



Planning Committee 20th February 2024

APPLICATION NUMBER		23/01094/OUT	
SITE ADDRESS:		Holmlea, Derby Road, Ashbourne, DE6 1LZ	
DESCRIPTION OF DEVELOPMENT		Outline planning application for the demolition of existing dwelling and associated buildings and construction of a 74no. bedroom care home (Use Class C2) with approval sought for all matters except landscaping	
CASE OFFICER	Sarah Arbon	APPLICANT	Caroline Richardson-Aspbury Planning Ltd
PARISH/TOWN	Ashbourne	AGENT	
WARD MEMBER(S)	Cllr Archer Cllr Wilton Cllr Bates	DETERMINATION TARGET	18 th January 2024 EOT agreed 23 rd February
REASON FOR DETERMINATION BY COMMITTEE	Major application	REASON FOR SITE VISIT (IF APPLICABLE)	For Members to appreciate the site and context.

MATERIAL PLANNING ISSUES

- Principle of development, having regard to its location;
- Impact on residential amenity;
- Noise and odour issues associated with Ashbourne Industrial Estate
- District Care Home Needs
- Highway safety
- Appearance, layout and scale, and
- Trees and Ecological impacts.

RECOMMENDATION

That the Application be Refused

1.0 THE SITE AND SURROUNDINGS

1.1 This 0.65 Ha site is located to the north east of the A52 Derby Road roundabout at the south east of Ashbourne and Ashbourne Business Park bounds the north eastern boundary. It is a spacious plot with one detached dwelling adjacent to the road boundary with intervening tree screening between the site's boundary and the roundabout. The dwelling is accessed off Derby Road in the north western part of the site. Two metre high hedging encloses the site from both Derby Road and the A52 roundabout and mature trees are set within the plot. The character of the area is semi-rural. Ashbourne Industrial Estate adjoins the boundary of the site to the north east with the large B2 (general industrial) buildings for firms such as Trouw Nutrition and Nenplas sharing a boundary with the site. The detached dwelling 'Rushclose' adjoins the south western boundary of the site.

2.0 DETAILS OF THE APPLICATION

2.1 Outline permission is sought with access, appearance, layout and scale to be agreed and landscaping a reserved matter. The proposal involves demolition of the existing property and the erection of a two and a half storey 74 bed care home building. Access would be adjacent to the south eastern boundary and parking for 27 vehicles is proposed with 3 disabled bays, one ambulance bay and 1 EV charging bay together with cycle parking. The main part of the building would be along the south western frontage with a section extending to the rear set back from the south eastern boundary with the neighbouring property 'Rushclose'. The car parking area would be enclosed behind this rear section in the north western part of the site linked to the access.

2.2 The building comprises large rectangular blocks with the elevation adjacent to the roundabout on Derby Road measuring 69 m in length and 17m in width of a height of 5.9m to eaves and 10.8m to the ridge. The elevation includes a double gable feature and a single gable feature extending at difference heights to the ridge and eight box dormers within the roofslope. The north western elevation that would be viewed from the vehicular entrance would be elevation A which has a end gable which includes a further gable feature within it that extends slightly beyond the main gable by 2m. The rear section would extend 32m to the rear of a width of 16m of a height of 5.9m to the eaves and 10.8m to the ridge and this would include the main entrance as a single storey mono-pitched section between the gable features in the corner adjacent to the car park. The rear section would be 21m from the south eastern boundary and 23.9m from the side gable of the dwelling known as 'Rushclose'. Proposed external materials include red brick, white render, red hanging tile cladding with feature 45 degree band, lead effect dormers and slate grey roofing tiles. Features include a double cant brick plinth, brick cills and flat brick arched lintels.

2.3 The ground floor would comprise of 26 ensuite bedrooms, three resident lounges, kitchen, main entrance foyer, reception, assisted bath / shower room, assisted WC, hoist store, cleaning room, laundry room, drug store, admin office and staff WC and three escape staircases. The first floor would have identical accommodation and the second floor would comprise of 22 ensuite bedrooms, two resident lounges, kitchen and one dining room with all the same service and staff accommodation as the two other floors. The aspects of the resident lounges would be to the north east, north west and south west. This is a speculative scheme with no operator confirmed but it will be a 24 hour facility with staff working shifts.

2.4 The application is accompanied by the following reports:

- Planning Statement
- Character Statement
- Design & Access Statement
- Arboricultural Impact Assessment

- Ecological Impact Assessment and BNG Metric
- Indicative Landscape Plan
- Phase I Geo- Environmental Assessment
- Transport Statement & Access Visibility Plan
- Noise Impact Assessment
- Air Quality Assessment
- Odour Assessment
- Flood Risk Assessment and Drainage Strategy
- HPC Care Home Need Assessment (Healthcare Property Consultants Limited).

