

DERBYSHIRE COUNTY COUNCIL
REGULATORY – PLANNING COMMITTEE

20 May 2019

Report of the Strategic Director – Economy, Transport and Environment

- 1 THE INSTALLATION OF A ROUNDABOUT JUNCTION ON THE A52 TO THE EAST OF ASHBOURNE GIVING ACCESS TO PREVIOUSLY CONSENTED DEVELOPMENT TO THE NORTH GRANTED BY DERBYSHIRE DALES DISTRICT AT LAND TO THE NORTH OF THE A52 DERBY ROAD, ASHBOURNE, FORMER ASHBOURNE AIRFIELD SITE**
APPLICANT: DERBYSHIRE COUNTY COUNCIL
CODE NO: CD3/0419/1

3.1734.2

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

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

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

The proposal, however, does not accord fully with certain relevant policies in the DDLp and in the National Planning Policy Framework (NPPF). One such

policy is that concerning listed buildings where it is considered the proposals would result in harm to the setting of the grade II listed building, although such harm would be less than substantial. The proposal would also result in landscape and visual impacts.

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

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

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

(2) **Information and Analysis**

Site and Surroundings

The application site covers an area of 2.27 hectares (ha) and includes land of the former Ashbourne Airfield, the A52 Derby Road and adjacent highway verge. The site is located approximately 1.5 miles to the south-east of Ashbourne and close to the village of Osmaston. The proposed Industrial Estate access roundabout would be sited on the A52 to the north-west of the A52 junction with Lady Hole Lane. The site of the proposed roundabout is largely level, bounded to the east by the curtilage of a residential grade II property known as 'The Thatched Cottage'. The site is bound by open countryside to all other sides. A copse of trees is positioned to the southern side of the A52 opposite the application site.

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

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

The Proposal

The application seeks planning permission for the construction of a roundabout to form a means of access to the Ashbourne Airfield Industrial

Estate. This roundabout would facilitate the expansion of the Estate and be capable of accommodating traffic generated by two phases of expansion as identified in the DDLP. The roundabout would connect to a link road to be constructed through the Estate. The scheme indicates that the roundabout would be approximately 40 metres (m) in diameter with footways of approximately 2m in width to the northern side.

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

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

The Transportation Assessment produced in support of application code no. 14/00074/OUT demonstrated that the signalled junction would perform adequately when accommodating the Phase 1 development, but in the morning peak period would be at approximately 70% of its capacity for both of the A52 approaches and for traffic turning right (i.e. towards Ashbourne) from the Estate. With 1,100 additional homes allocated under Phase 2, the demands on the junction would be substantially increased, for example, 'outbound' traffic from the Estate in the morning peak period could increase by 150%. The provision, timed in association with Phase 1 development, of a means of access capable of accommodating traffic subsequently to be generated by Phase 2 would, therefore, remove the need for any future works.

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

Planning Application History

CD3/0219/89

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

14/00074/OUT

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

14/00075/FUL

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

16/00168/FUL

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

17/01142/FUL

Full planning permission was granted by DDDC 27 February 2018, for a variation to the design of the link road (as approved under application reference (16/00168/FUL) to provide an enlarged drainage facility and accommodate a foul pumping station. The route of the revised link road (17/01142/FUL) remains on the same alignment as previously approved under 16/00168/FUL. This proposal (17/01142/FUL) includes additional/modified junction arrangements, improved junction geometry and a foul pumping station/enlarged surface water balancing pond.

Consultations

Local Member

Councillor Bull has been consulted and has responded stating that he is in full support of the application which in his opinion is a better plan than the traffic lights which were previously proposed.

Derbyshire Dales District Council (Planning)

The District Council is not opposed to the traffic controlled junction arrangement being replaced with a roundabout on the A52 provided the Highway Authority is satisfied that highway safety on the A52 will not be compromised and subject to the revised access having the capacity to cater for the likely volume of traffic.

