Ardip Sandhu
Monitoring Officer
Executive Director – Law and People
South Derbyshire District Council,
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Phone (01283) 595722/ 595889
Democratic.services@southderbyshire.gov.uk

Date: 03 March 2025

Dear Councillor,

Planning Committee

A Meeting of the **Planning Committee** will be held at **Council Chamber**, Civic offices, Civic Way, Swadlincote on **Tuesday, 11 March 2025** at **18:00**. You are requested to attend.

Yours faithfully,

Monitoring Officer
Executive Director – Law and People

To:- **Labour Group**
Councillor G Jones (Chair), Councillor D Shepherd (Vice-Chair)
Councillors I Hudson, A Jones, K Storey, A Tilley and N Tilley

Conservative Group
Councillors M Gotheridge, K Haines, A Kirke and D Muller.

Non-Grouped
Councillor A Wheelton

Liberal Democrats
Councillor J Davies

AGENDA

Open to Public and Press

1	Apologies and to note any substitutes appointed for the Meeting.	
2	To receive the Open Minutes of the Meetings held on:	
	03 December 2024	**3 - 9**
3	To note any declarations of interest arising from any items on the Agenda	
4	To receive any questions by Members of the Council pursuant to Council Procedure Rule No. 11.	
5	REPORT OF THE EXECUTIVE DIRECTOR - PLACE AND PROSPERITY	**10 - 70**

Exclusion of the Public and Press:

6 The Chairman may therefore move:-

That in accordance with Section 100 (A)(4) of the Local Government Act 1972 (as amended) the press and public be excluded from the remainder of the Meeting as it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that there would be disclosed exempt information as defined in the paragraph of Part I of the Schedule 12A of the Act indicated in the header to each report on the Agenda.

7 To receive any exempt questions by Members of the Council pursuant to Council Procedure Rule No. 11.

OPEN

PLANNING COMMITTEE

03 December 2024

PRESENT:

Labour Group
Councillor G Jones (Chair), Councillor D Shepherd (Vice-Chair)
Councillors A Jones, G Rhind, K Storey, A Tilley and M Mulgrew (substitute for Councillor N Tilley)

Conservative Group
Councillors K Haines, A Kirke and D Muller.

Non-Grouped
Councillor A Wheelton

Liberal Democrats
Councillor G Andrew (substitute for Councillor J Davies).

In Attendance
Councillor Jane Carroll

PL/121 **APOLOGIES**

The Committee was informed that apologies had been received from Councillors N Tilley and I Hudson (Labour Group) and Councillor J Davies (Liberal Democrats).

PL/122 **DECLARATIONS OF INTEREST**

The Committee was informed that a declaration of interest had been received from Councillor D Muller regarding item PL/129 by virtue of having previously met with Parish Council and the Developer.

The Committee was informed that a declaration of interest had been received from Councillor K Haines regarding item PL/129 by virtue of having met with the Parish Council and the Developer.

The Committee was informed that a declaration of interest had been received from Councillor G Andrew regarding item PL/126 by virtue of having met with the Parish Council and the Developer.

PL/123 **QUESTIONS BY MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE NO.11**

The Committee was informed that no questions had been received.

OPEN

MATTERS DELEGATED TO COMMITTEE

PL/124 REPORT OF THE EXECUTIVE DIRECTOR – PLACE AND PROSPERITY

The Executive Director – Place and Prosperity submitted reports for consideration and determination by the Committee and oral reports were presented at the Meeting to update Members as necessary. Consideration was then given thereto, and decisions were reached as indicated.

PL/125 THE ERECTION OF A TWO BEDROOM DWELLING WITH A NEW VEHICULAR ACCESS AT 3 EGGINTON ROAD, ETWALL, DERBY DE65 6NB - DMPA/2024/0470

The Committee was advised that Members had visited the site earlier that day.

The Development Manager presented the report to the Committee.

Councillor A Kirke raised concerns regarding the access to the development, the 30mph speed restriction frequently exceeded, parking during school drop off and collection times and obstruction at the junction.

Cllr A Tilley sought clarification as to why the application had previously been refused in 2009.The Development Manager informed the Committee that the reason was not readily available.

Councillor A Wheelton raised concerns regarding the development on a small site.

The Chair confirmed that all concerns raised had been noted.

RESOLVED

That planning permission be refused contrary to the recommendations in the report of the Executive Director – Place and Prosperity, due to overdevelopment of the plot resulting in a contrived built form with insufficient space for adequate amenity and parking areas with the scale of the dwelling proposed to the detriment of the character and appearance of the area.

PL/126 CHANGE OF USE OF LAND FROM AGRICULTURAL TO RESIDENTIAL GARDEN AND RETENTION OF RETAINING STRUCTURES - DMPA/2024/0630

The Development Manager presented the report and informed the Committee that objections had been received from neighbouring properties and that no statutory objections received.

An Objector and the Applicant attended the meeting and addressed the Committee regarding the application.

OPEN

As Local Ward Member, Councillor G Andrew addressed the Committee and raised concerns on behalf of local residents noting that the report offered a reasonable, well-balanced view. Councillor G Andrew reported that the Applicant had fully co-operated towards retaining the structure but felt that there was the possibility for further work to be carried out to ensure privacy for neighbouring properties.

RESOLVED
That planning permission be deferred to allow for a site visit to be conducted.

PL/127 **ERECTION OF PHASE 2 OF THE FACILITY FOR THE EXTRACTION, PROCESSING, BOTTLING AND DISTRIBUTION OF WATER BASED PRODUCTS (COMBINED B2 AND B8 USE) ALONG WITH ASSOCIATED ANCILLARY OFFICES APPROVED UNDER PLANNING PERMISSION DMPA/2019/1205 TO INCLUDE AN INCREASE IN HEIGHT OF SOUTHERN HIGH BAY WAREHOUSE TO A MAXIMUM HEIGHT OF 36METRES AND ALTERATIONS TO LAYOUT OF WESTERN PRODUCTION HALL AT PLOTS 5 AND P2-01, DOVE VALLEY PARK, DERBY - DMPA/2023/1646**

The Committee was advised that Members had visited the site earlier that day.

The Planning Delivery Team Leader presented the report to the Committee and informed of late items received, including conditions to be applied relating to the height of the building that should not exceed 36m. A visual impact assessment had been completed and there were no unresolved objections from statutory consultees.

An Objector and the Applicant attended the meeting and addressed the Committee regarding the application.

As Local Ward Member, Councillor G Andrew addressed the Committee and raised concerns on behalf of local residents that included scale of building within the current landscape, the visual impact assessment being subjective and failed to see how building upwards would create more employment at the site.

Members noted that the 38m building referenced within the report had not yet been built, there was no planting or trees within the area and the building would be seen from every angle but did note the landscaping and cladding conditions to be used to reduce visual impact within the area.

RESOLVED
That planning permission be approved as per the recommendations in the report of the Executive Director – Place and Prosperity, subject to a maximum height restrictions that should not exceed 36m from the adjacent ground level and that within one week of completion of construction of the shell of the building, the applicant should notify the Local Planning Authority and make provision for the verification of the maximum height of the building. For the avoidance of doubt and in accordance with the

applicant's stated intentions and to ensure that the impacts of the development are acceptable in accordance with the requirements of Policy BNE1 and BNE4 of the South Derbyshire Local Plan and the National Planning Policy Framework.

PL/128 **THE ADDITION OF A FIRST FLOOR AND NEW ROOF AT 11 SPINNEY HILL, MELBOURNE, DERBY, DE73 8GT - DMPA/2024/1071**

The Planning Delivery Team Leader provided the Committee with a summary of the report and noted that the application had been called in by Councillor J Carroll and no objections from statutory consultees.

An Objector and the Applicant attended the meeting and addressed the Committee regarding the application.

As Local Ward Member, Councillor J Carroll attended the meeting and addressed the Committee raising concerns on behalf of local residents that included the scale of the property being detrimental to the area and overshadowing the original housing types and styles.

Councillor A Kirke sought clarification on the property type as it was not clear from the pictures provided.

Councillor K Haines raised concerns regarding the loss of a bungalow and felt this contravened the Local Plan.

RESOLVED
That planning permission be refused contrary to the recommendations in the report of the Executive Director – Place and Prosperity, due to the development would have a harmful impact on the character and appearance of the area, due to its increased scale and mass, which was significantly out of scale and disproportionate to the single-story design for the host property. The current single storey design of the bungalow comprised a gradual transition on the street scene from the lower dwelling on the application site to the predominantly two storey development further south. The development was therefore contrary to policies BNE1 and SD1 of the adopted Local Plan Part 1.

PL/129 **PROPOSED DEMOLITION OF TWO EXISTING DIS-USED DWELLINGS AND OTHER STRUCTURES AND THE CONSTRUCTION OF 5 NEW HOMES WITH ASSOCIATED LANDSCAPING AND THE EXTENSION, ALTERATION AND COMPLETION OF ONE PARTIALLY BUILT DWELLING AT 36-44 MOUNT PLEASANT ROAD AND LAND TO THE REAR, REPTON, DE65 6GQ - DMPA/2024/1328**

The Development Manager presented the report and informed the Committee that no objections from statutory consultees had been received. The Committee was advised that whilst the application had previously been refused due to over development, the concerns d had been addressed by the applicant.

OPEN

An Objector and the Applicant attended the meeting and addressed the Committee regarding the application.

Members commended the work completed by the applicant and supported the conditions recommended within the report.

RESOLVED
That planning permission be approved as per the recommendations in the report of the Executive Director – Place and Prosperity, subject to additional condition 24, relating to a species enhancement plan, condition 25 regarding a revised Biodiversity Net Gain plan and condition 26 about tree protection measures.

PL/130 **SECTION 106 VARIATION – LAND REAR OF 30 AND 32 COMMON SIDE AND NORTH OF PENKRIDGE ROAD, CHURCH GRESLEY, SWADLINCOTE**

The Development Manager presented the report to the Committee highlighting the key areas and sought approval of the recommendations.

Members considered the report and supported the officer's recommendations.

RESOLVED

1.1 The Committee approved the principle of the request to amend the Section 106 Funding Agreement by means of Deed of Variation amendment with amendments to the Section 106 Funding Agreement dated 04 August 2023.

1.2 The Committee delegated authority to the Head of Planning to discuss and agree the finer detail and wording of the obligations to be secured under the Deed of Variation as appropriate.

PL/131 **TREE PRESERVATION ORDER 565: 46 HALL LANE, WILLINGTON**

The Development Manager presented the report to the Committee highlighting the key areas and sought approval of the recommendations.

Members considered the report and supported the officer's recommendations.

RESOLVED
1.1 The Committee confirmed the Tree Preservation Order 565

OPEN

PL/132 **TREE PRESERVATION ORDER 567: CADLEY HILL ROAD**
RESOLVED

The Development Manager presented the report highlighting the key areas and sought approval of the recommendations.

Members considered the report and supported the officer's recommendations.

1.1 The Committee confirmed the Tree Preservation Order 567.

PL/133 **APPEALS**
The Committee noted the planning appeal decisions in relation to the following applications:

Reference	Place	Ward	Outcome	Decision level
DMPA/2024/0148	Stenson Fields	Stenson	Allowed	Delegated
DMPA/2023/0559	Repton	Repton	Allowed	Committee
DMOT/2020/0961	Dalbury Lee	Etwall	Dismissed	Delegated

PL/134 **LOCAL GOVERNMENT ACT 1972 (AS AMENDED BY THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985)**

RESOLVED:
That, in accordance with Section 100(A)(4) of the Local Government Act 1972 (as amended), the press and public be excluded from the remainder of the Meeting as it was likely, in view of the nature of the business to be transacted or the nature of the proceedings, that there would be disclosed exempt information as defined in the paragraphs of Part 1 of the Schedule 12A of the Act indicated in brackets after each item.

PL/135 **EXEMPT QUESTIONS BY MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE No 11.**

The Committee was informed that no questions had been received.

The meeting terminated at 20:00hours.

COUNCILLOR G JONES

CHAIR

OPEN

Report of the Executive Director – Place and Prosperity

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/2024/0789

Valid date: 13/06/2024

Applicant: Innova Renewables Developments Ltd **Agent: Sara Slinger**

Proposal: **Installation and operation of an Energy Storage System (ESS) including energy storage units, substation, site access, cable connection, landscaping and ancillary infrastructure at Fairfields Farm, Rosliston Road, Walton-on-Trent, Swadlincote, DE12 8LR**

Ward: **Seales**

Reason for committee determination

This planning submission is being reported to Planning Committee due to a significant level of comments of concern/ objection have been received from neighbours and members of the public.

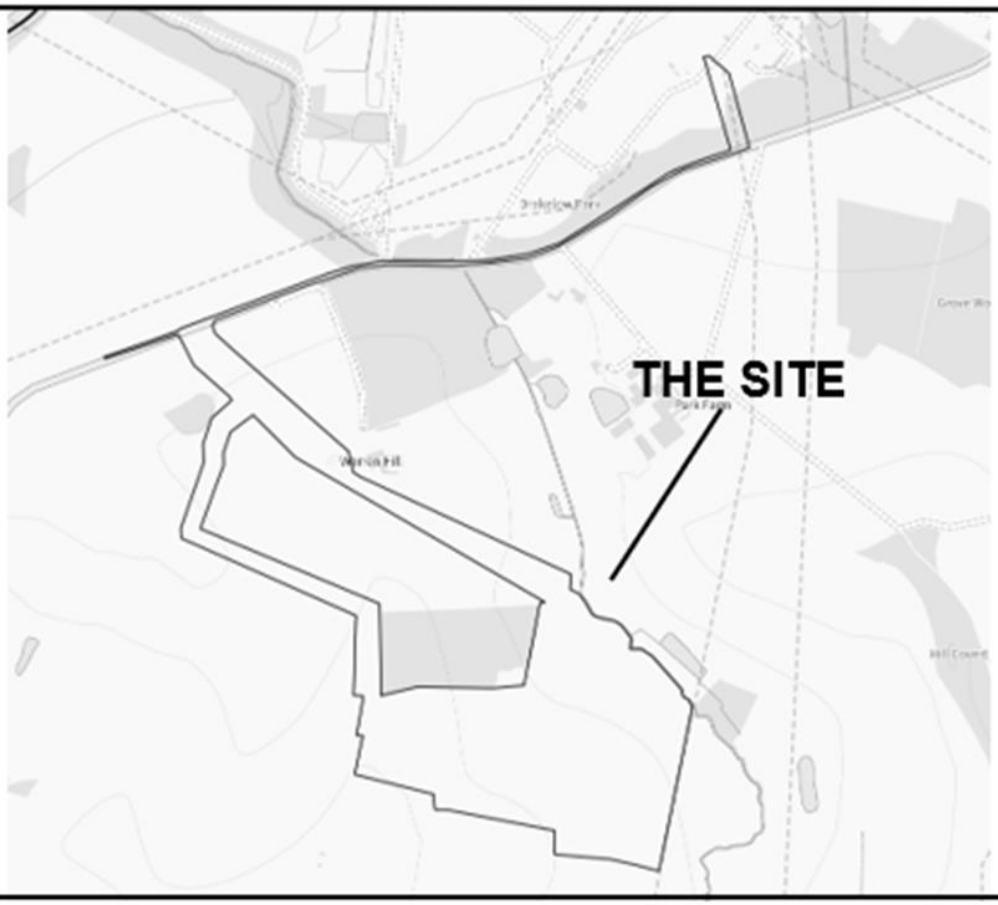
Executive summary

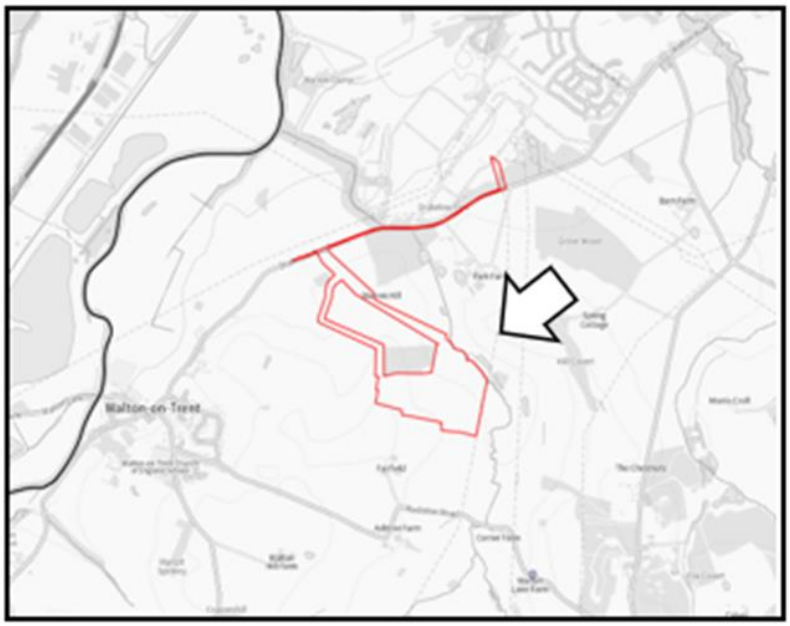
The application site is located between the villages of Walton on Trent and Drakelow covering a total area of 23 hectares, and is currently in agricultural use, comprising both Grade 2 and 3 Best and Most Versatile (BMV) Agricultural Land. The proposal is for a large scale (battery) Energy Storage System, intended to store 1 gigawatt (GW) of power (one billion watts). The proposed built development includes 501 energy storage containers with a maximum height of 3m, as well as associated infrastructure including 251 MV (medium voltage) skids with a maximum height of 3m, 9 smaller substation bays (132kV) with a maximum height of 7.5m, and one larger substation (132 – 400kV) with a maximum height of 12m. The scheme also includes five water storage containers, as well as the associated site access roads, fencing and cabling. The proposed built development will cover 8 hectares towards the south-east of the site, approximately 35% of the site area. The proposal will introduce new built form of a functional nature to an otherwise undeveloped area of land, with most of the units (containers) being relatively low level at just under 3m, and the higher units being part of the larger 132 – 400kV substation building.

Paragraph 161 of the National Planning Policy Framework (Dec 2024) now requires the planning system to 'support the transition to net zero by 2050' which is a stronger form of wording than the previous version of the NPPF which required this to be taken into account. National policy, along with Local Plan policy SD6, gives great weight to development proposals that support renewable energy generation, and the scheme is therefore considered to be acceptable in principle. Policy BNE5 of the Local Plan also provides support, being unavoidable outside settlement boundaries (part iii), with the elements of part iv) also considered acceptable on balance.

The proposal will bring about a change in appearance of the immediate locality, however due to the positioning of the built form in a relatively low lying area, with existing and proposed screening, it is not considered that significant detrimental impact would occur to the wider local landscape. The application site would not be clearly visible from nearby settlements, and the closest residential property would be 350m away. The proposed scheme of development has received no objections from statutory consultees on any technical grounds and is considered on balance to be in accordance with the relevant local and national level planning policy and is recommended for approval.

DMPA/2024/0789 – Fairfields Farm, Rosliston Road, Walton-on-Trent, Swadlincote, DE12 8LR





Following a Council decision on 27 February the Regulation 19 Publication Version of the Local Plan part 1 Review is due to take place on or before 12 March 2025. A separate note is in preparation which will be circulated to the committee prior to the meeting explaining the implications of this.

Site Description

The site is located between the villages of Walton-on-Trent and Drakelow on land north of Fairfield Farm. The application site is irregular in shape and covers a total area of approximately 23 hectares and comprises a series of agricultural fields currently used as arable farmland. The site is bounded to the north and north-east by woodland, and on all other sides by similar agricultural fields. Access to the site is currently via Fairfield Farm off Rosliston Road however a new access is proposed to be created to the site off Main Street/ Walton Road to the north-west of the site. The site is visible from public vantage points along Walton Road/ Main Street to the west and also Rosliston Road to the south, however it is partially screened by mature hedgerow.

The existing Fairfields Farm complex and associated buildings are situated approximately 350m away to the south of the site under consideration. The Badgers Rest Guest House and Park Farm facilitate residential settings to the north of the site. The Guest House is situated just to the north of the proposed cable route and is situated approximately 450m away from the proposed substation and approximately 500m away from the proposed energy storage systems. Park Farm is situated to the north approximately 400m away from the proposed substation. The former, now decommissioned coal fired Drakelow Power Station sits approximately 800m to the north of the site. An electricity pylon is located along the eastern site boundary, with the pylon network running in a north-south direction from the Drakelow substation to the north to the surrounding area to the south. The existing National Grid Drakelow substation is located within the former power station site, which the proposed development will connect to via an underground cable. The residential development situated on the former Drakelow Power Station site is located in excess of 1.5km away to the north of the site hereby under consideration.