3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

3.1. Adopted Derbyshire Dales Local Plan 2017

S1 Sustainable Development Principles
 S2 Settlement Hierarchy
 S3 Development Within Defined Settlement Boundaries
 S8 Ashbourne Development Strategy
 S10 Local Infrastructure Provision and Developer Contributions
 PD1 Design and Place Making
 PD3 Biodiversity
 PD5 Landscape Character
 PD6 Tree, Hedgerows and Woodlands
 PD7 Climate Change
 PD8 Flood Risk Management and Water Quality
 PD9 Pollution Control and Unstable Land
 HC1 Location of Housing Development
 HC11 Housing Mix and Type
 HC19 Accessibility and Transport
 HC21 Car Parking Standards

3.2. Ashbourne Neighbourhood Plan (2021):

HOU1 Housing Mix
 DES1 Design
 TRA1 Transport

3.3. Other:

The National Planning Policy Framework (2021)
 National Planning Practice Guide

4.0 RELEVANT PLANNING HISTORY:

09/00175/OUT	Demolition of existing dwelling and erection of 60 bed nursing home and 16 bed learning disabilities home (outline)	REF	16/07/2009
15/00733/FUL	Residential development of 14 dwellings and associated infrastructure	REF	02/12/2015
19/00311/HAZ	Blenheim House Blenheim Road Airfield Industrial Estate Ashbourne - Variation of Condition 1 of planning application 16/00858/HAZ to allow for an increase of some stored substances	PER	12.07.2019

5.0 CONSULTATION RESPONSES

5.1 Ashbourne Town Council

No Objection. Members raised concerns regarding the entrance being in close proximity to the roundabout on the A52; and that the entrance splay would need to be widened. Concerns were also raised regarding the Air Quality in the town and also the 'odour' from the Industrial Estate; however, Members feel there is a need locally for a care home.

5.2 Derbyshire County Council (Local Highway Authority)

The principle of the care home is acceptable and a Transport Statement has been submitted to support the application. It is considered that the details submitted are acceptable and the Travel Plan can be conditioned. The following conditions are recommended on any consent granted:- access, parking and turning, cycle parking, travel plan and construction management plan.

5.3 NHS Derby and Derbyshire Clinical Commissioning Group

A S106 contribution of £ £26,640.00 for the closest practices of Ashbourne Surgery and Ashbourne Medical Practice is required.

5.4 Environment Agency

There is no objection, however, they inform the LPA that there is permitted Installations site (Permit EP RTP3835PD) in proximity to the proposed development. The site is still in operation and is an abattoir as well as a processing plant (chickens are dispatched on site and then processed). This occurs in the buildings closest to the Derby Road. They have received odour complaints for this facility.

5.5 Environmental Health Team (Derbyshire Dales District Council)

With reference to the above application, there are concerns as to the appropriateness of this parcel of land for this use. The land is adjacent to a busy road and an industrial estate and the potential for noise and odour is significant.

Whilst it is appreciated the development has submitted reports mitigating or dismissing the impact odour and noise, this in no means is entirely the case. It is unrealistic to cite that permits are in place at two of the industrial processes nearby, as these are just two of the many businesses in the area. In addition, whilst at present these sites operate processes requiring a permit, this has the possibility to change in the future if the nature of the industry changes. It, therefore, shouldn't be a material factor in the assessment of this site as a suitable one.

A visit was made to the site and the noise from the road is significant, such that a closed window system has been proposed for a significant proportion of the building. The appropriateness of this in a care setting is debatable. There were also odours present from the industrial estate that are also not compatible with this use.

For the above reason, there is a concern about introducing this use class onto this parcel of land. It is considered that there is still potential for nuisance from the industrial estate and inadequate provision of recreational space due to noise and odour, contrary to Policy PD9 and refusal of this application is recommended.

5.6 Trees and Landscapes Officer (Derbyshire Dales District Council)

The submitted arboricultural report identifies several trees and hedgerows that would require removal to facilitate the proposals. None of these are currently subject to statutory protection by virtue of conservation area or TPO and they are not ancient woodland. Furthermore these trees and hedgerows are located toward the central parts of the site with those around the periphery being retained. Accordingly the proposals would not have a significant harmful impact on the amenity provided by the trees on and around the site.

It is important that retained trees receive appropriate protection throughout the development process. The submitted arboricultural report includes such details and it is recommended that a requirement to follow these in their entirety should be a condition to a grant of planning consent. The specification for the proposed temporary tree protection fencing and the warning signs to be attached to it has been supplied and this should also be subject to a condition to a grant of planning consent.