The impact on the nearest neighbours should be no greater than the impact of the currently approved junction in terms of noise and disturbance given the configuration of the buildings and location of the works. It is noted that the setting of the grade II Thatchers Cottage will change to some degree, however, any harm to its setting is likely to be less than substantial.

The County Council should ensure the alignment of the proposed arrangement with the new access road approved under permission 17/01142/FUL and should impose conditions accordingly.

The application should facilitate the bringing forward of both employment and housing provision at the Ashbourne Airfield site in accordance with policies EC2, HC2 and S8 of the DDLP which are key to allowing for the sustainable expansion of the town and meeting the housing needs of the District.

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

Ashbourne Town Council

Objects to the application on the following grounds:

- Members commented that they felt there were various inaccuracies within the reports including the 2001 traffic census; Members feel that due to the increase in housing developments since this time, this will not be accurate.
- The Bird Nesting survey being carried out states that there were no nesting birds at the time, however, Members report that Skylarks and Lapwings nest in the area.
- Members note that whilst there is provisional funding for schools; there is nothing for health.

Bradley Parish Council

No comments received at time of writing.

Osmaston and Yeldersley Parish Council

Have responded stating that they have no objections to the application.

Highway Authority

The Council, as Highway Authority, has no objections to the proposals subject to conditions. The applicant has submitted a stage 2 Road Safety Audit.

However, there are likely to be some residual matters, including some departures from standards, to be resolved before the proposals may be considered to be fully in accordance with current design criteria.

The Stage 2 Road Safety Audit raises a number of issues with the scheme presented, although it does offer a number of recommendations

and solutions to the identified problems, which appear feasible to achieve. The applicant has also provided a 'designer's response' in support of the Audit undertaken, which indicates a willingness to address each of the items raised in future detailed designs/revisions. This is considered acceptable in principle and could be conditioned accordingly.

The proposals are also supported by additional modelling and sensitivity testing. This uses the trip rates obtained from the Derbyshire Dales District Council Local Plan Transport Evidence Base, which are considered to be very robust in this scenario.

There can be a number of factors that can affect and influence the true operation of the roundabout, which can only really be accurately determined by monitoring actual traffic behaviour as development proceeds. There is little doubt that a roundabout solution provides the key to unlocking the development potential of the 'Airfield' site and by installing traffic monitoring stations at agreed locations in and around the Ashbourne area, this would allow further, more accurate data to be obtained. This could be reviewed at identifiable or predetermined stages of development e.g. on an annual basis and/or 25%, 50% and 75% of overall development build-out, which could in turn be used to inform what type or scale of further development may be tolerated, if further sustainable travel interventions are required or ultimately if any minor physical improvements need to be made to the junction itself. This would need to be installed and maintained at the applicant's expense until the development is fully completed.

Whilst there are still some minor design matters to resolve, the majority of issues previously raised by the Development Control team have now been satisfactorily addressed. Subject to the items highlighted in the Stage 2 Road Safety Audit being incorporated into the final designs and some departures from standards being agreed, the Development Control team would not be in a position to demonstrate that the proposals would be unsafe or that the proposals would result in a severe impact on the highway network that would justify recommending the application being refused on highway safety grounds. On the basis the Planning Authority and applicant would be willing to accept more 'outline' form and 'pre-commencement' type conditions to be applied, requiring further information/detailed designs to be submitted prior to commencing any works on site, this may allow the application to be determined at this stage.

Lead Local Flood Authority

The Council, as Lead Local Flood Authority (LLFA), commented that the surface water drainage strategy, provided with the application and accompanying modelling, demonstrates that the additional impermeable area created by the proposals will not negatively impact on the performance of the wider surface water management scheme. However, the modelling provided

does not account for additional drainage infrastructure within the further phases of the airfield development as a whole and, as such, the hydraulic model for this application is to be treated with an element of caution. However, should the development progress, further modelling to demonstrate how overland flows (that may flow onto the proposed link road and roundabout) are to be managed will be required. The LLFA recommends conditions for the submission of detailed designs, a management and maintenance plan and a detailed surface water management scheme be attached to any grant of planning permission.