The 23-hectare site comprises of BMV Grade 2 (very good) and BMV Grade 3 (good to moderate) Agricultural Land Quality, which is currently used as arable farmland. The proposed built development however will require approximately 8 hectares of the total site area. The topography of the site is gently undulating with the eastern portion sloping downwards in a north easterly direction resulting in the eastern portion of the site being located in a topographical dip. There are no public rights of way currently affecting the site. The site is within Flood Zone 1, an area with a low probability of flooding, however the watercourse corridor beyond the eastern boundary of the site is identified as Flood Zone 3. There are no Designated Heritage Assets within or directly adjacent to the application site. The Walton on Trent Conservation Area and a range of Listed Buildings can however be found within a distance of 1km of the application site. The proposed development will impact below ground heritage assets, as identified in the submitted Heritage Assessment and accompanying Geophysical Survey Report. In terms of other constraints, there are no TPO trees within the site and the site is not situated within the Green Belt. The application site is however situated within the National Forest. The site is not within a ‘sensitive area’ as defined in the EIA Regulations and is considered to have limited ecological value due to its current use as an arable agricultural field.

The proposal

The applicant is seeking planning permission for the proposed installation and operation of an Energy Storage System (ESS) including energy storage units (x501 containers), substation, site access, cable connection, landscaping and ancillary infrastructure at the site under the address of Fairfields Farm, Rosliston Road, Walton-on-Trent, Swadlincote, DE12 8LR.

The proposed development involves the installation of a 1GW Energy Storage System (ESS), a 400kV substation, and associated infrastructure. The applicants supporting information references that the proposed development would perform a crucial function in helping to manage the fluctuations in electricity demand and make a significant contribution to the urgent need for more renewable energy. The development will connect directly into the National Grid via the Drakelow substation approximately 800m to the north of the site. The Energy Storage System (ESS) as proposed would be required for the 50-year lifespan of the development. At this point the proposed development site would then be decommissioned, and the land restored to the existing agricultural use.

The applicant has stated that the final layout has been informed by preliminary environmental studies

undertaken at the site and pre-application discussions with a number of stakeholders, and the layout and design submitted for planning permission has been carefully thought out to minimise environmental impacts, incorporating suitable mitigation through landscape screening and design where appropriate.

The area of built development will require approximately 8 hectares out of the total site area which comprises of 23 hectares. In terms of percentage this is approximately 35% of the total site area. The proposed development will incorporate the following key components:

- 501 x Energy Storage containers (max height 3m)
- 251 x MV Skids (max height 3m)
- 9 x 132kV Substations bays containing switchgear and transformers (max height 7.5m)
- 1 x 132-400kV Substation (max height 12m)

- 5 x on-site water storage containers
- New site access and internal access road
- Site perimeter security fence and CCTV
- BNG/ Landscaping Areas
- Cable connection to National Grid Substation

The application also includes associated works required in ground preparation, the construction of building foundations and platforms, sheet piling and the provision of Sustainable Urban Drainage systems.

A new access is proposed to be created to the site off Main Street/ Walton Road to the north-west of the site. Internal access tracks are proposed to be established across the site. The layout has been designed to enable the retention and protection of existing veteran trees and field hedgerows within the site boundary. During the construction phase a construction compound is proposed to be established for the storage of materials, plant, parking and worker offices and welfare. The construction route as proposed will predominantly use the strategic road network focusing on the A444.

A perimeter security fence is proposed to be installed to enclose essential components associated with the development. This is proposed to be approximately 2.4m in height sat atop a 0.6m below ground concrete foundation. There will also be CCTV camera poles installed as part of the site security. The security gate facilitating access will be 2m in height and 6m in width.

Mitigation measures have been incorporated into the scheme of development in regard to both visual screening and noise impact. Extensive proposed landscaping provision is designed and controlled to screen views of the development and to also offer noise mitigation.

Additional biodiversity net gain has been proposed above the mandatory 10% net gain. In this instance, the proposals result in provided a +33.48% gain in habitat units, a +11.03% gain in hedgerow units, and +56.99% gain in watercourse units, with all trading rules satisfied therefore surpassing the mandatory 10% net gain target.

Applicant's supporting information

Reports
- Fairfield Energy Centre AIA Report May 2024
- Fairfield Energy Centre Archaeological Preservation Strategy May 2024
- Fairfield Energy Centre CEMP May 2024
- Fairfield Energy Centre Design and Access Statement
- Fairfield Energy Centre EcIA May 2024
- EcIA Appendix 1 Preliminary Ecological Appraisal
- EcIA Appendix 2 Otter and WV Report
- EcIA Appendix 3 Breeding Birds Report
- EcIA Appendix 4 Bat Survey Report
- EcIA Appendix 5 Reptile PWMS
- EcIA Appendix 6 Hedgerow Regulations Assessment
- EcIA Appendix 7 Biodiversity Net Gain Assessment
- ST19583 - 0011 - Drakelow - BNG - May 2024
- ST19583 Statutory_Biodiversity_Metric_Condition_Assessments-March24.xlsx

- ST19583_The_Statutory_Biodiversity_Metric_Calculation_Tool_180324.xlsm
- EcIA Appendix 8 Badger Report – CONFIDENTIAL
- EcIA Appendix 9 Barn Owl Survey Report
- Fairfield Energy Centre Flood Risk Assessment May 2024
- Fairfield Energy Centre LVIA May 2024
- Fairfield Energy Centre Planning Statement May 2024
- Fairfield Energy Centre Site Selection Assessment and Appendices May 24
- Fairfield Energy Centre Statement of Community Involvement
- Fairfield Energy Centre Transport Statement May 2024
- 22-516 Fairfield Energy Centre ESS - Noise Assessment for Planning ISSUE V3 ISSUE
- Economic Impact Assessment dated 24th January 2025 (Lichfields)

Drawings
- 2 Palisade Fence
- 7 Security Gate v2
- 8 Spares Container v3
- 14 NG MV Skid v2
- 15 V1 ESS Unit
- 16 ESS Access Tracks
- 18 Office Container v2
- 20 CCTV Post
- 21 Water Container
- 24 Floodlight Column
- 25 400kV Substation Layout
- 26 400kV Substation Elevation A and B
- 27 400kV Substation Elevation C and D
- 28 132kV ESS Substation Layout and Elevations
- 29 Car Parking Details
- ST19583-600-G_Indicative Isopachytes
- ST19583-601-A - Sections-601-SEC A-A and B-B
- ST19583-602-B - Sections-602-SEC C-C _ D-D and E-E
- ST19583-605-D Site Location Plan-A4P
- ST19583-606-G Site Layout Plan
- ST19583-607-P3 Landscape Plan_National Forest
- ST19583-607-P4 Landscape Plan Sheets

Relevant planning history

App Ref: DMOT/2023/0621
Proposal: Screening Opinion request under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 in relation to proposed development of an Energy Storage System (ESS) and substation development
Address: Land at Barr Hall Farm, Drakelow, South Derbyshire
Status: Not EIA development.

There is no other recent relevant planning history for the site under consideration. The following history within the surrounding locality is however of relevance:

App Ref: DMPA/2023/1665
Proposal: Proposed Battery Energy Storage System with associated access, landscaping and ancillary works
Address: Land South of Walton Road, Drakelow
Status: Refused - 22 November 2024.

App Ref: DMPA/2023/0170
Proposal: The installation of battery energy storage, substation, transformer stations, site access, internal access track, security measures, access gates, and biodiversity enhancements.
Address: Land to the North West of Barn Farm and to the South of Walton Road and the Former Drakelow Power Station. (to the south of the application site).
Status: Approved - 21 July 2023.

Following EIA Screening Directions of 'Not EIA development' for the following sites, the following full planning submissions for energy storage development are currently pending consideration by the Local Planning Authority:

App Ref: DMPA/2024/1643
Proposal: Erection of a Battery Storage System (BESS) together with substation, transformer stations, site accesses, internal access tracks, security measures, access gates, other ancillary infrastructure and landscaping and biodiversity enhancements on
Address: Land to the North of Main Street, Walton Up on Trent, Swadlincote
Status: Pending Consideration

App Ref: DMPA/2024/0925
Proposal: Erection of a Battery Storage System (BESS) and associated infrastructure on
Address: Land At Caldwell Road, Drakelow
Status: Pending Consideration

The site for the proposed Oaklands Farm Solar Project (Nationally Significant Infrastructure Project (NSIP)) which is situated approximately 1km/ 1.5km to the south and south-west of the site hereby under consideration, is currently progressing through the Development Consent Order (DCO) process with the Planning Inspectorate.

Responses to consultations and publicity

Drakelow Parish Council
The Parish meeting objects to the proposal. Concerns around loss of productive farmland and general 'solarfication' when so much brownfield is available in the area. (02 August 2024).

Rosliston Parish Council
Objection. -Best and Most Versatile Land (BMV). Council believes this area is essential for food production. -The development would detract from the landscape character, historic environment and visual amenity. - The loss of livelihoods and income from agricultural contractors, the tenant farmers, farm workers and suppliers are not addressed. -The documents fail to look at local sub aquifers and boreholes, the BESS installation and potential for lithium-ion pollution into water courses from fire risk is not properly addressed, fire engines struggle to access this area due to the width restrictions on the river Trent crossings and 999 calls go through to Staffordshire from this location. -The battery site is a steep field/slope/aspect leading down to the brook and floodplain, the whole bottom area floods as it is the brook floodplain, they wish to put the substation on a peat bog wildlife area with a spring in it that never dries out adjacent to a brook. This is ridiculous when they are 0.8km from the Drakelow EON employment/brown field land. -Page 29 of the planning statement shows otters, crayfish and mussels are in the brook with spraint evidence, this application and the adjacent NSIP Oaklands track would destroy that wildlife and the peat bog area/floodplain which has been left to nature for 20 years plus. -The planning statement makes no mention of the decommissioning detail or how the BMV soil will be protected, how land drains will be repaired from the track. The Site and track will cause compaction to the soil caused by the engineering and vast earth movement needed to level a steep aspect with 503 containers on the site with a concrete substation on a floodplain for 50 years and with the access track. -The traffic plan is floored with the Drakelow fast build out, potential Bypass build traffic, local bridge restrictions, A444 at capacity with the distribution center, the local roads and highways cannot take it. -The cumulative effect must be looked at with the NSIP Oaklands and 2 other BESS applications around this site, another was given permission last year and Haunton's 346 acres solar is being built now. A solar application is expected on the Eon land at Drakelow after pre application talks – the right place on brownfield employment land. All this adds to a significant urbanising effect of a rural area. (17 September 2024).

County Councillor Stuart Swann
On behalf of residents in the area who have raised concerns, I object to this proposal on the following material planning grounds: -The loss of good arable farmland, particularly as in respect of food security these are extremely uncertain times. - The impact on the local road network, particularly during construction. - Negative impact on the landscape and loss of amenity. - The size and scale of the proposed development. - Impact on local wildlife and biodiversity. - Excessive development in the area. The cumulative impact of various permitted developments, along with the proliferation of such applications, are

major concerns for local people. - Safety matters and the added risk factor for the Fire & Rescue Service. - Proposals such as this should be restricted to brownfield sites. (02 August 2024).

County Highways
No objections to the application subject to conditions being imposed should approval be granted. Planning conditions have been recommended in regard to the construction and completion of the access, details of required visibility splays, surfacing of the access, set back of gates, and a Final Construction Traffic Management Plan. (25 July 2024).

Coal Authority
We have reviewed the site location plan provided and can confirm that the site falls within the Coal Authority's defined Development Low Risk Area. On this basis we have no specific comments to make. (05 July 2024).

County Archaeologist
The proposed development will impact below ground heritage assets, as identified in the submitted Heritage Assessment and accompanying Geophysical Survey Report. Based on this further archaeological works will be necessary. However, further supporting information detailing an appropriate strategy and a context sensitive approach and the process by which it will evolve, submitted as Archaeological Preservation Strategy, seems to me to map out a pragmatic and context sensitive response. As such I am happy that required works, to occur pre-start, can be secured by attaching a suitably worded condition. (31 July 2024).

County Flood Risk team (LLFA)
The LLFA has no objection subject to recommended planning conditions. Planning conditions have been recommended in regard to a detailed design and associated management and maintenance plan of the surface water drainage, and how additional surface water run-off from the site will be avoided during the construction phase. Informatives for the attention of the applicant have also been provided. (30 September 2024).

County Rights of Way
The Rights of Way Section has no comment to make. (26 July 2024).

County Minerals
No comments received.

Derbyshire Wildlife Trust
Overall, the habitat, hedgerow and watercourse baseline conditions are considered to be an accurate assessment of the current status of the site. The habitat, hedgerow and watercourse creation are considered to be appropriate and achievable for the scheme. The proposals result in a +33.48% gain in habitat units, a +11.03% gain in hedgerow units and +56.99% gain in watercourse units, with all trading rules satisfied therefore surpassing the mandatory 10% net gain target. Planning conditions recommended in regard to Great Crested Newt (GCN) district level licensing, Badger mitigation, Otter and Water Vole mitigations, Habitat Management and Monitoring Plans, Species Enhancement Plans, and also the Biodiversity Gain Plan to secure the gains. (20 August 2024).
In terms of Great Crested Newts, we are happy that the scheme can mitigate via DLL which we previously supported within our response. Regarding Otter & Water Vole – it is noted within the Otter and Water Vole Survey Report (Wardell Armstrong, May 2024) that a pre commencement survey should be undertaken. We previously supported within our response. Furthermore, we have not raised any issues regarding barn owl, kingfisher, or skylark. (10 September 2024).

Environment Agency
Have reviewed the Flood Risk Assessment - 0013 - V1.0 - May 2024 (FRA) and Site Layout Plan ST19583-606 - REV G - 24/7/2023, and have no objections. (06 August 2024).

Historic England
In this case we are not offering advice. We suggest that you seek the views of your specialist conservation and archaeological advisers. (05 July 2024).

National Forest Company
The applicant has liaised positively with the NFC at the pre-application stage and the landscaping plans amended to reflect our discussions. The submitted National Forest planting plan demonstrates that the National Forest planting requirement can be met. In terms of the planting details shown on the 'Landscape Plan Sheet 2 of 2', while we note these are indicative, we would be seeking more tree species in the woodland mix and more tree variety in the parkland. The full details of the planting (i.e. species mix, size, density) should be secured by condition, together with a management plan. (09 July 2024).

National Grid
No comments received.

Natural England
Natural England is not able to provide specific advice on this application and therefore has no comment to make on its details. Although we have not been able to assess the potential impacts of this proposal on statutory nature conservation sites or protected landscapes, we offer the further advice and references to Standing Advice. (23 July 2024).

Severn Trent Water
No comments received.

SDDC Conservation Officer
I read with interest the Archaeology and Heritage Assessment, and the Landscape and Visual Impact Assessment. There are no Designated Heritage Assets within or directly adjacent to the application site. There are HERs records, which have been assessed by the DCC Archaeological team. My assessment has therefore focussed on the landscape character of the setting of Listed Buildings and Walton-on-Trent Conservation Area. Whilst there is significant distance between the application site and Designated Heritage Assets, the structures required are of significant height and will impact on the landscape character of the surrounding area. I assess impact as less than substantial harm to the setting of designated heritage assets, and less than substantial harm to non-designated heritage assets (low). Please include an assessment of public benefits in the Officer Report. (27 September 2024).

Environmental Health
Further planning conditions recommended. (21 February 2025).
No objections subject to recommended planning conditions in regard to compliance with the noise impact assessment, the submission of a scheme for noise monitoring, working hours, and dust mitigation measures and the control of noise. (18 February 2025).
Planning conditions requested in regard to a noise impact assessment, a detailed lighting strategy, and hours for ground works or construction. (17 July 2024).

Local Flood Officer
No comments received.

Parks and Green Spaces (incl. BNG)
On viewing the landscape plans provided in relation to the above application we would echo the comments of the National Forest (dated July 2024) in relation to increasing tree species within the woodland mix, increased variety of tree species and would like to see details of quantities and planting densities across all areas. An increase in standard tree numbers where possible in open grassland areas. A management plan should be provided detailing full planting specification, ground works including ongoing management of tree species in subsequent years and standard conditions in place on replacement of any dead /dying/ failed trees. (25 September 2024).

Tree Officer
No comments received.

Peak & Northern Footpaths
Footpaths must remain safe and accessible for walkers. There is no mention of the creation of new public rights of way across or adjacent to the development site, but I hope that this can be considered, particularly for access to the proposed woodland planting, bearing in mind the proximity of the large number of people

living nearby, which will be augmented by the approved new developments. The opportunities for increased access to open spaces for health and well-being should be taken. (09 July 2024).

Ramblers Association
No comments received.

Derbyshire County Council - Planning Policy
2.18 The County Council welcomes proposals for schemes that generate renewable energy and utilise battery storage technologies that will ultimately reduce the UK's reliance on energy from fossil fuels and ensure a more stable and resilient energy system. The proposed scheme should not result in direct negative impacts to the environment during its operation. 2.19 The scheme design, construction and operation should take all necessary steps to avoid any environmental risks and pollution during abnormal and emergency situations (such as battery fire). Particular attention should be paid to protecting any nearby water sources from such situations and associated pollution. (02 August 2024 and 05 August 2024).

Gareth Price (SDDC Biodiversity)
Further comments provided for consideration. Referenced made to the nearby Oaklands Farm Solar Park NSIP and the potential for in combination implications and consideration. Planning conditions required in regard to mitigations including in regard to barn owls, kingfishers, otters, and skylarks. Section 106 required for Skylark and Farmland Bird Mitigation and Biodiversity Gain Plan. (18 February 2025).
Initial concerns in relation to skylark and loss of breeding territories, as nearly on every rural application there is a loss of breeding skylark. I would seek for the applicant to a Unilateral Undertaking to commit to securing two skylark plots in adjacent farmland to compensate for the loss of the two breeding territories. (27 November 2024).
The ECIA Surveys confirmed the presence of otter. Further clarification on the importance of the site for otter is required and what mitigation measures are in place. SDDC have concerns regarding the GCN element as it stands outside of obtaining a District license. More consideration needs to take place to attain the likelihood of GCN presence, given the number of ponds in the general area. Referenced made to the nearby Oaklands Farm Solar Park NSIP and the potential for in combination implications and consideration. (04 August 2024).

Derbyshire Fire & Rescue
We have no objections relating to the proposal. Standard advise has been provided for consideration and the attention of the applicant. (30 July 2024).

Neighbours or members of the public:

A total of 36 comments of representation have been received from neighbours or members of the public with regards to this planning submission. Comments of objection total 35, and comments of support/ no objection total 1. A summary of the key points arisen is presented below:

Comments of Objection:
- Development not in keeping with the surroundings
- Landscape and visual impacts arising from the development proposal
- Impacts arising on nearby residential properties
- Noise impacts from the development
- Fire hazards, explosions, pollution, health related implications
- Environmental pollution related concerns
- Traffic and highway related implications
- Local infrastructure and road network cannot cope
- Inadequate vehicle routing plan during construction
- Disruption likely to be cause by the development
- Loss of productive agricultural land
- Loss of land for food production
- Destruction of green fields and wildlife including valuable BMV farming land
- Impacts on and loss of wildlife
- Destruction of more rural land
- Loss of farmland from production
- Flood risk and drainage related concerns

- Other sites more suitable including on the former Power Station site

Comments of Support:
- welcome and support the application
- vital infrastructure that we all benefit from
- will be an asset to South Derbyshire and the UK

Relevant policy, guidance and/or legislation

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications shall be determined in accordance with the provisions of the development plan unless material considerations indicate otherwise. The development plan for the purposes of this application comprises the South Derbyshire Local Plan Part 1 (LP1) adopted in June 2016 and the South Derbyshire Local Plan Part 2 (LP2) adopted in November 2017.

The relevant Development Plan policies are:
(2016) South Derbyshire District Local Plan Part 1 Adopted 13th June 2016 - S1 (Sustainable Growth Strategy), S2 (Presumption in Favour of Sustainable Development), S3 (Environmental Performance), S5 (Employment Land Need), S6 (Sustainable Access), E7 (Rural Development), SD1 (Amenity and Environmental Quality), SD2 (Flood Risk), SD3 (Sustainable Water Supply, Drainage and Sewerage Infrastructure), SD5 (Minerals Safeguarding), SD6 (Sustainable Energy and Power Generation), BNE1 (Design Excellence), BNE2 (Heritage Assets), BNE3 (Biodiversity), BNE4 (Landscape Character and Local Distinctiveness), INF1 (Infrastructure and Developer Contributions), INF2 (Sustainable Transport), INF4 (Transport Infrastructure Improvement Scheme), INF8 (The National Forest), and INF9 (Open Space, Sport and Recreation).

