

APPLICATION NUMBER		23/00553/OUT	
SITE ADDRESS:		Land off Belper Road, Ashbourne	
DESCRIPTION OF DEVELOPMENT		Outline planning application for the erection of up to 25no. dwellinghouses with approval being sought for access	
CASE OFFICER	Adam Maxwell	APPLICANT	Mr K Whitmore
PARISH/TOWN	Ashbourne	AGENT	Planning & Design Practice Ltd
WARD MEMBER(S)	Cllr Peter Dobbs Cllr Stuart Lees	DETERMINATION TARGET	15.09.2023
REASON FOR DETERMINATION BY COMMITTEE	Major application	REASON FOR SITE VISIT (IF APPLICABLE)	For Members to appreciate the site and context.

MATERIAL PLANNING ISSUES
<ul style="list-style-type: none"> • Whether residential development on this site is acceptable in principle • Landscape impact and impact upon the character and appearance of the area • Impact on cultural heritage • Transport and Impact on highway safety • Impact upon the amenity of neighbouring properties • Sustainable building and climate change • Flood risk and drainage • Impact on trees and biodiversity • Affordable housing, housing mix and developer contributions

RECOMMENDATION
That the application be refused for the reasons set out in section 8.0 of the report.

1.0 THE SITE AND SURROUNDINGS

- 1.1 This site is located north of the A517 (Belper Road) on the eastern edge of Ashbourne. The site 1.68 hectare field is located between the existing eastern edge of Ashbourne and the junction of Belper Road and Mill Lane. Ashbourne public footpath no.13 runs within the northern boundary of the site. The site lies beyond but adjacent to the settlement boundary of Ashbourne.
- 1.2 The land slopes downwards from Belper Road the south west to the north east. The field is largely bounded by substantial hedgerows and post and rail / wire fencing with dispersed mature trees.
- 1.3 The nearest neighbouring residential properties include Lark Rise 91 Belper Road to the west, Sturston Cottage to the east and Gate Farm (Grade II listed) to the south. The electricity substation on Mill Lane is located to the east of the site.
- 1.4 The site lies adjacent to the settlement boundary of Hulland Ward and share a boundary with the allocated site HC2 (s) – land off A517 and Dog Lane for 33 dwellings that has been implemented.

2.0 DETAILS OF THE APPLICATION

- 2.1 Outline permission is sought for up to 25 dwellings with access included and all other matters reserved. Access would be from the A517 (Belper Road).
- 2.2 An indicative plan shows 25 dwellings with the access road broadly central before branching to the east and west to provide access to the dwellings at the north edge of the site and parking areas to the rear of the rest of the dwellings. The indicative plan shows part of the site to the east undeveloped and retained as open paddock.
- 2.3 The application indicates that the development will comprise a mixture of 1, 2, 3 and 4 bedroom dwellings.





3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.1 Adopted Derbyshire Dales Local Plan 2017

- S1 Sustainable Development Principles
- S2 Settlement Hierarchy
- S4 Development within the Countryside
- S5 Strategic Housing Development
- S8 Ashbourne Development Strategy
- S10 Local Infrastructure Provision and Developer Contributions
- PD1 Design and Place Making
- PD2 Protecting the Historic Environment
- PD3 Biodiversity and the Natural Environment
- PD5 Landscape Character
- PD6 Trees, Hedgerows and Woodlands
- PD7 Climate Change
- PD8 Flood Risk Management and Water Quality
- PD9 Pollution Control and Unstable Land
- HC1 Location of Housing Development
- HC4 Affordable Housing Provision
- HC11 Housing Mix and Type
- HC14 Open Space, Sports and Recreation Facilities
- HC18 Provision of Public Transport Facilities
- HC19 Accessibility and Transport
- HC20 Managing Travel Demand
- HC21 Car Parking Standards.

3.2 Adopted Ashbourne Neighbourhood Plan 2021

- HOU1 Housing Mix
- DES1 Design
- AH1 Ashbourne Heritage
- TRA1 Transport

3.3 Other:

- The National Planning Policy Framework (NPPF) (2021)
- National Planning Practice Guidance
- Climate Change Supplementary Planning Document (SPD) (2021)
- Developer Contributions SPD (2020)
- Landscape Character and Design SPD (2018)

4.0 RELEVANT PLANNING HISTORY:

5.0 CONSULTATION RESPONSES

Town Council

- 5.1 “Members feel that the development is on a dangerous bend which is also an entrance/exit to the town, and outside the town’s curtilage and will have an impact on the Grade II Listed farmhouse. They feel it will have a negative visual impact and will also impact the rights of way used for the ancient game of Royal Shrovetide. Members state that it is against NP Policy TRA1.”

Derbyshire Wildlife Trust

- 5.2 “We previously commented on application 22/00777/OUT at this site in September 2022. A revised layout has been submitted under the above application reference and the biodiversity net gain calculations updated, including an update site visit. The proposed dwellings have been reduced in number from 30 to 25 and no additional ecological impacts are anticipated (EclA, Elton Ecology, 2023).

A net gain of +1.25 habitat units (17.36%) and +2.32 hedgerow units (54.37%) is predicted, using DEFRA Metric V4.0. We welcome Section 4 of the BNG Report, which clearly sets out how proposals have considered the mitigation hierarchy.”

If permission is granted Derbyshire Wildlife Trust recommend conditions in regard to breeding bird mitigation and submission, approval and implementation of a Construction Environment Management Plan (CEMP), Landscape and Biodiversity Enhancement and Management Plan (LBEMP) and lighting.

Education Authority

- 5.3 “Primary Level

The proposed development falls within and directly relates to the normal area of Ashbourne Primary School, Ashbourne Hilltop Primary and Nursery School, and St Oswald’s CE VC Primary School. The proposed development of 25 dwellings would generate the need to provide for an additional 3 infant and 3 junior pupils.

Ashbourne Primary School has a net capacity for 315 pupils, with 208 pupils currently on roll. The number of pupils on roll is projected to decrease during the next five years to 200.

An evaluation of recently approved major residential developments within the normal area of Ashbourne Primary School shows new development totalling 61 dwellings, amounting to an additional 15 primary pupils.

Ashbourne Hilltop Primary School and Nursery School has a net capacity for 140 pupils, with 121 pupils currently on roll. The number of pupils on roll is projected to increase during the next five years to 124.

An evaluation of recently approved major residential developments within the normal area of Ashbourne Hilltop Primary School and Nursery School shows new development totalling 61 dwellings, amounting to an additional 15 primary pupils.

St Oswald's CE VC Primary School has a net capacity for 210 pupils, with 205 pupils currently on roll. The number of pupils on roll is projected to increase during the next five years to 214.

An evaluation of recently approved major residential developments within the normal area of St Oswald's CE VC Primary School shows new development totalling 47 dwellings, amounting to an additional 11 primary pupils.

Analysis of the current and future projected number of pupils on roll, together with the impact of approved planning applications shows that the normal area primary school would have sufficient capacity to accommodate the 3 infant and 3 junior pupils arising from the proposed development.

Secondary Level

The proposed development falls within and directly relates to the normal area of Queen Elizabeth's Grammar School. The proposed development of 25 dwellings would generate the need to provide for an additional 7 secondary including post16 pupil places.

Queen Elizabeth's Grammar School has a net capacity for 1645 pupils with 1342 pupils currently on roll. The number of pupils on roll is projected to decrease to 1289 during the next five years.

An evaluation of recently approved major residential developments within the normal area of Queen Elizabeth's Grammar School shows new development totalling 428 dwellings, amounting to an additional 120 secondary including post16 pupils.

Analysis of the current and future projected number of pupils on roll, together with the impact of approved planning applications shows that the normal area secondary school would have sufficient capacity to accommodate the 7 secondary including post 16 pupils arising from the proposed development.

Mitigation

The above analysis indicates that there would be no need to mitigate the impact of the proposed development on school places in order to make the development acceptable in planning terms. The County Council therefore requests no financial contributions."

Environment Agency

5.4 "We have reviewed the submitted documents and on this occasion the Environment Agency will not be making any formal comment on the submission for the following reason:

From a flood risk perspective, the development falls within flood zone 1 and therefore we have no fluvial flood risk concerns associated with the site. There are no other environmental constraints associated with the application site which fall within the remit of the Environment Agency."

