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## Appeal Decision

Inquiry Held on 8 - 10 May, 21 - 24 May and 29 May 2024

Site visit made on 28 May 2024

**by H Butcher BSc (Hons) MSc PG Dip MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 21<sup>st</sup> June 2024**

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**Appeal Ref: APP/P1045/W/24/3337912**

**Lot 2, Leys Farm, Wyaston Road, Ashbourne, Derbyshire**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Woodall Homes against the decision of Derbyshire Dales District Council.
  - The application Ref 22/01339/FUL, dated 25 November 2022, was refused by notice dated 15 December 2023.
  - The development proposed is a residential development of 87no. dwellinghouses together with associated landscaping, infrastructure and access.
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### Decision

1. The appeal is allowed and planning permission is granted for a residential development of 87no. dwellinghouses together with landscaping, infrastructure and access at Lot 2, Leys Farm, Wyaston Road, Ashbourne, Derbyshire in accordance with the terms of the application, Ref 22/01339/FUL, dated 15 December 2023, subject to the conditions in the attached schedule.

### Preliminary Matters

2. The original planning application was for 102 dwellings but this was reduced to 87 during the course of the application, and, as agreed by both the appellant and the Council the application was determined on this basis. I have therefore amended the description of development in the banner heading and my decision accordingly.
3. No site address was given on the application form therefore I have used the site address from the appeal form and the decision notice.
4. The inquiry was held in Matlock, Derbyshire at the Council offices. The public were invited to attend and a session for interested parties was held on Day 1 of the Inquiry. The event was also live streamed/recorded. I am therefore satisfied that no one was prejudiced in terms of being able to take part in the formal proceedings.

### Application for Costs

5. At the Inquiry an application for costs was made by Woodall Homes against Derbyshire Dales District Council. This application is the subject of a separate Decision.

## Main Issues

6. The appellant stated at the Inquiry that they wished the appeal to be determined on the basis that the pedestrian path to the north-west of the site be removed. The Council raised no objection. Such an amendment would not result in a substantial difference or a fundamental change to the application. I am also satisfied that its removal would not cause unlawful procedural unfairness to anyone involved in the appeal. I have therefore considered the appeal on this basis. As a result, the Council confirmed that they would no longer be defending reason for refusal 7.
7. During the course of the Inquiry the Council also withdrew the second part of reason for refusal 1 relating to the transport network, and reasons for refusal 3, relating to surface and foul water flows, 4, relating to housing mix, and 6, relating to Biodiversity Net Gain. I am satisfied with the conclusions drawn by the main parties on these matters.
8. Consequently, the remaining main issues are:
  - The effect of the development on highway safety;
  - Whether the site is a suitable location having regard to accessibility; and,
  - Whether the development would deliver good design and the effect of the development on the character and appearance of the surrounding area.

## Reasons

### *Highway Safety*

9. The proposed development would be served by a new access onto Wyaston Road. The Council rely on a Stage 1 Road Safety Audit (RSA) in making their case in respect of the safety of this access and it identifies a number of problems with the proposed new junction.
10. Problem 1 in the RSA identifies a danger relating to pedestrians walking south out of the proposed access, along a service strip at the edge of the development, and then along a section of public highway in order to join a footpath further along. Given the narrow nature of Wyaston Road in this direction it would not be safe for pedestrians to walk in the highway here. However, there is no clear destination to the south of the proposed access, achievable on foot, which has been identified to me as a draw for future residents of the development, including dog walkers. Indeed, Photo 2.1-2 of the Council's RSA is annotated thus: "*Southern end of existing footway does not lead to anywhere*". Therefore, even if the site was linked to this footway, it would simply encourage pedestrians to travel a route which has no destination leading them further along this highway to a point where there is no footway posing a highway safety issue. Conversely, not providing this link would encourage pedestrians to take a route north out of the site, which is safer and preferable as it is where local amenities, transport links, and numerous other residential properties are located.
11. Problems 2, 3 and 4 all relate to visibility to the south of the proposed access creating a risk of side-impact collisions and/or nose to tail shunts. Wyaston

Road to the south is narrow, winding, subject to steep gradients, and a 60mph national speed limit. Nevertheless, evidence submitted by the appellant shows the application of the Manual for Streets Visibility Tool<sup>1</sup>. This takes into account matters such as gradient and vehicle speeds to ascertain the required visibility splays. The output of this is reflected on the submitted Proposed Site Access<sup>2</sup>; specifically, a visibility of 2.4x42.7m is shown to be achievable to the south of the proposed access. Suitable conditions could be applied to any subsequent permission to ensure these visibility splays were provided and maintained in perpetuity.

