



Appeal Decision

Inquiry Held on 11 May 2021

Site visit made on 17 May 2021

by C Dillon BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th September 2021

Appeal Ref: APP/M1005/W/20/3265602

Land to the west of Denby Hall Business Park, Denby, Ripley DE5 8LE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Garner Holdings Ltd against the decision of Amber Valley Borough Council.
 - The application Ref AVA/2019/0463, dated 3 May 2019, was refused by notice dated 30 September 2020.
 - The development proposed is an extension to Denby Hall Business Park comprising the construction of new B1/B2/B8 use units.
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Decision

1. The appeal is allowed, and outline planning permission is granted with all matters except access reserved, for an extension to Denby Hall Business Park comprising the construction of new B1/B2/B8 use units at land to the west of Denby Hall Business Park, Denby, Ripley DE5 8LE, in accordance with the terms of the application Ref: AVA/2019/0463, dated 3 May 2019, and subject to the conditions set out in the schedule attached to this decision.

Preliminary Matters

2. The application was made in outline with all other matters reserved except for access. I have therefore determined the appeal on the same basis, taking into account the submitted drawings as illustrative. This includes the plans which show a layout, finished heights, floor levels and massing of buildings and green infrastructure proposals.
3. The recent changes to the Town and Country Planning (Use Classes) Order (1987) bring B1 uses into a new Use Class, namely Commercial, Business and Service (Class E). However, transitional arrangements mean that this appeal must be decided with reference to the current use classes because the planning application was submitted before 1 September 2020.
4. At the appeal stage it was agreed that the site address on the Council's decision notice was a more accurate site description, and this is reflected in both the heading and paragraph 1 above.
5. During the opening session of the Inquiry the Council drew my attention to an issue that had not previously been raised through the course of the planning application. As the land to be relied upon for mitigation falls outside

of the appeal site itself, it would not be possible to secure the required mitigation in the manner that had been submitted to this appeal. Subsequently, the main parties agreed and submitted wording for a planning condition and planning obligation to ensure that the landscape and biodiversity mitigation proposals on that land could be secured and maintained. This wording was discussed during the Inquiry and I refer to the land, which is edged in blue on the submitted site location plan, as the 'associated land'.

6. A duly executed legal agreement pursuant to section 106 of the Town and Country Planning Act 1990 has been submitted and sets out details for securing the long term management arrangements of the proposed green infrastructure and Travel Plan monitoring. The legal agreement was discussed at the Inquiry and I have taken it into account in reaching my decision.
7. The National Planning Policy Framework ('the Framework') was revised subsequent to the close of the Inquiry. The main parties have been given the opportunity to draw my attention to any material changes which would impact on their respective cases and the appeal has been determined on the basis of the revised Framework.

Main Issues

8. The main issues are:
 - whether or not the appeal proposal is inappropriate development in the Green Belt for the purposes of the Framework and development plan policies;
 - the effect of the appeal proposal on the openness of the Green Belt;
 - whether or not there is any other harm that would result from the appeal proposal;
 - whether or not any other considerations exist and the weight that should be afforded to them; and
 - if the proposal is inappropriate development, whether or not any harm to the Green Belt by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the appeal proposal.

Reasons

Whether or not inappropriate development

9. The proposed development would provide new business units as part of an extension to the existing Denby Hall Business Park. The appeal site and associated land falls within Green Belt, beyond the built up area defined in Policy EN1 of the Amber Valley Local Plan ('the Local Plan').
10. It is common ground between the main parties that the proposal does not represent any of the exceptions contained in paragraphs 149 and 150 of the Framework concerning development in the Green Belt. Based on the evidence provided, I agree.

11. For the purposes of national planning policy, the proposal therefore constitutes inappropriate development in the Green Belt. Paragraph 147 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Saved Policy EN2 of the Local Plan also states that within the Green Belt, planning permission will only be granted for 'appropriate development'. Consequently, there is conflict with that policy.

Openness of Green Belt

12. The appeal site and the associated land is a large area comprising grassed fields interspersed by a series of public rights of way. Field boundaries are delineated by hedgerows, fences and blocks of mature tree planting. With the exception of boundary enclosures, the appeal site and associated land are currently undeveloped open countryside. This land is, however, located just beyond the existing large scale industrial and business buildings of Denby Hall Business Park.
13. The appeal proposal would introduce large scale industrial and business development into this undeveloped site in the form of buildings, associated roads, parking and service yards. As such, it would extend development towards the built form of nearby Smithy Houses, Denby Bottles and Street Lane both visually and spatially. It would also introduce new commercial business related activity, including traffic generation and servicing to this area. Consequently, the appeal scheme would reduce the openness of the Green Belt, which is one of its essential characteristics. That change would be permanent. The proposal would also be contrary to one of the purposes of the Green Belt which is to assist in safeguarding the countryside from encroachment.
14. However, the dense woodland area along the B6179 and also Street Lane provide a high degree of screening along those roads. The topography of this land rises from the B6179 towards a tree belt which provides further screening from the built form of a settlement also called Street Lane. As such, the appeal site and associated land are reasonably well-contained from the wider countryside and remaining area of Green Belt by this planting, the topography and the built form of the business park.
15. Contrary to the Council's stance, the green infrastructure proposals within the associated land would not further reduce openness here. This is because these works would be limited to planting, informal footways and the creation of a pond. The detailed design and treatment of these proposals and their future maintenance would be controlled by the Council through suitably worded planning conditions, Reserved Matters treatment and the submitted legal agreement to secure an appropriate scheme which does not read as part of the business park.
16. Furthermore, the appellant's evidence demonstrates that the effect on openness could be significantly reduced through the lowering of finished building heights, their colour treatment and landscaping. Although these relate to Reserved Matters, a planning condition to control finished building heights would be both reasonable and necessary at this outline stage to achieve this.

17. For the reasons set out above, I therefore conclude that the appeal proposal would harm the openness of the Green Belt, which is one of its essential characteristics. However, whilst this harm would be material, it would only be limited due to a combination of the site's location, topography, the context of its surroundings and also the existing and proposed landscaping.

