

<b>PLANNING COMMITTEE – 20 October 2020</b>
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**REFERENCE NUMBER:** 20 / 00446      Application Expiry Date: 23 October 2019  
**Application Type:** Full application

**Proposal Description:** Chante of use of land to create 2 no. parking spaces (Resubmission of 20/00125/FL)

**At:** 1 Overton Lodge, Jetting Street, Milltown, Ashover, S45 0EY

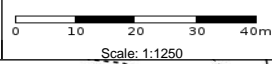
**For:** Mr Perez

**Third Party Reps:** 3      **Parish:** Ashover Parish Council  
**Ward Name:** Ashover

**Author of Report:** Emily Cartwright      **Date of Report:** 06 October 2020

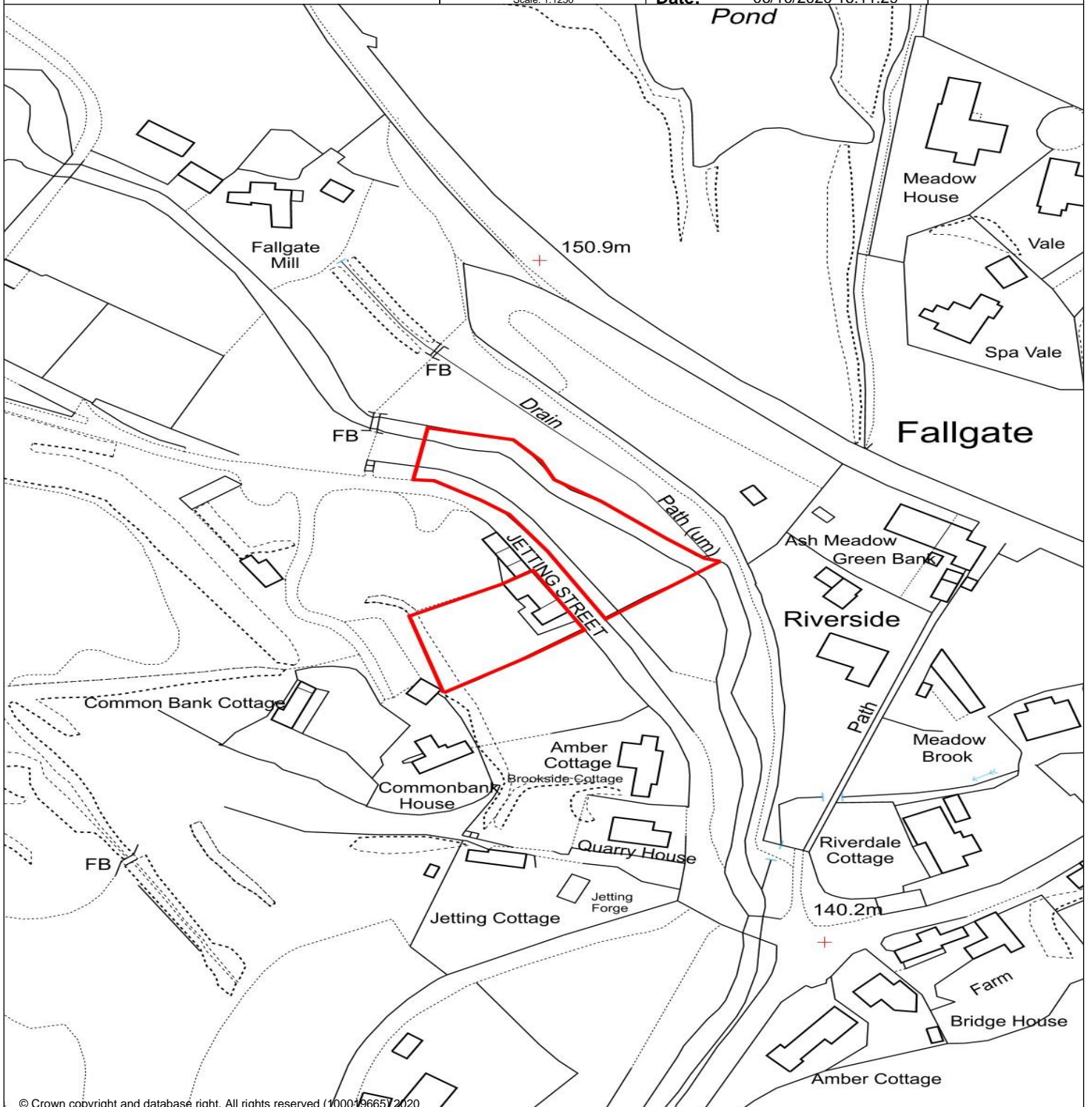
**MAIN RECOMMENDATION: REFUSE**

Location Plan on next page



Author: K. Spelman

Date: 06/10/2020 16:11:29



## **1.0 Reason for Report**

- 1.1 Local ward member Councillor Armitage has formally requested that the application be considered by members of planning committee because the parking place could cause restriction for 20/00484/FL and impact on the landscape.