Natural England

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

Derbyshire Wildlife Trust

No objections subject to a condition. DWT understands that with regard to badgers, some level of camera trap survey has been undertaken. No activity was recorded on the camera traps, however, it has no details of when this took place or how long for. During the site survey in April 2019, spoil and bedding was recorded and therefore DWT advise that the sett should be considered currently active. Whilst the update report does state that mitigation will be required if the sett is active, it does not state whether the sett entrances fall within the footprint of works and does not assess levels of likely disturbance or state whether it will be directly impacted by works. DWT therefore recommend that prior to any works on site, a detailed Badger Mitigation Strategy should be produced and this should be secured by condition.

Publicity

Site notices have been placed at the site and immediate neighbours have been notified in writing. The application has been advertised by press notice in the Ashbourne News Telegraph with a period for representations up to 3 May 2019.

One representation has been received. Comments in summary are:

- The A52 is a very busy road and accidents happen frequently. One accident happened near the application site very recently.
- The roundabout appears to be proposed to be located on the brow of a hill.
- Access could be taken from Lady Hole Lane (which could be widened and traffic lights added if necessary)
- There is a roundabout (the by-pass) just outside of Ashbourne on this stretch of the A52 which could quite easily be altered to take an extra spur road to the Industrial Estate/Airfield as the roundabout is already operational.

A separate application of similar description is still under the consideration of the County Planning Authority. That application CD3/0219/89, has been

advertised by press notice in the Ashbourne News Telegraph with a period for representations up to 6 March 2019, by site notice and immediate neighbours have been notified in writing.

Three representations have been received all objecting to that application. Comments are in summary:

- The land was part of the Thatched Cottage estate at the time the property was listed and is part of the listed building curtilage which has protection under law.
- The A52 is a very busy road and accidents happen weekly. One accident happened near the application site very recently.
- The roundabout would be better sited just outside of Ashbourne.
- Access could be taken from Lady Hole Lane (which could be widened).
- The proposed development for installation of a roundabout junction adjacent to the listed Thatched Cottage is counter to the DDLP and Strategic objectives to protect the Derbyshire Dales Character and setting.
- The installation of a roundabout junction will adversely and negatively impact on a listed buildings landscape and character setting due to the proposed location adjacent to such a listed building.
- The proposal will adversely affect Yeldersley's distinctiveness and character, and the proposed roundabout will fail to integrate effectively with the local area and a listed building, negatively and adversely impacting on the character and appearance of Yeldersley.
- The proposed roundabout does not conform to the Highways standard document, the Design and Manual for Roads and Bridges.
- There is insufficient safe sighting distance and splay angle from both the roundabout exit and the Thatched Cottage exit to allow for the safe departure of vehicles from the driveway of the house.
- Neighbours will be subject to a substantial increase in proven harmful vehicle emissions due to the increase in vehicle accelerations, engine retardations and standing running vehicles.
- The roundabout will increase vehicle accidents and it would be expected that fast moving vehicles will overshoot the roundabout and be abruptly stopped by a substantial building within the Curtilage of the listed property resulting in considerable trauma to the occupants.
- Developers have already impacted the natural environmental setting by clearing away beds of beautiful bluebells, destroying a natural habitat for bats, resulting in several dead bats being found on our property adjacent to the boundary. There has also been an increase in flooding due to a natural culvert being destroyed.
- An island on the top of the hill would be both safer and better suited to such a significant development and in-keeping with the DDLP.

Planning Considerations

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

The Development Plan

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

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

Neighbourhood Plan

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

National Planning Policy Framework

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

Those sections of the NPPF that are particularly relevant to this proposal are:
Section 2: Achieving sustainable development.
Section 6: Building a strong, competitive economy.
Section 9: Promoting sustainable transport.
Section 12: Achieving well designed spaces.
Section 16. Conserving and enhancing the historic environment.