(2017) South Derbyshire District Local Plan Part 2 Adopted 02nd November 2017 - SDT1 (Settlement Boundaries and Development), BNE5 (Development in Rural Areas), BNE7 (Trees, Woodland and Hedgerows), BNE10 (Heritage), and BNE12 (Former Power Station Land).

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

The relevant national guidance is:
National Planning Policy Framework - (NPPF) - December 2024
National Planning Policy Guidance - NPPG

Planning considerations

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

- Principle of the Development
- Cumulative Impacts of local BESS schemes
- Design, Character, and Appearance
- Conservation and Heritage
- Amenity Implications
- Access and Highways Safety
- Ecology and Biodiversity
- Flood Risk and Water Management
- Developer Contributions/ S106
- Other Matters

Planning assessment

Principle of the Development

The scheme of development proposes the installation and operation of an Energy Storage System (ESS) including energy storage units, substation, site access, cable connection, landscaping and ancillary infrastructure at Fairfields Farm, Rosliston Road, Walton-on-Trent, Swadlincote, DE12 8LR.

Policy SD6 (Sustainable Energy and Power Generation) of the South Derbyshire District Local Plan Part 1 gives specific regard to sustainable power and energy generation. This policy states that renewable energy development and infrastructure will be supported subject to the following considerations: (i) The proposals will not give rise to unacceptable impacts on the landscape or the historic environment or cultural assets. (ii) The proposals will not give rise to unacceptable impacts on local amenity or give rise to safety concerns or traffic generation. The National Planning Policy Framework (Dec 2024) is also supportive of such development, providing that impacts can be appropriately managed. The proposed scheme of development has been carefully reviewed and is considered to be acceptable against these considerations as set out later in this report.

Policy E7 (Rural Development) of the South Derbyshire District Local Plan Part 1 covers development proposals within the rural area. This policy states that proposals which diversify and expand sustainable employment activities and support the social and economic needs of local communities will be supported in principle. It is considered that the application whilst not containing employment generating premises, will assist in the economic benefit of transitioning to a low carbon economy. Other aspects of Policy E7 are considered in more detail below.

Policy BNE5 (Development in Rural Areas) of the South Derbyshire District Local Plan Part 2 gives regard to development in rural areas and outlines criteria for when development outside of settlement boundaries within the rural areas may be supported. The scheme of development as proposed is considered to accord with part iii) and part v) of Policy BNE5. The development proposal is considered to be ‘unavoidable outside settlement boundaries’ as per part iii). The scheme under consideration is proposed to be situated within a rural open countryside location. Due to the nature of the development proposal, a location away from existing built-up areas to avoid impacts upon residential amenity in a well screened location will be required. The development proposal hereby under consideration is development otherwise unavoidable outside of settlement boundaries, is located away from existing built-up areas, and is considered to be relatively well screened. On this basis the proposal is considered acceptable against part iii) of Policy BNE5. Part v) of Policy BNE5 must also be satisfied.

Part v) of Policy BNE5 outlines support for development proposals that ‘will not unduly impact on: landscape character and quality, biodiversity, best and most versatile agricultural land, and heritage assets.’ Details in regard to these considerations are set out within this report. The applicant has stated within the submitted documentation that ‘mapping identifies the agricultural land within the Site as Grade 2 (very good quality) and Grade 3 (good to moderate quality); with Natural England’s BMV Likelihood mapping designating a predicted High Likelihood (>60 % area BMV) and Moderate Likelihood (20-60% area BMV) across the whole site.’ The energy storage systems, substation and constriction compound are proposed on BMV Grade 3 (good to moderate quality), and it is predominantly the access route and cable routes proposed on BMV Grade 2 (very good quality). Natural England have been formally consulted and have not advised of any objection to this development proposal. It is considered that the development proposal is acceptable against Part v) of Policy BNE5. Associated impacts are considered to not be extensive, and considerations including in regard to landscape impact are considered in more details later in this report.

The ALC survey submitted by the applicant in support of this development proposal notes that it is predominantly BMV land and comprises of Grade 2 (very good quality) agricultural land (4.58 ha, 29.7%), with areas of Subgrade 3b (moderate quality) agricultural land (7.04 ha, 45.6%), and Subgrade 3a (good quality) agricultural land (3.81 ha, 24.7%). In regard to the loss of BMV Grade 2 (very good quality) land, this has been considered against the site area, the temporary nature of the proposal, and the benefits of the development in regard to emissions targets, reduction of costs and CO2 emissions, and benefits for the current community and future generations. On this basis the proposal is considered to be acceptable in regard to Policy BNE5.

Paragraph 161 of the National Planning Policy Framework (Dec 2024) now requires the planning system to ‘support the transition to net zero by 2050’. Previously this was referenced as 'a low carbon future'. This extract of national level planning policy presents an essential requirement rather than just being positively supported. This increases the overall national policy support significantly for energy storage schemes type proposals such as that hereby proposed.

The proposed provision of renewable and low carbon energy is central to the economic, social, and environmental dimensions of sustainable development set out in the South Derbyshire District Local Plan and the National Planning Policy Framework (Dec 2024), and there is strong local and national policy

support for the development of renewable energy sources. Paragraph 168 of the National Planning Policy Framework (Dec 2024) states that when determining planning applications for all forms of renewable and low carbon energy developments and their associated infrastructure, local planning authorities should: 'a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and give significant weight to the benefits associated with renewable and low carbon energy generation and the proposal's contribution to a net zero future; b) recognise that small-scale and community-led projects provide a valuable contribution to cutting greenhouse gas emissions; c) in the case of applications for the repowering and life-extension of existing renewable sites, give significant weight to the benefits of utilising an established site.'

The proposed scheme of development is considered to be acceptable in principle.

Cumulative Impacts of local BESS schemes

The Local Planning Authority have commissioned an external assessment of the potential cumulative impacts associated with several Battery Energy Storage System (BESS) schemes proposed in the Drakelow area. Cumulative impacts are defined as the combined effect of the proposed development with other existing, approved, or reasonably foreseeable projects, and they may be environmental, social, or economic in nature. The assessment of cumulative impacts for these BESS schemes has focused on key environmental aspects including traffic and transport, landscape and visual impact, ecology and biodiversity, water resource and flood risk, and noise and air quality.

The cumulative environmental impacts of the BESS applications in the Drakelow area have been evaluated. While the area has experienced a surge in BESS proposals, the cumulative impacts have been assessed individually and collectively. The analysis has demonstrated the following:

- Traffic and Transport: Impacts are temporary and mitigated through detailed CTMPs.
- Landscape and Visual Impact: Visual impacts are minimised through effective landscape screening.
- Ecology and Biodiversity: Mitigation measures are robust and in line with statutory guidance.
- Water Resources and Flood Risk: Comprehensive drainage strategies manage flood risk effectively.
- Noise and Air Quality: Short-term construction impacts are well-controlled and limited.

Given the proposed mitigation measures and the local context, the cumulative impacts of these BESS schemes are not considered significant. Therefore, it is concluded that a full Cumulative Environmental Impact Assessment is not warranted. The projects align with national and local policies promoting renewable energy infrastructure, and their environmental effects are adequately addressed through planning controls and mitigation strategies.

Design, Character, and Appearance

The most applicable policies and guidance to consider with regards to the design, character and appearance related consideration are Policy S2 (Presumption in Favour of Sustainable Development), Policy E7 (Rural Development), Policy BNE1 (Design Excellence), Policy BNE4 (Landscape Character and Local Distinctiveness), Policy INF8 (The National Forest), Policy BNE5 (Development in Rural Areas), and Policy BNE7 (Trees, Woodland and Hedgerows) of the South Derbyshire District Local Plan, the South Derbyshire Design Guide SPD, and the National Planning Policy Framework (Dec 2024).

There are several interrelated policies in the Local Plan (Parts 1 and 2), which cover landscape and biodiversity. As well as the requirements of Policy BNE5 related to impact on landscape character, Policy BNE1 sets out principles for design excellence, which is supported by the detail within the South Derbyshire Design Guide SPD. Policy BNE4 requires developers to retain key valued landscape components (such as mature trees) and 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. Policy INF8 sets planting requirements for development over 1 hectare size in the National Forest, and Policy BNE7 relates to the safeguarding of protected trees and requires that appropriate measures are secured to ensure adequate root protection buffers. 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.

The design of the components which facilitate the proposed Energy Storage System (ESS) have been

carefully reviewed and considered. The proposal incorporates x1 large 132-400kV substation with a maximum height of 12m; x9 smaller substation bays containing switchgear and transformers with a maximum height of 7.5m; x251 MV Skids with a maximum height of 3m; and x501 containers with a maximum height of 3m. A perimeter security fence is proposed to be installed to enclose essential components associated with the development. The security gate facilitating access will be 2m in height and 6m in width. The layout and built form as proposed has been designed to minimise environmental impacts, incorporating mitigation through landscape screening and design where appropriate. Mitigation measures have been incorporated into the scheme of development in regard to both visual screening and noise impact. This proposed built form has been carefully considered in the assessment of the development proposal and further to this consultation responses and responses to publicity have also been considered in this regard.

The application site is relatively well screened from public vantage points and is set-back from the highway. The existing Fairfields Farm complex and associated buildings are situated approximately 350m away to the south. Badgers Rest Guest House and Park Farm, situated respective distances of approximately 450m and 400m away from the proposed substation, facilitate residential settings to the north. It is acknowledged that this development proposal does present a change in the landscape. Consultation responses and responses to publicity have also been considered in this regard. The submitted scheme of development is considered to incorporate reasonable and well mitigated scale, bulk, massing, and proportions which are considered to be acceptable for an Energy Storage System (ESS) development proposal of this nature. The positioning of the majority of the proposed build form within close proximity to the existing woodland presents significant benefits in the screening of this built form from the north and north-west. Although well mitigated it is considered that the development proposal can be further screened by suitably worded planning conditions. The landscaping and planting as proposed, together with appropriately worded planning conditions are considered to help significantly in integrating the overall scheme of development into the wider landscape. Should planning approval be recommended relevant planning conditions will be incorporated in the interest of the visual setting of the development and the surrounding area, and in the interests of protecting the residential amenity of the nearest neighbouring residents.

The overall development proposal is considered to comprise of an acceptable form of design. The proposal is considered to be appropriately designed and comprise of built form of appropriate heights for an Energy Storage System (ESS) development proposal of this nature. A substantial provision of screening is proposed via the retention of existing landscaping features together with landscaping, planting and boundary treatments. Should planning approval be recommended a range of stringent planning conditions shall be incorporated including in regard to additional planting, landscaping, and boundary treatments in the interests of ecology, biodiversity and ensure an acceptable level of design is retained and implemented at the build out stage in the interests of ensuring that the build form of the development proposal is assimilated into the landscape as effectively as possible. Subject to conditions the proposed scheme is considered to be acceptable on design, character, and appearance related grounds.

It is acknowledged that this development proposal presents a change in the landscape of the site and surrounding area. Overall, the proposal would not result in unacceptable harm to the street-scene or surroundings of the site, and the proposal is considered to be acceptable and in accordance with the relevant local and national level planning policies with regards to associated design, character, and appearance implications.

Conservation and Heritage

In regard to the conservation and heritage consideration of the application site, and the development proposal as submitted, there are no Designated Heritage Assets within or directly adjacent to the application site. Within a 1km vicinity of the site boundary there are 6 Designated Heritage Assets. Listed Buildings and the Walton-on-Trent Conservation Area, to the west and south-west, can be found a significant distance away from the application site. The proposed development will impact below ground heritage assets, as identified in the submitted Heritage Assessment and accompanying Geophysical Survey Report.

The submitted Archaeology and Heritage Assessment, and the Landscape and Visual Impact Assessment have been reviewed and considered as part of the assessment of this planning application. The Conservation Officer has been formally consulted with regards to this planning submission. Following a

review of the submission a formal consultation response has since been provided with the Conservation Officer advising that there are no Designated Heritage Assets within or directly adjacent to the application site, and there are HERs records, which have been assessed by the DCC Archaeological team. The assessment made by the Conservation Officer is therefore focussed on the landscape character of the setting of Listed Buildings and Walton-on-Trent Conservation Area. Whilst there is significant distance between the application site and Designated Heritage Assets, the structures required are of significant height and will impact on the landscape character of the surrounding area. The impact has been assessed as less than substantial harm to the setting of designated heritage assets, and less than substantial harm to non-designated heritage assets (low). It is considered by the Local Planning Authority that the overall public benefits arising from the proposed Energy Storage System (ESS), in regard to the emissions targets, reduction of costs and CO2 emissions, and benefits for the current community and future generations, are considered to outweigh any detrimental implications.

The Archaeology team at Derbyshire County Council have also been consulted in regard to this development proposal. The proposed development will impact below ground heritage assets, as identified in the submitted Heritage Assessment and accompanying Geophysical Survey Report. Based on this, further archaeological works will be necessary. However, further supporting information detailing an appropriate strategy and a context sensitive approach and the process by which it will evolve, submitted as Archaeological Preservation Strategy, seems to map out a pragmatic and context sensitive response. The Archaeology team are content that required works, to occur pre-start, can be secured by attaching a suitably worded condition in regard to a Written Scheme of Investigation for archaeological works in the interest of ensuring heritage remains and features are adequately recorded, in the interests of the cultural heritage of the District, recognising that initial preparatory works could have unacceptable impacts, and in accordance with local plan policies SD1, BNE1, BNE2 and BNE10, and national level planning policy.

Amenity Implications

The most applicable policies and guidance to consider in regard to amenity are Policy SD1 (Amenity and Environmental Quality), Policy SD6 (Sustainable Energy and Power Generation), and Policy BNE1 (Design Excellence) of the South Derbyshire District Local Plan Part 1, and the South Derbyshire Design Guide SPD which between them seek that new development does not lead to adverse impacts on the environment or amenity of existing occupiers within or around proposed developments. Policy SD1 supports development that does not lead to adverse impacts on the environment or amenity of existing and future occupiers. Policy BNE1 requires development to not cause demonstrable harm to neighbouring amenity.

The applicant has outlined that a detailed site selection process has been undertaken, resulting in the proposed site being identified as the most suitable location for the Energy Centre. The site selection process considered criteria including environmental constraints, residential buffers and existing site allocations within a 2km buffer of the National Grid Drakelow substation, and the proposed site was deemed the most appropriate and to have the lowest environmental impact of all of the other available sites which were assessed.

The specifications for each of the components forming the proposed Energy Storage System (ESS), which facilitates connectivity to the National Grid, have been carefully reviewed and assessed with the aim of minimising heights and overall footprints whilst still achieving efficient energy storage. The proposal incorporates x1 large 132-400kV substation with a maximum height of 12m; x9 smaller substation bays containing switchgear and transformers with a maximum height of 7.5m; x251 MV Skids with a maximum height of 3m; and x501 containers with a maximum height of 3m.

Specialist input from the Environmental Health team at South Derbyshire District Council has been formally requested. The Environmental Health team have formally advised that there are no objections to the proposed installation and operation of an Energy Storage System (ESS) including energy storage units, substation, site access, cable connection, landscaping and ancillary infrastructure as proposed at the site under the address of Fairfields Farm, Rosliston Road, Walton-on-Trent. This is subject to the incorporation of relevant planning conditions including in regard to noise controls, noise monitoring, dust mitigation measures, working hours, and a lighting strategy. There are no objections to the proposals in principle. This is subject to the incorporation of planning conditions should planning approval be recommended.

The proposed scheme of development has been carefully reviewed and considered with regards to potential impacts on nearby residential amenity. Further to this consultation responses and responses to

publicity have also been considered in this regard. The existing Fairfields Farm complex and associated buildings are situated approximately 350m away to the south of the site under consideration. The Badgers Rest Guest House and Park Farm facilitate residential settings to the north of the site here under consideration. The Guest House is situated just to the north of the proposed cable route and is situated approximately 450m away from the proposed substation and approximately 500m away from the proposed energy storage systems. Both the substation and the energy storage systems as proposed are well screened and situated on the opposite site of the woodland to the Guest House. Park Farm is situated to the north approximately 400m away from the proposed substation and is proposed to be screened by extensive landscaping and planting. The residential development situated on the former Drakelow Power Station site is located in excess of 1.5km away to the north of the site for the proposed Energy Storage System (ESS). The site under consideration comprises of a relatively flat area of land. The site is relatively well screened from public vantage points. The site is set-back from the highway and there are no neighbouring residential properties within the immediate vicinity of the application site.

A perimeter security fence is proposed to be installed to enclose essential components associated with the development. This is proposed to be approximately 2.4m in height sat atop a 0.6m below ground concrete foundation. There will also be CCTV camera poles installed as part of the site security which will comprise poles around the boundary 3.5m in height to protect the equipment from crime and anti-social behaviour. The security gate facilitating access will be 2m in height and 6m in width. The layout submitted for planning permission has been designed to minimise environmental impacts, incorporating suitable mitigation through landscape screening and design where appropriate.

Mitigation measures have been incorporated into the scheme of development in regard to both visual screening and noise impact. Extensive proposed landscaping provision is designed and controlled to screen views of the development and to also offer noise mitigation to protect the amenity of the nearby residential development in this area. Further to this should planning approval be recommended a range of stringent planning conditions shall be incorporated including in regard to additional planting, landscaping, and boundary treatments in the interests of ecology, biodiversity and the visual amenity of the development and the surrounding area.

Given the distances of the development proposal from nearby residential properties, and the overall scale and nature of that proposed, it is considered that significant unacceptable implications on neighbouring amenity related grounds will not arise. The siting of the development proposal and the relationship with the nearest neighbouring properties ensures the proposed scheme of development is considered to not present any significant detrimental impacts on the amenity the nearest neighbouring residents can reasonably expect to enjoy.

The proposed scheme of development is considered to be acceptable on amenity related grounds, subject to the incorporation of relevant planning conditions should planning approval be recommended.

Access and Highways Safety

Policy INF2 (Sustainable Transport) sets the local 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. As above, Policy SD6 (Sustainable Energy and Power Generation) also requires consideration of whether highway impacts would be acceptable.

Access to the site is currently via Fairfield Farm off Rosliston Road however a new access is proposed to be created to the site off Main Street/ Walton Road to the north-west of the site. Internal access tracks are proposed to be established across the site. The scheme of development incorporates an internal access road whereby the layout has been designed to enable the retention and protection of existing veteran trees and field hedgerows within the site boundary. During the construction phase a construction compound is proposed to be established for the storage of materials, plant, parking and worker offices and welfare. Should planning approval be recommended, prior to the commencement of the development details of a Construction Management Plan (CMP), including construction traffic management, shall be submitted to and approved in writing by the Local Planning Authority. The applicant has noted within the submission that the construction route as proposed will predominantly use the strategic road network focusing on the A444, and the construction traffic route is accepted as the most appropriate route to the site, avoiding roads with weight and height restricted bridges. The route has been designed to avoid key villages and connect to the site from the A444 Burton Road/ Castle Road roundabout via Burton Road, Linton Road, Hillside Road,

Coton Park, Cadley Lane, Caldwell Road, and Walton Road/ Main Street. This is considered to comprise a logical approach given increased traffic and congestion difficulties to the south and west of the application site.

The County Highways team at Derbyshire County Council have been consulted with regards to this planning submission. Following a review of the submission a formal consultation response has since been provided with the County Highways team outlining a stance of no objections to the application subject to relevant planning conditions in regard to the construction and completion of the access, details of required visibility splays, surfacing of the access, set back of gates, and a Final Construction Traffic Management Plan being imposed should approval be granted. Following the receipt and consideration of the professional advice provided by the County Highways technical consultee, it would be unreasonable to suggest that the scheme of development would be unacceptable on highway related grounds. Subject to the incorporation of the relevant recommended planning condition, the proposed scheme of development is considered to be acceptable on highway safety related grounds.

It is also noted that there are no Public Rights of Way within the site boundary and the closest Public Rights of Way lies to the south of the site beyond Barr Hall Farm, the Walton upon Trent Footpath 1. The Rights of Way Section at Derbyshire County Council have advised that there are no comments to make in regard to this development proposal. Further to this the Peak & Northern Footpaths Society have formally advised that the junction of Weston upon Trent Footpath 1 with Rosliston Road must remain safe and accessible for walkers, and opportunities for increased access to open spaces for health and well-being should be taken. The development proposal is considered to be acceptable in this regard.

It is worth noting that paragraph 116 of the National Planning Policy Framework (Dec 2024) states that ‘development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe’.

Following the receipt of technical consultation input including that of the professional County Highways team it would be unreasonable to suggest that the scheme of development would be unacceptable on highway related grounds. Subject to the incorporation of relevant planning conditions, the proposed scheme of development is considered to be acceptable on access and highways related grounds.

