

From: Steven Buffery (Economy Transport and Environment)
<Steven.Buffery@derbyshire.gov.uk>
Sent: 30 September 2019 13:26
To: SDDC Planning Applications
Subject: RE: DMPA/2019/0948 - Burnaston Cross), Etwall Road, Willington, Derby

Dear Sir / Madam,

Outline application (matters of access to be considered now with matters of layout, scale, appearance and landscaping reserved for later consideration) for the erection of up to 100,000sqm of commercial floorspace (use classes B2 (general industrial) and B8 (storage and distribution) with ancillary B1(a) offices) along with associated landscaping, surface water drainage infrastructure and access at Axis 50 (Formerly known as Burnaston Cross), Land at SK2929 1430, Etwall Road, Willington, Derby

Thank you for consulting Derbyshire County Council on the above planning application. Derbyshire County Council's Member and Officer technical comments on the strategic planning policy implications of the proposed development are set out below.

Member Comments

County Councillor Martyn Ford, Local Member for Etwall and Repton Electoral Division, has been consulted on the planning application. At the time of writing, no comments have been received from Councillor Ford. However, I will forward any comments subsequently received for your information.

Officer Comments

The Officer comments below are made under powers delegated to me by the Full Council on 5th November 2003. The comments are provided to South Derbyshire District Council (SDDC) in a technical context to assist in the assessment of the application and the key technical and planning policy issues of the proposed development.

The assessment of the planning application below considers the merits of the application proposals in the context of the key policies of the revised National Planning Policy Framework (February 2019) and the more strategic level policies of the Adopted South Derbyshire Local Plan Part 1 (SDLPP1). It is noted that a similar planning application for a large-scale employment development on the site was submitted in August 2007 and was subsequently dismissed at appeal on 19 August 2010. The Inspector's decision letter concluded that the application proposals would have an unacceptable harmful impact in landscape and visual terms; the proposals would have a harmful effect on the character of the Trent and Mersey Conservation Area; and the proposals would not preserve the setting of Hill Farm (Grade II Listed Building).

National Planning Policy Framework (NPPF)

Key to the consideration of the planning application, is paragraph 11 of the NPPF that plans and decisions should apply a presumption in favour of sustainable development. Part C of paragraph 11 particularly indicates that for decision making this means approving development proposals that accord with an up-to-date development plan without delay. From the analysis below, it is considered that the adopted SDLPP1 is an up-to-date development plan and the application proposals are contrary to the employment, countryside and landscape policies of the Local Plan. Importantly, the site lies in the open countryside and is not allocated for employment development. The site lies approximately 2km away from the nearest settlement of Willington (see further analysis below) and would not form a sustainable urban extension to the settlement.

As this is a large-scale employment development, the planning application proposals need to be considered against the policies for economic development and employment set out in Section 6 of the NPPF, particularly paragraphs 80, 82 and 83. Paragraph 80 requires local planning authorities to help create the conditions in which businesses can invest, expand and adapt; and that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. Paragraph 82 requires LPAs to recognise and address the specific location requirements of different sectors, including making provision for storage and distribution operations at a variety of scales and suitably accessible locations. Paragraph 83, requires LPAs to enable the sustainable growth of all types of business in rural areas, both through the conversion of existing buildings and well-designed new buildings.

In the context of the economy policies of the NPPF, the planning application proposals would accord with many of the planning policy principles in paragraphs 80, 82 and 83 of the NPPF. The proposed development would create over 100,000 sq m of new B2 and B8 floorspace in a variety of larger scale individual units and would create significant levels of associated employment. Evidence provided in the applicant's Planning Statement, suggests that there is strong market demand for larger scale B8 units in the wider East Midlands region, A50 corridor and within South Derbyshire District. The planning application proposals, could contribute positively to the South Derbyshire economy through substantial new investment and job creation. For the type of uses proposed i.e. B8 storage and distribution uses, the proposed site would be located in a highly accessible location to the strategic road network at the junction of the A38 and A50. However, in accessibility terms, the site would not be in a such an accessible location to other modes of transport, particularly public transport especially for the large workforce that would need to access the site from the immediate and wider surrounding area.

