
'The Triangle', Boulton Moor, Derby

Planning Statement

Submitted on behalf of JSC Farming Ltd
and Central Land Holdings Ltd

October 2015

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1.0 INTRODUCTION

- 1.1 Barton Willmore LLP has been instructed by JSC Farming Ltd and Central Land Holdings Ltd, (“the Applicant”) to prepare and submit an outline planning application for a development comprising playing fields; a sports pavilion; car parking; allotments; and landscaping on land described within this application as the ‘The Triangle’ (“the Application Site”) which forms part of the Boulton Moor Phase 1 site.
- 1.2 This Statement explains the purpose of the planning application and analyses its compliance with planning policy. It should be read in conjunction with the Design and Access Statement Submitted with the application.

2.0 SITE DESCRIPTION AND PLANNING HISTORY

The Site

- 2.1 The Site, comprising approximately 10.57 hectares, is a triangular parcel of land immediately to the east of the A6(T), approximately 6km to the south-east of Derby City Centre approximately 1km to the south-west of Thulston village.
- 2.2 The Site presently consists of agricultural land which is accessed via a farm gate to the south east of the Site.
- 2.3 The eastern boundary of the Site is formed of a tree belt which lies within the extent of the designated Elvaston Castle Registered Park and Garden.
- 2.4 The Site is located within the Local Authority administrative boundary of South Derbyshire District Council (SDDC).

Planning History

- 2.5 On 20th May 2005 an application for outline planning permission for residential development and ancillary uses at Land at Boulton Moor (Phase 1) was submitted to SDDC (LPA reference 9/2005/0611 and PINS reference APP/F1040/A/07/2035346). Following the deemed refusal of planning permission, an appeal was lodged to the Secretary of State on 11th January 2007.
- 2.6 Following a conjoined public inquiry, the Secretary of State, in a letter dated 26th January 2009, granted outline planning permission subject to a number of planning conditions and a s106 agreement.
- 2.7 This planning permission includes land described as 'The Triangle' which was proposed for playing pitches, and a pavilion and car park.
- 2.8 On 10th December 2010 an application to extend the time limit for the implementation of the outline application was submitted to SDDC (LPA reference: 9/2010/1134) which included amendments to the approved masterplan. One such amendment saw the pavilion building relocated alongside the proposed sports pitches within 'The Triangle'.

- 2.9 This application was approved on 29th November 2011 and similarly includes proposed playing pitches, a sports pavilion and associated car parking on the Site.

3.0 THE DEVELOPMENT PROPOSALS

3.1 The submitted application seeks:

“Outline planning permission for the creation of playing pitches; a sports pavilion; allotments; ancillary car parking and associated access; informal open space; and landscaping on land at ‘The Triangle’, Boulton Moor (east of the A6(T)).”

3.2 The application proposes the creation of four sports pitches, three of which will be centrally located and another pitch located to the south of the Site.

3.3 The development will provide a sports pavilion which will be located to the north of the playing pitches.

3.4 The development will also include allotments which will be located to the south west of the Site.

3.5 Proposed vehicular access routes, running from London Road within the south east corner of the Site, will be provided to the allotments and sport pitches. These access routes will lead to car parks.

3.6 The proposal will include footpaths one of which will provide a connection to Boulton Moor Phase 1 (via a footbridge). The other footpath will provide a link to a bus stop along London Road to the east of the Site.

3.7 An area of informal open space will be provided to the north of the Site, while additional landscaping and planting is also proposed to extend existing wildlife areas along the eastern boundary, part of which forms Elvaston Castle’s Registered Park and Garden.