Other environmental considerations

Landscape character and appearance

18. The appeal site is located beyond any defined settlement boundary and currently presents as countryside in terms of its character and appearance. However, both the appeal site and associated land enjoy a high level of containment from the wider surrounding countryside context. Moreover, the appeal site and associated land are read in the context of the very large scale built development of the adjoining Denby Hall Business Park and nearby Denby Pottery complex. The scattering of dwellings along the B6179, Station Road and Street Lane and the built up form of Smithy Houses and Denby Bottles provide a further built context to the site.
19. Furthermore, the countryside character and appearance of this sloping landscape is still maturing, being a product of a relatively recent restoration scheme relating to its mining legacy. It was demonstrated through the Inquiry that the appeal site and associated land are not subject to a landscape designation which relates to the value society places on it.
20. I recognise that the existing undeveloped countryside character of the appeal site itself would change considerably. The visual gap between the existing business park and Street Lane would be narrowed. However, the green infrastructure mitigation measures on the associated land could be controlled so they do not lead to the formalisation of that landscape in a manner that could be reasonably perceived as an extension of the business park. The remaining intervening land would mean that the appeal proposal would not cause the complete or substantial loss of the open countryside context which separates the business park from Station Road and Street Lane. Consequently, the appeal proposal would not constitute the unrestricted sprawl of a large built up area, nor would there be any real perception of merger, a stance which the Council conceded during the Inquiry.
21. The surrounding higher ground, the rising topography of the site, the scale of development proposed, and its positioning all mean that the appeal proposal would be visible at a distance within both its countryside and developed context. The impacts of the proposed changes would be of varying degrees from the surrounding highway, footpath networks and buildings in terms of immediate, medium and longer distance views. This is because existing tree cover coupled with the additional green infrastructure proposed on the associated land would reduce some views of the appeal proposal and hinder others when viewed from within or beyond the site.
22. Although visible within its wider mixed context, the appeal scheme would not be unduly intrusive because of the reasonable level of containment arising from existing planting and the continuing rising topography beyond the appeal site. Furthermore, the adjoining built context of the existing business park is of a similar scale and character to the built development

proposed. Hence, the changes arising from the appeal proposal would not be unexpected features. These circumstances would very much reduce its overall landscape impact.

23. The appellant has clearly demonstrated that the visual impact would be increasingly and appropriately reduced with the passage of time through well-conceived landscaping, layout and building design, including colour finishes and finished floor and building heights.
24. Furthermore, the green infrastructure proposals advanced are illustrative of the potential range of solutions available. The main parties have agreed relevant planning conditions that would control the appearance of the green infrastructure proposals. The submitted legal agreement will ensure that the Council has control over securing appropriate long term management arrangements of the final green infrastructure scheme. Consequently, the evidence does not demonstrate reasons why an appropriate and effective green infrastructure scheme could not be secured. I am satisfied that the proposed legal agreement and conditions would be effective, and no material harm would result.
25. Overall, the appeal proposal would deliver a visual change to the site's existing undeveloped countryside character and appearance. However, the impact on the wider landscape would be very much diluted as the appeal scheme would reflect significant elements of its wider developed and undeveloped context. Therefore, the appeal proposal would assimilate with its built context from both short, medium and longer distance vantage points. For these reasons, I find that the impact of the appeal proposal on the character and appearance of the landscape would not constitute any material harm.
26. In view of my findings, the appeal proposal would not conflict with Local Plan Policies EN7 and LS3, which, amongst other things, require new development to conserve or enhance the local distinctiveness of the natural and built environment. Neither would the appeal proposal conflict with paragraph 174 of the Framework which states that decisions should recognise the intrinsic character and beauty of the countryside.

Local amenity value

27. Public Rights of Way (PROW) including Bridleways 89 and 90 intersect the appeal site or fall within its vicinity. These offer tranquil, often intimate, green routes and contribute positively to local amenity value. Bridleway 90 would be diverted; some new routes would be created within the appeal site and associated land and parts of the proposed built development would fall within proximity of some sections of these routes.
28. The appeal proposal would change the visual and auditory experiences of users of those routes. Nonetheless, the concept of establishing planting buffers is not dissimilar to the arrangement that currently exists between parts of the existing footpath network and the adjoining business park. Furthermore, the proposed additional and diverted routes would be logical, providing continued accessibility and choice. Overall, there would be some harm to the experience which the existing footpath network currently provides in terms of tranquillity, intimacy and loss of certain open vistas along some of their stretches. However, the appellant demonstrated that

this could be reduced to a very low level with careful mitigation in terms of landscape, layout and design.

29. I therefore find no conflict with Policy TP2 of the Local Plan which seeks to develop a comprehensive bridleway network. For the same reasons there is no conflict with the Framework in this regard, which seeks to encourage sustainable patterns of movement, health and well-being.

Living conditions

30. There would be change for a number of residential properties along the B6179 and Station Road. This would be in terms of outlook, noise and disturbance from within the site and from associated traffic movements during both the construction and operational phases due to the intensification of industrial uses within the locality. However, this would not constitute a material increase over and above the existing situation. This is because the resulting separation distances would not be too dissimilar to those which have already been established between the existing business uses and residential properties in the locality. Moreover, there would be a landscape buffer between the proposed buildings and operational land and those dwellings.
31. The Council has advanced a planning condition to manage impacts from vehicles on the wider road network. The appropriateness of this is dealt with later in this decision. The proposed planning conditions would be capable of managing levels of noise and disturbance, including light spill to an acceptable level. The finished floor levels and heights of the proposed buildings could also be controlled at this stage. The design, layout and external materials would be defined at Reserved Matters stage, although the illustrative plans indicate that there is scope for satisfactory relationships to be achieved. I am satisfied that there are adequate controls to ensure that the proposed change would not cause material harm to existing living conditions of residents.
32. Policy EN16 of the Local Plan states that planning permission will not be granted for development that would be likely to cause a material increase in levels of noise, light and other forms of pollution, particularly that located within the proximity of existing residential uses. Policy ER11 of the Local Plan requires proposals for business and industrial development to be compatible with their surroundings, providing supplementary landscaping where visually prominent. Subject to the conditions advanced, in the absence of material harm there would be no conflict with these policies or with the Framework, which seeks to ensure that developments provide a high standard of amenity.