The Need for and Benefits of the Development

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

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

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

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

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

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

An Economic Statement submitted with the application indicates that, drawing upon existing analysis of the Phase 1 expansion, the additional 1,100 homes to be delivered under Phase 2, could be expected to support as many as 36 full-time equivalent (FTE) jobs through additional household expenditure, of which 24 would be 'net additional' (with the remaining 12 being displaced from

elsewhere). The Gross Value Added by the new households would be approximately £7.8 million by 2031.

The NPPF promotes sustainable development through overarching economic, social and environmental objectives. Policy SD1 of the DDLP requires that all developments should seek to make a positive contribution towards the achievement of sustainable development by improving the economic, environmental and social conditions of the area wherever possible.

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

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

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

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

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

It is considered that the proposal would be in accordance with the requirements of the NPPF and DDLP in this regard, given that the roundabout would provide an important element of associated infrastructure for the successful implementation of the planned development of the former Ashbourne Airfield site.

In principle, therefore, the need and benefits of the proposal are considered justified. The acceptability of the scheme in the planning balance must be considered further, however, against planning policy and the merits of the application in the following respects:

- Location of the development.
- Landscape.
- Highways.
- Heritage.
- Archaeology.
- Ecology.
- Drainage.

Location of the Development

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

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

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

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

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

The location of the roundabout does not differ significantly from that of the junction approved by DDDC, and its locality is considered to accord with policies identified in the DDLP and the NPPF in bringing forward the required infrastructure to appropriately support housing and employment land development.

Landscape

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

The majority of the site itself, however, is uncultivated scrub land, being part of the former Ashbourne Airfield. There are eight (8) individual trees located within, or close to the boundaries of the site adjacent to the A52, identified in the supporting tree survey as Trees T1-T8. These trees are a mix of Oak, English Oak and Ash. The tree survey indicates that trees T1 and T2 would require removal, as would potentially trees T3 and T4. To the north of the proposed roundabout location, is also a small group of trees (G1).

To the southern side of the A52 and outside the site is a small copse of trees. The site may be regarded as being semi-rural in character at present, given that the existing Airfield Industrial Estate is positioned within approximately 200m of the application site to the north-west, and existing residential properties are located immediately adjacent to the site to the south-east.

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

Policy PD5 of the DDLP seeks to protect landscape character by requiring that development has particular regard to maintaining the aesthetic qualities of the landscape, such as trees, hedgerows, walls and water features, and through resisting development that would harm or be detrimental to the character of the local landscape. Policy PD6 of the DDLP similarly seeks the retention of trees and hedgerows and requires their replacement where removal is justified.

The insertion of a roundabout into the locality is more likely to impact on the character of the landscape than a more conventional highway junction. It often requires more land-take, as is the case with this proposal, and is often also more difficult to integrate back into the surrounding landscape. However, the context in this case is a relatively simple landscape of few components. The intention is to retain the existing hedgerow along the southern boundary of the junction, which is welcomed and supported as a means of limiting the impact on existing landscape features. Equally, the same protective measures should be applied to the protection of hedgerows proposed for retention including works within the root protection areas.

The Tree Report submitted identifies trees T1 to T8 to be, early mature hedgerow trees with an estimated life expectancy of 80+ years. All individual trees identified other than T4 and T6 are considered to be category B and of good quality that would be desirable to retain. It is worth noting, however, that none of the trees have been considered to be classed as category A, due to

their lack of stature and current prominence within the landscape. Group 1 (G1) is congested and would benefit from thinning to remove dead trees and those in poor condition.

There would be likely to be some impact on the landscape resulting from tree removal. However, conditions requiring identification of any trees for removal, suitable root protection areas for those trees to be retained, and replacement of any trees to be removed, would assist in mitigation of any adverse impact upon the landscape. Trees would be retained where possible as required by Policy PD5 of the DDLP, or replaced where removal is justified in accordance with Policy PD6.

The principles of the landscape restoration treatments identified in the 'Landscaping Statement', that standard highway verge grass planting would be the most appropriate landscaping solution for the location are supported in principle, but an appropriately worded planning condition should be included to require a detailed landscape scheme. The ongoing maintenance should be dealt with by a planning condition to ensure the full establishment of the landscape mitigation.