4.0 PLANNING POLICY FRAMEWORK

- 4.1 This Section outlines the key planning policy considerations relevant to the proposed development at both a local and national level.
- 4.2 It follows Section 54(a) of the Town and Country Planning Act (1990), as amended by Section 38(6) of the Planning and Compulsory Purchase Act 2004, which states that Local Planning Authorities (LPAs) should determine planning applications in accordance with the Development Plan unless material considerations indicate otherwise.
- 4.3 At a national level, relevant policy and guidance is set out within the National Planning Policy Framework ('the NPPF') published in 2012 and its recent Planning Practice Guidance ('the PPG') published this year.
- 4.4 The Development Plan for South Derbyshire District Council comprises:
- Saved Policies of the Adopted South Derbyshire Local Plan 1998 ('the ALP').
- 4.5 The Pre-Submission version of the South Derbyshire Local Plan Part 1 was submitted to independent examination on 8th August 2014. In addition a schedule of Proposed Minor Modifications to the Plan was also submitted for Examination in August 2014. Due to its advanced stage it is considered that this document should be given weight when determining planning applications.
- 4.6 The local policies of the adopted Local Plan and the emerging Local Plan Part 1 are summarised below.

NATIONAL PLANNING POLICIES

The National Planning Policy Framework (March 2012)

- 4.7 The National Planning Policy Framework (NPPF) was published on 27th March 2012 and replaced the majority of Planning Policy Statements and Planning Policy Guidance Notes alongside a range of other guidance. The NPPF establishes that while planning decisions should be taken in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, they should also be made in the context of a presumption in favour of sustainable development. Sustainable development is identified as having a social aspect, an economic aspect and an environmental aspect.

- **The Presumption in Favour of Sustainable Development**

- 4.8 Paragraph 11 of the NPPF confirms that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 12 emphasises that the NPPF does not change the statutory basis of the development plan as the starting point for decision making. It advises that:

“Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise....”

- 4.9 The NPPF constitutes guidance for local planning authorities and decision makers as a material consideration when determining planning applications.

- 4.10 Paragraph 14 is important. It highlights the fact that at the heart of the NPPF is:

“...a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision taking”

- 4.11 For decision taking, unless material considerations indicate otherwise, this means:

- o **“Approving development proposals that accord with the development plan without delay...**
- o **Where the development plan is absent, silent or relevant policies are out of date, granting planning permission unless:**
- o **Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or**
- o **Specific policies in this Framework indicate development should be restricted.”**

- **Promoting Healthy Communities**

- 4.12 Sub section 8 of Delivering Sustainable Development explains how the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities.
- 4.13 Paragraph 69 states that planning decisions should, inter alia, aim to achieve places which promote:

“...safe and accessible developments, containing clear and legible pedestrian routes, which encourage the active and continual use of public areas.”

- 4.14 Paragraph 73 advises that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well being of communities.

- **Protecting Green Belt Land**

- 4.15 As stated at paragraph 79, the Government attaches great importance to Green Belts which are considered to serve five purposes:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

- **Conserving and Enhancing the Natural Environment**

- 4.16 Sub section 11 of Delivering Sustainable Development looks at how the planning system should contribute and enhance the natural and local environment.

- 4.17 Paragraph 109 states that it should do this by, inter alia:

“protecting and enhancing valued landscapes, geological conservation interests and soils; recognising the wider benefits of ecosystem services; minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures....”

- 4.18 In addition, paragraph 118 notes that when determining applications, local planning authorities should aim to conserve and enhance biodiversity.

- **Conserving and Enhancing the Historic Environment**

- 4.19 Paragraph 132 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. Any substantial harm to or loss of a grade II building, park or garden should be exceptional.

- **Determining Applications**

- 4.20 Paragraph 196 confirms the role of the NPPF as a material consideration in planning decisions. Paragraph 197 states that:

“In assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.”

