

PARISH South Normanton

APPLICATION Outline planning application for the erection of a maximum of 145 dwellings including approval of point of access detail into the site. Development to include public open space and drainage, and including demolition of the former petrol filling station, Rosewood Farm, barn and stables, Nos. 115, 117, 119 and 121 Alfreton Road.

LOCATION Land Surrounding Rosewood Lodge Farm Alfreton Road South Normanton

APPLICANT Merriman Ltd

APPLICATION NO. 14/00531/OUT **FILE NO.** PP-03536026

CASE OFFICER Mr Peter Sawdon

DATE RECEIVED 6th November 2014

SITE

The application site extends to 6.2 hectares of land located generally to the south of Alfreton Road at South Normanton, on the edge and to the south west of that settlement.

The site currently comprises a former petrol filling station (currently in use as a hand car wash), along with four currently vacant and bordered up dwellings all of which are on the Alfreton Road frontage. To the rear of this is Rosewood Farm, barn and stables and the associated curtilage, along with other areas of currently disused land. A telecommunications mast is located towards the south east corner of the site.

To the east lies the 'Coal Road' that runs north-south to the rear of houses fronting into George Street and properties on Buntingbank Close. It provides rear access to properties on George Street. The "Coal Road" is also a bridleway (South Normanton BW4) connecting Alfreton Road to the north with Red Lane (South Normanton BW6) to the south.

Excepting the car wash site, residential developments bound the site to the north, east.

To the North West lies Carnfield Wood Farm and open land forming part of the curtilage to Carnfield Hall. The Hall is a Listed Building (grade II*) and sits within the Carnfield Hall Conservation Area. A small part of the application site at the western end lies within the Conservation Area. To the south is Carnfield Wood that also forms part of the Carnfield hall Conservation Area, with open land beyond.

The site falls generally from north to south with the lowest point in the south west corner.

A public foul sewer is located just inside the eastern boundary of the site and has a 5 metre easement that runs the whole length of this boundary.

PROPOSAL This is an outline planning application for residential development, including approval of point of access detail into the site. The development is proposed to include public open space and drainage, and proposes the demolition of the former petrol filling station, the adjacent 4 vacant dwellings on Alfreton Road, Rosewood Farm and its associated barn and

stables.

The site would be accessed from a single vehicular access point off Alfreton Road. This would also involve closure of the "Coal Road" access onto Alfreton Road for vehicular traffic, whilst retaining a pedestrian access (such traffic would still be able to access this coal road via the proposed new access road from within the application site).

An indicative layout drawing has been submitted that has been revised since the initial submission. This revised indicative plan shows open areas to the south and south west, including a 15m offset line from Carnfield Wood, a 10m woodland belt towards the western side within and on the boundary of the Conservation Area, two proposed surface water balancing lagoons, one on the land to the west of the site that forms part of the Conservation Area and a pumping station to the south east corner. An equipped play area is shown centrally located within the site.

It is stated that hedges around the boundaries of the site will be retained where possible, along with additional planting across the rest of the site and retention of part of the internal north-south hedge and important trees.

Attenuation ponds will be constructed on the site, to manage the flow of surface water, that have been designed to include shallow areas of permanent water to enhance biodiversity. Foul water will be pumped from the lower area of the site towards Alfreton Road.

The application (as revised) is supported by the following documents: -

- Transport Assessment;
- Flood Risk Assessment;
- (Revised) Landscape and Visual Appraisal and Addendum;
- Site sections drawings;
- (Revised) Ecology Appraisal;
- Arboricultural Survey;
- Protected Species Survey;
- Geo-Environmental Desk Study;
- (Revised) Heritage Statement;
- Heritage Review; and
- Draft Design Code

Section 106 Heads of Terms have been submitted and refers to the following: -

a) Public Open Space Management

b) Public Art

c) Education

d) Early delivery of housing.

e) Any other reasonable and CIL compliant contributions which arises throughout the course of the application.

AMENDMENTS

- Heritage Assessment and replacement Figs. 7 & 8 for the Landscape and Visual Impact Assessment received on 8th December 2014;
- Geo-physical report and joint landscape and heritage response submitted on 26th March 2015;
- Letter from Signet Planning dated 30th July 2015 with revised Ecological Appraisal [by FPCR dated July 2015];
- Revision to application description to remove any reference to the number of dwellings proposed (this had been stated as being for 145 dwellings) 19th August 2015; and
- Letter from Signet Planning dated 6th October 2015 with accompanying Revised Heritage Impact Assessment [by Mayfield dated October 2015], Landscape and Visual Impact Assessment Addendum [By Pegasus ref. BIR.4597, dated October 2015] and Verified View/accurate Visual Representation [prepared by Vista3d], additional site sections, and amended Illustrative Master Plan [Drawing No 10-034 P004 A])
- Letter from Signet Planning dated 8th December 2015 with accompanying Heritage Asset review by CgMs, Draft Design Code and revised sections refs. BIR4597 10 [sheets 1, 2 and 3] and BIR4597 12)
- Revised Heritage Assessment and Design Code submitted on 1st March 2016

HISTORY (if relevant)

08/00526/FULMAJ – full planning permission was granted on 19th December 2008 for 11 houses on the area fronting Alfreton Road (comprising 117 – 121 Alfreton Road along with the former commercial garage/filling station and land associated with that facility).