Ecology and Biodiversity

Regarding the ecology and biodiversity consideration there are several interrelated policies in the Local Plan (Parts 1 and 2), which cover landscape and biodiversity. As well as the requirements of Policy BNE5 related to impact on landscape character, Policy BNE1 sets out principles for design excellence, which is supported by the detail within the South Derbyshire Design Guide SPD. Policy BNE4 requires developers to retain key valued landscape components (such as mature trees) and 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. Policy INF8 sets planting requirements for development over 1 hectare size in the National Forest, and Policy BNE7 relates to the safeguarding of protected trees and requires that appropriate measures are secured to ensure adequate root protection buffers. Policy BNE3 states that development will be supported which contributes to the protection, enhancement, management and restoration of biodiversity.

Schedule 7A of the Town and Country Planning Act 1990 (as inserted by schedule 14 of the Environment Act) introduced mandatory requirements for Biodiversity Net Gain earlier in 2024. This means Biodiversity Net Gain is required in the instance of this development proposal. As outlined within the technical consultation response received from the Derbyshire Wildlife Trust, the proposals result in a +33.48% gain in habitat units, a +11.03% gain in hedgerow units and +56.99% gain in watercourse units, with all trading rules satisfied therefore surpassing the mandatory 10% net gain target. A Biodiversity Gain Plan is required in regard to both the on-site and off-site ecological gains, and to ensure the suitable delivery.

In addition to the comments received from the Derbyshire Wildlife Trust technical consultation input in regard to the ecological and biodiversity consideration has also been received from the SDDC Biodiversity Officer. The Biodiversity Officer has advised that controls and mitigation are required. Should the Local Planning Authority be recommending planning approval controls would be incorporated via planning conditions/ a Section 106 Agreement to ensure mitigations including in regard to barn owls, kingfishers, otters, and skylarks. Section 106 Agreement would be required for Skylark and Farmland Bird Mitigation,

and Biodiversity Gain Plan. Subject to the appropriate incorporation of these aforementioned mitigations the development proposal is considered to be acceptable in regard to the overall ecological and biodiversity consideration.

The site hereby under consideration is situated within the National Forest, and the site area extends to a total of 23 hectares. In accordance with Policy INF8 (The National Forest) of the South Derbyshire District Local Plan, and the technical consultation comments received from the National Forest Company, a provision of 30% of the development area to be woodland planting and landscaping is required. The National Forest Company have formally advised that the applicant has liaised positively at the pre-application stage and the landscaping plans amended to reflect discussions. The submitted National Forest planting plan demonstrates that the National Forest planting requirements can be met. In terms of the planting details shown on the 'Landscape Plan Sheet 2 of 2', whilst it is noted these are indicative, more tree species in the woodland mix and more tree variety in the parkland are required. The full details of the planting (i.e. species mix, size, density) should be secured by condition, together with a management plan. Should the Local Planning Authority be recommending planning approval a suitably worded planning conditions shall be incorporated in this regard.

Policy BNE5 (Development in Rural Areas) requires consideration as to the impact on best and most versatile agricultural land. The 23 hectares site comprises of BMV Grade 2 (very good) and BMV Grade 3 (good to moderate) Agricultural Land Quality, which is currently used as arable farmland. The energy storage systems, substation and constriction compound are proposed on BMV Grade 3 (good to moderate quality), and it is predominantly the access route and cable routes proposed on BMV Grade 2 (very good quality). In regard to the loss of BMV Grade 2 (very good quality) land, it is envisaged that should planning approval be recommended this would be for a temporary 50-year time period at which point the proposed development site would then be decommissioned and the site restored to its former agricultural use. The proposal is considered to not result in any meaningful loss of productive farmland or reduce the level of stocking. The development has considerable benefits and would help to optimise the efficiency of the existing energy infrastructure in the area and therefore reduce the pressure on surrounding land to accommodate further development. On this basis the proposal is considered to be acceptable in regard to Policy BNE5.

Subject to the above-mentioned planning conditions, the scheme of development is considered to be acceptable on ecology and biodiversity grounds.

Flood Risk and Water Management

The site under consideration is situated within Flood Zone 1, an area with a low probability of flooding, however the watercourse corridor beyond the eastern boundary of the site is identified as Flood Zone 3. The built form of the development proposal does not impact upon this section of the site.

The National Planning Policy Framework (Dec 2024) at paragraph 170 states that 'inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk' and 'where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere'. Policy SD3 of the South Derbyshire District Local Plan Part 1 states that the Council will seek to ensure that adequate water supply, sewerage and drainage infrastructure is delivered in tandem with identified growth. This policy also outlines that the Council will work with the County Flood Risk team (LLFA) to ensure new developments incorporate sustainable drainage schemes. The National Planning Policy Framework (Dec 2024) advocates the use of a sequential test with the aim of steering new developments to areas with the lowest probability of flooding. The Environment Agency produces flood risk maps which classifies land according to probability of flooding. The areas of highest risk are classified as Flood Zone 3, with a 1 in 100 or greater annual probability of flooding, and the areas of lowest risk are classified as Flood Zone 1, with a less than 1 in 1000 annual probability of flooding.

The application site is situated within Flood Zone 1 and as such there are no flooding concerns in principle. Following consultation, the Environment Agency have advised that there are no objections to this development proposal. The County Flood Risk team (LLFA) at Derbyshire County Council have been consulted with regards to this planning submission. Following a review of the submission a formal consultation response has since been provided with the County Flood Risk team outlining a stance of no

objection subject to recommended planning conditions. Planning conditions have been recommended in regard to a detailed design and associated management and maintenance plan of the surface water drainage, and how additional surface water run-off from the site will be avoided during the construction phase. A range of informatives have also been provided for the attention of the applicant which set out the minimum requirements in order to discharge any of the drainage conditions.

Following the receipt of the professional County Flood Risk team (LLFA) advice it would be unreasonable to suggest that the scheme of development would be unacceptable on flood risk and water management related grounds. Subject to the incorporation of the above-mentioned planning conditions, it is considered that the proposal would not cause significant impacts, and associated impacts can be acceptably mitigated via these conditions and the future design of the development. The proposed scheme of development is therefore considered to be acceptable on these grounds subject to the recommended relevant planning conditions.

Developer Contributions/ S106

Should planning approval be recommended a Section 106 Agreement will be completed and attached to any forthcoming planning approval notice. Consultations have been undertaken, and technical responses have been provided for the consideration of the Local Planning Authority. Should planning approval be recommended a Section 106 Agreement will be required in order to ensure the delivery of the following:

-Community Promise- As outlined at 'Section 7 Development Benefits' of the submitted Design and Access Statement, the applicant will offer a community benefit fund to the local community, which can be used to support local projects and priorities. They work with host communities to agree the best way to provide and administer the fund. Every year the Fairfield Energy Hub will contribute £50 per MW of energy storage to the community benefit fund. A further £20 per MW of energy storage installed will go towards a charitable donation annually.

-Skylark and Farmland Bird Mitigation- Mitigation will be incorporated either as skylark plots or an area specifically managed for farmland birds. 1 to 2 skylark plots would be required as mitigation and based on density and size requirements from government guidance on skylark plots there will be a minimum of 2 plots per hectare and each plot will be at least 3 metres wide and will have a minimum area of 16 square metres.

-Biodiversity Gain Plan- The proposals result in a +33.48% gain in habitat units, a +11.03% gain in hedgerow units and +56.99% gain in watercourse units, with all trading rules satisfied therefore surpassing the mandatory 10% net gain target. A Biodiversity Gain Plan is required in regard to both the on-site and off-site ecological gains, and to ensure the suitable delivery.

Other Matters

A number of responses to publicity have highlighted fire and safety related concerns in regard to the proposed installation and operation of an Energy Storage System (ESS) including energy storage units, substation, site access, cable connection, landscaping and ancillary infrastructure at Fairfields Farm, Rosliston Road, Walton-on-Trent. The applicant has prepared and submitted for formal consideration a range of supporting documentation which have been reviewed and considered by technical consultees including the Derbyshire Fire & Rescue team as part of the planning consultation. The Derbyshire Fire & Rescue team have reviewed this documentation together with the proposed scheme of development hereby under consideration and have advised that there are no objections relating to the proposal. It has also been advised that the developer and operator apply relevant sector specific guidance to ensure safe practice is employed in the construction, operation and decommissioning of the site. Should planning approval be recommended this documentation shall be incorporated into the approved details as an informative advising the applicant to note and act upon as necessary the comments received from the Derbyshire Fire and Rescue team. In addition to this, fire and safety related conditions in regard to the following been drafted:

- The requirements of the submitted Noise Impact Assessment.
- A scheme of noise monitoring.
- Dust mitigation measures and the control of noise.

- Biodiversity Enhancement and Management Plan.
- Construction Environmental Management Plan.
- A full and comprehensive detailed Emergency Response Plan.
- A full and comprehensive detailed Battery Safety Management Plan.
- A Decommissioning Plan.

Should planning approval be recommended relevant planning conditions in these regards shall be incorporated into any forthcoming planning approval notice.

Conclusion and Planning Balance

There is a significant level of local concern and opposition to the scheme on relevant planning grounds including landscape and visual impacts, amenity related issues including noise and potential fire risk, highway and traffic related concerns, the loss of BMV agricultural land, loss of wildlife, and biodiversity concerns. It is noted that a comment of support has also been received welcoming and supporting the application, referencing the benefits and noticing that such would be an asset to the District.

Throughout the application process and the assessment of the development proposal these points have been considered and in particular these legitimate planning concerns need to be considered in the context of the lack of objection from statutory consultees. The principle of the Energy Storage System proposal is considered to be acceptable due to the public benefit of providing low carbon energy when weighed against associated aforementioned impacts of the development proposal. An acceptable form of design is considered to have been achieved, and further to this the proposal is considered on balance to not have a significant adverse impact on the residential amenity of the nearest neighbouring properties. In addition to this, subject to relevant planning conditions, the scheme of development as proposed is considered to be meet the requirements of the various statutory consultees on grounds including access and highways safety, ecology and biodiversity, and flood risk matters. Subject to relevant planning conditions, the development proposal is considered to be acceptable when considered against the aims and objectives of the South Derbyshire District Local Plan, Supplementary Planning Documentation, and the National Planning Policy Framework (Dec 2024). There are no material considerations that would warrant refusal of planning permission in this instance.

This planning submission which proposes the installation and operation of an Energy Storage System (ESS) including energy storage units, substation, site access, cable connection, landscaping and ancillary infrastructure at Fairfields Farm, Rosliston Road, Walton-on-Trent, is considered to be acceptable, and is considered to be in accordance with the relevant local and national level planning policy.

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

Recommendation

Approve subject to planning Conditions and a Section 106 Agreement.

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

   Reason: At the request of the applicant and 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 and documentation:

   Reports
   - Fairfield Energy Centre AIA Report May 2024
   - Fairfield Energy Centre Archaeological Presentation Strategy May 2024

- Fairfield Energy Centre CEMP May 2024
- Fairfield Energy Centre Design and Access Statement
- Fairfield Energy Centre EcIA May 2024
- EcIA Appendix 1 Preliminary Ecological Appraisal
- EcIA Appendix 2 Otter and WV Report
- EcIA Appendix 3 Breeding Birds Report
- EcIA Appendix 4 Bat Survey Report
- EcIA Appendix 5 Reptile PWMS
- EcIA Appendix 6 Hedgerow Regulations Assessment
- EcIA Appendix 7 Biodiversity Net Gain Assessment
- ST19583 - 0011 - Drakelow - BNG - May 2024
- ST19583 Statutory_Biodiversity_Metric_Condition_Assessments-March24.xlsx
- ST19583_The_Statutory_Biodiversity_Metric_Calculation_Tool_180324.xlsm
- EcIA Appendix 8 Badger Report – CONFIDENTIAL
- EcIA Appendix 9 Barn Owl Survey Report
- Fairfield Energy Centre Flood Risk Assessment May 2024
- Fairfield Energy Centre LVIA May 2024
- Fairfield Energy Centre Planning Statement May 2024
- Fairfield Energy Centre Site Selection Assessment and Appendices May 24
- Fairfield Energy Centre Statement of Community Involvement
- Fairfield Energy Centre Transport Statement May 2024
- 22-516 Fairfield Energy Centre ESS - Noise Assessment for Planning ISSUE V3 ISSUE
- Economic Impact Assessment dated 24th January 2025 (Lichfields)

Drawings
- 2 Palisade Fence
- 7 Security Gate v2
- 8 Spares Container v3
- 14 NG MV Skid v2
- 15 V1 ESS Unit
- 16 ESS Access Tracks
- 18 Office Container v2
- 20 CCTV Post
- 21 Water Container
- 24 Floodlight Column
- 25 400kV Substation Layout
- 26 400kV Substation Elevation A and B
- 27 400kV Substation Elevation C and D
- 28 132kV ESS Substation Layout and Elevations
- 29 Car Parking Details
- ST19583-600-G_Indicative Isopachytes
- ST19583-601-A - Sections-601-SEC A-A and B-B
- ST19583-602-B - Sections-602-SEC C-C _ D-D and E-E
- ST19583-605-D Site Location Plan-A4P
- ST19583-606-G Site Layout Plan
- ST19583-607-P3 Landscape Plan_National Forest
- ST19583-607-P4 Landscape Plan Sheets

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

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

3. The development hereby approved is granted for a limited period only expiring 50 years after the date on which the scheme first comes into use, on or before this date all associated buildings, structures, tracks and fencing shall be removed and the site reinstated to the satisfaction of the Local Planning Authority unless, prior to that date, permission has been granted for an extended period pursuant to an application made to the Local Planning Authority in that regard. The operator shall inform the Local Planning Authority within 10 working days of the development first coming into use.

Reason: In the interests of the visual amenities of the area, so not to risk redundant equipment, structures, buildings and boundary treatments being left in place in perpetuity, compromising the productive use of the land and the character and appearance of the area thereafter.

4. All external materials used in the development shall match those detailed within the approved plans and documentation. Any alternative details shall be first submitted to and approved in writing by the Local Planning Authority, whereafter the approved alternative details shall be incorporated into the development.

   Reason: In the interests of the visual amenities of the area, to protect the openness of the land, and to ensure the satisfactory appearance of the development, in accordance with local planning policy BNE1.

5. The Development hereby approved shall not commence until the means of access has been constructed and completed as shown on Drawing No. ST19583-034 Rev A.

   Reason: In the interests of highway safety, and in accordance with local plan policies S1, S2, S6, BNE1, INF2 and INF4, and national level planning policy.

6. The development hereby approved shall not commence 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 160m in each direction 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 local plan policies S1, S2, S6, BNE1, INF2 and INF4, and national level planning policy.

7. The development hereby permitted shall not be brought into use until such time as the access has been surfaced with tarmacadam, or similar hard bound controlled material (not loose aggregate) for a distance of at least 15 metres behind the highway boundary and, once provided, shall be so maintained in perpetuity.

   Reason: To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) in the interests of highway safety and, and in accordance with local plan policies S1, S2, S6, BNE1, INF2 and INF4, and national level planning policy.

8. The Development hereby approved shall not be occupied until any proposed access gates have been set back a minimum of 15 metres from the adjoining carriageway edge and made to open inwards only.

   Reason: In the interests of highway safety, and in accordance with local plan policies S1, S2, S6, BNE1, INF2 and INF4, and national level planning policy.

9. Prior to commencement of the development hereby permitted details of a Construction Management Plan (CMP), including construction traffic management, shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the construction period. The plan/statement shall include but not be restricted to:
   -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);
   -Advisory routes for construction traffic;
   -Any temporary access to the site;
   -Locations for loading/unloading and storage of plant, waste and construction materials;
   -Method of preventing mud and dust being carried onto the highway;
   -Arrangements for turning vehicles;
   -Arrangements to receive abnormal loads or unusually large vehicles;
   -Highway Condition survey;
   -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 during the construction phase of the development, and in accordance with local plan policies S1, S2, S6, BNE1, INF2 and INF4, and national level planning policy.

10. a) No development shall take place until a Written Scheme of Investigation for archaeological works has been submitted to and approved by the local planning authority in writing, and until any pre-start element of the approved scheme has been completed to the written satisfaction of the Local Planning Authority. The scheme shall include an assessment of significance and research questions; and
    1. The programme and methodology of site investigation and recording
    2. The programme for post investigation assessment
    3. Provision to be made for analysis of the site investigation and recording
    4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
    5. Provision to be made for archive deposition of the analysis and records of the site investigation
    6. Nomination of a competent person or persons/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 (a).

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

    Reason: To enable heritage remains and features to be adequately recorded, in the interests of the cultural heritage of the District, recognising that initial preparatory works could have unacceptable impacts, and in accordance with local plan policies SD1, BNE1, BNE2 and BNE10, and national level planning policy.

11. 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) Flood Risk Assessment, Doc Ref: ST1983/0013, Version: V1.0, prepared aby Wardell Armstrong LLP, dated May 2024 and 'including any subsequent amendments or updates to those documents as approved by the Flood Risk Management Team'.

    b) And DEFRA's Non-statutory technical standards for sustainable drainage systems (March 2025), 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, and in accordance with local plan policies SD2 and SD3, and national level planning policy.

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

    Reason: To ensure surface water is managed appropriately during the construction phase of the development, so as not to increase the flood risk to adjacent land/properties or occupied properties within the development, and in accordance with local plan policies SD2 and SD3, and national level planning policy.

13. Notwithstanding the submitted details, no development shall commence until an arboriculture management plan, together with full and comprehensive details of an increased provision of tree planting (including species mix, size, and density), including an increase in standard tree numbers where possible in open grassland areas, together with an increase of tree species in the woodland mix and more tree variety in the parkland, is submitted to and approved in writing by the Local

Planning Authority in conjunction with the National Forest Company, whereafter the approved details shall be implemented in full and maintained in perpetuity.

Reason: In the interests of ecology, biodiversity and the visual amenity of the development and the surrounding area, in accordance with local plan policies BNE1 and BNE3, and national level planning policy.

14. Notwithstanding the submitted details, no development shall commence until a full and comprehensive scheme of landscaping and boundary treatments, has been submitted to and approved in writing by the Local Planning Authority. The scheme of development shall thereafter be undertaken in full accordance with the details approved. Any alternative details shall be first submitted to and approved in writing by the Local Planning Authority, whereafter the approved alternative details shall be incorporated into the development.

    Reason: In the interest of the visual setting of the development and the surrounding area, in accordance with local plan policies BNE1 and BNE3, and national level planning policy.

15. In the first planting season following the commencement of the development the scheme of tree planting and landscaping as approved shall be implemented. Any planting which within a period of ten years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species and thereafter retained for at least the same period, unless the Local Planning Authority gives written consent to any variation.

    Reason: In the interests of ecology, biodiversity and the visual amenity of the development and the surrounding area, in accordance with local plan policies BNE1 and BNE3, and national level planning policy.

16. No removal of vegetation that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of the vegetation for active birds nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation must be submitted to the Local Planning Authority.

    Reason: In order to safeguard protected and/or priority species from undue disturbance and impacts, in accordance with local plan policies BNE1 and BNE3, and national level planning policy.

17. The development hereby permitted shall be installed and maintained in full accordance with the recommendations of noise impact assessment by In Acoustic dated November 2023. Prior to the development being brought into first use, the applicant shall demonstrate that the scheme does not exceed the predicted post-mitigation rating limits quoted in the assessment.

    Reason: In the interests of protecting the amenity of the area and prospective occupiers, in accordance with local plan policies SD1, BNE1 and INF9, and national level planning policy.

18. Prior to the first use of the installation hereby permitted, a scheme of noise monitoring shall be submitted for the approval of the Local Planning Authority to ensure that the installation remains compliant with the predicted rating limits referred to in the assessment. The approved scheme must be implemented thereafter.

    Reason: In the interests of protecting the amenity of the area and prospective occupiers, in accordance with local plan policies SD1, BNE1 and INF9, and national level planning policy.

19. 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 08:00 and 18:00 hours Monday to Friday and 08:00 and 13:00 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 prospective occupiers, in accordance with local plan policies SD1, BNE1 and INF9, and national level planning policy.

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

    Reason: In the interests of protecting the amenity of the area and prospective occupiers, in accordance with local plan policies SD1, BNE1 and INF9, and national level planning policy.

21. Prior to permission being granted, a detailed lighting strategy (designed in accordance with the guidelines issued by the Institute of Lighting Engineers, or any equivalent guidelines which may supersede such guidelines) which shall include precise details of the position, height, intensity, angling and shielding of lighting, as well as the area of spread/spill of such lighting, must be submitted in writing by the Local Planning Authority.

    Reason: In the interests of protecting the amenity of the area and adjoining occupiers and/or transport routes from undue illumination impacts or distraction, and to minimise light pollution at night, in accordance with local plan policies SD1, BNE1 and INF9, and national level planning policy.