12. The Council's RSA recommends the relocation of the 30mph speed limit at the edge of Ashbourne further south to encourage lower approach speeds to the proposed access, together with other measures to complement the new speed limit. It is worth noting, however, that vehicle speeds recorded in the appellant's traffic surveys found that the average speed of vehicles travelling northbound entering Ashbourne were relatively low (the 85<sup>th</sup> percentile being approximately 32mph) despite this section of Wyaston Road being subject to a 60mph national speed limit. This fits with my experience of driving this section of highway as the curves, changing gradient, and narrowness of the road naturally suppresses speed.
13. In any event, where off-site works to an existing highway such as the relocation of speed limits may be required to mitigate the effects of new development, the developer will usually enter into an agreement with the Council under s278 of the Highways Act 1980. This would typically cover such matters and is at the discretion of the Highway Authority where it would be in the public interest. It is therefore a matter which can be dealt with outside of the appeal process. In respect of suggestions that the carriageway to the south of the access would need to be widened there is no substantive evidence before the Inquiry to suggest this would be necessary.
14. Problem 5 concerns existing signage and a gully which could pose a hazard to drivers as a result of the new access. This would also fall to be considered pursuant to s278 of the Highways Act 1980.
15. Finally, Problem 6 concerns the buildouts within the new internal road of the development which could cause tyre damage due to sharp angles at their corners. However, the detailed design of this road would be subject to agreement with the Highway Authority who would require it to be constructed to adoptable standards.
16. Taking all of these matters into consideration I find that the proposal would not result in an unacceptable impact on highway safety. It is also notable that the Highway Authority no longer raise an objection to the development on any highway related grounds. I therefore find no conflict with the relevant provisions of Policies S4 and HC19 of the Adopted Derbyshire Dales Local Plan (LP) which concern the provision of safe access to development.

### *Accessibility*

17. The market town of Ashbourne and all the amenities it provides as a First Tier Settlement, as defined in the LP, is a significant walk from the development site. However, there is a bus stop on Wyaston Road which is a short walk from

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<sup>1</sup> Appendix E of CD2.17 Transport Assessment Rev V03

<sup>2</sup> Plan no: 600539-HEXA-XX-XX-DR-TP-0103 Rev P05

- the proposed entrance to the development and this provides hourly services throughout the day, every day, including Sundays and Bank Holidays, to the centre of Ashbourne and further afield to Uttoxeter.
18. The Council raise concerns over the distance from the westernmost corner of the development. However, in my view, walking a relatively short distance along the main route serving the development would not pose a significant detractor to persons wishing to access bus services on Wyaston Road, particularly as it would not be a heavily trafficked road, would be well-lit, well-overlooked, and would provide suitable walkways.
  19. The Council also raise concern over the site's gradient as being a barrier to future occupiers using the bus stop on Wyaston Road. However, the main route through the development would not traverse significant changes in levels either on-site or in relation to Wyaston Road, and therefore would not result in an overly steep route to navigate on foot. I therefore find that public transport would be a genuine and realistic option for future occupiers of the development.
  20. In addition to this there is a primary school located within reasonable walking distance to the site, closely located to the bus stop referred to above. Primary schools generally attract a lot of traffic and for many people are part of their everyday travel.
  21. Cycling to Ashbourne would also be a suitable option given the distances and routes involved. The site's gradient, for the reasons already set out, would again not be a significant deterrent in this regard.
  22. It is also worth noting a Travel Plan to encourage the use of sustainable transport modes for future occupiers could be secured by condition and legal agreement. Furthermore, a condition could be included to provide cycle storage for each property.
  23. Overall, therefore, I consider the site is in an accessible location and would offer a genuine choice of transport modes. Whilst the site now has no other connectivity other than its main access, the previous pedestrian link to Premier Avenue having been removed, this does not alter my overall findings on accessibility. I therefore find no conflict with Policies HC19 of the LP or TRA1 of the Ashbourne Neighbourhood Plan (NP) which seek to minimise the need to travel, particularly by unsustainable modes of transport.

