

Hayley Holden

From: James Bate
Sent: 14 October 2019 11:08
To: SDDC Planning Applications
Subject: RE: Notification of amendment to application ref. no. DMPA/2019/0948: Axis 50 (Formerly known as Burnaston Cross), Land at SK2929 1430, Etwall Road, Willington, Derby

Chris,

I have considered the additional information provided by the applicants heritage consultants.

There appears to be some confusion over the use of the terms 'screening' and 'screened' and the way in which I have used these. A site can be screened from a sensitive heritage asset if, as an example, it is located on the opposite side of a rise. This would be an example of carefully siting a development within the existing landscape, or a proposed development being sufficiently low lying that it has no wider presence within an existing landscape, the marina is a good example of this. To the extent that any additional actively created 'screening' was involved in the development this is little more than thickening up pre-existing planted field boundaries.

There is a difference between a development which is effectively hidden from sensitive receptors as a result of the pre-existing landscape with little or no modification and a development which needs the active creation of new landscape features, which are themselves at odds with the pre-existing landscape, to limit impacts. The proposed bunds, in order to be effective as visual screens would need to be substantial, indeed so substantial that their steep forms would be at odds within a gently rolling agricultural landscape and this would be heightened by proposed tree planting on top. I note that the bunds themselves are not considered to be adequate for acoustic screening as the noise survey seems to also suggest that some undefined acoustic fencing will be needed in proximity with Willington Hill Farmhouse. Whilst this might eliminate the impact of the bunds a tall close boarded acoustic fence would itself not be in keeping with the character of the area.

The service station to the north is indeed defended by screening created specifically to limit its visual presence, however given the low height of the buildings within the service station, its position in a slight hollow and the expanse of ground between it and the listed building to its south the bunding is shallow and although being shown on OS maps has little visual presence on the ground. Whilst reliance upon the creation of screening is indicative of a poor approach to design and siting this development did pre-date the design guidance in national planning policy (indeed the NPPF itself) and published guidance on the settings of heritage assets. Its impact is far less than what would be necessary as part of this application. Simply highlighting less than ideal schemes permitted previously does not represent a clear and convincing justification for the harm arising from a current proposal, particularly when the current proposal is nearer, larger and has less depth of ground available for subtle screening in respect of the nearby listed building.

It is interesting that the author seems to question my suggestion that proposing the creation of screening should be a "last resort" when this observation arises from the same best practise document which they themselves quote (HE, 2007 para 40), and the 'last resort comment is made as a summary of the direct quote from the guidance that screening can "*only mitigate*" and is not a replacement for "*well-designed development*".

I also note the comment from best practise that "analysis of setting is different from landscape assessment", however I would stress that the wording refers to the mode of assessment not the facts at issue. That is to say the way in which setting is assessed is distinctly different from the way in which landscape assessments are undertaken, a landscape assessment is holistic whilst not all features visible within the context of a heritage asset will impact upon its setting. However a landscape can be the setting (or part of the setting) of a heritage asset. Where the asset is an isolated farmhouse and farming complex then the surrounding agricultural landscape with which the building and its function are intrinsically related does represent a part of its setting and informs the significance of the building and the reason for its location in an isolated location away from settlement.

Whilst the A38 in its modern form is indeed very different from the Roman Road the route of which it preserves, as I acknowledge within my initial comments, it is a continuation of that historic transport route and I would not agree that this can simply be dismissed as modern development which harms the character of the agricultural landscape as part of the setting of Willington Hill, or of the Canal Conservation Area given that it is the latest iteration of a feature approaching 2 millennia old and which substantially pre-dates Willington Hill farm and the canal. I would stress that these features in the landscape are only relevant insofar as they contribute towards, or allow the experience of, the farm as a listed building, the A50 and the A38/A50 interchange exist just beyond the crest of a landscape rise from Willington Hill and cannot be experienced in the context of the listed building as a heritage asset.

I agree that there will be harm, that this harm is less than substantial but not that this harm is 'minor' as suggested by the assessment undertaken in support of the application.

In terms of the impact upon the significance of the conservation area I acknowledge my error in referencing section 72 of the 1990 Act which only applies where a proposed development is located within a conservation area which is not the case here.

The interpretation and application within the heritage statement of paragraph 201 of the NPPF is not entirely reflective of what that paragraph states. The NPPF advocates that where an impact applies to 'an element' of a conservation area then the significance of that element to the conservation area as a whole needs to be considered. Unfortunately what is being done within the assessment provided is to consider the extent to which the harm affects the conservation area as a whole, being limited to a consideration of whether it would be visible from the entire length of the conservation area, which is distinctly different to what is advocated within paragraph 201.

The association of the canal with other transport infrastructure running through the same area of landscape is identified within the conservation area character appraisal as a feature of the conservation area, it contributes to the significance of the conservation area as a whole whilst being more apparent from some parts of the area, and not at all obvious from others, but the relationship still forms a component of the significance of the designation as a whole. As such impacts which diminish the ability to perceive and appreciate that inter-relationship do adversely impact upon the conservation area, not simply upon the wider transport corridor as a non-designated asset in its own right, it is a relationship which adds to the significance of the conservation area and understanding of its significance within the wider context of transportation networks. The harm need not impact upon the entire conservation area in the sense of being visible from the entire conservation area in order to adversely impact upon this feature which does add to the significance of the conservation area as a whole.

The proposed development will intervene in visibility of the rail-line and A38 from sections of the canal and as such would diminish the ability to appreciate the relationship and close proximity of these three elements of transport infrastructure.

I will provide further feedback once the 'clear and convincing' justification has been provided by the applicant.

Yours,

James Bate

Conservation Officer

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From: Planning Applications [mailto:planningapplications@southderbyshire.gov.uk]

Sent: 08 October 2019 14:47

To: James Bate

Subject: Notification of amendment to application ref. no. DMPA/2019/0948: Axis 50 (Formerly known as Burnaston Cross), Land at SK2929 1430, Etwall Road, Willington, Derby

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 attached comments have been received in response to your comments on the application.

Should you have any comments please let me have these in writing **no later than 18/10/2019**. I would be grateful if comments are confined to the implications of the further information, and please let us know in writing if you:

- No longer object to the proposal;
- Continue to object to all or part of the proposal.

If we do not hear further from you, we will assume any previous comments still apply.

Yours faithfully

Tony Sylvester
Head of Planning and Strategic Housing

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