Highways

33. The potential for suitable and safe access arrangements to the site has been demonstrated off the B6179 over a proposed bridge. An appropriate connection to the existing business park internal road network has also been demonstrated. The appeal proposal would also secure satisfactory mitigation on the wider highway network with the signalisation at the junction between the A610 and Steam Mill Lane.

34. The appeal site enjoys an accessible location. This, together with the sustainable transport measures proposed, would assist in minimising the amount of traffic to and from the development. The revision and implementation of the Travel Plan to encourage this could be necessarily secured through a suitably worded planning condition and that is a reasonable approach. Furthermore, the submitted legal agreement sets out details of its commitments to securing the long term management arrangements for Travel Plan monitoring.
35. The Council has submitted a CIL Compliance Statement in respect to that agreement. This obligation is reasonable and necessary to secure the necessary mitigation to make the appeal proposal acceptable. The legal agreement is compliant with Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended). Consequently, its form and content are acceptable.
36. The impact of construction traffic on the road network would be for a temporary period and could be necessarily and suitably managed by way of planning conditions to control matters including temporary access, wheel washing, parking and hours of construction. No additional mitigation has been required by the Highway Authority beyond that set out in the legal agreement and the proposed conditions. On the basis of these, the Highway Authority does not object to the proposal on highway safety or operational grounds. Having had regard to all the available evidence, I have no reason to dispute this stance.
37. Subject to the conditions advanced, the appeal proposal would accord with Policies TP1, TP2, TP6 and ER11 of the Local Plan. Furthermore, in accordance with paragraph 111 of the Framework, I find that the appeal proposal would not result in an unacceptable impact on highway safety nor would the residual cumulative impacts on the road network be severe.

Drainage and flooding

38. The Lead Local Flood Authority for the area is satisfied with surface water drainage, the capacity of Bottle Brook in terms of discharge and the provision of a new bridge crossing, subject to the imposition of planning conditions relating to surface water management, the design of the SUDs pond and the bridge. These conditions are both necessary and reasonable to make the development acceptable in terms of flood risk and drainage.
39. Policy EN15 of the Local Plan states that planning permission will only be granted where there would be no adverse effect on the management of flood risk. In the absence of harm, the appeal proposal accords with this policy. It also accords with the Framework, which seeks to avoid development in areas at risk of flooding or increasing flood risk elsewhere.

Biodiversity

40. Policy EN13 resists adverse impacts on protected species and states that conditions and planning obligations will be used to manage this. The appeal proposal is supported by relevant ecological assessments and surveys. The recommended mitigation and enhancement measures, including the level of biodiversity net-gain advanced by the appellant, have not been disputed by the Council and are appropriate, including in terms of protected species. The

evidence before me does not indicate that these cannot necessarily be secured by the planning conditions advanced. In the absence of adverse harm, the appeal proposal would not conflict with this policy. Neither would it conflict with paragraph 180 of the Framework, which supports the principle of mitigation measures or, as a last resort compensation, in response to any significant harm, as well as encouraging opportunities to incorporate biodiversity improvements in and around developments.

41. During the Inquiry a biodiversity net-gain of at least 10% was proposed and this could be delivered as part of the green infrastructure proposals. The level of gain proposed is a moderate benefit of the appeal scheme.

Pollution and ground stability

42. In respect to local contamination, air quality and ground stability concerns planning conditions have been agreed by the main parties to manage the further understanding and, where necessary, the response to these matters at the appropriate stage of development. This is both a reasonable and necessary approach and based on the evidence provided, I have no reason to find conflict with local or national policy subject to these conditions.

Heritage

43. A Grade II listed milestone marker is located along the B6179 within the vicinity of the proposed access. The proposed positioning and alignment of the access means that it would remain in place undisturbed and continue to be read with the highway and surrounding tree cover. As such, there would be no harm to its significance and there would be no conflict with Policy EN24 of the Local Plan. Neither would there be any conflict with the heritage policies contained within the Framework or with the requirements of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Other considerations

44. The appeal proposal relates to an extension to the existing Denby Hall Business Park. Two of the three locally established, inter-dependent businesses to be accommodated within the appeal proposal already operate from premises within this business park. The evidence before me demonstrates that the appeal scheme would enable their 7 manufacturing processes to cluster. This would allow these businesses to grow, implement more efficient working practices, stimulate new research, development and innovation and increase productivity.
45. It has been demonstrated that the appeal proposal would facilitate the significant expansion plans which are set out in the submitted business plan. In particular, the appeal scheme would provide the necessary size and type of accommodation to enable the installation of additional specialist machinery to create a contingency for a key part of the existing production line, known as an extrusion line. This second line is required to secure the stability and sustainability of their production line. The appeal proposal would also provide flexible space required to innovate through the reconfiguration of large scale machinery and the trialling of changes to operational procedures prior to implementation.
46. The appeal proposal would also reduce inefficiencies in double-handling during the various manufacturing processes including the painting phase.

This would substantially reduce journeys by road to transport goods between other businesses in the production line. Currently, some of these journeys are much further afield, including to Norwich. In addition to promoting more efficient working practices, it is evident that the reduction in journeys would also contribute towards carbon reduction. The appeal proposal would also bring the activities close to the appellant's permitted UPVC recycling facility within the Business Park. This would enable reuse of these second hand materials in the appellant's production processes and thus further reduce carbon emissions and the need for new materials. These are all significant benefits of the particular appeal scheme if located at this particular site.