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

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

(where possible) of trees and tree/hedge protection; and design of lighting and signage, then these effects could be further mitigated and limited.

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

Highways

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

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

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

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

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

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

Ashbourne Town Council has objected to the application commenting that it felt there were various inaccuracies within the reports, including the 2001 traffic census. The Town Council feels that, due to the increase in housing developments since this time [2001], this will not be accurate. Highways Development Control stated in its comments, however, that the proposals are supported by modelling and sensitivity testing. This uses the trip rates obtained from the Derbyshire Dales District Council Local Plan Transport Evidence Base, which are considered to be very robust in this scenario.

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

Heritage

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Archaeology

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

The development also has the potential to impact on archaeology within the Site. With regard to below-ground archaeology, the site is within the area of the former Ashbourne Airfield (Derbyshire Historic Environment Record

MDR853). The site has undergone a considerable level of ground disturbance in association with the WW2 Airfield and the area of the proposed roundabout appears to be within the footprint of a former runway/dispersal area.

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

Ecology

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

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

An ecological walkover survey has been submitted with the application. The survey did not find any evidence of the presence of protected species on the site when it was undertaken in January 2019. The survey found that the hedgerow on the south side of the A52 is unremarkable and consists of mainly hawthorn with occasional blackthorn.

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

No evidence of bats was observed, however, the survey indicates that it is possible that bats could roost in an oak tree (identified as T1 in the Tree Survey submitted) on the site in summer months. Should removal of T1 be necessary in the scheme, then this should be properly surveyed by an appropriately qualified ecologist prior to any work.

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

- Retention of the roadside trees and embankment within the scheme should be considered.
- Any removal of scrub or trees should be done outside the bird breeding season.

- The semi-mature oak/line of trees to the north of the site, adjacent to the A52, should be retained in the scheme if possible.
- If the semi-mature oak with ivy is to be felled, then a specialist bat survey should be undertaken before the commencement of work.

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

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

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

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

Ashbourne Town Council has stated that whilst surveys show that there were no nesting birds at the time, Members of the Town Council report that Skylarks and Lapwings nest in the area. The Ecological Walkover survey submitted with this application recommends that any removal of scrub or trees should be done outside the bird breeding season, and I am satisfied that, subject to a condition to require this, effective mitigation would be provided for the potential of nesting birds.

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

on the wider site (the roundabout being within this area) to be agreed by DDDC.

Drainage

Section 14 of the NPPF and Policy PD8 of the DDLP are concerned with effective drainage, flood risk management and maintenance of water quality.

The site is within Flood Risk Zone 1, the lowest probability category area, having a less than 1 in 1,000 annual probability of river or sea flooding.

A Surface Water Drainage Strategy (SWDS) has been submitted with the application. The SWDS concludes that the drainage network would have sufficient capacity to accommodate projected surface water run-off levels.

The Council, as LLFA, has not objected to the proposal; it considers further detailed designs for surface water management and management and maintenance plans would be required but these details could be secured through the imposition of conditions.

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

Conclusions

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

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

Drawing upon existing analysis of the Phase 1 expansion, the Phase 2 development could be expected to support as many as 36 FTE jobs through additional household expenditure, of which 24 would be 'net additional' (with the remaining 12 being displaced from elsewhere). The Gross Value Added by the new households would be approximately £7.8 million by 2031.

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

The harm is capable of some mitigation to the landscape through protective root barriers to trees and hedges where they are to be retained, and replacement of trees where any have to be removed as a result of ground works or visibility splay requirements.

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

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

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

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

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

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

I do not consider that there would be any disproportionate impacts on anyone's human rights under the European Convention on Human Rights as a

result of this permission being granted subject to the conditions referred to in the Officer's Recommendation.

