 3 of these were received from the same member of the public). These comments are summarised below:

a. Harm to residential amenity including from noise, vibration and disturbance – the proposed development would result in continuous noise pollution from the operation of heavy machinery, gritters, and diggers, particularly during the winter months when night-time gritting is required. The proximity of The Stables, The Haybarn, and Hill Farm means these residents would be subjected to intrusive mechanical sounds, reversing alarms, and vibration at unsociable hours. They consider this conflicts with Policy BNE1 nd paragraph 185 of the NPPF.
b. The site directly borders a residential area, with the closest homes being The Stables and The Haybarn. These properties would be particularly affected by the excessive noise generated, especially during winter months when machinery such as diggers and gritters would be operating throughout the night. The constant beeping, engine noise, and general disturbance would severely affect the residents’ quality of life and peaceful enjoyment of their homes.
c. There would be excessive light pollution as the proposed site would require significant artificial lighting for 24/7 operations during winter. The current bund (below 12 metres) is inadequate to shield nearby properties from this light spill. Residents at Hill Farm and surrounding dwellings would suffer direct glare and skyglow, disrupting sleep and nocturnal habitats. Consider this conflicts with NPPF Paragraph 185(c), which requires limiting the impact of light pollution on local

amenity, intrinsically dark landscapes, and nature conservation and Policy BNE1, in respect of safeguarding local environmental quality, including protection against excessive lighting.

d. Comments note noise from reversing alarm could be intrusive at night for the residents of Hill Farm. Noting that some are Grade II Listed and as such retain single glazing.
e. The site lighting will be clearly visible from surrounding properties, including those at Hill Farm. The bund on the site is less than 12 metres high, which means it would not effectively block the light spillage, causing further disruption to nearby homes.
f. Query whether the measurements points within the NIA are representative and how loss of trees may impact this. Consider MPR1 should be relocated.
g. Ask why there is no lighting plan
h. Note that when the service area was granted planning permission it incorporated significant landscaping to separate the services from the listed buildings at Hill Farm. This has now become established and is an effective barrier to the noise of HGV's using the services and has much reduced the visual impact. Consider that removing part of it will reduce its effectiveness.
i. The application is considered to result in damage to wildlife and ecology as the site is stated to currently provide habitats for diverse species, including badgers (protected under the Protection of Badgers Act 1992), birds of prey, rabbits, and foxes. Consider that development here would irreversibly destroy habitats, contributing to local biodiversity loss.
   Respondent consider that the proposal lacks a comprehensive Ecological Impact Assessment (EcIA); mitigation strategies to preserve or relocate species and therefore conflicts with Policy BNE3 which seeks to conserve and enhance biodiversity and NPPF Paragraph 174, which requires planning policies to protect and enhance biodiversity and recognise the wider benefits of ecosystem.
j. Query redaction within Ecological supporting information. Identify that the badger survey is incorrectly referenced on the portal and enquire as to the reason for this, ask why it isn't clear that badgers were found and why further survey work isn't required to understand activity levels.
k. The site supports a variety of wildlife, including badgers, bats, birds of prey, rabbits, and foxes, which are regularly seen in and around the bund area. The development would result in major habitat destruction, disrupting these species and leading to a significant loss of biodiversity in the area.
l. In respect of traffic impacts and highway safety the proposal would increase HGV movements, particularly on Water Road, raises significant safety concerns. Local roads are not designed for frequent heavy vehicle access, particularly during icy winter conditions when the site would be at peak activity. The traffic impact assessment provided is insufficient in addressing the cumulative impact on road safety. Respondent considers that this conflicts with INF2 and the NPPF paragraph 111.
m. If the site will be operational 24/7 265 days a year this could have a significant impact upon traffic and community issues such as noise, pollution dust and fumes at weekends. Further concerns raised regarding the peak time of the development and how this will impact the A50 / A38 interchange and enquire as to the effect of the additional load on the interchange which is already highly congested.
n. Query if all transport will route to / from the A50 or if some will come through Willington, raise concern re. the latter due to existing road issues. Query how this would be managed during peak times.
o. Queries re hedgerow removal and visibility from pedestrian access points
p. Further query the construction traffic routing
q. Respondent believes that the proposed development is wholly inappropriate for this location given its proximity to residential properties and the sensitive natural environment. I urge the planning committee to reject this application in order to protect the well-being of the community and the local ecosystem.
r. Query the need for the site given absence of new road development since the A50 and whether alternative sites in close proximity to or on the A50 corridor would be more suitable.
s. Note that at present the 2 hour time frame referenced within the submission for treating roads is being met and queries the need for this development.

t. Regarding access, it would be better to have the entry/exit located solely off the access road to the services. This would avoid the need for an entrance on the busy Etwall Road. It would also allow some of the current landscaping to be retained so as to screen the site from the Etwall Road.
u. Consider the number of car parking spaces is excessive for the size of the development but think this may be due to absence of public transport to the site, no safe cycling routes and a footpath to the village which is in poor condition and unlit at night. The respondent states they assume the Highways Agency see no benefit in reducing the number of car journeys required.
v. Query whether a hedgerow shown in a submitted picture will be removed / replaced as it provides a natural boundary to Hill Farm. Enquire what measures will be taken to enhance and maintain security of the boundary to Hill Farm housing complex? The plans suggest that hedges adjacent to the B5008 will be re-aligned, will boundary hedges be made good to maintain an inaccessible boundary.
w. Raise that the supporting information omits planning history in respect of the development of the services and in particular the landscape bund md trees on the bund – consider the bund and trees thereon should remain unchanged and enhance to prevent adverse noise and visual impacts for residents of Hill Farm
x. Request further clarification as to whey DVP sites were discounted for the application
y. Respondent would like the benefits of this application to be considered in the broader context of future planning developments.
z. Development / amenity impacts will significantly lessen the value of nearby residential properties.
aa. Allowing the development of the landscaped area would be an abuse of the planning system

Relevant policy, guidance and/or legislation

The relevant Development Plan policies are:
2016 Local Plan Part 1 (LPP1): S1: Sustainable Growth Strategy; S2: Presumption in Favour of Sustainable Development; S3: Environmental Performance; S6:Sustainable Access; Policy E7: Rural Development; SD1: Amenity and Environmental Quality; SD2: Flood Risk, SD3: Sustainable Water Supply, Drainage and Sewerage Infrastructure, SD4: Contaminated Land and Mining Legacy Issues, SD5: Minerals Safeguarding, BNE1: Design Excellence, BNE2: Heritage Assets, BNE3: Biodiversity, BNE4: Landscape Character and Local Distinctiveness, INF1: Infrastructure and Developer Contributions and INF2: Sustainable Transport.

2017 Local Plan Part 2 (LPP2): SDT1: Settlement Boundaries and Development, BNE5: Development in the Countryside; BNE7: Trees, Woodland and Hedgerows

The relevant National Guidance is:
2024 National Planning Policy Framework (NPPF)
Planning Practice Guidance (PPG)

The relevant Local Guidance is:
South Derbyshire Design Guide SPD
Section 106 Agreements A Guide for Developers SPD
Trees and Development SPD

The relevant legislation is:
The Town and Country Planning Act 1990
The Community Infrastructure Levy (CIL) Regulations 2010 (as amended**)**

Emerging Local Plan
On 10 March 2025 the South Derbyshire Local Plan Part 1 Review was published for its period of formal representations under Regulation 19 (of the Local Plan Regulations) prior to submission to the Secretary of State (The Publication Version). This is the version of the Local Plan that the Council intends to submit for examination, and it is a material consideration in the determination of planning applications.

The weight to be attached to emerging local plans is set out in paragraph 49 of the NPPF.