## **2.0 Proposal and Background**

### **Site Description**

- 2.1 The application site relates to an area opposite 1 Overton Lodge, Jetting Street which sits along the back edge of the highway.
- 2.2 The area of land comprises of a low raised plant bed, with a stone wall measuring approximately 300mm high.
- 2.3 Jetting Street also doubles as a Public Right of Way (PRoW 60) and Bridleway (136). It is also the former route of the Stretton and Ashover Light Railways.
- 2.4 The River Amber lies to the eastern side of Jetting Street, with a footpath (PRoW 143) crossing the river further to the north of Fallgate. A small section of the eastern part of the application site sits within Flood Zone 2 and 3.
- 2.5 The site is located within open countryside which is designated as a Special Landscape Area. It also sits within Stars Wood and Milltown Quarry which a special designated Local Wildlife Site (NE300).

### **Proposal**

- 2.6 Full permission is sought for the change of use of land to create two parking spaces to the eastern boundary of Jetting Street along the back edge of the highway
- 2.7 It will involve the clearance of the highway verge and resurfacing with permeable tarmac to match the highway. The low wall will be rebuilt, and a raised planting bed will be formed behind the double parking space, parallel with the highway. The existing planting would be re-sited in the new raised bed.

## **3.0 Relevant Planning History**

- 3.1 03/01190/FL – Proposed engineering operation to remove bund (Refused)
- 3.2 20/00125/FL – Application for change of use of land to create 2 no parking spaces (Refused)

## 4.0 Consultation Responses

- 4.1 The **Parish Council** considers that the proposal does not comply with Ashover Parish Neighbourhood Plan Policies AP1 and AP13.
- 4.2 County **Highways Authority** raises no objection subject to the inclusion of conditions.
- 4.3 County **Archaeology** raises objection to the application in its present form due to the lack of local of heritage information.
- 4.4 The **Environment Agency** (EA) raise no objections to the proposed development.

## 5.0 Representations

- 5.1 The **Ward Member** called the application into committee on the grounds that the parking place could cause restriction for 20/00484/FL and impact on the landscape.
- 5.2 The application was publicised by way of neighbour letters and the display of a site notice – A number of material objections have been received from three neighbours which can be summarised as follows:
- The revised proposals do not address the reasons given for the refusal of the previous planning permission. The site is situated in a countryside location, designated as a Special Landscape Area, where policies seek to protect the character of the area and ensure that new development does not detract from, and is sympathetic to, its special character
  - If this proposal is accepted it will set a precedent for the removal of more of the Ashover Light Railway embankment in other places.
  - To change the area between the road and the river into some sort of parking bay would totally alter the feel of this beautiful rural environment
  - Would lead to further destruction of the industrial archaeology of this historic part of Milltown, The bank which would be removed is the central section of the rail track which led from the lime kilns to the station at Milltown. The upper part of the track still crosses the road further up, and NEDDC took the view that this and other evidence of historic industry should be preserved when approving the development of the lime kiln site for housing.
  - Damage to the scenic beauty of this part of the valley. This part of Jetting Street and the bridleway which passes through is heavily used both by locals and visitors from the wider region. It is part of a very popular circular walk from the village to Milltown and back.
  - Our third objection comes because our mains water supply runs underneath the bank it is proposed to remove. If the bank is removed the supply would be severed, as it was a couple of months ago when a contractor working was seeking to widen the road.

## **6.0 Relevant Policy and Strategic Context**

### **North East Derbyshire Local Plan (Adopted November 2005)**

- 6.1 The following policies of the Local Plan are material to the determination of this application:

- GS1 Sustainable Development
- GS6 Open Countryside
- NE1 Landscape Character
- NE2 Special Landscape Area
- NE7 Protection of Trees and Hedgerows
- BE1 General Design Principles
- T2 Highway Access and the Impact of New Development
- T9 Car Parking