47. It has been demonstrated that the proposals cannot be accommodated at the businesses' existing locations because of the physical constraints of those premises. Given the scale of development required, it is common ground between the main parties that it is clearly not possible to extend further within the footprint of the existing business park.
48. Furthermore, the site availability assessment which supported the planning application confirms that the required site area is reasonable for the purposes advanced and that there are no suitable alternative non-Green Belt sites in the Amber Valley area to accommodate the specific locational and floorspace requirements of those businesses. Those findings are undisputed by the Council.
49. I am also mindful that the existing Local Plan was adopted in 2006 and identified an overall requirement for additional employment land up to 2011. The emerging Local Plan is not yet at a stage that carries any significant weight. Crucially therefore, no alternative locations have been identified as likely alternatives to the appeal proposal in the short or medium term.
50. None of these matters have been disputed by the Council and there is no evidence before me which indicates that I should take an alternative stance. Consequently, I find that the appeal scheme presents very significant opportunity to secure industrial expansion, innovation and efficiencies through integrated operations. These are benefits of the particular appeal proposal which, because of land availability, could not be achieved on alternative non-Green Belt land and would otherwise demand wholesale relocation of these significant operations beyond the borough. I find that these benefits and the specific circumstances to secure them are very significant and in combination weigh very substantially in favour of the appeal proposal.
51. Furthermore, the main parties agree that there is a range of inter-related economic and social benefits that would arise as a result of the proposals. These are set out below. At the Inquiry the Council confirmed that they carry substantial weight in the planning balance.
52. The appeal proposal would extend the existing Denby Hall Business Park which already supports around 1,200 jobs on site and generates around £90m per year in economic output. Allowing the appeal is estimated to result in the creation of a further 810 net additional jobs, whilst safeguarding around 100 existing roles. To put this into context, the number of people currently employed at the existing business park accounts for over 10% of Amber Valley's total number of manufacturing jobs. The total uplift

- would include roles suitable for young people, including apprenticeships. The potential for new job creation in this location is therefore very significant.
53. The evidence before me confirms that the Amber Valley area is one which has been particularly reliant on the manufacturing sector, accounting for about one fifth of jobs. The output of this area's economy has shrunk by 14% and this contraction has been disproportionately and negatively affected by the Covid-19 pandemic to a level below the national average. It has also been demonstrated that the manufacturing sector's recovery is forecast to be more protracted, not returning to 2019 levels of economic output until 2034.
54. It is not disputed by the main parties that in the wake of the pandemic, the number of people seeking work in both the Amber Valley Borough and wider Local Enterprise Partnership (LEP) areas has increased significantly and has not abated. It has been evidenced that the Amber Valley area has experienced a 90% rise in benefit claimants since January 2020. Furthermore, a disproportionate number of young people between the ages of 18-24 years of age are affected by unemployment, currently standing at 8% of all residents of that age in the area. The Job Density ratio for Amber Valley remains comparatively lower than the national average and it was not disputed that this signifies significant current employment need.
55. In addition, it has been evidenced that the appeal scheme would boost the local economy by providing around 390 net additional short term jobs in the construction trades and the supply chain during the construction phase. It has been forecasted that 120 of these jobs would be filled by the Borough's residents. Whilst a temporary benefit, this would contribute to securing significant job opportunities in the short term whilst further opportunities in the pipeline came on-stream.
56. As the submitted evidence acknowledges, this position is a snap-shot in time. However, it falls within a period where the Government has been giving unprecedented levels of support for jobs through its Coronavirus Job Retention Scheme. It was clearly demonstrated that as that support reduces the need for further employment is projected to further heighten. The main parties agreed that the methodology used to calculate the job opportunities advanced has provided a very conservative estimate of the extent to which the appeal proposal would address economic needs.
57. Even so, it has been clearly demonstrated that the appeal proposal would make a very considerable contribution to sustaining this area's primary employment sector in the short term and improving its longer term resilience in terms of productivity and employment. In combination these benefits would translate to a meaningful reduction in unemployment in the Borough and wider LEP area in the short term and this could be sustained in the longer term.
58. In terms of the wider local economic benefits advanced, it is clear that the appeal site is located in an accessible location, within proximity to everyday local facilities and services. It has been evidenced that an additional £2.3 million retained expenditure per annum on local retail and leisure activities within the local centres of the borough would arise as a consequence of the level of job creation proposed. This is a reasonable

assessment particularly given the continuation of the high level of local containment has been evidenced in terms of travel to work patterns.

59. Collectively, I find that these are very considerable economic benefits which weigh very substantially in favour of the appeal proposal.
60. An assessment has been submitted for both the construction phase and longer term focusing on the social value of an unemployed person returning to work and also the social value associated with supporting and gaining an apprenticeship qualification. This value is expressed in terms of the health and well-being of those who would benefit from the proposed job opportunities and the resulting savings to the public purse. The evidence demonstrates that over the 2 year construction period the appeal scheme would generate a total of £1.2 million social value in this regard. For every year thereafter, a social value of £1.7 million has been projected.
61. These benefits, which are over and above the economic benefits identified, are particularly pertinent to the disproportionate number of younger unemployed residents and the immediate and rising need for local jobs in the area. I am satisfied that the social benefits advanced have been robustly evidenced in terms of the effect on sustained mental well-being of the community that would result from the levels of additional local employment and training proposed. They would be considerable. Given the current socio-economic context of this area such benefits weigh substantially in favour of the appeal proposal.
62. The submitted evidence demonstrates that this particular appeal proposal is not speculative. A business plan is in place relating to known locally established end users who wish to rapidly cluster, expand and innovate in the area. Moreover, the availability of the finances to undertake the works, the experience to deliver the scheme and the appellant's track record to date in delivering at a large scale have been evidenced. These are all important indicators that the identified benefits of the appeal proposal could begin to be experienced within a short period of time and maximised within 5 years. In combination, these circumstances, which are particular to this proposal, are significant in the timely unlocking of the benefits advanced and as such weigh substantially in favour of the appeal proposal.

Whether very special circumstances exist

63. The appeal proposal constitutes inappropriate development in the Green Belt, which is harmful by definition. It would also cause some limited harm to the openness of the Green Belt and a low level of harm to the experience of users of parts of the local PROW network. In accordance with paragraph 148 of the Framework, any harm to the Green Belt must be given substantial weight.
64. However, it has been clearly demonstrated that there would be very significant benefits in the clustering and more efficient working practices for the 3 existing local businesses that would expand, thrive and improve as a consequence of this scheme, not least in terms of productivity, innovation, and carbon reduction. Crucially, it has been demonstrated that the proposal cannot be accommodated elsewhere in the borough on available non-Green Belt land, or within the confines of the existing business park.

