

Formal response of:	Planning Policy
Application ref. DMPA/2022/0225	
Erection of an operational compound to support highway maintenance (sui generis use), with associated storage, parking and landscaping adjacent to Derby with Burton Services, Etwall Road, Willington , DE65 6DX	
☐ No objection ☐ No objection subject to conditions ☐ No objection subject to conditions and/or a planning obligation ☐ Objection ☒ Officer comments	
Local Plan Part 2 Policy BNE5 states: <i>“Outside of settlement boundaries (as defined in policy SDT1) within the Rural Areas of the district planning permission will be granted where the development is: i) allowed for by policies H1, H22, E7, INF10, H24, H25, H26, H27 or H28; or ii) otherwise essential to a rural based activity; or iii) unavoidable outside settlement boundaries; or iv) considered to be infill that is in keeping with the character of the locality and represents the infilling of a small gap for not normally more than two dwellings, within small groups of housing; and v) will not unduly impact on: landscape character and quality, biodiversity, best and most versatile agricultural land, and heritage assets.”</i> The application site is located outside a settlement boundary on a site where the proposal is not allowed for on this site by any of the policies listed in BNE5. In order for the development to be acceptable in principle it will need to be demonstrated that the proposal would meet the requirements of points (iii) and (v). In regard to point (iii) the applicant states that the proposed development would not be suitable within a settlement. It is not explained why this would be so, although the need for 24/7 operation could potentially give rise to amenity concerns within a settlement. Regardless of this, the minimum site size for a development of this kind is identified in the D&AS as 0.8 ha. No such sites within the settlement boundaries identified in LP Policy SDT1 have been identified as part of the consideration of alternative sites submitted by the applicant, nor are officers aware of the existence of any such currently available sites offering convenient access to the trunk road network. Local Plan Part 1 Policy E7 states: <i>“Development proposals which diversify and expand the range of sustainable employment activities on land outside of settlement boundaries will be supported by the Council provided they support the social and economic needs of the rural communities in the District. The Council will support proposals for the re-use, conversion and replacement of existing buildings and development of new buildings where: i) it is supported by a sound business case; ii) the local highway network is capable of accommodating the traffic</i>	

generated; iii) development will not give rise to any undue impacts on neighbouring land; iv) it is well designed and of a scale commensurate with the proposed use v) visual intrusion and the impact on the character of the locality is minimised.”

The applicant states that the site will employ some 50 members of staff, which may help to demonstrate that the requirement to support the social and economic needs of rural communities can be met, although it should be noted that the unemployment rate in Willington and Findern ward is currently very low (1.8% as opposed to 2.6% for Derbyshire and 3.7% for England, November 2022). Likewise the purpose of the proposal, to maintain the safety of trunk roads, can be considered a social and economic benefit to the local community.

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

The applicant considers three possible alternative sites for the proposal, comprising two at Dove Valley Business Park within South Derbyshire and one at the Centrum Way, Burton-on-Trent. The Dove Valley sites are dismissed on the basis that one would have a *“detrimental impact on north south winter treatment routes”* due to being 10km east of the application site and the other being *“not suitable”* for National Highways given the distance to the A38. The Centrum Way site is dismissed partly due to the need for access via industrial estate roads, but mainly due to it being some 10km south of the A50, *“negatively impacting”* east-west treatment routes. There is considered to be some ambiguity in the wording used.

Returning to Policy BNE5, if it is to be accepted that the proposal is unavoidable outside settlement boundaries, the question then arises as to whether the application site represents the most suitable location for it in planning terms, bearing in mind that other sites offer advantages such as being better served by public transport or being located on previously developed land.

In order to allow all planning considerations to be properly weighed in the balance it is suggested that, as part of the business case for the proposal, further clarification be sought as to whether the alternative sites must be ruled out as being *completely unsuitable* from an operational point of view, or rather whether they are *less suitable in relative terms* than the application site in this regard.

Requested conditions (if relevant):

Reason(s) for any requested conditions being pre-commencement conditions:

Recommended advisories (if relevant, including how to overcome any objection):

Date of response:	03/01/2023
Contact name/details:	Richard Groves