### **Emerging North East Derbyshire Local Plan (Under Examination)**

- 6.2 The emerging Local Plan (eLP) was submitted for examination in May 2018, with public hearings taking place in November/December 2018 and March 2019. The Inspector issued her interim findings in letters dated 18 February and 21 March, 2019. Following local elections in May 2019, the Council paused the Plan, pending consideration of its options around housing numbers and Green Belt release. On 27 February, 2020 the Council announced the un-pausing of the Plan to allow it to proceed to the next stage of consultation on the Main Modifications. It is expected that this consultation will take place in the autumn with Plan adoption early 2021.
- 6.3 The emerging Local Plan is therefore at an advanced stage and should be attributed appropriate weight in decision making.
- 6.4 The following emerging Local Plan policies are material to the determination of this application:

- SS1 Sustainable Development
- SS9 Development in the Countryside
- SDC2 Trees, Woodlands and Hedgerows
- SDC3 Landscape Character
- SDC11 Flood Risk and Drainage
- SDC12 High Quality Design and Place Making

### **Ashover Neighborhood Plan**

- 6.5 The Ashover Neighborhood Plan (ANP) was adopted on 9 February 2018. The following policies should carry weight in any decision:

- AP2 Development Proposals Outside SDL's
- AP11 Design
- AP13 Landscape Character
- AP15 Important Trees and Hedgerows

AP16 Dry Stone Walls  
AP19 Dark Skies

### **National Planning Policy Framework (NPPF)**

- 6.6 The overarching aims of the National Planning Policy Framework (NPPF) have been considered in the assessment of this application. The main sections are covered in the assessment below.

### **Other Material Planning Considerations**

- 6.7 Successful Places Interim Planning Guidance, adopted December 2013.

## **7.0 Planning Issues**

### **Principle of Development**

- 7.1 The proposed site is located outside of any defined Settlement Development Limit (SDL), falling within a countryside location, designated as a Special Landscape Area.
- 7.2 Local Plan Policy GS1 states that all development proposals will be located within the defined SDL's, unless the development is acceptable in the countryside, or overriding exceptional circumstances are demonstrated.
- 7.3 Policy GS6 states that new development will only be supported where it is in keeping with the character of the countryside and should not represent a prominent intrusion into the countryside.
- 7.4 Policy NE2 states that development will only be permitted where it would not materially detract from the surrounding landscape, not adversely affect the setting of any heritage or wildlife resources.
- 7.5 The Council is now at an advanced stage in the production of a new Local Plan (eLP) which reflects national guidance in the NPPF and provides for the development needs of the district for the period 2014 – 2034. The Plan was submitted to the Secretary of State for examination at the end of May 2018. This document has been subject to extensive consultation and sets out clearly the Council's strategy for sustainable development and should be afforded weight in decision making. The emerging local plan retains the SDL's and the application site remains outside of the SDL for Ashover. Furthermore, the Ashover Neighbourhood Plan does not propose to extend the SDL around Fallgate, and the application site remains outside of any defined SDL.
- 7.6 The eLP policy SS9 and SDC3 seeks to safeguard the countryside from inappropriate development, and states that any development will be required to respect the form, scale and character of the landscape, through careful siting, scale design and use of materials.

- 7.7 The Ashover Parish Neighbourhood Plan (APNP) was made on 26th February 2018, and now carries full weight in the decision process. Policy AP2 is relevant to this development as the policy states that outside of the settlement limits of Ashover, Kelstedge and Littlemore it will be treated as open countryside. Policy AP2 seeks to protect the countryside.
- 7.8 The revised National Planning Policy Framework was published on 19 February 2019 and sets out the government's planning policies for England and how these are expected to be applied. This revised Framework replaces the previous National Planning Policy Framework published in July 2012 & July 2018. At the heart of the NPPF is a presumption in favour of sustainable development. There are three dimensions to sustainable development that give rise to the need for the planning system to perform a number of roles; which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives) which include supporting economic, social and environmental objectives.
- 7.9 To promote sustainable development, the NPPF advises that these are objectives that should be delivered through Development Plans and the Framework. They are not criteria's to adjudge planning applications against, that is the role of development plan policies which should play an active role in guiding development towards sustainable solutions taking into account local circumstances, to reflect the character, needs and opportunities of each area.
- 7.10 In view of the above, officers consider that the principle of the development is contrary to the aims and objectives of the development plan, and is not considered acceptable in Local Planning Policy terms.