Highway Authority

5.5 “We appreciate that this is an ‘Outline’ planning application with “some matters reserved”, however we note from the submitted application and also agree that ‘means of access’ onto the highway and the principle of development in highway terms must be considered at this time.

It is noted that an objection to the application referring to personal injury collisions in the area highlights such data covering a 20yr+ period. I will address this collective data and objection observations as follows.

Derbyshire County Council (DCC) traffic and safety teams regularly monitor the personal injury collision records held by the police to identify sites, including road junctions, where collisions are occurring on a regular basis, where clusters are identified within the latest 3yr or 5yr period. This is considered the normal period for analysis regarding collision data where concern and action is to be taken and where DCC identifies sites for casualty reduction schemes. This particular area adjacent the application site is not one of concern for DCC to take appropriate measures.

The Derby and Derbyshire annual casualty report shows what has been achieved in road traffic casualty reduction within our area, as well as detailed analysis of casualty trends by road user types.

Regarding this application site and proposal this section of highway fronting the site in terms of accident trends is not an area of concern for highway safety as it is noted from the latest data that there are no significant correlations in the timing, location, frequency or circumstances of the personal injury collision data within 100m of the application site within the latest 5yr period. In short there is only one recorded personal injury collision within the past 5 years which occurred in 2018.

Additionally, the applicant’s agent has clearly demonstrated that given the actual speed of existing traffic that are eastbound on the A515 fronting the site that drivers’ visibility of 59metres should be provided for at the proposed access to the west. My own recent on site observations and assessment in this direction towards the crest of the hill (west of the site) is that driver’s visibility both forward and from the proposed new access arrangement is that a visibility distance of approximately 114metres can be achieved to and from the crest of the hill. Overall, the proposed access arrangement and its visibility in both directions is considered acceptable for the proposed development and its associated traffic generation. Driver’s visibility at the proposed access is to be secured through the below recommended condition.

In terms of development traffic impact there are no highway concerns raised with regards to the access arrangements onto the highway network or its impact on the nearby junction’s capacities.

In summary the highway network is therefore considered satisfactory to be able to accommodate with the proposals without detriment to road users.

The proposal will affect existing signs on the highway and this can be dealt with through the Section 278 process. To conclude the development proposals can be accommodated into the existing network without detriment to other road users and on this basis, there are no

objections to the proposed development from a traffic and highway point of view subject to conditions and informatives.”

Lead Local Flood Authority

5.6 No response from the Lead Local Flood Authority has been received to date. Any response will be provided at the meeting.

DDDC Conservation Officer

5.7 “The site (and agricultural field) lies on the northern side and abuts Belper Road (and 18th century turnpike road – c.1764). On the immediate southern side of Belper Road, opposite the site is Gate Farm, and 18th century farmhouse and attached farm buildings (grade II listed, 1974). The site slopes down from Belper Road towards Sturston Cottage, a mid-19th century cottage (located at the north-eastern corner of the site outside of the proposed development area). To the immediate west of the development site are modern houses and the site is bounded on the east by Mill Lane (and an electrical sub-station & Sturston Fields Farm). A public footpath runs parallel to the northern boundary of the site.

The current ‘outline’ application is for the erection of up to 25No. dwelling houses with approval being sought for access. Access is off Belper Road (A517) and its position is indicated on the indicative site plan. A previous application (22/00777/OUT) for 30No. dwelling houses was withdrawn in 2022.

In terms of conservation, a primary consideration is the potential impact of development of the site on the setting of the listed building as the key designated heritage asset. At the southern end of the site, adjacent to Belper Road, are the very scant remains of a former cottage – this was demolished in the late 1950s/early 1960s. A Heritage Impact Assessment (HIA) has been produced. As the application is in ‘outline’ only (with approval being sought for the access) the HIA presents a series of ‘design principles’ to protect the character and significance of nearby heritage assets. The principal proposal is for a “retained green space in south, east & south-east corner to maintain rural setting for listed farmhouse”. The HIA acknowledges the listed farmhouse “is, at least to some extent, appreciated and understood by virtue of being a semi-rural setting”. The HIA notes that this setting has been tempered, to a degree, by the busy A517, the (former) airfield to the north and the small cottage opposite the listed farmhouse at the northern edge of the site. That said, it is considered that the site must be considered as it is today, and whilst the A517 is a busy road the airfield has gone and also the small cottage opposite the listed building has gone. This current situation (which has been so for 50+ years) gives the listed farmhouse a principal aspect over the proposed development land.

The HIA states that “any development proposal will have to be sensitive to conserving this rural immediate setting”. The mitigation that has been promulgated is “the retention of the green space to the south along Belper Road, the east along Mill Road and south-east corner adjacent to the Belper Road/Mill Lane junction, that is separated from the main field by a number of trees and a shallow ditch” and that in “keeping this area of land open will also mean that Gate Farmhouse will continue to be viewed in the context of its rural surroundings when emerging from the junction of Mill Lane, and also upon the approach from the west when travelling along the A517 towards the town or when exiting the town to the west”. The HIA

also states that in retaining the openness of these areas of the site and re-instating lost hedgerows that it will “ensure also that a historic field pattern is preservedand will maintain an important attribute of local landscape character”. In regard to this ‘design principle’, the HIA summarises that “subject to the retention of the south, east & southeast corner as greenspace, and a diverse and attractive form of development being delivered along the south eastern boundary of the field beyond, the site can be developed in a manner which conserves the character and significance of the listed farmhouse”.

The HIA concludes that “Gate Farmhouse is a characterful example of a Derbyshire farm building from the 18th century. It is Grade II listed for its special architectural or historic interest” and that it “makes a positive contribution to the Belper Road gateway into Ashbourne”. The HIA states that the key aspects of the farmhouses’ significance are age, type and intactness. The HIA states that “careful development of the application site would not impact negatively on the current view from the road” and that “the proposed residential development land has never been fully integrated with Gate Farmhouse having been separated by the 1764 turnpike (now A517). It has not always been isolated as previously there was another property immediately opposite for over a hundred years until around the mid-twentieth century”. In relation to Gate Farm, the HIA concludes “that the careful construction of residential dwellings, as proposed, set adjacent to a green buffer of pastoral land will not materially harm the significance of Gate Farmhouse”.

The HIA’s summary that “a diverse and attractive form of development....can be developed in a manner which conserves the character and significance of Gate Farm” is considered to be incorrect as the NPPF states that the setting of a designated heritage asset can contribute to its significance and that the setting of a heritage asset is the surroundings in which a heritage asset is experienced. The HIA does not appear to consider the setting of the listed building as a key aspect of significance. For many reasons the land immediately south of Gate Farm has remained open and in agricultural use. This has been the case since the listing of Gate Farm in 1974 and that setting (including aspect and experience) is considered to contribute to the significance of the designated heritage asset. The HIA does not specifically conclude that the proposed development (however, carefully designed/constructed etc.) will not materially harm the setting of Gate Farm. As stated above, whilst for a long time a small cottage occupied a site immediately opposite the farm this disappeared completely over 50 years ago and the site must, therefore, be considered in its present day terms. It is considered important that the land opposite the listed farm has remained open agricultural land as this reinforces the semi-rural context of the listed building, how it is experienced and contributes to its setting & significance and allows, as the HIA acknowledges, that it is ‘appreciated and understood by virtue of being within a semi-rural setting’.

Whilst it is acknowledged that the suggested development layout is only indicative (and for which approval is not being sought) it does depict a probable layout (based on the proposed access point) and density for a development of up to 25 No. dwelling houses. It is assumed that the proposed dwellings will be two-storey with dual pitched roofs over. The indicative layout depicts houses (sub-urban rows and groupings) commencing close to the southern end of the site (beyond the proposed entrance point). This is the highest part of the site and it is considered likely, therefore, that housing, of the scale, form and density proposed would present an intensive and visible incursion from the aspect of Gate Farm. It is opined that the incursion of intensive type and form of development in this area, and beyond, would be harmful to the setting & significance of Gate Farm.

