6 October 2014

To: All Councillors

As a Member or Substitute of the Southern Area Planning Committee, please treat this as your summons to attend a meeting on Tuesday 14 October 2014 at 6.00 pm in the MAIN HALL, ASHBOURNE ELIM PENTECOSTAL CHURCH, THE WATERSIDE CENTRE, ASHBOURNE DE6 1DG.

Yours sincerely

Sandra Lamb
Head of Corporate Services

AGENDA

SITE VISITS The Committee is advised a coach will leave the ASHBOURNE ELIM PENTECOSTAL CHURCH at 2.45pm prompt - MEMBERS PLEASE ASSEMBLE IN THE FOYER. A schedule detailing the sites to be visited is attached to the agenda.

1. APOLOGIES/SUBSTITUTES

Please advise the Committee Team on 01629 761133 or e-mail committee@derbyshiredales.gov.uk of any apologies for absence and substitute arrangements.

2. APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING

9 September 2014.

3. INTERESTS

Members are required to declare the existence and nature of any interests they may have in subsequent agenda items in accordance with the District Council’s Code of Conduct. Those Interests are matters that relate to money or that which can be valued in money, affecting the Member her/his partner, extended family and close friends. Interests that become apparent at a later stage in the proceedings may be declared at that time.
4. APPLICATIONS FOR DETERMINATION

Please note that for the following items, references to financial, legal and environmental considerations and equal opportunities and disability issues will be embodied within the text of the report, where applicable.

PUBLIC PARTICIPATION

To provide members of the public WHO HAVE GIVEN PRIOR NOTICE (by no later than 12 noon on the working day prior to the meeting) with the opportunity to express their views, ask questions or submit petitions relating to planning applications under consideration. Representations will be invited immediately before the relevant item of business/planning application is discussed.

4.1 APPLICATION NO. 14/00514/FUL (Site Visit)
External alterations to windows, insertion of rooflights and solar panels and erection of 2 No. flue pipes at The Stables, Main Street, Kniveton.

4.2 APPLICATION NO. 14/00418/FUL (Site Visit)
Erection of two holiday lodges with associated access and hardstanding at Shiningford Farm, Carsington.

4.3 APPLICATION NO. 14/00074/OUT (Site Visit)
Residential development (367 dwellings), employment site, commercial and community facilities, link road, access and landscaping (outline) at Ashbourne Airfield, Ashbourne.

4.4 APPLICATION NO. 14/00467/FUL (Site Visit)
Erection of food retail store with associated car parking, servicing and landscaping, land at Carnation Way, Ashbourne.

5. APPEALS PROGRESS REPORT

To note a report on appeals to the Planning Inspectorate.

NOTE

For further information about this Agenda or on the Public Participation initiative contact the Committee Team on 01629 761133 or e-mail committee@derbyshiredales.gov.uk.

Members of the Committee: Councillors Richard Bright, Ken Bull, Steve Bull, Albert Catt, Tom Donnelly (Vice Chairman), David Fearn, Richard FitzHerbert, Steve Flitter, David Frederickson, Cate Hunt, Angus Jenkins, Tony Millward, BEM (Chairman), Garry Purdy, Lewis Rose, OBE, Andrew Shirley, Peter Slack, Geoff Stevens, MBE.

SITE VISITS

Members will leave the ASHBOURNE ELIM PENTECOSTAL CHURCH at 2.45pm prompt for the following site visit. NB: MEMBERS TO ASSEMBLE IN THE FOYER.

2.55pm  Application No. 14/00514/FUL  5 - 10
THE STABLES, MAIN STREET, KNIVETON
Requested by the Ward Member to enable members of the Planning Committee to fully appreciate the issues involved.

3.15pm  Application No. 14/00418/FUL  11 - 18
SHININGFORD FARM, CARSINGTON
Requested by the Ward Member to enable members of the Planning Committee to fully appreciate the issues involved.

3.45pm  Application No. 14/00074/OUT  19 - 56
ASHBOURNE AIRFIELD, ASHBOURNE
Requested by the Ward Members to enable members of the Planning Committee to fully appreciate the issues involved.

4.45pm  Application No. 14/00467/FUL  57 - 80
LAND AT CARNATION WAY, ASHBOURNE
Requested by the Ward Members to enable members of the Planning Committee to fully appreciate the issues involved.

5.00pm  Return

COMMITTEE SITE MEETING PROCEDURE

You have been invited to attend a site meeting of the Council’s Planning Committee/Advisory Committee. The purpose of the meeting is to enable the Committee Members to appraise the application site. The site visit is not a public meeting. No new drawings, letters of representation or other documents may be introduced at the site meeting. The procedure will be as follows:

1. A coach carrying Members of the Committee and a Planning Officer will arrive at the site as close as possible to the given time and Members will alight (weather permitting)

2. A representative of the Town/Parish Council and the applicant (or representative can attend.

3. The Chairman will ascertain who is present and address them to explain the purpose of the meeting and sequence of events.
4. The Planning Officer will give the reason for the site visit and point out site features.

5. Those present will be allowed to point out site features.

6. Those present will be allowed to give factual responses to questions from Members on site features.

7. The site meeting will be made with all those attending remaining together as a single group at all times.

8. The Chairman will terminate the meeting and Members will depart.

9. All persons attending are requested to refrain from smoking during site visits.
14/00514/FUL

The Stables, Main Street, Kniveton

Derbyshire Dales DC

Date: 03/10/2014

100019785
The application concerns The Stables, a former outbuilding to Stonycroft Manor, a large two and a half storey detached residential dwelling located within the centre of Kniveton Village, off Main Street. The building was converted to a dwelling in the late 80s / early 90s and has an ‘L’ shape plan form. The building is faced in stone with a plain tiled roof. The north elevation of the building abuts Main Street and with the exception of a window opening is blank. The property shares an access with Stonycroft Manor, which sits to the north east and Crofters Barn which is located to the south. The principal (west facing) elevation of the building contains a porch canopy above the main entrance door and a dormer gable. To the side of the building is a subservient garage. The property sits within Kniveton Conservation Area.

The application proposes a number of alterations to the building. It is proposed to install a 3.6Kw solar panel array on the south facing roof plane of the building, which will be arranged around a series of existing rooflights. The applicants also propose to introduce 2 no. further rooflights on the south facing roof plane, one at each end of the building. The height of a ground floor opening in the gable end of the main building (facing west) will also be reduced to accommodate a window as opposed to French doors. It is also proposed to install a biomass boiler in the garage, which will require the erection of a flue pipe that will project 1.7m above the ridge line of the garage (0.6m above the ridge line of the main dwellinghouse). The flue will have a black powder coated finish. Whilst not requiring formal planning permission the applicant also proposes to replace the existing garage door with painted timber side hung doors and the glazed entrance door with a new painted timber door.

At the northern end of the building a smaller flue pipe is proposed (which will project 0.6m above the ridge line of main roof). It will serve a wood burning stove and again will be given a black powder coated finish. A window in the south facing gable end of the garage is also shown to be blocked up in stone.

Conversion of outbuildings to two dwellings

Grant

Local Highway Authority:
No objections.

Parish Council:
No objections.

Head of Environmental Health:
I have no objections to the development being granted subject to the boiler being MCS certified and it is operated within the confines of the requirement of the certification and the operating instructions of the boiler including utilising the correct fuel and carrying out appropriate maintenance.
REPRESENTATIONS:
An email from the occupant of Crofter’s Barn has been received. Whilst not objecting to the application, the following concerns are raised:

- The flue pipes would appear somewhat prominent and well above the Ridge of the main building. They would look in my opinion rather industrial for a Barn Conversion.

- The biomass boiler would be in a location very close to our property. We would like assurances that the operating levels are not likely to affect us. I am also concerned at emission levels and dust. Both of these issues could possibly create noise and air pollution, that currently we don’t have.

- The window and door designs are rather vague and show very little, if any, detail of what is proposed.

POLICIES:
Adopted Derbyshire Dales Local Plan (2005)
- SF4 Development within the Countryside
- SF5 Design and Appearance of Development
- H2 Extensions to Dwellings
- H5 Conversion of Re-use of Buildings to Provide Residential Accommodation
- Outside Settlement Framework Boundaries
- NBE21 Development Affecting a Conservation Area
- CS5 Renewable Energy Installations

Derbyshire Dales Local Plan Pre-Submission Draft
- Development Management Policy 2 – Development in the Countryside
- Development Management Policy 6 – Landscape Character
- Development Management Policy 8 – The Historic Environment
- Development Management Policy 9 – Design and Appearance of Development
- Strategic Policy 9 – Climate Change

Other:
- National Planning Practice Guidance (2014)

ISSUES:

1. The main issues to consider in respect of this application are whether the alterations would a) have a detrimental impact on the character and appearance of the existing building and its surroundings, b) preserve or enhance the character and appearance of this part of Kniveton Conservation Area and c) whether the benefits of the solar panel array (in terms of renewable energy production) outweigh any adverse impact they have on their immediate and wider environment. Consideration also needs to be given to whether the development, in particular the flue pipe serving the biomass boiler would have an unacceptable impact on the amenity of the occupants of neighbouring residential properties.
2. Policy SF5 of the Adopted Local Plan aligns with guidance contained within the National Planning Policy Framework in respect of design and requires development to preserve or enhance the quality and distinctiveness of its surroundings and to reinforce the sense of place engendered by the presence of distinctive local building styles and materials. The application property is located within Kniveton Conservation Area; a designated heritage asset. Policy NBE21 ‘Development Affecting a Conservation Area’ aligns with guidance contained at Part 12 of the National Planning Policy Framework (NPPF) and requires development to either preserve or enhance the character and appearance of a Conservation Area. There is strong support in the National Planning Policy Framework for the use and supply of energy from renewable sources. Paragraph 98 states that Local Planning Authorities should approve applications for renewable energy installations where the impacts are, or can be made acceptable. Local Plan Policy CS5 aligns with guidance contained within the National Planning Policy Framework and deals specifically with renewable energy installations. It states that planning permission will be granted for installations where:

a. it can be demonstrated that the benefits of renewable energy production outweigh any adverse impact the proposed development has on the immediate and wider environment;

b. the proposal does not create unacceptable problems in terms of the relationship between the proposal and neighbouring uses, and;

c. the proposal is sited so as to minimise the amount of harm to the immediate or wider landscape.

3. When granting permission to convert the building in the late 80s, a number of external alterations and additions to the building were permitted / allowed. The simple appearance and plan form of the original building can, however, still be read and understood. A condition was imposed which removed the right to erect any building within the curtilage of or make any material alteration to the building without the prior written approval of the Local Planning Authority. The elevations of the building most visible from the public realm are those which face north and west. The roadside (north facing) elevation of the building will remain unchanged and only minor changes are proposed to the west facing elevation. The changes to the opening in the gable end of the building will have a minimal impact on the character and appearance of the building and this part of the conservation area. Whilst the flue pipe serving the biomass boiler will project 1.7m beyond the ridge line of the existing garage, it will be viewed against the backdrop of the main building, which is slightly higher. Its width and recessive finish is such that it would not have a significant adverse impact on its surroundings / the character and appearance of the existing dwellinghouse. The flue pipe at the northern end of the building would be much smaller and would have a negligible impact on its surroundings, again being of a modest width and finished a recessive colour.

4. The internal courtyard elevations (south and east) are most affected by the changes to the building, but these are not readily visible and therefore make a limited contribution to the character and appearance of the conservation area. As such the proposed alterations have no significant adverse impact on the character and appearance of the conservation area. Whilst there would be views of the solar panels from the private gardens of the neighbouring residential properties, the harm to the immediate environment is minimal and would not, it is considered, outweigh the benefits of renewable energy production in this case.
5. The windows to be replaced will be constructed in timber and a new stone cill will be introduced in the new opening which will be formed in the west facing gable end wall. This will be consistent with other windows in the walling of the existing building.

6. An important consideration is the impact the biomass boiler will have on the amenity of the occupants of neighbouring residential properties, in particular Crofter’s Barn to the south. The biomass boiler will be installed within an existing garage. The outer walls of the garage are likely to provide an appropriate acoustic barrier which would help mitigate any noise generated from pellets being fed into the boiler. Whilst issues of emissions and dust have been raised the District Councils Environmental Health Officers have raised no objections, subject to the boiler being MCS certified and operated within the confines of the requirement of the certification and the operating instructions of the boiler, including utilising the correct fuel and carrying out appropriate maintenance.

7. In summary it is considered that the proposed alterations to the building would not have a detrimental impact on its character and appearance, surroundings (such that the character and appearance of the surrounding conservation area would be preserved) and the amenity of the occupants of neighbouring residential properties. The benefits of the solar panels, in terms of renewable energy production, would outweigh the minimal harm they would have on their immediate environment in this case. A recommendation of approval is put forward on this basis.

OFFICER RECOMMENDATION:
That Planning permission be granted subject to the following conditions:

1. Condition ST02a: Time Limit on Full.

2. With the exception of the rooftop lights, all windows and doors (including frames) shall be given a painted finish within 28 days of being installed and recessed in their openings behind the front face of external walls of the building to match the windows and doors to be retained.

3. The solar PV panel array and associated infrastructure hereby approved shall be removed from the building within 28 days of no longer being required for micro-generation.

Reasons:

1. Reason ST02a.

2. To ensure a satisfactory external appearance of the development in accordance with the aims of Policies SF4, SF5, H2 and NBE21 of the Adopted Derbyshire Dales Local Plan (2005) and guidance contained within the National Planning Policy Framework (2012).

3. In the interests of visual amenity in accordance with the aims of Policies SF4 and CS5 of the Adopted Derbyshire Dales Local Plan (2005) and guidance contained within the National Planning Policy Framework (2012).
Footnotes:

1. The Local Planning Authority considered the application as submitted to be acceptable. On this basis, there was no need to engage with the applicant in a positive and proactive manner to resolve any planning problems and permission was granted without negotiation.

This Decision Notice relates to the following documents:
1:1000 Scale Site Location Plan numbered 14-113(08) – 01;
1:200 Scale Block Plan numbered 14-113(08) – 02;
Design and Access Statement;
Image of the proposed rooflight to be used;
1:100 and 1:50 Scale Existing Floor Layout and Elevations Plan numbered 14-113(08) – 05, and;
1:100 and 1:50 Scale Proposed Floor Layout and Elevations Plan numbered 14-113(08) – 10 received by the District Council on the 14th July, 13th and 26th August 2014.
14/00418/FUL
Shiningford Farm, Carsington

Derbyshire Dales DC
Date: 03/10/2014
100019785
THE SITE AND SURROUNDINGS:
Shiningford Farm is located off the B5035, southwest of Carsington village and close to the banks of Carsington Water. There is a grade II listed coursed gritstone former farmhouse and a range of stone outbuildings which, together, surround a surfaced courtyard. An 'L' shaped section of the outbuildings were recently subject to planning permission and listed building consent for conversion to holiday accommodation. These units have recently been brought into holiday use, which the existing farmhouse is also utilised for.

To the south of the outbuildings is an open swimming pool and a grassed area enclosed by timber fencing. A surfaced access track swings around this area to a turning area and a parcel of land containing trees and a pond, that are part of the land previously associated with the farm.

Access is along a lane that starts at the entrance to ‘sheepwash’ public car park. A private driveway, some 200m long, leads to the courtyard, from the track that circles around Carsington Water. The premises are surrounded by small fields bounded by hedgerows and areas of woodland.

THE APPLICATION:
Full planning permission is sought for the erection of 2 No. holiday cottages in a clearing within a belt of woodland, on the southern side of the access driveway leading to the existing buildings at Shiningford Farm. The lodges are to be single storey of timber construction with shingle felt tile shallow pitched roofs and sited upon a low plinth with partly enclosed fencing. Each will measure some 14.5m in length by just over 6m in width and have 4 bedrooms, bathroom, shower room, living, dining and kitchenette. A shared driveway will lead to two space parking areas for each cabin with a short pathway in-between.

A supporting statement advises that the proposed lodges will complement the holiday accommodation and facilities already at Shiningford Farm. Relevant local planning policy considerations are referred to together with guidance within the National Planning Policy Framework (2012). The statement examines impact on the character and appearance of the listed farmhouse and curtilage listed outbuildings and upon the wider environs with appended photographs. Impact on highway safety is also examined.

Additional information has recently been received which refers to the applicants currently operating holiday accommodation in 3 locations within the Derbyshire Dales, including Shiningford Farm. Shiningford Farm currently employs 20 people and since opening has been almost fully booked throughout the year, with forward bookings to continue this level of occupancy. The level of year round business is not only good for the long-term viability of Shiningford Farm and PMW properties in general, but extremely beneficial to the local economy, supporting local jobs, businesses and contributing to the economic activity of Wirksworth and Ashbourne and other local settlements. The new lease of life provided by the high quality holiday accommodation is a very positive thing for the area and it is only reasonable that some expansion to the operation is sought. Whilst it is appreciated that
the character and setting of the listed building must be protected, the proposed scheme for two holiday lodges within the area of existing woodland is both a modest one and a sensitively designed scheme. The key views, with regard to the setting of the listed farmhouse are from within the buildings themselves from the courtyard looking at the buildings and from the approach up the driveway. When looking towards the application site from the existing courtyard and buildings, it is apparent that the existing woodland provides a substantial screen to any buildings behind. Similarly, when travelling up the driveway towards the farmhouse, the existing woodland will provide an effective screening to the proposed lodges. Notwithstanding this, it is proposed to provide supplementary understorey planting to further enhance the level of screening. If the proposed lodges cannot be seen from the listed building, or from the approach to the listed building, it is reasonable to conclude that the proposed lodges would not have a significant negative impact on the character and appearance of the listed building.

RELEVANT HISTORY:
13/00904/FUL Incorporation of land into curtilage of holiday accommodation units and construction of swimming pool (retrospective) – Granted.
13/00224/FUL Erection of 3 no holiday lodges - Refused
13/00077/CLEUD Certificate of Lawful Existing Use or Development – existing use of land as residential curtilage – Withdrawn
12/00719/LBALT Conversion of outbuildings to holiday accommodation – Granted
12/00718/FUL Conversion of outbuildings to holiday accommodation – Granted
0495/0274 Change of use of barns to woodcraft workshop and timber store - Granted
0393/0160 Incorporation of outbuildings into farmhouse and extension – Granted
0393/0141 Alterations to listed building – Granted

CONSULTATIONS:
Local Highway Authority:
The Highway Authority refer to their previous response to the application for 3 holiday lodges at these premises, which was refused (but not on highway access/safety grounds). They consider the proposal for just two holiday lodges in this revised location is unlikely to generate significant traffic movements when compared to the previously refused scheme. Hence, the Highway Authority comments remain as before except for only 4 parking spaces in total now being required for the two lodges. Conditions are recommended in respect to the site layout for the construction period and provisions of the on-site parking spaces (an advisory note is also provided for the applicants attention in respect to traffic management).

Parish Council:
The Parish Council object to the proposed development for the following reasons:-

(i) A new build development of this type would be significantly detrimental and impact adversely on the environment. Whilst the existing trees when in leaf may offer some screening, it is believed that during the winter months the lodges will be visible. Further, the proposed development is neither in keeping with the surrounding countryside, nor the neighbouring listed property Shiningford Farm.
(ii) The Parish Council is concerned as to the impact the increased vehicle usage on the narrow road will have on road safety. Given the size of the proposed lodges, it is anticipated that there will be a substantial increase in the number of cars driving along the access road. The lane is used by walkers, cyclists and motorists. The agricultural land with Shiningford Farm was largely lost in the creation of Carsington Water some years ago. Subsequently the house became a private dwelling and the only traffic using the lane was of the property owners and Severn Trent rangers, all of whom, it is felt, drove appropriately. Given the recent change of use and development of holiday accommodation there has already been a substantial increase in the volume of traffic generated. Most of the drivers will be unfamiliar with the lane and there is potential for accidents to occur.

(iii) The Council is unpersuaded as to the arguments advanced in favour of it being a sustainable location for the proposed development.

Conservation Advisory Forum (CAF)
Object to the proposed development for the following reasons: -

- Impact of the development on the setting of the listed building(s)
- An area of woodland has already been partially cleared and whilst there is some remaining tree cover to the boundary of the clearing the lodges will still be apparent in this countryside location.
- The design of the buildings was also considered to be unacceptable for the context of the setting of the listed farmhouse.
- Concern over the impact of associated works such as septic tanks, lighting and surfacing treatments.
- The buildings and the associated activities were considered to be harmful to the setting of the listed farmhouse.

REPRESENTATIONS:
A member of the public agrees with the Parish Council’s comments. In an earlier representation he feels that it is important that the planned development addresses the reasons for refusal of the previous application and maintains the listed buildings setting.

POLICIES:
1. Adopted Derbyshire Dales Local Plan (2005)
   SF4: Development in the Countryside
   SF5: Design and Appearance of Development
   SF8: Catering For The Needs of People With Disabilities In Development And Redevelopment
   EDT19: Tourist Accommodation Outside Defined Settlement Frameworks
   NBE8: Landscape Character
   NBE12: Foul Sewage
   NBE16: Development Affecting A Listed Building
   NBE26: Landscape Design In Association With New Development
   TR1: Access Requirements And The Impact Of New Development
   TR8: Parking Requirements For New Development

2. Derbyshire Dales Local Plan Submission Draft (May 2014)
   Development Management Policy 2 – Development in the Countryside
   Development Management Policy 8 – The Historic Environment
3. Other

Part 3: Supporting a prosperous rural economy
Part 12: Conserving and enhancing the historic environment


ISSUES:
1. As with the previous, refused application for 3 No. holiday lodges the main issues to consider in respect to this particular application are:
   i. The principle of introducing the proposed holiday lodges in this particular location acceptable
   ii. What impact would there be on the character and appearance of the countryside/historic buildings at Shiningford Farm in this rural location
   iii. Highway considerations

2. Adopted local plan policy SF4 outlines the criteria for considering development within the countryside. The type of development that may, in principle, be supported includes development that assists the growth of tourism. However, any such development must be appropriate in nature and scale to a rural area; it should preserve or enhance the character and appearance of the countryside and minimise any adverse impact on the local environment. Policy EDT19 advises that outside defined settlement framework, planning permission will only be granted for new tourist accommodation where it involves the re-use, adaptation or change of use of buildings. Related criteria require the buildings to be structurally sound; worthy or retention due to their design and appearance; may be converted without extensive alteration and do not have any detrimental impact upon the character and appearance of the building(s) or its / their surroundings. Clearly, the proposed new build holiday lodges do not comply with Policy EDT19. It is also the case that the environment within which they are proposed is off the approach driveway to a listed building. Policy NBE16 of the Adopted Local Plan requires development not to have an adverse effect upon the special character or setting of a listed building.