LOCAL PLANNING POLICY

Saved Policies of Adopted Local Plan 1998

- 4.21 Saved Housing Policy 11 (Layout and Design) states that proposals for new housing developments will be permitted, subject to them providing adequate public open space.
- 4.22 In relation to the protection of trees, saved Environment Policy 9 (Protection of Trees and Woodland) states that development will not be permitted which would lead to the loss of areas of woodland or specimen trees of value to their landscape setting.
- 4.23 Saved Environmental Policy 15 (Historic Parks and Gardens) notes that development will not be permitted which would adversely affect the character, appearance or setting of historic parks and gardens. The policy also states that where there is an overriding need for development which affects historic parks and gardens, measures will be taken to minimise its impact.
- 4.24 Saved Recreation and Tourism Policy 4 (Provision of Outdoor Playing Space in New Housing Development) states that proposals for new housing development will be permitted provided that adequate provision is made (in accordance with the Council's standards) for outdoor playing spaces to meet the needs of the development.

Pre-Submission South Derbyshire Local Plan Part 1 (March 2014) and Minor Modifications (August 2014)

- 4.25 Emerging Policy S8 states that there is a presumption against inappropriate development within the Green Belt unless very exceptional circumstances exist.
- 4.26 To better reflect Green Belt in the Boulton Moor area due to the development of the A6 spur and A50, this proposal includes the following alterations to the Nottingham-Derby Green Belt:
- i) A triangular parcel of land measuring around 12.5 hectares immediately to the east of the A6 and south west of Thulston (the Application Site), will be included within the Green Belt.
 - ii) An area of 11.5 hectares of land to the north of Shardlow Road and to the west of the A6 Alvaston by-pass (Boulton Moor Phase 3), shall be removed from the Green Belt.
- 4.27 Emerging Policy H13 (Boulton Moor (South East of Derby)) allocates Land at Boulton Moor for around 1,950 dwellings within SDDC and 800 new homes within the Derby City administrative boundary.
- 4.28 This policy highlights that improvements to existing green infrastructure shall be made, along with the provision of new green infrastructure. In addition the policy states the need to provide high quality pedestrian and cycle routes within the site and links between these and existing and proposed routes and green spaces beyond the site.
- 4.29 The policy also notes that any built development to the east of the A6 and west of the B5010 shall be in accordance with Green Belt Policy (Emerging Policy S8).
- 4.30 Emerging Policy SD1 (Amenity and Environmental Quality) states that the Council will support development that does not lead to adverse impacts on the environment or amenity of existing and future occupiers within or around proposed developments.
- 4.31 In regards to heritage, Emerging Policy BNE2 (Heritage Assets) states that development that affects South Derbyshire's heritage assets such as registered historic parks and gardens, will be expected to protect, conserve and enhance the assets and their setting in accordance with national policy.

- 4.32 Emerging Policy BNE3 (Biodiversity) states that the District Council will support development which contributes towards protecting, or improving local biodiversity or geodiversity and delivering net gains in biodiversity where possible.
- 4.33 Following from Emerging Policy BNE3, Emerging Policy BNE4 (Landscape Character and Local Distinctiveness) notes the need for new development to retain key valued landscape components such as mature trees, established hedgerows and topographical features.
- 4.34 Furthermore, Emerging Policy INF7 (Green Infrastructure) states that the District Council will seek to conserve, enhance and wherever possible extend green infrastructure in the District.
- 4.35 Emerging Policy INF9 (Open Space, Sport and Recreation) notes that opportunities to create new and enhanced facilities will be sought by the District Council and where possible it will be expected that new open spaces to connect to existing Green Infrastructure in order to improve accessibility across and between sites and enhance the biodiversity.

5.0 PLANNING ANALYSIS

- 5.1 This section of the Planning Statement considers the primary planning issues in this case in the context of the planning policy framework set out in the preceding section.