With regard to paragraph 49a) the plan is at an early stage of preparation having not reached examination. In terms of 49b) there remain unresolved objections to the plan from its Regulation 18 consultation and the period for comments concluded on 25 April and these comments are being reviewed in advance of a report to Environmental and Development Services committee in the summer of 2025. Although the plan is in general conformity with the NPPF (paragraph 49c) it has been published to benefit from the transition arrangements set out in paragraph 234 of the NPPF, meaning the Local Plan will be examined under the 2023 version of the NPPF. For all these reasons the weight to be attached to polices in the publication version of the Local Plan is low.

Where there is any conflict between policies in the publication version of the Local Plan and existing adopted Local Plan policies the decision should be taken in line with the adopted Local Plan policies.

Paragraphs 50 and 51 of the NPPF are also relevant which clarify that refusals of permission in line with emerging policies will seldom be justified before a plan has been submitted for examination. The plan is intended to be submitted for examination in Autumn 2025.

Planning considerations

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

- Principle of the development in this location
- Highway access and safety
- Design and impact upon the character and appearance of the area
- Residential amenity
- Ecology and biodiversity
- Flood risk and drainage
- Heritage and conservation
- Developer contributions
- Other issues

Planning assessment

<u>Principle of the development in this location</u>
Section 38 (6) of the Planning and Compulsory Purchase Act (2004) sets out that the determination of applications must be made in accordance with the development plan unless material considerations indicate otherwise. The Development Plan for the application site comprises the Local Plan, Part 1 (2016) and Part 2 (2017). There is no adopted Neighbourhood Plan in this location.

The NPPF advises that LPA's should work proactively with applicants in order to secure developments that improve the economic, social and environmental conditions of the area and that decision makers at every level should seek to approve applications for sustainable development where possible.

The application site lies outside any settlement boundary as defined by Policy SDT1 of the LP2, lying approximately 0.56km to the north of Willington Settlement Boundary and approximately 1.09km south-west of the Findern Settlement Boundary. Policy SDT1 sets out that where development proposals are outside the settlement boundary, within rural area, development will be limited to proposals which are considered acceptable, inter alia, by Policy BNE5.

Policy BNE5 further defines the types of development acceptable in Rural Areas, stating that planning permission will be granted where the development is allowed for subject to a number of criteria, of relevance to this application are the following criteria:
i) allowed for by policies H1, H22, E7, INF10, H24, H25, H26, H27 or H28; or
iii) unavoidable outside settlement boundaries; and
v) will not unduly impact on: landscape character and quality, biodiversity, best and most versatile agricultural land, and heritage assets

This application is assessed against criteria i and iii of policy BNE5 as to whether it is meets the requirements of Policy E7 (Rural Development) and is unavoidable outside the settlement boundary. It should be noted that the proposals must satisfy one of the criteria from i - iiii and the requirements of criteria v.

Policy E7 sets out that the Council will support development proposals which diversify and expand the range of sustainable employment activities on land outside of settlement boundaries provided that these support the social and economic needs of the rural communities of the District. It sets out that the Council will support proposals for the re-use, conversion and replacement of existing buildings and the development of new buildings where:
i) it is supported by a sound business case
ii) the local highway network is capable of accommodating the traffic generated
iii) development will not give rise to any undue impacts on neighbouring land;
iv) it is well designed and of a scale commensurate with the proposed use
v) visual intrusion and the impact on the character of the locality is minimised

The NPPF sets out one of the key purposes of the planning system is to contribute to the achievement of sustainable development, including the provision of supporting infrastructure in a sustainable manner. Paragraph 11 sets out the presumption in favour of sustainable development noting for decision taking this includes approving application that accord with the development plan without delay.

Paragraph 87 sets out that planning decisions should recognise the specific locational requirements of different sectors.

During the course of the application Officers requested that the applicants provide an 'Alternative Sites Assessment' (ASA). The reasons for this request included that the extent of the road network to be serviced crosses both various Local Authority Boundaries and due to the proposed site being outside a settlement boundary, within the rural area and on largely previously undeveloped land.

The ASA took a staged approach looking at 30 additional sites across 6 Local Authority areas. Stage 1 of the assessment looked at the whether the size of the sites would provide sufficient space for the operational requirements of the application. 9 of the sites were found to be too small and were discounted, the remaining sites progressed to stage 2.

Stage 2 looked in more detail at the requirements of the site in terms of the shape and configuration of the site and discounted sites that did not meet the requirements in terms of providing a suitable area of developable land. 12 sites were found to be unsuitable and 11 alternative sites progressed to stage 3 of the ASA.

Stage 3 of the ASA provided a detailed desk top review of the 11 alternative sites and the application site. This included a policy assessment of the site in accordance with the relevant development plan policies for the area in which the site lies. Further analysis is provided against key planning constraints and 'other matters'. The other matters section includes details on the site distance from either the A38 or the A50, noting for some sites that the distance from either highway would adversely impact the response times.

Officers have reviewed the alternative sites assessments and note that no sites within South Derbyshire's administrative boundaries were preferential in policy terms. Specifically, the other sites assessed were either also outside the settlement boundaries or allocated for alternative uses.

With the exception of 3 other sites that were outside the District all sites were indicated to present a spatial policy conflict with the relevant development plan, predominantly due to being rurally located or being allocated for alternate purposes. The three sites assessed as not presenting a spatial policy conflict in this regard (all outside SDDC's administrative boundary) presented other planning constraints that would be likely to impede or prevent development by containing or being adjacent conflicting uses, such as public rights of way; location adjacent to residential areas; locations far from the SRN.

Officers consider that the alternative sites assessment has demonstrated that no alternative sites assessed would be more appropriate for the proposals than the application site. Having regard for the type of development, its use and purpose it is considered that in this instance it is unavoidable outside the settlement boundary and as such is considered to comply with part iii) of Policy BNE5. In respect of part i) of BNE5, this requires assessment against the requirements of policy E7. Specifically, that the development diversifies and expands sustainable employment opportunities that support the economic and social needs of rural communities and meet the 5 criteria of the policy. Part i) the requirement for a sound business case, is discussed within this section and the subsequent parts within latter sections of this report.

The fundamental need to service the strategic road network is acknowledged. The supporting information sets out that the existing service arrangements with a third party will come to an end in 2026 and that National Highways require an operational compound from which to manage this servicing requirement. This is considered to meet with the 'sound business case' requirement of part i) of E7.

The development proposed will serve the surrounding highway network in terms of maintenance and this is considered to provide some social and potentially economic benefits not only to the immediately surrounding rural communities but also to other communities within and beyond the District who use the road network.

The proposed development will provide 50 jobs within South Derbyshire in a range of roles accessible to local people. Furthermore, officers consider that there will be tertiary economic benefits to the existing businesses at the adjacent services, a number of which are understood to be small local businesses. On this basis the application will provide various economic benefits to the rural communities of the District and create sustainable employment activities.

For clarity and brevity the material requirements of Policy E7 and BNE5 v) are discussed in the relevant sections of the report below.

The NPPF advises that decision makers should have regard for locational requirements of certain types of development. Noting this type of development, having regard for both the use and purpose, it is considered that the proposals have demonstrated a need to be located in a site which is highly accessible to the surrounding road network and, in this instance, demonstrated that there are not suitable alternative sites within urban areas or settlement boundaries that would meet the specific requirements of the proposed development.

When assessed against Policy E7 and Policy BNE5 parts i) and iii) the application is considered to have demonstrated compliance with the relevant tests. Support for the specific locational requirements is also set out within the NPPF. On this basis the application is considered to be acceptable in principle.

Highway access and safety

The NPPF requires that applications for development should ensure that sustainable transport modes are prioritised, taking account of the vision for the site, the type of development and its location; that safe and suitable access for all users to the site can be achieved.