Locating the proposed lodges in the belt of trees adjacent to the driveway approach to Shiningford Farm aims to overcome some of the previous concerns relating to refused application, referenced 13/00224/FUL, for 3no holiday lodges in the field/paddock on the opposite side of the driveway. However, it is the case that the lodges would be visible on the approach to the listed farmhouse and curtilage listed outbuildings, especially in the winter months when the existing trees are without leaf. Hence, some degree of adverse impact on ‘setting’ would still occur, contrary to the aims of Adopted Local Plan Policy NBE16.

3. The Submission Draft of the Council’s emerging local plan includes ‘Development Management’ policies which the applicants consider to be relevant. DMP2 deals with
development in the countryside, it advises that ‘planning permission’ will be granted for development if (among other provisions) ‘it assists the sustainable growth of tourism or rural based enterprise’. DMP12 deals specifically with ‘Tourism Development’ and advises: -

“Planning permission for the provision or expansion of tourist related development (excluding chalet accommodation, caravan and camp site development) will only be granted where:

a) the design and appearance of the proposed development does not have an adverse impact upon the character and appearance of its surroundings and;
b) the proposed development would not create unacceptable problems in terms of the relationship between the proposal and the neighbouring use beyond the development site and;
c) the site is in a sustainable location and is accessible by a variety of modes of transport

However, the policy further advises that:

“In all cases, preference will be given to the re-use, adaptation or change of use of existing buildings which are of permanent and substantial construction and where the building or group of buildings can be converted without extensive alteration, rebuilding or extension.”

DMP13 deals with holiday chalets, touring caravan and camp site development, and holiday lodges are considered to fall within this category. It states that: -

“Planning permission for such development will only be granted where: -

a) the development would not have a prominent and adverse impact on the character and appearance of the immediate or wider landscape and;
b) any visual impact would be well screened by existing landscape features for the whole of its proposed operating season and;
c) any on-site facilities are of a scale appropriate to the location and to the site itself and;
d) the site is in a sustainable location and is accessible by a variety of modes of transport

It is not considered that the proposed development satisfies all these requirements which need to be satisfied in tandem and not just on any individual basis.

The policy goes on to state that:-

“Planning permission for chalet accommodation or static caravans will only be permitted where the development would not have an adverse impact on the character and appearance of immediate or wider landscape and the level of existing screening would be such that any permanent structures would not be visible even during winter months when viewed from areas outside the site to which the public has access”.

Development Management Policy 8 which deals with the ‘Historic Environment’ advises that planning permission may only be granted for development where it does not have an adverse impact upon the significance of the heritage asset and/or its setting. Based on the woodland location of the proposed holiday lodges, impact on
setting will be less than from an open site but still evident in winter months and on approaching the buildings.

Notwithstanding the above, it is the case that emerging local plan policies may be afforded only very limited weight based on the plans stage of preparation. Moreover at the Derbyshire Dales Authority’s full council meeting on the 2nd October, members resolved to withdraw the emerging local plan from the examination in public, following the findings of the Local Plan Inspector after the opening few days of the Local Plan Inquiry.

Hence, the relevant planning considerations for this development proposal are the saved policies of the Adopted Derbyshire Dales Local Plan (2005), which are in accordance with the National Planning Policy Framework, and relevant advice within the framework itself.

4. The supporting Planning, Design and Access Statement refers to the National Planning Policy Framework recognising that sustainable development has three dimensions to it; which are economic, social and environmental. Planning law still requires that planning applications must be determined in accordance with the development plan, unless material considerations indicate otherwise. Proposals that accord with the development should be approved without delay unless ‘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 specific policies in this framework indicate development should be restricted’. Carsington Water attracts a large number of tourists and the surrounding area contains various holiday accommodation in the form of holiday lets, B and B guest houses etc. The holiday accommodation at Shiningford Farm has been established through the use of the listed buildings at the premises, securing their long term upkeep, which represents a sustainable form of development in the countryside.

Conversely, the introduction of new holiday lodges is not considered to be a sustainable form of development, even if they are located within a belt of trees whilst they may not be clearly viewed within the setting of the listed buildings, as were the previously applied for holiday lodges, they would still be development that represents an encroachment in the countryside, well away from a sustainable location where transport choices are available, thus resulting in reliance upon the private car.

5. The comments of the Parish Council are noted and are considered to be relevant, particularly in respect to the location not being regarded as sustainable. The preamble to saved Local Plan Policy EDT19 advises that planning permission for tourist accommodation outside of market towns and other settlements will only be granted where it reflects sustainable rural tourism and involves the conversion of suitable existing rural buildings.

Proposals that would have an adverse impact upon the character, appearance and setting of the countryside will be resisted. The Council will also give preference to proposals that are accessible, preferably by a variety of modes of transport. It is the case that the Highway Authority are not opposed to the development. The nature of the access track being narrow, with only limited passing places, means that traffic speeds are not likely to be excessive. There would be greater potential for vehicles associated with the proposed development to meet each other along the narrow access track, which may result in one having to reverse for some distance. Whilst
this may involve some difficult manoeuvring, it is unlikely to be overly dangerous, which may explain why the Highway Authority are not opposed to the development on highway safety grounds.

6. In conclusion, the proposed holiday lodges are intended to expand the range of holiday accommodation currently available at Shiningford Farm. However, the very fact that the local area does not include developments of the type proposed points to such development not being regarded as sustainable, in such isolated rural locations. Although important historic outbuildings have been approved for conversion to holiday units, and the proposals are sited to reduce their impact on the setting of the heritage assets this does not make Shiningford Farm a sustainable location for new build holiday lodges. Whilst the National Planning Policy Framework urges support for economic growth in rural areas, it advocates for support for sustainable rural tourism which respects the character of the countryside. Based on the above, it is considered that the proposed holiday lodges merit a recommendation of refusal.

OFFICER RECOMMENDATION:
Planning permission be refused

1. The proposed erection of 2no holiday lodges in this isolated rural location would represent a form of development that is inherently unsustainable, encroaching and harmful to the character and appearance of the countryside, detrimental to the rural sense of place and to this listed farmhouse setting. As such, the development is contrary to the aims of policies SF4, EDT19 and NBE 16 of the Adopted Derbyshire Dales Local Plan (2005) and the advice at parts 3 and 12 of the National Planning Policy Framework (2012).

Footnotes:

1. The Local Planning Authority considered the merits of the submitted application and judged that there was no prospect of resolving the fundamental planning problems with it through negotiation. On this basis the requirement to engage in a positive and proactive manner was considered to be best served by the Local Planning Authority issuing a decision on the application at the earliest opportunity and thereby allowing the applicant to exercise their right to appeal.

2. This decision relates to the following documents:

- Planning, Design and Access Statement dated June 2014
- Appendix A – Photographs from Immediate and Wider Setting dated June 2014
- 1:1250 scale Site Location Plan – Drawing No. 990-001
- 1:200 scale Site Layout Plan – Drawing No. 990-002
- 1:200 scale Site Layout Plan – PR1 Drawing No. 990-003 Rev.A

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Ashbourne Airfield, Ashbourne
THE SITE AND SURROUNDINGS:
The application site is a 39.35 hectare parcel of land located to the northwest of the junction of the A52 and Ladyhole Lane immediately to the southeast of Ashbourne Airfield Industrial Estate within the parish of Yeldersley. At its western edge the application site extends to meet the existing access road of the industrial estate. Immediately to the north of this is the Vital Earth composting operation and the site boundary is set away from these premises with the exception of a finger of land running up the boundary to allow for provision of screening/landscaping. The site then extends north-eastwards across the former airfield, now agricultural land crossed by former runways, to incorporate land and buildings currently utilised by JCB as a training centre.

The land to the northeast at this point is woodland. The site boundary then returns southeast along the boundary of the airfield to meet Ladyhole Lane. The land to the north at this point is open agricultural land. The site boundary then extends down Ladyhole Lane to the southwest with open land and former runway to the east to a point approximately 125m from the line of properties at the west of Ladyhole Lane. The boundary then follows the rear boundaries of these properties and some fronting the A52 to the south before meeting the A52 approximately 100m to the west of the junction opposite a copse of trees. The land to the south of the A52 at this point is open farmland with field boundary hedgerows and hedgerow trees.

The site then extends to the west but with the boundary set behind a narrow strip of land in separate ownership before returning north just to the east of the edge of the existing industrial estate with open land to the west at this point.

The site is generally flat, as you might expect for a former airfield, with only the land in the northeast corner having any significant change in levels.

The site bounds the Settlement Framework Boundary for Ashbourne with the land immediately to the west allocated for industrial purposes in the current local plan.

Bradley Woods, a Derbyshire Wildlife site, lies close to the northern boundary of the site whilst Osmaston Conservation Area is approximately 500m to the south at its closest point.

THE APPLICATION:
Outline planning permission is sought for residential development of 367 dwellings, provision of 8 hectares of employment land, ancillary commercial and community facilities, strategic landscaping, a new link road and associated infrastructure. The only matter for which full approval is sought at this stage is the means of access to the site. The means of access includes provision of a new access to the A52 which is detailed in the submission and a connection to the existing industrial estate adopted highway. The
redline of the application site has been extended west to incorporate this during the consideration of the application.

The application is accompanied by a raft of supporting documents as follows: -
- Community Consultation and Engagement Statement
- Design Brief
- Indicative Layout and Landscaping Plan
- Draft Heads of Terms of Section 106 Agreement
- Flood Risk Assessment and Sustainable Drainage Strategy
- Housing Market Analysis Report
- Landscape and Visual Impact Assessment
- Noise Assessment
- Odour and Bio Aerosols Assessment
- Phase 1 Habitat and Protected Fauna Survey
- Ecological Appraisal Report
- Planning and Sustainability Statement
- Transport Assessment
- Travel Plan
- Archaeological Historic Mapping Research and Walkover Survey
- Viability Assessment

These documents, with the exception of the commercially sensitive viability assessment, have been made available on the public file and circulated to the relevant consultees. Their contents are discussed as appropriate in the ‘issues’ section of this report. It is however pertinent at this point to summarise the details of the proposed access arrangements as the one reserved matter where full details have been submitted, the contents of the illustrative masterplan and design brief, the phasing arrangements proposed, the head of terms for a legal agreement identified by the applicants and brief summary of their supporting planning case.

The applicant in their design brief have identified the following parameters for the development of the site which they expect to be carried forward into any reserved matters scheme: -

1. Up to 367 new homes, including a range of house types and sizes
2. A new business park of up to 8 hectares in size comprising 6 hectares of B2 development (General Industry), 2 hectares of B1(b) and (c) development (Research and Development, Laboratories, Studies and Light Industry)
3. A mixed use hub including some or all of the following uses:
   - A1 Retail/A2 Financial and Professional (no single unit in excess of 300m² and not more than 500m² in total), A3 restaurants/café(s)/A4 drinking establishments (not more than 500m² in total and no more than one drinking establishment), D1 non-residential institution/community facilities (up to 750m²), and an enterprise centre incorporating small start-up office units (not more than 500m² in total)
4. The provision of access to serve the comprehensive development comprising a new access junction from the A52; a new access road to serve the business park which shall link through to Blenheim Road; a new internal road layout to serve the development incorporating footpaths and cycle paths.
5. A landscape bund alongside the south eastern and north eastern boundaries of Vital Earth at least 7.5m in height topped with 2m acoustic fencing.
6. A landscaped buffer to the rear of existing properties on Ladyhole Lane.
7. Tree planting along the south western boundary of the site (parallel with the A52)
8. An area reserved for wildlife along the north eastern boundary
9. Public open space integrated throughout the development
10. Surface water control measures (SUDS) integrated throughout the development

In terms of phasing the applicants have committed to meeting the requirements of emerging plan policy SA8. They have suggested the following milestone dates:

i. On or before the occupation of the first dwelling - the site access onto the A52 and the strategic planting around the site periphery will be completed
ii. On or before occupation of the 110th dwelling the employment land will be serviced ready for future development and the link to Blenheim Road will be completed

The applicants have, following consultation with the Town Council, Neighbourhood Planning Steering Group and Airfield Liaison Group reviewed this phasing such that an access to the A52 will be created as the first phase of construction (to limit construction traffic through the Airfield Industrial Estate).

They have also suggested following that meeting that a proportion of the secondary education payment is ‘ring-fenced’ to allow the delivery of an Enterprise/Vocational Learning Centre.

The draft heads of terms for the legal agreement recognise the need to contribute to the following items:

- Primary school places
- Secondary school places
- Post 16 places
- Access to broadband
- Public open space and pitches and future maintenance
- Biodiversity enhancements to the northeast of the site
- New off-site connections to public rights of way network
- Affordable housing
- Highway works

The proposed new access to the A52 will have the following design characteristics:

- The junction will be approximately 225m to the west of the junction of Ladyhole Lane with the A52
- The junction will require localised road widening into the verge to the south and into the application site to the north
- This widening will facilitate a right turn harbourage on the A52 for vehicles travelling east to west
- Traffic lights will be introduced on the junction
- Two exit lanes are provided for vehicles leaving the site
- New footways are introduced either side of the access
- Visibility splays of 2.4m x 180m to the west provided and greater to the east
- Street lighting columns provided on south side of the junction
- Signal visibility approaching traffic lights of 160m shown on drawings
Summary of applicant’s case: -

- Whilst the site lies outside the Settlement Boundary of Ashbourne it has a draft allocation in the emerging Local Plan under Policy SA8 for development. This draft allocation resulted from overwhelming public support and has been given weight by Committee resolution. For this reason there should be no in-principle objection to the proposed development and it should be assessed in the light of other material planning considerations.

- The National Planning Policy Framework is a material consideration that carries significant weight. Paragraph 14 sets out a presumption in favour of sustainable development and for decision takers this means granting permission unless the harm of doing so would significantly and demonstrably outweigh the benefits.

- The proposal accords with paragraph 19 of the National Planning Policy Framework as it allows for the expansion of the Airfield Industrial Estate thereby supporting economic growth through the planning system.

- The creation of a second access will open up eight hectares of employment land. In addition a mixed use hub will be created comprising shops, potentially a public house and enterprise centre. The net result will be creation of hundreds of jobs.

- The proposal will deliver up to 367 dwellings to meet local needs which itself will lead to social and economic benefit. The site will achieve these benefits without significant impact on the landscape, visual amenity or ecology and satisfies the three dimensions of sustainable development in a way that other proposed sites cannot.

- The proposed comprises of sustainable development that accords with the NPPF and the site is clearly deliverable now as it is being proposed by willing landowners, is in a suitable location and can be developed imminently.

- The overall benefits are summarised as: -
  - i) expansion of employment opportunities for the people of Ashbourne and surrounding areas
  - ii) creation of high quality business park
  - iii) creation of high quality residential environment which respects character of Ashbourne
  - iv) The location of new employment and housing close to one another will be mutually beneficial and reduce the need to travel
  - v) New public open spaces and an area of biodiversity enhancement are proposed
  - vi) New pedestrian links will be created to southeast Ashbourne, adjacent villages and to the countryside
  - vii) Increase in population for Ashbourne will help sustain and support the vitality and viability of the town centre and its businesses, services and facilities
  - viii) Increased Council Tax and New Homes Bonus will further invest

This proposal is a comprehensive and sustainable mixed use development. There are no material considerations or adverse impacts which demonstrably outweigh the benefits.

RELEVANT HISTORY:
None directly relevant to consideration of this application, however the following application relates to land a short distance to the west.

14/00075/FUL. Formation of vehicular access to serve potential employment development site – pending consideration.
CONSULTATIONS:
Parish Council
Osmaston and Yeldersley Parish Council – object for following reasons:

1. Have concerns that the site prioritisation process and choice of Ashbourne Airfield as a preferred housing option was legally flawed and is open to legal challenge thereby potentially leaving the local plan open to a challenge on soundness. Therefore it is suggested that the Council should not give any weight to the preferred site status in the emerging plan. Paragraph 216 of the NPPF should be borne in mind and the weight given to the emerging local plan should not be high because there are unresolved objections to relevant policies and the prospect of a legal challenge.

2. The allocation would be unlikely to survive the EIP process and on that basis the weight given to a preferred site allocation should be low.

3. Until a new local plan is adopted the Council must give more weight to the policies of the NPPF. The site lies outside the Settlement Framework Boundary with the background of NPPF policies.

4. In terms of sustainability the applicant gives great weight to the economic benefits arising from new employment uses, the mixed use element on site and the spending power of the housing occupants. This analysis completely ignores the fact that the location is unsustainable as it is substantially green field and lies a significant distance away from the main facilities of Ashbourne 4-5km away. The site is an area of open-land on a high plateau. The development of a substantially greenfield site for housing is not what the NPPF had in mind. It cannot be viewed as a logical extension of Ashbourne. It is highly debatable that the economic components of this plan would come to fruition and an isolated and unsustainable housing estate would be left with residents isolated and dependent on the private car.

5. The precise amount of housing and the best locations for this should be fully debated at the Examination in Public.

6. The provision of a housing estate of this scale would not support the provision of the retail and other facilities proposed. For the small supermarket to survive it would need to attract trade from outside the immediate catchment which emphasises its lack of sustainability.

7. It is not confirmed that delivery would happen in five years as claimed. It will be probably two years before housing development commences and likely that the build overall will take seven or eight years. Less weight should be given to the proposal than suggested by the applicant because delivery will not occur as quickly as suggested.

8. The site is remote from schools and services. No reliance can be put on the proposed facilities and the bus service details are sketchy.

9. The creation of a new junction in a 50mph zone raises highway safety concerns and further concerns relate to the impact on Ladyhole Lane and the junction of the A52 with the A38.
10. The Council identifies a five year housing supply in relation to the consideration of the Old Derby Road application and this gives less of a presumption in favour.

Ashbourne Town Council
Object to the application as unable to support an indicative application. However would like to enter into a dialogue with the developer.

Bradley Parish Council
Object – Concerned about the lack of infrastructure of the roads.

There would be impacts from traffic utilising roads through ‘Hole In The Wall’ and Bradley Village.

A further section of bypass should be explored

The balance is wrong between employment and housing. More employment provision should be pursued to create jobs for local people.

Local Highway Authority
Although the site is situated some distance from Ashbourne Town Centre it has, within the draft Derbyshire Dales Local Plan been identified as a site to deliver a high quality mixed use development that would improve the environmental quality of the area, and deliver affordable housing as well as providing support for existing services and local employment opportunities (SA8). Furthermore it also provides the opportunity for a second access point to be provided into the adjacent industrial area. From a highway perspective it was considered that an acceptable access arrangement could be provided to the A52 via a new signalised junction. The extension of the application boundary to meet the existing Blenheim Road access facilitates this. The Highway Authority wish to see this link formed in the first phase of development to forge a strong link and allow for sustainable travel.

If some development is required to cross subsidise this no more than 50 to 75 dwellings should be allowed before the link is formed. The formation of the new access and link road should be clearly controlled through an appropriate phasing condition.

The development will result in more traffic in Ashbourne Town Centre where a relatively high proportion of the development traffic will gravitate to, for everyday facilities. The existing signalised junction of Station Street/Compton Street/Sturston Road/Derby Road/Old Hill will suffer from additional pressure and this junction already experiences peak hour congestion and has been the source of a number of accidents over the years. Other junctions may also suffer an impact but haven’t been modelled.

A comprehensive solution is required from a highway perspective at this junction to avoid congestion at peak times, however, a series of smaller local interventions around the town may create more meaningful capacity improvement. On this basis the Highway Authority have requested that the use of a financial contribution be more feasibly deployed to focus on targeted improvements identified by traffic monitoring as the development progresses. The Highway Authority have provided a map identifying the key streets within the highway network where monies might be deployed. Whilst the monies secured from this development may not address all of the works the
contribution would be proportionate to the impacts of this development. It is suggested that a time period stretching beyond completion of the development would be required in a legal agreement in order that impacts could be monitored and works appropriately planned and undertaken. Six years from substantial completion (90% of development) is suggested.

The application includes provision for Travel Plan contributions to subsidise bus routes and provide supporting funds to promote and manage the Travel Plan. The Highway Authority would wish to be involved in promoting / managing the Travel Plan and a further financial contribution is sought to facilitate this input.

The applicants should consider promoting a wider Travel Plan to the surrounding commercial area as this may lessen capacity problems on the network and consequently lessen any improvements required.

The promotion of bus services is welcomed to help the development become sustainable but the Highway Authority have not been involved in assessing the subsidy proposed.

Whilst it is noted that a voucher scheme for residents is included in the transport assessment to promote bus usage, the primary focus of funding should be to establishing the route. The Travel Plan could then include details of home owner packs to promote uptake of public transport through vouchers but the cost estimate for this continuing for a full year are very high and could be substantially reduced.

Cycle parking costs should be borne by the developer and not included as a legal agreement heading. Previous discussions have included suggestions of routing Ladyhole Lane traffic through the site and away from the existing junction which has an accident record. Whilst this may be a benefit that could be delivered it is recognised that it is not required of the development to make it safe but it is suggested that land is protected alongside Ladyhole Lane as part of the legal agreement to provide a vehicle link should this be required at a future date.

