



Appeal Decision

Inquiry held on 3 and 4 September 2013

Site visits made on 4 and 5 September 2013

by Mr J P Sargent BA(Hons) MA MRTPI

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

Decision date: 9 October 2013

Appeal Ref: APP/P1045/A/13/2195546

Land at Willow Meadow Farm, Wyaston Road, Ashbourne, Derbyshire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (the Act) against a refusal to grant outline planning permission.
 - The appeal is made by National Animal Welfare Trust & Lone Star Land LLP against the decision of Derbyshire Dales District Council.
 - The application Ref 12/00774/OUT, dated 19 December 2012, was refused by notice dated 21 March 2013.
 - The development proposed is the erection of up to 65 dwellings with associated access and infrastructure.
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Procedural matters

1. Despite the information on the Planning Appeal Form the appeal was lodged by the Appellants stated above.
2. This is an outline application with all matters but access reserved for subsequent consideration, and it has been determined accordingly.
3. At the Inquiry a signed and dated legal agreement under section 106 of the Act was submitted, and the effect of this on my decision is considered below.
4. As well as my accompanied site visit at the end of the Inquiry, I made an unaccompanied visit the following morning to see the traffic situation as children arrived at the school at the junction of Willow Meadow Road and Wyaston Road.

Decision

5. The appeal is allowed and outline planning permission is granted for the erection of up to 65 dwellings with associated access and infrastructure at land at Willow Meadow Farm, Wyaston Road, Ashbourne, Derbyshire in accordance with the terms of the application, Ref 12/00774/OUT, dated 19 December 2012 subject to the conditions in the Conditions Schedule below.

Main Issues

6. The main issues in this case are
 - i) the benefits of the scheme in the light of any shortfall in housing land supply that might exist;
 - ii) whether the proposal would be in a sustainable location;
 - iii) its effect on the intrinsic character and beauty of the countryside;

- iv) whether other harm would be caused by the development and
- v) whether any harm arising from the development would significantly and demonstrably outweigh the benefit of providing additional housing.

Policy

7. Proposals should be determined in accordance with the development plan unless material considerations indicate otherwise. However, the weight to be attached to policies in the existing development plan should be according to their degree of consistency with the *National Planning Policy Framework* (the Framework), which is a document that sets out the Government's planning policies and is a material consideration.
8. The Council cited Policies SF4, H4 and NBE8 from the adopted *Derbyshire Dales Local Plan* (the Local Plan) in its decision notice, but at the Inquiry it accepted these were not consistent with the Framework. Mindful of the judgement in Document 17 below I share that view. This is because the wording of those policies is expressed in a very restrictive manner, leaving no room to accommodate harm without breaching policy. In contrast, the Framework seeks a more balanced approach concerning landscape character and development in the countryside, and so it accepts that harm or loss can be allowed where there is clear and convincing justification. Therefore, the cited policies are inconsistent with the more balanced approach in the Framework.
9. At the Inquiry the Council also accepted that the Local Plan was out-of-date in relation to developments outside the Settlement Framework Boundary (SFB).
10. The Framework says that weight may also be given to relevant policies in emerging plans according to their stage of preparation, the nature of unresolved objections and their consistency with the Framework itself. The emerging *Derbyshire Dales Local Plan* (the emerging Local Plan) was to be submitted to the Secretary of State in October 2013, with an examination in early 2014 and adoption intended for the late spring. Given the stage it has reached I cannot be confident it will be adopted in its current form and so, whilst being a material consideration, it is not afforded significant weight.
11. *The Regional Strategy for the East Midlands* (RSS) has now been revoked and so its policies are no longer applicable. However, I am mindful that its housing figures for this District are the last to be assessed objectively.

Reasons

Housing land supply

12. The Framework confirms that local planning authorities should identify and update annually a supply of specific deliverable sites to provide 5 years worth of housing against their housing requirements, with an additional buffer of 5% (or 20% if there has been persistent undersupply¹). The housing requirements should be evidence based and should have been objectively assessed. In paragraph 49 the Framework says relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a 5-year supply of deliverable housing sites.