In terms of landscape and landscape character, paragraph 170 of the NPPF indicates that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geographical value and soils; recognising the intrinsic character and beauty of the countryside and the wider benefits from natural capital and ecosystem services. As noted from the County Council's landscape comments below, it is concluded that there would be significant landscape effects on the local landscape and wider landscape character as a result of the impact on settlement pattern, changes to landform and extensive tree cover. The degree of landscape mitigation proposed – earth mounding and extensive tree planting – is in itself a suggestion that this is the wrong development in the wrong place and is unlikely to have any significant design quality. Visual effects, particularly from vantage points close to the site, would also be significant and adverse as a result of the sheer size and scale of the proposed buildings, the permanent screening bund and the extensive woodland planting within what is otherwise an open landscape with often far reaching vistas. The proposed public benefits of the scheme including some enhanced access and habitat gains are relatively modest in comparison to the scale and permanence of the impacts. Officers would not see these benefits as significant in the planning balance and sufficient to outweigh the clearly identified adverse landscape and visual effects.

Local Plan Policies: South Derbyshire Local Plan Part 1

The key SDLPP1 policies relevant to the consideration of the planning application are policies S5: Employment Land Needs; Policy E1: Strategic Employment Allocations; E2: Other Industrial and Business Development; E7: Rural Development; and BNL4: Landscape Character and Local Distinctiveness.

Employment Policies

In the context of the employment policies, Policy S5 sets out an employment land requirement for the provision of 53 ha of net additional land for industrial and business development and Policy E1 identifies a range of employment land allocations to meet that need in excess of 53 ha in the interests of sustainability and that an attractive choice of sites can be offered to prospective investors. In this context, it is considered that there is more than sufficient land allocated in the District to meet identified needs on a range of sites. In addition, the District Council's 2017 – 2018 Annual Monitoring Report indicates that employment sites under construction total 2.8ha, sites with planning permission total 44.83 ha and Local Plan allocations without planning permission total 18.7 ha. There was therefore a total land supply of 63.54 ha of land, which is well above the employment land requirements identified in the Local Plan. It is considered, therefore, that there is not a shortage of available employment land in the district of the nature proposed in

the planning application that would justify the release of a large area of open countryside for a strategic scale employment development. It is also considered that the potential release of the site for such development could undermine the delivery and implementation of key employment sites allocated within the Local Plan contrary to the provisions of Policies S5 and E1.

A further consideration is Policy E2: Other Industrial and Business Development, which indicates that land for uses defined by Classes B1 B2 and B8 will be permitted where they lie within or on the edge of the Swadlincote Urban or a Local service Village; is for the expansion of an existing business; the proposal is for the redevelopment of established industrial or business land or premises; the site lies outside settlements and the proposal is for the re-use or adaption of an existing building or substantial construction for small scale industrial and business use. The application proposals are contrary to the requirements of Policy E2 as the proposals are located within the open countryside and not within or on the edge of any settlement, are not proposed as an expansion of an existing business or the redevelopment of an existing business; and are not a re-use or adaption of an existing building or substantial construction for small scale industrial or business use. The proposals comprise a substantial strategic scale employment development within the open countryside.

Landscape Policies

Policy BNL4: Landscape Character and Local Distinctiveness, requires that the character, local distinctiveness and quality of South Derbyshire's landscape and soilscape will be protected and enhanced through the careful design and sensitive implementation of new development. In this context, Derbyshire County Council's Landscape Architect has assessed the planning application proposals and has made the following comments:

Unless this scheme is supported by an allocation within the South Derbyshire Local Plan then I am not convinced there is a compelling case to support a development of this type and scale at this location within what is a relatively open, low-lying landscape. The application is for the erection of up to 100,000sqm of commercial floorspace – B2 and B8 with some ancillary B1 offices – along with associated landscaping and sustainable drainage at land off Etwall Road, Willington, previously referred to as Burnaston Cross. The submission is supported by a variety of documents including a Design and Access Statement (DAS) and a Landscape and Visual Impact Assessment (LVIA).