Policy S6 of the Local Plan seeks to minimise the need to travel and make efficient use of transport infrastructure and services as well as encouraging use of sustainable transport modes. It seeks to achieve this by creating patterns of development that enable travelling distances to be minimal and make the best use of existing transport infrastructure and services.

Local Plan policy INF2 sets out that planning permission will be granted for development where the arising travel generated does not have an undue detrimental impact upon amenity, the environment, highway safety, the efficiency of public transport networks or transport infrastructure; where appropriate provision is made for safe and convenient access to and within the development for all transport users and that car travel is minimised relative to the needs of the development. In respect of parking Policy INF2 requires that appropriate provision is integrated into development alongside the need to encourage travel on foot, cycle and public transport in preference to private car by minimising parking provision.

Policy E7 sets out support for development proposals within rural areas where the local highway network is capable of accommodating the traffic generated. In terms of the capacity of the local road network the application is supported by a Transport Statement that summarises the development would result in circa 13 vehicle trips per hour being generated by the development.

Having regard for the proposed access arrangements, which connect to Etwall Road and the northern service road, and in review of the proximity to strategic roads officers consider that this increase would be accommodated within the local highway network without having a detrimental impact.

The supporting information has been reviewed by the Local Highways Authority and National Highways and no objection to the proposals is offered. The LHA confirm in their comments that they consider there is no material impact on the operation of the local road network. The development therefore complies with the requirements of E7 in this regard. It is further noted, that the site was assessed within the ASA as being having a suitable access to the road network (noting the ASA discounted other sites in part due to unsuitable highway access arrangements).

In terms of access and parking arrangements, these have also been reviewed by the LHA who offer no objection and request conditions securing the arrangements prior to the first use of the development, and retaining these in accordance with the approved details.

The application is supported by a Travel Plan (TP) which seeks to minimise access to the site by employees in single occupancy private car journeys. The TP sets out that the operator will introduce measures such as travel information packs, detailing local public transport services, Cycle2work schemes, which provide salary sacrifice ways to purchase bicycles and associated kit, and promote carpooling. The measures have been requested to be incorporated within staff meetings by the DCC TP officer, who also request oversight of the travel information packs.

The TP will be monitored over the initial 5 years of use of the development and provision is made within the requested condition to secure review of progress in terms of increasing sustainable transport measures and reducing single occupancy car journeys, together with the ability to amend the TP if necessary with a view to improving the outcomes. In addition to being secured by condition the TP would be subject to a planning obligation to meet the costs of monitoring and review for Derbyshire County Council. Travel Plan monitoring is a requirement of this sort of development to support sustainable transport transition and monitoring. The fee is confirmed at £550 per annum for a period of 5 years. The total would be £2,750.

It is noted that comments are received from members of the public and the Parish Council in respect of potential adverse impacts upon highways capacity and safety due to trip generation. Concerns are also raised regarding traffic routing during both the construction and operational phases. Queries were also raised regarding the quantum of parking.

The LHA request a condition be attached to any forthcoming permission to secure a Construction Management Plan, one of the requirements of this is that details are provided regarding construction traffic routing. The LHA are the statutory consultee and as such will be able to seek amendments to any construction routing proposed that they consider poses a highway safety risk or adversely impacts capacity. In terms of operational routing it is considered likely that, as the development will serve the A50 and the A38 the majority of operational vehicles will access the site from the A38 /A50 interchange. However, in the absence of concerns regarding safety or insufficient network capacity it would not be appropriate to condition such matters and any condition would not comply with the relevant tests.
In respect of parking it is understood that additional parking is required to enable shift change handover due to the 24 hour nature of the proposed operations. The LHA request a condition in relation to parking and a further condition was requested by the EHO in terms of EV charging. These conditions have been combined to avoid repetition and ensure the proposed quantum of parking and number of EV charging points are delivered together with the access and turning facilities prior to the first use of the development.

The site is located in a rural area however it does benefit from a location in close proximity to the strategic road network and good local road network. Bus and train services are within a reasonably close distance. The application proposes pedestrian and vehicular access together with accessible space, cycle storage and EV charging points. It is considered in this regard to comply with the requirements of INF2 in terms of offering safe access for all transport users and, with a TP in place, is considered to provide for the minimisation of car use. It doesn't compromise any existing transport routes, nor does it have a detrimental impact on amenity, highways safety, transport networks or infrastructure.

The development is considered acceptable and policy compliant in terms of highways access, parking and safety, subject to conditions and obligations.

Design and impact upon the character and appearance of the area

The NPPF advises that, in order to conserve and enhance the natural environment planning decisions should contribute to protecting and enhancing valued landscapes in a manner commensurate with their statutory status or identified quality within the development plan. Policy BNE1 of the Local Plan focuses on Design Excellence and sets guiding principles for development, of particular relevance to this application are part b: street design, movement and legibility, neighbouring uses and amenity and resource use.

Local Plan Policy BNE4 sets out that the character local distinctiveness and quality of South Derbyshire's landscape will be protected and enhanced through the careful design and sensitive implementation of new development.

Policy BNE5 v) requires that development within the Rural Area will not unduly impact on landscape character. Policy E7, part v states that visual intrusion and the impact on the character of the locality should be minimised.

The Council's Design Officer has been engaged throughout the application process, they and Case Officers have worked positively with the applicant's team to revise the design of the scheme to that currently being assessed. The salt dome presents a functional revision and is finished in materials to support integration into the surrounding landscape, it is located to the rear of the site, both for operational and design reasons, and thus minimises the impact of the height of the

development as seen from Etwall Road. The garage and office building and car parking have also been revised in terms of their positioning, bulk, scale and massing and the finishing materials.

Concerns are raised by members of the public in terms of the removal of landscaping between the services and the residential dwellings / Listed Building at Hill Farm which is considered to reduce the visual impact of the existing development. Whilst the application will develop the flat area of the site and remove the trees fronting Etwall Road, the intervening landscape bund would be retained and continue to serve the highway development and services.

The development layout and bult forms within the site are somewhat governed by the operational requirements of the proposed development. However, the applicant has revised the layout and design of the structures in a manner to minimise the adverse design effects of the proposed development. The scheme uses materials and landscaping to blend into the surroundings which are a mix of both industrial, functional and rural. It is considered that finishing materials will be important in supporting the integration of the scheme into the varied existing built and natural environment and there is considered appropriate to include a condition in respect of finishing materials in this recommendation.

The proposals are considered to comply with the relevant development plan proposals.

Residential amenity

The NPPF requires development to be appropriate for its location and take account of the likely effects of pollution on living conditions and the natural environment. It advises that proposals mitigate and reduce to a minimum any potential adverse impacts resulting from noise generated. Policy SD1 of the Local Plan part 1 sets out that the Council will support development that does not lead to adverse impacts on the environment or amenity of existing and future occupiers within or around proposed developments. The latter part of the policy considers the need for a strategic buffer between conflicting land uses in order that they do not disadvantage each other in respect of amenity issues including noise, odours, fumes or dust and other disturbances including from vibration or light.

Policy E7 iii) reiterates this setting out that development will be acceptable where it does not give rise to any undue impacts on neighbouring land.

The application site lies relatively distant from the nearest permanent and temporary residential sites, these being the dwellings at Hill Farm and the hotel at the services. Dwellings at Hill Farm are separated from the site by the intervening landscape bund and fields beyond this, that form a buffer between the uses. The hotel lies to the north-east of the site and is separated from the site by the service access road and car park.

In terms of the impacts on neighbouring land it is considered that the effects of the development in terms of Hill Farm and the surrounding converted outbuildings will be minimal due to the intervening landscape and distances. In terms of the relationship between the site and the services these are considered to be uses compatible for location in close proximity, with the exception of the hotel, which is a short term residential use. The residential dwellings and hotel are included within the Noise Impact Assessment (NIA) as Noise Sensitive receptors and the NIA takes account of the existing noise climate and the site and topography together with predicted noise levels. It confirms that the noise generated from the development will be at levels lower than the existing noise levels which re generated predominantly by traffic on the A50 and B5008. This remains the case in all scenarios.