There is also a lengthy history relating to the former use of the commercial garage for car sales, repairs garage and petrol filling station dating from 1955. The site has also been subject to two separate enforcement requirements relating to the cessation of unauthorised car and caravan storage and the condition of the land.

In respect of three dwellings at 117 to 121 Alfreton Road, these premises have also been subject to enforcement action relating to the condition of the buildings and land at these disused properties.

BLA.1071/21 – planning permission was refused for residential development on the parts of the current planning application site that are located to the north and east of Carnfield Wood Farm on the grounds of development in the countryside and highway safety impacts on Alfreton Road. A reduced application site area to cover just the land to the east was also refused planning permission for housing (ref. BOL/786/292) in August 1986 on the grounds of inappropriate development in the countryside; this decision was subsequently upheld on appeal.

A telecommunications tower located to the south east corner of the site has been on site since an initial grant of permission for a mast in 1997. There have been a number of subsequent submissions to update this facility.

Rosewood Farm (generally to the centre of the current planning application site) was initially granted outline permission on appeal in 1982, on the grounds of adequate agricultural justification for a new dwelling in the countryside. There were subsequent reserved matters

planning applications.

CONSULTATION

Public Art Officer – seeking contributions to public art 3/12/14

Crime Prevention Design Advisor – No comments at this stage but ask that he be consulted again when details are considered 11/12/14

Health and Safety Executive – Does not advise against the grant of planning permission provided that the development is no more than three storeys (12metres) high and is of traditional brick construction 12/1/15

English Heritage/Historic England – English Heritage considers that the impact of the proposed development upon the setting of the Grade ii* listed building and the conservation area would on balance be of less than substantial harm. Your authority must thus weigh any public benefit associated with the scheme against this level of harm. Your authority should only approve the scheme if there is clear and convincing justification that the public benefits do outweigh the harm caused, as detailed in the NPPF. 22/12/14. This advice was re-iterated on 2/2/15 and in the comments of (the now re-named) Historic England 17/8/15. We note the additional information which includes an updated heritage statement and photomontages which show views of the proposed development from Carnfield Hall ,in which the roofs of some of the houses are visible in the distance above the foliage, as we anticipated might be the case, in our original advice letter of 17th December 2014. We therefore continue to be of the view that the proposed development will represent a significant change in character from the current open agricultural land, to a suburban development, bringing the built edge closer to the listed Hall. We remain of the view that the proposal will result in harm that is less than substantial to the setting of the Grade II* listed building and that in accordance with paragraph 134 of the National Planning Policy Framework, this harm must be weighed against the public benefits of the proposal. Your authority therefore, should only approve this application if you are convinced that the public benefits outweigh the level of harm caused. Recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice. 21/10/15

NHS (Area Team) - The proposal would trigger the need to provide health related section 106 funding of £551 per dwelling based on 2.3 person occupancy. A development of this nature would result in increased service demand which would not be easily accommodated within existing primary care resources 3/12/14

NHS (Hardwick Clinical Commissioning Group) - Although based within a relatively new, modern building the village surgery occupies a relatively small part of the building and is already approaching maximum capacity, in order to maintain the quality of services it currently provides, to an expanded patient list, some capital investment would be needed.NHS England, who currently hold responsibility for primary care premises use the PCT / local authority pre-agreed formula which calculates a total contribution based on a cost of £551 per dwelling. The cost per dwelling had been calculated using a formula by the predecessor PCT to reflect the average costs of providing primary health services to local populations in Derbyshire. 4/12/14

Archaeologist - The site has potential to contain heritage assets in the form of below-ground archaeology, with particular reference to the medieval and early post-medieval periods. The applicant should therefore (NPPF para 128) provide sufficient information to allow the significance of such assets to be established. In the absence of such information the application does not meet the heritage requirements of NPPF para 128. To address this omission the applicant should submit the results of archaeological field evaluation, to include

geophysical survey (detailed magnetometry) in the first instance, with trial trenching if indicated by the geophysics results. Once this information has been submitted I should be re-consulted on the application. In the meantime I maintain a holding objection on grounds of non-compliance with NPPF para 128. 8/12/14. Based on additional information submitted the archaeologist has confirmed he has no objections to the proposal subject to conditions 7/4/15 Leisure – On a development of this size, would expect to see a NEAP standard children's play area that should be provided in a more central location to that shown. Would also expect a contribution for enhancement or improvement of off-site formal recreation spaces within South Normanton Parish. Comments also made regarding the desire to provide improved links from the adjoining bridleway to existing developments to the east. 12/12/15