Whilst the internal layout on the masterplan is indicative only at this stage, the Developer should be encouraged to view the County Council’s current 6C’s design guide in subsequently designing a layout which would meet adoptable standards.

Whilst there are still some minor issues to be resolved in terms of phasing and detailed design of the point of access, these can be resolved through appropriate conditions. The suggested financial contributions off site and comprehensive Travel Plan are likely to alleviate and mitigate impacts such that it would be difficult for the Highway Authority to suggest that these impacts would result in “severe” harm relative to the existing situation, the test now identified for refusal of a scheme under the terms of paragraph 32 of the National Planning Policy Framework. On this basis no objection is raised and the following conditions and legal obligations are suggested.

Section 106 Content
(a) Travel Plan monitoring / review by Derbyshire County Council with a cost of not more than £12,500.
(b) Financial contribution not exceeding £500,000 towards highway network improvement within an identified area to offset impact of development. The monies may cover traffic monitoring, transport studies and pay for targeted highway and pedestrian safety or capacity improvements all to be agreed with the Local Planning Authority. The monies may also be used for improving public transport infrastructure, walking and cycling routes between the site and town centre. The monies shall be made available for a period up to 6 years post substantial completion with unused monies returned after this period.

(c) The developer to consider a layout at reserved matters stage potentially allowing for a vehicular connection to be made to Ladyhole Lane to be provided as part of the development or safeguarding the land to do this at a later date.

(d) Appropriate clauses to cover subsidy to bus services.

Conditions
1. Construction management plan
2. No development to commence until temporary access for construction has been provided to the A52.
3. No operations commenced until detailed phasing agreed.
4. Prior to occupation of dwellings or industrial premises, new permanent junction formed to A52.
5. No more than 75 dwellings erected and occupied before link to Blenheim Road has been laid out and constructed.
6. Reserved matters application to include road layout that complies with "Manual for Streets".
7. The internal layout for the residential component shall be designed in accordance with 6C’s guide.
8. No dwellings occupied until parking / turning for residents provided.
9. Garaging and parking for each dwelling retained.
10. Industrial / commercial premises not occupied until their parking / turning areas laid out.
11. Driveways no steeper than 1 in 14 for 5m.
12. Internal residential streets to junctions to have minimum 2.4m x 25m visibility splays.
13. Direct access points to internal link road to have 2.4m x 43m visibility splays.
14. The residential estate street layout to be provided with 25m forward visibility sightlines.
15. Private driveways / parking spaces for individual properties to have 2.4m x 25m visibility splays.

16. Driveway / parking spaces to have 2m x 2m x 45° pedestrian intervisibility.

17. Works shall not commence until scheme for disposal of highway surface water submitted and agreed.

18. Premises not occupied until a full Travel Plan submitted and approved.

County Council (Strategic Infrastructure and Services): 
Request that the development meets the following demands which are related to the development in terms of strategic infrastructure: -

- Access to high speed broadband services for future residents (in conjunction with service providers)
- Provision of new bridleway and footpaths as part of the on-site design of the proposed development and a financial contribution of £21,120 towards future maintenance of these routes
- £90,200 towards the provision of new off-site connections to the wider Public Rights of Way network
- £832,127.73 towards the provision of 73 primary school places at Osmaston CE (Controlled) Primary School
- £944,689.35 towards the provision of 55 secondary school places at Queen Elizabeth’s Grammar School
- £409,813.80 towards provision of 22 post 16 education places at QUEGS
- New homes designed to Lifetime Homes Standards

Environment Agency: 
In relation to drainage raise no objections subject to condition to secure sustainable drainage system.

In relation to odour and bio aerosols make the following points: -

(i) The author of the report, requested and has utilised EA odour complaints records.

(ii) EA do not specify a minimum distance between permitted sites and residential properties with regard to exposure to odours.

(iii) The author of the odour report undertook odour surveys in the vicinity of the development site on 5th November and 6th November 2012. Only on the 5th was the site downwind of the industrial estate. The survey, therefore, only provides a snapshot and should not be relied upon to draw any conclusions. The survey has not taken into account at all seasonal variations in terms of exposure to residents and also seasonal variations on production at permitted sites and how this may affect odour.

(iv) The report does not differentiate between point source odour from chimneys and ground sources of odours and how these behave.
(v) The wind direction information is taken from several miles away.

(vi) The report emphasises the role of the EA in policing pollution problems experienced by residents from permitted sites. However, at times, future residents may still experience nuisance from these sites. The EA cannot guarantee that there will be no nuisance in particular odour from these sites.

Environmental Health:

In relation to contaminated land raise no objection subject to conditions.

In relation to Noise and Odour make the following comments:-

The noise report submitted is thorough and appears to be a true reflection of the current noise levels expected both in terms of background levels and noise from the industrial estate. The report identifies various noise sources on the estate some of which are tonal and have the potential to give rise to noise complaints. The report recommends a noise barrier in the form of an earth bund with acoustic fence. This along with other recommendations of the noise consultant should be adopted in order to mitigate any noise complaints from occupants of the proposed dwellings. The developer should take on board comments regarding layout of buildings in order to shield residential properties from noise sources on the existing and proposed extension of the industrial estate.

In relation to odour the District Council are the authorising authority for Frank Wrights animal feed processing factory and deal with any complaints. No complaints have been received for several years in relation to this facility in regard to either noise or odour.

Development Control Archaeologist:

Consider that the site has archaeological potential within the site because of the concentration of known prehistoric burial monuments around the headwaters of Wyaston Brook to the west of the site which raises the possibility of similar concentration of activity at the source of Shirley Brook in the immediate vicinity of the site.

Given this potential within the site, originally raised objection on the basis that the level of survey work was inadequate without a geophysical survey to supplement the desk-based analysis and, therefore, contrary to National Planning Policy Framework paragraph 128.

Have subsequently held a dialogue with the applicants regarding the necessity for and timing of this geophysical survey based on the former and current usage of the site.

Have on the basis of the practical difficulties of surveying the site before mid October because of a standing crop and given the outline nature of the proposal accepted that in this instance a condition is appropriate requiring a field evaluation before submission of the reserved matters application.
Derbyshire Wildlife Trust:
In initial response objected to the application due to the significant adverse impact on ground nesting birds in particular Lapwings. The Lapwing is UK BAP priority species included on the Red List of Birds of Conservation concern. The survey identified the presence of a significant population of breeding birds with as many as 25-50 pairs present. The loss of the site will displace the birds to suboptimal habitats and is likely to reduce their breeding success rate and consequent further decline in this species.

The initial mitigation scheme did not propose long-term measures to compensate for loss of habitat. The lack of appropriate mitigation would result in a net loss of biodiversity contrary to paragraph 118 of the National Planning Policy Framework and Local Plan policies.

In response to these comments the applicants have been in discussions with Derbyshire Wildlife Trust to try and come up with an appropriate mitigation strategy to include within a legal agreement. The strategy that has been put forward involves sympathetically managing the site for Lapwing and Skylark prior to release of the fields in the application site for development and at a point where no more than 16 hectares remain within the application site to be developed releasing this land from the management regime and instead managing 16 hectares of land situated within 5km of the airfield owned by the applicants in a manner suitable to maximise opportunities for ground nesting birds. This land would be managed in this way for 10 years after which either 5 hectares would remain under management for a further 5 years or a payment of £18,000 would be made to Derbyshire Wildlife Trust to promote management of farmland for Lapwing and Skylark in the wider area.

Derbyshire Wildlife Trust are satisfied that these measures of compensation are acceptable but need to be secured and enforced through a Section 106 Agreement in addition to a farm management plan which can be the subject of a condition.

The ecological information submitted in relation to other species has also been analysed and the main impacts commented upon.

The site contains a small population of Great Crested Newts in 3 ponds. Whilst the ponds are to be retained some loss of terrestrial habitat will occur. Mitigation and a European Protected Species Licence will be required. A condition is suggested to secure a scheme of mitigation.

In relation to breeding birds generally across the site a condition is suggested to prevent removal of vegetation or demolition of structures during the breeding season.

In relation to landscape and ecological management the measures identified are considered acceptable and a condition is proposed.

In relation to bats and other nocturnal wildlife a condition relating to a lighting strategy is proposed.

Conditions are also suggested in relation to safeguarding badgers during construction and dealing with invasive species on site.
Overall and having regard to the revised mitigation strategy proposed for ground nesting birds Derbyshire Wildlife Trust have lifted their objection to the scheme subject to conditions and a legal agreement.

Natural England:
No objection.

Head of Housing:
On the assumption that this development will be phased over a relatively long time span happy to promote provision on site with provision targeted to bungalows, single persons flats and 2 bedroomed houses. The full details of this will need to be agreed in conjunction with a partner RSL prior to the submission of a reserved matters scheme.

Head of Regeneration and Policy:
Ashbourne Airfield is a significant employment site for the Derbyshire Dales. It employs in the region of 2,400 people in more than 80 businesses, including some significant employers. It is an important site for enabling economic growth, as identified in the recently adopted Derbyshire Dales Economic Plan. The District Council’s Corporate Plan 2014/15 has a priority to “increase business growth and job creation” and includes a target to “promote key development sites”. Therefore the strategic context gives a clear direction to facilitate job growth on the Ashbourne Airfield.

Timing is of importance. Officers are aware of businesses on the Airfield currently choosing to relocate jobs out of the District due to a lack of available expansion space in Ashbourne. The identified need for additional employment space in Ashbourne presents not only an opportunity cost (potential new jobs going somewhere else rather than being created in the Derbyshire Dales), but also an immediate risk of loss of existing jobs.

The recent Atkins Economic Needs Assessment and local enquiries highlight a demand primarily for smaller industrial units to enable local firms to expand plus some demand for starter units as the economy improves. In addition, the District Council receives a limited number of inward investment enquiries for larger space - these requests cannot be met due to the lack of larger, modern premises available in the district. It will be important to work with the developer to encourage provision of a range of unit sizes which can be adapted to suit the needs of different businesses and which are available on flexible terms. The proposed ratio mix of employment floor space broadly follows the pattern of development on the Airfield site in previous years.

There is a need to ensure the Derbyshire Dales can offer modern, high quality premises to meet the needs of identified growth sectors including advanced manufacturing, food and drink manufacturing, and logistics. The inclusion of R&D space at the appropriate level is therefore welcome as part of the development.

The new access road within the current application is the subject of a bid to the D2N2 Local Economic Partnership (LEP) for funding. The access road is critical for opening up employment land sooner rather than later, the need for which is as described. It is understood from the developer that gaining LEP funding would enable a 2015 start on the access road construction, helping to accelerate the delivery of employment land, safeguard jobs and enable new job creation. Funding bids are rated on factors
including strategic fit, value for money, and deliverability. A current planning permission would be regarded as important for deliverability.

Whilst there remain issues to discuss with the developer with regard to the detail of the scheme, the Economic Development Service support this application by reason of its positive contribution to corporate economic priority targets, its contribution towards meeting an identified immediate need for business expansion space, and the provision of a new access road to facilitate economic development.

Derbyshire Fire and Rescue Service:
Strongly recommend the installation of a domestic sprinkler system. A minimum 32mm water supply capable of delivering the required volumes would allow this to be carried out easily in the future.

Crime Prevention Design Advisor:
No major concerns. Suggest parking courts should be avoided in any layout. Will comment in more detail on any reserved matters submission.

REPRESENTATIONS:
The representations received on this application are logically broken down into their different categories which comprise of letters of support, letters of objection individually written, copy letters of objection, letters of objection from businesses in the locality and detailed letters of objection from planning consultants.

Letters of support - Two letters of support have been received which raise the following points: -
1. Recognise the benefits of developing this brownfield site even though it lies outside the settlement framework.

2. Care should be taken to minimise the impact on views into and out of the area due to its location and surrounding countryside.

3. Welcome the provision of a new access to the airfield, as Blenheim Road is inadequate and heavily congested leading to noise and pollution for neighbours.

Individual letters of objection – Forty five individual letters of objection have been received which raise the following points: -
1. This large development is being imposed on the Parish of Yeldersley with a population of 188 which does not have the community facilities to support the population rise. The housing would be better directed to existing towns where the infrastructure already exists.

2. The houses proposed are too close to commercial activity on the industrial estate and potential buyers will be put off by noise, smell and light pollution.

3. The proposed access onto the A52 is too close to the existing junction and will cause traffic congestion on this road impeding emergency vehicles going to Derby to A and E. Access would be better through the existing industrial estate.

4. Traffic on the A52 will increase as people will need to use vehicles to access schools and services and this will be detrimental to highway safety on a road with an accident record.
5. The development would increase traffic on Ladyhole Lane as vehicles would use this route as a shortcut to avoid going through Ashbourne. The road is not suitable for such an increase in traffic.

6. The airfield site is grade 3 agricultural land and should be retained for growing arable crops.

7. The plan does not include sufficient buffer between development and farmland.

8. The residents of Yeldersley will have their parish community subsumed into a housing estate from its current agricultural context.

9. The development adjoins farmland which has suffered from erosion resulting from surface water runoff and the development could exacerbate this.

10. Passing places and traffic calming along Ladyhole Lane will be required to cater for the increase in traffic.

11. Livestock could be lost to a dog population that will be associated with new residential development.

12. The proximity of housing to an existing livery business will be detrimental to it and a sizeable buffer along the boundary is required.

13. Ragwort will spread onto adjoining agricultural land to the detriment of livestock health.

14. Whilst the applicants claim considerable local support for this proposal that does not apply to residents of Osmaston and Yeldersley.

15. The residents of the parish will have its rural character completely changed by this new alien community in an incongruous position.

16. Whilst it is recognised that the people of Ashbourne see the airfield as the best place for the expansion of the town when you consider the whole of the airfield this site could not be further away from the town.

17. Alternative proposals could be devised which catered for expansion but did so in a way which did not adversely affect local residents.

18. The applicant is taking advantage of the mess that has been created by the National Planning Policy Framework in order to promote a bad development.

19. The Councils failure to have an up to date local plan should not mean locals have to put up with a poorly conceived development.

20. The development proposed is unsustainable because it is in a remote location situated on the southeast corner of the airfield site and has no relationship to the town it is meant to be part of. It fails to connect people and places and does not integrate with existing development.
21. There are better places on the airfield to position housing and connect with the town and locating development on the western side would achieve a nearer physical connection. The development proposed represents a new bulk of housing incongruously dumped in a rural location.

22. The employment provision proposed is a sprawling ribbon which extends the industrial estate out into the countryside, which will create a poor impression on approaching the town. Such a siting is contrary to guidance in the National Planning Policy Framework and the employment provision would be better located alongside existing employment uses running north where it would not be conspicuous.

23. The proposal fails to comply with policy SA8 of the draft local plan – as a master-plan for the whole site has not been provided.

24. The layout could be a lot better and this could be a wasted opportunity to get this right.

25. The site for housing development is also unsustainable as it will be adversely affected by odours emanating from the industrial estate. Complaints already occur and the new housing is downwind. Whilst the applicant has done sniff tests in November which suggests ‘slight adverse’ or ‘moderate adverse impact’ local knowledge suggests that the proposed development will suffer very significant odour nuisance. Other positions for the housing would not suffer this potential impact.

26. The application provides no assessment of the impact of development on the vitality and viability of the town centre or the tourism industry in the town.

27. The development will radically alter the dynamics of the catchment for Osmaston School and families who have sent children to the school historically will no longer get places. No explanation is provided as to how additional primary school places are to be provided.

28. A development of this scale will place a further strain on already stretched public resources.

29. Can the additional school provision actually be achieved?

30. There will be a conflict and danger to residents of the new housing as children will be using the same roads as heavy goods vehicles.

31. Children will be put at risk crossing the busy and dangerous A52 to attend Osmaston School.

32. Congestion will be caused in Osmaston village from children being dropped off and picked up.

33. Osmaston access roads are unsuited to an increase in traffic.

34. The site is a poor location for affordable housing where residents would have limited access to public transport.
35. The provision of traffic lights on the A52 to serve the new access will create congestion and as a result encourage rat running through Osmaston.

36. Osmaston is already heavily trafficked and additional traffic will endanger children and other pedestrians and adversely affect the enjoyment of their properties for residents.

37. The application has insufficient regard to existing flooding problems on Ladyhole Lane where properties flood to the rear near the junction with the A52.

38. The development of this site is no longer necessary as other sites in Ashbourne have been granted permission.

39. Development of this site would open up the whole of the airfield to future development. A scale of development with which the town could not cope.

40. The secondary school cannot cope with the scale of residential development proposed for the town.

41. The development will further exacerbate parking and congestion problems in Ashbourne.

42. There is evidence that the airfield stored toxic chemicals in association with the military use and the application should be accompanied by a Toxic and Radiological survey that recognises this and also takes account of waste material spread on the land from the adjoining Vital Earth operation.

43. It is unfair that Ashbourne Town Council seek to fulfil their housing requirement by suggesting building outside their parish.

44. Whilst the site was historically an airfield it has been largely greenfield for many years.

45. The site is a haven for wildlife with native and visiting birds and great crested newts.

46. Traffic rat running north at Osmaston junction would be passing through unfenced farmland and the 'hole in the wall' which will inevitably be further damaged to the detriment of its listed status.

47. The character of Bradley would be harmed by increased traffic and more children being dropped off and picked up at the school.

48. Properties on Ladyhole Lane already suffer flooding, noise pollution and smells. These problems can only be exacerbated.

49. Residents of Ladyhole Lane will suffer significant adverse impact to their visual amenity.

50. Ladyhole Lane is used by horse riders who would be seriously threatened by any increase in traffic.
51. The change in the character of traffic along Ladyhole Lane will undermine the livery business located there.

52. Question the need for this amount of new commercial premises.

53. Noise and smell from new commercial development will not create the right environment for new dwellings.

54. Development of the site would displace Derbyshire Radio Controlled Flyers Club who have invested heavily in resurfacing the cross runway and on other facilities.

55. This scale of development would alter the character of Ashbourne as an English Market Town.

56. The development is neither a suburban extension of the town or an independent village because of its location.

57. Traffic queuing at the new junction on the A52 would generate significant pollution.

58. The site is an equivalent distance from the town centre as Fenny Bentley.

59. Custom would be diverted from town centre shops to facilities on the site.

60. The plan takes away the identity of Yeldersley and prevents the local community coming up with a scheme of modest expansion.

61. The housing need of Ashbourne should be looked at holistically as part of the local plan process.

62. Whilst opposing this development would reluctantly support a development of up to 100 dwellings which provided a two acre buffer of woodland to Yeldersley and incorporated a roundabout access from A52 set further to the west.

63. Existing trees behind Ladyhole Lane should be retained as they are a habitat for wildlife.

64. The light industry to the rear of Ladyhole Lane should be just that without significant noise or pollution.

65. It does not appear that the developer has the support of Derbyshire County Council from a highways perspective.

66. The development is unlikely to be delivered in a five year time span.

67. The value of property on Ladyhole Lane will be adversely affected.

68. The development is a ‘fait accompli’ as Ashbourne is unwilling to accept government house building targets.

69. The long term aim is to develop much more of the airfield and this should have been the application.
70. Ashbourne needs more jobs not more houses.

71. Any commercial elements should be complementary to existing provision and not compete with existing village facilities like pubs.

72. A new primary school should be provided on site.

73. New residents would be likely to complain about the Derby Radio Flyers Club putting its continued existence in doubt.

74. The provision of a 9.5m high screen mound will be conspicuous.

75. The development should be assessed against the existing development plan to which it is totally contrary.

76. The development does not meet the 45% affordable housing sought.

77. Existing problems of flooding and raw sewerage discharge from the airfield will need addressing.

78. The continuous sound of fans running at Vital Earth will harm future residents amenity.

79. Existing permissions granted already meet the strategic housing requirements.

80. Even if the Old Derby Road scheme is rejected allowing this development will exceed the strategic target by 152 dwellings.

81. The airfield site should be left for industrial expansion.

82. Members of DRCF travel considerable distances to Ashbourne to fly their aircraft. They would be seriously disadvantaged by having to go further afield.

83. The airfield is an historic and recreation asset and should not be developed.

Copy letters of objection – A total of 51 letters using a standard format have been submitted with 47 of these having a standard 4 points signed and dated and a further 4 having 3 standard points.

The 4 point letters raise the following issues: -

1. Residential housing should not be located so close to commercial enterprises on the airfield industrial site which emanate noise, smell and light pollution.

2. The airfield is grade 3 farm land used to grow arable crops and should be retained for this purpose.

3. The proposed access onto the A52 is too close to the existing junction of Ladyhole Lane and Church Lane. It will cause traffic congestion and impede emerging vehicles travelling between Ashbourne and Derby particularly those accessing A and E services.
4. The increase in primary school children that an extra 367 houses will generate can only add more chaos to existing parking and traffic flow problems around Osmaston Primary School.

The 3 point letters make the following observations: -

1. Residential housing should not be sited too close to commercial enterprises on the airfield. The smells, particularly from Vital Earth are at times unbearable. The compost created by Vital Earth contains litter and plastic and this is blown around the airfield and would have an adverse impact on residential properties. The airfield site also suffers from infestations of flies which swarm and bite people causing discomfort.

2. The airfield is green belt and should be protected as such. It is also grade 3 agricultural land and should be kept as productive farmland.

3. The proposed access is too close to the existing junction and will lead to congestion and impede emergency vehicles.

Letters from local businesses
A total of 4 letters have been received from local businesses raising the following points: -

1. The proposal to use the Blenheim Road access for construction and not form the new access until the development is substantially complete is unacceptable.

2. The creation of a new signal controlled junction will add to congestion that occurs on Derby Hill and provision of a roundabout should be pursued and this should be provided at the commencement of development.

3. Gas, electricity, water and other utility supplies to local businesses could be interrupted during development.

4. The existing electricity supply is already unpredictable and this matter could be worsened.

5. The existing sewerage system is incapable of accepting additional flows and an entirely new system is needed for the development.

