

## PARISH COUNCIL COMMENTS ON PLANNING APPLICATIONS

Planning Services Manager  
North East Derbyshire District Council  
Council House  
Saltergate  
Chesterfield

Ashover Parish  
Council  
Meeting 16.09.2014  
(Planning  
Comments)

**Case Officer:** James Smith      01246 217177

**Application Number:** 14/00766/OL  
**Proposal:** Outline Planning Application (all matters reserved) for the erection of 40 dwellings (10% affordable housing)(Major Development)(Departure from Development Plan)  
**Address:** Land At The Junction Of Narrowleys Lane And Moor Road  
Ashover  
**Applicant:** Mr Daren Atkinson - Marsh Green Estates Ltd  
This Council has the following comments on the application

**Ashover Parish Council objects to the application under the following policies:-**

### **GS1 Sustainable Development**

The proposal is not located within the defined Settlement Development Limit (SDL) and is not acceptable in the countryside. Full use of previously developed land (brownfield sites) has not be made before consideration of this greenfield site. The proposal does not protect and conserve the quality of the area's natural and cultural assets (and their settings) or improves the quality of the built environment and minimises pollution. Pollution would increase due to the increased number of vehicles (possibly 80) and vehicle movements.

### **GS6 New Development in the Countryside and NE2 Special Landscape Area**

The site is a greenfield site, in a countryside location and within the Special Landscape Area (SLA). The site is physically separated from the village of Ashover by two roads and is seen in the context of open fields which are in active agricultural use. There is no overriding or justified need for any aspect of the scheme and the development would have a detrimental urbanising impact on the countryside and a detrimental impact on the amenity of the SLA, as well as resulting in a significant loss of agricultural land.

### **NE1 Landscape Character**

The varied and distinctive landscape character of the District would not be conserved and/or enhanced with the development having an urbanising effect on the countryside.

### **NE3 Protecting and Managing Features of Importance to Wild Flora and Fauna and NE6 Development Affecting Nationally Rare Species**

The impact assessment in the Ecological Survey states (4.1) "From this it is clear that the majority of the habitat currently present will be lost to housing and associated development." Whilst some of the natural dry stone walling would be retained, it will be breached in places to provide access to properties and this is

considered to be a loss of an important feature, together with the removal of any hedgerows, for wild flora and fauna. There is a likelihood that great crested newts (a European Protected Species) from the breeding population in the school pond may be present on site and the Ecological Report acknowledges that these may be killed or disturbed during development of the site, which is in contravention of legislation protecting the species. The Parish Council considers that any protected wildlife should not be put at risk of loss from any development and especially that which is not justified.

### **NE7 Protection of Trees and Hedgerows**

The Ecological Report (4.2.4) identifies two hedges on the site providing significant habitat. Whilst the proposal intends to keep these, the future retention of these habitats as a garden boundary cannot be assumed as stated in the report. The Highway Authority comments recommending a 2m wide footway along the frontage would mean the loss of trees covered by TPO's.

### **NE 9 Development and Flood Risk**

The Flood Risk Assessment (2b) states that "No flooding from ground water is likely due to the underlying geology." This is incorrect, as the underlying geology is clay and ground water is not free draining and causes flooded ground during heavy rain. There is a major Severn Trent Water drain crossing the site, installed some year ago following an Environment Agency directive to prevent over-spilling of sewage into surface water drains during times of heavy rainfall. This drain has not fulfilled this function, as flooding occurred during 2013. Severn Trent Water required that no permanent surface should be laid across its length in order to maintain access; the proposal contradicts this requirement, siting dwellings and associated hard-standings and gardens across the drain.

### **BE1 General Design Principles**

No dwelling designs have been submitted, therefore the Design and Access Statement is not relevant in this context.

### **BE2 External Lighting and Floodlighting**

If granted, the development would cause light pollution in a SLA.

### **H3 New Housing Outside Settlement Development Limits**

This proposal does not fit any of the criteria in H3. The affordable housing need identified in the survey of 2010 was 18 properties and 3 of these have been provided on the brownfield site at Milltown. Ashover Parish Council has submitted comments previously to NEDDC requesting that affordable housing is provided on a small scale 'in-fill' basis around the parish; preferably on brownfield sites.