Woodland Trust - The Woodland Trust objects to this proposal due to the impacts that it will have to Carnfield Wood. Note the proposed 15m buffer zone around Carnfield Wood, that is designated ancient woodland, but are concerned about:

- Intensification of the recreational activity of humans and their pets cause disturbance to the habitats of breeding birds, vegetation damage, litter, and fire damage
- There can be changes to the hydrology altering ground water and surface water quantities. Also the introduction of water run offs from urban development will result in changes to the characteristics and quality of the surface water as a result of pollution/contamination etc.
- Where the wood edge overhangs gardens, branches and even whole trees can be indiscriminately lopped/felled, causing reduction of the woodland canopy.
- There will inevitably be a safety issues in respect of trees adjoining public areas and buildings, which will be threatening to the longer-term retention of such trees.
- Where gardens abut woodland or the site is readily accessible to nearby housing, there is an unfortunate tendency for garden waste to be dumped in woodland and for adjacent landowner to extend garden areas into the woodland.

Do not consider the proposed buffer zone of 15m to be sufficient and suggest a buffer zone of 50m to the woodland. 22/12/14 and 14/9/15

Amber Valley Borough Council – development is not expected to have a harmful impact on the Borough Council, however, the comments from the Highway Authority need to be carefully considered in relation to any impact of traffic movements on Alfreton Road. Therefore the Borough Council has no objections to the proposed development. 23/12/14

Environment Agency – No objections on Flood Risk, Ground Water and Contaminated Land and Biodiversity issues, subject to suggested conditions 24/12/14

Derbyshire County Council (Developer Contributions) – Seeking contributions to The Glebe Junior School (has some capacity, but insufficient to take all additional pupils - sufficient capacity at other schools), seeking contributions to Loscoe Waste Recycling facility (letter indicated capacity issues at this facility), encourages broadband and green infrastructure provision and encourages development being provided to Lifetime Homes Standard 29/12/14

Severn Trent Water – No objections subject to conditions 22/12/14

Derbyshire Wildlife Trust - The ecological surveys have been undertaken to a reasonably high standard and generally provide sufficient information upon which to assess the impacts of the proposal. However, there are several issues that will require further work or greater clarification as well as a number of impacts that are not fully considered by the report. If the outstanding issues can be satisfactorily resolved, include a suggested condition requiring a scheme of mitigation and compensation works. 5/1/15. The amended illustrative landscape masterplan and the additional ecological survey information have addressed many of the concerns we identified in our letter of 5th January 2015. Whilst there are still concerns relating

to the development (in terms of increased disturbance to the wood from recreational activities and predation from domestic cats) we consider that at this stage the proposed buffer and greenspace will provide some protection to the woodland and offers an opportunity to create habitats of wildlife value that can complement the woodland and provide habitat for birds and reptiles. Further improvements to the design of the greenspace are possible and we would hope that these can be built in as part of any conditions on the application should it be granted. In particular we would wish to see additional areas of scrub habitat created in the south-west and south-east within the greenspace areas. 20/10/15

Housing Strategy – Current policy of non-provision of affordable housing where there is a commitment to the delivery of dwellings is due for review in 2015. Would otherwise be seeking 10% affordable housing provision 7/1/15

Urban Design – Comments on design principles and indicative layout. Recommends revisions 16/1/15. Has verbally confirmed that revisions show sufficient improvements from an Urban Design Point of view to be acceptable in principle, given outline nature of the planning application.

Conservation Officer – Object based on the impact on the setting of Carnfield hall and the Conservation Area. 18/1/15; Re-iterated concerns in a response provided to further letter from consultant 7/8/15, in comments submitted on 2/11/15 and again on 20/12/15. Does not consider the revised Heritage Statement and proposed Design Code have provided enough detailed information to conclude that there will be no harm to the setting of Carnfield Hall. The two issues where there is inadequate information are landscape design and street lighting design. I continue to be of the view that the proposed development will represent a significant change in character from the current open agricultural land, to a suburban development, bringing the built edge closer to the listed Hall. I still believe that the proposal will result in harm that is less than substantial to the setting of the Grade II* listed building and, in accordance with paragraph 134 of the National Planning Policy Framework, this harm must be weighed against the public benefits of the proposal. The two issues where there is inadequate information are landscape design and street lighting design. I continue to be of the view that the proposed development will represent a significant change in character from the current open agricultural land, to a suburban development bringing the built edge closer to the listed Hall. I still believe that the proposal will result in harm that is less than substantial to the setting of the Grade II* listed building and, in accordance with paragraph 134 of the National Planning Policy Framework, this harm must be weighed against the public benefits of the proposal. 4/3/16