¹ The Appellants accepted a 5% buffer was appropriate in this instance

13. At the Inquiry the Council agreed with the Appellants that there was a shortfall in the 5-year supply of deliverable housing sites, accepting that there was no compelling evidence to support reliance on windfall sites. The Council and the Appellants also agreed that the magnitude of the shortfall was not material to my decision – under paragraph 49 of the Framework it was merely necessary for a shortfall to be identified.
14. On the evidence before me I have no basis to disagree with this position. Consequently, having regard to paragraph 49 of the Framework, Local Plan Policies H4 and SF4, which broadly prohibit housing outside the SFB in the countryside, must be considered not up-to-date and so be afforded no weight. This is because in order to address such a shortfall it may well be necessary to allow housing outside settlements in the surrounding countryside.
15. The Council's opinion that a shortfall existed was based on the requirement for housing in the District being in accordance with the figures in the RSS. It used these because there were no housing allocations in the Local Plan, and so they were the last to be objectively assessed. However, the Appellants considered the RSS figures to be out-dated now in the light of the *Household Interim Projections 2011 to 2021, England* (the 2011 data) published by the Department for Communities and Local Government. They contended the 2011 data appeared to show a greater projected need in the area. While there was some debate about the weight that should be attached to the 2011 data, I am aware that relying on these projections instead of the RSS figures would only exacerbate any shortfall still further and so not challenge my view that a shortfall exists.
16. Similarly, there was discussion about the number of houses that could be delivered within the next 5 years at the Cawdor Quarry site. Again though even taking the Council's higher delivery rates there was still a shortfall in the 5-year supply of housing land, and so once more this matter does not affect my findings in this regard.
17. It was also said that some or all of the identified housing sites in the emerging Local Plan should be taken into account. If this was done it was contended that an adequate supply was apparent and the availability of housing land in the District had been settled. However, I was not told that these sites had planning permission² yet or had otherwise been endorsed in a development plan. As the emerging Local Plan still had to be tested they may be found to be unsound. Therefore, they cannot be seen as being available now and the prospect of their viable development is still uncertain. Indeed, it is possible that, once examined, the emerging Local Plan may be found to contain insufficient housing land, thereby requiring further sites to be identified.
18. The Council had resolved that 'due' weight should be given to the allocations in the emerging Local Plan when making decisions on proposals. However, that resolution does not stipulate how much weight should be afforded to the allocations, and it does not over-ride the guidance in the Framework on the weight to be attached to emerging plans that is discussed above.

² One was subject of a resolution to grant planning permission but that had not yet been issued as it was still pending the delivery of a legal agreement

19. Accordingly I conclude that the Council has not demonstrated a 5-year supply of deliverable housing sites, and so, in the light of this shortfall, the provision of up to 65 further dwellings represents a significant benefit.

Sustainability

20. The Framework highlights a presumption in favour of sustainable development and a need to ensure the location allows a strong economy to be built and supports a vibrant healthy community with accessible local services.
21. The appeal site lies outside but adjacent to the SFB of Ashbourne. It is next to an existing area of housing and near to a school, a shop and relatively frequent bus services. Furthermore, the town centre, with its amenities, is within walking distance for many though, as the site is on the edge of the settlement, it is further from these central facilities than much of Ashbourne's existing housing. However, the Council has consistently seen the town as a focus for housing growth and the sites it has identified to address this need as part of the emerging Local Plan were generally on its periphery. If the required new housing in the District is to be located so as to minimise reliance on the car, a significant proportion will have to be around larger settlements such as Ashbourne, and given the built-up nature of the towns, it will, to a great extent, need to be on the edges. I discuss below the effect of the scheme on the natural environment, but putting that aside I consider it addresses the environmental role of sustainability given in paragraph 7 of the Framework.
22. Moreover, mindful of the other dimensions to sustainability in that paragraph, the proposal would bring economic benefits to the construction business and through increased consumers, and it would contribute to the community by providing needed residential accommodation. Although it was said this was an unsuitable location for affordable housing that is not to be provided in the development, but rather is to be secured in off-site locations through a financial contribution.
23. While the site has not been developed before, there is nothing in the Framework that establishes an objection in principle to development on such land. There was also little before me to show that building here would prejudice the reuse of previously developed land elsewhere. It was said that the scheme would, individually or cumulatively with other proposals, potentially impact on the timings and range of benefits that can be derived through the development of the Airfield, which is one of the identified housing sites in the emerging Local Plan and, at least in part, is previously developed. I note though that this contention accepts the concern may not arise just because of this development alone but rather only when taken with other schemes, and furthermore this is only a 'potential' concern, the scale of which has not been specified. In my opinion there was insufficient evidence submitted to mean this would be a justifiable reason to dismiss the proposal.
24. Finally, in the Officer report it was accepted the site was not so intrinsically unsustainable as to merit refusal on that ground.
25. Accordingly, given these factors I conclude this would constitute a sustainable development and so would accord in this respect with the Framework.