Landscape Effects

The LVIA identifies that the proposed development site is located within the Trent Valley Washlands as defined in the National Character Area profile by Natural England and the *Lowland Village Farmlands* Landscape Character Type (LCT) as defined and described in the 'Landscape Character of Derbyshire' publication; an adopted document of the County Council (www.derbyshire.gov.uk/landscape) and the basis for landscape policy across the county. The LVIA describes the site and generally concludes that is typical of the wider landscape character as defined in the Derbyshire study. It goes on to assess the likely effects of the development during the construction phase and on completion of the works. It concludes that during construction the effects of the proposal would be Minor adverse/Negligible on the Trent Valley Washlands and Moderate/Major adverse on the site landscape. There is no judgement made against the effects on the more immediate Lowland Village Farmlands LCT. I would probably concur with both of these judgements but would add that the effect on the wider LCT is likely to be of a moderate scale due to the introduction of further urbanising features that are clearly identified in the 'Landscape Character of Derbyshire' as impacts.

On completion the LVIA concludes that the effects would be Minor adverse on the Trent Valley Washlands (again no judgement against the LCT) and Moderate adverse on the local landscape reducing to Minor/Moderate adverse as the proposed planting matures. I do not accept or agree with the findings of the LVIA. I do not accept that the presence of other existing urban and active infrastructure features as mitigating factors or justification for development of this type. These urbanising features already exert significant adverse effects on the established character of the immediate and wider landscape and any proposed development of this type would only contribute cumulatively to those effects. I also do not accept that the geographic scale of the wider LCT is also a mitigating factor in itself and that localised additions would not affect that wider landscape character as described in both the national and county studies. Applying this reasoning to its logical conclusion it would suggest that you could continue to add

development of this scale without impacting upon the character of the landscape, which clearly is not the case particularly when that landscape is already impacted by other urban development.

The Derbyshire Landscape Character Assessment (LCA) identifies that the Lowland Village Farmlands is a landscape of nucleated settlements (many now extended) with occasional farmsteads scattered between the villages. This is clearly evident in proximity to this site with the presence of Willington to the south-east and Hill Farm; a listed building immediately east of Etwall Road. This development does not respond to or respect that particular settlement pattern and would not, in my opinion, be viewed as a sustainable extension to an existing settlement but rather as a stand-alone and distinctly separate industrial estate. Furthermore it would impact on the setting of Hill Farm; a listed building, which would be much more difficult to appreciate within its current agricultural context.

The Derbyshire LCA also describes the landform as *“gently rolling, almost flat, lowland with river terraces”*. In this context the proposed mounding, to quite significant heights as shown in the supporting sections, would be highly incongruous features within this landscape. These bunds would be further accentuated through the planting of an extensive woodland screen despite the LCT being described as being largely unwooded and tree cover *“rarely visually prominent”*.

In this context I would judge these proposals to be distinctly at odds with the surrounding landscape character and assess the landscape effect on the Lowland Village Farmlands to be at least Moderate adverse. At a more local level I would assess the effects to be Major adverse, which is greater than the assessment in the LVIA, as a result of the complete and permanent change in character of the site and the introduction of features (large industrial buildings, earth mounds and extensive tree planting) that are clearly at odds with the established character of the wider landscape and contributing cumulatively to existing urban impacts in the immediate locality.