Environmental Health Officer (Contamination) – Agree with the recommendations of the desk study that further investigations are required. Recommend inclusion of conditions to secure such works and mitigation where needed. 19/1/15 and 2/11/15

Environmental Health Officer (Noise and Air Quality) – Recommend condition regarding noise controls during the demolition and construction process. Advise submission of an Air Quality Assessment to accompany the planning application 21/2/15

South Normanton Parish Council – Holding objection so that members are able to look further into the site and the effects it will have on the grade 2 listed building and its surrounding Conservation Area 16/12/14. Objection. Do not have an objection to the houses and garage site being redeveloped, only the fields and their proximity to the heritage site of Carnfield Hall. Reference to need to protect heritage assets and quotes sections of the NPPF in this regard. Concerned at impacts on Carnfield Hall and Conservation Area; Conservation Area should be extended to cover the additional fields where housing is being proposed. Applicants have insufficiently identified the importance of Carnfield Hall and its surrounding setting to the

village. Question the absence of links between the Carnfield Hall and Carnfield Wood. The Carnfield Hall Management and Appraisal Plan states no impact on the setting of Carnfield Hall which is impossible to avoid. Affects on Carnfield Wood; could lead to deforestation. Proposal does not fulfil any local need for South Normanton residents. The owners of Carnfield Hall have committed to a long restoration process of the hall and its facilities. Development will impact on the setting and have consequences for its future development. Will harm the watercourses that feed the ponds and the wood itself. Carnfield Hall was the original estate of the village when it was merely a farmstead in the 1300's and this deserves to be protected. It would be a dangerous precedent to set by allowing a development so close to this important historical landmark. Rosewood Farm was originally approved for working accommodation only and if the Parish Council were aware of the fact that this planning application was going to appear all these years later, then an official objection would have been submitted for the Rosewood Farm development in the first place. The proposed development does not enhance the conservation area nor does it have any benefit to the public. There are smaller sites available throughout the village on which South Normanton Parish Council would look to support the redevelopment. There is little evidence to suggest that the development of over 140 new houses will improve the heritage site in any way and all evidence points towards the destruction of its significance to South Normanton. The impact when looking into and out of the woods would be harmful to the environment. As it currently stands, you are able to have an uninterrupted view in and out of the woodland which would not be possible if this development was to be approved. Even though more housing is being built in the village, there has been little investment in the education system which has resulted in the Parish Council having to lease a piece of land so that The Brigg have sufficient playground space. Is it really possible for South Normanton to cope with more housing, when the Parish Council is relied on to make sure the children of the village have enough space to play during school time? Constantly receiving reports from residents expressing their concerns that the village cannot cope with further housing if the demand for additional investment in the village's infrastructure is not also met. There is a wider problem with the positioning in which this development proposes to have the access to the site as it leads directly on to Alfreton Road, which is a notoriously busy road during peak times. This coupled with the fact that there is a development in the pipeline at Outreach Farm will cause severe delays for motorists. In our input into the local plan we have expressed our intention to maintain a green buffer zone around the village so that South Normanton does not become part of Alfreton, allowing the village to keep its own identity. Many members have stressed how important this is to the Parish Council and on behalf of all our members we hope that the Bolsover District Planning Committee take on board the wishes of the Parish Council and the importance of this heritage site to South Normanton. Note no objection to the houses and garage site being re-developed, only the fields and their proximity to the heritage site of Carnfield Hall 15/1/15. Submitted amendments make little or no impact on the problems identified. Fail to see how this prevents the development destroying views in and out of Carnfield Wood. Adamant that the Rosewood Farm development wouldn't have taken place if less than a decade later this would be allowed to develop on that land again. If such housing developments had been included in the earlier application sure Planning Committee would have been up in arms. Maintain objections so that some of South Normanton's history can be preserved. 21/9/15. In response to additional submitted details the Parish Council has stated that it considers Carnfield Hall an essential part of our heritage and therefore it should be protected. They have re-submitted their initial objections and reiterated the fact that the Parish Council has been asked and agreed to supply essential playground space for the children of

The Brigg Infant School and ask how any planning authority could approve further development without these provisions being tackled first. Even though this may have been assessed already and it was deemed that there is enough provision, it clearly demonstrates that the current provisions are at breaking point. South Normanton Parish Council would also like to know why other parts of the Bolsover District has been in receipt of Conservation area reviews, yet South Normanton has not had its conservation areas reviewed and updated accordingly. Clearly other areas have a need, but our members are baffled how one area can have 3 or 4 reviews, but South Normanton not receive one in over 8 years. In terms of the recent amendments to the planning application, the alterations to the perimeter of the site are again very minimal and do not contribute towards hiding the site. It is almost impossible to hide a site this size of this one behind a row of trees. The current owners of Carnfield Hall and any future occupiers will still have the persistent problem of looking at newly planted trees, boundaries and houses. Even the designs submitted by the applicant show that the site is still visible. We must also once again refer to the issue of Rosewood Farm. Rosewood Farm was built as working accommodation for the Equestrian Centre off Alfreton Road, without it being for this purpose it would have been unlikely to be approved by the planning committee at that time. 12/10/15