Character and appearance

26. This site comprises 2 fields with a total area of 2.47ha that appear to have last been used for pasture but are now overgrown. To the north and east it is bounded by the rear fences of houses on modern estates on the edge of the town. However, extensive planting is along the Wyaston Road boundary and the stream on the southern boundary, and a belt of trees and shrubs runs between these fields. Open countryside lies to the west and south, which, although not being designated as Green Belt or Green Space, is nonetheless attractive and pleasing.
27. The scheme would cause some harm to the landscape, as it would be replacing the existing undeveloped fields with dwellings and associated works.
28. However, mindful that the site is bounded by suburban housing on 2 sides the development would not constitute a significant encroachment into the rural landscape. Although not protected by tree preservation orders, an opportunity would exist to retain a notable amount of the more significant landscaping around the edge of the site and in the centre, thereby softening the development.
29. Beyond the immediate surroundings the site has a limited zone of visual influence due to the topography. I was referred to only 2 places in the wider landscape, both to the south, from where the site could be seen. The first of these was when travelling northwards along Wyaston Road. Having passed through a rural landscape, Wyaston Road turns and descends a hill to go under the A52 and then rise up past the appeal site. However, just as the descent starts part of the site can be seen. This view though is of limited duration and the appeal site is appreciated in the context of the suburban housing behind. From here it is apparent the road is approaching a settlement and to my mind the scheme would not result in a material change to that impression. While in winter a greater proportion of the site would be visible, I anticipate that then one would also be able to see more of the existing housing estates adjacent. At this viewpoint I therefore consider that although some fields would be lost the effect of this on the landscape would be limited.
30. The second view identified was from the public footpath to the south east, which is part of a long distance route. From the A52 this path descends across a field, passes over the stream at the bottom, and enters the housing estate to the east of the site. When coming down the hill it would provide more extensive views of the development than the point on Wyaston Road discussed above and the loss of the fields would cause some harm. However, the effect of this would be limited as the site would still be contained by the landscaping and it would again be seen in the context of the adjacent housing. I also have no reason to consider that, when built and once the new landscaping has matured, the proposal would not result in a housing development that, although different to the situation now, would nonetheless be pleasing and attractive in its own right. Indeed, the Indicative Proposed Site Plan shows there is opportunity to move away from the abrupt and unattractive fence line now along the east and north boundaries and instead provide a scheme that, while extending into the countryside, is more sympathetically integrated into the landscape.
31. Accordingly I conclude limited harm would occur to the intrinsic character and beauty of the countryside.

Other harm

Highways

32. The current access to the site is poor, as it offers restricted visibility due to the overhanging hedges and the lack of pavements, and it opens onto a 4.4m wide carriageway. Moreover, here Wyaston Road is subject to a 60mph limit, but the road's geometry means it is reasonable to assume drivers would generally be travelling well below that speed.
33. However, from the site access northwards to the rear of 11 and 13³ Oak Crescent the road is to be widened to 5m, a pavement is to be formed on the east side and the hedge is to be cut back. Sight splays are also to be improved to the south as the vegetation is to be reduced. With these alterations I consider that intervisibility between emerging drivers and those on Wyaston Road would be sufficient to allow cars to enter and leave the site safely.
34. The road is also used by walkers (including those walking dogs from the nearby animal rescue centre) and cyclists. However, in my opinion the proposal would result in relatively little additional traffic using Wyaston Road to the south of the access, as most of the vehicles would be travelling to or coming from the direction of Ashbourne. Therefore, although there would be an increase in vehicle movements the improvements to the highway arrangement would be sufficient to ensure the safety of pedestrians and cyclists was not eroded.
35. A second area of harm to highway safety concerned the effect of the traffic around the school at the junction of Wyaston Road and Willow Meadow Road. When children are arriving (and presumably when they are being collected) parked vehicles mean Willow Meadow Road becomes single file only and the active carriageway of Wyaston Road is reduced. It was contended that the additional traffic associated with the development would exacerbate these issues still further.
36. However, this situation is for a relatively short period of time and reflects what is commonly found around many similar schools across the country. Moreover, although the free-flow of cars and buses was impeded drivers nonetheless proceeded with caution and did not appear particularly unsafe. Therefore, I consider the effect of the additional movements on this situation would not be unacceptable.
37. The 3 new accesses to private drives shown onto Willow Meadow Road would have adequate visibility and in other respects the road network could accommodate the additional traffic associated with this scheme. Therefore I conclude the development would not harm highway safety.