22. Prior to the commencement of any works which may affect Great Crested Newts and/or their habitat, a copy of the Impact Assessment and Conservation Payment Certificate (IACPC) signed by all parties shall be submitted to the Local Planning Authority. All works shall then proceed in accordance with the requirements of the signed and issued Natural England licence.

    Reason: In the interests of ecology and biodiversity, in accordance with local plan policies BNE1 and BNE3, and national level planning policy.

23. The development shall be carried out in accordance with the mitigation and compensation strategy detailed within the Badger Survey Report prepared by Wardell Armstrong dated May 2024) unless varied by a Species licence subsequently issued by Natural England, a copy of which shall be submitted to the Local Planning Authority. The agreed features for roosting bats shall be permanently installed in accordance with the approved details.

    Reason: In the interests of ecology and biodiversity, in accordance with local plan policies BNE1 and BNE3, and national level planning policy.

24. Due to the suitable habitat on site and immediately adjacent to, prior to the commencement of development, including preparatory site clearance, a detailed Barn Owl, Kingfisher, Otter, and Water Vole survey for any recently excavated holts or burrows on the site or within 10 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 the interests of ecology and biodiversity, in accordance with local plan policies BNE1 and BNE3, and national level planning policy.

25. Two Habitat Management and Monitoring Plans (HMMP) for on-site and off-site gains shall be submitted to, and be approved in writing by, the Local Planning Authority prior to the commencement of the development. This shall identify the habitats to be retained, created and / or enhanced on the site and specify the appropriate management prescriptions to secure the predicted condition targets, as per the approved biodiversity metric for the application. The HMMP shall also set out a monitoring schedule to ensure targets are met and remedial actions to take if not.

    Reason: In the interests of ecology and biodiversity, in accordance with local plan policies BNE1 and BNE3, and national level planning policy.

26. Prior to building works commencing, 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: - Bird Boxes (i.e. kestrel boxes, barn owl boxes, sparrow terraces, swift boxes) erected onto retained mature trees (avoiding southern aspects). - External Bat Boxes erected onto retained mature trees (favouring southern aspects). - Invertebrate houses at the edge of the woodland to be retained. - An integrated SuDS area/s / sand martin and kingfisher nesting bank. A statement of good practice including photographs shall 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. The enhancements must be implemented in accordance with the approved details and all features retained in that manner thereafter.

Reason: In the interests of ecology and biodiversity, in accordance with local plan policies BNE1 and BNE3, and national level planning policy.

27. A Skylark Mitigation Strategy shall be submitted to, and be approved in writing by, the Local Planning Authority prior to the commencement of development. The Skylark Mitigation Strategy shall be in general accordance with the strategy principles and incorporate:
a) Mapped details of the proposed location of Skylark nest plots within appropriate habitat and number of Skylark plots to be provided.
b) Purpose and conservation objectives for the proposed Skylark plots.
c) Detailed methodology for the Skylark plots following Agri-Environment Scheme option: 'AB4 Skylark Plots'.
d) Details of the persons responsible for the implementation and management of the Skylark Mitigation Strategy. The Skylark Mitigation Strategy shall be implemented in accordance with the approved details and all features shall be retained for a minimum of 10 years.

Reason: In the interests of ecology and biodiversity, in accordance with local plan policies BNE1 and BNE3, and national level planning policy.

28. A Landscape and Biodiversity Enhancement and Management Plan (LBEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority 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. The LBEMP shall 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, as per the approved biodiversity metric.
b) Aims and objectives of management, in line with desired habitat conditions detailed in the metric.
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, 2, 3, 5, 10, 15, 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) 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: In the interests of ecology and biodiversity, in accordance with local plan policies BNE1 and BNE3, and national level planning policy.

29. 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 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 species and retained habitats 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 the interests of ecology and biodiversity, in accordance with local plan policies BNE1 and BNE3, and national level planning policy.

30. Notwithstanding the submitted details, no development shall commence until a full and comprehensive detailed fire risk assessment and battery safety management plan has been submitted to and approved in writing by the Local Planning Authority in conjunction with the Derbyshire Fire & Rescue team, whereafter the approved details shall be implemented in full and maintained in perpetuity. The battery safety management plan shall accord with the recommendations contained within National Fire Chiefs Council - Grid Scale Battery Energy Storage System Planning - Guidance for FRS (or equivalent guidance if replaced). The battery safety management plan must be implemented as approved.

    Reason: To ensure appropriate safety management principles are in place for the lifetime of the development, in the interests of protecting the amenity of the area and prospective occupiers, in accordance with local plan policies SD1, BNE1 and INF9, and national level planning policy.

31. Notwithstanding the submitted details, no development shall commence until a full and comprehensive detailed emergency response plan has been submitted to and approved in writing by the Local Planning Authority in conjunction with the Derbyshire Fire & Rescue team, whereafter the approved details shall be implemented in full and maintained in perpetuity. An identified site contact, details of site access arrangements, start of works notifications, and completion of works notifications must form and be agreed as part of these details. The emergency response plan shall accord with the recommendations contained within National Fire Chiefs Council - Grid Scale Battery Energy Storage System Planning - Guidance for FRS (or equivalent guidance if replaced). The development shall be carried out and thereafter operated only in accordance with the approved emergency response plan.

    Reason: To ensure appropriate emergency procedures are in place for the lifetime of the development, in the interests of protecting the amenity of the area and prospective occupiers, in accordance with local plan policies SD1, BNE1 and INF9, and national level planning policy.

32. Prior to the Energy Storage System development ceasing operation a decommissioning plan shall be submitted to and approved in writing by the Local Planning Authority to ensure that equipment associated with the Energy Storage System development will be removed and the land restored to agricultural use. The approved scheme must be implemented thereafter.

    Reason: As permission is sought for a temporary period of 50 years, in the interests of protecting the amenity of the area and prospective occupiers, in accordance with local plan policies SD1, BNE1 and INF9, and national level planning policy.

33. 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 development hereby permitted shall not be enlarged, extended or altered, and no buildings, gates, walls, fences or other means of enclosure (except as authorised by this permission or allowed by any condition attached thereto) shall be erected on the site 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, in accordance with local plan policies SD1, BNE1 and INF9, and national level planning policy.

Informatives:

a. The applicant is advised to note and act upon as necessary comments received from the County Highways team, the Coal Authority, County Archaeology, County Flood Risk (LLFA), the Derbyshire Wildlife Trust, the SDDC Biodiversity Officer, the National Forest Company, Natural England, and Derbyshire Fire & Rescue, together with the requirement contained with the accompanying Section 106 Agreement.

b. Once the site is occupied, the site as a whole; including the battery storage containers and ancillary buildings will fall into the scope of the Regulatory Reform (Fire Safety) Order 2005. This places certain fire safety duties on the person responsible for the site which includes carrying out and regularly reviewing the fire safety management plan and the fire risk assessment to protect relevant persons by identifying fire risks and removing or reducing them to as low as is reasonably practicable.

Item No. 1.2

Ref. No. DMPA/2024/1585

Valid date: 6 December 2024

Applicant: Mr and Mrs Pallot **Agent:** TUK Rural

Proposal: **The erection of two three bedroomed dwellings and associated parking and landscaping on Land off Trent Lane, Kings Newton, Melbourne**

Ward: **Melbourne**

Executive Summary

The application site is located on the eastern side of Trent Lane on the northern edge of Kings Newton. It comprises an area of undeveloped agricultural land that is in between the dwellings no. 46 Trent Lane and no. 34 Trent Lane. The proposal is for 2no. three bedroomed dwellings, which are considered to meet the criteria for infill development by the applicant under Policy BNE5 iv).

A previous planning application for the development of 2no. dwellings within the site was refused by Planning Committee (in line with Officer recommendation) in principle, and an appeal against the refusal was dismissed by the Planning Inspectorate. Although each case must be assessed on its own merits, the refusal and appeal decision for the site are relevant in the consideration of this case. In the appeal decision, the Planning Inspector emphasised that the different criteria of Policy BNE5 cannot be disaggregated, and that whilst it was agreed that the proposal for two dwellings would meet criteria iv) for the infilling of a small gap, the previous scheme was not considered to meet the requirements of criteria v) in relation to the impact on heritage assets.

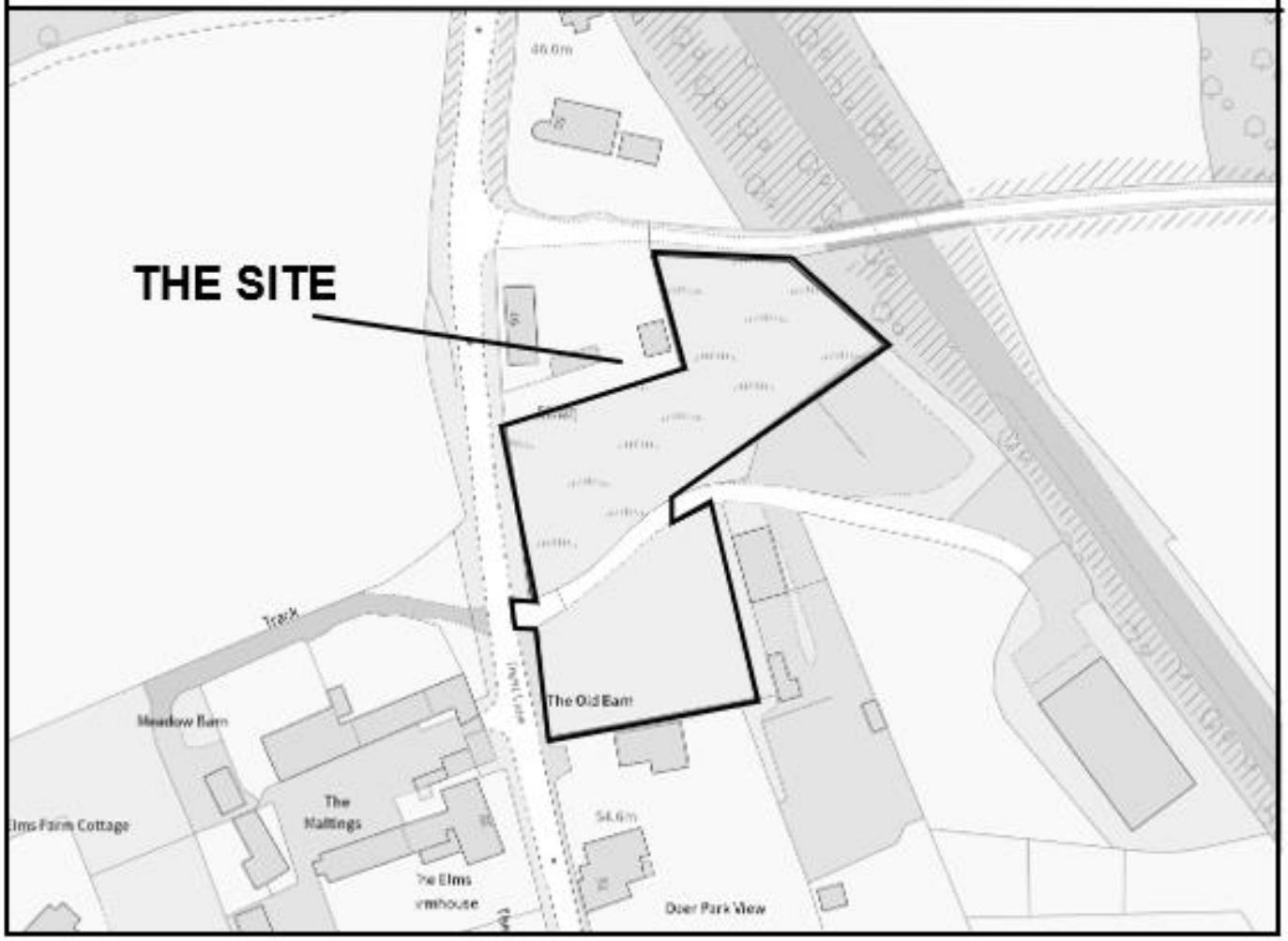
The current application seeks to overcome the concerns raised by the Planning Inspector and the Council. There have been improvements to the design since the refusal, and it is noted that members of the public are divided in opinion with similar levels of objection and support for the scheme. The improvements include increased spacing between the new dwellings, a simpler appearance to the front elevation of Plot 2 and the hedgerow along the western boundary would be retained. Collectively these changes would reduce the impact of the built form compared to the previous scheme, however it is not considered that the changes would overcome the heritage concerns set out in the appeal decision. The prominent vista, the landscape setting of the lane, the link between the heritage assets and the wider countryside would still be obstructed through the introduction of built form with the landscape becoming domesticated. The proposal would therefore be contrary to criteria v) of BNE5 of the Local Plan and Policy DP2 of the Neighbourhood Plan and would be unacceptable in principle.

The non-compliance in principle is afforded significant weight in the planning balance. Additionally, the conflict with Policies BNE2 and BNE10 of the Local Plan, and Policy HC1 of the Neighbourhood Plan is attributed great weight. Merits of the scheme comprise the provision of BNG, addition of smaller housing units to the local stock, and nominal benefits associated with construction employment. No objections were received from the statutory consultees and other matters including the impact on neighbouring residential amenity, impact on the safety of the public highway, and archaeology could reasonably be controlled through appropriate planning conditions and are attributed neutral weight. Overall, the merits of the scheme would not outweigh the conflict that the development would have with the Local Plan in principle. The application is recommended for refusal.

Reason for committee determination

The case has been called in by Councillor Gotheridge as local concern has been expressed about a particular issue.

DMPA/2024/1585 – Land off Trent Lane, Kings Newton, Melbourne



Site Description

The application site is located on the eastern side of Trent Lane on the northern edge of Kings Newton. It comprises an area of undeveloped agricultural land that is in between the dwellings no. 46 Trent Lane and no. 34 Trent Lane. There is an existing access point and track intersecting the site, which leads to an agricultural building and storage area to the east/south-east. The site is located immediately adjacent to the Kings Newton Conservation Area and within the setting of Elms Farmhouse (Grade II) listed building, and no. 32 Trent Lane (Grade II) listed building. Topographically, there is a significant change in levels west–east such that the land drops away from Trent Lane towards the east and the dwellings on the western side of the lane (including Elms Farmhouse) are elevated.

The proposal

Planning permission is sought or the erection of two three bedroomed dwellings and associated parking and landscaping. The dwellings would be located in two plots either side of the existing track that intersects the land. Plot 1, the southernmost dwelling, would have an L-shaped footprint which would be set back from Trent Lane by c. 30m. Two parking spaces would be provided in between the dwelling and the lane and the site's western boundary with the lane would be formed from the existing natural stone wall. Plot 2, the northernmost dwelling, would have a rectangular footprint and would be set back c. 25m from the edge of the lane with the existing intervening hedgerow retained. Two parking spaces would be provided in between the dwelling and the lane. The site layout shows that the other boundaries to the dwellings would be formed by hedgerow planting.

The Plot 1 dwelling would have a hipped roof form except for the rear elevation. From the front elevation (facing onto Trent Lane) it would have the appearance of a modest single storey bungalow, however to the rear and side it would comprise 2no. storeys as there would be an internal step change in levels due to the topographical difference. There would be a large feature gable on the rear elevation.

The Plot 2 dwelling would have a simple front elevation with 2no. arch framed windows and a front door. This dwelling would not be stepped to the same extent as the Plot 1 dwelling, as the level changes would be addressed externally with a staircase leading down to the garden. The dwelling would have 4no. large rooflights on the rear elevation, 3no. windows and 2no. sets of patio doors.

An area of land to the north-east of Plot 2 has been incorporated as part of the scheme for purposes of biodiversity net gain.

Applicant's supporting information

Application Form (received 6 December 2024)

Application Plans:

- Location and Proposed Site Plan (ref. 2408-162-P03)
- Plot 1 Elevations and Floor Plans (ref. 2408-162-P03)
- Plot 2 Elevations and Floor Plans (ref. 2408-162-P02)
- Streetscene (ref. 2408-162-P05)
- View through the Site (2408-162-P04)

Application Documents:

- Planning Statement (MacDonald Planning Consultancy, November 2024)
- Design and Access Statement (TUK Rural, November 2024)
- Heritage Statement (TUK Rural, October 2024)
- Archaeological Assessment (University of Leicester Archaeological Services, ref. 2024-089, November 2024)
- Preliminary Ecological Assessment (Elton Ecology, November 2024)
- Biodiversity Net Gain Assessment (Elton Ecology, November 2024; with amendments 24 February 2025)
- Completed Statutory Biodiversity Metric (Elton Ecology, November 2024; with amendments 24 February 2025)

Relevant planning history

DMPA/2022/0407 Erection of two 3 bedroomed new build dwellings, and the creation of orchard – refused and appeal dismissed (ref. APP/F1040/W/23/3315984)

Responses to consultations and publicity

Melbourne Parish Council
Councillors considered this application at their meeting and object to it. The development is close to the conservation area and would have a detrimental impact to the area and on wildlife. There is a listed building opposite. An established hedge will have to be cut back for visibility splay. Councillors also noted an objection from King's Newton Residents' Association and are in support of this. (08/01/2025)

Historic England
No comments. Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application. (19/12/2024)

County Highways
It appears that to provide the 2.4 x 43m visibility splay to the north of the access on Trent Lane (to the right on exiting) a section of hedgerow is required to be removed. The applicant is requested to indicate on the site plan the extent of hedgerow that would need to be removed to enable the visibility splay to be provided (24/12/2024)

Derbyshire Wildlife Trust
Initial response - In summary, clarifications were requested in relation to the assessment of biodiversity net gain, and the findings and conclusions of the Preliminary Ecological Appraisal were agreed with. Conditions requested including Construction Environmental Management Plan, hedgerow protection measures, sensitive lighting strategy and biodiversity enhancements (22/01/2025).

Subsequent response – the updated BNG assessment addresses the previously raised issues. The conditions recommended previously are suitable for the scheme with a reworded condition for species enhancement plan. (25/02/2025)

Environmental Health
Clarification requested with respect to the use of land to the south-east of the site which is indicated as storage. Consideration needs to be given to potential amenity impacts and contamination from the site. Pre-commencement conditions were requested for contamination assessment. Conditions were also requested to prevent burning of materials during construction and to control construction working hours. (02/01/2025)

Conservation Officer

In summary, agree with the Officer assessment of less than substantial harm. This would be medium-low to the setting of Listed Buildings, and the landscape characterisation of the plot. (25/02/2025)

County Archaeology
In summary, the site is located within an area of high archaeological potential. The Trent Lane frontage would be prime location for medieval occupation and the site has potential for medieval village archaeology. This potential is best addressed through a scheme of archaeological work secured by planning conditions in line with the NPPF. (09/01/2025)

Kings Newton Residents Association
In summary, as in the response to the 2022 proposal, the development is outside of the settlement boundary and should be refused. The 2022 decision states this and says the development would be in an unsustainable location. Concern raised about the impact on the listed buildings, their historic setting and views over the countryside. (07/01/2025)

Melbourne Civic Society
In summary, reference is made to the 2022 decision and appeal dated November 2023. Notes that nothing has materially changed since the new application. Highlights that the inspector noted the importance of the pre industrial rural landscape looking north from the two sites and from the listed buildings, and asserts that

the proposal would result in the domestication of the land including through paraphernalia (such as washing lines, pergolas or children's play equipment) that would be unreasonable to control by condition. (07/01/2025)

Public Responses
11no. objections and 12. comments in support of the proposal were received from members of the public. Some members of public commented more than once, and some comments were repeated verbatim.

The objections highlighted:
· Alleged inaccuracies in the planning documentation submitted as part of the application and in particular the assessment of the impact of the development presented.
· Access track not within the ownership of the applicant and there is no permission to use it. The application site boundary is misleading in this respect.
· Conflict in principle with the Local Plan settlement hierarchy.
· Concern that any buildings within the site would negatively impact the landscape setting of the lane and the heritage assets.
· The planning statement conveniently does not consider the impact of the proposal on the buildings of special architectural and historic character attached to The Elms Farmhouse – i.e. the four barn conversions and courtyard within the direct curtilage of the Farmhouse.
· Refusal reasons from the previous scheme remain applicable and the current application does not overcome them.
· The large gap between the site and neighbouring dwellings comprises a demarcation between the village and the start of the agricultural area that should not be eroded.
· The proposal would result in ribbon development.
· Although other developments have been approved at number 32 Trent Lane these applications were in the settlement boundary.
· Revised design would still be imposing and excessive and erode the setting of the heritage assets.
· The hedgerow could be removed in future and it appears that this would partly need to be removed for purposes of access.
· Impact of the development on flora and fauna.
· Impact on Grade 2 agricultural land.
· Increased traffic would be problematic on Trent Lane.