These particular circumstances, in combination with the business outcomes and associated benefits of clustering at this particular location weigh very substantially in favour of the appeal proposal.

65. The appeal proposal aligns with paragraph 81 of the Framework which states that planning policies and decisions should 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. Paragraph 83 also requires decision-makers to recognise and address the specific locational requirements of different sectors, including making provision for clusters or networks of high-technology industries.
66. Very considerable economic benefits would also arise as a direct consequence of the appeal proposal in terms of its contribution to the local, regional and national economy. This is in terms of accelerated job creation, retention and training opportunities and increased expenditure to support other local businesses. Linked to this, is the appeal proposal's contribution to the future resilience and sustainability of a key business sector of the area. In combination, these weigh very substantially in favour of the appeal proposal.
67. I have also identified that there would be important social value benefits arising from the appeal scheme to which I attribute substantial weight given the demonstrated local context. The circumstances surrounding the certainty of the deliverability of the scheme in the short term to harness all of these benefits in the post Covid-19 recovery era also weigh substantially in favour of the appeal proposal. Furthermore, I have identified a benefit to biodiversity which weighs moderately in favour of the appeal proposal.
68. In summary therefore, when taken collectively, the social, economic and environmental benefits of the appeal proposal would be significant and overall, I attribute very substantial weight to this. Combined with the specific type and nature of the scheme, the context of the site and the lack of alternative provision for employment land, I conclude that the other considerations in this particular case clearly outweigh the harm by reason of inappropriateness, the harm to the openness of the Green Belt and the harm to the experience of the PROW network. As a result, very special circumstances exist to justify allowing the development.

Planning Balance

69. The appeal proposal conflicts with the Local Plan Policies EN1 and EN2. However, it is common ground between the main parties that Policy EN2 is no longer consistent with national planning policy. Policy EN1 is also more restrictive than the Framework's approach to development in the countryside.
70. Where the most relevant policies are out of date, paragraph 11 d of the Framework advises that planning permission should be granted unless i) particular policies provide a clear reason for refusing development or ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when taken as a whole.
71. I have already concluded above that very special circumstances exist which justify allowing the development in the Green Belt. Consequently, the Green

Belt policies do not provide a clear reason for refusing the development. For the same reasons set out above, the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits.

72. In conclusion therefore, I find that the conflict with the development plan policies is clearly outweighed by the social, economic and environmental benefits in favour of the appeal proposal. As a result, in this particular circumstance the other material planning considerations justify taking a decision contrary to the saved development plan policies.

Conditions

73. A list of conditions was submitted jointly by both main parties to the Inquiry subsequent to the relevant round-table discussion, although some conditions remain in dispute. I have had regard to the advice set out in the Planning Practice Guidance and in the Framework in terms of both the need for each of these conditions and also for their clear, precise and enforceable wording.
74. The appellant has agreed to the pre-commencement conditions set out in the conditions schedule below and also to their wording. The circumstances and nature of this outline proposal mean that these are appropriate and are necessary to make the development acceptable in planning terms.
75. The very special circumstances which have been demonstrated are particular to 3 specific local businesses and have directly led to the outcome of this appeal. It is therefore necessary to impose a planning condition to restrict the first occupancy of the development to those businesses. However, the Council's suggestion that this condition should apply, unless otherwise agreed in writing, would undermine the very purpose of this condition. I have therefore amended the wording of condition 34 accordingly.
76. The standard timescales condition and the requirement for reserved matters to be agreed are necessary to accord with Section 92(2) and Section 92 of the Town and Country Planning Act 1990 respectively.
77. Conditions are necessary specifying a list of the approved plans. Conditions are also necessary to control the scope of the Reserved Matters in terms of maximum finished floor levels and building heights, external lighting of each unit and the access road as well as longitudinal sections showing the line of sight between properties. These are necessary to define the maximum appropriate building scale in this location, as well as safeguarding nearby residents living conditions.
78. Due to the appeal site's relationship with existing residential properties, conditions are necessary and justified to ensure the construction phase is undertaken in accordance with appropriate environmental controls and an approved Health and Safety Risk Management System. A condition to limit hours of operation, dust and particles, waste disposal, temporary lighting, noise and vibration during the construction phase is necessary to safeguard living conditions and avoid environmental harm in accordance with Policy EN16 of the Local Plan. For the same reason a condition seeking the approval of a noise assessment and adherence to it thereafter is also necessary. This will ensure that the appeal proposal will accord with Policy LS3, Policy ER11 and Policy EN16 of the Local Plan.

79. The appropriateness of a condition requiring the approval of the businesses' operation times and adherence thereafter within those agreed periods is disputed by the appellant. This condition is unnecessary. This is because the impacts which it seeks to control will be adequately addressed through other planning conditions, in particular those pertaining to light and noise. Therefore, such a condition would not meet the prescribed tests for conditions in terms of necessity and reasonableness.
80. A condition requiring noise assessment and mitigation in relation to traffic on the wider road network would not meet the prescribed tests for conditions as it would not be reasonable in its scope or enforceable. Furthermore, in terms of necessity, the Council had not raised this as a significant concern in its assessment of living conditions, as confirmed in the SoCG or during the round table discussion on conditions and the note submitted to that session. Neither has the Council provided substantive evidence to this Inquiry to adequately support its stance.
81. Conditions to manage any risks associated with on-site contamination, foundation design, legacy coal mining, air quality, surface water and water course flood storage and flood flow routes are necessary to ensure no environmental harm arises. These will ensure that the development accords with the Framework in these regards.
82. Conditions to secure a Construction Environmental Management Plan, Landscape and Ecological Management Plan, Biodiversity Impact Assessment and Off-setting Schemes and Great Crested Newt Mitigation Strategy and their implementation thereafter are necessary to ensure that the development does not have an adverse impact on and enhances local biodiversity. These will ensure that the development accords with Policy EN13 of the Local Plan and the provisions of the Wildlife and Countryside Act 1981.
83. A condition to secure the implementation of an appropriate green infrastructure scheme within the application site and associated land is required to manage the character and appearance of the area and to ensure that the development does not have an adverse impact on and improves local biodiversity. This will ensure that the appeal proposal accords with Policy EN13 of the Local Plan and the provisions of the Wildlife and Countryside Act 1981.
84. In the interests of highway safety and to meet the requirements of Policy TP1 of the Local Plan conditions are necessary to manage the temporary access, on-site storage and parking and wheel cleaning facilities required during the construction phase. A condition is necessary to secure the signalisation of the junction between Steam Mill Lane and A610 in the interests of highway safety. A condition is also necessary to secure a detailed scheme of works for diverted and retained footpaths and bridleways within and linking to the site in the interests of safeguarding their local amenity value and to accord with Policy TP2 of the Local Plan.
85. Conditions to secure a revised Travel Plan, appropriate pedestrian and cycle crossing facilities and bus stop infrastructure along the B6179 is necessary in the interests of securing opportunities for sustainable travel. A condition to secure on-site parking, including secure cycle parking is also necessary. These will ensure efficiencies in car borne journeys and maximising potential