Principle of the Proposal

- 5.2 As indicated within the 'Planning History' sub-section of Chapter 2, the Site forms part of Boulton Moor Phase 1 for which outline planning permission granted in 2009 and subsequently amended through an application granted in 2011. This outline permission includes the provision of sport pitches, a pavilion and car park which would offer recreational opportunities for future, as well as existing, residents of Boulton Moor.
- 5.3 The Proposed Development will provide sport pitches, a pavilion and car parking of which the principle of such uses in this location have been approved and benefit from an extant permission.
- 5.4 The Proposed Development does however provide allotments which were not included as part of the previously approved outline planning application.
- 5.5 The NPPF states (under Chapter 8, 'Promoting Healthy Communities') at paragraph 70 that the provision and use of shared space and community facilities which enhance the sustainability of communities and residential environments will be encouraged.
- 5.6 In regards to the above, it is felt that providing allotments as part of this proposal will assist in supporting the sustainability of communities and residential environments within the locality of the Site, in particular the Boulton Moor development, providing an opportunity for social interactions which is considered a key part of sustainable development as defined in the NPPF.
- 5.7 To further support the role of the site as providing recreational opportunities, the proposed sport pitches and allotments will be highly accessible both by vehicular access (including car park provision) and by foot including footpaths leading to London Road to the east and the Boulton Moor site, via a footbridge, to the west.

- 5.8 Taking all of the above into account, it is therefore considered that the principle of the uses proposed at The Triangle is acceptable. In addition it is considered that this proposal will support the objectives of a strategic urban extension at Boulton Moor as indicated within Emerging Policy H13 of South Derbyshire's Pre-Submission Local Plan Part 1.

Cultural Heritage

- 5.9 Part of the tree belt which forms part of the eastern boundary of the Site forms part of Elvaston Castle's Registered Parks and Gardens.
- 5.10 In relation to the previously approved scheme, English Heritage objected to the application on the grounds that the proposal would have a detrimental impact on the registered park and garden.
- 5.11 Through the public inquiry for this application, the Applicant's cultural heritage consultant demonstrated, by analysis of historical material concerning the design and development of the park at Elvaston Castle, that the tree belt at the end of the Avenue was introduced together with the southern gates and lodge to close views into and out of the Park and define its setting.
- 5.12 The Inspector concluded that the gate and lodge and the tree belt still performed this function allowing only glimpsed views to the Triangle from within the registered park. Therefore he stated that the proposal would have no adverse effect from the development of Elvaston Castle or its Registered Parks and Gardens and would give rise to significant ecological improvements offering a net enhancement to biodiversity.
- 5.13 As part of the proposal the existing wildlife areas located along the eastern and southern boundaries of the Site will be extended. Although the exact details in regards to landscaping will be considered at a Reserved Matters stage, it is expected that additional tree planting will be provided along the existing low quality porous tree belt which forms part of the Registered Parks and Gardens. On this basis, the proposal will enhance the Registered Parks and Gardens in addition to offering a net enhancement to biodiversity.

- 5.14 The proposal will see the sports pavilion moved from the south east corner of the Site (as approved previously) to a more central location. It was felt that by moving the sports pavilion to this position would be considered a less sensitive location in regards to its impact on Elvaston Castle's Registered Parks and Gardens, in particular any views of the pavilion from the driveway. In addition this new position will ensure that the pavilion is closer to the existing bus stop along London Road (A6(T)) and in the sight line of the bus stop from the proposed bridge leading to and from Boulton Moor Phase 1.
- 5.15 On these grounds it is considered that the proposed development would not have a detrimental impact on the setting of Elvaston Castle's Registered Parks and Gardens in compliance with the NPPF (Chapter 12), Saved Environmental Policy 15 of the Adopted South Derbyshire Local Plan and Emerging Policy BNE2 of South Derbyshire's Pre-Submission local Plan Part 1.