The comments of support highlighted:
· Updated proposal represents a genuine effort to overcome the Inspector's concerns.
· Plot 1 mirrors the size and appearance of 34 Trent Lane and is a positive addition.
· The hedgerow has been preserved and this effectively screens Plot 2.
· There is an increased gap that overcomes the amenity impact on 34 Trent Lane.
· The view from the Conservation Area is retained.
· Materials and design are highly appropriate and in keeping with other development in the locality.
· The tidying up of the track and land is a welcome improvement.
· Proposal for new build dwellings with sympathetic design welcomed.
· Opportunity for development that would benefit local businesses and schools.

Relevant policy, guidance and/or legislation

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Local Planning Authority in considering whether to grant planning permission (or permission in principle) for development which affects a listed building or its setting to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72 of the same Act places a statutory duty on planning functions to pay special attention to the desirability of preserving or enhancing the character or appearance of any buildings or land within Conservation Areas.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications shall be determined in accordance with the provisions of the development plan unless material considerations indicate otherwise. The development plan for the purposes of this application comprises the South Derbyshire Local Plan Part 1 (LP1) adopted in June 2016 and the South Derbyshire Local Plan Part 2 (LP2) adopted in November 2017.

The relevant Development Plan policies are:

· Local Plan Part 1: H1, SDT1, BNE1, BNE2, BNE3, INF2
· Local Plan Part 2: BNE5, BNE10
· Melbourne Neighbourhood Plan: DP2, OS3

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

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

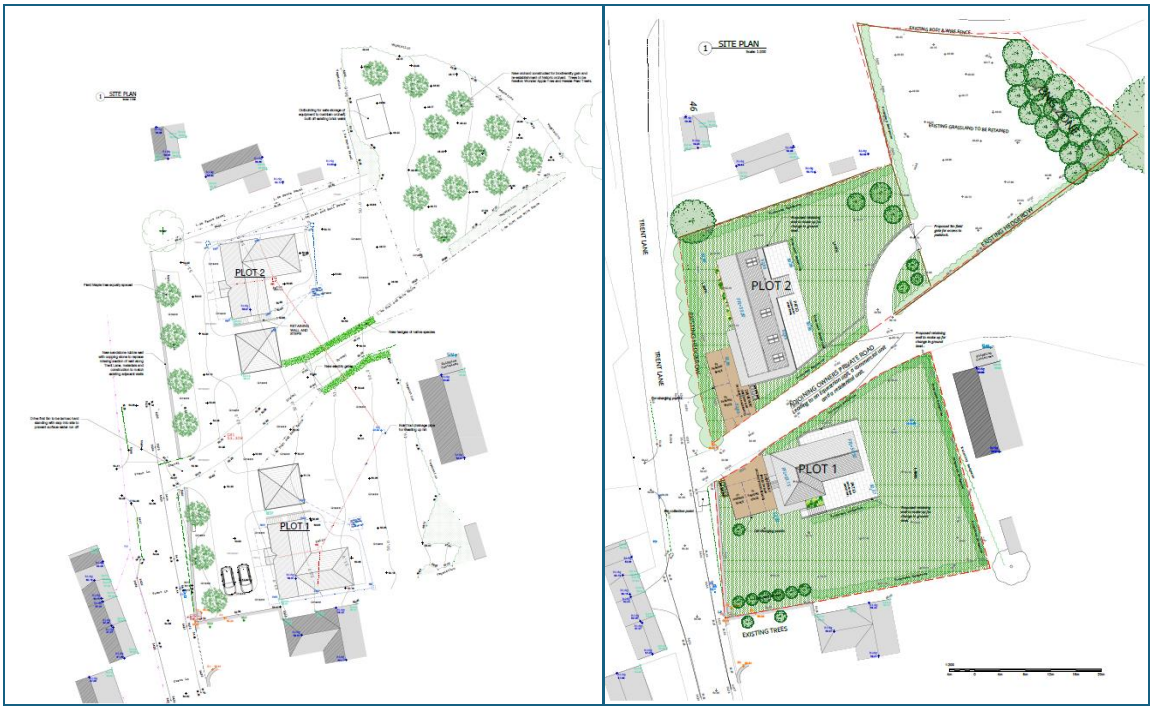
Planning considerations

The determining issues are as follows:
· Principle of the Development;
· Residential Amenity;
· Biodiversity;
· Access;
· Other Considerations.

Planning assessment

Overview of Differences between 2022 and Current Scheme
The 2022 scheme incorporated 2no. plots that were also set either side of the intersecting access road, however Plot 1 was only c. 3m from the dwelling (no. 34 Trent Lane) to the south and there was a gap between the Plot 1 and 2 dwellings of c. 15.5m. The current scheme has a reduced gap between the Plot 1 and 2 dwellings (c. 12.6m) and larger gap of c. 18m between Plot 1 and no. 34 Trent Lane to the south. There are no garages proposed within the current scheme which reduces the overall land take from built form and facilitates the increased spacing.

The 2022 scheme dwellings each had L-shaped footprints and a detached double garage with the layout of the plots broadly symmetrical. They had uniformity in design and more detailing with parapets, chimneys and apex porches. They were split-level appearing single storey on the front elevation and two storey at the rear elevation (similar to plot 1 of the current scheme). There was more glazing on the rear elevation with four sets of patio windows and first floor Juliet balconies. In scale terms, the height to the main ridgeline would have been c. 6.0m with the chimneys projecting above this on the front elevation of the 2022 scheme. The current scheme has similar height on the front elevations (c. 6.5m for Plot 2, and c. 5.9m for Plot 1), although the massing would appear greater for Plot 2 (which has greater width) and smaller for Plot 1 due to the hipped roof form. The current scheme would retain the hedgerow to the west of Plot 2, screening this dwelling from Trent Lane, whereas the hedgerow was proposed to be removed and replaced with a natural stone wall in the previous iteration. The land to the north-east that comprises BNG land in the current application was proposed as an orchard in 2022.



2022 Site Plan Current Site Plan

Principle of the Development

The application site is located within the rural area outside of the village settlement boundary for Kings Newton. In rural areas, Policy H1 states that due to the lack of services and facilities only development of limited infill and conversions would be considered acceptable. This point is reiterated in Policy BNE5 which states that: '*planning permission will be granted where the development is: iv) considered to be infill that is in keeping with the character of the locality and represents the infilling of a small gap for not normally more than two dwellings within small groups of housing; and, v) will not unduly impact on landscape character and quality, biodiversity, best and most versatile land and heritage assets'*.

Policy DP1 of the Neighbourhood Plan states the proposals for new development beyond the settlement boundaries of Melbourne and Kings Newton will only be supported where they comply in full with the other policies of the Neighbourhood Plan and the South Derbyshire Local Plan. Policy DP2 states that all proposals within the rural areas will be assessed in terms of their impact upon the existing character and setting of Melbourne and Kings Newton, including the designated heritage assets. Proposals which lead to adverse impacts upon these features would not be supported. Policy HC1 adds emphasis to this and requires all proposals to take account of designated and no designated heritage assets.

The 2022 scheme was refused by Planning Committee (in line with Officer recommendation) due to non-conformity with Policy BNE5 of the Local Plan and Policy DP2 of the Neighbourhood Plan in principle. The refusal reason stated: '*The proposed dwelling would be located outside the Limits to Development of the village of Kings Newton and would result in a development in an unsustainable location. The proposal would result in the unacceptable development along Trent Lane that would result in a detrimental impact to the character of the Conservation Area and the historic setting of the nearby Listed Buildings. The proposal would be contrary to policies S1, S2, H1 and BNE2 of the South Derbyshire Local Plan Part 1 2016, policies BNE5 and BEN10 of the South Derbyshire Local Plan Part 2 2017, Policies DP2 and HC1 of the Melbourne Neighbourhood Development Plan, and paragraph 170 of the National Planning Policy Framework*'.

The refusal was appealed and the appeal dismissed. The Planning Inspector assessed '*whether the proposal represents a suitable location for housing, having regard to the spatial strategy for the area and the effect on character and appearance, including the heritage significance of designated heritage assets'*. The Inspector noted that the proposed dwellings would respect the linear pattern of development by facing the land and continuing the steeetscene, and that the proposed dwellings would not appear out-of-scale or disruptive of a uniform pattern of development. The Inspector accepted the 2022 scheme under *criteria iv)* of Policy BNE5 for infill development; however, the appeal decision confirmed (in line with the LPA's case) that overall compliance with Policy BNE5 and the District's settlement strategy is dependent on

the proposal also according with criteria v). In other words, criteria iv) and v) must both be met in order for the development to be acceptable in principle.

The following key points from the appeal decision are noted:

· Paragraph 10 - the site provides a prominent vista from Trent Lane.

· Paragraph 11 - the setting of the Elms Farm complex and other buildings 'stand picturesquely in the landscape setting of the lane', (as drawn from the Conservation Area Character Statement).

· Paragraph 14 – '*in developing the existing open site, the proposal would erode the existing sense of transition from the village to open countryside which begins to emerge at this point on Trent Lane. The clear views over the fields to the east, particularly from Elms Farmhouse, would be lost. Whilst the appellant's heritage statement points to the loss only being to oblique views from the farmhouse, they nevertheless form part of the broad vista that one would expect to take in from such an elevated position. The recent construction of the detached garage to no. 32 has inserted further built form into this vista, but the [appeal] site maintains a direct link to the wider countryside which would be closed off by the development. This would have an adverse effect on the historic relationship between the farmhouse and its rural hinterland, resulting in harm to the setting of the listed building'*.

· Paragraph 15 – the effect on the setting of no. 32 Trent Lane would be more indirect, given it would retain its existing views to the rear and in view of the intervening development of the garage (now a separate dwelling). *The proposal would further diminish the historically isolated presence of this building along a largely rural lane*.

Turning to the current case, the key consideration under criteria v) of BNE5 of the Local Plan and Policy DP2 of the Neighbourhood Plan remains the impact of the proposal on heritage assets. The comments from the Parish Council, Residents Association and Civic Society raise concerns in relation to the current scheme. It is noted that the comments from members of public are mixed almost evenly with comments of objection and support. Officers acknowledge that there are some improvements between the 2022 and current scheme. In particular, the increased spacing between the new dwellings, simpler appearance of the front elevation of Plot 2 and retention of the hedgerow, collectively serve to reduce the impact of the built form and has also resulted in a lesser obstruction of views to the wider countryside to the rear of the site which was a key issue in the Inspectors dismissal of the previous appeal. However, taking these points into account. the current scheme is not considered to be so different that it would overcome the heritage concerns identified by the Planning Inspector. The prominent vista, the landscape setting of the lane, the link between the heritage assets and the wider countryside would still be obstructed, albeit to a lesser extent to the previous scheme, through the introduction of built form, and the landscape would become domesticated. There would still be harm to the character and appearance and setting of the Conservation Area, Elms Farmhouse and number 32 Trent Lane, which the Council's Conservation Officer assesses as less than substantial (medium-low).

Reference to recent case law (the Palmer case) within the applicant's planning statement is noteworthy, and specifically that '*conserving heritage assets by taking their settings into account need not prevent change*'. Whilst this is accepted, paragraph 215 of the NPPF still requires that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. The applicant's case is that the overall benefits associated with delivering a particular housing requirement (the delivery of smaller homes of 4no. bedrooms or fewer) would outweigh the minor or slight impact identified. However, the level of harm appears to be underestimated. It is acknowledged that there would be public benefits through the small addition of housing to the District's stock and through biodiversity gains, and construction employment. Overall, the benefits would not outweigh the harm caused; and in accordance with paragraph 212 of the NPPF, great weight should be given to the conservation of heritage assets, irrespective of whether any potential harm amounts to substantial, total loss, or less than substantial harm. The proposal would be contrary to criteria v) of Policy BNE5 of the Local Plan and Policy DP2 of the Neighbourhood Plan, and therefore unacceptable in principle, as well as Policies BNE2 and BNE10 of the Local Plan, Policy HC1 of the Neighbourhood Plan and the NPPF.

Residential Amenity

Policy BNE1 h) requires that new development does not have an undue adverse effect on the privacy and amenity of existing nearby occupiers and that similarly, the occupiers of new development should not be unduly affected by neighbouring land uses. Additionally, the Design Guide SPD, pages 68-69 sets out standards for residential development that seek to protect the amenity of neighbouring properties in terms

of privacy, overbearing impact, and loss of light.

The Plot 2 dwelling would be within the building line and c. 17m from no. 46 Trent Lane such that there the dwelling to the north would not be adversely affected in terms of amenity. The Plot 1 dwelling would be separated from dwellings on the western side of Trent Lane by c. 25.5m therefore exceeding the recommended separation distances in the Design Guide SPD. It would be separated from no. 34 Trent Lane by a minimum of c. 18m, which represents an improvement compared to the 2022 scheme. There are windows serving 2no. bedrooms and 1no. living space on the northern elevation of no. 34, however these would be separated c. 21m from the apertures on the southern elevation of Plot 1. Planning permission was granted in August 2024 ref. DMPA/2024/0080 for an external balcony to no. 34 Trent Lane situated on the rear (eastern) elevation at first floor level. The Design Guide SPD is not supportive of upper floor balconies unless they can be effectively screened or are well away from neighbours. It is noted that the balcony would allow overlooking into the Plot 1 garden, which would not be ideal. However, the Plot 1 has sufficiently large garden area such that there would be areas which have greater privacy, and if the application were supported in principle it is possible that minor adjustments could be made in order to overcome this. There is no guidance within the SPD that would seek to protect the privacy of user of the neighbouring balcony and this is not material in determination of the case. Overall, the proposal is considered to comply with the requirements of Policy BNE1 and the Design Guide SPD with respect to neighbouring residential amenity.

Biodiversity

Policy BNE3 supports development which contributes to the protection, enhancement, management and restoration of biodiversity and delivers net gains in biodiversity wherever possible. Additionally, planning proposals that could have a direct or indirect effect on priority habitats and species will need to be supported by appropriate surveys or assessments. Policy OS3 of the Neighbourhood Plan seeks to protect and enhance biodiversity through design. Schedule 7A of the Town and Country Planning Act 1990 (as inserted by schedule 14 of the Environment Act) introduced a mandatory requirement for 10% Biodiversity Net Gain (BNG) for minor applications in April 2024.

The planning application has been supported by a Preliminary Ecological Appraisal, BNG Report and completed metric. These documents have been reviewed by Derbyshire Wildlife Trust (DWT). The application site comprises modified grassland, unvegetated unsealed surface bound by native hedgerows on the eastern and western boundaries. The proposal would result in the loss of areas of modified grassland with low value and therefore an area of habitat planting is proposed to the north-east of the site. DWT requested clarification on the BNG calculations, following which it was confirmed that there would be a biodiversity net gain of 10.09% habitat units and 14.32% hedgerow units.

A precautionary approach is recommended for protected species within the PEA which is supported by DWT. Conditions could be attached to any forthcoming planning permission to ensure sensitive working practices through a Construction Environmental Management Plan and to secure enhancements for protected species. Overall, the proposal would comply with the requirements of Policy BNE3 of the Local Plan and Policy OS3 of the Neighbourhood Plan. Sufficient information has been provided in order to demonstrate that this could comply with the mandatory requirement for 10% BNG within the site.

Access

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 County Highways Authority requested that additional information be submitted to demonstrate the relationship between the requisite visibility splay of 2.4m x 43m and the hedgerow that is proposed to be retained. The applicant's agent responded to this and advised that the applicant would be happy to accept a planning condition requiring the visibility splays to remain free from obstruction; and that this could be achieved through cutting back of the hedgerow (i.e. no section of the hedgerow would need to be removed). Officers would agree based on measurements taken from the plans that in this instance that it appears that the hedgerow would be able to be trimmed back to facilitate the visibility splays. A suitably worded planning condition would be able to ensure this. Although no further comments were received by the Highways Authority, it is considered that with suitable conditions in place the scheme would be able to comply with Policy INF2 and that there would be no material impact on the safety of the public highway.

Other Considerations

The Council's Environmental Health team was consulted on the planning process and requested clarification on the use of the storage area to the east of the site. It is noted that the area in question is set down from the site on substantially lower land and that there is no formal planning history related to the use of the land for storage. Google Earth shows that the area was agricultural land in 2017 imagery, with storage of materials evident from 2019 onward. Photographs from an Officers site visit in 2022 for planning ref. DMPA/2022/0224 showed use of the land for storage of construction materials (bricks, tiles, wooden pallets), however the land was subsequently approved for the erection of a hay and implement store. In the context of the current application, the use of the land to the east for storage of building materials is not considered likely to pose a material impact on residential amenity. The conditions requested to secure assessment of contamination, to control construction working hours and to prevent burning of materials would be reasonable in the context of Policy BNE1.

The comments from County Archaeology are noted. In order to comply with the requirements of Policies BNE2 and BNE10, a scheme of archaeological work would be required due to the archaeological potential of the site for medieval village archaeology. This scheme could be secured through suitably worded pre-commencement conditions.

It is noted that in assessing the scheme, Officers considered the potential for overcoming the impact on the setting, character and appearance of the heritage assets through alternative site layouts. Preapplication discussions had for example considered siting the dwellings on the northern side of the intersecting access track in order to leave a large gap in the built form and potentially improve the connectivity between the heritage assets and the agricultural land to the east. This was not considered a satisfactory solution because it would result in a large gap within the built form and non-compliance with criteria iv) of Policy BNE5. In other words, in attempting to overcome the heritage concerns by leaving a larger gap, the proposal would no longer be supported as infill development.

With respect to the other criteria in Policy BNE5 v), the assessment on landscape character and biodiversity forms part of the assessment above. The land is identified as Grade 3 agricultural land, which could be either 3a (best and most versatile) or 3b. Due to the small land take involved it is considered that the loss of Grade 3 agricultural land, whilst regrettable, would not be sustained as a reason for refusal in determination of this case.

In response to the comments from members of the public that are not addressed in the above assessment the following is noted:

- Some people noted that the information submitted as part of the planning application was inaccurate and misleading. Applicants are encouraged to make their own assessment of the proposal and to put forward their planning case through a planning statement, Design and Access Statement and other documents, and provision of such documents is a local and national validation requirement. Whilst the information provided is useful, particularly to assist in the LPA understanding of the development proposals, the LPA ultimately makes an objective assessment of the proposal against the development plan based on its own judgement, material facts, and the input from technical consultees. The current application will be determined by Planning Committee.
- Land ownership and rights of access are not material in the determination of planning applications. If approved, access would be a third-party matter to resolve outside of the planning system.
- Planning permissions for the neighbouring land, including no. 34 Trent Lane, have been considered in the assessment insofar as they are relevant.
- The impact of the scheme on traffic and schools is not considered material in this case due to the small number of dwellings proposed.
- The Council's Conservation Officer reviewed the potential for the barns adjacent to Elms Farmhouse to be curtilage listed. Evidence was inconclusive on this matter and so it has been assumed for the basis of this assessment, that they are not.

<u>Planning Balance</u>
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.

The proposal, by virtue of its impact on heritage assets and the character and appearance of the area, would result in conflict with criteria v) of Policy BNE5 of the Local Plan and Policy DP2 of the

Neighbourhood Plan. The non-compliance in principle is afforded significant weight in the planning balance. Additionally, the conflict with Policies BNE2 and BNE10 of the Local Plan, and Policy HC1 of the Neighbourhood Plan is attributed great weight. Merits of the scheme comprise the provision of BNG, addition of smaller housing units to the local stock in accordance with the Neighbourhood Plan, and nominal benefits associated with construction employment. No objections were received from the statutory consultees and other matters including the impact on neighbouring residential amenity, impact on the safety of the public highway, and archaeology could reasonably be controlled through appropriate planning conditions and are attributed neutral weight. Overall, the merits of the scheme would not outweigh the conflict that the development would have with the Local Plan in principle. The application is recommended for refusal.

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

Recommendation

Refuse.

> The proposed dwellings would be located outside the Limits to Development of the village of Kings Newton and would result in a development in an unsustainable location. The proposal would result in the unacceptable development along Trent Lane that would result in a detrimental impact to the character of the Conservation Area and the historic setting of the nearby Listed Buildings. The proposal would be contrary to policies S1, S2, H1 and BNE2 of the South Derbyshire Local Plan Part 1 2016, policies BNE5 and BNE10 of the South Derbyshire Local Plan Part 2 2017, Policies DP2 and HC1 of the Melbourne Neighbourhood Development Plan, and paragraph 215 of the National Planning Policy Framework.