DCC (Highways) - Highway Authority is in broad agreement with the conclusions reached in the Transport Assessment (TA) which states that the proposed development would not have a severe impact on existing highway conditions. TA refers to accident history at the Alfreton Road/Birchwood Lane junction and Derbyshire County Council has an intention to provide a signal controlled junction at this point and is seeking a proportionate contribution from the developer. Would wish to see secured by condition the proposed closure of Coal Road at its junction with Alfreton Road and the provision of an alternative access to it through the development. Other conditions and advisory notes also recommended 6/2/14. No objections to the revised layout subject to the conditions and notes contained my earlier letter 15/9/15
Joint Assistant Director Streetscene - confirms that trees set out in the landscape drawing would achieve the size\growth ranges set out. Raises concerns that some housing is likely to be sited too close to proposed tree planting areas given the height that these would grow. 11/3/16

Planning Policy – Site is in a generally sustainable location, but doubts over safeguards for heritage assets and the ability to contribute to the Council's 5 year supply of deliverable housing, so proposal not supported from a policy perspective at this stage. 15/3

PUBLICITY By site notice, press advert and 83 neighbour letters. The initial consultation/publicity resulted in the submission of a 97 signature petition stating "We strongly disagree with the proposed development". 50 further letters of representation were been received from local residents and from the Governors of Glebe Junior School.

Following revised documents that were received a second consultation/publicity process was undertaken in August 2015 that resulted in the submission of a further 24 letters of representation.

A third round of publicity and consultation carried out in November 2015 resulted in 8 further letters.

The representations received raise the following issues: -

Two letters (from the same writer) state no objection to the planning application but still raise concerns over some issues (that are included in the summaries below).

Principle (including Infrastructure): Existing capacity problems at schools, doctors and dentists. I moved to South Normanton in 1989 as it had good amenities, close to the M1 for work but most of all for the countryside that surrounded the village. This has dwindled over the years; there are very few places to walk as a family without getting in to a car. Used by the community for walks and leisure and access from the estate to the main road. The village is turning into a town (copy of a newspaper article provided that discusses a Tunbridge Wells example where a village was re-classified as a town resulting in more dwellings). Development will not be sustainable, it will be a commuter estate with people working, socialising and spending disposable income outside of the area; nearby settlements of Alfreton, Sutton in Ashfield and Derby offer far more facilities. Fails to satisfy economic, social and environmental dimensions of sustainable development. There has to be some consideration by planners of the greenbelt for future generations. Do we really have to continue covering green open spaces with bricks and concrete when there are so many unsightly derelict brown field sites? This development clearly poses the threat of South Normanton merging into expanding developments at Alfreton/Somercotes. Is consideration ever given to the quality of life for the local established population? Permission has previously been refused for reasons that are still valid. Should be a brownfield land first approach; the consent for 11 houses on the derelict houses and garage at the site entrance has already expired that would have been more acceptable. Development in open countryside has the general presumption against certain forms of development. This site is outside the settlement area in countryside and is not in keeping with the character of the area offering no enhancement. Previous refusals of planning permission determined that development should not extend any further than the end of Parkhouse Drive. Development does not comply with Council guidelines for dealing with planning application's in the absence of a 5 year supply of housing. No need for the development; there is currently over 70 houses on the market in South Normanton; no evidence as to what type of properties are required for the claimed need for new dwellings. Right move shows 34 properties within 1 mile for rent, 57 within South Normanton for sale and 88 more for sale within 1 mile; why are we building more? Concern over the ad-hoc nature of new building schemes in South Normanton. No need locally for these houses which are aimed at the upper end market with no consideration to the disabled. It will negatively affect a public right of way. Construction jobs are only temporary and not necessarily for local workers. New homes bonus and rateable income will be available wherever houses are built. Existing open break between Alfreton and South Normanton should be maintained. Recall a previous application and appeal for this site determined around 1990 which determined that the line for development, or building line, should be level with the end of Parkhouse Drive.

Cannot see what the benefits are for the public, they certainly do not outweigh the loss and damage to the Conservation Area, Settings, Carnfield Wood, the natural environment, wildlife etc. Yes, we need more housing stock but this location is totally inappropriate. The NPPF states on several occasions that brownfield sites should be used in preference to land of environmental value and that valued landscapes should be protected and enhanced. Development of brownfield sites in South Normanton would be of public benefit, the destruction of valuable assets would no

There has been, and still is, large scale development in housing, but no upgrade of roads, schools and other necessary amenities i.e. dental services and doctors. These facilities are already over capacity. Existing sewage problems, including raw sewage flooding into property. According to Severn Trent extensive works are required to upgrade existing systems. There is virtually no new employment in the local area it means people will have to commute to work adding even more pressure on the road network. Understand that you are under pressure from central government to create more social housing, but I have to say enough is enough, and until other issues in the area have been resolved this application should be refused. Development should be refused unless additional infrastructure is in place preferably paid for by the developer in a timely manner. Have watched as green field and woods have been built on; there will soon be no natural habitats for wildlife. Insufficient area for children to go which means they are subject to being kept an eye on by the police/nosey neighbours 'just in case' they cause problems; more houses, more bored children.