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

Other Considerations

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

- (6) **Background Papers** File No. 3.1734.2
Application documents from the Director of Property dated 9 April 2019.
Correspondence from the Highway Authority dated 2 May 2019, Natural England dated 15 April 2019, and the LLFA dated 15 April 2019.
Representations from interested parties of various dates.

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

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

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

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

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

- 3) The development shall take place in accordance with the details set out in the application for planning permission registered as valid on 9 April 2019, and the documentation accompanying it, unless otherwise modified or amended by the conditions of this planning permission. For the avoidance of doubt, the accompanying documentation comprises:

- Drawing no Figure 01 entitled 'Site Location Plan'
- Drawing no Figure 02
- General Arrangement Plan SCP/17441/0000/002 RevD
- Horizontal Alignments Sheet 1 SCP/17441/0001/001
- Horizontal Alignments Sheet 2 SCP/17441/0001/002
- Swept Path Analysis Plan Sheet 1 SCP/17441/0000/03

- Swept Path Analysis Plan Sheet 2 SCP/17441/0000/014
- Swept Path Analysis Plan Sheet 3 SCP/17441/0000/015
- Swept Path Analysis Plan Sheet 4 SCP/17441/0000/016 Rev A
- Swept Path Analysis Plan Sheet 5 SCP/17441/0000/017 Rev A
- Visibility Longitudinal Sections Sheet 1 SCP/17441/0011/001 Rev A
- Visibility Longitudinal Sections Sheet 2 SCP/17441/0011/002 Rev A
- Longitudinal Sections SCP/17441/0010/001
- Cross Sections Sheet 1 SCP/17441/0020/001 Rev C
- Cross Sections Sheet 2 SCP/17441/0020/002 Rev B
- Document entitled Dust Assessment dated January 2019
- Document entitled Ecology Walkover Survey dated January 2019
- Document entitled Supplementary Ecology Report - Addendum dated 5 April 2019
- Document entitled Ecology Mitigation Plan for the Link Road and Surrounds (Eyebright Ecology, January 2018 Version 3 – 1 March 2018)
- Document entitled Economic Statement dated January 2019
- Document entitled Flood Risk and SUD's statement dated January 2019
- Document entitled Geo-environmental Assessment dated April 2017
- Document entitled Heritage Statement dated February 2019
- Document entitled Landscaping Statement dated January 2019
- Document entitled Noise Statement dated January 2019
- Document entitled Planning Statement dated January 2019
- Document entitled Soil Assessment dated January 2019
- Document entitled Statement of Engagement dated January 2019
- Document entitled Transport Assessment dated April 2019
- Document entitled Tree Survey Report dated 5 April 2019
- Document entitled Waste Management Statement dated January 2019
- Document entitled RSA2 received 2 May 2019
- Document entitled Applicant response to RSA2 received 2 May 2019
- Document entitled TA Supplement (Technical Note Roundabout Capacity) received 2 May 2019
- Document entitled TA Supplement Appendix received 2 May 2019

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

- 4) Prior to the commencement of the development hereby approved, a plan shall be submitted to the County Planning Authority for its approval in writing which shall indicate any trees and hedgerow required to be removed, or be subjected to cutting, as a result of or for enabling any part of the development. No trees or hedgerow shall be removed or subject to cutting other than those identified in the plan as approved in writing by County Planning Authority, and none of them shall be

removed or subject to cutting in advance of the proposed date of commencement to be notified under Condition 2.

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

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

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

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

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

- 7) No clearance of trees, hedgerow (as to be agreed in writing by the County Planning Authority under Condition 4 of this notice) or any existing scrub planting on site, shall be undertaken during the nesting bird season (March- August inclusive) unless an ecologist has undertaken a careful, detailed assessment of the site for active birds' nests immediately before such work is commenced and provided written confirmation to the County Planning Authority within seven days of the assessment that no birds will be harmed by the clearance and/or that there are appropriate measures in place to protect nesting bird interest on site..