### **Landscape Considerations**

- 7.11 The application site comprises of an area of land made up of a low raised plant bed, with stone wall measuring approximately 300mm high. This sits along the back edge of Jetting Street, which is a narrow multi use, rough surfaced road which serves properties to the south east and up to Demonsdale Farm to the north.
- 7.12 The surrounding area is rural in character, with traditional cottage style properties dotted along Jetting Street, with many open gaps helping to create this informal rural character.
- 7.13 The proposed scheme would involve the removal and excavation of the low raised plant bed and stone wall. The existing hard surfaced area would be extended to form two parking bays (3m deep and 6m in length) positioned side onto the highway. This would be constructed from tarmac to match the highway and a new stone wall would be rebuilt in order to define the parking area using reclaimed materials. All existing shrubs would be lifted and replanted to the north east of the highway.

- 7.14 Whilst the site is relatively well screened from far reaching views, the site is highly visible from public viewpoints along Jetting Street. Jetting Street is relatively low trafficked by vehicles, however the route is well used by ramblers and horse riders. It is considered that the localised impact of the proposed development would be harmful to the distinctive rural character of Jetting Street and the Special Landscape Area.
- 7.15 In view of the above, it is considered that the proposed development would materially detract from and be out of keeping with the special character of the area.

### **Heritage Considerations**

- 7.16 The proposal site is in the vicinity of the course of the former Ashover Light Railway (Derbyshire HER MDR5128) at Milltown/Fallgate. This was a commercial narrow gauge passenger and mineral railway operating between 1925 and 1950 between Ashover and Clay Cross, and was the last commercial narrow gauge passenger railway to be opened in Britain.
- 7.17 The application does not contain a 'heritage impact assessment' or similar in relation to Ashover Light Railway interest and is therefore deficient in terms of NPPF para 189 (establish heritage significance and impact).
- 7.18 The County's Archaeologist was consulted on the proposal and have raised an objection due to the lack of heritage information. It is noted that following these consultee comments, a heritage study has been requested.
- 7.19 In view of the above, it is considered that without the submission of a heritage study the proposed development is harmful to the designated heritage assets.

### **Privacy and Amenity Considerations**

- 7.20 It is not considered that the construction of two parking bays along the back edge of Jetting Street would have an adverse impact upon residential amenity of the nearby neighbouring properties.
- 7.21 Therefore, it is not considered that the scheme should be refused on amenity grounds in this instance.

### **Highway Safety Considerations**

- 7.22 The proposal seeks to provide parking for two vehicles to be used by the occupiers of 1 Overton Lodge, Jetting Street which is opposite the site.
- 7.23 The County Highways Authority was consulted on the proposal and considered the development acceptable in highway terms providing highway safety conditions are included on any decision issued.



- 7.24 In view of the above, it is not considered that the proposed development would lead to a demonstrable harm to highway safety.

### **Ecology and Biodiversity Considerations**

- 7.25 The proposal is seeking to provide an area of hard standing which would necessitate earth removal and levelling along with compact surfacing.
- 7.26 The site is covered by Tree Preservation Order Group G7, however the area subject to the development does not have feature any trees. The submitted plan illustrates that the closest tree to the development would be unaffected. It is therefore, not considered that the scheme should be refused on ecology grounds in this instance.

### **Other Considerations**

- 7.27 The application site is located with within Flood Zone 2 and 3, however there are no structures proposed which will affect flooding. The Environment Agency have raised no objections, as the proposed development is on the very edge of the flood pain and do not believe the development would have any significant impact on the function of the floodplain.
- 7.28 The application site lies within a Development Low Risk Area as defined by the Coal Authority.

## **8.0 Summary and Conclusion**

- 8.1 Having taken into account all the material consideration, it is considered that the proposed development is considered not to be in keeping with the site and its surroundings.
- 8.2 The provision of two parking spaces for occupiers of the host dwelling would provide some benefits to the occupiers however the impact created on the rural lane is to such an extant that the benefit is not overriding of the environmental impact.
- 8.3 The application does not contain a heritage impact assessment of the Ashover Light Railway interest and is therefore deficient in terms of NPPF para 189.
- 8.4 The proposal is therefore in accordance with North East Derbyshire Local Plan, Publication Draft Local Plan and the NPPF.
- 8.5 As such it is considered that the proposed development should be refused.

## **9.0 Recommendation**

### **9.1 REFUSE** Permission for the following reason:-

The site is situated in a countryside location, designated as a Special Landscape Area where policies seek to ensure that proposals do not detract from the character of the landscape. The grassed bank forms a visual, vegetated boundary to Jetting Street and the rural character of the valley of the River Amber. The creation of two hardstanding parking bays would detract from this character and have an adverse impact the proposal and is considered to fail to meet the policy objectives of LP (2005) GS6, NE2, and ANP Policies AP2, AP13, and eLP Policy SS9 and SDC3.