environmental benefits of this are secured. These will ensure that the appeal proposal accords with Policy TP1 of the Local Plan and contributes towards delivery of the identified benefit of carbon reduction.

Conclusion

86. For the reasons given above, I conclude that the appeal should be allowed subject to the prescribed conditions.

C Dillon

INSPECTOR

SCHEDULE OF CONDITIONS

1. Application for approval of reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.
2. The approval of the Local Planning Authority shall be obtained prior to the commencement of any development in respect of the appearance, landscaping, layout and scale of the buildings.
3. The details of the means of access hereby permitted shall be carried out only in accordance with the details and specifications shown on the following plans and documents:
 - i) Transport Assessment (revised) including Plan F18070/01 Revision A and plan F18070/03 received 20 December 2019;
 - ii) Access Road Plan D01 Rev E received 9 June 2020; and
 - iii) Proposed Site Plan SP10 Rev C received 9 June 2020; and
 - iv) contour plan SP100 Rev A received 9 June 2020

Pre-Commencement Conditions

4. No development shall commence until:
 - i) the approved development site has been subjected to a detailed investigation to determine the extent, scale and nature of any contamination and an assessment of the potential risks (the Assessment) has been carried out;
 - ii) a report providing the details of the site investigation and the Assessment been submitted and approved in writing by the Local Planning Authority; and
 - iii) a Remediation Method Statement (the RMS) to address any remediation required by the Assessment including a plan for how the remediation methods will be verified, has been submitted and approved in writing by the Local Planning Authority.

The development shall be undertaken in strict compliance with the requirements contained within the approved RMS. Any proposed revisions to the RMS must be submitted and approved in writing by the Local Planning Authority prior to any changes in remediation methods.

If during development works, any contamination is encountered which was not previously identified including that derived from a different source or of a different type to those already identified, then no further works shall take place until a revised RMS is submitted to and approved in writing by the Local Planning Authority and the works shall then be carried out in accordance with the revised RMS.

If during development work, site contamination is found in areas previously expected to be uncontaminated, then the remediation of those areas shall be carried out in accordance with the approved RMS.

No building shall be occupied unless and until a Verification Report in accordance with the RMS has been submitted to and approved in writing by the Local Planning Authority.

All investigations, assessments and reports must be carried out by a suitably qualified competent person previously agreed in writing by the Local Planning Authority and in accordance with the most recent version of BS 10175: Code of practice for the investigation of potentially contaminated sites.

5. No development approved by this planning permission shall take place until a scheme that includes the following components to deal with the risks associated with any contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:
 - a) A preliminary risk assessment which has identified:
 - i) all previous uses;
 - ii) potential contaminants associated with those uses;
 - iii) a conceptual model of the site indicating sources, pathways and receptors; and
 - iv) potentially unacceptable risks arising from contamination at the site.
 - b) A site investigation scheme:
 - i) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site;
 - ii) the results of the site investigation and detailed risk assessment;
 - iii) an options appraisal and remediation strategy based on the site investigation results, giving full details of the remediation measures required and how they are to be undertaken; and
 - iv) a verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy is in complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the Local Planning Authority. The scheme shall be implemented as approved.

6. No development shall take place until a detailed design and associated management and maintenance plan of the surface water drainage for the site, in accordance with the principles outlined within:
 - i) Extension to Denby Hall Business Park, Ripley, Phase 1 – Flood Risk Assessment and Drainage Strategy, referenced GHL-1355-01-FRA-002, Inspire Design & Development Ltd. (April 2019), including any subsequent amendments or updates to this document as approved by the Flood Risk Management Team; and
 - ii) DEFRA's Non-statutory technical standards for sustainable drainage systems (March 2015), have been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design, prior to the use of the building commencing.

7. Prior to commencement of the development, the applicant shall submit for approval to the Local Planning Authority, details indicating how additional surface water run-off from the site will be avoided during the construction phase. The approved system shall be operating to the satisfaction of the Local Planning Authority, before the commencement of any works, which would lead to increased surface water run-off from site during the construction phase.
8. The development hereby permitted must not be commenced until such time as a detailed design for the bridge over the watercourse has been submitted to and approved in writing by the Local Planning Authority. Works shall be completed in accordance with the agreed details before the access road is first brought into use.
9. The following reports and investigations must be undertaken, and the results submitted and approved by the Local Planning Authority prior to the commencement of development:
 - i) the undertaking of appropriate schemes of intrusive site investigations to include locating and assessing the mine entries/high walls and the investigation of the potential coal mine workings;
 - ii) the submission of a report of findings arising from the intrusive site investigations;
 - iii) the submission of a scheme of remedial works for approval; to include a remediation strategy for the mine entries, including any foundation designs, which may be required for building over the mine entries/high wall or within their zones of influence, and the coal mine workings; and
 - iv) implementation of the agreed remedial and mitigatory works.
10. No development, including preparatory works, shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following:
 - i) a risk assessment of potentially damaging construction activities;
 - ii) identification of biodiversity protection zones including buffers to trees and hedges or to protected wildlife habitat;
 - iii) practical physical measures and sensitive working practices, including protective fencing, exclusion barriers and warning signs to avoid or reduce impacts during construction particularly in relation to works within canopy and root protection areas for retained hedgerows or retained trees;
 - iv) the location and timing of sensitive works to avoid harm to biodiversity features including in relation to breeding birds;
 - v) the times during construction when specialist ecologists need to be present on site to oversee works;
 - vi) responsible persons and lines of communication; and
 - vii) the role and responsibilities on site of an Ecological Clerk of Works (ECoW) or similarly competent person.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless the ECoW otherwise sets out alternative details which are subsequently

agreed by the Local Planning Authority.