5.7 Derbyshire Fire and Rescue

No response received.

5.8 Force Designing Out Crime Officer

The principle of developing a care home at this location and the detail presented is not considered to be problematic from the perspective of crime and disorder, so there would be no objection from the police.

The the resident profile is not supplied only that there are 3 care levels. Taking stock of the layout and room size the likelihood is for relatively intensive care, and it is noted that there is no garden enclosure provision to, for example, prevent residents suffering from dementia wandering out of the gardens and off site. This is raised for consideration in the round, as there are immediate obvious dangers should this occur.

5.9 Severn Trent Water

No response has been received.

5.10 Derbyshire Wildlife Trust

They have reviewed the Ecological Impact Assessment (Whitcher Wildlife Ltd., September 2023) and advise that a sufficient level of survey work has been undertaken. A total of three nocturnal bat surveys were carried out, which did not record any roosting bats. However, a roost of a single common pipistrelle bat was recorded in the main house in 2019. The report states that no licence is required prior to demolition and they concur that Natural England is unlikely to grant a licence when no current survey evidence is available. However, given that a roost was recorded in 2019 it is advised that demolition works either avoid the peak summer activity season (May-August) or that a pre-works bat survey is undertaken as a precautionary measure.

The EclA states that a net gain of +0.01 habitat units (+0.36%) and +0.2 hedgerow units (+9.77%) will be achieved but trading rules are not satisfied. The onsite habitats will essentially be changing from garden and derelict / overgrown area to new landscaped

garden and it is likely that the new proposals will provide similar ecological value. Several trees were assessed to have low bat roost potential, however the report states that these will be retained and therefore no further work is necessary. They welcome the enhancement measures recommended in Section 5 and these can be secured via condition. The proposed landscaping on which the BNG metric is based should be secured through a compliance condition. Conditions relating to bats and breeding birds are also recommended.

5.11 Lead Local Flood Authority (Derbyshire County Council)

No response received.

5.12 Archaeologist (Derbyshire County Council)

The site has an entry on Derbyshire HER for the former guard house and fire party room associated with the WW2 Ashbourne Airfield (MDR15781 and MDR853). According to the HER entry however these buildings had been demolished by 2007 with only the concrete floors remaining at this point. The site therefore retains no archaeological interest.

5.13 Cllr A Bates

Makes the request that this application is put to the DDDC planning committee. The entrance to this proposed development is very close to the very busy A52 roundabout where there has been significant residential development over the last few years which has created a substantial increase of traffic movement. The site is also very close to long established industrial businesses and he would have concern over the noise and smell impact on the potential residents.

5.14 Derbyshire Swift Conservation Project

74 Swift bricks (1 brick per dwelling) should be secured by condition.

6.0 REPRESENTATIONS RECEIVED

6.1 Two letters of objection have been received and are summarised below:-

- a) The roundabout adjacent to the proposed care home is already very congested with queues coming from Ashbourne's the existing industrial estate traffic and that of the newly built housing development without the care home traffic aswell.
- b) Care homes generally do not have enough car parking for vistiors meaning overspill street parking occurring.
- c) Cars and lorries often park on Derby Road to use the retail facilities as insufficient parking was provided.
- d) Cycle parking is welcomed but it is not realistic that staff would cycle, walk or run to work.
- e) if the application is granted can a condition be imposed whereby the existing access is restricted to maintenance of the substation only by barriers.
- f) The pressure on local medical services would be increased if residents are not already registered in local surgeries.
- g) before granting planning permission for another 74 dwellings not connected to the main sewage system, would it not be greener to get the investor to pay a significant proportion of the cost of installing mains sewage