Noise impacts at both receptors remain below the acceptable levels defined by the WHO and the relevant British Standard. It is concluded that no mitigation is required to reduce the noise levels generated by the proposed development.

The Council's Environmental Health Team have reviewed the application and do not offer comments on the NIA, they do request that tonal reversing alarms are not used on the site to minimise noises, which is in accordance with recommendations within the NIA which recommends the use of broadband reversing alarms. This is included within the recommendation.

In addition, the EHO has requested conditions relating to the construction phase to prevent adverse impacts from noise or dust and to restrict working hours during this time are attached to any forthcoming permission. These are considered reasonable and necessary and are also included.

Comments from members of the public raise concern regarding noise and light pollution arising from the proposed development. The concerns of residents are acknowledged however the application is supported by a professional Noise Impact Assessment. Both case officers and the EHO have reviewed this and consider the report to be robust. The report demonstrates no increased noise levels, above surveyed background noise levels, and therefore it has been demonstrated that though the development will generate new noises, these will not be to a level that exceeds the existing noise levels surrounding the site. On this basis the proposed application doesn't present a policy conflict, either development plan policies or the NPPF in respect of noise pollution. It is not wholly clear, whether some of the respondents understand that the landscape bund would be removed or not. It is confirmed that this will be retained and as such provide some noise and light attenuation.

The application has demonstrated that it will not result in adverse noise impacts that would affect residential amenity. Given the intervening distances and topography from residential locations Officers consider there would not be any adverse impacts upon either privacy and nor do they have concerns regarding the scale of the development. The requirements of part iii) of BNE7 are considered to be met on this basis.

Ecology and biodiversity

Tre provisions of legislation including The Wildlife and Countryside Act 1981 (as amended 2016) The Conservation of Natural Habitats Regulations (Habitat Regs.) 1994 (as amended 2017), The Protection of Badgers Act 1992 and section 41 of the Natural Environment and Rural Communities (NERC) Act 2006) require that the applicant demonstrate to the Local Planning Authority the extent to which a proposed development scheme will impact upon protected or priority species.

Biodiversity and the need to protect the natural environment are contained within the environmental objective of the NPPF. Section 15 expands upon how decisions and plans should conserve and enhance the natural environment by protecting sites of biodiversity value and minimising impacts on, and providing net gains to, biodiversity.

Policy BNE3 of the Local Plan set out the Councils' commitment to supporting development that contributes to the protection, enhancement, management and restoration of biodiversity and delivers net gains to biodiversity. The latter parts of the policy set out the need to protect priority species and their habitats and the requirement for sufficient survey information to enable the LPA to understand the likely impacts, or absence thereof, and any necessary mitigations to protect species and habitats. The policy makes provision for the refusal of applications where insufficient measures to offset impacts from development are not proposed.

The application was submitted in 2022 and as such is not subject to the provisions of the Environment Act in respect of a mandatory 10% net gain to biodiversity (BNG). Notwithstanding this and having regard for the requirements of the NPPF and the development plan at this time, the development should still demonstrate *no net loss* [to biodiversity] *and a measurable net gain.* The application is supported by a PEA report which identified habitats on or adjacent the site which may support Great Crested Newt and badger. Further eDNA testing of the nearby pond was undertaken which confirmed an absence of GCN DNA from the water, the report

recommended precautionary working and repeat surveys after 2 years. As the previous survey did not identify presence of GCN and the habitat and context remain unchanged it is considered proportionate to condition a repeat survey prior to commencement including site clearance.

In respect of badger an additional survey was undertaken and identified a set within or close to the site boundary. Badgers are a highly mobile species and some time has lapsed between the previous survey. Derbyshire Wildlife Trust in their response require a pre-commencement condition to repeat surveys for Badger and ensure the development can be safely undertaken.

The above referenced surveys will, in part, serve to inform a Construction Environment Management Plan (CEMP) that is also requested. This document serves to ensure that protected and priority species and their habitats are safeguarded during the preparatory and construction phases.

Public comments are received in respect of habitats on the sites and observed presence of protected and priority species. It is noted that some comments consider insufficient information is present and that the development may give rise to harm to these species. The application has been recently reviewed by DWT in respect of species, in their professional capacity they have offered a conditional response requiring some additional survey work, sensitive working during construction, species enhancement measures and sensitive lighting. These, together with a further condition for an updated GCN survey are included within this recommendation.

In terms of delivering a net gain to biodiversity Officer of the LPA and DWT have worked with the applicant to improve the design of the development to maximise on site gains, changes to the layout, retention of existing areas and new planting, together with features such as the sedum roof to the garages have been included to maximise onsite net gain. Notwithstanding this there remains a quantified net loss of 1.09 habitat units across the site as a result of the development.

Discussions agreed that a 10% net gain was not a requirement of this application, but that a measurable net gain was required. Following ongoing discussions the applicant proposes to deliver a 10% net gain using an off-site habitat bank at Common Farm in Amber Valley. The applicant proposes at this stage to progress matters and, subject to committee resolution, to enter into a legal agreement to formalise and monitor the net gain.

Subsequent comments from DWT advise that as the Common Farm habitat bank is already registered with Natural England and subject to a legal agreement with Amber Valley District Council, and noting that the application isn't subject to mandatory Net Gain that, in this instance, it may be sufficient to secure via condition confirmation of the purchase of the number of units and a copy of the Habitat Management and Monitoring Plan for the Common Farm Habitat Bank.

Subject to compliance with the included conditions, it is considered that protected and priority species have been appropriately considered and are safeguarded in this recommendation. The applicant has submitted a proposal to deliver 10% net gain to biodiversity in an offsite location and proposes this would be secured by a legal agreement. Subject to DWT confirming this is acceptable the development would have demonstrated compliance with the necessary policy tests and conditions.

Flood risk and drainage

The NPPF requires that when Local Planning Authorities determine planning application they should ensure that flood risk is not increased elsewhere. It progresses to detail that where development could affect drainage on or around the site sustainable drainage systems that control flow rate and reduce volumes of runoff, proportionate to the nature and scale of the proposal, should be incorporated into the development. They further detail for major sites this sustainable drainage systems should take account of advice from the Lead Local Flood Authority (LLFA) and

have maintenance arrangements in place to ensure acceptable standards of operation for the lifetime of the development.

Local Plan Policy SD2 Flood Risk sets out that when considering applications the council will follow the sequential approach to flood risk management in giving priority to sites with the lowest risk of flooding.

In respect of drainage Policy SD3 sets out that the council will work with other authorities and developers to ensure that the wastewater treatment and drainage infrastructure are managed effectively in a coordinated manner by employing a number of principles. Of relevance to this application are working with the County Council to ensure that new development incorporate sustainable drainage schemes that reduce demand for potable water supplies and mimic natural drainage where possible. Part C of the policy sets out that surface water from new development will be expected to be managed using Sustainable Drainage systems, discharge to water courses to manage surface water.

The application site lies within Flood Zone 1 where the lowest possibility of flooding exists. The EA have been consulted and confirm this location and offer no comments in response to the application.

The Parish Council previously raised concerns regarding flooding from the vehicle washing facilities. Officers have reviewed the drainage strategy which confirms that the drainage strategy proposes to discharge this area to the foul water sewer due to the risk of contamination. Severn Trent have been consulted on the application and have not responded; officers have included a condition to secure the detailed design of the foul water proposals together with confirmation of Serven Trent's agreement to such measures.