11. No development shall commence until a Great Crested Newt mitigation strategy has been submitted to and approved in writing by the Local Planning Authority. All works shall then proceed in accordance with the approved strategy.
12. No development shall be commenced until a temporary access for construction purposes have been provided in accordance with a detailed design to be first submitted to and approved in writing by the Local Planning Authority. The access shall be retained in accordance with the approved scheme throughout the construction period, or such other period of time as may be agreed in writing by the Local Planning Authority, free from any impediment to its designated use.
13. Before development commences, the applicant shall conduct an environmental noise assessment to predict the level of noise emissions from the site, including internal access roads. The proposed measurement and assessment methodology shall be approved in writing by the Local Planning Authority prior to commencing the assessment.

Development shall not begin until details of the site layout, ground levels and noise mitigation measures, necessary to comply with the above, have been submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out and maintained in accordance with the approved details and, where necessary, the works completed under the supervision of an acoustic engineer.

A further acoustic report verifying compliance with the above noise levels at agreed representative premises, determined by measurement and/or calculation, where agreed with the Local Planning Authority, shall be submitted to, and approved in writing by, the Local Planning Authority each year for a period of 5 years from the start of commercial operations on the site.

14. No development shall take place until an air quality assessment, conducted in accordance with the advice in the Government's Planning Practice Guidance: Air Quality (Ministry of Housing, Communities & Local Government) and the Land-Use Planning & Development Control: Planning For Air Quality (v1.2, IAQM, January 2017 or subsequent update) has been submitted to, and approved in writing by, the Local Planning Authority to assess the level of risk to the existing sensitive premises from existing and future sources of local air pollution.

Any recommendations of mitigation resulting from the assessment shall be implemented in full in accordance with timescales to be agreed with the Local Planning Authority.

15. A detailed design proposal and specification for the landscape works, including for the ecological management area within the application site and on land controlled by the applicant edged blue on drawing number MP03, shall be submitted and approved by the local planning authority, prior to the commencement of works. This shall include details of plant and tree types and

sizes, numbers and planting densities, wildflower and grass seeding. All planting, or seeding contained in the approved details of the landscaping scheme shall be carried out during the first available planting season, following approval of the design proposal and specification.

The landscaping proposals shall be implemented in full before the buildings are first occupied. Any trees or plants which die, are removed, or become seriously damaged or diseased within a period of 5 years from the completion of the development shall be replaced in the next planting season with others of a similar size and species.

Contamination and Pollution

16. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details. Therefore, a piling risk assessment will be required to be submitted in relation to the proposed development prior to the commencement of any works taking place in regard to the construction of the foundations of the buildings.
17. No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the Local Planning Authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.
18. No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation has been submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include a long-term monitoring and maintenance plan for longer-term monitoring of any pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented in accordance with that approved plan.

Ecology and Biodiversity

19. The reserved matters application shall include an updated Biodiversity Impact Assessment based upon the final design and layout and detailed landscaping plans. The commencement of development, including site clearance, shall not take place until a Biodiversity Offsetting Scheme has been submitted to and approved in writing by the Local Planning Authority such that the development and the Biodiversity Offsetting Scheme jointly deliver a net biodiversity gain of at least 10%, unless otherwise agreed in writing by, the Local Planning Authority.
20. Prior to the first use or occupation of the development a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in

writing by the Local Planning Authority. The content of the LEMP shall include the following:

- i) description and evaluation of features to be managed;
- ii) ecological trends and constraints on site that might influence management;
- iii) aims and objectives of management, including mitigation and enhancement for species identified on site;
- iv) appropriate management options for achieving aims and objectives;
- v) prescriptions for management actions;
- vi) preparation of a work schedule, including an annual work plan capable of being rolled forward over a 40 year period;
- vii) details of the body or organisation responsible for implementation of the plan, along with funding mechanism(s) for that body or organisation; and
- viii) ongoing monitoring and remedial measures, including where monitoring shows that conservation aims and objectives of the LEMP are not being met. The approved plan shall be implemented in accordance with the approved details.

Highways

21. Before any other development hereby approved is commenced, excluding construction of the temporary access, space shall be provided for the within the site for the construction phase for storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods vehicles, parking and manoeuvring of employees and visitors' vehicles which are laid out and constructed in accordance with detailed designs first submitted to and approved in writing by the Local Planning Authority.

Once implemented, the facilities shall be retained free from any impediment to their designated use throughout the construction period.

22. Throughout the period of construction vehicle wheel cleaning facilities shall be provided and retained within the site. All construction vehicles shall have their wheels cleaned before leaving the site in order to prevent the deposition of mud and other extraneous material on the public highway.

23. The development hereby approved shall not be first occupied until the proposed access has been formed to Derby Road, in accordance with the application drawing no. DO1 rev E and provided with visibility splays of 2.4m x 108m (to the south) and 94m (to the north).

24. Notwithstanding the submitted details, a scheme showing the design of the proposed pedestrian and cycle crossing facility on Derby Road shall be submitted to and approved in writing by the Local Planning Authority.

The approved scheme shall then be fully implemented before first occupation of any of the approved units.

25. The development hereby approved shall not be first occupied until a scheme has been submitted for approval for the provision of bus stops and associated infrastructure and facilities in the vicinity of the new access.

Once approved the scheme shall be fully implemented on site prior to first occupation of any of the approved units.