### *Design*

24. The proposed development would largely comprise a long spine road ending at a dead end, described variously in the Inquiry as a long cul-de-sac. This is, as noted by the appellant, due to the site's topography as the spine road would broadly follow a contour in the land in order to avoid significant height changes within the development.
25. The Council highlight that the National Model Design Code (MDC) states that cul-de-sacs should only be used as tertiary streets for access to small groups or clusters of homes. However, the MDC is guidance and not a statement of national policy, and it is designed to provide detailed guidance for Local Authorities in producing their own design codes, guides, and policies which should be tailored to the circumstances of each place. In this case, the proposed layout works with the specific topography of the site allowing the

- development to visually nestle into the landscape along a contour and leaving the steepest parts undeveloped.
26. The development would be broadly inward facing along the spine road but this would make for an attractive environment internally where properties would engage with and address internal areas of public open space. Given the extensive landscaping around the periphery of the site to be retained along with proposed landscaping this layout would not have a harmful impact on the wider character and appearance of the area. It would simply appear as a sympathetic and well landscaped extension to existing residential development in this area.
  27. Importantly, the design at the entrance to the development from Wyaston Road would resolve a rather unsatisfactory relationship which currently exists between the adjacent residential development and Wyaston Road. Here close board fencing to the rear of the end property marks the entrance to Ashbourne when travelling north along Wyaston Road. Conversely the proposal would soften this edge with properties set back from and addressing Wyaston Road behind areas of landscaping and brick wall boundary features resulting in a more marked and pleasant arrival point to the town.
  28. The materials to be used in the construction of the development would feature two types of red brick with grey tiles. This is broadly in-keeping with the materials used in the area of "mellow red brick with Staffordshire blue clay tile roofs" and a condition would ensure the Council had control over the final choice of materials. Some 16 house types would be used in the development providing consistency of design but not homogeneity. The detailed design would be high as evidenced by the inclusion of chimneys, bay windows, and eaves detailing. The slight undulation of the properties as they respond to the topography of the site would also be in-keeping with Derbyshire townscapes.
  29. The Council raise concern over boundary treatments but again, appropriate boundary treatments, if secured by condition, are within the control of the local planning authority.
  30. Affordable housing is included within the development but is not confined to one area. I also find no reason to conclude that these properties would be significantly disadvantaged in comparison to the market housing proposed as they would be built of the same materials and integrated into the development and its open spaces with adequate outlook and light.
  31. During the Inquiry much was made regarding the requirement in the National Planning Policy Framework (the Framework) that new streets be tree-lined (para 136). Trees do appear in the plans before me intermittently lining various sides of the main access road through the site. Whilst the proposed trees would not be regimentally set out lining both sides I consider this to be appropriate given the semi-rural and more loosely landscaped character of the surrounding area. This accords with the Framework's guidance on tree-lined streets which requires consideration of the appropriateness of such an approach in all cases (footnote 53).
  32. In terms of the connectivity of the site I have dealt with that in the section above on accessibility.

33. Taking these points together I find that the development would deliver good design and would respond positively to the character and appearance of the surrounding area. Accordingly, I find no conflict with policies PD1 of the LP and DES1 of the NP which require high quality sustainable design.

*S106 Agreement*

34. A signed and dated tri-lateral agreement under S106 of the Town and Country Planning Act 1990 has been submitted which provides for various obligations. In line with Regulation 122(2) of the CIL Regulations 2010 (as amended) the Framework explains in paragraph 57 that planning obligations must only be sought where they are: necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. It is therefore necessary for me to consider these obligations in detail and reach a finding on them having regard to the above tests. I consider these in turn below.
35. The first schedule sets out the owners' covenants to the District Council and the County Council. The first of these is affordable housing provision and an off-site affordable housing contribution. This is in line with Policy HC4 of the LP in that it provides 30% of the net dwellings proposed as affordable housing; the shortfall made up by an off-site contribution. I am therefore satisfied that this obligation meets the relevant tests.
36. A contribution towards allotments is requested. The justification for this and method of calculation is set out in the Derbyshire Dales Developer Contributions Supplementary Planning Document (SPD). Consequently, I find that this obligation meets the relevant tests.
37. The healthcare contribution would be used to increase clinical capacity in Ashbourne proportionate to the scale of housing development proposed. A detailed calculation for the contribution sought has been supplied. This contribution therefore meets the relevant tests.
38. A parks and gardens contribution is sought. Again, the justification for this and method of calculation is set out in the SPD. Consequently, I find that this obligation meets the relevant tests.
39. A contribution towards library stock to mitigate additional demand on library services is included. Ashbourne library is able to accommodate the additional demand generated by the development but additional stock would be required. The contribution sought would therefore cover this and the evidence before me sets out how this contribution has been calculated. This therefore meets the relevant tests.
40. A Travel Plan Monitoring Sum and Travel Plan Bond are required to monitor and review the plan and for purposes of implementing revised targets following a failure to meet the targets identified. This is necessary to ensure the public benefits of sustainable travel are realised and accounted for.
41. In summary all the obligations meet the tests of the Framework and fully comply with the requirements of Regulation 122(2) of the CIL Regulations 2010.