6. The potential for the new road being used by domestic cars as a short cut will cause an undesirable mixing with commercial vehicles.

7. Premises provided need to be offered at affordable prices to allow for business expansion.

8. Residents of the new housing will be exposed to significant odours from nearby businesses.

9. Rodents are present in the locality, especially at Vital Earth.

10. This is an opportunity to create a new access/exit for the industrial estate.

11. The new residents would be too close to an industrial estate exposing them to risk from these industrial processes and associated traffic.
12. Local road infrastructure will not be able to cope.

13. Future residential occupants are highly likely to complain about emissions and future business expansions.

14. The existing surface water drains are inadequate and problems with flooding could be exacerbated.

15. The long-term commercial viability of the industrial estate could be jeopardised.

16. Any buildings located within 250m of the existing industrial estate will be exposed to noise and other emissions that are unavoidable. Properties should be sited further away.

Representations made by planning consultants:

Two letters have been received raising the following issues:

1. The development is sited at the far eastern end of the airfield. In this location it has no obvious association with Ashbourne and is a marked incursion into the countryside.

2. The site which was originally an airfield is not brownfield as the airfield use ceased in 1954 and the site has recently been used for growing arable crops. It should be considered a greenfield site.

3. Whilst it is recognised that greenfield land needs to be developed to meet the housing needs of the town this should be directed to sustainable locations well related to the town whereas this proposal is in an isolated location, creating a new village.

4. The Housing Options paper for Ashbourne gave this site only priority 2, below the priority given to Hillside Farm and Old Derby Road.

5. An independent assessment of the impact of the 4 main sites around Ashbourne proposed in terms of sustainability has been undertaken. The site comes out with the greatest negative impact. The site at Old Derby Road is the most sustainable of the 4 options.

6. The submitted application does not propose affordable housing to accord with policy which it is suggested is unviable. This lack of transparency is contrary to National Planning Guidance.

7. The Transport Assessment submitted still identifies future capacity issues at Derby Road/ Blenheim Road and Compton Street/ Station Road, therefore local congestion will increase.

8. The proposed bus service link into the site is not detailed in terms of funding and duration of this. As such, the provision of this service is not guaranteed.
9. In terms of interpreting the weight to be given to policy SA8 as the emerging Local Plan has not been examined and substantial objections exist to this allocation, it is not considered that the policy can be afforded weight in decision making.

10. The failure to make adequate provision for affordable housing means the scheme conflicts with SA8 in any event.

11. Since the site was proposed for housing over 460 objections were received for outweighing any support.

12. The proposed is clearly contrary to the adopted Local Plan which should continue to be the primary source of assessment until superseded by a new Local Plan. Only in exceptional circumstances should an application contrary to the adopted Local Plan be granted as the correct arena of assessment is the Local Plan inquiry.

13. Planning Officers’ objective assessment suggested ASH3 (Leys Farm) was better located to meet the housing needs. Approving this development in advance of the Local Plan Inquiry could render the Council liable to legal challenge and compensation payments.

14. The site is at best only partly previously developed land and its allocation on the basis of being brownfield is misguided.

15. The development will adversely affect the character of Ashbourne by breaking out into adjoining rural parishes.

16. The site is remote and therefore unsuitable. Approving it in this context would run contrary to the golden thread in the National Planning Policy Framework. Any access to employment is outweighed by its general remoteness from other services.

17. Developing the site would be damaging to wildlife and biodiversity.

18. Whilst the site is adjacent to the Settlement Framework Boundary is with the industrial estate. In this location it will never integrate with the town and in effect it is a separate settlement.

19. The site is not pleasant for residential development and the industrial estate will be regarded as a nuisance for future residents.

20. Rather than located close to the town the development is sited next to the unneighbourly industrial uses downwind of them.

21. The industrial premises nearby will be subject to frequent complaints of nuisance which will not be addressed by the buffer proposed.

22. The remoteness of this site from facilities will impact most on those in greatest need, those requiring affordable housing and the elderly who need easy access to services.

23. The development could adversely affect Bradley Wood SSSI.
24. The development will lead to significant carbon emissions because of its remoteness and lack of public transport.

25. The development will provide unwanted business competition for Ashbourne Town Centre.

26. The development would destroy the nesting habitats of nationally rare birds on the site without appropriate mitigation.

27. The site is contrary to Strategic Housing Policy 8 as it cannot provide the appropriate mix of housing in a sustainable and inclusive way.

28. The development would entail the loss of good quality, productive agricultural land.

29. The development should have been accompanied by an Environmental Impact Assessment.

30. The application is premature and as it is outline offers no guarantees of its future form. The supporting documents are window dressing. The allocation of the site should be subject to proper scrutiny as part of the Examination In Public as otherwise the local plan process is brought into disrepute.

POLICIES:
1. Adopted Derbyshire Dales Local Plan:
   SF1: Development Within Settlement Frameworks Boundaries
   SF4: Development In The Countryside
   SF5: Design And Appearance of Development
   SF6: Protection Of The Best Agricultural Land
   H4: Housing Development Outside Settlement Framework Boundaries
   H13: Affordable Housing Exceptional Sites In Rural Areas
   EDT1: Land For General Industrial And Business Development
   EDT2: Existing Strategic Employment Land And Business Premises
   EDT5: Industrial And Business Development Within Settlement Framework
   EDT8: Design And Appearance Of New Industrial And Business Premises
   EDT15: New Build Industrial And Business Development Outside Of Settlement Frameworks
   NBE3: Other Sites Of Importance For Nature Conservation
   NBE5: Development Affecting Species Protected by Law Or Are Nationally Rare
   NBE6: Trees And Woodlands
   NBE7: Features Important In The Landscape
   NBE8: Landscape Character
   NBE12: Foul Sewage
   NBE21: Development Affecting A Conservation Area
   NBE24: Archaeological Sites And Heritage Features
   TR1: Access Requirements And The Impact Of New Development
   TR2: Travel Plans
   TR3: Provision For Public Transport
   TR8: Parking Requirements For New Development
   CS8: Provision of Community Infrastructure
   CS9: Utility Services and Infrastructure
   L2: New Sport And Recreation Facilities
   L6: Outdoor Playing And Play Space In New Housing Developments
2. National Planning Policy Framework
particularly paragraphs 7, 14, 17, 20, 21, 26, 28, 29, 31, 34, 37, 38, 47, 49, 50, 57, 70, 73, 75, 109, 110, 111, 112, 118, 120, 123, 129, 132, 134, 196, 197, 210, 211, 212, 215, 216


ISSUES:
1. Planning Policy Considerations
   It is pertinent before considering the planning merits of this application to first consider the policy context within which decision-making is currently framed.

   The National Planning Policy Framework (2012) sets out the Government’s planning policies and how these should be applied. It reaffirms that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The Adopted Local Plan (2005) is the “development plan” and paragraph 215 of the National Planning Policy Framework states that from March 2013 onwards decision-makers should give due weight to relevant policies in existing plans according to the degree of consistency with the framework (the closer the policies in the plan to the framework, the greater the degree of weight that may be given).

   In terms of assessing what weight to give to the Adopted Local Plan policies it is important to recognise that they pre-date the framework and were drafted at a time when the Regional Plan set housing targets and it was envisaged housing requirements could be met within Settlement Framework boundaries drawn around the main settlements. This policy context has changed dramatically with the publication of the National Planning Policy Framework. Local authorities no longer have their targets set regionally and have to meet their own objectively assessed needs unless overriding environmental constraints prevent this or they reach agreement with neighbouring authorities to take on part of their need. In this context the policies directly relevant to this case, H4 and SF4, which currently would seek to resist development in the countryside are policies not in accordance with
the framework and therefore would carry very little weight in the assessment of this type of application on this basis alone.

In addition to this requirement to meet objectively assessed the National Planning Policy Framework also requires local authorities to have a 5 year housing supply of specific deliverable sites (paragraph 47) based on the objectively assessed needs figure and a buffer in addition to this based on a further 20% over and above a 5 year supply if historically they have not met their objectively assessed needs annual supply consistently.

The Council went into the recent examination in public of the emerging local plan promoting a housing supply figure of 4400, well below objectively assessed needs. After 2 days of considering evidence the Inspector published his interim findings on housing supply and concluded that at least 6500 houses were needed to meet the objectively assessed needs. Based on these findings and having regard to the substantial further work required on the emerging plan and need for extensive public consultation on how to address this requirement the plan has been withdrawn from the examination in public.

The effect of the Inspector’s findings is that the Council must currently base its housing land supply calculations and decision-making on the figure of 6500. When this figure is distilled down to an annual apportionment it reveals a more demanding annual figure and a significant previous under performance against this in terms of housing supply. The effect of the objectively assessed need figure above is substantial on the calculation of the 5 year supply plus 20% and the Council falls well short of achieving the requisite 5 year supply.

The implication of not having an identified 5 year supply based on the objectively assessed needs of the district is spelt out in paragraph 49 of the National Planning Policy Framework whereby it makes it clear that without a 5 year supply the housing policies cannot be considered up-to-date.

This argument logically feeds through to paragraph 14 of the National Planning Policy Framework which states “at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking”.

“For decision-taking it further states that this means:

- Approving development proposals that accord with the development plan without delay, and
- Where the development plan is absent, silent or relevant policies are out of date, granting permission unless:

any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of this framework taken as a whole; or specific policies in this framework indicates development should be restricted”.

Therefore, in summary, on this matter, in light of the Inspector’s findings on objectively assessed needs and the consequent absence of a 5 year supply and also bearing in mind the context in which Policies SF4 and H4 were framed, they
can clearly no longer be given weight in assessment of this scheme as they are out- of-date. The scheme falls to be assessed on its merits in light of the contents of paragraph 14 and the harm caused by the development would have to significantly and demonstrably outweigh its benefits to justify its rejection as it is located in a broadly sustainable location immediately adjoining the Settlement Framework boundary of Ashbourne.

Whilst Policies SF4 and H4 of the Adopted Local Plan are not a sound basis for decision-making in light of the above the other policies of the Adopted Local Plan are considered to broadly accord with the National Planning Policy Framework and can still be given weight in decision-making read in conjunction with the National Planning Policy Framework.

The status of the emerging local plan also has to be assessed. Paragraph 216 of the National Planning Policy Framework allows authorities to give weight to relevant policies in emerging plans according to the stage of proposals, the extent to which there are unresolved objections and the degree of consistency with the Framework.

The withdrawal of the emerging plan from the examination in public effectively takes it back a stage whereby further analysis of the precise housing figure and how this might be met needs to be done. Having regard to this it is considered that its policies only have limited weight at this stage. Notwithstanding this it is logical in assessing this scheme to have regard to the general spatial strategy which underpins the emerging plan of focusing the majority of growth in or around the most sustainable market towns and to the fact that the site, in line with this spatial strategy was identified as one of the preferred options for housing covered by Policy SA8 of the emerging plan. This emerging plan policy has informed the content of the application submitted.

What can be readily deduced from the above is that the policy assessment of this application has 3 components. The National Planning Policy Framework is clearly a major consideration in relation to the requirements of paragraph 14 in the absence of a 5 year housing land supply. The adopted local plan policies remains relevant with the exceptions of Policies SF4 and H4 which are out-of-date in the context of considering major housing land allocations to satisfy the current and future needs of the district. Finally, the emerging local plan has some limited weight as it identifies the direction of travel for making housing requirements and the proposal is logically assessed for the degree to which it satisfied the objectives set by allocation Policy SA8.

Having explained the policy background and having carefully assessed the contents of consultee responses and public comment it is logical to breakdown the continued assessment of this scheme into the key following topics:-

- The sustainability of the development of this site to meet the housing needs of the district
- The benefits to the sustainability of Ashbourne from facilitating release of employment land
- Impact of development on the character and appearance of the locality.
- Impact on the highway network
- Meeting infrastructure requirements
• The viability of the scheme and affordable housing
• The living environment of existing and future residents
• Impact on wildlife and ecology
• Open space and recreation provision
• Archaeology
• Contamination and drainage
• Planning balance and conclusions

2. The sustainability of the development of this site to meet the housing needs of the district

The application site is part of a former airfield that’s partially within but predominantly adjoining the existing Settlement Framework boundary of Ashbourne to the south east of the existing Ashbourne Airfield Industrial Estate. The small element of the application site that lies within the Settlement Framework is the new roadway link to Blenheim Road and this component of the site is allocated for employment proposed in the adopted Local Plan. The remainder of the site comprises of a mix of former runways and airfield infrastructure separated by large tracts of arable land with the north east corner of the site used as a training centre for JCB with associated classroom facilities, buildings and areas used by heavy machinery for training purposes. The National Planning Policy Framework includes within its glossary a definition of previously developed land. Whilst elements of the site such as the runway areas and training facility would fit neatly into this category the presence of substantial elements of arable land within the site mean it is probably best described as currently a mix of brownfield and greenfield despite its former use as an airfield.

An assessment of the sustainability of the site needs to take this partially brownfield nature into account but also have full regard to accessibility by a range of transport modes and access to goods and services along with a consideration of the incursion into the countryside. These factors then need to be weighed against the extent of housing required, the other sustainability benefits delivered and the potential for the site to become more sustainable through the mix of uses and transport links created.

In terms of accessibility to a range of goods and services, despite abutting the current settlement the site is relatively remote from the town’s main facilities. Whilst employment opportunities are close at hand currently any residents of this locality are likely to be mainly reliant on the private car to access goods and services. Whilst this is an aspect of development in this locality which might make it less sustainable than other sites closer to the main town centre, the different components of the application cannot be ignored. The intention is to provide a mixed use hub with local convenience shopping/commercial facilities and the potential for a public house. It is envisaged that these would serve to reduce car borne trips and also provide facilities for the adjoining industrial estate thereby to some degree enhancing their sustainability.

In addition to these local facilities, it is intended that a bus service is established which will link through the current industrial estate. The applicants have been in discussions with public transport operators and have agreed to subsidise a service for a 5 year period to allow the route to establish. On the basis of the scale of
development proposed and the presence of the adjoining major source of employment, there would appear to be a good prospect of establishing a regular bus service thereby enhancing the sites sustainability.

It is also pertinent in assessing the impact of this development to analyse the impact it will have on the character and appearance of the locality. The development is a bit of a strange hybrid in this regard. Whilst it is intended as an extension to the town, because it sits well outside the existing residential framework of the town and will dominate the adjoining hamlet of houses it might of the face of it appear as an isolated new settlement. Whilst such a development will change the character of the locality subject to careful consideration at the design stage there is no overriding reason as to why a more village like design ethos rather than suburban concept cannot work successfully in allowing the development to achieve an appropriate sense of place.

In summary, on this point, whilst the relative isolation of this site from the main town facilities and incursion into the countryside limits its sustainability to some degree, the establishment of a local bus service, local centre for facilities, the sustainability benefits to the industrial estate and its partially brownfield nature serve to counterbalance these findings.

3. The benefits to the sustainability of Ashbourne from facilitating the release of employment land

Ashbourne Airfield is a successful mixed employment site with high levels of occupancy. As can be deduced from the comments of the Council’s Head of Regeneration and Policy, in order to allow business to continue to thrive via new start-ups and expansions, thereby enhancing the employment opportunities in the town and its sustainable growth, it is important that further employment land is released. The existing access to the industrial estate along Blenheim Road is subject to congestion and substantial expansion requires new road infrastructure. The mixed use scheme proposed provides the necessary cross subsidy through the housing proposed to facilitate the new access to the A52 and link to Blenheim Road in the early stages of development. Without this mix of uses it appears unlikely that the unlocking of further employment land and the opportunity it provides for the town would be forthcoming and this should be viewed as a significant positive outcome of the scheme. The mix of B2, B1 units and an enterprise centre should meet the range of future demand for employment expansion in the town and thereby contribute to achieving corporate economic objectives.

4. Impact of development on the character and appearance of the locality

In 2 above, the relatively isolated location of the development is acknowledged along with the significant change that will occur to the character and appearance of the locality. Beyond the sustainability implications of this it is also logical to also assess the degree of visibility and harm that might be caused to landscape character and appearance.

In the assessment of potential development sites undertaken in the preparation of the emerging plan a Landscape and Visual Assessment of the whole of the airfield was undertaken. The assessment concluded that there was considerable scope for development across most of the site, sensitive areas were identified close to the ridgelines on the northern and eastern sides which should be protected from development and the need for a landscape buffer to protect the integrity of the small
community on Ladyhole Lane was also identified. It was also recognised that development should not go south east beyond Ladyhole Lane.

The visual analysis undertaken by the Council identifies that views from the north are long distance ones filtered by vegetation, with views from the east similarly largely screened by existing planting and landform. Localised views from the south east are more open from Ladyhole Lane and some of the properties, whilst there is some visibility from the south west and views of the site from properties to the south west. Views from further afield from Osmaston and its Conservation Area to the south are limited, due to intervening vegetation and distance such that no significant impact would result to its setting.

Whilst comprising a very substantial land release which will inevitably have some adverse impact on landscape character and visual amenity, the generally flat nature of the site and the absence of clear views across into it mean that any impact is mitigated such that the overall harm to landscape character and visual amenity is not substantially adverse. The harm that is caused can be further mitigated by the inclusion of screen planting along the A52 frontage, the retention of open land and screening to the rear of properties on Ladyhole Lane, a new belt of planting along Ladyhole Lane and a buffer of vegetation to the north east linking to wildlife areas. The applicants masterplan has indicated all of these measures. Overall the impact of development on the character of the landscape and visual amenity is not something that weighs significantly against the development.

5. Impact on the highway network

The one aspect of the development that isn’t reserved for future consideration is the new access into the site. The application description above includes full details of this new roadway access onto the A52. It is also proposed to link the new access through the site to the existing access road into the industrial estate Blenheim Road.

The Highway Authority have carefully considered the location and form of access to the A52 and despite public comment to the contrary, are satisfied that safe access can be formed from a signalised junction of the dimensions proposed with the forward visibility detailed. They require this new access to be formed as the first phase of the development, a proposition agreed to by the applicants to avoid construction traffic utilising the route via Blenheim Road to get to the site, and exacerbating congestion on this roadway. They have also requested that the link to Blenheim Road is formed early in the development process and suggested that no more than 50-75 dwellings are occupied before the link is established. This assumption has been built into the costings of the project and viability assessment discussed below.

Whilst the Highway Authority are satisfied that a new signalised junction to the A52 can work and it is likely that some pressure will be taken off the existing junction with Blenheim Road, overall they consider that traffic levels will increase through the town centre as a result of the development. The junction most immediately affected is that at the bottom of Derby Road and the development will take this beyond capacity. In their initial response the Highway Authority requested a sum of £500,000 to carry out highway improvements across the town centre as it is recognised that more benefit may derive from a number of small adjustments rather than a major scheme on one junction. In response to this the applicants have
sought to confine the contribution to that necessary to improve the junction at the bottom of Derby Road and have estimated a sum of £243,000 to achieve this. Without prejudice as to what form highway improvements may take and where they may occur as modelling of the impacts may throw up a range of options the Local Highway Authority have agreed that a sum of £243,000 is an appropriate level of contribution from this application to offset its impact on the wider network.

The suggested 106 terms include subsidising a bus service and implementing and monitoring a Travel Plan both of which are considered beneficial and will enhance sustainability and minimise private vehicle trips.

The strategic response from the County Council seeks to secure a range of footpath improvements beyond the site. Whilst these have been considered where these will not directly enhance sustainability they will not be pursued as the impact on the costings of the development will limit the ability to meet other planning objectives.

Overall, the development with the mitigation proposed will not have a significant adverse impact on the highway network.

6. **Infrastructure requirements**

   The County Council in their detailed response have identified a range of requirements for payments to provide for infrastructure linked to the development. The provision of financial contributions to provide for schools infrastructure is a long established and accepted area whereby local authorities can seek to secure monies through a legal agreement to cater for the demands created by the development. The applicant has agreed to meet the cost of primary, secondary and post 16 places likely to be generated by the development. In relation to the latter the applicants have also been in discussions with the Town Council and Neighbourhood Plan Steering Group with regards to utilising funding to create an Enterprise/Vocational Learning Centre on the airfield. This would in theory appear to be an acceptable alternative means of contributing to post 16 education and any legal agreement can be worded to give a degree of flexibility.

   The County Council have made a request that high speed broadband be facilitated. This has been built into the costing for road infrastructure and could be reasonably conditioned.

   The provision of a new bridleway / footway as part of the internal road design has also been requested. This can be secured through condition and future maintenance secured as part of any subsequent adoption procedure.

   The public right of way team have requested new footpath links be created to the north west and north east to join up with the existing footpath network. Whilst this may be seen as desirable the footpath links are not considered to provide any sustainability benefits by linking the development to jobs and services. Given the cost estimate for forming these links of circa £90,000 their provision will not be pursued as it is not reasonably necessary to make the scheme acceptable in planning terms.

   The request to make all new homes comply with Lifetime Homes standards is also seen as desirable but not essential and the cost of this would have to be borne by the developer to the detriment of securing other planning objectives.
The overall package of infrastructure provision by the developer assessed in the context of the other works and measures described in the section on highway safety above is considered to satisfy those needs generated by this development and Local Plan Policy. The provision and cost of infrastructure has a direct impact on the viability of the scheme and its ability to deliver affordable housing discussed below.

7. The viability of the scheme and affordable housing

The development of this site with its partially brownfield character and substantial upfront investment in infrastructure required has been the subject of detailed analysis over viability. The applicant’s have submitted their own set of costs and returns and these have been independently analysed by the District Valuer on the Council’s behalf.

The substantial exceptional costs that have to be borne by this development can be summarised as follows:-

- Education costs approximately £2.2 million
- Contribution to highway improvements £243,000
- Travel Plan costs £112,000
- Bus service establishment £250,000
- Balancing ponds £200,000
- Compensatory land management for Lapwings £111,000

In addition to these costs totalling in excess of £3 million the nature of the development site in terms of roadway provision, utilities provision and potential contamination handling, make the standard costs of delivering the scheme at the high end of the range.