The indicative scheme and 'design principles' include for some of the land to be undeveloped. Whilst this may be the case, the proposed intensive development of the remaining site area will introduce a building density, mass, volume and presence that will have a potentially harmful impact on the setting & significance of Gate Farm. The 1990 Act imposes a general duty on local planning authorities that in considering whether to grant planning permission for development which affects a listed building or its setting, the authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. It is considered that based on the proposed density and type of development on this land that it will adversely affect the setting of the listed farm. Such a development (notwithstanding the areas of land not to be developed) will not preserve the setting of the listed farm and in that regard there is a finding of harm. Whilst such impact may not be deemed substantial harm, it is likely that the proposal would lead to less than substantial harm. In this regard, the advice is clear, and the NPPF directs that a development proposal that will lead to less than substantial harm should be weighed against the public benefits of the proposal."

DDDC Environmental Health

5.8 No objection subject to planning condition to control hours of construction works.

DDDC Rural Housing Enabler

5.9 The application comprises 25 units of which 30% or 7.5 should be affordable. Of these 7.5, 1.8 should be First Homes.

The application states 7 homes are to be provided on site. The 0.5 remaining should be provided as an off-site contribution.

Of the remaining 7 homes, 2 should be provided as First Homes. These should form a pair of semi-detached homes, built separately from the other affordable homes to ensure ease of maintenance and future management by a registered provider.

The 5 affordable homes should be provided as affordable rent and comprise 3 x 2 bed 4 person houses and 2 x 3 bed 5 person houses. I would typically expect a scheme of this quantity to meet the nationally described space standards. I would expect the 2 bed units would achieve 79m² and the 3 bed units achieve 93m².

DDDC Trees and Landscape Officer

5.10 The proposals represent a significant development in an edge of settlement location in what is currently agricultural land. There is potential for unacceptable visual impact in the landscape. I recommend that a Landscape and Visual Impact Assessment (LVIA) be required for approval, to be assessed by a Landscape Architect.

Impact to trees

The site contains no trees currently subject to DDDC Tree Preservation Order and the site is not within a conservation area.

A Tree Constraints Plan has been submitted that identifies native hedgerow surrounding the site and a relatively small number of trees also close to the site boundaries. The trees were not considered to be of particularly good quality.

Due to the limited number of existing trees at the site, and the established nature of the hedgerows, their contribution to the character and appearance of the landscape is significant. It is my opinion that any scheme should be laid out in such a way that all existing trees and hedgerows would be retained, appropriately protected during development and integrated into the development for the long-term.

Trees and hedgerows (even those that may not be of particularly high quality) provide many valuable contributions to landscape, environment, people's health & wellbeing and biodiversity.

The site layout design should not propose any development (or site activity) at all within the root protection areas (as defined by BS 5837:2012) of retained trees and hedgerows. This includes surfacing, construction, installation of services/drainage, ground level change, etc.

Site layout design should also locate buildings such that they would not be exposed to excessive shading by retained trees. Buildings should also be located far enough away from trees such that there would not be potential for future pressure to prune or remove them due to fears over falling branches or uprooting trees causing personal harm or damage to property.

Proposed planting of new trees within the development should be given careful consideration to maximise the likelihood of long-term suitability of their locations. Inappropriate locations can result in damage to nearby surfacing through root growth, excessive shading, nuisance leaf/fruit fall etc which can lead to pressure for their removal. Trees need enough space for their rooting systems and canopies to grow to reach their full potential and to allow them to provide their diverse benefits to the maximum extent and over a long period of time.

Species of planted trees also requires careful consideration to ensure maximum likelihood of survival, appropriateness in the local environment and landscape, and good biodiversity benefits. It is likely that native or naturalised species would be most appropriate.

Newly planted trees on development sites tend to have a high failure rate. It is important that well considered and specified tree types, planting methods and aftercare are approved and executed to maximise the potential of planted trees.

DCC Archaeologist

- 5.11 The PDA (proposed development area) borders Mill Lane to the north, the line of which almost certainly has medieval origins providing access from the medieval site at Sturston, a scheduled ancient monument 840m to the north-east and Nether Sturston, an early medieval hamlet recorded in the Domesday survey of 1080, adjacent to the PDA, and then on to Ashbourne.

I have had sight of the geophysical survey report and this seems, to me, to demonstrate the possibility of the presence of archaeological features, possibly representing a pre-turnpike holloway from the higher ground to the south towards Mill Lane which connects the medieval site at Sturston, a scheduled ancient monument 840m to the north-east, and Nether Sturston, an early medieval hamlet recorded in the Domesday survey of 1080, adjacent to the PDA.

The geophysical survey now requires truth testing and this should be achieved through a programme of archaeological trial trenching in the first instance followed by appropriate archaeological mitigation, should said be necessary. These works could be secured, should you be minded, by attaching a suitably worded condition to planning consent.

Any WSI (written scheme of investigation) for archaeological works and the works themselves should be undertaken by a professional archaeological contractor in line with a WSI that has been compiled in consultation with this office.

DCC Policy

- 5.12 The local County Councillor, Councillor Spencer has been consulted for his views on the potential infrastructure requirements that may require contributions from developers. Councillor Spencer's comments are as follows: "The application would be, unnecessary significant incursion into open countryside which I would oppose."

Local Planning Authorities should attach advisory notes to planning permissions to request that developers work with broadband providers to ensure NGA broadband services are incorporated as part of the design of new development. However, if it can be shown that this would not be possible, practical or economically viable, in such circumstances, suitable ducting should be provided within the site and to the property to facilitate future installation.

DCC Rights of Way

- 5.13 It is clear that the applicants have taken on board some of the comments made by the Rights of Way Section in response to the previous application (22/00777/OUT). However, I am still concerned that the legal line of Ashbourne Public Footpath No. 13 may become obstructed by the proposed swale. Further adjustment to the layout plan may be necessary, or a diversion required. Assurances are needed, by way of clear technical plans, that the proposals will not obstruct the legal line of the path.

The landscape plan suggests that there is an intention to change the surface of the path, which is currently grass. If this is the case, approval for any proposals must be gained from the Rights of Way Section prior to any works to the path commencing.

DCC Sustainable Travel Team

- 5.14 There are bus services on Belper Road with a 2 hourly service to Belper and 2 hourly service to Derby from approximately 0630-1830 Monday to Saturday. So between them provide an hourly service into Ashbourne town centre. The problem is there are not any bus stops in the area adjacent to this new development so we will need funding to put in hard standing, raised kerbs and ideally shelters for two new stops, one either side of the road.

Peak & Northern Footpaths Society

5.15 Fully endorse and support the views of DCC Rights of Way.

Derbyshire Dales Ramblers

5.16 No objection provided that:

- i. Ashbourne FP 13 remains unaffected at all times, including the path surface, both during and after any development
- ii. It is noted that the FP runs inside the north boundary of the proposed development. The plan appears to show a material surface. Permission must be sought from DCC PRoW for any change from the present surface
- iii. Consideration should be given to the safety of members of the public using the Right of Way during the proposed works
- iv. Any other encroachment of the path would need consultation and permission with/from the DCC Rights of Way Team

6.0 REPRESENTATIONS RECEIVED

6.1 Five letters of objection have been received to date. The material planning reasons are summarised below:

- a) The previous application (22/00777/OUT) was recommended for refusal but withdrawn prior to determination. The reasons for refusal are not solvable.
- b) The revisions compared to the previous application are minimal.
- c) The development would harm the setting of Grade II listed Gate Farm.
- d) The development is of significant archaeological interest and warrants further investigation and excavation. The development may reveal historical artefacts linking the site to ancient Sturston and raises questions should the site be preserved in its entirety.
- e) The development would effectively remove the boundary delineation between Sturston and Ashbourne.
- f) The development is outside the settlement boundary in the Local Plan and all exceptions to allow housing do not apply other than a shortfall in the 5 year housing land supply. There are suitable plots in Ashbourne including the airfield which is designated for a major housing estate.
- g) The field is in the area where Shrovetide football passes through and is regularly accessed during games. We have observed the scrum in this field on numerous occasions.
- h) Traffic Surveys are flawed because they only ever represent a point in time between 9am – 5pm that is not actually the time when motorists use excessive speed. We observe in the evenings vehicles travelling both ways at least twice the legal limit.
- i) The development will result in an increase in road traffic accidents.
- j) Impact of the adjacent primary electrical substation upon the site and impact of electromagnetic fields upon human health.
- k) The development would appear to be very cramped.
- l) The development would harm the residential amenity of neighbouring properties.
- m) The Council should consider its responsibilities under the Human Rights Act, particularly Protocol 1, Article 1 which states that a person has the right to peaceful enjoyment of all their possessions including the home and other land. Article 8 states that a person has the substantive right to respect for their private and family life.
- n) The development requires significant excavation work that could have a serious adverse impact upon the stability of the ecological environment.
- o) Implications under the Party Wall Act.