Green Belt

- 5.16 Although the Emerging South Derbyshire Local Plan has not been adopted, due to its advanced stage policies forming this Plan should be given significant weight in regards to this proposal.
- 5.17 On this basis, Emerging Policy S8 ('Green Belt') of South Derbyshire's Pre-Submission Local Plan Part 1 is relevant which states that to better reflect Green Belt in the Boulton Moor area, the following alterations to the Nottingham-Derby Green Belt are to be made:
- i) A triangular parcel of land measuring around 12.5 hectares immediately to the east of the A6 and south west of Thulston will be included within the Green Belt.
 - ii) An area of 11.5 hectares of land to the north of Shardlow Road and to the west of the A6 Alvaston by-pass, shall be deleted from the Green Belt.
- 5.18 The area described in point 'i)' above is the Site which is subject to this application.
- 5.19 On this basis it is essential that the proposal achieves the fundamental aim of Green Belt policy, as indicated within paragraph 79 of the NPPF, which is to prevent urban sprawl by keeping land permanently open.

5.20 Paragraph 81 of the NPPF states that once Green Belts have been defined, local planning authorities should plan positively to enhance the beneficial use of the Green Belt, such as looking for opportunities to provide access to provide opportunities for outdoor sport and recreation.

5.21 As already indicated under the 'Planning History' sub-section of Section 2 of this Statement, the Site has already got outline planning permission for playing pitches, a pavilion and a car park. Such uses, in addition to allotments, can be considered as, or in connection with, outdoor sport and recreation which as stated above is a use which is encouraged within the Green Belt.

5.22 Furthermore under paragraph 89 of the NPPF, it also notes that the provision recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it, is considered appropriate. Once again it is considered that the proposed uses are appropriate in this regard.

5.23 In addition to the above, it is also essential that the proposal is able to serve the five purposes of the Green Belt as indicated under paragraph 82. These are:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

5.24 Taking each one in turn:

To check the unrestricted sprawl of large built-up areas

5.25 The site will provide outdoor sport and recreational uses and therefore it is considered that the proposal will not involve the unrestricted sprawl of surrounding built-up area.

To prevent neighbouring towns merging into one another

5.26 The proposal will not result in the merging of neighbouring towns.

To assist in safeguarding the countryside from encroachment

- 5.27 The proposal is focussed on providing open space and landscaping which will assist in safeguarding the countryside rather than providing any significant urban development. The development is also subject to an extant planning permission.

To preserve the setting and special character of historic towns

- 5.28 The proposal will not have an impact on the setting and special character of any historic town.

To assist in urban regeneration, by encouraging the recycling of derelict and other urban land