The mix of uses on the development site also includes elements that on their own might not be commercially attractive such as community facilities and enterprise centres and these serve to further depress the level of commercial return that might otherwise be achieved by a purely market driven scheme.

As already mentioned the costs and end values from the development have been carefully considered by the Council’s own independent consultants and the return on the development after the developer has taken a reasonable commercial profit equates to the provision of 39 affordable units on site or 10.7% of the housing proposed. This level of affordable housing clearly falls well short of the Council’s usual aspirations. The Adopted Local Plan seeks 45% provision on sites of this scale within Settlement Frameworks and the emerging plan, albeit with its housing policies untested and contested retains the aspiration for 45%. The limited provision of affordable housing weighs against the scheme to some degree but is largely dictated by exceptional costs that cannot be avoided.
8. **The living environment of existing and future residents**

The nearest existing dwellings to the application site are those along Ladyhole Lane returning along the A52 at its junction and those to the south west which currently lie to the north of the A52 between it and the industrial estate.

The residents of the former group of buildings will clearly experience significant change to their immediate environment. They currently back onto the open land of the former airfield. Industrial and commercial development will be introduced to the west of them and residential to the north. Whilst this will be a significant change, the indicative masterplan submitted suggests the provision of a substantial belt of screening to the west and north of these dwellings. Whilst this is indicative the amount of land proposed to be set aside should allow for substantial tree planting that will significantly ameliorate any direct impacts from the development.

The dwellings to the south west lie some distance from the site boundary. Screening is shown on the indicative masterplan all the way along the A52 frontage and wrapping around the south west corner. Given this planting and separation the additional impacts on amenity to these dwellings should not be unduly significant.

The existing industrial estate has current operations that have the potential to generate noise, bio aerosol and odour problems. Some of these such as Vital Earth are monitored by the Environment Agency whilst others such as Frank Wrights are under Environmental Health jurisdiction. It is clearly not appropriate to put new residents in a living environment whereby they would be exposed to significant noise, bio aerosols or odour nuisance. The closest installation to the residential properties shown on the masterplan is Vital Earth whose composting operation can create bio aerosols and significant odours. The indicative masterplan shows a separation of the nearest dwelling from this site boundary of 300m. The precise separation that is appropriate was the subject of discussion as part of the Local Plan process. The Environment Agency have published guidance for development requiring planning permission and environmental permits (October 2012). This guidance has a section on the location of new composting operations. It suggests that new in vessel composting operations to be sited within 250m of dwellings will need careful consideration and may need to incorporate additional measures to make them acceptable in relation to bio aerosols and odours. The inference of this guidance is that outside 250m special measures are not required. It is appropriate to apply the logic of this document to the reverse situation whereby new properties are being introduced near an existing composting operation and seeks a separation of at least 250m to avoid significant exposure and nuisance and thereby complaints. The current masterplan shows a minimum separation of 300m from the newest proposed dwelling. With this degree of separation, whilst it is not claimed that residents will not experience odours, the level of nuisance is not considered so significant as to make this an unacceptable place to live.

In relation to noise the scheme incorporates a bund alongside the boundary with Vital Earth to limit noise transmission. This will be 7.5m with a further fence on top. Environmental Health have considered this detail and are satisfied that existing noise generators will not pose a noise nuisance to new residents. Whilst the mound may be quite stark initially appropriate planting should aid its integration with time.
The new industrial development is separated from the residential components of the scheme by the mix of commercial and community uses in the masterplan. This arrangement should prevent significant noise nuisance to future residents.

Overall, on this issue, whilst some future residents may experience noise and odour in this environment the extent of these impacts is not so significant as to make this an unacceptable location for new dwellings.

9. **Impact on Wildlife and Ecology**

The application has been carefully assessed by Derbyshire Wildlife Trust on the Council’s behalf. The main area of interest that arose from their analysis of the site to be developed is the use of the arable land on site by ground nesting birds, particularly Lapwing, but also Skylark. Lapwing are a UK BAP priority species and are on the Red List of Birds of Conservation concern. The site appraisal submitted by the applicants revealed a significant population of 25-50 pairs. The failure to offer up appropriate mitigation to deal with the displacement of these birds to sub-optimal habitat initially led to objection from the Derbyshire Wildlife Trust on the basis of conflict with paragraph 118 of the National Planning Policy Framework. Since that time they have been in negotiation with the applicants who farm substantial areas of land in the wider locality over coming up with a mitigation scheme.

The mitigation scheme now proposed which will need to form part of a legal agreement entails managing the airfield land in accordance with Natural England Guidelines for managing farmland for Lapwings and Skylarks until that component of the land is developed.

As the land is developed in phases each phase will be released from the management regime up to the point when only 16 hectares remain to be developed at which point all the remaining land will be released and at the same time 16 hectares of land in the applicants ownership within 5km of the airfield will come under management and will be managed as such for 10 years.

At the end of this 10 year period either 5 hectares will remain in management for a further 5 years or £18,000 will be paid to Derbyshire Wildlife Trust to be spent in 5 years on the creation of habitat for Lapwing / Skylark within Derbyshire Dales.

The Wildlife Trust are satisfied that this mitigation regime is a reasonable approach to compensating for loss of habitat and as such have withdrawn their objection.

They have made other comments in relation to great crested newts, badgers and nesting birds but are happy to see these issues covered by condition. On balance, therefore, the scheme, as amended/mitigated, has no significant adverse impact on wildlife and ecology and is in compliance with the relevant policies of the Local Plan and National Planning Policy Framework.

10. **Open Space and Recreation**

The indicative masterplan layout incorporates the provision of a recreation area incorporating a full size and reduced sized playing pitch along with other recreational land. In addition the layout incorporates linear parks and swales and provision for play equipment. The land to the north east of the site is to be utilised for a series of ponds and swales to manage water run-off and beyond this a wildlife
area is to be created. Albeit that this information is indicative at this stage the site is large enough to cater for the formal and informal recreation of future residents in a manner which can also serve to enhance biodiversity. The aims of national guidance and local plan policy in this regard are satisfied.

11. Archaeology
The application site is a substantial tract of land which has had some disturbance in terms of runways and other airfield infrastructure but also includes extensive areas of undisturbed land used for farming. As can be deduced from the comments of the Development Control Archaeologist, the wider locality has some prehistoric archaeological interest and on that basis, despite the desk-top study submitted, a geophysical survey is considered necessary prior to any final layout being agreed. Whilst the Development Control Archaeologist would have preferred this to have occurred before this application was determined, because of the difficulties of carrying out such a survey with a standing crop on site the DC Archaeologist has accepted that this matter can be reasonably conditioned given the outline nature of the proposal. It will then be incumbent upon the applicant to have a geophysical survey undertaken prior to reserved matters submission and incorporate any implications from this into their subsequent reserved matters submission. This is considered to be a sensible and pragmatic approach in this case and broadly accords with paragraph 128 of the National Planning Policy Framework.

12. Contamination and Drainage
The Council’s Environmental Health team have assessed the contamination report and remediation proposed and are satisfied that any issues that arise in removing former runway and airfield infrastructure can be reasonably conditioned.

The extent of the site means that surface water from it will be a significant issue that needs to be dealt with. The indicative layout suggests that a network of swales and balancing ponds will be utilised to deal with surface water flows. This accords with good practice in terms of sustainable urban drainage (SUDS) and the Environment Agency have considered the applicants submission and have recommended an appropriate planning condition.

13. Other Matters
The representations received raise a number of other points that require assessment and clarification.

A number of objectors have raised the issue of prematurity and suggested that this application should not be determined favourably based on it being submitted ahead of the Examination in Public of the emerging local plan. The current plan situation has been explained earlier in this report and the absence of a 5 year housing land supply is now evident on the Inspector’s findings. Whilst prematurity can be a planning consideration the current status of the emerging local plan and the absence of a 5 year housing land supply mean that paragraph 14 of the National Planning Policy Framework and the balancing exercise it advocates are the primary basis for determining this application and whilst the public frustration with the current planning situation is understandable, turning this application down on prematurity would be highly unlikely to be defendable on appeal.

The speed of delivery of this scheme has been questioned and its potential to contribute to the 5 year supply. Whilst this project will take time to get off the
ground, its contribution to the 5 year supply is not a significant factor in this assessment.

The potential for the arable land on the airfield to constitute grade 3 agricultural land has been highlighted as a reason to resist development. Local Plan Policy SF6 offers a degree of protection but only to grades 1, 2 and 3a and even if the land were grade 3a this does not prevent its development, should there be an imperative reason to accommodate development that cannot be readily accommodated elsewhere. The need to meet the housing requirements of the district in a sustainable location would constitute such an imperative.

The residents of Osmaston have understandably expressed concern over the impact on the school and village from vehicles dropping up and picking off children. Whilst this concern is noted it would not form a sound basis for resiting the scheme.

The public comment has also expressed concern over the impact of development on the attractiveness of the town to visitors. Whilst this is noted the sensitive implementation of this scheme incorporating planting to the north of the A52 should limit any perceived impact. Visitors to the town arriving along the A52 currently have views of the airfield on their approach and, therefore, little will change in this regard.

Finally in relation to other matters it has been suggested that the application should have been accompanied by an Environmental Statement as Environmental Impact Assessment development. Whilst it is acknowledged that the development will have significant environmental impacts it was formally screened during consideration. In this regard it falls to be considered under Schedule 2 of the Environmental Impact Assessment Regulations (2011). Under these regulations the Council have to screen development and decide based on its characteristics, the sensitivity of the location and the potential characteristics of any impacts if those environmental impacts are very significant such that EIA is required. Having due regard to all these matters the Council concluded that the development did not in this case constitute EIA development. A copy of the Screening Opinion is available to view on the public file.

14. The Planning Balance

The first component of this issues section set out the current planning circumstances concerning the adopted Local Plan, the emerging Local Plan and Inspector’s findings, the current housing land supply situation and what this means for decision-making in terms of the overarching policies of the National Planning Policy Framework. The emerging local has been withdrawn from the examination in public and considerable further analysis and public engagement is required in relation to meeting the Council’s Objectively Assessed Needs for housing. In the meantime, the Council cannot reasonably decline to determine applications on prematurity. Policies SF4 and H4 of the adopted Local Plan are also not a sound basis to reject a scheme such as this as they are both out of kilter with the framework and paragraph 49 of the framework is explicit in ruling them out-of-date in the context of the Council not being able to demonstrate a 5 year housing supply.

Therefore, in the current set of circumstances, the overarching basis for assessing this application is Paragraph 14 of the National Planning Policy Framework. This
guidance requires decision-takers where the development plan is absent, silent or relevant policies are out-of-date to grant permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the framework taken as a whole; or
- specific policies in the framework indicate development should be restricted

Whilst this guidance has a presumption in favour of sustainable development it is not a green light to approving development that is clearly unsustainable in terms of its location and comparative scale.

In balancing the merits of this scheme, therefore, it is first important to reach a judgement on the sustainability of the location. In this regard, whilst the site lies outside the current residential framework of the town of Ashbourne it does abut the Settlement Framework. Although there are impacts on the character of the area and accessibility to the town centre is limited on foot, the proposal includes a range of facilities on site to lessen car borne trips, has ready access to employment opportunities and should allow for the establishment of a bus service to serve the locality and adjoining industrial estate. Having due regard to the fact that any expansion of the town to meet its objectively assessed needs for housing is likely to otherwise go onto greenfields with limited accessibility on foot to the main facilities of the town, the expansion of Ashbourne in the manner proposed is not considered to be an unsustainable location for housing in the round having due regard to the options available.

The development also facilitates the expansion of employment opportunities for the town which will help to encourage its sustainable growth in the future by limiting out commuting to work.

As the development is considered to be a generally sustainable location for development the test in paragraph 14 requires the decision-maker to assess if any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits.

The analysis above highlighted some concerns in relation to highways and ecology which can be mitigated. In addition, it is fair to say that future residents may experience some odour and noise nuisance and that for residents of Ladyhole Lane the character of their living environment will change. Perhaps the most significant failing of the development is its inability to provide for a substantial element of affordable housing within its mix. However, the amount proposed has been independently scrutinised and the developer is to finance a range of facilities and meet other infrastructure costs which severely constrain the ability to provide more than is proposed.

Whilst of limited applicability because of the withdrawal of the Local Plan from examination in public, it is pertinent to assess the degree to which the scheme has met the aims of Policy SA8 on which it was based. Whilst only in outline, it is fair to say that all the aims bar meeting the Council’s usual aspirations in terms of affordable housing have been met.
In the final balance, whilst the release of development sites ahead of the Local Plan process running its course is understandably unpopular, the publication of the National Planning Policy Framework has changed the balance in decision-making to promote more housing and other forms of sustainable development. In the current circumstances and having due regard to the contents of paragraph 14, it is concluded that the benefits of granting permission for this generally sustainable development which will deliver opportunities for sustainable economic development and which broadly accords with Local Plan policies which are consistent with the framework are not significantly and demonstrably outweighed by any adverse impacts. As such, the granting of permission is appropriate.

OFFICER RECOMMENDATION:
Delegate authority to the Development Manager to grant permission subject to conditions on completion of a legal agreement to secure payments in relation to education facilities, improving the highway network, establishing a bus service and setting up a travel plan and to secure a scheme of farmland management to mitigate the impacts on ground nesting birds.

Conditions are required to cover the following matters.

1. Time limit for implementation
2. Submission of Reserved Matters
3. Construction management plan
4. No development to commence until temporary access for construction has been provided to the A52.
5. No operations commenced until detailed phasing agreed.
6. Prior to occupation of dwellings or industrial premises, new permanent junction formed to A52.
7. No more than 75 dwellings erected and occupied before link to Blenheim Road has been laid out and constructed.
8. Reserved matters application to include road layout that complies with “Manual for Streets”.
9. The internal layout for the residential component shall be designed in accordance with 6C’s guide.
10. No dwellings occupied until parking / turning for residents provided.
11. Garaging and parking for each dwelling retained.
12. Industrial / commercial premises not occupied until their parking / turning areas laid out.
13. Driveways no steeper than 1 in 14 for 5m.
14. Internal residential streets to junctions to have minimum 2.4m x 25m visibility splays.
15. Direct access points to internal link road to have 2.4m x 43m visibility splays.
16. The residential estate street layout to be provided with 25m forward visibility sightlines.
17. Private driveways / parking spaces for individual properties to have 2.4m x 25m visibility splays.
18. Driveway / parking spaces to have 2m x 2m x 45º pedestrian intervisibility.
19. Works shall not commence until scheme for disposal of highway surface water submitted and agreed.
20. Premises not occupied until a full Travel Plan submitted and approved
21. Full details of on-site provision of affordable housing and mechanism for transfer and future management to be agreed and implemented.
22. Full details of on-site provision of playing fields, recreation spaces and play equipment and its future maintenance to be submitted, agreed and implemented.
23. No dwelling to be located closer than 300m to the boundary of Vital Earth premises.
24. Scheme of remediation of contamination submitted, agreed and implemented.
25. Full details of SUDS compliant drainage to be submitted, agreed and implemented.
26. Field evaluation for archaeology to be carried out ahead of Reserved Matters submission and its findings to inform Reserved Matters submission.
27. Farm Management Plan for application site to be submitted and agreed.
28. Submission of a scheme of mitigation to compensate for loss of terrestrial habitat for great crested newts to be submitted, approved and implemented.
29. Measures to safeguard badgers during construction to be submitted, agreed and implemented.
30. Scheme of management and maintenance of the wildlife area to be submitted, agreed and implemented.
31. No removal of vegetation or building demolition during bird breeding season.
32. Precise breakdown of commercial and industrial floorpsace to be submitted as part of Reserved Matters submission.
33. Layout of roads to incorporate measures to facilitate broadband, details of which to be submitted, agreed and implemented.
34. Details of the internal road layout shall incorporate a bridleway / footway link between Blenheim Road and Ladyhole Lane.
THE SITE AND SURROUNDINGS:
The application site covers 0.73 hectares of land located to the south-west of Ashbourne Town Centre. The site lies off the A52 which provides a strategic route to Leek (to the north-west) and to Derby (to the south-east). Ashbourne Town Centre lies approximately 1.4km to the north-east of the application site. The site was formerly used to receive effluent and other factory by-products for treatment prior to discharge to the Henmore Brook. Following the closure of the Nestle factory in 2004, the site has been fully remediated and partially redeveloped in accordance with the Adopted Development Brief (May 2004). The site is accessed from Carnation Way via the A52 and adjoins the relatively recently developed Stepping Stones Public House and Ashbourne Travelodge. The site is broadly rectangular and flat.

In May 2004, following an extensive period of public consultation, the Council approved a comprehensive Development Brief for the redevelopment of the former Nestle factory site. The Development Brief divided the Nestle site into a number of discrete plots and indicated that the application site (Plot F) would be suitable for the development of a petrol filling station and associated roadside uses including a single A4 (Drinking Establishment) use. Whilst the provision of a hotel was not initially included on this particular site, the Brief did provide for a prestigious hotel on the south-west corner of the main factory site, if such demand existed.

The application site lies outside the defined Settlement Framework Boundary for Ashbourne established by Policy SF1 of the adopted Derbyshire Dales Local Plan, with the land to the south, west and north being largely undeveloped rural land. To the east of the application site is the Waterside Retail Park which is now fully developed and occupied.

Despite the site being outside the defined Settlement Framework Boundary, the site was allocated for mixed-use development, incorporating high quality employment-generating uses under Policy EDT3 of the adopted Local Plan. Moreover, the site was identified as being suitable for a petrol filling station and associated roadside uses in the approved 2004 Development Brief, which was a precursor to the site’s allocation in the adopted Local Plan.

The application site is regarded as an out-of-centre location for the purposes of the definitions set out in Annex 2 of the National Planning Policy Framework (NPPF). This is consistent with previous considerations on this site.

THE APPLICATION:
Aldi Stores Limited is a leading deep discount grocery retailer and has built up a network of over 7,000 stores in Europe, the USA and Australia. Aldi has over 500 stores in the UK, developed since entering the British market in 1990. Aldi has a different approach to food retailing from other food retailers in the UK, based on simplicity and maximum efficiency at every stage of the business. This enables Aldi to sell high quality products from a range of mainly exclusive own labels, at the lowest possible price.
The application proposal is for an Aldi foodstore of 1,684 sq.m. GIA, with a sales area of 1,254 sq.m., of which 1,066 sq.m. is to be devoted to the sale and display of convenience goods, with the balance of 188 sq.m. to be devoted to the sale and display of comparison goods in addition to ancillary storage, servicing and staff areas and delivery bay, loading and unloading areas. The application proposal incorporates approximately 98 car parking spaces and landscaping.

Aldi stores do not sell lottery tickets, cigarettes, newspapers, magazines, stationery or pharmaceutical goods. Nor do they offer a butchery, fishmongery or greengrocery service, delicatessen and hot food counters, photo processing or other concessions frequently found in other supermarkets.

The proposals have been designed in a manner which seeks to ensure that the scale of the proposed store respects its setting, in particular its location on the edge of open countryside. Due to the site location, and the proximity of neighbouring buildings, the height of the store has been kept low (5.5m above finished floor level), to ensure the profile is below the skyline. The building is approximately 60m long (including the entrance canopy) and 39m wide (including the side loading bay on the northwest side and entrance canopy).

The proposed store will be a single storey building with architectural detailing which includes generous levels of glazing to the entrance and main façades, with charcoal brickwork, anthracite-coloured curtain walling, flashings and fascia detailing and white render panels to create a crisp modern, contemporary aesthetic design. The entrance is to have a large glazed shopfront and canopy providing focus to the main elevation. The illuminated canopy also provides a covered area over the trolley store and bicycle stands.

There are a number of different hard landscaping surface treatments within the development which serve different purposes. The main store entrance and trolley park area is demarcated with Marshall’s ‘Charcoal’ conservation paving slabs. The car park spaces are block paved with some being permeable for drainage. Roads and paths will be finished in tarmac, with flush transitions from road to footways for wheelchair users and parents with pushchairs. The site will also contain stainless steel bollards around the store entrance and a selection of boundary fence materials.

A well-structured soft landscaping scheme is proposed which is intended to provide complete cover within around two years. Areas of feature landscaping are also introduced which comprise a variety of different species to create interest and diversity around the site. The car park will have tree and shrub planting to all boundaries.

As a corporate policy, Aldi only use environmentally friendly, energy efficient freezers and lighting. A heat recovery system from the freezer condensers provides almost the entire store heating provision from wasted machinery heat. The store is, therefore, designed with due regard to minimising the carbon footprint.

It is anticipated that the store will involve around 100 construction operatives during the construction phase and create up to 40 new jobs within the store, with around 35 positions being locally sourced.
The application is accompanied by a detailed planning statement including retail impact assessment, a design and access statement, transport assessment, a flood risk assessment, a geo-environmental assessment, and an environmental noise survey and plant noise impact assessment, preliminary ecological assessment and a statement of community involvement. These reports are available on the public file and their findings are analysed by consultees and in the ‘ISSUES’ section of this report.

RELEVANT HISTORY:
The application site has been the subject of a number of previous planning applications. The following applications are of most relevance to the submitted proposals:

- **11/00335/FUL** Erection of single storey building to accommodate bus garage facility and use class A1 retail unit with associated car parking. Refused.
- **07/00500/FUL** Erection of public house/restaurant with associated access and parking. Approved.
- **07/00366/FUL** Erection of 53 bedroom hotel with associated access, landscaping and car parking. Approved.
- **05/00771/OUT** Redevelopment of site for hotel, petrol filling station/car wash and public house with associated car parking and access (outline). Approved

CONSULTATIONS:
Clifton Parish Council:
No objection but raises the following points:
- Emphasis should be placed upon vehicle and pedestrian safety. There will be more pedestrians using the road between Waterside roundabout and the proposed new store. The footpath along this route is limited. It would be a good idea to implement a footpath from the car park behind Homebase and re-open the subway tunnel to allow safe access to the other side of the A52.
- Traffic emerging from Carnation Way to join the A52 should be instructed to turn left only. This will improve safety at the junction where traffic coming from a northerly direction would be turning right into Carnation Way.
- Delivery vehicles should be carefully considered as there is close proximity to the public house both in terms of safety and noise.