- p) The development would set a precedent for residential development on agricultural land on the edge of settlements.

7.0 OFFICER APPRAISAL

- 7.1 This application seeks outline permission for up to 25 dwellings on the site, with all matters other than access reserved.
- 7.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission under the Act are determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for the purposes of the Act is the Adopted Derbyshire Dales Local Plan (2017). The National Planning Policy Framework (NPPF) is a material consideration in respect of this application.
- 7.3 The Council is unable to demonstrate a 5 year housing land supply at this time. Paragraph 11 of the NPPF says that in these circumstances the Local Planning Authority should grant planning permission for sustainable development unless:
- i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
- 7.4 As part of the consideration of future housing needs and the Council's aspirations for growth and economic recovery, a call for sites as part of the Strategic Housing Land Availability Assessment process was undertaken between 26th May and 7th July 2021. The application site was put forward as part of this exercise. The assessment of the site, in terms of its deliverability is considered later in this report.
- 7.5 Having regard to the above, consultation responses and representations received and the relevant provisions of the development plan and the National Planning Policy Framework, the main issues to assess are:
- Whether residential development on this site is acceptable in principle
 - Landscape impact and impact upon the character and appearance of the area
 - Impact on cultural heritage
 - Transport and Impact on highway safety
 - Impact upon the amenity of neighbouring properties
 - Sustainable building and climate change
 - Flood risk and drainage
 - Impact on trees and biodiversity
 - Affordable housing, housing mix and developer contributions

Principle

- 7.6 The application site is not allocated for housing in the local plan and is located outside but on the edge of Ashbourne. Policy S2 directs development to the most sustainable locations to reduce the need to travel and promote sustainable communities based on the services and facilities available in each settlement. Ashbourne is a first tier settlement and therefore a primary focus for growth and development providing significant levels of jobs and homes.
- 7.7 Outside of defined settlement boundaries and allocated sites policy S4 seeks to ensure that new development protects and, where possible, enhances the character and distinctiveness of the landscape, the historic and cultural environment and the setting of the Peak District

National Park whilst also facilitating sustainable rural community needs, tourism and economic development.

- 7.8 The Council is unable to demonstrate a 5 year housing land supply at this time. In these circumstances policy S4 i) allows for residential development on non-allocated sites on the edge of defined settlement boundaries of first, second and third tier settlements.
- 7.9 The application site is located on the end of the limb of residential development which extends eastwards largely on the north side of Belper Road from the town centre. The application site is located between the existing residential development and the junction between Belper Road and Mill Lane which leads to the group of residential properties and farms at Sturston. The access to the site would be approximately 1.5km from the town centre and 300m to the nearest bus stop on Belper Road.
- 7.10 Therefore, in principle, residential development of this site would be in accordance with policies S2 and S4 i) of the Adopted Derbyshire Dales Local Plan (2017). The main issues are the impact of the development, whether the development would meet policy requirements for affordable housing, housing mix and developer contributions and the planning balance taking into account the presumption in favour of sustainable development set out by paragraph 11 of the NPPF.

Landscape impact and impact upon the character and appearance of the area

- 7.11 Policy S1 of the Adopted Derbyshire Dales Local Plan (2017) states that development should conserve and where possible enhance the natural and historic environment, including settlements within the plan area. Policy PD1 requires all development to be of high quality design that respects the character, identity and context of the Derbyshire Dale's townscapes and landscapes.
- 7.12 Policy S4 s) states that permission will be granted for development where it does not undermine, either individually or cumulatively with existing or proposed development, the physical separation and open undeveloped character between nearby settlements either through contiguous extension to existing settlements or through development on isolated sites and land divorced from the settlement edge.
- 7.13 Policy PD5 deals specifically with landscape character and states that the Council will seek to protect, enhance and restore the landscape character of the area. This will be achieved by requiring that development has particular regard to maintaining landscape features, landscape character and the setting of the Peak District National Park. Development that would harm or be detrimental to the character of the local and wider landscape or the setting of a settlement will be resisted.
- 7.14 Policy PD1 goes on to say that development will only be permitted where the location, materials, scale and use are sympathetic and complement the landscape character, natural features (including trees, hedgerows and water features that contribute positively to landscape character) are retained and managed and opportunities for appropriate landscaping are sought such that landscape characteristics are strengthened.
- 7.15 The application site comprises an irregular-shaped field, with the topography rising steeply towards the south western edge. The field boundaries are mostly mature hedges with scattered trees and post and wire / rail fencing. There are three neighbouring residential properties adjacent to the site to the west, north east and south. The northern boundary is to fields, the eastern boundary to Mill Lane and the southern boundary to Belper Road.

- 7.16 The land to the north of Belper Road, including the application site, is located within the Derbyshire Peak Fringe and Lower Derwent Landscape Character Area (LCA) and within the Wooded Slopes and Valleys Landscape Character Type (LCT).
- 7.17 This is a landscape of small pastoral fields on undulating, rising ground. Woodlands on steeper slopes, along with hedgerow and watercourse trees contribute to a strongly wooded character. This LCT is characterised by upland ground rising to moorland, moderate to steep slopes, poorly training soils over bands of mudstone and sandstone, permanent pasture, densely scattered small to medium ancient woodlands and secondary woodlands on steeper slopes and along streams, scattered hedgerow trees, irregular field pattern, winding lanes and dispersed sandstone farmsteads with stone slate roofs.
- 7.18 The application is supported by a Landscape and Visual Impact Assessment (LVIA). The LVIA identifies the relevant LCA and LCT, examines the value of the landscape and the impact of the proposed development.
- 7.19 The LVIA identifies that the site also exhibits characteristics of the adjacent Needwood & South Derbyshire Claylands Landscape LCA and the Settled Farmlands LCT. This LCT is characterised by gently undulating to rolling lowland dissected by minor stream valleys with localised steep slopes, seasonally waterlogged soils over permo-triassic mudstone, siltstone and sandstone, dairy farming on permanent pasture with localised arable cropping, small woodland blocks and copses associated with steeper slopes, scattered oak and ash trees along hedgerows, dense lines of trees along streams, small to medium size, semi-regular and strip fields enclosed by hedgerows, extensive ridge and furrow, network of winding lanes often sunken on steeper slopes and small clusters of red brick and Staffordshire blue clay tile farms and cottages.
- 7.20 The site was assessed as part of the Council's Strategic Housing and Employment Land Availability Assessment (SHELAA). The draft version (2022) assessed the development of the site to have moderate impact on landscape sensitivity.
- 7.21 The landscape comments within the draft version state: "Single pastoral field on the extreme eastern edge of Ashbourne immediately adjacent to the A517, Belper Road. The land is located within an area of wider sensitivity (AMES) and is opposite a listed farmhouse, potentially forming part of the setting to that building. The site has a visually prominent frontage with Belper Road and a footpath runs against the northern boundary. The site is visible from the listed building opposite and there are more distant views from locations across the Henmore Valley, including residential properties along the B5035. Development of this site is likely to have some adverse effects of landscape character and visually extend development further into the countryside along the A517. The wider landscape has some sensitivity as defined in the (Areas of Multiple Environmental Sensitivity) AMES study and the site needs to be carefully considered as part of the setting to the listed farmhouse located opposite."
- 7.22 The submitted LVIA states that in overall terms, the site and its immediate setting is considered to be of medium value. The local setting is considered to be of medium to high value and the wider setting of the Wooded Slopes and Valleys LCT is of high value. At site level the LVIA states that the development would be likely to result in a major-moderate adverse landscape impact in the short term reducing to moderate adverse in the long-term.
- 7.23 The LVIA states that the site forms a physical gap between Nether Sturston and Ashbourne that contributes to the understanding of their different character. However, the LVIA concludes that the character will continue to be appreciated following the development in the setting of farmland that extends around the wider extent of Mill Lane and the site and the differing architectural qualities of the buildings in Nether Sturston. Furthermore, the LVIA

states that the development character parameters on the submitted plan will secure an appropriate density and appearance that reinforces this understanding.