### *Other matters*

42. It is agreed that the Council do not have a five-year supply of housing land. By the end of the Inquiry the Council's Housing Land Supply Figure was 4.01 years whilst the appellant placed it at 3.07 years.
43. The proposal would result in an increase in vehicular movements on the local transport network. Whilst it is now accepted by the Council that there would not be an unacceptable impact on highway safety, I, nevertheless, accept that there would be some adverse impact on the transport network. This would not, however, of itself, be sufficient to warrant a reason to dismiss the appeal.
44. I am satisfied adequate parking could be provided and I have included relevant conditions to protect the living conditions of occupiers of neighbouring properties. I find no reason to conclude that cyclists would be put in danger due to the proposed development and access.
45. Whether there is a need for housing is not a matter on which this case turns. Finally, there is no substantive evidence before me that the proposal would result in increased flood risk elsewhere. Furthermore, the Council no longer objects to the proposal on flood risk or drainage grounds.

### *Conditions*

46. A list of draft conditions was provided. I have considered these in line with the advice contained at paragraph 56 of the Framework i.e., that they are kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise, and reasonable in all other respects. I have carried out minor editing and removed any duplication.
47. In addition to the standard time limit condition (1) I have included a plans condition for certainty (2). For health and safety reasons conditions 3 and 4 are necessary to protect against contamination. In the event that contamination was found on site it would not be sufficiently precise to cease works for the extent of the area affected by contamination, therefore, I have not included this in my condition.
48. To ensure a satisfactory form of development condition 5 requires the submission of finished floor levels and ground levels through the site. Condition 6 - 10 are also necessary to safeguard protected and/or priority species. Conditions 11 and 12 ensure suitable surface water drainage of the site during construction and beyond.
49. In the interest of highway safety I have included conditions 13 and 14. Conditions 15 - 17 promote sustainable transport. The planning obligation provides for the event that the Travel Plan fails to meet its targets therefore it is not necessary to include this in a condition.
50. Conditions 18 and 19 are necessary to protect the living conditions of occupiers of neighbouring properties. To protect retained trees and shrubs on site I have also included condition 20.
51. Conditions 21 - 23 ensure suitable hard and soft landscaping. Condition 24 is necessary mitigate the effects of and adapt to climate change. Finally, conditions 25 and 26 are necessary to ensure a satisfactory appearance.

52. I find no clear justification for the removal of permitted development rights in respect of Class AA and Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015.
53. The pre-commencement conditions I have included are necessary as the measures outlined in each are required to protect against impacts which may otherwise be realised during the construction period.
54. Following the submission of additional evidence from Severn Trent Water (ID13) the Council agreed that there was no longer a requirement for a condition relating to foul drainage.

### **Conclusion**

55. I have found that the proposals accord with an up-to-date development plan and as such should be approved without delay. There is no need, therefore, for me to consider in detail the extent of the Council's Housing Land Supply shortfall as it would not alter the outcome of this appeal.