- h) What is the local need for car home beds as this scheme appears excessive.
- i) Prior to this submission, there was two previous refused applications for a care home and dwellings on the same site, both refused on grounds of odour and noise and noise related mitigation creating detrimental impacts of the proposed developments.
- j) Both refused applications were deemed to subject their occupiers to detrimental odour emissions associated with established business upon the adjacent industrial estate.
- k) There is no reference to Nenplas Limited being an odour generating use or Nenplas being considered during the odour assessment taking place and as such the assessment is flawed.
- l) Since the refusal of the previous applications no material changes of uses have occurred at the adjacent industrial estate so the assessment or detrimental levels of odour and noise remain.
- m) The 'sniff test' conducted is flawed as it is not impartial and should only be used in a 'multi tool odour assessment' supported by technical modelling and/or compound analysis, as required by IAGM guidance.
- n) In the odour assessment the historical wind data was monitored from a meteorological station approximately 22.5km northwest of the site which does not account for local winds and the different topographies between the site and the location of the station.
- o) The timings of the odour surveys are insufficient as it was limited to between 9:30am and 3:40am where background levels are likely to be lower and taking into account the care home would be a 24-hour facility.
- p) The odour assessment failed to assess odour when wind was coming from the odour generating uses.
- q) The previously refused application for 14 dwellings included a 4.5m acoustic barrier, this application includes a 2.1m barrier which would be less effective.
- r) The Noise assessment includes an assessed level of 66dB and 57dB for daytime and night-time volume levels time respectively being recorded, both exceeding the maximum standard of 60dB and 55dB of daytime and nighttime levels, meaning that certain facades would require the windows to not open which has clear implications for the amenity of future occupiers.
- s) Leaving the overheating assessment to be dealt with by condition is insufficient as it should be carried out prior to any decision as it has implications for the amenity of future residents.
- t) The building would be highly prominent on Derby Road and due to the scale of the building existing screening would be insufficient and landscaping left to a further reserved matter.

7.0 OFFICER APPRAISAL

7.1 Having regard to the policies contained within the Adopted Derbyshire Dales Local Plan, Ashbourne Neighbourhood Plan (2021) and the National Planning Policy Framework, the main issues to assess are:

- Principle of development, having regard to its location;
- Impact on residential amenity;

- Impact of noise and odour associated Ashbourne Industrial Estate
- District Care Home Needs
- Highway safety
- Appearance, layout and scale, and
- Trees and Ecological Impacts.

Principle of the development, having regard to its location

- 7.2 The site is located within the settlement development boundary of Ashbourne. Policy S2 of the Adopted Derbyshire Dales Local Plan (2017) states proposals for new development will be directed towards the most sustainable locations and the use of previously developed land will be encouraged. Ashbourne is identified as being a first tier settlement, a location of primary focus for growth and development that will continue to provide significant levels of jobs and homes, together with supporting community facilities and infrastructure to meet their economic potential in the most sustainable way, consistent with maintaining or enhancing key environmental attributes.
- 7.3 Policy S3 states that within settlement boundaries proposed development should be of a scale, density, layout and design that is compatible with the character, appearance and amenity of the part of the settlement in which it would be located, any buildings that make a positive contribution to the character of the area should be retained and access should be safe with the traffic generated able to be accommodated by the existing highway network with layout, access and parking provision appropriate for the use, site and surroundings.
- 7.4 Planning permission was refused for a 60-bed nursing home in 2009 (09/00175/OUT) and development for 14 dwellings was refused in 2015 (15/00733/FUL). Refusal reasons in the 2009 proposal related to future occupants being subject to detrimental odour emissions from the adjoining industrial estate, impact on the residential amenity of the adjacent dwelling and overdevelopment of the site. The 2015 application was refused also on impact of odour emissions and because the residential use would lead to pressure on the viability of such business operations, over intensive development of the site, the impact of the acoustic barrier and impact on trees.
- 7.6 In general terms, given the location of the site within the defined settlement boundary of Ashbourne, the principle of residential accommodation in the form of a C2 use in this location, close to public transport, public amenities, shops and community facilities is considered to be acceptable, however consideration of compliance with other policies in the Local Plan are required especially Policy PD9.

Impact on residential amenity

- 7.7 Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017) requires that development achieves a satisfactory relationship to adjacent development so as not to cause unacceptable effects by reason of noise or other adverse impacts on local character and amenity.
- 7.8 The nearest residential property to the site is 'Rushclose' and it sits 36m back from the road frontage in a spacious plot. The proposed building would be 24m from the site gable of this property. The existing relationship is that there is a 6m conifer hedge enclosing the south eastern and north western boundaries of the site. In the case of the south eastern boundary the 6m hedge would be removed as there is intervening land between the two existing residential properties. This proposal includes a 2.1m acoustic fence on the boundary with heavy standard tree planting together with retention of existing trees. The proposed site plan indicates taking a 45 degree angle from the nearest window on the front elevation of 'Rushhome' would reach the new building at 30m and on this elevation only staircase and landing windows are proposed. Therefore, at this distance with the angle and over time the

introduction of tree planting this relationship is considered acceptable in terms of overlooking impacts. On the south eastern elevation of the building there would be three floors of accommodation with 11 bedroom windows and two residents lounges at a distance of 24m. However, the proposed elevation would be 24m from the side gable of the existing property with 2.1m screening, existing trees retained and with further tree screening over time. It is acknowledged that the proposed building is large in comparison, however, taking into account the distances, windows, angle from the existing dwelling's windows and intervening screening this relationship is considered acceptable and is not considered to result in significant adverse impacts on the residential amenity of this existing property and in accordance with Policy PD1.