### **H9 Affordable Housing: Exception Sites in Rural Areas**

As stated in the Refusal Notice dated 05 August 2008 in respect of application 08/00554/OL "...the Council (*NEDDC*) believes that there are alternative sites which are more appropriate in location terms".

### **H12 Design and Layout of New Housing**

The proposal would not provide a safe traffic circulation system for vehicles and pedestrians or satisfactory access to the road network. As indicated in the Highway Authority comments, it is unlikely that it would adopt the proposed new street and accesses from Narrowleys Lane. Implications regarding refuse collection referred to by Highways, are supported in the comments by NEDDC Streetscene. Access, turning circles, manoeuvrability and off street parking would not be achievable and a nominated collection point does not appear feasible.

## **T2 Highway Access and the Impact of New Development and T3 Traffic Management**

No transport assessment has been submitted to address highway issues.

The movement of possibly a further 80 vehicles accessing the adjacent highways would increase the burden already existing on these roads. Vehicles are parked along both Narrowleys Lane and Moor Road throughout the day, causing single file traffic, any HGV's or farm vehicles are unable to pass. Widening the upper stretch of Narrowleys Lane would not solve the problem, but would exacerbate the 'pinch point' that would be created at the lower point.

Ashover Parish Council does not consider that the Highway Authority's dismissal of informal parent parking adding a further source of congestion and nuisance, as acceptable and does consider this a reason for refusal, as there would be significant adverse impact on the environment and amenity of the local community and the safety of pedestrians would be compromised.

### **COMMENTS GENERALLY**

- NEDDC's Affordable Housing Supplementary Planning Document - Para. 8.8 Rural Exception Sites states - *"Mixed Development housing sites, where market housing cross subsidises affordable housing, will not be acceptable as an exception site proposal and will be regarded as a departure from the adopted Local Plan."* Ashover Parish Council considers this application to fall into this category.

- **Affordable Housing presently in Ashover parish 40 PROPERTIES IN TOTAL as follows:-**

*Current NEDDC stock via Rykneld*

8 x 1 bedroom bungalows

12 x 1 bedroom flats

6 x 2 bedroom houses

3 x 3 bedroom houses

**29 in total**

*Housing association stock*

3 units under construction (2 and 3 bed homes) under construction in Fallgate

4 flats plus 2 shared ownership houses Off Malthouse Lane

**9 in total**

*SYHA*

2 houses on Malthouse Lane transferred under the now redundant trickle transfer scheme

**2 in total**

- Affordable Housing – Are the current affordable properties all held by people with a 'parish' connection?
- Housing Type – the need for the provision of 4 lifetime bungalows is questioned and evidence should be produced
- Housing Historically – the parish has received approximately 40 dwellings over the past 20 years and has approximately 16 pending with planning permission.
- 'Awarded' water – a watercourse runs across the site and this cannot be stopped up but can be used by the public
- Public Transport – buses do not run as often or as regularly as specified
- Site Works – the comments submitted by NEDDC Environmental Health take no account of school drop-off/pick-up times
- Pollution – the location of the properties and the likelihood of significantly increased traffic by potential commuters would increase the carbon footprint

- NEDDC Housing Strategy 2012-2015 – aims to recognise and preserve the distinct character of different areas by protecting spaces inside and outside settlements and green areas. The rural west of the district is noted as being particularly attractive.
- SHLAA 2013 (Ashover) – highlights the potential impact on protected trees, its situation in an area of multiple environmental sensitivity and potential visual impacts from viewpoints to the north and west of the site. It further states that there would be potentially significant landscape impacts from developing this site. The SHLAA report comments are based on a significantly smaller area, approximately 25% of the current application site.

**Ashover Parish Council requests that this application is considered by the Planning Committee and not under delegated powers, such that residents may be given every chance to express their views on this proposal.**

A handwritten signature in black ink that reads "S. Atkinson". The signature is written in a cursive style and is positioned above a horizontal line.

Signed \_\_\_\_\_  
Clerk to Ashover Parish Council