- 7.24 In terms of wider landscape setting, the LVIA states that the development of the site will not remove the capacity for this to be appreciated elsewhere in the local setting and that there will continue to be an appreciation of pastoral farmland in close proximity to Gate Farmhouse to the south of Belper Road and the wider valley setting.
- 7.25 The LVIA concludes that the landscape and visual effects arising from this proposal are not considered to be unexpected or uncommon and can be effectively mitigated through the primary and secondary mitigation measures in the proposed landscape strategy and masterplan. The development would be sensitive to the defining characteristics of the surrounding landscape, heritage assets and settlement and will have restricted effects on the wider valley setting beyond the settlement.
- 7.26 Officers have sought independent landscape advice from Derbyshire Landscape and Placemaking on the landscape impact of the previous application, withdrawn last year. Officers have taken this advice into account along with the submitted LVIA, SHEELA and AMES.
- 7.27 Derbyshire Landscape and Placemaking provided comments on the previous application for 30 dwellings and broadly agreed with the LSA submitted at the time in terms of the identification of relevant LCA and LCT. The comments also broadly agreed with the description of local views of the site from the west, south and east but considered that 89 Belper Road, 91 Lark Rise and Gate Farm appear as isolated properties rather than the urban edge of Ashbourne.
- 7.28 The development raises concerns in regards to the impacts on the approach to Ashbourne and the expansion of ribbon development and would extend the built edge of Ashbourne into an area where development consists of sporadic isolated properties including the Grade II listed Gate Farm. The site currently provides separation between the edge of Ashbourne and the buildings at Sturston and the development has the potential to create visual coalescence with this group of buildings extending the existing finger of development further east along Belper Road, particularly when viewed from the north.
- 7.29 The site is relatively well contained in the wider landscape where viewed from the east, south and north by existing topography and mature tree and hedge screening. The site is however more open to view from across the valley to the north where the application site is viewed as an agricultural field on the edge of the residential development which projects eastwards from the town centre. From these viewpoints the site is a visual gap between residential development, the sporadic groups of houses around the site, including Gate Farm and the buildings at Nether Sturston.
- 7.30 From closer vantage points the site forms an integral part of the surrounding landscape and the setting of Gate Farm and the group of properties at Nether Sturston. From here the site is not read as adjacent to the built edge of Ashbourne, separated by mature trees and topography. In terms of character and appearance the site is more closely related to the surrounding agricultural landscape, farms and residential properties than the residential estates to the west. Therefore, the erection of up to 25 dwellings on this site would represent a significant change in character. The submitted masterplan and design parameters indicate a relatively low density of development with buildings transitioning to a more rural character. Parts of the site would be left as pasture with historic field boundaries re-instated. Nevertheless, it is considered that the proposed design and landscaping would not mitigate the visual and landscape impacts of the development which would be read as an isolated group of housing visually poorly related to the built edge of Ashbourne.

- 7.31 It is considered that the site is sensitive in landscape terms and in terms of the setting of Gate Farm. It is considered that the development would result in an adverse visual impact upon the character and appearance of the site and its surroundings. It is accepted that parts of the site would remain undeveloped and that there would continue to be agricultural fields around Nether Sturston. Nevertheless, the development would be read as a significant encroachment which would undermine the physical separation between the edge of Ashbourne and Sturston. The proposed residential development would result in a significant change in character and an adverse impact upon landscape character.
- 7.32 The development would therefore not preserve or enhance the character, appearance and local distinctiveness of the landscape contrary to policies S1, S4 and PD5. This impact must be taken into account and weighed in the planning balance.

Impact on cultural heritage

- 7.33 The site (and agricultural field) lies on the northern side and abuts Belper Road (and 18th century turnpike road – c.1764). On the immediate southern side of Belper Road, opposite the site is Gate Farm an 18th century farmhouse and attached farm buildings (grade II listed, 1974). The site slopes down from Belper Road towards Sturston Cottage, a mid-19th century cottage (located at the north-eastern corner of the site outside of the proposed development area).
- 7.34 Policies PD2 and AH1 are relevant and states that the Council will conserve heritage assets in a manner appropriate to their significance. This will take into account the desirability of sustaining and enhancing their significance and will ensure that development proposals contribute positively to the character of the built and historic environment. Particular protection will be given to heritage assets including (amongst other things) listed buildings, archaeological sites or heritage features and non-designated heritage assets.
- 7.35 Gate Farm is a Grade II listed building and therefore a designated heritage asset of national significance. The Local Planning Authority is obliged to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses.
- 7.36 A revised Heritage Impact Assessment (HIA) has been submitted with the application. As the application is in outline only (with approval being sought for the access) the HIA presents a series of 'design principles' to protect the significance of nearby heritage assets. The principal proposal is for a retained green space to maintain the rural setting for Gate Farm. The HIA acknowledges the listed farmhouse "is, at least to some extent, appreciated and understood by virtue of being a semi-rural setting". The HIA notes that this setting has been tempered, to a degree, by the busy A517, the (former) airfield to the north and the small cottage opposite the listed farmhouse at the northern edge of the site.
- 7.37 However, the development and potential impacts upon heritage assets must be considered as it is today, and whilst the A517 is a busy road the airfield is now gone. This current situation (which has been the case for over 50 years) gives the listed farmhouse a principal aspect over the application site.
- 7.38 The HIA states that "any development proposal will have to be sensitive to conserving this rural immediate setting". The mitigation that has been proposed is "the retention of the green space to the south along Belper Road, the east along Mill Road and south-east corner adjacent to the Belper Road/Mill Lane junction, that is separated from the main field by a number of trees and a shallow ditch" and that in "keeping this area of land open will also mean that Gate Farmhouse will continue to be viewed in the context of its rural surroundings when emerging from the junction of Mill Lane, and also upon the approach from the west when travelling along the A517 towards the town or when exiting the town to the west". The

HIA also states that in retaining the openness of these areas of the site and re-instating lost hedgerows that it will “ensure also that a historic field pattern is preserved and will maintain an important attribute of local landscape character”. In regard to this ‘design principle’, the HIA summarises that “subject to the retention of the south, east & southeast corner as greenspace, and a diverse and attractive form of development being delivered along the south eastern boundary of the field beyond, the site can be developed in a manner which conserves the character and significance of the listed farmhouse”.