Noise and odour

7.9 Policy PD9 seeks to protect people and the environment from unsafe, unhealthy and polluted environments whilst promoting the use of appropriately located brownfield land and achieving this by only permitting developments of the potential adverse effects (individually and cumulatively) are mitigated to an acceptable level by other environmental controls or by measures included in the proposals. Such adverse impacts in this case relate to air pollution (including odours or particulate emissions), pollution of watercourses, noise or vibration, light intrusion, land contamination, other nuisance, environmental pollution or harm to amenity, health or safety.

7.10 NPPF paragraphs 193 and 194 are particularly relevant:-

193. Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.

194. The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.

7.11 A major consideration for any application relates to any unacceptable problems in terms of its relationship with neighbouring land uses and evidence in terms of impacts of odour and noise in relation to the adjacent industrial estate. Therefore there is a need to demonstrate that there would be no future conflict between the existing and proposed uses. The commissioned surveys on noise and air quality have been reviewed by Environmental Health Officers aware of the industrial uses adjacent to the boundary.

Odour

7.12 In terms of odour, the odour assessment identified that the site is located in the vicinity of a number of odour sources. These have the potential to produce odour emissions during normal operation which may lead to reduced amenity for future residents of the development. A two-stage Odour Assessment was therefore undertaken in order to determine baseline conditions at the site and consider its suitability for the proposed end-use. Four Field Odour Surveys were undertaken in order to assess odour impacts across the development site and these were concluded on the basis of Moy Park and Trouw

Nutrition to be negligible and slight. An Odour Risk Assessment was also undertaken using a standard screening methodology to consider the potential for reduced amenity. The results of these two methods were combined and a number of additional factors considered to determine the overall significance of odour impact. Based on the results of the staged assessment, the overall odour effects on the site are not considered to be significant. As such, it concluded that odour is not considered to represent a constraint to planning consent for the proposed development.

- 7.13 The report identifies that the main requirement with respect to odour control from industrial activities is the Environmental Permitting (England and Wales) Regulations (2016) and subsequent amendments. If a process is deemed potentially odorous then the relevant regulator will usually include an appropriate condition in the site's Environmental Permit to restrict impacts beyond the facility boundary. Enforcement of the condition is by the relevant regulator, either the EA for Part A(1) and waste processes, or the Local Authority for Part A(2) and B processes. The main requirement with respect to odour control from premises not controlled under the Environmental Permitting (England and Wales) Regulations (2016) and subsequent amendments, is that provided in Section 79 of Part III of the Environmental Protection Act (1990).

The Act defines nuisance as:

"Any dust, steam, odour or other effluvia arising on industrial, trade or business premises and being prejudicial to health or a nuisance."

Enforcement of the Act, in regard to nuisance, is currently under the jurisdiction of the local Environmental Health Department, whose officers are deemed to provide an independent evaluation of nuisance.

- 7.14 Moy Park is a meat processing and production facility identified by the EA as a permitted site with complaints received relating to odour. Trouw Nutrition shares the northern boundary with the site and produces animal feed. Environmental Health Officer's consider the odour assessment flawed as permitted premises can change over time and NPPF paragraph 194 states that the focus should be on whether the introduction of a 74 bed care home where a closed window system is applied and the lack of recreation space for residents due to noise and odour constraints that exist is an acceptable use of land. This is a dense form of residential development where residents are generally restricted due to disability to their rooms and communal lounges for long periods and its location immediately adjacent to general industrial uses that are run on a 24 basis is not compatible and would restrict their already limited quality of life.
- 7.15 A further technical note dated the 18th January 2024 was received that seeks to refute the Environmental Health Officer's comments reiterating that the conclusion of their assessment was odour was not significant. However, it provides the IAQM guidance that states that:-

"Loss of amenity or disamenity does not equate directly to nuisance and significant loss of amenity will often occur at directly lower levels of odour exposure than would constitute a statutory nuisance."

Therefore, it is the professional opinion of the Environmental Health Officer that the impacts on the amenity of future residents would have an adverse impact on their residential amenity in terms of odour and seeking to reply wholly on permitted sites is flawed.