Ashbourne Town Council:
No objection but request that signs are not internally illuminated.

Offcote and Underwood Parish Council:
No objection in principle but expresses grave concerns in regard to pedestrian access due to the lack of a pedestrian crossing on the A52. Works still need to be carried out to provide cycle access to the site.

Environment Agency:
The Environment Agency has reviewed the submitted Validation and Completion Report by BWB Consulting (Reference CHI523/02/V1, dated September 2008) in relation to the risk of pollution to the water environment and raises no objection.
Crime Prevention Design Advisor:
Recommend that additional fencing is installed on the north-western boundary of the store to prevent easy access to the rear of the store to prevent the area being used for inappropriate loafing or other anti-social activities.

Environmental Health:
No objection. Recommend condition that no deliveries take place between 11.00 p.m. and 07.00 a.m.

Derbyshire County Council (Strategic Planning)
Consider that the proposed development would be contrary to national, former regional and local planning policy for new large-scale retail developments. The application proposals are contrary to the plan-led approach to development in the NPPF because the application site is not allocated or identified as a suitable site for retail development in either the Saved Policies of the Adopted Derbyshire Dales Local Plan or the emerging policies of the Derbyshire Dales Local Plan.

The proposed foodstore would not be located in a sustainable location for large-scale retail development which would attract a lot of customer trips, particularly by private car. The site is not just out-of-centre it is almost out-of-town on the very edge of the settlement of Ashbourne adjoining open countryside. In such a location, the proposed store would be primarily accessed by private car with little opportunity to be accessed on foot from either Ashbourne town centre or larger areas of residential development in Ashbourne, particularly to the north-east of the site. Although the site is on a bus route along the A52, there are currently no bus stops in close proximity to the site.

In terms of the sequential test, the site is situated in the least preferable location in the test, being located in an out-of-centre, almost out-of-town position. Furthermore, it would not consolidate an existing out-of-centre retail location. The out-of-centre Waterside Retail Park is located a short distance to the north-east of the site but the application site, being located on the southern side of the A52, would not be well related to it, to facilitate reasonable levels of linked shopping trips on foot between the two facilities.

In terms of retail impact, the assessment above raises significant concerns about the robustness of the assessment of trading impacts of the proposed store on existing Ashbourne food retailers and consequently on the town centre overall. It is possible that the trade diversion and impact effects on Ashbourne town centre have been underestimated, with the potential consequence that the impact effects of the store could be significantly higher and raise more fundamental concerns about the impact of the store on the vitality and viability of the town centre.

Significant concerns are raised about the potential landscape and visual impacts of the proposed foodstore and the appropriateness of the proposed foodstore on the landscape and landscape character of the area. The proposed standardised and corporate design of the store is considered to be inappropriate and does not respond well to its rural surroundings.
In summary, consider that the proposed development is not in accordance with national, former regional and local planning policy for retail developments.

REPRESENTATIONS:
A total of 245 representations of support have been received. Many of the representations make very similar points. A summary of the main issues raised is shown below:-

- An Aldi store will be a useful addition to the town, complementing existing shops within the town rather than directly compete.
- Aldi is affordable for people on low incomes.
- Aldi in Ashbourne would save people travelling to Derby.
- Aldi delivers choice and quality and is badly needed in Ashbourne.
- If you want to increase spending in Ashbourne, cater for the needs of the people.
- The proposal will not only create jobs in the town but will give families more choice to enable them to get better value for money and manage their budgets.
- Waitrose and Sainburys are too pricey for a family shop.
- A great opportunity for Ashbourne to give some serious competition.
- Will save a fortune in petrol money not having to travel to Derby or Uttoxeter to do the weekly shop.
- Aldi would be a perfect addition to what we already have in the perfect location.
- Currently have to travel miles to do a decent shop. With Aldi it would be easier to do everything in the one area and would enable me to stay in the local area to shop and support the area in which I was born.
- The current site has development around it and would only add positively.
- I currently travel to Derby or Burton to shop at Aldi. Even when calculating the cost of transport, a weekly family shop at Aldi works out cheaper than the three main supermarkets currently in Ashbourne.
- A new Aldi would be another asset for the town of Ashbourne, the competition would also be a wake-up call to the existing supermarkets.
- Let us have another asset to bring shopping to Ashbourne.
- Cannot see any reason for the application to be refused. Ashbourne must move with the times.
- M&S has brought life to the town as Waitrose and Fat Face also has. Let’s give Aldi a go – it will promote jobs and help the less rich people of the town to have more and varied choice of goods to buy.
- There is so much in the town aimed at the visitor, it would be nice for residents to have some choice too.
- The creation of 40 jobs for local people must be supported.
- Much needed store for Ashbourne, better prices, jobs and more choice for local people.
- Please let this happen!
- Ashbourne is a great place to live but it is expensive and you have to go out of town for lots of things.
- Being pensioners we cannot get to the Derby store so this would be good for people like us without transport.
- 100% for this project – will create jobs for Ashbourne.
- Aldi is just what Ashbourne needs.
- My family is taking £200-£250 per week out of the town - by shopping at a new Aldi that money would be spent in Ashbourne.
Staying local will encourage my family and other locals to access other local shops and amenities, increasing gross profit overall.

Reduce carbon footprint not having to travel to Uttoxeter, Hilton, Mickleover or Derby.

This is a win/win situation for Ashbourne as a town and for local people.

One letter of objection has been received which makes the following points:-

- There is no need for an Aldi store – the town already has four supermarkets.
- The detrimental effect on the small traders in the town centre who are already struggling with the Waterside Park competition.
- The location of the proposed Aldi was intended for entertainment and leisure purposes not retail. For tourists using the hotel and pub, the site of an Aldi store opposite them is not relaxing.
- The by-pass entrance and exit will not be able to cope with the level of traffic generated by a supermarket.
- The demands on the A515 where traffic already exceeds the speed limit will add to congestion.

Two further letters of representation have been received which indicate neither support nor objection and relate specifically to issues around sustainable transport. A summary of the issues raised is as follows:-

- The pavement from Clifton finishes at the roundabout so residents would have to cross the road and cross it again at the Stepping Stones Public House which is very busy and dangerous. Would like to see the pavement from Clifton continue on the same side to Aldi so that residents would not have to cross a busy road.
- Aldi need to be more proactive and take positive actions that will encourage people to travel sustainably. In the supporting documentation, Aldi mostly rely upon hoping that people will make that choice even in the face of problems.
- The site is not considered to be within close proximity to a substantial walk-in population as there is no convenient footpath links to the site.
- Cycling is not an attractive option as the only dedicated cycleways are primarily leisure trails or involve cycling along roads which are heavy with traffic.
- Public transport options are limited due to paucity of regular bus services.
- If Aldi is genuinely the green and sustainable company they claim to be, they should seek the completion of the traffic free multi-user route through the old Nestle site by working with the current landowner. They should also agree a scheme to upgrade the existing uncontrolled pedestrian crossing on the A52 to a Toucan crossing and work with the existing Hopper bus to agree a scheme to extend that service to Carnation Way.
- Further improvements should be made to upgrade the current rough path behind the hospital so that it links with the Waterside multi-user route.
- The provision of cycle hoops should be increased from 4 to 5 or 6.
- Efforts should be made to encourage customers to use sustainable methods of travel and not just the staff.

POLICIES:

1. Adopted Derbyshire Dales Local Plan (2005)
   SF4 : Development in the Countryside
   SF5 : Design and Appearance of Development.
ISSUES:
In the context of national and local planning policies, it is considered that the main issues in the assessment of the application relate to the principle of developing the site for the proposed use, particularly given the fact that retail floorspace is proposed in an out-of-centre location. Other considerations include the effects of the development having regard to issues such as highways impact, landscape and visual impact.

**National Planning Guidance**
The National Planning Policy Framework (NPPF) is a material consideration in the determination of this application. Paragraph 6 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development which has three key dimensions:-

- **an economic role** – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

- **a social role** – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being; and
Paragraph 14 of the NPPF then sets out the presumption in favour of sustainable development in more detail and says that it ‘...should be seen as a golden thread running through both plan-making and decision-taking’. For decision-taking this means:

- ‘approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:-
  - 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
  - specific policies in this Framework indicate development should be restricted.’

Thus, if the application accords with the development plan, the provisions of Paragraph 14 of the NPPF suggest that it should be permitted without delay, unless material considerations indicate otherwise. Conversely, it is clear that applications which do not accord with an up-to-date development plan should be refused, unless material considerations indicate otherwise. The second decision-taking bullet point in Paragraph 14 of the NPPF only comes into force if the development plan is ‘...absent, silent or relevant policies are out-of-date’.

Core Planning Principles

Paragraph 17 of the NPPF sets out 12 core planning principles which it says ‘...should underpin both plan-making and decision-taking’. These principles, amongst other things, include the need for the planning system to:

- be a creative exercise that seeks to enhance and improve the places in which people live and not simply about scrutiny;
- be a proactive driver of sustainable economic development, so as to deliver the homes, business, industry and infrastructure that are needed;
- secure high quality design and a good standard of amenity;
- be aware of the different roles and character of different areas and promote the vitality of our main urban areas;
- encourage the effective use of previously developed land that is not of high environmental value;
- promote mixed use developments; and
- focus significant development in locations which are, or can be made, sustainable.

Building a Strong, Competitive Economy

Paragraph 18 explains that the Government is committed to securing economic growth in order to create jobs and prosperity and meet the twin challenges of global competition and a low carbon future. Paragraph 19 goes on to state that the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. In order to achieve such growth, Paragraphs 20 and 21 emphasise the need to meet the development needs of business and to address potential barriers to investment, including a poor environment or any lack of infrastructure, services or housing.
Ensuring the Vitality of Town Centres

Paragraphs 23 to 27 of the NPPF deal with the need to promote the vitality of town centres. Paragraph 23 states that planning policies should promote competitive town centre environments and that, in drawing up local plans, LPAs should, amongst other things:-

- recognise town centres as the heart of their communities and support their vitality and viability;
- promote competitive town centres that provide customer choice and a diverse retail offer;
- ensure that needs for retail, leisure, office and other main town centre uses are met in full and are not compromised by limited site availability, so that Local Planning Authorities should undertake an assessment of the need to expand town centres to ensure a sufficient supply of suitable sites;
- allocate appropriate sites for main town centre uses in accordance with the sequential approach; and
- plan positively for centres in decline.

Paragraph 24 then sets out the sequential test that applies to planning applications for main town centre uses that are not in an existing centre and not in accordance with an up-to-date Local Plan. Paragraph 24 states that ‘applications for main town centre uses should be located in town centres, then in edge of centre locations, and only if suitable sites are not available should out of centre sites be considered.’ In considering edge and out of centre proposals, Paragraph 24 states that ‘preference should be given to accessible sites that are well-connected to the town centre’.

Paragraph 26 of the NPPF then sets out the impact tests for applications for retail, leisure and office development that is located outside town centres and which is not in accordance with an up-to-date Local Plan. Paragraph 26 requires applications for such development, which are over 2,500 sq.m. (or a locally set threshold), to include an assessment of:-

- ‘the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
- the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made. For major schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made.’

The application proposal is for a store of 1,684 sq.m. GIA, which is below the 2,500 sq.m. threshold set out in Paragraph 26 of the NPPF. Thus, given that there is no locally set threshold within the adopted Local Plan, or in the emerging Local Plan, it can be argued that the application proposal does not face the tests set out in Paragraph 26 of the NPPF. This is acknowledged in the representation from Derbyshire County Council, who welcome the fact that the applicant has volunteered to provide an assessment of impact against the Paragraph 26 tests, despite being under the threshold.
Paragraph 27 then confirms that ‘Where an application fails to satisfy the sequential test or is likely to have a significant adverse impact on one or more of the above factors [in paragraph 26], it should be refused’. However, it is clear from recent Court Judgments (e.g. the Zurich Assurance High Court Judgment of 20th December 2012, CO/4764/2012) that Paragraph 27 of the NPPF is not necessarily determinative if there are weighty material considerations which displace its presumption for refusal in the event of a failure of the sequential and/or impact tests.

**Decision Taking**

Paragraph 186 states that Local Planning Authorities should approach decision-taking in a positive way to foster the delivery of sustainable development. Paragraph 187 reinforces the point in stating that ‘Local Planning Authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible’ and work with applicants to ‘…secure developments that improve the economic, social and environmental conditions of the area.’

**Weight to be Given to the Development Plan**

Paragraph 215 of the NPPF provides that ‘… due weight should be given to the relevant policies in existing plans according to their degree of consistency with this Framework…’ So far as the emerging submission version of the Derbyshire Dales Local Plan is concerned, the provisions of Paragraph 216 of the NPPF state that decision-takers may give weight to relevant policies in emerging plans, from the date of publication, according to:

a) the stage of preparation of the emerging plan;
b) the extent to which there are unresolved objections to relevant policies; and
c) the degree of consistency of the relevant policies with the NPPF.

The Examination in Public in relation to the emerging plan commenced in July 2014 but has been adjourned as a result of the Inspector’s concerns relating to housing provision and the duty to co-operate. Whilst the adjournment does not relate directly to the issue of the Settlement Framework Boundary, which continues to exclude the application site, or to Strategic Policy 7, which reflects the provisions of the NPPF in emphasising the sequential approach and the objective of maintaining and advancing the vitality and viability of town centres and local centres, this policy is the subject of outstanding objections. As such, ‘limited weight’ should be given to the emerging plan in assessing this application proposal.

**Overall Conclusions in Relation to the NPPF**

The NPPF emphasises the role of the development plan as the statutory starting point in the consideration of planning applications so that applications which accord with the development plan should be approved without delay whereas, if there is conflict with the development plan, applications should be refused unless material considerations indicate otherwise. The NPPF itself is also a material consideration to which carries significant weight.
The NPPF’s presumption in favour of ‘sustainable development’ applies ‘...where the development plan is absent, silent or relevant policies are out-of-date’, and this situation arises in Ashbourne, because the adopted Derbyshire Dales Local Plan does not contain any up-to-date development management policies for assessing retail development proposals located in out-of-centre locations. Furthermore, the NPPF maintains previous policy in seeking to promote competitive and healthy town centres.

**Development Plan Policy Framework**

The Government is committed to a plan-led system of development control. This is given statutory force by section 38(6) of the Planning and Compulsory Purchase Act 2004 (the 2004 Act). Where an adopted or approved development plan contains relevant policies, section 38(6) requires that an application for planning permission or an appeal shall be determined in accordance with the plan, unless material considerations indicate otherwise. As a result there is a general presumption in favour of development that is in accordance with the provisions of the Development Plan.

The Development Plan for Ashbourne comprises the saved policies of Derbyshire Dales Local Plan, adopted in 2005. However, much of the preparation of the adopted Local Plan pre-dates the Planning and Compulsory Purchase Act of 2004 and the relevant policy for out-of-centre retail development (Policy S3) was not saved by the Secretary of State. As a consequence, the adopted Local Plan does not provide for up-to-date development management policies that can be applied to retail development proposals in out-of-centre locations. Thus, provided the application proposal is deemed to represent ‘sustainable development’, the second part of Paragraph 14 of the NPPF, as set out above, comes into force.

**The Sequential Test**

The NPPF sets out the sequential test that applies to planning applications for main town centre uses that are not in an existing centre and not in accordance with an up-to-date Local Plan. Paragraph 24 states that ‘...applications for main town centres uses should be located in town centres, then in edge of centre locations, and only if suitable sites are not available should out of centre sites be considered.’ In considering out of centre proposals, such as the current application by Aldi, Paragraph 24 states that ‘...preference should be given to accessible sites that are well-connected to the town centre’.

In applying the sequential approach, the NPPF requires applicants and Local Authorities to demonstrate flexibility on issues such as format and scale. However, in contrast to the provisions of Policy EC 15.1d of the former PPS4, Paragraph 24 makes no specific mention of the words ‘car parking’ and ‘disaggregation’ in applying the flexibility component of the test.

Another important difference compared to Policy EC15.1 of the former PPS4 is the fact that Paragraph 24 of the NPPF makes no specific reference to the issue of viability in assessing the suitability of sites. Nevertheless, it is considered that viability is an important aspect of the suitability component of the sequential test.
National Planning Practice Guidance (NPPG) provides further advice on how the sequential test should be used in decision taking. It confirms that it is for the applicant to demonstrate compliance with the sequential test, with support from the Local Planning Authority, which has a duty to share any relevant information. The Guidance confirms that there is a requirement to demonstrate flexibility, with respect to format and scale, in assessing the suitability of more central sites. Furthermore, the Guidance states that ‘...use of the sequential test should recognise that certain main town centre uses have particular market and locational requirements which mean that they may only be accommodated in specific locations.’

In terms of the sequential test in the NPPF and NPPG, the application site is situated in an out-of-centre location, outside the defined settlement framework boundary of Ashbourne. Whilst the policies of the NPPF do not preclude sites for retail development in such locations, it is a policy requirement that out-of-centre retail sites are located in accessible locations so that they are accessible to all members of the community, especially those who do not have access to a car.

In its out-of-centre location, the proposed retail development would not be well placed to facilitate linked shopping trips on foot with shops and services in Ashbourne town centre. The opportunities for the generation of spin-off trade to these shops and services would therefore be limited. In its proposed location the foodstore would be likely to compete with Ashbourne town centre, without being likely to provide for any off-setting beneficial spin-off trading impacts for the town centre. Detailed analysis of this is discussed later in this report.

In sustainability terms, there are benefits if new out-of-centre retail facilities are located so that they consolidate existing out-of-centre shopping facilities so that linked shopping trips can take place between those out-of-centre facilities. In this case, the Waterside Retail Park is located a short distance to the north-east of the application site where there are a range of convenience and comparison goods stores, including a Marks and Spencers foodstore. However, the proposed Aldi foodstore would not consolidate the existing Waterside Retail Park. Furthermore, the proposed foodstore store would be located on the opposite side of the A52, which is a busy and heavily trafficked road.

In the case of out-of-centre retail developments, the NPPF requires applicant’s to assess the availability of alternative, more sequentially preferable, sites within and on the edge of nearby town centres. The applicants have undertaken a sequential site analysis in consultation with Officers, however only one site has been identified - Shawcroft Centre Car Park. It is self-evident that, as the main car park serving the town centre, this is a very important facility for Ashbourne as a whole. Furthermore, the lack of on-street car parking within the centre makes this car park a particularly important facility. The redevelopment of this site would, therefore, lead to an unacceptable deficit of public car parking within the centre to the significant detriment of the town centre and general highway safety.

In assessing the availability and suitability of sites, the NPPF requires applicants for larger retail developments to be flexible in terms of format, design and scale when considering the appropriateness of alternative sites. In this respect, it is considered that the applicant’s conclusions on this issue are correct in that the company’s business model requires a site capable of accommodating a store which would sell around 1,500 heavily discounted lines, predominantly food lines. It would be unreasonable to expect the company, therefore, to disaggregate any of the stores floorspace - for example, splitting the convenience and
comparison goods trading elements of the store into separate elements. As a consequence, there is very little scope for Aldi to downsize a store to fit a site which is too small to meet its needs, and that any attempt to do so would undermine the retail concept, cause efficiencies to be lost and render unviable its role as a deep discount operator.

On this basis, the applicant’s conclusion is accepted that there is no other site within or on the edge of Ashbourne Town Centre which is available and suitable for redevelopment as a deep discount foodstore of the type operated by Aldi. In these circumstances, it is considered that despite the locational disadvantages of the site as outlined above, the application passes the sequential test set out in Paragraph 24 of the NPPF.

**The Impact Tests**

Paragraph 26 of the NPPF sets out the impact tests that apply to applications for retail, leisure and office development that are located outside town centres and are not in accordance with an up-to-date Local Plan. The current application is in an out-of-centre location and it is not in accordance with an up-to-date Local Plan. However, the size of the application proposal is below the 2,500 sq.m threshold set out in Paragraph 26 of the NPPF and there is no alternative locally-set threshold. In strict terms, therefore, the application does not face the impact tests set out in Paragraph 26 of the NPPF.

Nevertheless, the applicant has volunteered to provide an appraisal against the two tests set out in Paragraph 26, which are to provide an assessment of:-

a) the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and

b) the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made. For major schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made.

Paragraph 27 of the NPPF confirms that where an application fails to satisfy the sequential test, or is likely to have a significant adverse impact on one or more of the above factors, it should be refused. However, it is clear from recent Court Judgments e.g. Zurich (Case Number CO/4764/2012) that Paragraph 27 of the NPPF is not necessarily determinative if there are weighty material considerations which displace its presumption for refusal in the event of a failure of the sequential and/or impact tests.

National Planning Policy Guidance states that it is for the applicant to demonstrate compliance with the impact tests, but that they should be undertaken in a proportionate and locally appropriate way, drawing on existing information where possible. The key considerations that apply in assessing the likely impact on proposed investment are:-

- the policy status of the investment;
- the progress made towards securing the investment; and
- the extent to which an application is likely to undermine planned investments based on the effect on forecast turnover, operator demand, and investor confidence.
The NPPG then sets out the key considerations in assessing the likely impact on trading levels and on town centre vitality and viability. The advice states that ‘…a judgment as to whether the likely adverse impacts are significant can only be reached in light of local circumstances’ and that ‘…in areas where there are high levels of vacancy and limited retailer demand, even very modest trade diversion from a new development may lead to a significant adverse impact’.

In instances where the evidence suggests that there would be no significant impact on the town centre, the Local Planning Authority ‘…must then consider all material considerations in determining the application, as it would for any other development’.