In respect of surface water drainage, the application proposes various sustainable drainage measures including the use of attenuation and discharge to an existing ditch, this ditch and its maintenance are confirmed by the LHA to the be the responsibility of the applicant as the riparian owner. The LLFA have offered a conditional response to the application securing the detailed drainage design and maintenance arrangements together with supporting conditions for the construction phase and compliance with relevant guidance.

Officers consider that subject to conditions suitable drainage arrangements are in place to ensure the development is served by appropriate foul and surface water drainage solutions. As such the development complies with the requirements of the development plan and is acceptable in this regard.

Heritage, conservation and archaeology

Section 66 (1) of the Planning Listed Building and Conservation Areas Act 1990 places a duty upon the Local Planning Authority have special regard for the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Significant weight should be given to any harm found to arise to a listed building or its setting as a result of development.

The application is supported by a heritage statement in accordance with the requirements of paragraph 207 of NPPF and Policy BNE10 of the Local Plan (LPP2). Policy BNE2 sets out that development affecting heritage assets within the district will be expected to preserve, conserve and enhance the assets setting in accordance with national planning guidance.

BNE5, paragraph v) requires that development does not unduly impact heritage assets. BNE10 requires applications to be supported by a heritage assessment that sets out how the proposal has considered the asset to arrive at a design and layout that is sympathetic and minimises the harm to the asset.

In considering the potential impacts of a development the NPPF advises that great weight should be given to the asset's conservation and notes that the significance of an asset can be harmed or lost through (amongst other things) development within its' setting. Due to the irreplaceable nature of an asset any harm should require clear and convincing justification. Where a development will result in less than substantial harm to the significance of a designated heritage asset this should be weighed against the public benefits of the proposal.

The application site is within the setting of Willington Hill Farmhouse and as such the development would take place within the setting of a designated heritage asset. The site of the development is understood historically to have formed agricultural land associated with the Farmhouse.

The official list entry of the farmhouse states that the farmhouse is mid C18 and C19. It is constructed of red brick with a Welsh slate hipped roof with three brick ridge stacks. It further states "*West elevation of four bays has to the ground floor four 3-light segment headed casement windows. The right hand one is blind. Four similar windows above. Three bay symmetrical south elevation. Central C19 wooden porch on chamfered columns. Raised and fielded panelled door with rectangular overlight with margin lights. Flanked by C19 canted bay windows. Three single bar sashes above in C19 painted surrounds, with C18 segmental arches above. Three casement windows above, the centre one narrower in painted surrounds."*

The development would occur within the setting of a Grade II Listed Building, however intervisibility between the listed building and the proposed development would be extremely limited due to the existing intervening landscape bund that lies between the proposed development and the Listed Building. Any visibility of the development is likely to be limited to the very top of the salt dome and office building and the proposed development in its entirety will not be visible from the Listed Building.

Having visited the site and surroundings officers noted that the Listed Building itself is not apparently visible from public vantage points on Etwall Road, nor was it visible from the grassland areas of the site that were accessible. This is considered to curtail the opportunity for public transient views of the Listed Building in the context of the proposed development. The Conservation Officer has established in their comments that they consider a lower level of less than substantial harm to the Listed Building would occur, when regard is had for the intervening landscape features and the surrounding context of the area.

In terms of the impact on the significance of the asset numerous modern developments have taken place in what would have been the farmland surrounding Willington Hill Farmhouse. These include the conversion of the outbuildings to residential uses, the evolution and development of the surrounding highway network and the development of the services and intervening landscaping.

Whilst a level of harm would occur to the setting of the Listed Building there would be no direct harm arising to the features of the building detailed within the official list entry. Policy BNE2 refers to development affecting heritage assets being expected to preserve, enhance and conserve the setting of Listed Buildings in accordance with national guidance.

The NPPF advises that where the level of harm arising from a development proposal is considered to be less than substantial harm this harm should be weighed against the public benefits of the scheme. It therefore falls to be determined as to whether other public benefits of the scheme outweigh the level of harm that would arise to the setting of the Listed Building. Which will be considered in the planning balance section of this report.

Comments are received from the Parish and members of the public in terms of the relationship between the proposals and the heritage asset. These concerns relate predominantly to the

existing landscaping between the site and the asset. The bund and immediately adjacent area are retained as intervening landscaping.

In respect of Archaeology the area is identified as having archaeological potential and it is noted that discoveries have been made within the vicinity of the cites. The County Archaeology Team consider it appropriate and necessary to include a condition for prior commencement investigation of the site.

The preceding sections of this report have set out the need for development in this location in order to provide for the future maintenance of the strategic highways network, specially the A38 and A50 which intersect just north of the site. This is a public road network providing vital connections between the east and west midlands (A50) and between Birmingham and the north (A38) and are relied upon by businesses and members of the public to provide communications. Maintaining these roads and keeping them open in adverse weather is therefore deemed to be a significant public benefit of the scheme. Further public benefits are derived from the creation of jobs by the development and the afore mentioned 10% biodiversity net gain. It is considered that these public benefits are sufficient to outweigh the assessed low level of less than substantial harm to the setting of the Grade II Listed Willington Hill Farm.

Policies in relation to designated heritage assets seek to preserve and enhance the setting of assets and ensure that where development results in harm this is considered against the non-heritage related, public benefits of the proposal. On the basis of this assessment the proposals comply with the requirements of national policy and the development plan and the level of harm is not considered, in light of benefits that outweigh this harm, to present a robust reason to refuse this application.

Developer contributions

The NPPF advises that Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or obligations.

Highways
The monitoring fee for the Travel Plan is confirmed at £550 per annum for a period of 5 years (total £2,750).
The applicants are requested by the LHA to transfer the sum in total at the point of signing any legal agreement that may be forthcoming if the proposal is granted permission.

Other issues

Public comments query the need for this development as set out within the supporting information. Specifically, that the current targets and road maintenance seem to be sufficient and being complied with. Comments also queried whether other sites were available either now or may come available in the future.

The applicant sets out that the submission is intended to provide a facility which will service the SRN from 2026, the requirement is that currently this is undertaken by a third party, but that from 2026 National Highways will undertake these functions. At present the operations are run from a site in the control of a third party, this site is not available to NH either to purchase or to continue use for the purposes of servicing the SRN.

Further queries in relation to the discounting of alternative sites are raised and officers consider these to have been subsequently addressed by the comprehensive Alternative Sites Assessment. It is noted that these comments were not reiterated in consultation responses subsequent to the submission of the ASA.

Further comments queried whether removal of hedgerow to the front of Hill Farmhouse was proposed. It is noted that the redline has been amended not to include areas in front of the Farmhouse or adjacent field and therefore this area no longer forms part of the application site.

Conclusion and planning balance

Harms arising from the proposed development are considered to consist of the low level of less than substantial harm to the setting of Willington Hill Farmhouse as identified by the Conservation Officer. The Farmhouse is a Grade II listed building, the NPPF advises that where a level of less than substantial harm upon a designated heritage asset arises from a proposed development, the harm should be weight against any public benefits of the proposal in the planning balance. Accordingly, and having regard to the assessed level of harm as being at the lower end of the scale of less than substantial, a low level of harm is afforded to this in the planning balance. Neutral impacts are afforded to matters in relation to protected species, archaeological assets, flood risk and drainage and highway safety matters. A neutral level of harm is considered appropriate as concerns are considered to be mitigated by the conditions set out in the recommendation.

Environmental benefits are afforded to the 10% biodiversity net gain achieved through a combination of on and off-site gains).

Economic benefits both in terms of the creation / sustainment of jobs and in terms of the location in proximity to existing small scale businesses on Willington Services that may benefit from staff spend originating from the development.
A moderate level of public social and economic benefits are afforded to the operational aims of the development that will serve to maintain the safe operation of the surrounding strategic road network.