Noise

- 7.16 The Noise Assessment submitted with the application with the objectives to: Identify, measure and assess the potential impact of any existing noise sources in the immediate

vicinity of the Site upon proposed residential receptors. The report follows current and relevant British Standards in order to provide a robust assessment. The surveys undertaken attended road traffic and commercial sound measurements for Derby Road and the commercial units to the north respectively. The commercial measurements were conducted during daytime and night-time periods. A 24-hour background sound measurement has also been conducted in order to capture night-time fixed plant noise from the north. A 3D noise model has been constructed to assess road traffic and commercial sound impact in accordance with the criterion, for day and night, given in BS 8233:2014. Additionally, a BS 4142 assessment has been conducted for daytime periods for the external amenity areas. Consideration has been given to average noise levels, day and night, and maximum instantaneous noise levels at night. Proposed mitigation measures include the following:-

- Acoustic barriers of a height of 2.1m are required along the south, and eastern boundaries in the south east corner for road traffic sound and in the north east and north west corners for commercial sound.
- The assessment has determined that higher specification glazing is required for east, south and west facades closest to the road.
- The assessment also found non-compliance with the ADO requirements for noise levels in bedrooms, at night, with windows open. As such, a Part O overheating assessment is required for the affected rooms on the south eastern, south western and north western elevations of the frontage block.

The report concludes the assessment has shown that, with mitigation measures in place, no adverse impact is predicted day or night at the receptors due to road traffic and commercial sound.

7.17 The BS 8233:2014 recommends internal noise levels for living rooms at 35 (dB) and bedrooms at 30 (dB) and for external noise levels it is between 50-55 (dB) and states that development should be designed to achieve the lowest possible practicable levels in these external amenity areas. The Noise Survey predicted in the external 'relaxation' areas to range from 50-62 (dB) and as such acoustic barriers would be required as mitigation. It is opined that the proposal can only meet the recommended internal and external noise levels by 2.1m acoustic barriers on large parts of the site's boundaries with both the road and industrial estate, high specification glazing and a closed window system on certain facades. On this basis, the introduction of this dense residential development into this already constrained environment and its successful integration is considered compromised. The mitigation measures are considered to have an adverse impact on the residential amenity of future residents restricting their use of windows and tranquil outside space. The conclusion is drawn that the proposal is likely to conflict with the existing noise and odour sources and as such is not an acceptable use for the land, contrary to Policy PD9.

7.18 The agent states that the noise and odour impacts are not localised to / concentrated on this Application Site exclusively and in this respect didn't prevent the granting of Planning Permission for the new housing on the opposite side of Derby Road to the Application Site as well as the existing housing. The housing site referred to be the Cameron Homes site to the west which does not share a boundary with the industrial units and is separated from them by intervening development and the road and as such is not considered comparable. Furthermore, the Airfield Industrial Estate was mentioned by the agent, this site would extend the industrial estate to the north east and as it is all one allocation would involve assessment between the two uses of industrial and residential with appropriately designed buffers between and is therefore also not comparable.

7.19 It is clear within the guidance in Planning Practice Guidance on Noise that it is not simply the noise levels and mitigation, it is also the exposure levels and whether this results in a

change in behaviour which weighs heavily against allowing development where undesirable levels of exposure are to be caused. This guidance goes on to state that in circumstances where there is risk of conflict between new development and existing businesses “the applicant (or ‘agent of change’) will need to clearly identify the effects of existing businesses that may cause a nuisance (including noise, but also dust, odours, vibration and other sources of pollution) and the likelihood that they could have a significant adverse effect on new residents/users. In doing so, the agent of change will need to take into account not only the current activities that may cause a nuisance, but also those activities that businesses or other facilities are permitted to carry out, even if they are not occurring at the time of the application being made”. The submitted noise report does not include this assessment in terms of permitted changes to operations or uses and relies on the permitting regime for control which is not appropriate. At least three of the sites on the industrial estate are 24 hour operations which is not considered a appropriate site for a nursing home.

