



**AMBER VALLEY LOCAL PLAN EXAMINATION:**

**CARTER CONSTRUCTION LIMITED**

**Matter 13b: Amber Valley Rugby Club, Lower Somercotes**

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- i. Is the proposed allocation deliverable? In particular is it:**
- a) confirmed by the landowner involved as being available for the use proposed?**
  - b) supported by evidence to demonstrate that safe and appropriate access for vehicles and pedestrians can be provided?**
  - c) deliverable, having regard to the provision of the necessary infrastructure and services, and any environmental or other constraints?**

13.1 In response to consultation on the Submission Draft Plan, Carter Construction had proposed that the site was potentially suitable for re-allocation for employment uses. This was on the basis of an expressed interest from a local employer who was looking for additional employment land locally.

13.2 Since the submission of the representations on the Submission Draft Plan, further and ongoing discussions have been held with residential developers who have expressed a clear interest in bringing the site forward for residential development in accordance with the Local Plan allocation.

13.3 It is understood that the officer's suggestion that the site be removed from the plan was on the basis of the submissions by Carter Construction. Given the expressed interest on the site for housing development and Carter Constructions expressed intention to progress the development of the site for housing purposes, the site is available for the use proposed.

13.4 In terms of access, the previous outline planning application for the site (ref AVA/2014/0804) demonstrated that suitable access could be achieved and there were no objections from the Highway Authority.

13.5 The outline application also demonstrated that the site was deliverable and a section 106 agreement provided for necessary contributions towards infrastructure and services.

13.6 Policy HGS3 includes a clause requiring any application to provide an agreed strategy for the full remediation of existing contaminated land

within the site. A significant amount of work on the issues of contamination on the site was undertaken as part of the outline planning application. This evidence satisfied both the Environment Agency and the Council's Technical Officer that a suitable scheme of remediation could be secured. The Inspector considering the appeal in relation to the outline application had concerns over the availability of the information at the time of the appeal in relation to the proposed remediation strategy.

13.7 The policy provides the appropriate safeguard to ensure that this matter needs to be resolved before development on the site progresses. There is sufficient information available to demonstrate that there is scope to address the issues of onsite contamination, and there is therefore no reason remove the site as an allocation, following the recent confirmation from the landowner that he is committed to progressing a housing development proposal on the site. The landowner will undertake the necessary further investigation work as required by the policy to demonstrate that the issues of ground contamination can be addressed and that the site is viable. The allocation of the site through the plan provides the necessary comfort for the developer to proceed with these further investigations.

**ii. Has full considerations been given to the loss of a sporting facility and likely contamination on the site, along with the impact of development on the landscape and coalescence between Somercotes and Pye Bridge?**

13.7 In conjunction with the outline application on the Amber Valley Rugby Club land, an application for the provision of replacement facilities for the Rugby Club at The Riddings (application reference AVA/2014/0803) was submitted and the application was approved on the 26<sup>th</sup> June 2017. There is therefore a site with planning permission available to accommodate the Rugby Club, providing improved pitch and changing facilities.

13.8 The issue of likely contamination on the site has been discussed above. The policy includes a clause requiring the agreement of a full remediation strategy for the site. Work undertaken by the applicant to date has demonstrated that the site can be appropriately remediated. The landowner will undertake further work to address concerns raised by the Inspector in relation to the planning application appeal decision.

13.9 Landscape issues were addressed in the officer's report to Planning Committee in relation to the outline planning application. This advised that the Council's Landscape Manager was of the view that the proposed development would be unlikely to generate any significant landscape or visual impact issues. The report noted that the site is well contained visually and further planting is proposed as part of the scheme to reinforce existing screening, and that the current condition of the site has not great merits in landscape terms so the change of use of the land would not be significant in the wider context.

13.10 The site is in urban fringe uses with rugby pitches and a large club house. Given the existing and proposed landscaping, it is not considered that the proposal would result in the coalescence of Somercotes with Pye Bridge. A strong heavily landscaped buffer would remain to the east of the site, maintaining separation with Pye Bridge.

**iii. Is the Council's suggestion that this site be deleted as a Housing Growth Site from Policy HGS1 and that Policy HGS3 be deleted in its entirety appropriate?**

13.11 As detailed above, the officer's suggestion to delete the site from Policy HGS1 was on the basis of representations made by the landowner, who, at the time of the Local Plan submission, had specific approaches from a local employer who wished to develop the site for employment purposes.

13.12 Carter Construction has now confirmed its intention to bring forward the site for residential development, reflecting recent expressed interest for residential developers wishing to develop the site.

**iv. Would the deletion of this site for 200 dwellings require the allocation of additional housing elsewhere?**

13.13 Given the confirmed commitment of the landowner to bring the site forward for housing development, it is not necessary to consider the allocation of additional sites elsewhere.

**v. Is the site deliverable in accordance with the trajectory?**

13.14 The Submission Draft Local Plan includes a housing trajectory at Appendix 1 that, for the Amber Valley Rugby Club site, assumes delivery of housing from 2019/20, with a build period of four years to 2022/23 at an average build of 50 dwellings a year.

13.15 The revised Local Development Scheme assumes adoption of the plan in October 2018. On this basis, taking into account time required to complete the remediation strategy for the site and submit and approve a planning application, it is now likely that development on site would commence in 2021/22. The previous assumptions of a four year build at 50 dwellings a year is considered reasonable.