Several recent housing developments have put a severe strain on the accommodation at the Glebe Junior School resulting in anger and frustration of parents for whom the school was unable to offer place; there are planned increases in the school intake resulting in increased numbers. An additional classroom is in the planning stage to accommodate the extra children, but is unlikely to be in use until November/December 2015. Unfortunately, the children will be in school in September 2015. A new classroom, while alleviating one problem, actually causes another in that its footprint will inevitably eat into a playground which is already inadequate for the current 400 children who should be able enjoy the freedom of play in safety. More children increases the risk of accidents and seriously reduces that freedom. The main building at Glebe, which was originally designed on a butterfly shape, is listed. The hall is at the centre with four wings extending from each corner. Each wing has 2 classrooms so the hall was expected to hold 8 classes of children. There are now ten more classrooms (with an eleventh one planned). As well as being the main thoroughfare through the building, the hall is currently used as a dining room, for PE and music lessons, and for assembly. It is already too small for dining purposes and lunch has to be taken in sittings. The school fund-raised to help towards the cost of a 'spare' room to use for lunch, interventions and an after school club. However, this has now been re-designated as a full-time classroom due to the ever-increasing numbers. It is impossible to fit the present number of children in the hall for a whole-school assembly. Alterations and additions to the building are costly and the process is time consuming due to its listed status. Another 145 homes will put an intolerable strain on already overstretched resources. Do not object to the building of additional homes *per se* but to the lack of joined up thinking between different councils which considerably increases the population without making any provision to reduce the detrimental impact it will have on the infrastructure within that community. School Governors role is to ensure that children are attending a successful school which provides them with a good education and supports their well-being. Fear that constant overcrowding and piecemeal solutions undermine the education of both present and future pupils.

Amended details have done little or nothing to address objections made. The children's playground has been re-sited from the illegally felled piece of Carnfield Wood (nobody held to account) and this land is not ready for the road to continue through to access the second phase of the development for a further 250 houses, which will no doubt be applied for rapidly if this application is successful.

Feel it can be no other than good for all concerned, providing due consideration is given to the extra traffic involved. It will also find employment. Good for the economy. Provide more housing for the young to get on the so called 'ladder'. Will enhance the area and get rid of an eyesore.

Most people in the area would like to see a small development on the garage site as detailed in the lapsed planning permission but to destroy land of environmental value and associated wildlife is not acceptable.

Increasingly concerned regarding the safety of derelict buildings at 117 – 121 Alfreton Road and will be relieved when they are demolished. Welcome the improvement as the petrol station site and derelict buildings have been an eye sore for too many years. Pleased to see 2bed homes along with 3 and 4 beds that will be eagerly awaited by buyers wishing to live in the area. It would at the very least remove the eyesores that are nos. 115, 117, 119 and 121 Alfreton Road together with the car wash and used tyre business that have sprung up and seem to operate at all hours of the day, including weekends, with little or no respect for local residents.

It appears that the affordable housing element of the proposals, that would be a benefit locally has been removed, so who will the proposal benefit?

Land is available in other parts of Bolsover District that is more appropriate for housing development with better infrastructure, including areas of less congested sections of the M1.

Crime prevention/Public Safety. Statement of the objective to create a safe neighbourhood is questionable as this high quality development will be a prime target for crime such as burglary. By creating 2 entrances/exits to the Coal Rd, they are giving ease of access and escape to those involved in criminal activity. The Coal Rd will only be partly lit and, after development, will be well screened by trees allowing concealment. Any large scale crime will also have a 'quick get-away' to the M1. This has been a problem in the past with the development at Broadmeadows. The play area is proposed close to the mobile phone mast – is this safe? Will security be in place to prevent crime which often occurs at building sites?

Visual Amenity: The development would intrude on the area between the ancient woodland of Carnfield Wood and land designated as an important open area. Closure of the Coal Road, will take away the countryside views and feeling of openness from the Coal Road which is popular with local walkers. It will reduce a local amenity. Having to walk through the new estate to access it would not be conducive to either the public or the houses that they have to continually pass. Design of housing will not be compatible with the older traditional design of other properties. The application mentions that dwellings will offer a high level of natural surveillance but I feel this is overrated for the following reasons. Firstly people rarely spend time looking out of their windows, secondly this development is likely to be fairly empty during the day with people at work/school or carrying out other activities at the weekends and thirdly a large proportion of crime is carried out after dark when curtains are likely to be drawn and vision from a lighted room to a dark area is greatly reduced. The low railing proposed along the Coal Road could possibly have some bearing on 'criminal getaways' but will take away some of the current amenity of countryside views enjoyed by the public when using this path.