District Care Home Needs

- 7.20 Policy HC11 advises that schemes which provide registered care accommodation will be supported provided that the type of provision meets identified District needs. It is acknowledged that in regard to residential care bedspaces, there is a recognised need for 500 bedspaces to be provided in Residential Care Homes (Within Use Class C2) over the plan period to 2033.
- 7.21 With regard to the provision of a care home (Use Class C2) Policy HC11 of the Adopted Derbyshire Dales Local Plan (2017) advises that schemes which provide registered care accommodation (Use Class C2) will be supported provided that the type of provision meets identified District needs. The Housing Needs Survey undertaken by Icenl on behalf of the District Council dated September 2021 identified a higher than national average percentage of aged 65 and over in 2019 in the area at 27% where nationally it was 18%. Table 7.8 of this report indicates a need of 522 bedspaces for residential and nursing care within the District.
- 7.22 A HPC Care Home Assessment was submitted with the application which identifies supply and demand within the District and the implications of Covid 19 on this sector of accommodation. It states that “the District is currently served by 17 registered care homes for the elderly – offering a mix of residential and nursing care (including care to clients with dementia) – and extending to 416 ensuite bedrooms”. It states that there is a current outstanding need of 341 bedspaces rising to 373 in 2025. Existing homes total 11 residential care homes and 6 nursing care homes with a total of 651 registered beds and a further consented 164 bedspaces. The assessment states that 159 registered beds have been lost and 112 registered beds provided by new developments. Due to the implications of the pandemic ensuite single rooms are required for future viral control rather than shared rooms and communal bathing facilities. Within Ashbourne there are 3 existing care homes with a total of 135 registered beds with 91 ensuite bedrooms. The report considers there is an outstanding need of 83 ensuite bedrooms rising to 91 in 2025. Both the Council’s Housing Need Survey and the specific Care Home Assessment undertaken on behalf of the applicant identifies a local need for bedspaces for residential and nursing care within the District. It is therefore concluded that the 74 ensuite bedspaces proposed meet the identified needs of the District in accordance with Policy HC11.

Highway safety

- 7.23 The Local Highway Authority considers the proposed access to be acceptable. The scale of parking (including cycle parking) proposed is considered appropriate for the number of bedrooms proposed and space has been provided to enable service and delivery vehicles to turn.

7.24 The Local Highway Authority conclude that no objections are raised against the application, subject to conditions.

Trees and Ecological Impacts.

7.25 The application is accompanied by Arboricultural Impact Assessment, Ecological Impact Assessment and BNG Metric. The AIA states that to implement the current site layout would require the removal of two hedges, both category B in the centre of the site and a small section of a third hedge, also category B. Six trees, two category B and four Category C and an area of scrub, category U. The majority of trees and hedges on the boundaries of the site would be retained with their RPA's protected and suitable protective fencing erected during the construction phase. The majority of the screening that exists on the south western boundary with Derby Road would be retained with trees of height between 11m to 16m high. The impacts on retained trees is considered acceptable and their protection during construction secured.

7.26 Derbyshire Wildlife Trust are satisfied with the Ecological survey work undertaken and adequate Biodiversity Net Gain and enhancement measures can be secured through conditions.

Design

7.27 In respect of design, Policy PD1 requires all development to be of a high-quality design that respects the character, identity and context of the Derbyshire Dales landscapes. Development should contribute positively to an area's character, history and identity in terms of scale, height, density, layout, appearance, materials, and the relationship to adjacent buildings and landscape features. Policy DES1 of the Ashbourne Neighbourhood Plan (2021) advises that planning permission will be granted for new developments where they incorporate high quality sustainable design and are proportionately to the scale and nature of the development.

7.28 The site is on a prominent corner on a main route whereby the existing dwelling is set back from the boundary and of a two storey scale. Furthermore, it sits within a spacious plot and the industrial estate beyond is not visible due to the existing conifer screening on its north west and north eastern boundaries. The character of the area is considered semi-rural with gaps between developments. The proposal would introduce a building that would extend 69m along this prominent boundary at a ridge height of 10.8m. The bulk and mass of the building taking up all of the site's frontage is considered excessive and of a scale out of character with the two storey properties set back 30m from the road to the south east and new housing development to the west screened by existing trees from the roundabout.

7.29 It is acknowledged that to some degree the design has sought to break up the mass through the use of gable features, dormers and render, however, it is the excessive length and height in comparison to surrounding development that it would be viewed in context with that would make the building appear dominant and intrusive and of a intensive urban form not in keeping with the character or appearance of the area. The building also extends to the rear and when viewed in context with adjacent residential properties appears over intensive and an overdevelopment of the site. The screening has been taken into account; however, the scale of the building would mean its mass would be appreciated from this main route and would change the character of the area to a more dense and urban one. Therefore, the proposal is considered to introduce a dominant and intrusive form of development that is out of context with the area, contrary to Policies S3, PD1 and DES1 of the Ashbourne Neighbourhood Plan.