In conclusion the public social, economic and environmental benefits of the scheme are considered to outweigh the limited harm to the nearby heritage assets. The proposal is therefore assessed to result in a sustainable form of development that complies with the relevant policy requirements. Consequently, the application is recommended for approval subject to the obligations and conditions set out within this recommendation.

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

Recommendation

C. Grant delegated authority to the Head of Planning and Strategic Housing to conclude negotiations on and complete an agreement under section 106 of the Town and Country Planning Act 1990 so to secure the planning obligations outlined in this report; and

D. Subject to A, **Approve** the application subject to the following conditions:

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

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

2. The development hereby permitted shall be carried out in accordance with plans and drawings referenced:

   Location plan, drawing number 17882-101 Rev B, dated as received 21/11/2022
   Existing site plan, drawing number 17882-102 Rev B, dated as received 21/11/2022 Proposed Site plan, drawing number 17882-103 Rev G, dated as received 07/07/2025
   Proposed Offices / Garage Roof, drawing number 17882-106 rev A, dated as received 20/06/2024
   Proposed Offices / Garage Elevations, drawing number 17882-108 rev D, dated as received 20/06/2024
   Proposed fencing and gate details, drawing number 17882-110 Rev A, dated as received 16/02/2022
   Proposed cycle details, drawing number 17882-111, dated as received 16/02/2022
   Proposed refuse details, drawing number 17882-112, dated as received 16/02/2022
   Proposed fuel details, 17882-113 Rev A, dated as received 16/02/2022
   Proposed wash gantry details, drawing number 17882-114, dated as received 16/02/2022
   Proposed detailed site plan, reference 17882-115 Rev H, dated as received 20/06/2024
   Proposed Salt Dome Elevations, 17882-116, dated as received 12/02/2024
   Landscape Plan, 17882-VL L101, Rev D, dated as received 07/07/2025
   Lighting Plan, reference D45218/JB/D, dated as received 07/07/2025
   BIA Proposed Habitat Plan, RSE_ 5580_BIAP_0524_V7R2

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

   Reason: For the avoidance of doubt and in accordance with the applicants stated intentions and to ensure a high-quality, safe and sustainable development in accordance with the requirements of Policy S1, Policy S2, Policy BNE1, Policy BNE2, Policy BNE3, Policy BNE4, Policy BNE5, Policy SD1, Policy SD2, Policy SD4, Policy SD6 and Policy SD7 of the South Derbyshire Local Plan, the Design Guide Supplementary Planning Document and the National Planning Policy Framework.

3. Prior to commencement of the development hereby approved details of a Construction Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the demolition/construction period. The plan/statement shall include but not be restricted to:

a. Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
b. Advisory routes for construction traffic;
c. Any temporary access to the site;
d. Locations for loading/unloading and storage of plant, waste and construction materials;
e. Method of preventing mud and dust being carried onto the highway;
f. Arrangements for turning vehicles;
g. Arrangements to receive abnormal loads or unusually large vehicles;
h. Highway Condition survey;
i. Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

   Reason: In the interests of safe operation of the adopted highway in the lead into development both during the demolition and construction phase of the development in accordance with the requirements of Policy S6 of the South Derbyshire Local Plan and the National Planning Policy Framework.

4. a) No development shall take place until a Written Scheme of Investigation for scalable archaeological monitoring has been submitted to and approved by the local planning authority in writing, and until any prestart element of the approved scheme has been completed to the written satisfaction of the local planning authority. The scheme shall include an assessment of significance and research questions; and

1. The programme and methodology of site investigation and recording
2. The programme for post investigation assessment
3. Provision to be made for analysis of the site investigation and recording
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
5. Provision to be made for archive deposition of the analysis and records of the site investigation
6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation

b) No development shall take place other than in accordance with the archaeological Written Scheme of Investigation approved under condition part (a).

c) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological Written Scheme of Investigation approved under condition (a) and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

5. No development shall take place (including demolition, ground works, vegetation clearance and movement of plant, machinery and materials) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall be produced by an ecologist and shall include the following.

a. Risk assessment of potentially damaging construction activities.
b. Identification of “biodiversity protection zones”.
c. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts on protected species including breeding birds, badger, reptiles and amphibians during construction.
d. The location and timing of sensitive works to avoid harm to biodiversity features.
e. The times during construction when specialist ecologists need to be present on site to oversee works.
f. Responsible persons and lines of communication.
g. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
h. Use of protective fences, exclusion barriers and warning signs.

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

Reason: In order to ensure that protected and priority species and habitats are protected during the construction period in accordance with the requirements of BNE3 of the South Derbyshire Local Plan and the National Planning Policy Framework.

6. No development shall take place until a scheme of dust mitigation measures and measures to control noise emanating from the site during the construction period have been submitted to, and approved in writing by, the Local Planning Authority. The approved measures shall thereafter be implemented throughout the construction period.

Reason: In order to safeguard residential amenity in accordance with the requirements of Policy SD1 of the South Derbyshire Local Plan and the National Planning Policy Framework.

7. Prior to the commencement of development, including preparatory site clearance, a detailed badger survey for any recently excavated badger setts on the site or within 30 metres of the site boundary shall be undertaken. The results and any appropriate mitigation/licensing requirements shall be submitted to the Local Planning Authority for approval. Such approved measures must be implemented in full.

Reason: In order to ensure that protected and priority species and habitats are protected during the construction period in accordance with the requirements of BNE3 of the South Derbyshire Local Plan and the National Planning Policy Framework.

8. A Landscape and Biodiversity Enhancement and Management Plan (LBEMP) shall be submitted to, and be approved in writing by, the LPA prior to the commencement of the development. The aim of the LBEMP is to provide details for the creation, enhancement and management of habitats and species on the site post development, in accordance with the proposals set out in the submitted Biodiversity Metric and proposed habitat plan (RSE 5580 BIA Proposed Visualisation V7R2). The LBEMP should combine both the ecology and landscape disciplines and shall be suitable to provide to the management body responsible for the site. It shall include the following:

a. Description and location of features to be retained, created, enhanced and managed.
b. Aims and objectives of management.
c. Appropriate management methods and practices to achieve aims and objectives.
d. Prescriptions for management actions.

e. Preparation of a work schedule (including a 30-year work plan capable of being rolled forward in perpetuity).
f. Details of the body or organization responsible for implementation of the plan.
g. A monitoring schedule to assess the success of the habitat creation and enhancement measures at intervals of 1, 3, 5, 10, 20 and 30 years.
h. Monitoring reports to be sent to the Council at each of the intervals above
i. A set of remedial measures to be applied if conservation aims and objectives of the plan are not being met.
j. Detailed habitat enhancements for wildlife, in line with British Standard BS 42021:2022.
k. Requirement for a statement of compliance upon completion of planting and enhancement works.

The LBEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The approved plan will be implemented in accordance with the approved details.

Reason: For the avoidance of doubt, in accordance with the applicant's stated intentions and in order to deliver a net gain to biodiversity in accordance with the requirements of Policy BNE3 of the South Derbyshire Local Plan and the National Planning Policy Framework.

9. No development shall take place (including demolition, ground works, vegetation clearance and movement of plant, machinery and materials) until confirmation of the purchase of off-site biodiversity area units has been provided in accordance with the proposals set out in the letter from Carter Jonas to the Council dated 4th July 2025 together with a copy of the Habitat Management and Monitoring Plan (HMMP) for Common Farm Habitat Bank.

Reason: For the avoidance of doubt and in accordance with the applicants stated intentions and in order to ensure a net gain to biodiversity is delivered as part of the proposals in accordance with the requirements of Policy BNE3 of the South Derbyshire Local Plan and the National Planning Policy Framework.