- 7.39 The HIA concludes that “Gate Farmhouse is a characterful example of a Derbyshire farm building from the 18th century. It is Grade II listed for its special architectural or historic interest” and that it “makes a positive contribution to the Belper Road gateway into Ashbourne”. The HIA states that the key aspects of the farmhouses’ significance are age, type and intactness. The HIA states that “careful development of the application site would not impact negatively on the current view from the road” and that “the proposed residential development land has never been fully integrated with Gate Farmhouse having been separated by the 1764 turnpike (now A517). It has not always been isolated as previously there was another property immediately opposite for over a hundred years until around the mid-twentieth century”. In relation to Gate Farm, the HIA concludes “that the careful construction of residential dwellings, as proposed, set adjacent to a green buffer of pastoral land will not materially harm the significance of Gate Farmhouse”.
- 7.40 The conclusion of the HIA that the site can be developed in a manner which conserves the character and significance of Gate Farm is considered to be incorrect the NPPF states that the setting of a designated heritage asset can contribute to its significance and that the setting of a heritage asset is the surroundings in which a heritage asset is experienced. The HIA does not appear to consider the setting of Gate Farm as a key aspect of significance. For many reasons the land south of Gate Farm has remained open and in agricultural use and this has been the case since Gate Farm was listed in 1974 and the application site therefore positively contributes to the significance of the designated heritage asset.
- 7.41 The HIA does not specifically conclude that the proposed development (however, carefully designed/constructed etc.) will not materially harm the setting of Gate Farm. The planning application is outline with all matters other than access reserved and therefore it is not possible to fully assess the design, layout of the development at this time. It is considered important that the land opposite the listed farm has remained open agricultural land as this reinforces the semi-rural context of the listed building and contributes to its setting & significance.
- 7.42 Whilst it is acknowledged that the suggested development layout is only indicative (and for which approval is not being sought) it does depict a probable layout (based on the proposed access point) and density for a development of up to 25 dwellings. The submitted design parameters document indicates that the proposed dwellings will be 1.5 to 2 storey with dual pitched roofs over. Properties would be designed as a mixture of detached, semi-detached and detached properties of traditional domestic design along with a group of buildings detailed as a farmhouse and barn style. The indicative layout depicts houses commencing at the southern end of the site (beyond the entrance point). This is the highest part of the site and it is therefore likely that housing of the scale, form and density proposed would be prominent and visually intrusive when viewed from Gate Farm.
- 7.43 The application site forms an integral part of the semi-rural setting associated with the listed farm. The development of the site for up to 25 dwellings would result in a significant visual change. The scheme proposes to retain some of the site undeveloped to mitigate the impact upon Gate Farm by retaining a green space. This would retain green space immediately to the front of Gate Farm, however, the character of the field and setting of the listed building would nevertheless remain significantly affected. The retention of the proposed

undeveloped land and landscape and design mitigations would therefore not satisfactorily mitigate the impact upon the listed building.

- 7.44 The proposed development will affect the setting of Gate Farm (Grade II listed). The development will not preserve or conserve the setting of the listed building. The development would result in a significant change in character and impact which will result in harm to the setting of the listed building.
- 7.45 The harm identified would not result in substantial harm to or total loss of the listed building. Therefore in accordance with paragraph 202 of the NPPF the harm should be weighed against the public benefits of the proposal. It should be noted that the listed building is a protected asset for the purpose of paragraph 10 d) of the NPPF. Therefore, if the impact of the development upon the setting of the listed building provides a clear reason for refusing the development then the presumption in favour of sustainable development does not apply.
- 7.46 The development would not conserve the significance of the Gate Farm contrary to policies PD2 and AH1. This impact must be taken into account and weighed in the planning balance bearing in mind the statutory duty to have special regard to the desirability of preserving the listed building and its setting.
- 7.47 The County Archaeologist advises that the PDA (proposed development area) borders Mill Lane, the line of which almost certainly has medieval origins providing access from the medieval site at Sturston, a scheduled ancient monument 840m to the north-east and Nether Sturston, an early medieval hamlet recorded in the Domesday survey of 1080, adjacent to the PDA, and then on to Ashbourne.
- 7.48 A geophysical survey report has been submitted with the application. The County Archaeologist advises that this demonstrates the presence of archaeological features on the site, possible representing a pre-turnpike Holloway from the higher ground to the south towards Mill Lane which connects the medieval site at Sturston. The results of the survey need to be tested through a programme of archaeological trial trenching followed by appropriate mitigation, if necessary.
- 7.49 The application is supported by an archaeological assessment and this is sufficient for implications to be understood in accordance with policy PD2 and the NPPF. If planning permission is granted a pre-commencement planning condition would be reasonable and necessary to ensure that the development is carried out in accordance with an approved Written Scheme of Investigation (WSI) to mitigate impacts upon and record archaeology, as appropriate.

Transport and Impact on Highway Safety

- 7.50 Policies S1, S4 r) and HC19 require development proposals to demonstrate that they can be safely accessed in a sustainable manner. Proposals should minimise the need to travel, particularly by unsustainable modes of transport and help deliver the priorities of the Derbyshire Local Transport Plan.
- 7.51 The application is supported by a Transport Statement (TS) which concludes that site is located approximately 1.5 kilometres east of Ashbourne Town Centre and has several options to travel by non-car sustainable modes. This includes a bus stop within 300 metres of the site that provides access to Derby and Belper. The TS states that there has only been 1 recorded accident within the most recent 5 year period. The accident was classified as slight and involved one vehicle and two casualties. The TS therefore concludes that there is no evidence of ongoing highway safety issues.

- 7.52 The TS states that the development could generate up to 162 daily two-way vehicle movements, with up to 18 two-way movements during the busier morning peak period. This would result, on average, in an additional vehicle movement every three minutes in either direction during this period. It is noted that this assessment is based upon 30 dwellings and therefore the proposal for up to 25 dwellings would result in fewer movements. This level of additional traffic is considered to be negligible and would not result in a severe impact upon the road network.
- 7.53 Access is not reserved and therefore must be assessed as part of this application. The proposed access demonstrates a 5.5m carriageway can be achieved with the required visibility splays based on the recorded vehicle speeds along Belper Road. The TS therefore concludes that the proposed access provides the required dimensions and levels of visibility to ensure a safe and suitable access can be achieved.
- 7.54 The Highway Authority have been consulted and have provided comments on the submitted application, TS and representations raising issues in relation to highway safety. The section of highway fronting the site is not considered to be of concern in terms of accident trends. The latest data show no significant correlations in the timing, location, frequency or circumstances of the personal injury collision data within 100m of the application site within the latest 5 year period. There is only one personal injury collision within the past 5 years which occurred in 2018.
- 7.55 Furthermore, the application demonstrates that the speed of traffic travelling eastbound on the A517 that visibility of 59m should be provided at the proposed access to the west. The Highway Officer has previously visited the site and assesses that a visibility distance of approximately 114m can be achieved to and from the crest of the hill. Overall the proposed access arrangement and its visibility in both directions is acceptable and could be secured by the imposition of appropriate planning conditions if permission were granted.
- 7.56 Having visited the site and had regard to the submitted TS, representations and consultation response from the Highway Officer, the application has demonstrated that safe access could be provided and that the development would not harm highway safety in accordance with policies S4 r) and HC19.
- 7.57 The site is located approximately 1.5km from the town centre and is connected by a pedestrian footway along Belper Road. Occupants of the proposed development would therefore be within a 15 – 20 minute walk of the town centre. The development is also within 300m of a bus stop on the eastbound carriageway providing services to Belper and Derby. There are however no bus stops near or adjacent to the application site for services towards Ashbourne. The County Sustainable Travel Team advise that funding will be required to create additional bus stops.
- 7.58 Given the distance from the site to the town centre it is considered reasonable and necessary for the development to contribute to the provision of new bus infrastructure. This would ensure that the development is well related to public transport infrastructure so that occupants have the option of more sustainable transport modes and thereby minimising the need to travel by private car. If planning permission is granted a grampian planning condition could be imposed to require infrastructure to be completed, in accordance with an approved scheme before the first occupation of any part of the development. A planning condition to secure a travel plan would also be reasonable and necessary in accordance with policy HC19.
- 7.59 Therefore, subject to conditions the application does demonstrate that the development can be safely accessed in a sustainable manner in accordance with policies S1 and HC19.

Impact on amenity of neighbouring properties

- 7.60 The nearest neighbouring residential properties include Lark Rise 91 Belper Road to the west, Sturston Cottage to the east and Gate Farm (Grade II listed) to the south. The electricity substation on Mill Lane is located to the east of the site.
- 7.61 The development would result in the erection of up to 30 dwellings on site along with associated gardens, open space, roads noise, lighting and activity. The development therefore would result in a change to the outlook of neighbouring properties, particularly Gate Farm and Sturston Cottage which look directly onto the site. Nevertheless, the submitted indicative drawing shows that it would be possible to achieve a satisfactory relationship and separation distance from all neighbouring properties.
- 7.62 Therefore while the development would affect outlook the development would not materially harm the amenity, privacy or security of any neighbouring property due to overbearing, overlooking or loss of light. The concerns raised in regard to impact on outlook and views are understood, however, it is normal for residential properties to be sited close to each other provided that satisfactory privacy and amenity can be achieved. Impact upon private views are not a material planning consideration, nor are potential impacts upon property value.
- 7.63 The development would result in some impact in terms of noise and disturbance during construction. However, this is the case with any development and can be satisfactorily controlled subject to planning conditions to control hours of construction works, construction compound and parking and wheel cleaning facilities. The development would be sited in proximity to the existing substation, however, the nearest dwellings would be separated from it by the proposed undeveloped strip of land. There is no evidence to indicate that the substation could cause significant health issues to occupants and therefore this is not a reason that could be substantiated to refuse the application.
- 7.64 Therefore, subject to conditions the application does demonstrate that the development can be accommodated on site without significant harm to the amenity of neighbouring properties or occupants of the development in accordance with policies S1 and PD1.