Other Matters

- 7.30 In terms of drainage the Planning Statement states that the site is located within Flood Zone 1 and therefore at very low risk of flooding and suitable for development. The submitted FRA states that the site has very low risk from surface water flooding and in accordance with the National SuDS Standards, the strategy involves conveying surface water flows to a geo-cellular tank on-site, before combining with treated foul water and discharging via a rising main to the existing culverted watercourse within Derby Road, approximately 330m northwest of the site. In addition to the proposed geo-cellular tank, permeable paving will be provided on-site to ensure surface water flows are controlled at the source, before entering the drainage network. These features will provide extra storage on site, act as a first stage of treatment for any run-off and ensure adequate treatment is provided. The report concludes with the mitigation measures discussed in the report, the new development does not exacerbate flood risk in the wider area. Comments from the LLFA are awaited.
- 7.34 Policy S10 of the Adopted Derbyshire Dales Local Plan (2017) advises that the District Council will work with partners to ensure that infrastructure will be in place at the right time to meet the needs of the District and to support the development strategy. New development will only be permitted where the infrastructure necessary to serve it is either available, or where suitable arrangements are in place to provide it within an agreed timeframe. Arrangements for the provision, or improvement of infrastructure directly related to a planning application will be secured by planning obligation or, where appropriate, via conditions attached to a planning permission.
- 7.35 There would be a need to mitigate the impact of the development on health facilities and as such a contribution to local NHS GP Practices shall be secured in line with the requirement outlined in the NHS Derby and Derbyshire Clinical Commissioning Group response to consultation by way of a S106 agreement or unilateral undertaking.
- 7.36 Policy PD7 of the Adopted Derbyshire Dales Local Plan (2017) advises that the District Council will promote a development strategy that seeks to mitigate global warming and requires new development to be designed to contribute to achieving national targets to reduce greenhouse gas emissions by reducing energy consumption and providing resilience to increased temperatures and promoting the use of sustainable design and construction techniques to secure energy efficiency through building design. The Design and Access Statement includes details of the following measures:-
- High levels of natural daylight to principal rooms
 - High levels of thermal insulation in excess of Building Regulations limiting fabric parameters
 - Weather-compensation and delayed start controls to the heating systems
 - LED and low energy lighting
 - Heating systems to be thermostatically controlled and zoned
 - High levels of airtightness

However, it states that more detailed analysis of the final measures would be determined by the end user and can be controlled by condition.

Conclusion

- 7.37 The erection of a 74-bed residential care home in this location, adjacent to general industrial uses operating on a 24-hour basis would be severely compromised by an unacceptable level of noise and odour nuisance, with mitigation measures necessary that will adversely impact on the use of the facility and its enjoyment by future residents to the detriment of their residential amenity. Furthermore, the siting, scale and mass of the building on this prominent corner on a main route is also considered out of keeping. It is recommended that the

application be refused for these reasons.

8.0 RECOMMENDATION

That the Application be refused for the following reasons:

1. The erection of a 74-bed residential care home in this location, adjacent to general industrial uses operating on a 24-hour basis would be severely compromised by an unacceptable level of noise and odour nuisance, with mitigation measures necessary that will adversely impact on the use of the facility and its enjoyment by future residents to the detriment of their residential amenity. This harm to amenity and susceptibility to noise and odour nuisance would have an adverse impact on the operation of the adjacent industrial businesses and be contrary to policies PD1, PD9 of the Adopted Derbyshire Dales Local Plan (2017) and paragraphs 193 and 194 of the National Planning Policy Framework (2023).
2. The proposed building by reason of its siting, scale and mass is considered to introduce a dominant and intrusive form of development that is out of character and scale with the area, appearing over intensive in relation to the semi-rural character of the area contrary to Policies S3 and PD1 of the Adopted Derbyshire Dales Local Plan (2017) and DES1 of the Ashbourne Neighbourhood Plan (2021).

9.0 NOTES TO APPLICANT:

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.

This decision relates solely to the application plans and documents:-

Site Plan 103V

Location Plan 523MUL-100

Plan No's 523MUL- 105A, 106, 107A, 109C, 110D

Character Statement ref: 523MUL-3.0 Rev (B) Abode Architecture);

Design & Access Statement ref: 523MUL-3.1 Rev (A) (Abode Architecture);

Arboricultural Impact Assessment ref: AIA/DRA/05/23 Rev A (Shields Arboricultural Consultancy);

Ecological Impact Assessment and BNG Metric ref 230554/EcIA:(Whitcher Wildlife Ltd);

Indicative Landscape Plan ref: 7200.01 Rev D: (Trevor Bridge Associates Ltd);

Phase I Geo- Environmental Assessment ref: EAL.08.23 (Erda Associates Ltd);

Transport Statement & Access Visibility Plan (M-EC) ref: 28016-TRAN-0801 Rev C

Noise Impact Assessment ref: 50-975-R1-2 (E3P);

Air Quality Assessment ref: 6737r3 (Redmore Environmental);

Odour Assessment ref: 6737-1r4 (Redmore Environmental);

Flood Risk Assessment and Drainage Strategy ref: 28016-FLD-0101 (M-EC);

HPC Care Home Need Assessment (Healthcare Property Consultants Limited).