Living conditions

38. The occupiers of the houses to the north and east, as well as Bank House⁴ in the south west corner, now enjoy pleasing views across the appeal site and the associated sense of tranquillity that it provides. Undoubtedly this would change because of the scheme, as the open fields would be replaced with an estate and, according to the Indicative Proposed Site Plan, most of the existing houses would be behind new dwellings.

³ Sometimes referred to as 11a Oak Crescent in the submissions

⁴ Sometimes referred to as Bank Cottages in the submissions

39. However, while these residents have benefitted from the undeveloped nature of the appeal site over the years, that alone cannot be a reason to prevent development on the land being brought forward. It also does not necessarily mean the impact on their living conditions would be unacceptable, as to consider otherwise would stand in the way of building on many undeveloped sites. Assuming the new houses were sited sufficiently far away to safeguard privacy (something that could be addressed under a Reserved Matters application), there is nothing unreasonable about looking onto other dwellings and I am aware of no basis to judge that the development would generate unacceptable noise. Therefore I consider such a relationship should be satisfactory.
40. It was requested that the planting to the north-east of the rear garden of Bank House be retained. A condition requiring the retention of existing landscaping as part of the initial landscaping proposals can be imposed, but there is no mechanism before me to secure its long-term protection.
41. I appreciate there would inevitably be noise during construction, but that would be for a limited period and subject to controls under environmental health legislation.
42. Representations were also received by and on behalf of the animal rescue centre that is some 500m to the south-west. Those comments revolved around the possibility of complaints arising because of the noise made by dogs in the care of the centre that would result in further restrictions on its operation. It was accepted though that this concern arose not so much because of the development itself but rather because of the further expansion of the town that may result because of the precedent set by allowing the appeal. The matter of precedent is discussed below. However, the scheme would bring new dwellings only slightly closer to the centre than some of the existing houses on Oak Crescent and Chestnut Drive. They would also still be a substantial distance away and would be separated from the centre by the A52. Therefore, even though the centre is on higher ground, there is no reason to consider its relationship to the development would be unacceptable.
43. The new housing would be close to the A52 but traffic on that road was not unduly noisy when on the site. I also consider little road noise could be heard when inside Bank House due to the effect of the glazing treatment. Therefore, with similar measures in place on the new houses their residents would not suffer unacceptable noise nuisance because of traffic.
44. Finally, a concern was raised about the danger that the stream would provide to the children who lived on the estate. While I accept the stream is sometimes in spate and it would be more accessible as a result of the scheme, I consider this factor alone is not a reason to resist the proposal.

Drainage

45. Concerns about the capacity of the drainage and sewers in the area can be appropriately addressed by conditions that result in the installation of a system to control outfall from the site.

Wildlife

46. Although wildlife uses the site and the stream that is not unexpected in this rural location. However, I have no basis to suppose the habitat or foraging

environment of protected species would be affected unacceptably by the works. Accordingly I conclude that the effect on wildlife would not be unacceptable.

Prematurity

47. It has been contended that the effect of granting permission, whether individually or cumulatively with other housing proposals, would be so significant as to predetermine decisions about the siting, location or phasing of new development that is being addressed through the emerging Local Plan. As such it would conflict with advice in *The Planning System: General Principles*.
48. Again though this concern is not just focussed on this scheme alone but may only be applicable with other proposals. Moreover, little evidence was submitted to substantiate this claim. I am also aware that the promotion of housing in the absence of an up-to-date development plan is specifically advocated in paragraph 14 of the Framework (discussed below), and so the pursuance of residential schemes in the face of emerging but unadopted development plan documents cannot, in itself, render the proposal premature.
49. Therefore I am not satisfied that the scheme can be resisted on the grounds of prematurity.