26. The development hereby permitted shall not be first occupied until a revised Travel Plan comprising immediate, continuing and long-term measures to promote and encourage alternatives to single-occupancy car use has been submitted to and approved in writing by the Local Planning Authority.

The approved Travel Plan shall then be implemented, monitored and reviewed annually in accordance with the agreed Travel Plan targets.

27. The development hereby permitted shall not be occupied until a detailed scheme has been submitted for approval to the Local Highway Authority for the signalisation of the Steam Mill Lane/A610 junction.

Once approved, the scheme shall be fully implemented on-site in accordance with a timescale to be agreed in writing with the Local Planning Authority and the Local Highway Authority.

28. The development hereby permitted shall not be occupied until on-site parking, including secure cycle parking, has been provided in accordance with details submitted at the Reserved Matters stage. The approved scheme for on-site parking and secure cycle parking will be maintained and left free from any impediment to its designated uses.
29. Any future reserved matters application shall include a detailed scheme of works for the provision of diverted and retained footpaths and bridleways within and linking into the site shall include details of the width, signage, surfacing and associated planting.

Environmental Protection

30. All site preparation, demolition and construction activities shall comply with the following:

i) *Operating hours:*

No works, or deliveries to and from the site, shall occur other than between 08:00 and 18:00 hours on weekdays and between 08:00 and 13:00 hours on Saturdays. No works shall take place on Sundays or bank holidays.

ii) *Noise and vibration:*

All activities shall comply with British Standard BS 5228 'Code of practice for noise and vibration control on construction and open sites.

A health and safety risk management system shall be submitted to and approved in writing by the Local Planning Authority with the purpose of eliminating or minimising vehicle reversing and the use of high pitch vehicle reversing alarms. No piling, blasting, dynamic compaction or use of vibrating rollers shall occur on the site before notifying the Local Planning Authority.

iii) *Dust/Particulate emissions:*

No visible dust/particulate matter shall be emitted beyond the site boundary.

iv) *Waste:*

No waste materials shall be disposed of on site by burning.

v) *Lighting:*

Any temporary site lighting shall be positioned on site to minimise light trespass and glare.

31. The following information, specific to the control of noise emissions, shall be submitted to the Local Planning Authority as part of a Reserved Matters application relating to the detailed design of the proposed buildings and implemented thereafter:

- i) longitudinal sections showing the line-of-sight between the properties of the nearest residents at The College, Derby Road and Street Lane, and the proposed parking, servicing and manoeuvring areas, to ensure that there is adequate interruption to the view from the dwellings;
- ii) details of acoustic barriers and any supplementation of the existing planting of the proposed site to ensure that the development is adequately screened from the nearest existing residential properties; and
- iii) proposals for the reversing safety systems to be used on all forklifts, shunters and HGVs, incorporating where appropriate broadband reversing alarms, to be agreed with the Local Planning Authority prior to the development being brought into use.

32. The following information regarding external lighting at each unit and access road hereby approved shall be submitted to, and agreed in writing by, the Local Planning Authority before installation and implemented in accordance with the approved details:

- i) a site plan showing the proposed locations and mounting heights of the luminaires;
- ii) full details, including images, of the luminaires to be installed;
- iii) a site plan plotting predicted illuminance levels across the site boundaries, including vertical illuminance in Lux relating to potential light intrusion into windows at the nearest light-sensitive dwellings around the site, and including existing light trespass;
- iv) lamp tilt. Glare must be minimised by ensuring that the main beam angle and centre of all lights directed towards any potential observer is no more than 70 degrees; and
- v) operating times, including the use of timers or passive infra-red detectors.

All works shall be fully implemented in accordance with the approved scheme before the first occupation of any of the approved buildings, and shall be operated and maintained in accordance with the approved scheme at all times unless otherwise agreed in writing by the Local Planning Authority.

Landscaping

33. As part of the Reserved Matters application, the finished floor levels of the proposed buildings will be no higher than the following:

- i) LB Plastics Ltd building: 90m AOD
- ii) HL Plastics (Liniar Ltd) building: 93m AOD
- iii) Garnerlux Aluminium Ltd building: 102m AOD

The proposed buildings will have the following maximum heights:

- i) LB Plastics building: 9m to the eaves, and 11.5m to the ridge;
- ii) HL Plastics (Liniar Ltd) building: 9m to the eaves, and 11.5m to the ridge.
- iii) Garnalex building: 12m to the eaves, and 14m to the ridge.

Other Conditions

34. The premises hereby approved shall only be first occupied by Garnerlux Aluminium Ltd, HL Plastics (Liniar Ltd) and LB Plastics Ltd.

END OF CONDITIONS SCHEDULE

APPEARANCES

For the Council:

J Howlett, Barrister instructed by the Solicitor to Amber Valley Borough Council

He called:

Ms D J Evans of DE Landscape & Heritage Ltd

Mr J Pope of GPS Planning & Design Limited

For the appellant:

J Corbet Burcher, Barrister instructed by Garner Holdings Ltd

He called:

Mr G Holliday of FPRC

Mr R Laming of Turley

Mr J Jenkin of Planning Design

DOCUMENTS RECEIVED AT THE INQUIRY

On behalf of the Council:

Note on securing green infrastructure accepted 14 May 2021

Note on conditions accepted 14 May 2021

Closing submissions by Mr Howlet accepted 14 May 2021

Annotated plan of vantage points from J Pope accepted 14 May 2021

On behalf of the appellant

Opening submission by Mr Corbet Burcher accepted 11 May 2021

Building Colour Study accepted 11 May 2021

Note on use associated land accepted 12 May 2021

Note on Oxford Economics Forecast accepted 12 May 2021

List of plans and their status accepted 12 May 2021

Appellant's note -12 May 2021 accepted 13 May 2021

Plan MP03 accepted 13 May 2021

Closing submissions of Mr Corbet Burcher accepted 14 May 2021

Jointly for the Council and the appellant

Signed copies of SoCG 1-4 accepted 13 May 2021

Site visit itinerary accepted 14 May 2021

Amended list of suggested conditions received 21 May 2021

Section 106 legal agreement dated and received 21 May 2021