Item No. 1.3

Ref. No. DMPA/2024/1627

Valid date: 19/12/2024

Applicant: Melbourne Tennis Club **Agent:** N/A

Proposal: The variation of condition no. 3 of permission ref. DMPA/2023/0579 for the Installation of floodlighting system to the northern most tennis courts at Melbourne Sports Pavilion, Cockshut Lane, Melbourne, Derby, DE73 8DG

Ward: Melbourne

Executive Summary

Planning permission was granted in August 2023 for the installation of 8no. floodlights around the perimeter of the northernmost tennis courts at the Melbourne Sports Pavilion site. The courts are located on the southern side of Hope Street where the nearest residential dwellings are, and to the east of Cockshut Lane. The current application seeks to extend the hours of operation of the floodlights (currently restricted to 08:00pm by condition 3 of the host permission) by 90 minutes to 09:30 pm in response to demand for use, and in order to align the timing of floodlighting with the southern tennis courts. The proposed variation in hours would be acceptable in principle as it would continue to align with the aims of Policy INF9 of the Local Plan which supports opportunities for creating new or enhanced sports, recreation and open space facilities. The reason that condition 3 was imposed related to residential amenity. Environmental Health have not objected to the extension in hours of use of floodlighting, and although concerns were raised by 2no. members of the community, it is not considered that there would be a material impact on amenity. Light spill would continue to be restricted through the use of downward directional floodlights, and no variation to the type or siting of the lighting is proposed compared to the original application. No objections were raised by Derbyshire Wildlife Trust in relation to the potential impact on protected species (bats). The County Highways Authority was consulted upon the original application and raised no concern about the impact of the floodlighting on the safety of the public highway. The alteration in hours would not affect this position. It is recommended that the proposed variation be approved.

Reason for committee determination

This item is presented to the Committee as South Derbyshire District Council owns the land to which the planning application relates.

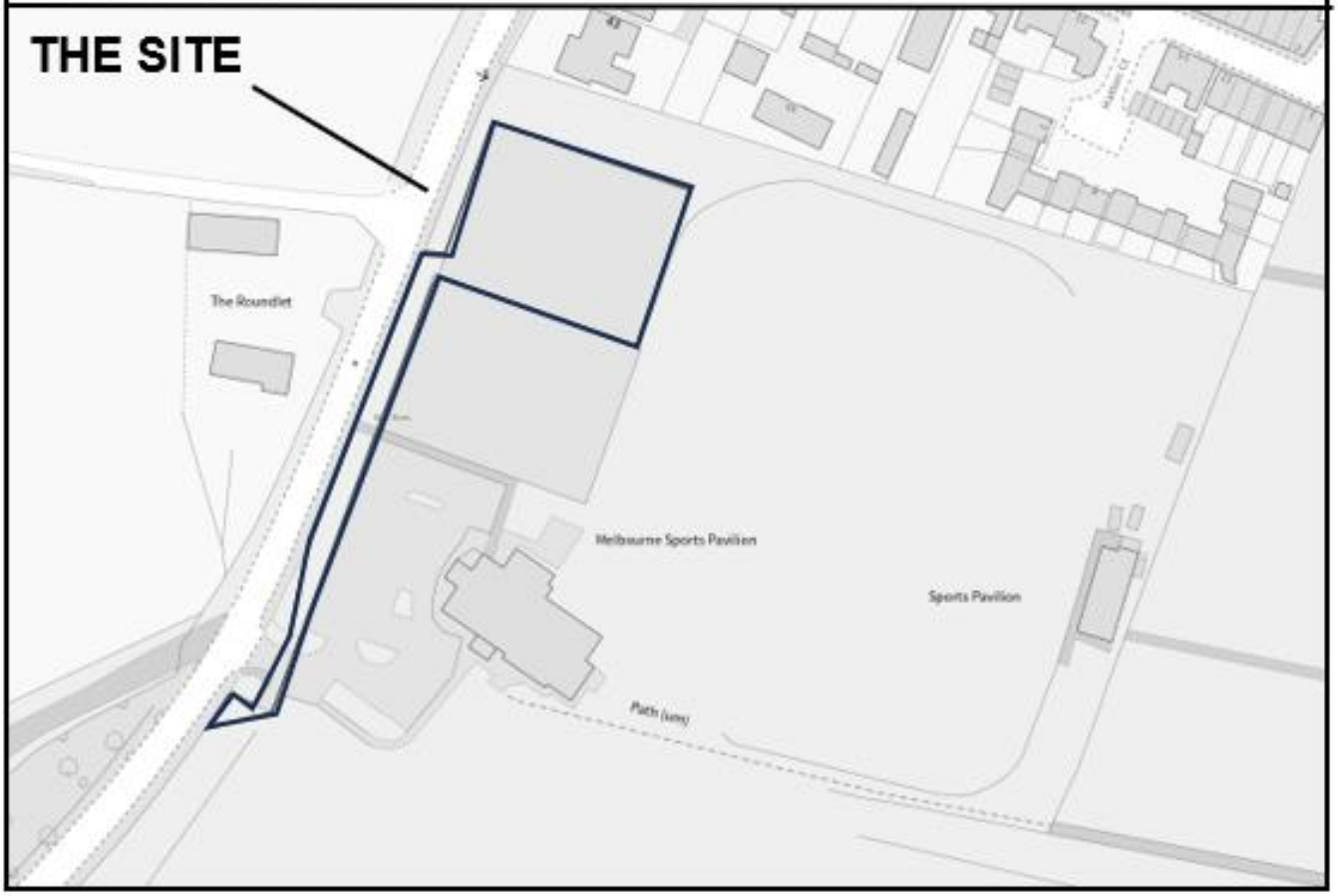
Site Description

The application site comprises 3no. artificial grass tennis courts that form part of the wider Melbourne Sports Pavilion, located on the eastern side of Cockshut Lane and to the south of the built edge of Melbourne. The wider sports facility incorporates 3no. hardstanding tennis courts to the south, the cricket pitch to the east, car parking and the pavilion building to the south and further sports pitches beyond this. The site is not located within Melbourne Conservation Area. The nearest residential properties are located on the southern side of Hope Street and to the west on Cockshut Lane.

The proposal

Planning permission was granted in August 2023 for the installation of 8no. floodlights around the perimeter of the site. The permission was granted subject to a condition that restricted the timing of the use of the floodlights, condition 3: ‘The floodlighting hereby permitted shall not be used from 08:00pm until 08:00am the following day, unless otherwise agreed in writing with the Local Planning Authority’. The current application seeks to vary the timing of use of the floodlighting to extend the use of the lighting until 09:30pm. The condition wording proposed is that ‘The floodlighting hereby permitted shall

DMPA/2024/1627– Melbourne Sports Pavilion, Cockshut Lane, Melbourne, Derby, DE73 8DG



South Derbyshire District Council

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not be used from 09:30pm until 08:00am the following day'. No changes are proposed to the arrangement or specification of the previously approved floodlighting.

Applicant's supporting information

The applicant has submitted the following information as part of the planning application:
• Application Form;
• Melbourne Tennis Club, Justification for Floodlighting (resubmitted from the original planning application, April 2023)
• Floodlighting drawing ref. HLS2445 (dated 30 May 2023, and approved as part of the origina planning application)

Relevant planning history

9/2011/0910 Proposed redevelopment to form new facilities for rugby, cricket, tennis and bowls. The erection of a new club house, floodlighting and creation of parking facilities – approved February 2012.

9/2013/079 Development of FA compliant 7V7 artificial turf pitch with associated fencing, floodlighting and access pathway – approved November 2013.

9/2018/1378 Creation of 3no. artificial grass tennis courts with 3m high perimeter fencing – approved November 2020.

DMPA/2023/0579 Installation of floodlighting system to the northern most tennis courts at Melbourne Tennis Club – approved August 2023

DMPA/2024/1289 Installation of a new floodlighting system, comprising of 6no. columns to the football pitch – approved January 2025

Responses to consultations and publicity

Melbourne Parish Council
No objections (05/02/2025)

Environmental Health
No objections to the variation of Condition 3 but would recommend that there are no changes to the lighting scheme and that it is maintained in accordance with drawing HLS2445, dated 30/5/2023 (10/01/2025)

Derbyshire Wildlife Trust
In summary, it was highlighted that there would be light spill onto the immediately adjacent hedgerow which may be utilised by local bat populations for foraging. However, also noted that the courts immediately to the south are also lit. No objections to the variation of condition 3, however it would be beneficial to secure additional details, for example to ensure that the lights are not switched on automatically if the courts are not in use (13/02/2025)

Neighbour Reponses
Two objections were received from members of the local community which raised concerns related to:
- Impact on residential amenity;
- Lightspill into bedroom windows and driveways;
- Impact of artificial lighting on bats and no evidence of a bat survey;
- Distraction to drivers on Cockshut Lane.

Relevant policy, guidance and/or legislation

The relevant Development Plan policies are:
- Local Plan Part 1 (LP1): SD2 (Presumption in Favour of Sustainable Development), BNE1 (Design Excellence), INF9 (Open Space, Sports and Recreation Facilities); INF2 (Sustainable Transport); BNE3 (Biodiversity);
- Melbourne Neighbourhood Plan: OS3 (Biodiversity).

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

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

Planning considerations

The determining issues are as follows:
1. Principle of the Proposed Variation;
2. Amenity;
3. Other Matters.

Planning assessment

Principle of the Proposed Variation
The principle of the proposal for floodlighting was accepted under planning ref. DMPA/2023/0579 when the Officer's assessment noted that the floodlighting would enhance the existing facilities to enable 3no. tennis courts to be used in the winter months, and that the proposal would accord with the aims of policy INF9. The Application Form for the current planning application includes information about the demand for the courts and explains the need for the proposed extension in floodlighting hours. In particular, it is noted that the current hours of floodlighting has restricted the number of matches that have been able to be played within the courts and resulted in the inability to meet demand for matches, coaching and general use.

The current planning application for minor-material amendment has been submitted under section 73 of the Town and Country Planning Act 1990 (as amended). Where a developer makes a s73 application the Local Planning Authority (LPA) is only able to consider the question of the conditions attached to the planning permission and not the principle. In this respect (a) if the LPA decides that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and (b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.

The planning application seeks to amend condition 3 (timing of floodlighting) of planning ref. DMPA/2023/0579. Whilst the proposed change in hours of use of the floodlighting would be material, it would fall within the scope of the operative consent and original description of development. The red line boundary for the site would not be changed. Section 73 is therefore considered an appropriate planning route, and the principle of the development as established by the extant planning permission DMPA/2023/0579 is unquestioned.

Amenity
Planning condition 3 controls the hours of use of the floodlighting. The reason for the condition is '*To ensure any future use of the premises does not adversely affect the amenities of the locality in general and in accordance with Policy BNE1*'. The planning application seeks to extend the hours of operation of the northernmost tennis court by 90 minutes from 08:00pm to 09:30pm. No changes are proposed to the lighting specification or positioning of the floodlights, which are secured through condition 2.

The Council's EHO has raised no objection to the proposed variation. The light spill from the floodlights would not be altered, and the light spill from the downward directional lighting would continue to result in limited light spill. Overall, although the concern from two members of public is noted, it is unlikely that the operation of floodlights for an additional 90 minutes and until 09:30pm would unduly affect residential amenity and the development would continue to comply with Policies BNE1 and SD1 of the Local Plan.

The proposed change in timing would bring the use of floodlighting for the northernmost courts in line with the other parts of the recreation ground, including the other tennis courts. For example, condition 15 of 9/2011/0910 allowed the use of floodlighting for pitches and other recreation areas until 09:30pm. The same condition is in place under ref. 9/2013/0458 as number 14, and later variations thereof. More recently, condition 3 for the football pitches ref. DMPA/2024/1289 allows use of floodlights until 10:30pm.

Other Matters
Derbyshire Wildlife Trust was consulted on the current planning application and raised no objection to the proposed variation to condition 3. The applicant has also confirmed that the lights do not switch on

automatically and that they are operated through the use of a token system, which is perhaps a mitigating factor. Officers considered the potential need to alter the condition wording to ensure that the floodlighting is only used when the courts are in use, however concluded in this instance that it would not be reasonable to impose such an additional restriction to the northernmost courts when the use of lights across the wider recreation grounds is not so restricted, and in the absence of any objection from the Wildlife Trust.

The County Highways Authority raised no objection to the original planning permission and no concern that the floodlighting would impact the safety of the public highway. The extension of timing of the hours of use of the floodlighting would not alter this position.

Condition 1 of the original planning permission is no longer required as the floodlights have been implemented and it is recommended that this be removed, with condition 2 (approved details) carried forward and the conditions renumbered accordingly.

Planning Balance

The proposal as varied would continue to be in accordance with the aims of policy INF9 and acceptable in principle. The impact of extending the floodlighting hours by 90minutes to accord with the timing of lighting on other parts of the recreation ground would not result in a material impact on residential amenity compared to the previously approved hours. Nor would this change result in a material impact on ecology or the safety of the public highway. There are no material considerations that would outweigh the policy support afforded to the principle of the development (as varied) and accordingly it is recommended that the application for variation to condition 3 be approved.

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

Recommendation

Approve with conditions.

1. The development hereby permitted shall be carried out in accordance with the following plans/drawings and details: Proposed Floodlighting drawing ref. HLS2445 (dated 30 May 2023), Lighting Report (dated 20 June 2023), 8m Tubular Column Elevations (dated 07/06/2023), unless as otherwise required by condition attached to this permission or following approval of an application made pursuant to Section 96A of the Town and Country Planning Act 1990.

   Reason: For the avoidance of doubt and to ensure any future use of the premises does not adversely affect the amenities of the locality in general and in accordance with Policy BNE1.

2. The floodlighting hereby permitted shall not be used from 09:30 pm until 8.00 am the following day, unless otherwise agreed in writing with the Local Planning Authority.

   Reason: To ensure any future use of the premises does not adversely affect the amenities of the locality in general and in accordance with Policy BNE1.

Item No. 1.4

Ref. No. DMPA/2024/1447

Valid date: 06/12/2024

Applicant: South Derbyshire District Council **Agent:** James Boyes

Proposal: **The installation of an externally applied wall insulation (EWI) with a render finish and solar panels at 4 Gorsey Leys, Overseal, Swadlincote, DE12 6JE**

Ward: **Seales**

Reason for committee determination

The applicant is South Derbyshire District Council and the application is therefore required to be determined by committee.

Executive summary

Planning permission is sought for the installation of an externally applied wall insulation with a rendered finish and solar panels to the east (front) facing roofslope. It should be noted that during the course of the determination of this application the works have been completed without the benefit of planning permission. The scale and function of the proposal is considered acceptable although the render is considered to have a negative visual impact on the street scene in the context of the character of the surrounding area. However, this identified harm is outweighed by the need to promote sustainability and to mitigate against climate change by enhancing the energy efficiency of older homes, as is the case here by means of external insulation and solar panels, and as such it would not be deemed expedient to refuse planning permission on design grounds in this instance. The completed development is therefore considered to comply with the development plan and is recommended for approval subject to a condition listing the approved plans.

Site Description

4 Gorsey Leys is an end terraced property, situated on an unadopted track off Moira Road in Overseal. The application site is outside the defined settlement boundary of Overseal.

The terraced row is set back from and lies perpendicular to the adopted highway and sits behind and largely hidden by the existing ribbon development along Moira Road when viewed from Shortheath. Views of the terraced row can be seen when travelling in both an easterly and westerly direction along Moira Road. Gorsey Leys gently ascends in a northerly direction off Moira Road, with No. 60 Moira Road sitting slightly below the terraced row, of which the application property is part, and the detached house to the north of the terrace (5 Gorsey Leys) sitting slightly higher as the track ascends.

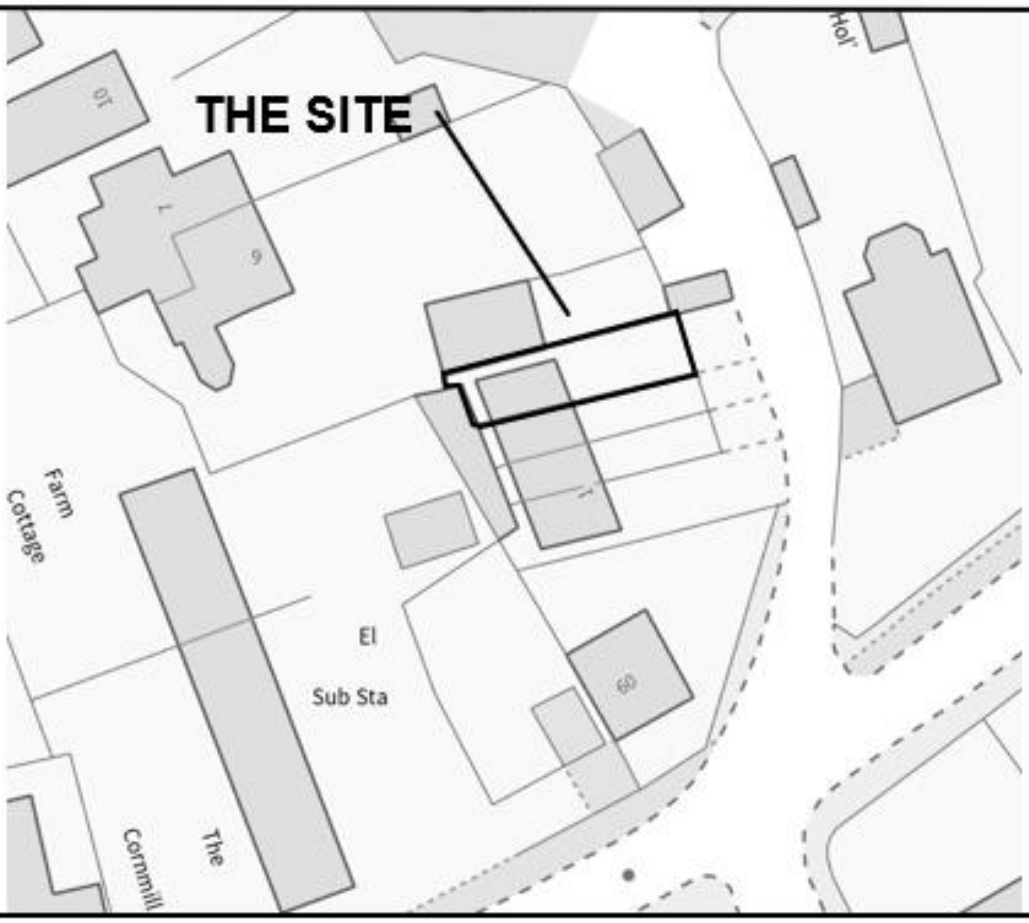
The application property and its front garden, and the rest of the terraced row and the detached house to the north, are raised above the level of the unmade access road. There is a hard landscaped area adjacent to the road providing a level access parking space for the property.

The proposal

The proposals are for the installation of externally applied render (Wetherby External Wall Insulation System) and 6 solar panels (DMEGC Solar) to the east facing (front) elevation of the house.

The existing front elevation of the house is of red brick and the side (north) and rear (west) elevations have an application of white render. The roof is constructed of dark grey concrete pantiles and there is a shared red brick chimney between no’s 4 and 3.

DMPA/2024/1447– 4 Gorsey Leys, Overseal, Swadlincote, DE12 6JE



1 Gorsey Leys has a white externally applied rendered finish which sits proud of the existing brickwork and No's 2 and 5 Gorsey Leys have white painted brickwork. No's 3 and 4 have the original red brick finish to their frontages.

The proposed render would sit proud of the existing brick by 110mm (as specified on drawing no. 23612_P_004_01) as it does at No.1 and there would also be an extension to the existing concrete pantiles (minimum overlap of 40mm as specified on drawing no. 23612_P_004_01) and the existing black and white rainwater goods to suit the overhang of the new EWI where necessary.

It should be noted that at the time of the case officer's site visit (13/01/2025), the proposed works had been carried out and completed. The applied render to all 3 sides of the property is of a dark burgundy colour and 4 solar panels have been installed on the front roofslope as opposed to the 6 proposed in the application. No render colour was specified in the original submission and the proposed plan (drawing no. 23612_P_004_01) stated that the colour of the render was to be confirmed.

Applicant's supporting information

The applicant has submitted supporting documentation in the form of an application form, location and block plans, existing and proposed elevations and floor plans and the manufacturer's details of the solar panel. No additional written statement as to the nature and impact of the proposed works have been supplied albeit these are not required as part of the validation process.

Relevant planning history

There is no planning history associated with the application site.

Responses to consultations and publicity

Overseal Parish Council have no objection.

No further responses/objections have been received.

Relevant policy, guidance and/or legislation

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications shall be determined in accordance with the provisions of the development plan unless material considerations indicate otherwise. The development plan for the purposes of this application comprises the South Derbyshire Local Plan Part 1 adopted in June 2016 and the South Derbyshire Local Plan Part 2 adopted in November 2017. Material considerations include, albeit not limited to, the National Planning Policy Framework (NPPF) Planning Practice Guidance (PPG), together with the South Derbyshire Design Guide Supplementary Planning Document (SPD).