Balancing any harm against the benefit of providing additional housing

50. In paragraph 14 the Framework says that where the development plan is absent or silent, or where its relevant policies are out-of-date, planning permission for sustainable development should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when taken against the policies in the Framework as a whole, or specific policies in the Framework indicate development should be restricted.
51. I have found there is a shortfall in housing land supply, and so, having regard to paragraph 49 of the Framework, the policies in the development plan relating to that matter must be considered out-of-date. In my opinion this shortfall is something to which significant weight should be attached. I have also come to the view that the relevant policies from the Local Plan are not consistent with the Framework, the Local Plan is out-of-date, and the site is suitably sustainable.
52. The Appellants said this site was available now and housing on the land had a realistic prospect of being delivered within the next 5 years. I have no reason to question this view. I therefore consider the provision of up to 65 houses must be seen as a significant benefit.
53. Therefore, having regard to paragraph 14 in the Framework the benefit of this housing has to be balanced against the harm I have identified to the countryside. Moreover, to justify resisting the proposal under paragraph 14 the harm must outweigh the benefit not just marginally, but rather '*significantly*' and '*demonstrably*'.
54. It is clear from my reasoning above that the harm I have identified to the countryside is limited due to the site's relationship to the existing housing, the landscaping that would be retained and its limited zone of visual influence. Therefore I consider that this harm would not outweigh the significant benefit of more housing.

55. It was noted that residents considered the approach in paragraphs 49 and 14 of the Framework to be contrary to the concept of localism. The Framework though places a clear and bold emphasis on the primacy of the development plan and the opportunities communities have to shape the scale, location and timing of development. However, this greater involvement will depend upon the expeditious preparation of local plans that make provision for the future needs of those areas. The approach given in those paragraphs of the Framework only becomes applicable when the development plan system has not achieved one of its fundamental tasks such as the provision of an adequate supply of housing land or consistency with national guidance. As such, I do not accept that it undermines the concept of localism. Finally, this proposal has not negated the extensive and comprehensive consultation process that was recently completed in relation to the housing options, as I have no reason to consider the sites identified through that process will not still form the basis for the housing allocations in the emerging Local Plan.
56. There was also a concern raised about precedent. However, each application is viewed on its own particular merits, and my findings in this appeal have been based on balancing the housing land supply situation and the specific characteristics of the site. The circumstances of other sites are likely to be different and if proposals came forward elsewhere they would be assessed in the light of the factors relevant to that case. Therefore the concern about precedent does not offer a basis for resisting the scheme.
57. Accordingly I conclude no harm has been shown that would significantly and demonstrably outweigh the benefits of providing this additional housing in this location.

Conditions and the Legal Agreement

Conditions

58. I have assessed the suggested conditions against national guidance in Circular 11/95 *Use of Conditions in Planning Permission*.
59. As this is an outline application, the standard conditions relating to the commencement of the development and the submission of reserved matters should be applied. Consequently conditions relating to the submission of samples of external materials, the agreement and maintenance of landscaping, and details of the street lighting are not required at this stage.
60. In the interests of highway safety the alterations to Wyaston Road should be provided, and because these are on land outside the Appellants' control such a condition should be negatively worded. The site access should also be formed, but accepting the illustrative nature and the scale of the access on the Indicative Proposed Site Plan further submissions are necessary to define its precise detail. Pedestrian sight splays should be provided to the private drives to Willow Meadow Road and parking secured at properties in the development. However, the design of the internal road layout can be held over to the Reserved Matters stage, while the precise method of construction with a view to it being adopted is something to be agreed with the highways authority.
61. Having regard to sustainability a pedestrian link should be secured through to Willow Meadow Road as this would allow access to the shop and the bus stops, and a broadband link should be provided on the site to encourage home-working. A travel plan shall also be submitted as should details of a play area.

62. Turning to the effects on the environment, the ecological enhancements on the submitted ecological report should be secured, and the Reserved Matters should indicate all existing planting to be retained. The Japanese Knotweed should also be safely removed from the site and the removal of planting inside the nesting season should be controlled. Moreover, foul and surface water drainage should be agreed and implemented, though at this stage I see no benefit in stipulating precisely what measures that should include.
63. Finally, soundproofing for the new houses should be agreed and provided to ensure satisfactory living conditions, while, in the interests of archaeology, appropriate works should be secured. A timetable for publishing the results of such archaeological work can be agreed when the details are submitted.
64. Further conditions were suggested relating to the construction methodology, including the provision of a builders' car park. However, I consider the absence of those conditions would not be a reason for refusal and, as such matters raise issues found at most housing sites, I am aware of no other special or precise justification for those controls. I note too that mud on the highway would be a matter for the highway authority to address. There is also no basis to consider contamination that needs to be controlled through the planning process would be found on site. Those conditions are therefore not appropriate. There is also no need for a condition to restrict the number of houses as that is done through the description of development.