Sustainable building and climate change

- 7.65 The application is outline with all matters reserved other than access. Nevertheless, the impact of the development upon climate change fundamentally relates to the principle of the development and therefore should be assessed at this stage.
- 7.66 Policies S1 and PD7 state that the Council will promote a development strategy that seeks to mitigate the impacts of climate change and respects our environmental limits by: requiring new development to be designed to contribute to achieving national targets to reduce greenhouse emissions by using land-form, layout, building orientation, planting, massing and landscaping to reduce energy consumption; supporting generation of energy from renewable or low-carbon sources; promoting sustainable design and construction techniques, securing energy efficiency through building design; supporting a sustainable pattern of development; water efficiency and sustainable waste management.
- 7.67 The application is supported by a climate change statement (CCS). The statement concludes that the development is sustainable in relation to the town centre and promoting sustainable transport. The proposed dwellings would achieve the Future Homes Standard which will complement building regulations to ensure new homes built from 2025 will have significantly less carbon emissions than comes delivered under current regulations. The dwellings will all have solar panels and air source heat pumps.

- 7.68 Furthermore the CCS identifies that majority of existing trees will be retained and new planting will be carried out which will provide shade, reduce carbon emissions and act as part of a Sustainable Urban Drainage Scheme (SuDS) and reduce noise for occupants from the A517. Finally, electric vehicle charge points would be installed to each dwelling along with energy efficient lighting. Water usage would meet the requirements of building regulations.
- 7.69 Notwithstanding the concerns raised in regard to landscape and visual impact the site is sustainably located in terms of distance from the town centre and availability of public transport. The application also demonstrates that the development could be delivered in a manner that would reduce carbon emissions and energy consumption thereby mitigating the impacts of climate change in accordance with policies S1 and PD7.

Flood risk and drainage

- 7.70 The whole site is located within Flood Zone 1 which is described as land having a less than 1 in 1,000 annual probability of river or sea flooding. The site is therefore at low risk from flooding. The application is for major development and therefore a Flood Risk Assessment (FRA) has been submitted with the application.
- 7.71 Policies S1 and PD8 are relevant and state that the Council will support development proposals that avoid areas of current or future flood risk and which do not increase the risk of flooding elsewhere. Development will be supported where it is demonstrated that there is no deterioration in ecological status either through pollution of surface or groundwater or indirectly through pollution of surface or groundwater or indirectly through overloading of the sewerage system and wastewater treatment works. New development shall incorporate Sustainable Drainage Measures (SuDS) in accordance with national standards.
- 7.72 The FRA includes a drainage strategy. This strategy concludes that surface water would likely be able to be dealt with through infiltration (into the ground) using soakaways, infiltration basins or bio-retention systems (raingardens tree pits or swales). This would be the most appropriate means of dealing with surface water from the new impermeable areas created by the development and would potentially contribute positively to biodiversity. The indicative plan shows a swale along the northern boundary of the site.
- 7.73 The drainage strategy states that if infiltration is not possible then the next appropriate option, in accordance with national guidance, would be discharge of surface water to the watercourse located 10m to the north of the site. If direct access to the watercourse was not possible then connection to the Severn Trent surface water sewer crossing the site would be appropriate as this discharges to the same watercourse. If infiltration is not possible then attenuation storage will be required to ensure that surface water runoff from the site is no greater than the existing greenfield runoff (taking into account climate change).
- 7.74 Foul water would be to the main sewer which is acceptable and in accordance with Planning Practice Guidance. This would mitigate risk of pollution of the water environment in accordance with policy PD9.
- 7.75 The Environment Agency (EA) and Lead Local Flood Authority (LLFA) have been consulted. The EA raise no objection to the development. The LLFA have not responded to date but raised no objection to the previous withdrawn application which proposed up to 30 dwellings on the site, subject to conditions to agree, implement and verify a detailed drainage scheme. Any response from the LLFA will be updated at the meeting.
- 7.76 The submitted FRA demonstrates that the development would be located within Flood Zone 1 an area of lowest flood risk. The development would be appropriately floor resistant and resilient. Any residual flood risk could be safely managed and safe access and escape

routes would be available at all times. Foul water would be to the main sewer. The drainage strategy demonstrates that surface water would be dealt with appropriately by a SuDS scheme. Surface water would be dealt with in accordance with national planning guidance either by infiltration (into the ground) or to a surface water body.

7.77 Therefore, subject to conditions the application does demonstrate that the development can be accommodated on site in accordance with policies S1 and PD8.

Impact on trees and biodiversity

7.78 There are a number of trees and hedges on and adjacent to the site that could be affected by the development. Policies S1 and PD3 state that the Council will seek to protect, manage and where possible enhance the biodiversity and geological resources of the area by ensuring that development will not result in harm to biodiversity or geodiversity interests and by taking account of a hierarchy of protected sites. This will be achieved by conserving designated sites and protected species and encouraging development to include measures to contribute positively to overall biodiversity and ensure that there is a net overall gain to biodiversity.

7.79 The application is supported by a ecological impact assessment (EclA), great crested newt eDNA report (GCN) bat activity survey report (BAS) and biodiversity net gain strategy (BNGS). A tree constraints survey (TCS) has also been submitted.

7.80 The TCS records 22 individual trees and 10 group features (9 of which are hedges). Most of the trees are early-mature. The most numerous species are sycamore, there is an attractive large lime at the northern field boundary along with a nearby twin-stemmed elm. Other trees on site include hawthorns and low-quality goat willows. Boundary hedgerows are dominated by hawthorn with elder, elm, hornbeam, sycamore and privet present in limited areas.

7.81 None of the trees merit retention category A. Retention category B is assigned to lime tree 22 (which is at the upper end of category B) and sycamore 13. The remainder of trees on site fall within category C. The application demonstrates that the majority of the trees could be retained with the exception of sycamores 14 and 08 which are not structurally viable in the long term. A section of the hedgerow facing Belper Road would need to be removed to facilitate the creation of the access.

7.82 The Council's Tree and Landscape Officer recommends that all trees are retained within the development with the exception of the trees identified with structural issues. The application demonstrates that this can be achieved with sufficient space for protection measures during construction. If permission is granted planning conditions would be recommended to ensure the development is carried out in accordance with an Arboricultural Impact Assessment and Method Statement.

7.83 The submitted EclA states that there are no statutory site within 2km of the application site. All sites are well removed and isolated from the development and therefore there would be no significant adverse impacts upon designated sites either directly or indirectly.

7.84 The application demonstrates that there are no features of high nature conservation value or designations at the application site. The EclA and BNG reports confirm the presence of hedgerows and some of these would qualify as Habitats of Principal Importance. The hedgerows are for the most part situated around the boundaries of the site. The majority of the site is assessed as modified grassland in fairly poor condition with a smaller area of modified grassland in good condition. Modified grassland is typically species poor and not generally considered to be of nature conservation significance.