South Derbyshire Local Plan – Part 1(2016):

- Policy S2 (Presumption in Favour of Sustainable Development)
- Policy SD1 (Amenity & Environmental Quality)
- Policy BNE1 (Design Excellence)

South Derbyshire Local Plan Part 2 (2017):

- Policy STD1 (Settlement Boundaries and Development)
- Policy H27 (Residential Extensions and Other Householder Development)

Local guidance:

- South Derbyshire Design Guide, Design Supplementary Planning Document (SPD) – November 2017

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 issue(s) central to the determination of this application is/are:

- Principle of the proposed development;
- Impact upon the host dwelling and the character and appearance of the area; and
- Impact upon residential amenity.

Planning assessment

Principle of the proposed development

Policy SDT1 supports in principle development in areas outside defined settlement boundaries subject to the provisions of Policy BNE5, that in part defers to other policies including Policy H27.

Policy H27 supports householder development provided proposals are of a scale and character in keeping with the host property and are not unduly detrimental to the living conditions of adjoining properties or the general character and appearance of the area. The qualifying criteria attached to Policy H27 is supported by Policies SD1 and BNE1 of the LP1, along with the advice within the SPD.

Policy BNE1 states that new development should be visually attractive, appropriate, respect important landscape, townscape and historic views and vistas, contribute to achieving continuity and enclosure within the street scene and possess a high standard of architectural and landscaping quality.

The overarching Policy S2 in the LP1 reinforces that the Council will take a positive approach to decision making, which reflects the presumption in favour of sustainable development contained in the NPPF. Extensions and alterations to dwelling houses are generally acceptable, in principle, provided schemes are compliant with the development plan.

Given the scale and nature of the proposal, the principle of development would be considered acceptable. Other relevant issues are considered below.

Impact upon the character and appearance of the host dwelling and the character of the general area

It should be noted that the installation of the solar panels would be considered permitted development by virtue of Class A (installation or alteration etc. of solar equipment on domestic premises) of Part 14 (renewable energy) of the Town and Country Planning (General Permitted Development) (England) Order 2015.

There is not much local context for the application of render to buildings apart from the properties within the terraced row itself and the property immediately fronting Moira Road to the south of the terrace with all of the other residential buildings within this outlining area of Overseal being constructed of red or beige brickwork with contrasting dark grey roofscapes.

The applied burgundy render is slightly at odds with the lighter shades of render already in evidence in the area however, given the set back position off the main highway and the adjacent darker brickwork of the attached neighbour up against which it is viewed, the render is not considered to be too incongruous - the loss of the decorative stone lintels and cills is an unfortunate side-effect.

The negative visual impact of the render is outweighed by the need to promote sustainability and to mitigate against climate change by enhancing the energy efficiency of older homes, as is the case here by means of external insulation and solar panels, and as such it would not be deemed expedient to refuse planning permission on design grounds in this instance.

The proposal for the render is therefore considered to comply with the requirements of Policies BNE1 of the

LP1 and H27 of the LP2 with regard to its scale and form and its impact on the general area is mitigated by the environmental benefits. Planning permission is not required for the solar panels and therefore not subject to the necessary planning assessment.

Impact upon neighbouring amenity

The proposals do not cause any harmful effects with regard to overbearing/overshadowing or loss of privacy and as such accord with policies SD1 and BNE1 of LP1 and H27 of the LP2 along with the Council's SPD and the NPPF.

Conclusions and the planning balance

Planning permission is sought for the installation of an externally applied wall insulation with a rendered finish and solar panels to the east (front) facing roofslope. It should be noted that during the course of the determination of this application the works have been completed without the benefit of planning permission. The scale and function of the proposal is considered acceptable although the render is considered to have a negative visual impact on the street scene in the context of the character of the surrounding area. However, this identified harm is outweighed by the need to promote sustainability and to mitigate against climate change by enhancing the energy efficiency of older homes, as is the case here by means of external insulation and solar panels, and as such it would not be deemed expedient to refuse planning permission on design grounds in this instance. The completed development is deemed suitable, compliant with the aims of development plan policies SDT1, H27 and BNE1, and with the Supplementary Planning Document on Design.

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

Recommendation

Approve subject to conditions

1. The development hereby permitted shall be carried out in accordance with plans/drawings ref. Application Form, Location Plan (P-001), Block Plan (P-002), Proposed Plans and Elevations (P-004) and Solar Panel Details as received by the Local Planning Authority on 6 December 2024 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.

Informatives:

a. 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 development of land in England is deemed to have been granted subject to the condition (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.

   There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. 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 the following statutory exemptions or transitional arrangements is considered to apply:

   Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A householder application

means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.

2. Planning and Other Appeals

2.1 Appeal Decisions

Reference	Place	Ward	Outcome	Decision level
DMPA/2024/0681	Melbourne	Melbourne	Dismissed	Committee
DMPA/2024/0285	Aston on Trent	Aston	No further action	Delegated

(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 carried out on 20 January 2025

by Mrs J A Vyse DipTP MRTPI DipPBM

an Inspector appointed by the Secretary of State

Decision date: 18th February 2025

Appeal Ref: APP/F1040/D/24/3352835
Nutwood, Shepherds Lane, Melbourne, Derby DE73 8HT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Andrew Moseley against the decision of South Derbyshire District Council.
- The application No is DMPA/2024/0681.
- The development proposed is described as "Changes to a residential property to allow it to function as a farmhouse and to provide downstairs bathroom and bedroom facilities. The creation of a separate farm office/workshop/plant room to serve the property's farm and forestry estate, together with work to extend and existing wildlife pond."

Decision

1. For the reasons that follow, the appeal is dismissed.

Preliminary Matters

2. The Council's Decision Notice is dated 11 July 2024, prior to the target date of 25 July 2024.[1] On 15 July 2024, subsequent to the issuing of the Decision Notice, the appellant submitted amended elevation details to the Council, which the authority declined to entertain. The appellant requests that I consider them as part of this appeal. However, whilst I understand the appellant's frustrations in this regard, it is not the purpose of the appeal process to evolve a scheme. I am required to assess the proposal on the basis of the same plans that were consulted on and considered by the Council in coming to its Decision. I confirm therefore, that I have dealt only with the original application plans and have had no regard to any alternative design. The merits of any alternative scheme would be a matter for consideration by the planning authority in the first instance, as part of a fresh proposal.

3. The appellant maintains that the Council was wrong to remove domestic permitted development rights by condition when permission was granted for conversion of the building to a dwelling. However, as set out in my reasoning below, this matter has already been addressed through an appeal dealing with a refused application to, among other things, 'remove' the relevant condition (Condition 6). That appeal was unsuccessful. The building has been converted to a dwelling and permitted development rights for extensions etc have been removed, with the appeal scheme to be determined on that basis.

4. It is also maintained by the appellant, that permitted development rights for extensions to agricultural and forestry buildings, introduced in May 2024 under Class Q of Schedule 2 Part 3 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), represent a material

[1] The target date is the date before which the Council should have made its decision. It is not an intended decision date.

fallback position that could have been implemented at the time the instant application was determined and, it is argued, could still be exercised, even though the property is now in use as a dwellinghouse. However, and notwithstanding the reference in the description of development to possible use of the building as a farmhouse serving a farming and forestry estate, the planning application the subject of this appeal was a householder application for works or extension to a dwelling. Similarly, the appeal is a Householder Appeal, proceeding under the provisions of Part 1 of the Town and Country Planning (Appeals) (Written Representations Procedure) (England) Regulations 2009. I have determined the appeal on that basis.

5. The description of development set out above is taken from the application form. However, no details of the works to the pond referred to are before me and so I make no comment on that element of the scheme.

Main Issue

6. The main issue in this case relates to the effect of the proposed extension and outbuilding on the character and appearance of the host building and of the surrounding area.

Reasons for the Decision

7. Nutwood comprises a modest, 21st Century, two-storey timber framed agricultural/ forestry barn, originally with a linear plan form and a steep pitched roof over. It is set within a woodland clearing in the countryside, accessed via a track through the woods that approaches from the northeast, with views of the east and north elevations on approach. For the purposes of planning policy, it lies in the open countryside.

8. In 2018, permission was granted for its conversion to a two-bedroom dwelling, together with a pond and reed beds to the rear.[2] That permission included the re-building and limited extension of a lean-to addition along part of the western elevation of the barn. A subsequent application in 2019, which sought to implement that permission without complying with conditions No 2, 4, 5 and 6, was refused. On appeal, however, whilst conditions 5 and 6 were retained, conditions 2 and 4 were 'varied' allowing, among other things, for an further increase in the length of the lean-to extension, with an additional canopy overhang, although it was still set well back from the north (gable end) elevation.[3] Notwithstanding its new use as a dwellinghouse, the building retains its original, characteristically simple form and scale, blending well with the rural nature of the locality. Seen in its woodland setting, its vernacular heritage remains clear.

9. The current proposal seeks permission for a single-storey, slightly L-shaped extension, with a pitched roof over, to create a boot room, bathroom and additional bedroom. It would extend beyond the end of the existing lean-to, filling the recessed corner, extending beyond the northern gable of the barn and projecting out at right-angles at the northern end of the western elevation by almost the same length as the original barn

[2] Application No 9/2018/0887
[3] Application No 9/2019/0651 Appeal Ref APP/F1040/W/19/3240900 Condition 5 required the submission of details of boundary treatments. Condition 6 removed permitted development rights in relation to walls, fences, gates etc and extensions. Condition 2 was the plans condition and Condition 4 required a scheme of landscaping.

10. As noted above, the rebuilt lean-to was increased in size pursuant to the 2019 approval. The scale of the development now proposed, with a footprint almost double that of the original rectangular barn (excluding the lean-to), and a pitched roof over, is substantial and would not be seen as modest or subordinate in relation to the host building.

11. The proportions and location of the extension proposed would also appear at jarring odds with the linear form of the original building (as previously extended). That impact would be particularly apparent on the approach along the driveway from the northeast. At present, the eastern side elevation and the narrow gable end of the original building are seen viewed on arrival - the lean-to on the western elevation is not readily apparent in this view, being set well back from the gable end. The lateral extension would conflict with the vertical proportions of the gable end, undermining the original character and proportions of the building.

12. The appellant draws attention to guidance in the Council's SPD[4] which, it is argued, supports the principle of a single storey range at right angles to traditional barns. However, the diagram cited is taken from a section of the SPD relating to the extension of buildings in conservation areas. It is not aimed at extensions to barn conversions in the open countryside, which are dealt with in a separate appendix (Conversion of Agricultural Buildings) which seeks to avoid large extensions. In any event, I note that the same section of the SPD also confirms that extensions are usually more successful if they are visually subordinate to the host building, which is not the case here.

13. Since the proposal is not for the conversion of the building, I find no direct conflict with policy H28 of the Local Plan, the policy against which the original application for its conversion to use as a dwelling would have been considered. That is not to say, however, that the policy is not relevant. As confirmed in the SPD, permitted development rights which normally apply to dwellings are withdrawn as a condition of approval for the conversion of agricultural buildings to residential (as is the case here) with proposals for subsequent changes being considered against the same criteria as the original conversion. It is important, therefore, to have regard to the purpose of the policy, which is to allow for buildings worthy of retention, that are part of the character of the rural landscape, to be put to a new use without being detrimental to the existing character.

14. Policy H28 is permissive of residential conversions in locations such as this – namely the open countryside where the erection of new dwellings would generally be resisted - as long as it can be done without extensive extension. The SPD reiterates the thrust of policy H28, advising that conversions will only be permitted where, among other things, the use can be accommodated within the confines of the existing building, without substantial extensions. The development proposed is in clear conflict with that.

15. The harm I have identified also brings the development into conflict with policy H27 of the South Derbyshire Local Plan, which allows for extensions to dwellings provided, among other things, that they are of a scale and character in keeping with the property. There would be conflict too with the Council's SPD, which advises that residential extensions should usually reflect the existing character, form and proportion of buildings.

[4] South Derbyshire Design Guide – Design Supplementary Planning Document (November 2017)

16. The appellant seeks to draw support from policy BNE5. No copy of that policy is before me, but I understand that it to relates to development in rural areas out with defined development boundaries. In particular, my attention is drawn to parts ii) and iii) of the policy, which apparently allow for development that is essential to a rural based activity and is unavoidable outside development boundaries.

17. The appellant refers, in this regard, to evidence provided to the Council to demonstrate how the proposal meets the policy. However, only limited evidence on this is before me in connection with this appeal. I have a statement from Derby College referring to use of the appellant's estate for the training of forestry students, and from Milner Forestry, who purchase timber from the appellant's woodland to produce woodchip as a biomass product. It is also suggested that the boot room is reasonable and necessary, in part, due to use of the building as a farmhouse. However, neither that, nor the brief statements, demonstrate that the residential extension proposed meets the parts of policy BNE5 prayed in aid by the appellant, particularly when regard is had to the nature of the application. As set out at the start, this is specifically a householder application. Any application for works in association with a rural business would need to be the subject of a full application.

I am not persuaded, therefore, that this is a relevant policy in relation to this type of application in any event.

18. Permission is also sought for a detached farm workshop/office building set into banked ground to the northwest of the dwelling. An office, workshop and plant room are shown on the ground floor, with a staircase up to first floor storage within the roof space. The lower part of the walls would comprise existing stone retaining walls that enclose three sides of the footprint. It is not clear what the upper part of the walls would be constructed of, possibly timber. It would have a steeply pitched clay tile roof, with a height to ridge of some 6.4 metres. Solar panels are shown on the south-facing roof slope.

19. I have concerns about the proportions of the building proposed in relation to the converted barn. It would be a substantial structure, with a width similar to the original barn, of similar height. Consequently, it would not appear as a subservient outbuilding that would sit sympathetically with the dwelling. It would have an imposing presence that would harm the character and appearance of the rural surroundings to the converted barn. Whilst I am advised that the height is the minimum required to allow for vehicle and machinery access, it would seem that the first floor, as shown on the plans, would restrict the height for vehicles on the ground floor. It is not clear therefore, why the building is as tall as is proposed.

20. Moreover, as set out in the officer's report, it would seem that in 2024, the Council determined that prior approval was not required for the erection of an agricultural machinery store and an open fronted feed/log store at the site. I have no details of those buildings or where they were in relation to the appeal site, but the appellant indicates that they have not been built. In support of the appeal, it is argued that the workshop building now proposed would have less of an impact than one of those 'approved' buildings. Without any details, I have no way of assessing that. Even if that were the case, there is no mechanism before me to prevent erection of the 'approved' building prior to building the workshop now proposed. That could lead to a proliferation of buildings that would materially erode the rural character and appearance of the area.

21. The appellant suggests that whilst it would be possible to install the solar panels in an adjoining field, that would result in greater harm to the setting of the barn than the workshop building proposed. However, no details of any possible alternative location are before me on which to come to a view.

22. In support of the appeal, my attention is also drawn to a number of permissions elsewhere.

Pippin Heath, Kings Newton Lane, Derby

23. I am advised that permission was granted for the conversion and L-shaped extension of a former agricultural store, the extension representing an increase of 84% over the size of the original building. However, I have no information as to the background that informed that decision, so have no way of knowing if the circumstances are directly comparable to the scheme the subject of this appeal.

Forest View, Cockshut Lane, Melbourne

24. I understand that permissions were granted for extensions to a converted barn, including a two-storey extension, under the provisions of policy H27. The extensions apparently equated to a 130% increase in floor area. Again, I have no information as to the planning considerations that informed those decisions.

Hemsley Barn Cottage, Melbourne Lane, Ticknall

25. Reference is made to permission for a two-storey extension. Again, no background information is before me, but it is not evident from the submitted photograph that the property is a barn conversion.

Park Lea, Melbourne Lane, Ticknall

26. The permission referred to here relates to the extension of a replacement dwelling. Whatever the scale of that extension, the development is not comparable to the appeal scheme which comprises a converted barn, to which different policy considerations apply.

St Brides, Shepherds Lane Stanton Hill

27. Permission was granted for the conversion of six barns to dwellings, which apparently included a double garage with loft space for each. Reference is made to the proposed workshop at the appeal site being a similar size to those garages. Again, however, I have no information about the circumstances that led to the grant of permission in that case.

28. Based on the information that is before me, I find nothing in those decisions to be directly comparable to the appeal scheme, which I have considered on its own merits in the light of its planning history and particular physical context.

Planning Balance and Conclusion

29. In considering the appeal proposal, I have had due regard to the Public Sector Equality Duty contained in section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it.

30. The appellant advises that whilst the original permission included two bedrooms and a bathroom at first floor level, he felt that necessary alterations to the timber frame were undesirable and so the first floor accommodation was reduced to one bedroom. The proposed extension is intended to provide for additional downstairs accommodation to meet the unspecified future needs of the appellant. However, those needs must be balanced against the harm to the character and appearance of the host building and the surrounding area that I have identified. I am not persuaded, in this regard, noting that the existing bathroom is already at ground floor level, that if the appeal were dismissed, there are no appropriate alternatives that could deliver similar benefits in terms of an additional bedroom, without the identified harm possibly, for instance utilising some of the existing ground floorspace, or maybe providing it in a smaller extension. Therefore, dismissal of the appeal is a proportionate response.

31. It is also sought to justify the proposed boot room, in part, through refence to it allowing for the installation of an alternative renewable heating system. It would seem that the system referred to relates to the solar array on the proposed workshop, which would heat and power the house. The role of the boot room is referred to as housing related tanks and control systems. It is not clear, however, why they would need to be in the boot room, nor is there any indication of space requirements etc. On the evidence before me, the space proposed is not justified on this basis.

32. In terms of benefits, reference is made to the potential for the scheme to contribute to net carbon targets. However, other than an ambition for the development to be net zero, any benefits in this regard are not detailed or quantified. I am, however, mindful of the use made of the woodland by the College and a local business, which may well generate some economic and social benefits.

33. In light of the forgoing, I have found that the development proposed would result in material harm to the appearance of the host building and of the surrounding rural area, bringing it into conflict with policies H27, H28 and BNE5 (insofar as it might be deemed to be a relevant policy) of the Local Plan and with the Council's SPD, which together and among other things seek to protect such interests. The benefits that I have identified, including the personal circumstances of the appellant and allowing for some environmental benefits through the introduction of a solar array, are not sufficient in this case, to outweigh that harm and the conflict with the development plan. On balance, therefore, I conclude that the appeal should not succeed.

Jennifer A Vyse
INSPECTOR

Appeal Decision

No site visit made

by Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th February 2025

Appeal Ref: APP/F1040/Y/24/3351578
All Saints' Church, Shardlow Road, Aston on Trent, Derby, Derbyshire DE72 2AZ

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) (the Act) against a refusal to grant listed building consent.
- The appeal is made by Mr Martin Nicholson on behalf of All Saints' Church Aston on Trent PCC against the decision of South Derbyshire District Council.
- The application Ref is DMPA/2024/0285.
- The works proposed are to fit hand rails to the steps at the rear of All Saints' Church, Shardlow Road, Derby DE72 2AZ.

Decision

1. No further action taken for the reasons set out below.

Reasons

2. All Saints' Church (the Church) is a Grade I listed building. As set out at Section 7(1) of the Act, no person shall execute or cause to be executed any works for the demolition of a listed building or for its alteration or extension in any manner which would affect its character as a building of special architectural or historic interest, unless the works are authorised.

3. The proposed 'works' in this case involve the installation of handrails to either side of an historic set of steps that are situated to the rear of, and that are detached from, the Church. For the avoidance of doubt, in accordance with Section 1(5) of the Act, the Church's listing includes any object or structure within its curtilage (unless separately listed) which, although not fixed to the building, forms part of the land and has done so since before 1 July 1948.

4. The appellant has confirmed through appeal-stage correspondence that there is no intention for the proposed handrails to be physically attached to the Church's rear steps. It is instead intended that each of the handrails be fitted such that their upright supports butt up against each of the associated side stops of the steps. This is consistent with the manner in which a plan[1] for determination is annotated to indicate the handrails set into the ground beside the steps (as opposed to being physically attached to them). On this basis, no works to a listed building that would affect its character as a building of special architectural or historic interest are before me for consideration.

5. The appellant has evidenced pre-application-stage correspondence seeking clarification from the Council in terms of the type of application required. It is unfortunate that a direction was seemingly given by the Council in the absence of

[1] Ref: THP2023 Issue A

any clear understanding as to whether works to a listed building would be necessitated. Even so, as is reflected by an appeal-stage request[2] for observations, the appellant's application submissions are not without ambiguity that could have conceivably led to an understanding that – notwithstanding comments raised by the Council's Conservation Officer – the handrails would be fixed to the Church's rear steps in some way. This is even though now clarified otherwise in no uncertain terms by the appellant.

6. For the above reasons, no works to a listed building are before me for consideration such that no further action can be taken on this listed building consent appeal.

Andrew Smith

INSPECTOR

[2] via email dated 28 January 2025