**Appraisal of Applicants Assessment of Quantitative Impact**

The applicant has undertaken an impact assessment which has been appraised by independent experts appointed by the District Council. In appraising the potential impact of the current proposals, it has been assumed that both the Aldi store and the extended Sainsbury’s are fully trading by 2019.

The application has, therefore, been assessed against the NPPF impact tests relating to the impact on existing, committed and planned investment, and the impact on Ashbourne’s overall vitality and viability.

**Impact on Existing, Committed and Planned Investment**

With the exception of the extant planning permission to extend the Sainsbury’s store (11/00327/FUL), there is no other known committed and planned investment in Ashbourne Town Centre. Analysis is, therefore, confined solely on Sainsbury’s future investment.

It is anticipated that £2.8m of Aldi’s £8.8m convenience goods turnover would be diverted from the existing, unexpanded Sainsbury’s store. This would represent quite a substantial impact on the existing Sainsbury’s store’s convenience turnover, of approximately 19%, and is much higher than the applicant’s estimate of diversion from Sainsbury’s of just £1.2m. However, it is considered to be highly unlikely that a permission for the current application proposal by Aldi would be the sole factor, or the determining factor, in any future decision by Sainsbury’s regarding investment in its own store. Indeed, the extra competition posed by the Aldi store is likely to mean that there would be a further stimulus for Sainsbury’s to proceed with its own investment, so as to respond to a new rival.

In these circumstances, it is considered that there is no clear evidence that the Aldi application would cause a significant adverse impact on existing plans and future investment, so that the application passes the first of the two impact tests set out in Paragraph 26 of the NPPF.

**Impact on Ashbourne’s Overall Vitality and Viability.**

The District Council’s independent assessment shows that the traders which are projected to suffer the highest levels of cumulative percentage impacts as a result of this proposal are Waitrose (23.7%) and the M&S Simply Food store at Waterside Park (25.3%).

However, the M&S Simply Food store is in an out-of-centre location and enjoys no policy protection, and the survey-derived estimate of the turnover of the Waitrose store seems to be much lower than in previous retail assessments, so that the cumulative percentage
impact may be artificially inflated. For example, Indigo Planning’s survey, in support of the application to extend the J Sainsbury’s store, suggested a convenience goods turnover for Waitrose in the year 2014 of approximately £6m, compared to the applicant’s current estimate of just £3.8m. However, the main reason for the applicant’s lower estimate for the convenience goods turnover of Waitrose is that it has made no allowance for the inflow of tourism expenditure from residents outside its 15-minute catchment area. In this regard, the applicants are of the view that there is no evidence to suggest that the Waitrose store is under-trading.

It is, therefore, considered that both the Waitrose store and the M&S Simply Food store would survive the effects of the cumulative diversion and continue to trade at viable levels, with no real risk of a closure.

Of potentially greater concern, is the cumulative impact on the independent convenience traders and on the Co-op Store. The District Council’s assessment suggests cumulative convenience goods percentage impacts of 12.7% for the Co-op and 13.8% for the independents. Once again, however, the applicant’s survey is suggesting substantially lower existing turnovers than previously suggested.

It is, therefore, considered that the applicants assessment has probably under-recorded the actual convenience turnover of the Co-op and Waitrose supermarkets and severely under-recorded the convenience goods turnover of the independent stores because of the failure to include an allowance for the inflow of tourism expenditure. Indeed, given that there are 12 independent convenience stores, it is envisaged that a minimum convenience turnover for the independents would be at least £3.6m compared to the £0.5m recorded by the applicant. As a consequence, the cumulative percentage impacts are likely to overstate what is likely, because the denominators in the impact equation have been under-estimated, particularly the turnover of the independents.

Overall, it is considered that, in relation to the second of the impact tests set out in Paragraph 26 of the NPPF, there is no clear evidence of a ‘significant adverse’ impact on levels of trade in Ashbourne Town Centre, or in relation to consumer choice and the Town Centre’s overall vitality and viability. This conclusion has been reached for the following reasons:-

- The overall outcome of the assessment of cumulative impact in the convenience goods sector is that there is a marginal uplift in the Town Centre’s convenience goods turnover, reflecting the fact that the uplift in turnover for Sainsbury’s, arising from its extension, more than offsets the convenience goods trade diversion to Aldi.
- The incremental diversion to Aldi from the Town Centre’s supermarkets and independent convenience goods shops, of £3.6m, or 16.8%, has to be judged not only in relation to the Town Centre’s overall ‘no development’ convenience turnover, but also in relation to its overall retail turnover when the convenience and comparison goods sectors are combined. The District Council estimate that Ashbourne’s total retail turnover is approximately £55m, so that an incremental direct diversion to Aldi of £3.6m will represent less than 7% of the Town Centre’s overall retail turnover, and this before the beneficial impact of the Sainsbury’s extension.
- Ashbourne continues to enjoy a good level of health, with a unit vacancy rate much lower than the UK average and with good levels of footfall and a good quality of environment.
The percentage impacts set out in the District Council’s assessment have been exacerbated by the under-recording of convenience turnover within the Town Centre, particularly in the independent stores, which are highly likely to have an aggregate turnover of over £3m, compared to the applicant’s survey finding of just £0.5m for the independent stores. This reflects the applicant’s failure to allow for the inflow of tourism expenditure from residents beyond the 15-minute catchment area used in the survey.

The introduction of an Aldi store, albeit at the edge of the urban area, will improve consumer choice for residents of Ashbourne’s overall catchment area and reduce the need to travel to deep discount foodstores in Derby, Hilton and in Uttoxeter.

Although the County Council express concerns that the prospects for linked trips between the Aldi application site and Ashbourne Town Centre will be limited and not sufficient to overcome the direct trade diversion, it is considered that the overall benefits relating to consumer choice will more than outweigh the harm to the Town Centre caused by the direct trade diversion, which is unlikely to be ‘significantly adverse’ for the purposes of Paragraph 26 of the NPPF. Indeed, if the Sainsbury’s extension proceeds, there should be no overall loss of convenience trade in the Town Centre, or any future reduction in footfall.

In summary, there is no evidence to suggest that the Aldi application proposal is likely to cause a ‘significant adverse’ impact on existing, committed or planned investment in Ashbourne, and it is considered highly unlikely that a planning permission for the Aldi store would be a decisive factor in any future decision by Sainsbury’s as to whether or not to proceed with the investment in its store extension.

Similarly, there is no clear evidence to suggest a ‘significant adverse’ impact on the overall vitality and viability of Ashbourne Town Centre, which remains a healthy centre with a very low vacancy rate and a good level of footfall. Indeed, the incremental impact of the Aldi proposal on the Town Centre’s overall retail turnover is likely to be below 7%, and the beneficial impact associated with the implementation of the Sainsbury’s extension will more than offset the initial diversion of trade to Aldi. Moreover, it is considered that the percentage impacts overstate the likely impacts on Waitrose, the Co-op and the independent shops because of the likelihood that there has been some under-reporting of their actual convenience goods turnovers, as a result of the applicants failure to allow for the inflow of tourism expenditure from residents beyond the 15-minute catchment area used in the survey.

**Overall Conclusions on Retail Matters**

It is considered that the application proposal accords with the sequential tests set out in Paragraph 24 of the NPPF and with the two impact tests set out in Paragraph 26 of the NPPF. Moreover, at 1,684 sq.m. GIA, the Aldi proposal is below the 2,500 sq.m. threshold incorporated in Paragraph 26 of the NPPF and there is no locally-set lower threshold. As a consequence, there is no national retail policy ground for seeking to resist the Aldi application proposal. Furthermore, the adopted Local Plan does not provide for up-to-date development management policies that can be applied to retail development proposals in out-of-centre locations, Policy S3 not having been saved by the Secretary of State. In these circumstances, Paragraph 14 of the NPPF sets a presumption in favour of granting planning permission, unless 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 specific policies in this Framework indicate development should be restricted. There are considered to be no any adverse impacts that would significantly and demonstrably outweigh the benefits.
Sustainability Considerations

Contrary to the applicants’ claims, it is not considered that the proposed site is accessible by a choice of travel modes, nor that it will generate significant levels of non-car travel. As previously stated, the site is located outside the defined Settlement Framework for Ashbourne, adjacent to, and to the south side of the A52 and so it is divorced from, and not well related, to the existing built-up area of Ashbourne, particularly the main residential areas to the south and west of the town. It is likely, therefore, that the site and the foodstore would be accessed predominantly by car and, given its location to the south of the A52 and divorced from the built up area, it would not be likely to facilitate reasonable levels of accessibility by customers on foot from the surrounding area due to the lack of footways, particularly on the south side of the A52. The A52 is on a bus route but the nearest bus stops are located some distance away. Overall, the site would not provide for a sustainable location for a larger retail development that would attract a lot of customers to it.

Pedestrian access to the proposed store is a particular problem and has been raised in representations, particularly from residents of Clifton. The lack of a footway on the south side of the A52 means that pedestrians from the west of Ashbourne, would have to negotiate the A515 and cross to the north side of the A52. A pedestrian crossing with a refuge island is provided on the A52 which connects to the site.

The provision of a footway on the south side of the A52 has been considered. However, this would require the involvement of third party land owners, notably Derbyshire County Council who retain control of the south side of the A52.

Guidance published in ‘The Institute of Highways and Transportation’ identifies a maximum walk distance of 0.2km for commuter, school and sightseeing walking trips, 800m for town centre walk trips and 1.2km for trips elsewhere. The actual distance that people will be prepared to walk will vary depending on the trip purpose and other factors such as the presence of road crossings and terrain. For retail trips, the likely maximum walk distance is 800m due to the fact that shoppers will be carrying bags on their return journey, while for work based trips to the foodstore, people are likely to be prepared to walk the full 2km. Based upon a maximum walk distance of 800m for shoppers, the provision of a footway on the south side of the A532 is, in the opinion of the Local Highway Authority, unlikely to generate a sufficient level of trips which would justify them to require the provision of a footway. However, the applicants have been requested to consider this matter as a voluntary measure and have stated that they are willing to construct a new footpath alongside the A52 to link the Carnation Way site to the roundabout at the A52/Clifton Road junction. This will obviously be subject to it being feasible in terms of obtaining the relevant highways approvals, etc.

Notwithstanding the locational disadvantages of the site relative to the main town centre of Ashbourne, it is self-evident from the considerable number of representations that have been received that a significant number of people who reside in and around Ashbourne, currently travel significant distances to access Aldi and Lidl stores elsewhere due to the nature of the product offered. There is, therefore, the potential to reduce the overall amount of travel that is undertaken by having a store located in Ashbourne, such that there is an overall net reduction in the amount of longer distance commuting that currently takes place.
Despite the site being outside the defined Settlement Framework Boundary, the site was allocated for mixed-use development, incorporating high quality employment-generating uses under Policy EDT3 of the adopted Local Plan. Moreover, the site was identified as being suitable for a petrol filling station and associated roadside uses in the approved 2004 Development Brief, which was a precursor to the site’s allocation in the adopted Local Plan. Hotels, family pubs/restaurants and petrol filling stations are roadside facilities and by their very nature do not necessarily require a town centre or edge of centre location. The development of the site for the uses originally intended was, therefore, appropriate. However, it is now 10 years since the closure of the Nestle factory and 7 years since the development of the main Waterside Park site. Throughout that period of time, the application site has been offered for development on the open market with little interest expressed. It is therefore appropriate to review the acceptability of developing the site for an alternative, viable use.

Whilst it is considered that the site will not generate significant levels of non-car traffic, nevertheless there is the potential for a net reduction in travel to other more distant destinations such that there is considered to be a net environmental benefit as result of the proposal. As such, the policy objective of the NPPF to encourage solutions which support reductions in greenhouse gas emissions can be partly achieved.

**Landscape Impact and Design Quality**

The proposed development site occupies a visually prominent edge of settlement location. It is located within the Needwood & South Derbyshire Claylands National Character Area (NCA) at the boundary between the Riverside Meadows and Settled Farmlands Landscape Character Types (LCT) as defined in the ‘Landscape Character of Derbyshire’ publication. The site is located immediately adjacent to the floodplain of the Henmore Brook; a tributary to the River Dove. The proposed site is also located in an area of landscape assessed as being of ‘Secondary sensitivity’ with respect to the recent work undertaken by DCC to determine ‘Areas of Multiple Environmental Sensitivity’ (AMES), with much of the surrounding landscape being of ‘Primary’ sensitivity. These areas of landscape are considered to be sensitive for a range of environmental datasets relating to ecology, the historic environment and visual unity – a measure of the ‘intactness’ of the landscape.

As such, this is not an ideal site for development of this nature both in terms of its proximity to the floodplain (typically associated with a lack of built development), the sensitivity of the surrounding landscape and its visual detachment from the main settlement of Ashbourne. However, the site comprises previously developed land and forms part of a wider redevelopment of the former water treatment works – the other parts of the site being already occupied by a public house and a Travelodge hotel.

The site sits low in the landscape within the floodplain on the southern side of the brook. It is contained by existing development and rising ground to the south, a field boundary hedgerow to the west and by the A52 to the east which runs on embankment across the valley.
Views to the site from residential development on the western side of the town, public highways on the northern and southern sides of the valley and cross valley links to the south west are screened or substantially filtered by existing field boundary and roadside hedges; hedgerow and watercourse trees; a more substantial belt of trees associated with the embankment of a former railway line on the southern side.

The most open view of the site is gained from the elevated section of the A52. From here, the development will be most prominent within the landscape. There is also likely to be a more distant view from residential development fronting the A52 on the outskirts of Mayfield to the north west and occasional and intermittent views from the public footpath which runs along the northern side of the brook.

The development will be substantially screened in public views from the north, south and west and in longer views from the east. The effect of more open views from the A52 and from residential development on the edge of Mayfield can be satisfactorily mitigated by a well-designed landscape scheme while ensuring the store maintains a reasonable visible presence. Also the store will be seen in context with existing development on this side of the A52. It is unlikely, therefore, that there will be any significant adverse impact on visual amenity as a result of the development.

Though it directly abuts open countryside the site was formerly developed as a waste processing facility attached to the Nestle works. At the time, a great many poplar trees helped to ensure that the facility was assimilated within the surrounding landscape. The submitted landscape scheme will seek to mitigate any adverse impact on landscape character in a similar manner. As such, it is considered that although the development will be visible, it is not considered that there will be any significant adverse impact on landscape character as a result of the development.

In regard to the design of the foodstore, Derbyshire County Council in their representation, consider that whilst the applicant recognises the sensitivity of the site and, to some extent, it’s edge of settlement location, the design solutions are not bespoke and poorly respond to context, citing that ‘the building elevations demonstrate standard design details with grey and white panels to the rear of the building and a predominantly glass façade to the store frontage’. The aim, to compliment the design cues provided by both the adjacent public house and hotel, is (in the County Council’s opinion) not appropriate and should focus on mitigating any adverse visual impacts when approaching the town from the west along the A52. The County Council consider that the applicant’s design philosophy is one of creating a compromise between corporate identity, stimulating modern buildings and environmental design but this is not particularly well demonstrated in the supporting images.

This is clearly a subjective judgement and one which members themselves will need to consider. Whilst the design of the proposed foodstore inevitably reflects the Aldi corporate image and design philosophy, the key issue for consideration is whether the design solution proposed responds positively or negatively to the site context. In this regard, it is considered that the design solution proposed is acceptable and with the implementation of the agreed landscaping scheme, should ensure that any adverse impact on visual amenity and landscape character can be satisfactorily mitigated.
Summary

The NPPF’s presumption in favour of ‘sustainable development’ applies ‘…where the development plan is absent, silent or relevant policies are out-of-date’, and this situation arises in Ashbourne, because the adopted Derbyshire Dales Local Plan does not contain any up-to-date development management policies for assessing retail development proposals located in out-of-centre locations.

It is considered that the application proposal accords with the sequential tests set out in Paragraph 24 of the NPPF and with the two impact tests set out in Paragraph 26 of the NPPF. Moreover, the adopted Local Plan does not provide for up-to-date development management policies that can be applied to retail development proposals in out-of-centre locations, Policy S3 not having been saved by the Secretary of State. In these circumstances, Paragraph 14 of the NPPF sets a presumption in favour of granting planning permission, unless 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 specific policies in this Framework indicate development should be restricted.

Whilst it is acknowledged that the site has locational disadvantages due to its location outside the defined Settlement Framework for Ashbourne in an area which will not be conducive to a significant number of trips being undertaken by means other than the private car, there is the potential for a net reduction in travel to other more distant destinations such that there is considered to be a net environmental benefit as result of the proposal.

In summary, it is considered that there are no adverse impacts arising from the proposal that would significantly and demonstrably outweigh the benefits, when assessed against the policies in this National Planning Policy Framework taken as a whole. As such, the recommendation is one of approval.

OFFICER RECOMMENDATION:

That planning permission be granted subject to the following conditions:

1) Condition ST02a Standard Time Limit on Full.

2) The retail unit hereby approved shall comprise a maximum Gross Internal Area (GIA) of 1,684 sq.m. The net sales area of the store shall be limited to a maximum 1,254 sq.m. devoted to the sale and display of comparison and convenience goods. The retail unit shall not be sub-divided or floorspace increased by the addition of mezzanine floors without the prior written approval of the Local Planning Authority.

3) The sales area devoted to the sale and display of convenience goods shall be limited to no more than 1,100 sq.m. The sales area devoted to the sale and display of comparison goods shall be limited to no more than 200 sq.m., so as to allow for a limited amount of flexibility, but subject to the total sales area not exceeding 1,254 sq.m. at any time, in accordance with Condition 3 above.

4) Condition IC02 Opening Hours Monday – Saturday 8.00 a.m. – 22.00 p.m., Sunday 10.00 a.m. – 16.00 p.m.
5) The delivery and despatch of goods to/from the site shall not take place between the hours of 11.00 p.m. and 7.00 a.m. Monday to Sunday.

6) Before any other operations are commenced space shall be provided within the site curtilage for the storage of plant and materials, site accommodation, loading and unloading of goods vehicles, parking and manoeuvring of site operatives and visitors vehicles, laid out and constructed in accordance with detailed designs to be submitted in advance to the Local Planning Authority for written approval and maintained throughout the contract period in accordance with the approved designs free from any impediment to its designated use.

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

8) Before any other operations are commenced, a new estate street junction shall be formed to Carnation Way in accordance with the application drawings (Drawing No Z12A54-P003 Proposed Site Plan), laid out, constructed to base level and provided with 2.4m x 25m visibility splays in either direction, the area in advance of the sightlines being maintained free from any obstructions to visibility over 1m high (600mm in the case of vegetation), relative to the nearside carriageway channel level, for the life of the development. The access being fully surfaced and completed, prior to the premises being opened to the public.

9) The sole means of vehicular (and pedestrian) access to the application site shall be from Carnation Way only. There shall be no means of access (either vehicular or pedestrian) direct to the A52 and to this end, a permanent physical barrier shall be erected to prevent such access, all as agreed in writing with the Local Planning Authority in consultation with the County Highway Authority.

10) Measures to assist pedestrians crossing Carnation Way shall be submitted to and approved by the Local Planning Authority prior to development works commencing on site. The approved works being constructed and available for use prior to the premises being opened to the public.

11) The premises, the subject of the application, shall not be occupied until space has been provided within the application site in accordance with the application drawings for the parking and manoeuvring of customers, staff, service and delivery vehicles (including secure cycle parking), laid out, surfaced, marked and maintained throughout the life of the development free from any impediment to its designated use.

12) The development, the subject of the application, shall not be commenced until precise details of the intensity, direction, spread of luminance and shielding of light sources (so as to minimise the risk of drivers on the highway being dazzled), has been submitted to and approved in writing by the Local Planning Authority and thereafter maintained in accordance with the approved scheme.
14/00467/FUL (Continued)

13) The premises, the subject of the application, shall be operated in accordance with the approved Travel Plan (September 2014). Reports demonstrating progress in promoting sustainable transport measures shall be submitted annually, on each anniversary of the date of the planning consent, to the Local Planning Authority for approval for a period of five years from first occupation of the development.

14) Condition LA13a Landscaping to be Carried Out and Maintained

15) The development hereby approved shall be implemented in accordance with the submitted Landscape Maintenance and Management Plan.

16) Condition DM33 Materials as per Plans.

Reasons:

1) Reason ST02a

2) In the interests of maintaining the vitality and viability of Ashbourne town centre in accordance with the policy objectives of the National Planning Policy Framework.

3) In the interests of maintaining the vitality and viability of Ashbourne town centre in accordance with the policy objectives of the National Planning Policy Framework.

4) In the interests of public amenity and as specified in the application.

5) In the interests of public amenity.

6) In the interests of highway safety in accordance with Policy TR1 of the adopted Derbyshire Dales Local Plan.

7) In the interests of highway safety in accordance with Policy TR1 of the adopted Derbyshire Dales Local Plan.

8) In the interests of highway safety in accordance with Policy TR1 of the adopted Derbyshire Dales Local Plan.

9) In the interests of highway safety in accordance with Policy TR1 of the adopted Derbyshire Dales Local Plan.

10) In the interests of highway safety in accordance with Policy TR1 of the adopted Derbyshire Dales Local Plan.

11) In the interests of highway safety in accordance with Policy TR1 of the adopted Derbyshire Dales Local Plan.

12) In the interests of highway safety in accordance with Policy TR1 of the adopted Derbyshire Dales Local Plan.

13) In the interests of highway safety in accordance with Policy TR1 of the adopted Derbyshire Dales Local Plan.
14) In order to maximise the sustainability of the development in accordance with the policy objectives of the National Planning Policy Framework.

15) Reason LA13 …… Policy NBE26 of the Adopted Derbyshire Dales Local Plan.

16) To ensure proper management of the landscaped areas in accordance with Policy NBE26 of the Adopted Derbyshire Dales Local Plan

17) For the avoidance of doubt.