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

- 8) No development shall take place until (1) a detailed design of a drainage system and (2) an associated management and maintenance plan of the surface water drainage for the site, in accordance with the principles outlined within:

- a. the 'Surface Water Drainage Strategy, Ashbourne Airfield, 60590289, (08/02/2019)', including any subsequent amendments or updates to those documents as approved by the Flood Risk Management Team;

- b. the 'Ashbourne Airfield Industrial Estate Expansion – Flood Risk Assessment and SuDS Statement (January 2019); and
- c. the Department for Environment, Food and Rural Affairs (DEFRA's) Non-statutory technical standards for sustainable drainage systems (March 2015);

have been submitted to and approved in writing by the County Planning Authority. A drainage system shall be implemented in accordance with the approved detailed design prior to the development being taken into use, and the system thereafter shall be managed and maintained in compliance with the associated plan.

Reason: To ensure that the proposed development does not increase flood risk and that the principles of sustainable drainage are incorporated into this proposal. It is considered that this objective requires the details of the construction, operation and maintenance/management of the sustainable drainage systems to be provided to the County Planning Authority for approval prior to the commencement of development.

- 9) No development shall take place until a detailed scheme for exceptional surface water management has been submitted to the County Planning Authority for its written approval. The scheme shall detail how overland flows are to be managed safely up to the 1% probability annual event assuming a 40% rainfall increase due to climate change.

Reason: To ensure surface water is managed appropriately following construction of the roundabout, so as to minimise the flood risk to the highway in higher order rainfall events and to mitigate the impacts of climate change. It is considered that compliance with these requirements would only be effective if sufficient detail of the proposed surface water management is provided to the County Planning Authority prior to the commencement of development.

- 10) No development shall take place until a construction management plan has been submitted to the County Planning Authority for its written approval. The construction management plan shall cover details relating to the following items and shall be adhered to throughout the construction period:

- i. Site access/temporary access arrangements.
- ii. Construction compound and site accommodation.
- iii. Parking of vehicles of site operatives and visitors.
- iv. Arrangements for loading/unloading and turning vehicles within the site.
- v. Routes for construction traffic.
- vi. Method of prevention of debris being carried onto highway.
- vii. Proposed temporary traffic restrictions.

viii. Roadside hoarding (including any gates).

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

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

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

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

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

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

- 13) No development shall be begun before a scheme to identify any ecological mitigation as necessary including consideration to measures provided in the Ecological Mitigation Plan by eyebright Ecology dated January 2019 (as referred to in Condition 3 above) and based on an up to date protected species survey, so far as relevant to detailed roundabout design shall be submitted to and agreed in writing by the County Planning Authority.

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

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

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

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

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

- 16) Before any other operations are commenced, details and locations of the traffic monitoring stations shall be agreed in writing with the County Planning Authority. The approved details being installed and operational at least one month prior to any construction activities taking place on site and maintained for a period of up to one year post completion of the 'Airfield' development site (approved development and Local Plan site), or as otherwise agreed in writing with the County Planning Authority.

The data obtained shall be presented to the Highway Authority in the form of an annual report, identifying commencement and operational completion of the junction works as well as the performance of the roundabout (capacity assessments). Further reviews shall be undertaken at 25%, 50% and 75% occupation completions.

Reason: To inform what type or scale of further development may be tolerated, if further sustainable travel interventions are required or ultimately if any minor physical improvements need to be made to the junction itself and in the interests of Highway Safety. It is considered that compliance with these requirements would only be effective if the information is provided to the County Planning Authority prior to the commencement of development.

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

Reason: In order that the County Planning Authority can control these details and in the interests of ensuring compatibility to connection to the industrial estate link road. It is considered that compliance with these requirements would only be effective if the phasing and completion plan is provided to the County Planning Authority prior to the commencement of development.