Visual Effects

The LVIA identifies a number of visual receptors around the site that would be affected by the proposal and these are represented using photographs from various viewpoints. During the construction phase the LVIA assesses the visual effects to vary between Negligible to Moderate/Major adverse depending on the precise location of the receptor. I would generally concur with these judgments in that more distant viewpoints would experience lesser visual effects whilst those receptors at very close proximity to the site would experience major adverse effects during the construction period.

However, I do not accept all of the findings of the LVIA with respect to the anticipated visual effects on completion of the works. Those viewpoints at very close quarters such as viewpoints 1, 2, 3 and 4 demonstrate that people at these locations are exposed to a typical rural scene with agricultural fields enclosed by hedgerows. Many of the urban features described in the report such as the transport infrastructure and Toyota aren't obvious from these locations. There are some detractors such as overhead lines and pylons but these do not impact on what is essentially a rural view. Even in more distant panoramic views, the current nature of the site assists in the visual separation of existing settlements and other urban features such as the Toyota complex, which is more evident at distance particularly where the viewpoint is elevated. Whilst I would accept that the site at distance would be seen as a minor element in an expansive and varied landscape, and would not therefore be significant, it would not be without some adverse effect in adding additional impacts into views already affected by other incongruous development. At close quarters and from the northern edge of Willington, visual impacts would be significant as a result of the sheer scale of the proposed development, the incongruous landform, the inappropriate planting, and the fact that views currently appreciated by local residents and passers-by will be permanently fore-shortened by the proposal. I would judge these effects to be Major adverse, which is greater than suggested in the LVIA.

Overall

As I state, I do not accept or agree with all of the findings in the LVIA, which in my opinion underplays the scale of the impacts associated with developing this site for large scale warehousing and distribution. I note that the LVIA includes a map of committed development sites, which highlights the scale of development already taking place within the wider Trent Valley area surrounding the site to which this proposed development would only add to cumulatively and negatively. There would be significant landscape effects

on the local landscape and wider landscape character as a result of the impact on settlement pattern, changes to landform and extensive tree cover. I would suggest that the degree of landscape mitigation proposed – earth mounding and extensive tree planting – is in itself a suggestion that this is the wrong development in the wrong place and is unlikely to have any significant design quality. Visual effects, particularly from vantage points close to the site, would also be significant and adverse as a result of the sheer size and scale of the proposed buildings, the permanent screening bund and the extensive woodland planting within what is otherwise an open landscape with often far reaching vistas. The proposed public benefits of the scheme including some enhanced access and habitat gains are relatively modest in comparison to the scale and permanence of the impacts. I would not see these benefits as significant in the planning balance and sufficient to outweigh the clearly identified adverse landscape and visual effects.

However, if South Derbyshire District Council are minded to approve the proposed development then this should be supported by a number of planning conditions that would be required to further assist in mitigating the adverse landscape and visual effects. There should be a condition requiring the submission of a detailed landscape scheme to help control issues around the scale of the earth mounding, landscaping and planting species. This will need to be supported by a condition for the submission of a 5 year aftercare scheme to ensure that the proposed screen planting is sufficiently established to fulfil its design objective. Given the importance of the planting in the proposed visual mitigation of the site a S106 agreement might also be considered to allow for an extended management period to ensure that the screen planting continues to fulfil its design objectives in perpetuity. The S106 could also be extended to incorporate the management of newly created habitats and the SuDS proposals possibly through the production of a Landscape and Ecological Management Plan (LEMP). There should also be a condition to control the design of the buildings particularly in relation to colours and materials to ensure that the buildings contribute in themselves to the mitigation of adverse effects, especially the visual effects of the scheme.

Other Comments: Air Quality

In the context of the climate change policies of the NPPF and SDLPP1, Derbyshire County Council's Public Health Lead Officer (Health Protection) has assessed the application for their potential impacts and has commented that:

I have looked through the attached reports mainly focusing on the travel plan and air quality assessment. I have assessed this against the EMAQN guidance. Whilst this is not obviously adopted locally the mitigations within it are a gold standard and included in South Derbyshire's design statement.