FOOTNOTES

a) The applicant is advised that should any significant contamination, not assessed by virtue of the submitted reports, subsequently become apparent then responsibility remains with the landowner. Further information is provided in the Environment Agency’s ‘Groundwater Protection: Principles and Practice’ (GP3) document, available from our website at www.gov.uk/environment-agency. This sets out our position on a wide range of activities and developments, including:

- Storage of pollutants and hazardous substances
- Solid waste management
- Discharge of liquid effluents into the ground (including site drainage)
- Management of groundwater resources
- Land contamination

b) Pursuant to Sections 149 and 151 of the Highways Act 1980, the applicant must take all necessary steps to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant’s responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.

c) Where development has been approved subject to the preparation and implementation of a Travel Plan, the applicant is obliged to submit the appropriate documentation to the Local Planning Authority well in advance of the development being taken into use. Advice regarding the content of Travel Plans may be obtained from the Strategic Director of the Economy, Transport and Environment Department at County Hall, Matlock (telephone : 01629 538192 and ask for the Transportation Section).
## PLANNING APPEAL – PROGRESS REPORT

Report of the Corporate Director

<table>
<thead>
<tr>
<th>REFERENCE</th>
<th>SITE/DESCRIPTION</th>
<th>TYPE</th>
<th>DECISION/COMMENT</th>
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<td>13/00889/LBALT</td>
<td>Churchfields Farm, Brailsford</td>
<td>WR</td>
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<tr>
<td>13/00710/FUL</td>
<td>Bradley Pastures, Bradley</td>
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<tr>
<td>13/00549/FUL</td>
<td>Brookley Meadows Farm, Turvaston, Dalbury Lees</td>
<td>WR</td>
<td>Appeal dismissed – copy of decision letter attached</td>
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<tr>
<td>13/00689/CLEUD</td>
<td>Marston Lane, Doveridge</td>
<td>WR</td>
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<td>Bradley Nook Farm, Hulland Ward</td>
<td>WR</td>
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<tr>
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<td>59-61 Belper Road, Ashbourne</td>
<td>WR</td>
<td>Appeal dismissed – copy of decision letter attached</td>
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<tr>
<td>13/00911/OUT</td>
<td>Land at Old Derby Road, Ashbourne</td>
<td>LI</td>
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WR - Written Representations  
IH - Informal Hearing  
LI - Local Inquiry  
HH - Householder

**OFFICER RECOMMENDATION:**

That the report be noted.
Dear Mrs Leatherday

Town and Country Planning Act 1990
Appeal by Mr H Dutton
Site at Brookley Meadows Farm, Thurvaston, Dalbury Lees, Ashbourne, DE6 5BL

I enclose a copy of our Inspector's decision on the above appeal.

If you have queries or feedback about the decision or the way we handled the appeal, you should submit them using our "Feedback" webpage at http://www.planningportal.gov.uk/planninginspectoratefeedback.

If you do not have internet access please write to the Quality Assurance Unit at the address above.

If you would prefer hard copies of our information on the right to challenge and our feedback procedure, please contact our Customer Service Team on 0303 444 5000.

Please note the Planning Inspectorate is not the administering body for High Court challenges. If you would like more information on the strictly enforced deadlines for challenging, or a copy of the forms for lodging a challenge, please contact the Administrative Court on 020 7947 6655.

Yours sincerely

Jacky Parsons

COVERDL1
You can use the Internet to submit documents, to see information and to check the progress of this case through the Planning Portal. The address of our search page is -

http://www.pcs.planningportal.gov.uk/pcsportal/casesearch.asp

You can access this case by putting the above reference number into the 'Case Ref' field of the 'Search' page and clicking on the search button.
Appeal Decision
Site visit made on 16 July 2014

by Victoria Lucas-Gosnold LLB MCD MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 23 September 2014

Appeal Ref: APP/P1045/A/14/2215040
Brookley Meadows Farm, Dalbury Lees, Ashbourne, DE6 5BL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Dutton against the decision of Derbyshire Dales District Council.
- The application Ref 13/00549/FUL, dated 15 July 2013, was refused by notice dated 13 November 2013.
- The development proposed is installation of 1 no. Endurance 50kW wind turbine with an overall tip height of 46.3m including electrical kiosk and temporary infrastructure.

Decision
1. The appeal is dismissed.

Main Issue
2. The main issues in this appeal are the effect of the proposed development on the landscape character and visual appearance of the area; and whether any harm caused would be outweighed by the production of renewable energy.

Reasons
3. The appeal site is an agricultural field situated in the Derbyshire countryside. The appeal proposal would see the erection of a 50kW triple bladed wind turbine with a hub height of 36.6 metres, a vertical blade tip height of 46.3 metres and 9 metre rotor blades. It would be matt white in colour. The appeal proposal also seeks permission for an electrical kiosk. Access would be via the existing vehicular access on Long Lane.

Policy background
4. Both parties have referred to several policies from the Derbyshire Dales Local Plan (Adopted 2005) (Local Plan). Of those policies, CS5 and CS6 set out the Council’s approach to renewable energy installations and wind turbines in particular. Policy CS5 states that planning permission will be granted where, among other things, it can be demonstrated that the benefits of renewable energy production outweigh any adverse impact of the proposal and the proposal is sited so as to minimise the amount of harm to the immediate or wider landscape. Policy CS6 states that in regard to wind turbines, planning permission will only be granted where, among other things, the proposal does not have an unacceptable impact upon the immediate or wider landscape.
5. In so far as it is relevant to this particular appeal proposal, the Council’s approach therefore seeks to balance the renewable energy generation benefits of such proposals with the effect they may have on the character and appearance of the proposed site itself and the surrounding area.

6. Policy SF4 of the Local Plan takes a generally restrictive approach to new development in the countryside. However, among the different types of development that will be permitted under this policy, the appellant has drawn my attention to development which forms part of a farm-based diversification scheme. Whilst the proposed development may fall within that particular exception, the policy also states in addition ‘and’ preserves or enhances the character and appearance of the countryside. Therefore, even if I were to conclude that this appeal proposal did form part of a farm-based diversification, the issue of the effect of the proposal on the landscape character and visual appearance of the area must still be assessed.

7. Policies SF5 and NBE8 of the Local Plan together seek to ensure, among other things, that proposed developments protect or enhance the character, appearance and local distinctiveness of the landscape. The Council has also referred to policies from the Derbyshire Dales Local Plan Pre-Submission Draft (June 2013). However as that document has not yet been formally adopted by the Council, I attach limited weight to them.

8. One of the core planning principles of the National Planning Policy Framework (the ‘Framework’) states that planning should support the transition to a low carbon future in a changing climate, by, among other things, encouraging the use of renewable resources (paragraph 17). Paragraph 92 of the Framework goes on to state that local planning authorities should have a positive strategy to promote energy from renewable and low carbon sources and should design their policies to maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts. The Council’s general policy approach, read as a whole, is therefore largely consistent with the Framework.

9. Paragraph 92 of the Framework also states that local planning authorities should consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure the development of such sources. In this regard, the Council has produced a Landscape Character and Design Supplementary Planning Document (SPD) (Adopted July 2007) and a ‘Peak Sub-Region Climate Change Study’ (July 2009) (the ‘Study’) which provides guidance on the suitability of different landscape types to absorb renewable energy installations.

**Landscape character and visual appearance**

10. I understand that the appeal site is generally within the Settled Farmlands landscape type of the Needwood and South Derbyshire Claylands character area (Landscape Character Area hereinafter referred to as ‘LCA’). The appeal site and surrounding area displays several of the characteristics identified in the SPD’s description of this particular LCA type. These include a gently undulating pastoral landscape with very few woodlands but densely scattered hedgerows and trees.

11. The guidance contained within the Study categorises wind turbines between 15 and 65 metres to blade tip as medium size (paragraph 2). As the appeal
proposal would be approximately 46.3 metres, it would be well within the medium sized category. In relation to the LCA identified, the Study assesses it as being of high sensitivity to medium scale wind turbines. Specifically, the Study states that this LCA is not suitable for medium scale turbines owing to its small scale and strong sense of peace and tranquillity. Specific guidance recommends that the screening effects of the area's trees, hedgerows and sloping topography should be utilised to integrate the development into the landscape.

12. The appeal site itself slopes gently upwards from its boundary with Long Lane and the site is therefore in an elevated position in relation to the area close by. The field within which the proposal would be sited is of a medium size and under pasture. It is enclosed by dense hedgerows and a few scattered hedgerow trees. The field is similar in appearance to other fields close by and this creates a patchwork of small to medium scale fields with a strong sense of enclosure. This in turn establishes an intimate, small scale quality which defines the character of the area. The fields follow the gently sloping topography of the area and spread out from the appeal site to form a pleasant, pastoral landscape defined by open views across rolling countryside.

13. There are some power lines which cross the appeal site to the rear, however these are mounted on wooden poles and are therefore of a height and scale not dissimilar to the few mature trees present. These represent the tallest vertical structures visible in the surrounding landscape. Other than a few glimpses of scattered farms and houses, there is very little evidence of built development visible from the appeal site. Rather, the area is defined by sweeping, uninterrupted views across the gentle rolling landscape of the Derbyshire countryside. This assists in establishing a strong sense of peace and tranquillity in the landscape. During the site visit I was able to observe some distant views of wind turbines on the horizon but as these are quite some distance away they are not seen as being within the visual context of the appeal site.

14. At approximately 46.3 metres, the proposed turbine would be considerably higher than the existing power lines and scattered hedgerow trees, which are the tallest vertical features close to the site and in the surrounding landscape. The proposal would therefore breach the skyline and would be seen as a medium to large scale feature when viewed in the context of the small scale character of the LCA. The proposed turbine, by reason of its scale, would therefore be a prominent and defining addition when viewed in the context of the intimate character of the landscape.

15. The proposal would also be situated in a location where there is little visible evidence of existing built development. There is a dense network of public footpaths in the area, some of which may be more frequently used than others. Users of these routes are considered to be of high sensitivity along with local residents. There are also a number of country lanes which surround the site. These all provide multiple locations, when viewing the appeal site in the round, from which the proposed wind turbine would be seen. Whilst the existing vegetation may screen the proposal from some public viewpoints, in the majority of instances the proposed turbine by reason of its height would not be effectively screened by the existing vegetation.
16. For these reasons, I consider that the turbine would be the dominant feature or focal point of the view and would constitute a high to medium magnitude of change, leading to at least a major/moderate adverse significance of effect. The moving blades of the turbine would also be a distraction that would diminish the sense of peace and tranquillity that characterises the area. Whilst the area may not have any formal landscape designation in place and is not within the National Park, it is nonetheless an attractive landscape. One of the Framework's core planning principles does state that planning should recognise the intrinsic character and beauty of the countryside (paragraph 17).

17. The land to the west of the appeal site slopes down into the small valley of a brook. This relatively confined area follows the watercourses close to the site and is classified as Riverside Meadows. This area comprises more densely wooded areas along the valley floors. Although the appeal site is not within this particular landscape area, its close proximity to it would be likely to result in a degree of change to the visual appearance of the valley close to the appeal site. However, it is accepted by the Council that this area is assessed as being of lower sensitivity to new wind turbine development. Given the relatively dense woodland cover present, I consider that the degree of change as a result of the proposal on this particular landscape area would be moderate. Although the proposal would be visible, particularly in views close to the appeal site, the ability of this type of landscape to absorb the proposal would be greater due to the dense woodland cover.

18. Accordingly, I conclude that the proposal would be significantly harmful to the character of the landscape and the visual appearance of the Settled Farlands LCA. The proposal would therefore conflict with policies SF4, SF5, NBE8, CS5 and CS6 of the Local Plan in this regard. I shall go on to consider whether the benefits of the proposal outweigh this harm under the separate heading below.

Other Matters

19. My attention has been drawn to two previous appeal decisions¹ both of which relate to proposed wind turbines. Both appeals were dismissed due to the harm that those proposals would cause to the character and appearance of the area. Whilst I have had regard to those decisions, as each proposal would have been assessed in relation to the close context of its site, I have determined this appeal on its own merits and in relation to the close context of this appeal site. Although I note that one of the previous Inspectors (2191116) referred to the Study and gave weight, as I have done, to the guidance contained within it.

20. I note the comments as to what information the landscape officer reviewed prior to undertaking a site visit to assess the proposal during the Council's determination of the application. However, the Council have confirmed that the officer, having reviewed the information, stands by their original assessment. That is a position which they are entitled to take. In any event, I have determined this appeal having had regard to the evidence submitted with the appeal, in particular relating to the effect of the proposal on the character and appearance of the landscape.

¹ APP/P1045/A/13/2191116 Decision Date: 26 November 2013; APP/P1045/A/12/2181290 Decision Date: 25 February 2013
Sustainability Benefits and Overall Balance

21. The production of renewable energy is a very significant factor which weighs in favour of the proposal, along with the reduction in CO₂ emissions that would result and the benefits in terms of farm diversification. The thrust of Government policy remains strongly in favour of increasing the proportion of renewable energy in the nation’s power supplies. I note the various reports and Ministerial statements which the appellant has referred to in this regard. I recognise that renewable energy proposals are sustainable by definition and enjoy a presumption in favour, as set out in the Framework (paragraph 14).

22. I also understand that the farm holding has already undertaken a number of sustainable measures, such as sourcing its own water supply from a bore hole. The proposal would be an additional means of increasing the farm holdings sustainability. Although I acknowledge that the amount of energy generated would be modest, the Framework is clear that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions (paragraph 98). The proposal would therefore have significant environmental benefits.

23. Whilst I appreciate that several third parties have expressed some concerns regarding the proposal, it would have several additional benefits. Specifically, the generation of renewable energy from the proposal could provide an additional income source for the farm holding via the Feed-In-Tariff. This would be an economic benefit. In terms of social benefits, I understand that the appellant has been proactively involved with several Young Farmer associations and educational establishments. Seeking to educate the next generation of farmers in sustainable farming techniques is a laudable aim and one that should not doubt be encouraged.

24. On the other hand, the Framework recognises the balance that must be struck between the benefits of renewable energy generation and any landscape and visual impacts that may arise. This approach is also reflected in the general thrust of the Council’s Local Plan polices. I have found that there would be a high to medium magnitude of change as a result of the proposal leading to at least a major/moderate adverse significance of effect on the character and appearance of the Settled Farmlands LCA. These are very significant disadvantages which cannot be mitigated or made acceptable. Therefore, even taking account of all the benefits associated with the proposal, I consider that they would not outweigh the harm that would occur to the landscape character and visual amenity of the area. The development may only be in place for approximately 25 years but this is a long time in which there would be a significant adverse effect on the landscape. Overall, the proposal would therefore conflict with policies SF4, SF5, NBE8, CS5 and CS6 of the Local Plan and National Guidance.

Conclusion

25. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Victoria Lucas-Gosnold

INSPECTOR
Appeal Decision

Site visit made on 12 August 2014

by Roger Catchpole  Dip Hort BSc (Hons) PhD MCIEEM
an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 29 August 2014

Appeal Ref: APP/P1045/A/14/2219947
59-61 Belper Road, Ashbourne, Derbyshire DE6 1BD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Majid Morabbi against the decision of Derbyshire Dales District Council.
- The application Ref 13/00855/FUL, dated 16 November 2013, was refused by notice dated 27 January 2014.
- The development proposed is the demolition of 2 no. dwellings and erection of 5 no. dwellings.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on the character and appearance of the local area and the living conditions of the present and future occupants of No 63 Belper Road with respect to overshadowing and privacy.

Preliminary Matters

3. I note that the Council has modified the description of development in the decision notice. I have used this description as it more succinctly and accurately reflects the nature of the development and is regarded by the appellant as acceptable.

4. I note that the Council has an emerging plan that is at an early stage of progression. As it is yet to be examined in public, its policies have not been tested and I am therefore only able to give it limited weight in the balance of this appeal.

5. I have taken into account the Government’s Planning Practice Guidance, which came into force on 6 March 2014, in reaching my decision. The relevant content of this guidance has been considered but, given the facts of this case, it does not alter my conclusions.

Reasons

Character and appearance

6. The site includes the plots of two existing semi-detached properties with land to their rear which extends to the west, along the boundaries of the rear gardens of adjacent properties at Nos 51-57 Belper Road. The ground falls...
from the road in a northerly direction. The existing properties are a central pair in a group of five consistently designed, two-storey dwellings with partially-hipped roofs that face onto Belper Road. The spacing of these properties is regular with the same rhythm of separation extending to the detached property immediately to the east, No 71. The topography is such that clear views of wider landscape are possible between each pair. Although there is some slight variation, a more or less consistent building line is present.

7. I observed from my site visit that some post-construction modification of this grouping has occurred, the most significant of which is associated with Nos 57/55. This comprises a single storey bay window surmounted by a pitched canopy and a two-storey bay window with a flat roof, both of which are on the front elevation. Although a number of minor alterations have also been made to some of the other properties, the grouping nevertheless maintains a cohesive quality in terms of overall massing; roof design; chimney stack placement; spacing; and building line. The cohesiveness of the group is strongly emphasised by the greater variation in architectural form and layout of the properties immediately to the east and west.

8. The proposal would not only lead to the loss of this cohesive grouping, through the demolition of the existing semi-detached properties, but would also significantly disrupt the rhythm of development along this frontage because of the off-setting of the proposed dwellings on plots 4-5. Bearing in mind the immediate context of the site and the fact that both of these dwellings would be clearly visible from the road, I find that the proposal would have a cramped, highly incongruous appearance despite the similar building line of the proposed dwelling on plot 5. This would be further compounded by the, albeit limited, views of the dwellings on plots 1-3, through the gaps of the remaining semi-detached properties, despite the lower ground level on which they would be situated. I also find that the proposal would have a highly cramped, overdeveloped appearance when viewed from the properties to the north. This is because the full extent of the development would be clearly visible from their first floor windows, irrespective of any boundary treatment. Moreover, the incongruously high housing density of plots 1-3, as well as the proximity of the plot 3 dwelling to the northern boundary of the site, would also add to this negative impact.

9. The appellant has argued that variation in architectural detail, layout and materials are such that the local area would be capable of accommodating the proposed development and that the private amenity space would be commensurate with the size of the associated dwellings. However, as the appellant admits, frontage development with direct access onto the main road is the dominant form of development despite the small number of properties that are set back and either accessed by a short service road or by shared driveways. Whilst I have no evidence before me to suggest that the Council have specific standards for private amenity space, I observed that the proposed plot density would be considerably higher than the surrounding properties. This lack of space about the dwellings, particularly in relation to plots 1-3, and the proximity of the plot 3 dwelling to the northern site boundary would nevertheless contribute to the overdeveloped appearance of the site.

10. Given the above, I conclude that the proposal would cause significant harm to the character and appearance of the local area contrary to policies SF1, SF5,
H1 and H9 of the Derbyshire Dales Local Plan 2005 (LP) that seek, among other things, to ensure that development preserves the character and appearance of settlements; is well related to surrounding properties; reinforces a sense of place; preserves local distinctiveness; utilises existing buildings or previously developed land within settlements; and has adequate amenity space.

Living conditions

11. I observe from the plans that the rear elevation of the dwelling on plot 5 would be positioned significantly further south than the existing property. With the exception of a short, single storey canopy, the majority of this increase in the footprint would comprise two stories. Bearing in mind the westerly aspect of the side elevations of No 63 Belper Road, I find that the proposed dwelling would lead to significant overshadowing of both the garden and habitable rooms of No 63 in the afternoon and early evening. This impact would be especially acute and more prolonged during the winter months when the sun is lower in the sky. Furthermore, given the falling ground and currently open aspect of its rear garden, I also find that the dwelling on plot 4 would cause significant overshadowing of the garden of No 63. This is because of the massing and proximity of this dwelling to the common boundary.

12. I now turn to the issue of privacy. I accept that the proposed 2m screening fence would prevent overlooking of the garden of No 63 from the ground floor rooms of the dwellings on plots 4 and 5. I also note from the plans that only the bathroom windows on the first floor of these dwellings would directly overlook the garden and that these could be obscurely-glazed to maintain privacy. However, the bedroom windows of the dwelling on plot 4 would have direct views of the garden and rear elevation of No 63 that cannot be fully mitigated by the proposed fence. Given the proximity of this dwelling to the common boundary I find that this would represent a significant loss of privacy to the occupants of the neighbouring property and a material change to the current level of overlooking when the first floor rear windows of the dwelling on plot 5 are also considered.

13. Given the above, I conclude that the proposal would cause significant harm to the existing and future occupants of No 63 Belper Road with respect to overshadowing and loss of privacy contrary to policy H1 of the LP that seeks, among other things, to ensure that development does not have a detrimental impact upon the amenities of adjoining or adjacent properties.

Other Matters

14. The appellant has argued that the proposal satisfies the locational requirements of policies SF1 and H1 of the LP because it would be within the settlement boundary. However, I do not find any support for the proposal in the detail of these policies. Indeed I note that paragraph 3.20 of policy H1 clearly states that not every undeveloped site will be suitable for development and that garden development leading to a loss of privacy will not be acceptable. As a result I am unable to give this matter any weight in the balance of this appeal.

15. Even though the proposal is situated in a sustainable location, close to local services and public transport links, paragraph 7 of the Framework advises that there are three dimensions to sustainable development: economic, social and environmental. Whilst it may be possible to deliver positive gains to one of
these, this should not be to the detriment of another. In order to achieve sustainable development, the Framework advises that the planning system should ensure that economic, social and environmental gains are sought jointly and simultaneously. This involves not only seeking positive improvements to the built, natural and historic environments but also the quality of people’s lives. Given the harm that would be caused to the living conditions of existing and future occupants of No 63, as well as the character and appearance of the local area, and considering the Framework as a whole, I conclude that the proposal would not constitute sustainable development.

16. The appellant has also made statements concerning the need for renovation of the existing semi-detached dwelling and the behaviour of the present occupant of No 63. However, as these are not planning matters I am unable to give them any weight in the balance of this appeal.

Conclusion

17. For the above reasons, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Roger Catchpole

INSPECTOR