Residential Amenity: Loss of privacy. Will overlook existing dwellings and gardens. Loss of views. Loss of views of Carnfield Hall. Impact of more traffic on air quality; diesel fumes are harmful to people's health. Light pollution. There will be significant effect on residents occupying the properties to the north of Alfreton Road. Disturbance during the construction period. Potential damage to dwelling alongside the site that has previously been subjected to mining subsidence. Will vibration/noise/pollution be monitored and controlled? Subject to ongoing noise that is not present at this time. Newly planted trees are to be located in some back gardens which means they are open to being removed which will affect any visual barrier they may afford towards current properties. Existing mature trees will affect the amenities of occupants of new houses. Will cause disputes between the occupants of properties. No mention of any privacy screening for existing properties. Should there not be provision to protect and screen existing residents?

Listed Building/Conservation Area Impacts: Conservation area must be preserved/must not be affected. Conservation Area Appraisal and Management document is still relevant and should be followed. Proposal proposes to build on the Conservation Area. Requests to extend the Conservation Area eastwards onto land within the planning application site. Had the 3 yearly review of the Conservation Area been undertaken this land would have already been included. These issues have already been highlighted to Parliamentary level. Any decision to allow building should be delayed until a review has been undertaken. Development is too close to the boundary of the Conservation Area. The land has remained relative unaltered for centuries and this would continue to be the case. The development would impact greatly on the character of the area and be of significant detriment to the character and appearance of the Conservation Area. If a small field shelter was made to be removed because of its impact on the Conservation Area, then why should a vast development be permitted? The development would mean a drastic loss of ancient and historic woodland. Proposed loss of trees and hedgerows would be detrimental to the Conservation Area. Will detract from important views. The advice of the archaeologist that further works needs to be done to establish the possible presence of underground archaeology needs to be acted on. The green space between South Normanton and Alfreton the Coal Rd already makes a substantial robust border that should be protected. The Conservation area should be viewed as a whole not just the Hall. A buffer area of 5metres does not constitute an adequate boundary leading to an adverse effect on conservation land.

Development of 145 houses cannot be a 'minor' change.

There are technical errors in the submitted Heritage Statement, including incorrect site sizes and distances; Carnfield Hall is visible from the public highway contrary to what is stated. The Heritage statement states "it is judged that views to and from the proposed development site are unlikely to be more extensive even in winter when the screening effect of vegetation is at its minimum". However, in the Landscape and Visual Impact Assessment at 1.3.27, it says "other views of the development may be obtained at other times of the year when deciduous vegetation is not in leaf. This is particularly the case where the development adjoins the built up edge of South Normanton". Much is made throughout the Statement of the fact that there is no link between the proposed development site and Carnfield Hall. Copies of original documents show that this site was part of the farmland used by Carnfield Wood Farm, the original estate farm and therefore the link between the two is established. Page13, para 2 confirms this - "Conservation area, includes Carnfield Hall, Garden & Craft Centre, Coach-

house and stable block and Carnfield Wood Farm. These fall within a wider conservation area boundary drawn to include a significant area of surrounding landscape and woodland that has been associated with Carnfield Hall since the 16th century". The former owner of Carnfield Hall, tried to re-establish the Hall's estate by acquiring the Wood and parkland but Carnfield Wood Farm and its fields were not for sale to the estate. This showed willingness on his part to cement the historic link with the Hall and to add this land to the conservation area. Documents have been provided to demonstrate the historic linkage of the land to Carnfield Hall.

Additional Heritage information contains untruths and distortions. They bare little or no reality to the actual situation regarding the heritage and the historic nature of the Carnfield Hall conservation area or the geographical realities of the area. Carnfield Wood Farm is an unlisted building of merit. In respect of Carnfield Wood Farm, the house does not have any plastic windows and the supposed conservatory is in fact a Garden Room linking the house to the former Creamery; The pitch of the roof has not been altered for approximately 200 years - it was not altered in the circa 2005 renovations; The property was renovated in circ 2005/2006 by J&E Mulraney who renovated it by mutual agreement with your listings officer to grade II standard as much as possible; The property dates back to approximately 1649 (the reign of Charles I) and has may unique features. It has historically always been linked to Carnfield Hall and for over 260 plus years it was the "Home Farm"; there are clear and distinct views to the Hall from the property, the access lane and this part of the conservation area. Any development would have a vastly detrimental impact on the views in and out of the conservation area; there are clearly ancient settlements and archaeological features present as shown in the recent survey. Surely these must be protected and retained.

Carnfield Hall has made significant improvement in recreating and restoring the historic nature of the hall, land, woodland, ponds and streams. This development would be catastrophically detrimental. The applicants clearly disrespect the whole historic importance of this Conservation Area; they incorrectly state that the area has deteriorated.