*H Butcher*

INSPECTOR



## **SCHEDULE OF CONDITIONS**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
  - Site Location Plan 001 Rev A
  - Planning Layout – 008 Rev O
  - Adoptable Areas Plan – 400 Rev I
  - Materials Plan – 600 Rev I
  - Enclosures Plan – 700 Rev I
  - Internal Highway Layout - 600539-HEX-XX-XX-DR-TP-0105 Rev P04
  - Proposed Site Access - 600539-HEXA-XX-XX-DR-TP-0103 Rev P05
  - General Arrangement – 11008-FPCR-XX-XX-DR-L-0001 P10
  - Structural Landscape Detailed Plan (Sheet 1 of 3) - 11008-FPCR-XX-XX-DR-L-0002 P10
  - Structural Landscape Detailed Plan (Sheet 2 of 3) - 11008-FPCR-XX-XX-DR-L-0003 P10
  - Structural Landscape Detailed Plan (Sheet 3 of 3) - 11008-FPCR-XX-XX-DR-L-0004 P10
  - Private On Plot Detailed Landscape Plan (Sheet 1 of 4) - 11008-FPCR-XX-XX-DR-L-0005 P10
  - Private On Plot Detailed Landscape Plan (Sheet 2 of 4) - 11008-FPCR-XX-XX-DR-L-0006 P10
  - Private On Plot Detailed Landscape Plan (Sheet 3 of 4) - 11008-FPCR-XX-XX-DR-L-0007 P10
  - Private On Plot Detailed Landscape Plan (Sheet 4 of 4) - 11008-FPCR-XX-XX-DR-L-0008 P10
  - Sudbury Elevations and Floor Plans – 100-01
  - Kedleston Elevations and Floor Plans – 100-01
  - Beal (Corner turner) Elevations and Floor Plans – 100-01
  - Beal Elevations and Floor Plans – 100-01
  - Hardwick Elevations – 100-01
  - Hardwick Floor Plans – 100-02
  - Trowbridge Elevations and Floor Plans – 100-01
  - Trowbridge V1 Elevations and Floor Plans – 100-01
  - Petworth Elevations and Floor Plans – 100-01
  - Winster Elevations – 100-01
  - Winster Floor Plans – 100-02
  - Buckingham Elevations and Floor Plans – 100-01
  - Bradwell Variant 1 Elevations – 100-01
  - Bradwell Variant 2 Elevations – 100-02

Bradwell Variant 3 Elevations – 100-03  
Bradwell Floor Plans – 100-04  
Westbury Elevations – 100-01  
Westbury Floor Plans – 100-01  
Liversage Elevations – 100-01  
Liversage Floor Plans – 100-01  
Hemlock Elevations – 100-01  
Hemlock Floor Plans – 100-02  
1 Bed Quad Block Elevations – 100-01 Rev A  
1 Bed Quad Block Floor Plans – 100-02 Rev A  
Bed Quad Block (Hipped Roof) Elevations – 100-01 Rev A  
1 Bed Quad Block (Hipped Roof) Floor Plans – 100-02 Rev A  
2 Bed Affordable Elevations – 100-01  
2 Bed Affordable Floor Plans – 100-02  
Bed Affordable Elevations – 100-01  
3 Bed Affordable Floor Plans – 100-02  
Single Garage Floor Plans and Elevations – 100-01  
Single Garage 1 Floor Plans and Elevations – 100-02  
Shared Garage Floor Plans and Elevations – 100-03

- 3) Any contamination that is found during the course of construction of the development that was not previously identified shall be reported immediately to the local planning authority. Development shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. The approved schemes shall be carried out before development is continued.
- 4) In the event that it is proposed to import soil onto site in connection with the development the proposed soil shall be sampled at source and analysed in a UKAS accredited laboratory. The results of the analysis, and an interpretation, shall be submitted to the local planning authority for consideration prior to importation. Only soil approved in writing by the local planning authority shall be used on site.
- 5) No development shall commence until details of finished floor levels and ground levels throughout the site have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 6) No development shall commence (including demolition, ground works, vegetation clearance and movement of plant, machinery and materials) until a Construction Environmental Management Plan (CEMP:

Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities;
- b) Identification of "biodiversity protection zones";
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction;
- d) The location and timing of sensitive works to avoid harm to biodiversity features;
- e) The times during construction when specialist ecologists need to be present on site to oversee works;
- f) Responsible persons and lines of communication;
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person; and,
- h) Use of protective fences, exclusion barriers and warning signs;

The approved CEMP (Biodiversity) shall be adhered to and implemented throughout the construction period.