10. 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. Harry Morton, Civic Engineers, January 2022, Drainage Strategy.
b. The Harris Partnership, January 2022, Proposed Site Plan, Drawing 17882-103, Revision G (November 2024).
c. And DEFRA’s Non-statutory technical standards for sustainable drainage systems (March 2015), have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not increase flood risk and that the principles of sustainable drainage are incorporated into this proposal, and sufficient detail of the construction, operation and maintenance/management of the sustainable drainage systems are provided to the Local Planning Authority, in advance of full planning consent being granted in accordance with the requirements of Policy SD2 of the South Derbyshire Local Plan and the National Planning Policy Framework.

11. No development shall take place until a detailed assessment has been provided to and approved in writing by the Local Planning Authority, to demonstrate that the proposed destination for surface water accords with the drainage hierarchy as set out in paragraph 56 Reference ID: 7-056-20220825 of the planning practice guidance.

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

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

    In accordance with the requirements of Policy SD2 of the South Derbyshire Local Plan and the National Planning Policy Framework.

12. No development shall take place until a detailed drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall take the following mitigation requirements into account:

a. No outfalls into the off-site existing SUDS should be permitted.
b. Where this is not possible, any outfall must have an amphibian sluice fitted to prevent amphibian ingress into any underground system, whereby capture within catch pits would be possible and could lead to amphibian mortality.
c. The new SUDS and swale features should be created to be of ecological benefit with emergence and marginal species.
d. The salt depot facility should demonstrate all mechanisms in place to prevent salt dispersal off site, specifically towards the drainage system.
e. All gully pots within the Site should be offset from any curb stones ideally central to the site.
f. All gully pots must have amphibian ladders installed.

    Reason: In order to safeguard protected species (Common Toad) and their habitats in accordance with the requirements of Policy BNE3 of the South Derbyshire Local Plan and the National Planning Policy Framework.

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

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

properties within the development in accordance with the requirements of Policy SD2 of the South Derbyshire Local Plan and the National Planning Policy Framework.

14. Before the development hereby approved is commenced a detailed design for the foul water discharge, in accordance with the principles outlined in the submitted Drainage Strategy (Harry Morton, Civic Engineers, January 2022) together with confirmation of a connection agreement from Severn Trent shall be submitted to and approved in writing by the Local Planning Authority.

    Reason: In order to ensure the development is adequately served by a suitable foul drainage system and connections in accordance with the requirements of Policy SD2 of the South Derbyshire Local Plan and the National Planning Policy Framework.

15. Before the development hereby approved is commenced including site clearance or preparatory works an updated survey for Great Crested Newts shall be undertaken and submitted to, and approved in writing by, the Local Planning Authority.

    Should the survey identify the presence of Great Crested Newts within the site or surrounding the applicant shall provide any necessary mitigation and seek appropriate licensing and submit these to the Local Planning Authority for approval in writing prior to the commencement of development.

    Reason: In order to safeguard protected species in accordance with the requirements of Policy BNE3 of the South Derbyshire Local Plan and the National Planning Policy Framework.

16. The attenuation pond should not be brought into use until such a time as it is fully designed and constructed in line with CIRIA SuDS Manual C753 and to the agreed specifications on documents: Drainage Strategy prepared by Civic Engineers for National Highways, January 2022 including any subsequent amendments or updates to those documents as approved by the LLFA and an associated management and maintenance plan, in line with CIRIA SuDS Manual C753, is submitted to and approved in writing by the Local Planning Authority

    Reason: In order to ensure that the proposed drainage arrangements are installed and suitable to provide adequate surface water drainage for the site in accordance with the requirements of Policy SD2 of the South Derbyshire Local Plan and the National Planning Policy Framework.

17. Notwithstanding the details submitted as part of the application process, prior to the commencement of development above slab level, full details of all materials to be used in the construction of the external surfaces of the salt dome, brine and water tanks, offices and garages, fuel station, wash facilities, refuse and cycle storage as well as any areas of hard landscaping shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be retained in accordance with the approved details for its lifetime.

    Reason: In order to ensure a high-quality finish and design and to support the integration of the development into the surrounding landscape in accordance with the requirements of the Policy BNE1 and Policy BNE2 of the South Derbyshire Local Plan, the Design Guide SPD and the National Planning Policy Framework.

18. Notwithstanding the submitted details full details of dropped kerbs shall be submitted to and approved in writing by the Local Planning Authority and retained in situ unless otherwise agreed in writing.

    Reason: In order to safeguard protected species in accordance with the requirements of Policy BNE3 of the South Derbyshire Local Plan and the National Planning Policy Framework

19. Prior to building works commencing above foundation level, a Species Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority. Approved measures shall be

implemented in full and maintained thereafter. The Plan shall clearly show positions, specifications and numbers of features, which will include (but are not limited to) the following:

a. external bird nestboxes on buildings and / or trees x 4
b. hedgehog box

A statement of good practice including photographs should be submitted to the local planning authority prior to the discharge of this condition, demonstrating that the enhancements have been selected and installed in accordance with the above.

Reason: In order to provide species enhancements in accordance with the requirements of Policy BNE3 and the National Planning Policy Framework.

20. The Development hereby approved shall not be brought into use until the access, parking and turning facilities have been provided as shown on the approved drawing (Proposed Site plan, drawing number 17882-103 Rev G, dated as received 07/07/2025) and to include the provision of 6 EV charging spaces and 4 future EV Parking spaces.

    Reason: For the avoidance of doubt and in accordance with the applicants stated intentions and in order to ensure the development is served by safe access and sufficient parking in accordance with the requirements of Policy S6 and Policy INF2 of the South Derbyshire Local Plan and the National Planning Policy Framework.

21. Prior to the installation of lighting fixtures, a detailed lighting strategy shall be submitted to and approved in writing by the LPA to safeguard bats and other nocturnal wildlife. This should provide details how the chosen luminaires, their locations and any mitigating features such as dimmers, PIR sensors and timers meet the Guidance Note 08/23 - Bats and Artificial Lighting at Night (BCT and ILP, 2023). Dependent on the scale of proposed lighting, a lux contour plan may be required to demonstrate acceptable levels of lightspill to any sensitive ecological zones/features. Such approved measures will be implemented in full.

    Reason: For the avoidance of doubt and in order to safeguard protected and/or priority species from undue disturbance and impacts in accordance with the requirements of Policy BNE3 of the South Derbyshire Local Plan and the National Planning Policy Framework.

22. The development hereby approved shall not be brought into use until visibility splays are provided from a point 0.6m above carriageway level at the centre of the access to the application site and 2.4m back from the near side edge of the adjoining carriageway, (measured perpendicularly), for a distance of 65m to the north and 120m to the south measured along the nearside edge of the adjoining carriageway and offset a distance of 0.6m from the edge of the carriageway. These splays shall thereafter be permanently kept free of all obstructions to visibility over 0.6m in height above carriageway level.

    Reason: In the interests of highway safety and in accordance with the requirements of Policy S6 and Policy INF2 of the South Derbyshire Local Plan and the National Planning Policy Framework.

23. During the period of construction, no ground, construction or fitting out works shall take place and no deliveries shall be taken at or dispatched from the site other than between 0800 and 1800 hours Monday to Friday and 0800 and 1300 hours on Saturdays. There shall be no construction works (except for works to address an emergency) or deliveries on Sundays or Bank Holidays.

    Reason: In order to safeguard residential amenity in accordance with the requirements of Policy SD1 of the South Derbyshire Local Plan and the National Planning Policy Framework.

24. The Employment Travel Plan hereby approved, shall be implemented and monitored in accordance with the regime contained within the Plan. In the event of failing to meet the targets within the Plan a revised Plan shall be submitted to and approved in writing by the Local Planning

Authority to address any shortfalls, and where necessary make provision for and promote improved sustainable forms of access to and from the site. The Plan thereafter shall be implemented and updated in agreement with the Local Planning Authority and thereafter implemented as amended.