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

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

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

Footnotes

- 1) This permission, granted under the terms of regulation 3 of the Town and Country Planning General Regulations 1992, is for the sole benefit of Derbyshire County Council and can only be implemented by that Authority.
- 2) Pursuant to sections 149 and 151 of the Highways Act 1980, steps shall be taken to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.
- 3) Pursuant to Section 163 of the Highways Act 1980, where the site curtilage slopes down towards the public highway, measures shall be taken to ensure that surface water run-off from within the site is not permitted to discharge across the footway margin. This usually takes the form of a dish channel or gully laid across the access immediately behind the back edge of the highway, discharging to a drain or soakaway within the site.
- 4) Pursuant to Section 278 of the Highways Act 1980 and the provisions of the Traffic Management Act 2004, no works may commence within the limits of the public highway without the formal written Agreement of the County Council as Highway Authority. It must be ensured that public transport services in the vicinity of the site are not adversely affected by the development works. Advice regarding the technical, legal, administrative and financial processes involved in Section 278 Agreements may be obtained from the Economy, Transport and Environment Department at County Hall, Matlock (telephone : 01629 533190 and ask for Development Control). The applicant is advised to allow approximately 16 weeks in any programme of works to obtain a Section 278 Agreement.
- 5) Pursuant to Section 50 (Schedule 3) of the New Roads and Street Works Act 1991, before any excavation works are commenced within the limits of the public highway (including PRow), at least six weeks prior notification should be given to the Strategic Director of the Economy, Transport and Environment Department (contact the Highways Hub – highways.hub@derbyshire.gov.uk).
- 6) Construction works are likely to require Traffic Management and advice regarding procedures should be sought from the Highways Hub (highways.hub@derbyshire.gov.uk).
- 7) Under the provisions of the New Roads and Street Works Act 1991 and the Traffic Management Act 2004, all works that involve breaking up,

resurfacing and/or reducing the width of the carriageway require a notice to be submitted to Derbyshire County Council. Works that involve road closures and/or are for a duration of more than 11 days require a three month notice; developers' works will generally fall into this category. Developers and Utility companies (for associated services) should prepare programmes for all works that are required for the development, such that these can be approved through the coordination, noticing and licencing processes. This will require developers and Utility companies to work to agreed programmes and booked slots for each part of the works. Discussions should therefore take place with the Highways Hub (highways.hub@derbyshire.gov.uk) at the earliest stage possible.

- 8) The application proposals are affected by a Prescribed Improvement/ Building Line under the Public Health Act/Road Improvement Act 1925 – 83B, Ashbourne. Whilst it is an offence to undertake building works in advance of this line, it may be possible for the applicant to apply to rescind the line(s). The applicant is advised to write to the Strategic Director of the Economy, Transport and Environment Department at County Hall, Matlock, DE4 3AG, at least six weeks before commencing works requesting that the line(s) be removed and confirming that they will meet the Authority's administrative/legal costs if the removal is approved.
- 9) **It should be noted, that the information detailed below (where applicable), will be required as an absolute minimum in order to discharge any of the drainage conditions set by the County Planning Authority:**

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

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

C. Surface water drainage plans should include the following:

- Rainwater pipes, gullies and drainage channels, including cover levels. Inspection chambers, manholes and silt traps, including cover and invert levels.
- Pipe sizes, pipe materials, gradients and flow directions and pipe numbers. Soakaways, including size and material, where proposed.

- Typical inspection chamber/soakaway/silt trap and surface water attenuation details.
- Site ground levels.

D. On Site Surface Water Management

- The site is required to accommodate rainfall volumes up to 1 in 100 year return period (plus climate change) whilst ensuring no flooding to buildings or adjacent land.
- The applicant will need to provide details and calculations including any below ground storage, overflow paths (flood routes), surface detention and infiltration areas etc, to demonstrate how the 100 year + 30% Climate Change rainfall volumes will be controlled and accommodated, also incorporating a sensitivity test to 40% Climate change. In addition, an appropriate allowance should be made for urban creep throughout the lifetime of the development (to be agreed with the LLFA).
- Production of a plan showing above ground flood pathways (where relevant) for events in excess of 1 in 100 year rainfall, to ensure exceedance routes can be safely managed.
- A plan detailing the impermeable area attributed to each drainage asset (pipes, swales, etc).

Mike Ashworth

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Committee Plan CD3/0419/1