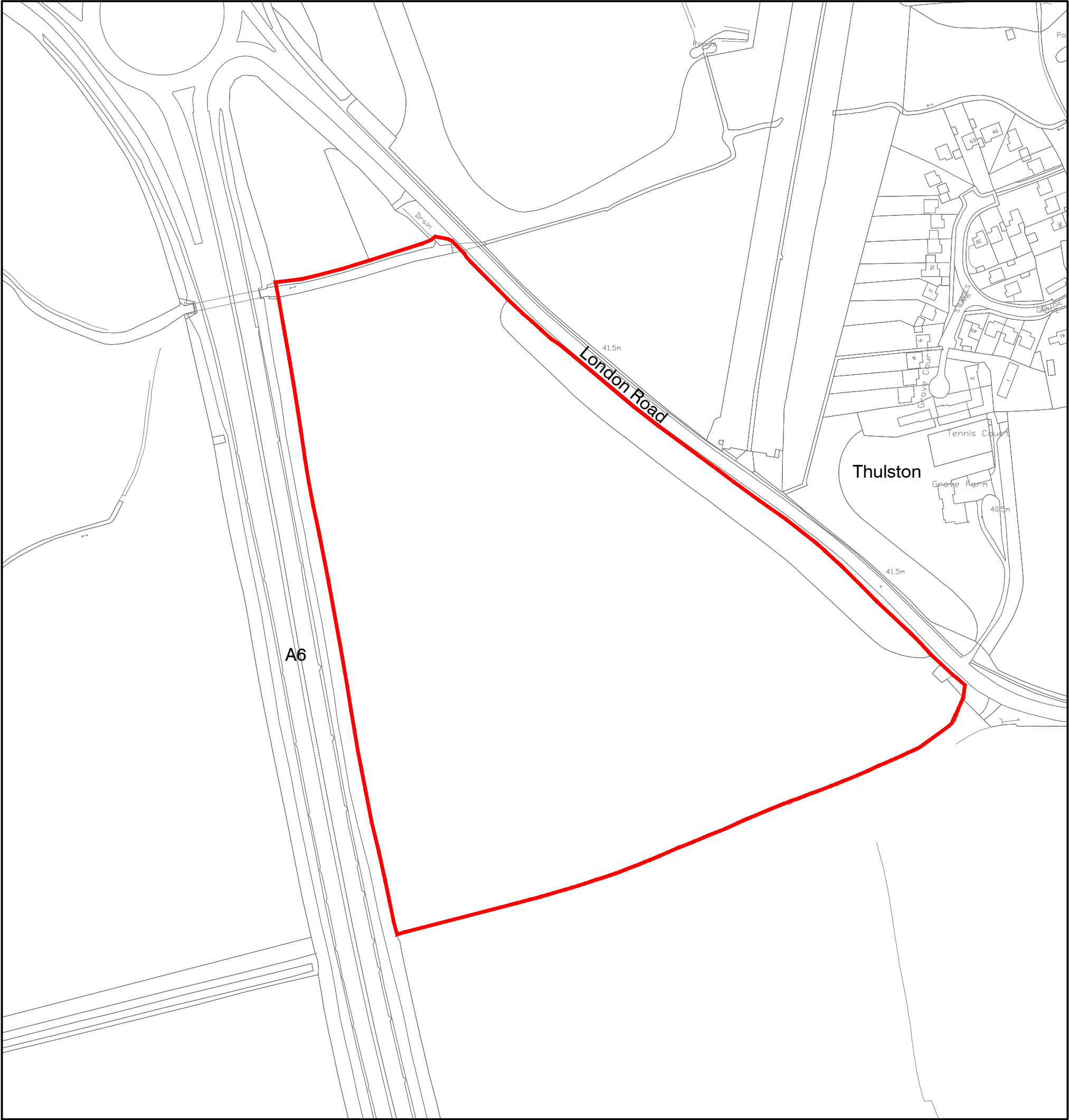
- 5.29 The Site has outline planning permission with the aim of this proposal to provide recreational opportunities for the greater Boulton Moor site.
- 5.30 Based upon the above, it is considered that the Proposed Development complies with the five purposes of the Green Belt as indicated within the NPPF.

6.0 CONCLUSIONS

- 6.1 The Site, forming part of the Boulton Moor Phase 1 site, already benefits from outline planning permission. Furthermore, the Proposed Development accords with relevant planning policies including the proposed inclusion of the Site within the Green Belt, to be undertaken through the South Derbyshire Local Plan Part 1, which is currently subject of an Examination in Public.
- 6.2 The proposed uses will provide recreational and community benefits for the wider development proposed at Boulton Moor and the surrounding area. Furthermore the masterplan and illustrative layout of the proposals has been sensitively designed to ensure that it does not cause any harm to the setting of the Elvaston Castle's Registered Park and Garden and offers potential for enhancement through proposed enhancement planting along the eastern boundary.
- 6.3 As the Proposed Development accords with the relevant policies in the development plan and accords with the policies and principles contained within the NPPF, it is concluded that the application should be approved without delay.

Appendix 1

Site Location Plan



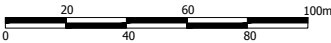
 Application Boundary
- 10.57Ha / 26.12Ac

Project
**BOULTON MOOR
THE TRIANGLE**



Drawing Title
APPLICATION SITE BOUNDARY

Date	Scale	Drawn by	Check by
14.01.15	1:2500@A3	ALC	AD
Project No	Drawing No	Revision	
6748	RG-M-02	B	



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