The Legal Agreement

65. The Legal Agreement proposes to provide a financial contribution towards the off-site provision of affordable homes. I was told this was in accordance with policy, and Mr Bateman, having emphasised his professional background, said he was in no doubt such a provision was viable. Concerning the education contribution I have no reason to question that the local secondary school is projected to be oversubscribed in the near future, and so consider such payments appropriate. The Legal Agreement therefore complies with Regulation 122 in the *Community Infrastructure Levy Regulations* and so is a further reason for granting planning permission.

Conclusions

66. Accordingly I conclude that there is a shortfall in the 5-year supply of housing land in the District, and in this regard the proposal would bring a notable benefit, and this benefit is not significantly and demonstrably outweighed by any identified harm. Therefore, as the Local Plan must be considered absent and/or out-of-date in relation to these issues, having regard to the Framework I allow the appeal.

J P Sargent

INSPECTOR

Conditions Schedule

- 1) Details of the appearance, landscaping, layout, and scale, (the reserved matters) shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall begin not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The landscaping details submitted for approval in connection with Condition 1 above shall include details of all trees and shrubs on the site to be retained, together with details of their means of protection and a timetable for the implementation of those protection works. The means of protection shall then be instigated in accordance with the approved details and timetable.
- 5) The landscaping details submitted for approval in connection with Condition 1 above shall include details of the play area, together with a timetable for its implementation and details of its future maintenance. The play area shall then be provided and thereafter maintained in accordance with the approved details and timetable.
- 6) The landscaping details submitted for approval in connection with Condition 1 above shall include details (including a timetable) of how the ecological recommendations in section 8 of the ecological report by Ruskins (ref 0712-1056 dated October 2012) are to be incorporated within the proposed development. These details shall then be incorporated into the development in accordance with the approved details and timetable.
- 7) Prior to the commencement of the development on site details shall be submitted to and approved in writing by the local planning authority of the means of removing or managing the Japanese Knotweed (*Fallopia japonica*) on the site, together with a timetable for the implementation of those works. The approved details shall then be implemented in accordance with the approved timetable.
- 8) No development shall take place on the site (other than any that may be required to comply with this condition) until
 - i) the carriageway of Wyaston Road has been widened to 5m from the southernmost extent of the southern kerb radius of the proposed access to Wyaston Road northwards to where the pavement currently terminates behind 13 Oak Crescent (the widened carriageway) and
 - ii) a 2m pavement has been formed along the east side of the widened carriageway from the northern side of the proposed access northwards to where the pavement currently terminates behind 13 Oak Crescent.

- 9) Prior to the commencement of the development on site precise details shall be submitted to and approved in writing by the local planning authority of the access to Wyaston Road shown indicatively on the Indicative Proposed Site Plan. No other development shall then take place within the site (other than any works required in compliance with Condition 8) until this access has been formed to base level in accordance with the details approved under this condition and provided with sight splays in both directions of 2.4m by 65m, and the sight splays shall thereafter be kept free of any obstruction over 600mm in height when measured from the carriageway.
- 10) Prior to the commencement of the development on site details shall be submitted to and approved in writing by the Local Planning Authority of a pedestrian and cycle route (a minimum of 3m in width) between the pavement on Willow Meadow Road and the road layout in the development hereby approved, together with a timetable for its implementation. The route shall then be provided in accordance with the approved details and timetable and thereafter retained.
- 11) Any vehicular access direct onto Willow Meadow Road shall have an access point at least 3.2m wide, and shall have 2m by 2m pedestrian intervisibility splays to either side of the access. The splays shall at all times be kept free from any obstruction over 600mm in height when measured from the pavement.
- 12) Prior to the commencement of the development on site details of the proposed surface water drainage scheme (according with the submitted Flood Risk Assessment by BWB Consultancy dated December 2012) and the proposed foul water drainage scheme, together with a timetable for their implementation, shall be submitted to and approved in writing by the local planning authority. The drainage schemes shall then be implemented in accordance with the approved details and timetable.
- 13) Prior to the commencement of the development on site the Applicant or agent (or successor in title) shall secure the implementation of archaeological work in accordance with a scheme (which shall include a timetable for the work and its publication) that has first been submitted to and approved in writing by the local planning authority. The archaeological work shall be then carried out in accordance with the approved scheme.
- 14) Prior to the commencement of the development on site details of a Travel Plan for the development, together with a timetable for its implementation, shall be submitted to and approved in writing by the local planning authority. The approved Travel Plan shall then be implemented in accordance with the approved timetable.
- 15) Prior to the commencement of the development of any individual house a scheme for the sound insulation of that house shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in full in each dwelling before the first occupation of that dwelling and thereafter retained.
- 16) Prior to the commencement of the development a scheme for the provision of ICT infrastructure capable of delivering High Speed Broadband shall be submitted to and approved in writing by the local planning authority. The scheme shall relate to the site only and shall