- 7) No development shall commence until a Landscape and Biodiversity Enhancement and Management Plan (LBEMP) has been submitted to and be approved in writing by the local planning authority. The aim of the LBEMP is to provide details for the creation, enhancement and management of habitats and species on the site post development, in accordance with the proposals set out in the approved Biodiversity Metric 'Biodiversity Metric dated 21.02.24' and to achieve no less than a [+14.33%] net gain. The LBEMP should combine both the ecology and landscape disciplines and shall be suitable to provide to the management body responsible for the site. It shall include the following:
  - a) Description and location of features to be retained, created, enhanced and managed, as per the approved biodiversity metric;
  - b) Aims and objectives of management, in line with desired habitat conditions detailed in the metric;
  - c) Appropriate management methods and practices to achieve aims and objectives;
  - d) Prescriptions for management actions;
  - e) Preparation of a work schedule (including a 30-year work plan capable of being rolled forward in perpetuity);
  - f) Details of the body or organization responsible for implementation of the plan;
  - g) A monitoring schedule to assess the success of the habitat creation and enhancement;
  - h) Measures at intervals of 1, 2, 3, 4, 5, 10, 15, 20, 25 and 30 years;
  - i) Monitoring reports to be sent to the Council at each of the intervals above;
  - j) A set of remedial measures to be applied if conservation aims and objectives of the plan are not being met;

- k) Detailed habitat enhancements for wildlife, in line with British Standard BS 42021:2022;
- l) Requirement for a statement of compliance upon completion of planting and enhancement works; and,
- m) Details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.

The development shall not be carried out other than in accordance with the approved details.

- 8) No development shall commence (including preparatory site clearance) until a Badger Mitigation Strategy has been submitted to and approved in writing by the local planning authority. The strategy shall include the following:
  - a) Results of a recent survey;
  - b) The specification and location for an artificial sett;
  - c) The location of any protective fencing, buffer zones or other construction-stage mitigation;
  - d) Details of landscaping to benefit or safeguard badgers on site; and,
  - e) Timetable for implementation.

The development shall not be carried out other than in accordance with the approved details.

- 9) Prior to the installation of lighting fixtures, a detailed lighting strategy shall be submitted to and approved in writing by the local planning authority. This should include measures to reduce lightspill to adjacent habitats likely to be used by foraging and commuting bats and badgers. The Strategy should provide details of the chosen luminaires, their locations, a lux contour plan and any mitigating features such as dimmers, PIR sensors and timers. The lighting fixtures shall be installed in accordance with the approved details and retained as approved thereafter.
- 10) No development shall commence until a detailed scheme for ecological enhancement based on the recommendations of the Ecological Appraisal November 2022 Rev A and the Bat Survey Report November 2022 has been submitted to and approved in writing by the local planning authority, including a timetable for implementation. The development shall be carried out in accordance with the approved details.
- 11) No development shall commence until a detailed design and associated management and maintenance plan of the surface water drainage for the site have been submitted to and approved in writing by the local planning authority. The plan shall be produced in accordance with the principles outlined within:
  - a) Flood Risk Assessment, prepared by Dice Consulting Engineers Ltd, Reference WAY-DCE-XX-XX-RP-C-0001 Revision PO5, dated July 2023; and,
  - b) DEFRA's Non-statutory technical standards for sustainable drainage systems (March 2015).

Prior to the first occupation of the development, a verification report carried out by a suitably qualified independent drainage engineer must be submitted to and approved by the local planning authority demonstrating that the drainage system has been constructed as per the agreed design and associated management and maintenance plan.

- 12) No development shall commence until details showing how additional surface water run-off from the site will be avoided during the construction phase have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 13) No dwelling shall be occupied until the access, parking and turning facilities for that individual dwelling has been provided as shown on drawing 600539-HEX-XX-XX-DR-TP-0105 P04 Internal Highway Layout.
- 14) No dwelling shall be occupied until the site access works including visibility splays shown on drawing 600539-HEXA-XX-XX-DR-TP-0103 P05 have been constructed and completed. The visibility splays as shown on the plan shall be kept free from obstruction in perpetuity.
- 15) No dwelling shall be occupied until sheltered, secure and accessible bicycle parking has been provided in accordance with details which shall first be submitted to and approved in writing by the local planning authority. The approved bicycle parking shall be permanently maintained for this purpose thereafter.
- 16) The development shall be brought into use in accordance with the Framework Travel Plan V03 dated 1st August 2023.
- 17) No dwelling shall be occupied until it provision has been made for it to connect to electric vehicle charging infrastructure to enable each plot to facilitate an electric vehicle charging point.
- 18) No development shall commence until details of a construction management plan (CMP) have been submitted to and approved in writing by the local planning authority. The approved plan shall be adhered to throughout the construction period. The plan/statement shall include but not be restricted to:
  - a) Parking of vehicles of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
  - b) Advisory routes for construction traffic;
  - c) Any temporary access to the site;
  - d) Locations for loading/unloading and storage of plant, waste and construction materials;
  - e) Method of preventing mud and dust being carried onto the highway;
  - f) Arrangements for turning vehicles;
  - g) Arrangements to receive site deliveries;
  - h) Joint highway condition survey; and,
  - i) Methods of communicating the CMP to staff, visitors and neighbouring residents and businesses.