- 7.85 Potential impacts on protected species are assessed within the EclA and the GCN. Overall impacts on protected species are likely to be limited, but some measures will be required to ensure that protected species are not adversely affected. Four sycamore trees and one lime tree were assessed as having moderate potential for supporting roosting bats. Additional bat survey has been carried out to assess the suitability of the two trees to be removed for bats. On the basis of the submitted report bats will not be adversely affected.
- 7.86 Having regard to the advice from Derbyshire Wildlife Trust (DWT) the application has demonstrated that, subject to planning conditions to secure avoidance measures a Construction and Environment Management Plan (CEMP) and a Landscape and Biodiversity Enhancement and Management Plan (LBEMP) it can be carried out in a manner that will not harm designated sites or protected species in accordance with policies S1 and PD3.
- 7.87 The BNG report concludes that the development will deliver a net gain for habitats and hedgerows on-site of 17.36% for habitats and 54.37% for hedgerows. The report together with the indicative plan demonstrates that this is feasible in principle. DWT raise no objection subject to planning conditions which are necessary, if permission is granted, to secure mitigation and enhancement measures.
- 7.88 Therefore, subject to conditions the application does demonstrate that the development can be accommodated on site in accordance with policies S1 and PD3.

Affordable housing, housing mix and developer contributions

- 7.89 Policy S10 states that suitable arrangements will be put in place to improve infrastructure, services and community facilities, where necessary when considering new development, including providing for health and social care facilities, in particular supporting the proposals that help to deliver the Derbyshire Health and Wellbeing Strategy and other improvements to support local Clinical Commissioning Groups (CCG) and facilitating enhancements to the capacity of education, training and learning establishments throughout the Plan Area.
- 7.90 No health contribution has been sought by the CCG in this case, as the development falls below their threshold for seeking a contribution. The Education Authority also has requested no contribution towards education facilities on the basis of their analysis.
- 7.91 In order to address the significant need for affordable housing across the Local Plan area, policy HC4 requires that all residential developments of 11 dwellings or more or with a combined floor space of more than 1000 square metres provide 30% of the net dwellings as affordable housing. The application proposes to meet this policy requirement by providing affordable housing on site. This is supported by the Council's Housing Team. Therefore, 7 units of affordable housing would be delivered on site, of which 2 would be First Homes in accordance with national planning guidance. A financial contribution would be required for the remaining amount. This is considered to constitute acceptable provision. If permission is granted a detailed scheme would need to be agreed and secured through prior entry into a planning obligation.
- 7.92 Policy HC11 prescribes a housing mix to meet the Council's housing needs and to create a sustainable, balanced and inclusive communities. Ashbourne Neighbourhood Plan policy HOU1 has a more specific policy for housing mix, referring to the Ashbourne Housing Needs Assessment. The application proposes that the dwellings will comprise 1, 2, 3 and 4 bed roomed dwellings. The application outline with detailed matters reserved. The application does demonstrate that it would be possible to achieve a suitable housing mix to meet the requirements of the Local Plan, Neighbourhood Plan and the Council's Housing Team. If permission is granted a planning condition to secure an appropriate mix would be necessary, with provisions to agree a different mix, where justified.

7.93 Policy HC14 requires new residential developments of 11 dwellings or more to provide or contribute towards public open space and sports facilities. The Adopted Supplementary Planning Document (SPD) on Developer Contributions dated February 2020 supersedes the table in policy HC14 as it is based on the updated study from January 2018. This 2018 study concluded that whilst the quantity and quality of open space and recreation facilities across the District are in most cases sufficient the following deficiencies were identified as likely to occur by 2033

- Parks and Gardens – 2.42ha
- Natural and semi natural greenspaces – 16.16ha
- Amenity greenspace – 2.54ha
- Provision for children and young people – 0.13ha
- Allotments – 0.45ha

7.94 The SPD sets out the provision per dwelling that is required to meet this identified deficiency and the proposal exceeds these requirements. For example, the SPD requirement based on 25 dwellings is 243.5m² for parks and gardens. In this rural location a natural green space would be more appropriate than formal parks and gardens as they would reflect the character of the area and bring biodiversity benefits. Allotments would not be appropriate on this site, therefore a contribution based on the requirement of 3.94m² per dwelling would equate to £1,773. The site is not a sufficient size to deliver a play area (LAP), however, there are several sites identified in Ashbourne by the Neighbourhoods Manager where improved play provision is required. Therefore, a contribution based on the requirement of 1.62m² per dwelling would equate to £4252.50.

7.95 The application site includes a sufficient amount of land to deliver appropriate open space provision in accordance with the requirements of policy HC14 and the Developer Contributions SPD (2020) as part of any subsequent approval of reserved matters application. This provision can be secured by planning condition and a contribution for allotments and play areas can be secured by prior entry into a planning obligation.

7.96 Therefore, subject to condition and prior entry into a planning obligation to secure affordable housing provision and development contributions for education and allotments the application does demonstrate that the development is in accordance with policies S10, HC4, HC11 and HC14.

The Planning Balance

7.97 The Council is unable to demonstrate a 5 year housing land supply at this time. The development plan makes provision for new housing on the edge of tier 1 – 3 settlements in these circumstances. Paragraph 11 of the NPPF says that in these circumstances the Local Planning Authority should grant planning permission for sustainable development unless:

- i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

7.98 Having regard to this, the consultation responses and representations received it is considered that the key issues are the impact of the development upon the landscape and character and appearance of the area and the impact upon the setting of Gate Farm a Grade II listed building.

- 7.99 The development would result in a significant visual change to the site and the development would appear visually as an isolated group of housing projecting into an area with a distinctive rural character. The development would extend the edge of Ashbourne in a manner that would undermine the undeveloped character between the edge of Ashbourne and the group of buildings at Sturston. The application site makes a positive contribution to the setting of Gate Farm and the development would significantly harm this open rural setting by introducing an urbanising form of development.
- 7.100 The harm to the setting of Gate Farm would be less than substantial and therefore in accordance with Paragraph 202 of the NPPF the harm must be weighed against public benefits. The harm to the setting of the listed building is considered to be moderate-high. The development would deliver up to 25 dwellings at a time where the Council is unable to demonstrate a 5 year housing land supply and this must be given significant weight. The development therefore would make a positive contribution to housing delivery. Furthermore, the development would deliver up to 7 affordable homes on site and make a financial contribution for the remaining policy requirement. The development would provide economic benefits during construction and occupation, however these benefits would not be exceptional and would be commensurate with any residential development.
- 7.101 The visual and landscape impact and the harm to the setting of the listed building would be significant. In determining this application the Local Planning Authority is obliged to give great weight to and have special regard to the desirability of preserving the listed building or its setting. In that context, it is considered that the harm identified to the listed building would not be outweighed by public benefits and therefore the presumption in favour of sustainable development set out by paragraph 11 of the NPPF does not apply.
- 7.102 The application is therefore recommended for refusal.

8.0 RECOMMENDATION

Refuse for the following reasons:

1. The development would harm the setting of Gate Farm (Grade II listed) contrary to policies S1, S4 and PD2 of the Adopted Derbyshire Dales Local Plan (2017) and policy AH1 of the Adopted Ashbourne Neighbourhood Plan (2021). The public benefits arising from the development would not outweigh this harm and therefore the development is contrary to the National Planning Policy Framework (2021).
2. The development would have an adverse visual and landscape impact and harm the character and appearance of the area contrary to policies S1, S4, PD1 and PD5 of the Adopted Derbyshire Dales Local Plan (2017).

9.0 NOTES TO APPLICANT:

The Local Planning Authority has provided pre-application advice and met and discussed the merits of the application with the applicant during the course of the application and has agreed extensions of time to facilitate the submission of additional information. There was no prospect of resolving the fundamental planning problems with the application 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 within the agreed extension of time and thereby allowing the applicant to exercise their right to appeal.

This permission relates solely to the application form and the following plans and documents:

Landscape Masterplan GL2066 18

Indicative Proposed Site Plan 003
Site Location Plan 2993-001
Existing Site Plan 2993-002
Design and Access Statement
Climate Change Statement – Ref 2993_CCS_V1
Tree Constraints Survey – Ref JC/315/220621
Landscape and Visual Impact Assessment Issue 1
Heritage Impact Assessment – Ref 2993_HIA_V4
Archaeological Desk-based Assessment – Ref YA/2022/069
Geophysical Survey Report - Ref MSSK1435
Ecological Impact Assessment P2344/1_01
Biodiversity Net Gain Report – Ref P2344/1_02
Great Crested Newt eDNA Report – Ref P2334_01
Flood Risk Assessment – Version 2.0
Transport Statement – Ref F21110 A
Development Design Parameters August 2023