provide a single point for connection to the wider ICT network. Thereafter each dwelling will be provided with a connection to the approved ICT infrastructure prior to first occupation.

- 17) No removal of hedgerows, trees, shrubs, brambles or ivy shall take place between 1 March and 31 August inclusive, unless a survey has been undertaken by a competent ecologist to assess nesting bird activity on the site during this period, and details of measures to protect nesting birds have first been submitted to and approved in writing by the local planning authority and then implemented as approved.
- 18) No house hereby permitted shall be occupied until parking, together with any associated manoeuvring space, has been provided in accordance with details that have first been submitted to and approved in writing by the local planning authority, and that parking provision, together with any associated manoeuvring space, shall thereafter be retained for those purposes.

Richborough Estates

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mr P Bleasdale QC

Instructed by Mr Wilson of Derbyshire Dales
District Council

He called

Mr P Wilson

MCD DipTP Dip Mgmt MRTPI

Director of Planning and Housing Services with
the Council

FOR THE APPELLANTS:

Mr J Cahill QC

Instructed by Keith Fenwick of Alliance
Planning

He called

Mr A Bateman

BA(Hons)TP MRICS MRTPI MCI MIOD

Mr K Fenwick BA(Hons) MRTPI

Planning consultant

Planning consultant

INTERESTED PERSONS:

Mrs C Broadhurst

Local resident

Rev M Broadhurst

Local resident

Ms S Bridgett

Trustee of Ashbourne and District Animal
Welfare Society

Mr P Fox

Ashbourne resident speaking on behalf of
Ashbourne Aware

Richborough Estates

DOCUMENTS SUBMITTED AT OR AFTER THE INQUIRY

Submitted by the local planning authority

- 1 Letter of notification of the Inquiry
- 2 Site notice
- 3 Revised Tables 10A, 10B & 10C to supplement the evidence of Mr Wilson
- 4 Executive summary of *Report Confirmatory Geo-Environmental Investigation Phase Area – Green, Former Cawdor Quarry, Matlock*
- 5 Letter from John M Dyke to P Wilson dated 4 March 2013
- 6 Email from Tim Brand to Peter Smith dated 15 February 2013
- 7 Note from Paul Bleasdale QC to the Inspector dated 3 September 2013
- 8 Email to the Planning Inspectorate dated 11 September 2013

Submitted by the Appellants

- 9 Opening Statement
- 10 Closing Statement
- 11 Report to the Local Plan Advisory Committee of 20 November 2012
- 12 Plan entitled *Results of Extended Phase 1 Habitat Survey*
- 13 Plan TSP-01 entitled *Tree Survey Plan for Lone Star Land (Ashbourne) Ltd*
- 14 Plan BMT/2046/W001 P2 entitled *Surface Water Concept Plan*
- 15 Plan of Ashbourne showing sites ASH1-ASH4, together with the application site at Hillside Farm
- 16 Tables of speed readings & stopping sight distances
- 17 *Anita Colman v Secretary of State for Communities and Local Government and North Devon District Council and RWE Npower Renewables Limited*
- 18 Appeal decisions APP/P1045/A/12/2175075 & 2182907 dated 20 December 2012
- 19 Page 77 from *Manual for Streets 2*
- 20 Letter from Severn Trent Water dated 2 November 2012
- 21 Email to the Planning Inspectorate dated 11 September 2013

Jointly submitted by the Appellants and the local planning authority

- 22 Schedule of Proposed Conditions
- 23 Signed Planning Obligation under section 106 of the Act dated 3 September 2013

Submitted by Mr Fox

- 24 Email from Peter M Fox to Susan Bridgett dated 4 September 2013