- 19) No site machinery or plant shall be operated, no process shall be carried out, and no demolition or construction related deliveries received or dispatched from the site, except between the hours of 08.00 – 18.00 Monday to Friday, 08.00 – 13.00 Saturday and at no time on Sundays, Bank or Public Holidays.
- 20) Prior to any site clearance, groundworks, excavations, demolition or construction works and before any materials or plant are brought onto the site for the purpose of the development, a site-specific tree protection plan and Arboricultural Method Statement shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details.
- 21) No development above slab level shall take place until a scheme of hard and soft landscaping has been submitted to and approved in writing by the local planning authority, to be in general accordance with the approved Enclosures Plan and Landscaping Drawings and including street tress, the details of which shall include:
- a) soil preparation, cultivation and improvement;
  - b) all plant species, planting sizes, planting densities, the number of each species to be planted and plant protection;
  - c) grass seed mixes and sowing rates;
  - d) gates, walls, fences and other means of enclosure;
  - e) hard surfacing materials;
  - f) minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units and signs;
  - g) proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);
  - h) timescales for planting and implementation; and,
  - i) future management plan.

The development shall be carried out in accordance with the approved details.

- 22) All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority.
- 23) No more than 65 dwellings (75%) shall be occupied until play equipment for the Local Area for Play (LAP) has been installed in accordance with details which shall have first been submitted to and approved in writing by the local planning authority. The play equipment shall thereafter be retained and maintained throughout the lifetime of the development hereby permitted.
- 24) No development shall take place above slab level until a detailed scheme of measures to mitigate the effects of and adapt to climate change at the site along with a timetable for implementation has been submitted to and

approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and the approved measures shall be maintained throughout the lifetime of the development hereby approved.

- 25) Samples of all materials to be used in the construction of the external surfaces of the proposed development shall be submitted to and approved in writing by the local planning authority before any work to any external surface is commenced. These details shall be broadly in accordance with those shown on the approved Materials Plan. The development shall be constructed in accordance with the approved details.
- 26) No external meter boxes shall be installed other than in accordance with details which shall have first been submitted to and approved in writing by the local planning authority.

## **APPEARANCES**

### FOR THE LOCAL PLANNING AUTHORITY:

John Hunter

He called:

Paul Carey BEng CMICE

Matt Lally BA (Hons) MA MRTPI FRSA

Warren Boal CEng MCIWEM C.WEM

Sandra Ford PGTP MRTPI

Mike Hase BA (Hons) MRTPI

### FOR THE APPELLANT:

Ms Alison Ogley

She called:

Matt Price BSc (Hons) MSc CTPP FCIHT

Jason McKellar MIHE HNC

Alex Roberts Joint Honors Degree in Urban and Regional Planning and Geography, Associate Member of the Institute of Economic Development

Mike Carr BA (Hons) LA DIP UD RUDP

Peter Hoy BSc (Hons) PG Cert

Timothy Jackson BA (Hons) Dip

Mark Bassett BA (Hons) Dip Tp MRTPI

### INTERESTED PERSONS WHO SPOKE AT THE INQUIRY

Mr D Tyers

Mr Prince



**INQUIRY DOCUMENTS**

- ID1 Appearances for the appellant
- ID2 Appearances for the Council
- ID3 Appellant's opening statement
- ID4 Council's opening statement
- ID5 GG 119 Road Safety Audit
- ID6 LinSig 3.2 User Guide
- ID7 Plans for approval
- ID8 Google view of The Venue, Ashbourne
- ID9 Guidelines for Landscape and Visual Impact Assessment
- ID10 Dictionary definition of 'tree-lined'
- ID11 Note on foul drainage mitigation
- ID12 Planning Practice Guidance on water supply, waste water and water quality
- ID13 Email from Severn Trent Water
- ID14 Proof of Evidence Five Year Land Supply Addendum
- ID15 Schedule of Dispute/Agreed Sites
- ID16 Council's closing statement
- ID17 Appellant's closing statement