I welcome the inclusion of a travel plan and proposals to ensure governance of the travel plan, through the appointment of a travel coordinator.

With respect to the air quality assessment. I welcome the air quality assessment and the detail, as well as the consideration for the impact of cumulative development planned locally in the coming years. The report concludes the development will not increase air quality to levels greater than the EU directive, however it does not appear to take into account the health impacts that occur below EU directives and the need for large developments to demonstrate efforts to reduce environmental impact on any level is reduced. I would therefore expect to see mitigations outlined within the application, including EV charging provision, subsidised public transport, fleet initiatives, consideration of parking facilities and charges on the site and heating sources for premises.

Overall Balance of Assessment

On the basis of the analysis above, it is considered that the application proposals would be contrary to the policies of the NPPF and South Derbyshire Local Plan Part 1 for employment development, development within the open countryside and impacts on landscape and landscape character. Whilst the proposed strategic scale employment development could provide significant benefits to the local economy with new investment and job creation, there is already more than sufficient land for employment development of the nature proposed in the planning application allocated within the SDLPP1 and committed through planning permissions. Approval of the application proposals could impact adversely on the implementation and take up of employment allocations in the Local Plan. The location of the application proposals is within the open countryside not well related to the nearest settlement of Willington and in a relatively low lying landscape. The analysis above concludes that the impact of such a large scale development in such a location would

be likely to have a significant adverse visual impact on the landscape and landscape character of the area, which would be difficult to adequately mitigate. On balance, therefore, it is considered that the negative impacts of the proposed development outweigh the potential benefits of the application proposals and that the proposed development would be contrary to the policies of the NPPF and SDLPP1.

I hope the comments above are of assistance in the determination of the planning application. Please contact me if you wish to discuss the comments further.

Regards

Steve

Steve Buffery | Team Leader
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From: Planning Applications [mailto:planningapplications@southderbyshire.gov.uk]
Sent: 22 August 2019 13:26
To: Planning Policy (Economy Transport and Environment) <Planning.Policy@derbyshire.gov.uk>
Subject: DMPA/2019/0948 - Burnaston Cross), Etwall Road, Willington, Derby

Ref. No: DMPA/2019/0948

Outline application (matters of access to be considered now with matters of layout, scale, appearance and landscaping reserved for later consideration) for the erection of up to 100,000sqm of commercial floorspace (use classes B2 (general industrial) and B8 (storage and distribution) with ancillary B1(a) offices) along with associated landscaping, surface water drainage infrastructure and access at Axis 50 (Formerly known as Burnaston Cross), Land at SK2929 1430, Etwall Road, Willington, Derby

The above planning application has been received.

Timeframe for, and how and where to send a response

Due to the need to issue a decision within a statutory timeframe, I must receive your full comments promptly and no later than 20/09/2019. Failure to respond within this timeframe will be taken as indicative of your intention not to comment. We must also be able to circulate any pre-commencement conditions to the applicant no less than 10 days before a decision is due.

Please provide or attach your comments by return email, or using the online form withing the online plannning register
<https://planning.southderbyshire.gov.uk/dmapps.aspx?ref=DMPA/2019/0948>

Form and scope of response

I am seeking your comments in so far as it affects your interests. Please ensure any response clearly outlines (1) your current stance towards the proposal, (2) the reasons for your position, and (3) what conditions you would wish to see attached to any grant of permission.

Please note that conditions will only be attached where they fulfil the tests for imposing conditions as set out in Planning Practice Guidance and conditions which require the submission and approval of information before any works can commence (pre-commencement conditions) will only be imposed in exceptional circumstances. You should base your request on our list of model conditions, where available.

If you object to the proposals as currently presented, please outline the full reasons for your objection as there is no guarantee that amendments or further information will be sought or received. If you consider amendments or further information could overcome your objection, please provide these as advisory notes.

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