Reason: To reduce vehicle movements and promote sustainable access in accordance with the requirements of Policy S6 and INF2 of the South Derbyshire Local Plan and the National Planning Policy Framework.

25. No tonal reversing alarms shall be used on the site.

Reason: In order to safeguard residential amenity in accordance with the requirements of Policy SD1 of the South Derbyshire Local Plan and the National Planning Policy Framework.

26. No tree, scrub or hedgerow clearance shall take place between 1st March and 31st August inclusive, unless preceded by a nesting bird survey undertaken by a competent ecologist no more than 48 hours prior to clearance. If nesting birds are present, an appropriate exclusion zone will be implemented and monitored until the chicks have fledged. No works shall be undertaken within exclusion zones whilst nesting birds are present.

Reason: In order to safeguard protected species in accordance with the requirements of Policy BNE3 of the South Derbyshire Local Plan and the National Planning Policy Framework.

Informatives:

a. The applicant is advised that planning permission does not convey advertising consent and this may be required for the proposed signage under a separate procedure of the Town and Country Planning Act 1990. Should any advertisements, signs, name boards, or other devices to attract attention, be intended in respect of this development, please refer to the guidance available at www.southderbyshire.gov.uk/planning where an application can also be made.

b. The development hereby approved includes the carrying out of work on the adopted highway. You are advised that before undertaking work on the adopted highway you must enter into a highway agreement under Section 278 of the Highways Act 1980 with the County Council, which would specify the works and the terms and conditions under which they are to be carried out.

Contact the Highway Authority's Implementation team at development.implementation@derbyshire.gov.uk allowing sufficient time for the preparation and signing of the Agreement. You will be required to pay fees to cover the Councils costs in undertaking the following actions:

Drafting the Agreement
A Monitoring Fee
Approving the highway details
Inspecting the highway works

c. Planning permission is not permission to work in the highway. A Highway Agreement under Section 278 of the Highways Act 1980 must be completed, the bond secured and the Highway Authority's technical approval and inspection fees paid before any drawings will be considered and approved

d. The applicant's attention is drawn to the comments of the DCC Archaeology Office, dated 06/06/2022, in respect of liaising with that Office prior to completion of the WSI. The applicant is advised to contact the Office directly.

e. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. (Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird

activity on site during this period and has shown it is certain that nesting birds are not present).

2. Planning and Other Appeals

2.1 Appeal Decisions

Reference	Place	Ward	Outcome	Decision level
DMPA/2024/0663	Boulton Moor	Aston	Allowed	Committee (overturn)

(References beginning with a DMPA, DMPN, DMOT or 9 are planning appeals and references beginning with an ENF or E are enforcement appeals)

Planning Inspectorate

Appeal Decision

Site visit made on 7 July 2025

by Les Greenwood MRTPI

an Inspector appointed by the Secretary of State

Decision date:25 July 2025

Appeal Ref: APP/F1040/W/25/3362275 17 Kimbolton Way, Boulton Moor, Derby, Derbyshire DE24 5AZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a grant of planning permission subject to conditions.
- The appeal is made by Ms Frances Clegg against the decision of South Derbyshire District Council.
- The application Ref DMPA/2024/0663 was approved on 17 October 2024 and planning permission was granted subject to conditions.
- The development permitted is conversion of existing 4 bed dwelling to children's care home for a maximum of 3 children (use class C2).
- The condition in dispute is No 2, which states that: *The use hereby permitted is granted for a limited period of 2 years expiring on 16 October 2026, when on this date, the use hereby permitted use shall cease and the use shall revert back to residential use (Class C3).*
- The reason given for the condition is: *The Local Planning Authority considers that a permanent planning permission is not appropriate in this case. Accordingly, this permission is granted for a limited period only in the recognition of the particular circumstances of the proposal concerned to enable evaluation of management of any potential amenity impacts arising from the change of use in the context of BNE1*.

Decision

1. The appeal is allowed and the planning permission Ref DMPA/2024/0663 for conversion of existing 4 bed dwelling to children's care home for a maximum of 3 children (use class C2) at 17 Kimbolton Way, Boulton Moor, Derby, Derbyshire DE24 5AZ granted on 17 October 2024 by South Derbyshire District Council is varied by deleting condition No 2.

Main Issue

2. The main issue is whether the condition is necessary and reasonable to protect living conditions at neighbouring properties.

Reasons

3. 17 Kimbolton Way is a detached 4 bedroom house on a relatively new estate of similar houses. Planning permission has been granted for a change from a single family dwelling

(Use Class C3[1]) to a children's home for up to 3 children and their carers (Use Class C2). Condition 2 of the permission limits this use to a 2 year period expiring on 16 October 2026, to give the Council a chance to review the potential amenity impacts. At the time of writing, that time limit is only about 15 months away.

[1] Town and Country Planning (Use Classes) Order 1987 (as amended)

4. As set out in paragraph 57 of the National Planning Policy Framework (the Framework), planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. The Planning Practice Guidance allows that temporary permissions may be appropriate in some circumstances, including where a trial run is needed in order to assess the effect of the development on the area[1].

5. The Council has approved the use of the property as a children's home, with written documentation including a Good Neighbour Policy. The permission is subject to other conditions to safeguard local amenity: limiting use to a children's home; limiting occupancy to a maximum of 3 children and 4 carers; and requiring further approval of both a noise management plan and a sustainable travel plan. Children's homes are also subject to a range of other legislation.

6. Although this residential estate is fairly densely built up, with neighbours close at hand, the rear garden is well enclosed by buildings and fences to help minimise impacts on neighbours. The Council's Environmental Health Officer refers to experience of dealing with complaints from similar facilities, with challenging behaviour and episodes of shouting and screaming making management difficult. These concerns are valid, but on the other hand the use of the property would remain residential in character, should not be dissimilar to use of the property by a large family and would be subject to more management and controls than a Class C3 residential use.

7. The County Highway Authority considers that parking demand and traffic movements would not be materially different from those associated with use as a 4 bedroom dwelling. The on-site parking spaces are at the front of the property, away from neighbours' rear gardens and rear windows. Traffic movements should not therefore be so frequent or so located as to cause nuisance.

8. There are, furthermore, clear problems with this time limit. The purpose of a facility like this is to provide a stable home for the most vulnerable children in society. Moving children into such a short term situation would not meet that aim. The permission gives no secure basis for any further investment that would be needed for implementation, staffing and occupation. Additionally, the 2 year period would not allow sufficient time for the use to begin and to be effectively monitored before a new planning application would be required.

9. Although trial run type conditions like this are appropriate in some circumstances, I conclude that condition 2 of the planning permission is not necessary to protect living conditions at neighbouring properties and that the 2 year period allowed is not reasonable. The condition therefore fails the tests set out in Framework paragraph 57. I find no conflict between the proposed removal of this condition and South Derbyshire Local Plan Part 1 policy BNE1's aim to ensure that developments do not have an undue adverse effect on the privacy and amenity of existing nearby occupiers.

10. I have considered the various other issues raised by local objectors. In particular, it looks like any overflow parking could be reasonably and safely accommodated on the street. I have

[1] Planning Practice Guidance – Use of Conditions - Paragraph: 014 Reference ID: 21a-014-20140306

seen no evidence of problems with on-street parking here and large numbers of spaces were available at the time of my site visit. Concerns about the welfare of the children themselves are a matter for the operator and the relevant authorities. Any future proposals for signs or extensions would need to be dealt with at that point in time.

11. The appellant has drawn a large number of other appeal decisions to my attention. All of those relate to materially different situations. I have assessed this case on its own merits.

12. I find that the condition fails to meet the tests set out in Framework paragraph 57 and that its proposed removal accords with the development plan. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should succeed. This decision modifies the existing planning permission, so needs to be read together with the remaining conditions set out in that decision.

Les Greenwood

INSPECTOR