The proposed site known as Rose Wood Lodge Farm was formerly part of Carnfield Wood Farm until its name was changed circa 2003, evidenced in auction papers from 1912 provided to the Council. This was before the Carnfield Hall Conservation Area and Management Plan was produced in 2008 at which time it seems the connection to the Hall was missed as the name had been changed. The site has now been identified as being part of Carnfield Hall's Home Estate making it extremely important that this "setting". An unsuccessful attempt was made to re-acquire this land by the former occupier of the hall. Therefore, although not identified at the time [of designation], the site and its historic links already mentioned can still be considered significant.

This proposed building project will obscure and block "views into and out of the Conservation Area" which would be in flagrant violation of Bolsover's Carnfield Hall Conservation Area and Management Plan 2008.

Several areas not surveyed in the submitted geo-physical survey. Whilst the reasons for this are understandable it does mean that the survey is not complete and cannot be relied upon to give a full interpretation. Isn't conclusive in its comments. No evidence that there are no

archaeological origins. Pleased to see that DCC have stipulated that more investigations need to be carried out and they wish to be involved in this.

Proposed trees would take many years to reach the height of houses (especially those higher than 2 storeys) and to develop in spread and thickness to be a visual barrier. I also believe that proposed planting should be in-line with current planting i.e. deciduous native trees which means that for at least 6 months of the year their screening will be compromised during leaf fall.

If trees will take fifteen years to grow this is a long time to wait for this benefit and the Hall will still be affected during this 'waiting period'. Whilst only illustrative, the drawings are indicating that the trees will provide a permanent thick visual barrier. This is untrue as the density/height is unproven and, as planting is to be deciduous, there will be an approximate period of half the year when no privacy will be afforded due to leaf fall.

Illustrative viewpoints have been selectively chosen that don't reveal the true extent of the impacts and no extra planting is proposed where there will be other impacts, especially around the area of Carnfield Wood Farm.

Houses have been removed from the Conservation Area and replaced by a lagoon which still alters a piece of the Conservation Area and is still vulnerable to be built on at a later date.

There is no buffer zone round the farm lane side of the Conservation Area at all.

In their report they say that the wood is in a lighted area already. This is patently untrue; the wood lays west to east and is totally unlit on the northern and southern long sides.

In terms of the NPPF there are no benefits to South Normanton and therefore it will not outweigh the harm.

Note that the later review by CgMs agrees that the original survey contained significant contradictions and incorrect conclusions made. That document contains some orientation errors (referring to land to woodland to the west that should refer to east). Demonstrates that the site is within the wider setting of Carnfield Hall and that there are historic associations with the Hall, which agrees with documents submitted by objectors. Therefore, even if house heights are reduced and cannot be seen from the Hall, the disruptive effect on the setting is still there – the site is part of the setting. Disagree with CgMs that the harm will be at the lower end of the scale of 'less than substantial harm', noting the earlier English Heritage view that the proposal "will represent a significant change in character; still have to provide that public benefit outweighs any loss. There are no benefits to the village of South Normanton, as a sustainable community is not being proposed, with the planned housing favouring long-distance commuters who won't be contributing to local industry or commerce.

Revised plan provides no buffer zone to the Conservation Area and development would not be 15m from trees on the lane that is part of the Conservation Area. As deciduous trees, these do not screen when not in leaf. Will be vulnerable to damage during development.

The proposed design code is insufficient; there would still be development visibility at year 7. Evergreen planting would be inappropriate. Amount of species detail is insufficient and has potential to be of lower biodiversity.

Do not consider reduced lighting proposals will reduce overall impacts from lighting from an estate. Crime Prevention Design Advisor does not appear to have been re-consulted on this.

Ecology/Biodiversity impacts: Ecology surveys have not been carried out using best practice. Carnfield Wood will be eroded. The 15m greed strip between houses and Carnfield Wood is stated to be to protect the wood, but is not shown to be planted as advised in the Ecological Appraisal. Should ensure future protection of wildlife in the village. There is a vast diverse wildlife in the wood including badgers, foxes, and invertebrates, along with many endangered species. Impacts on Great Crested Newts, and Slow Worms. Mitigation for Newts will not succeed due to pollution and recreation taking place nearby. Bats are present locally. The last development adjacent to the new proposal had a massive effect on the wildlife ponds that are in the wood, by the drainage being forced away from the wood, leaving the ponds at an all time low. As we reduce the countryside even more we must also think about dealing with the destruction of habitat of possible protected species which may live in these fields. There will be considerable loss of established greenery, hedgerows and trees in the area, which in turn threatens diverse wildlife and some protected species. This is one of the last places in South Normanton on can view a decent wildlife area. Most children only see wildlife on TV, in photographs, or libraries; how can we lecture them to respect nature and wildlife, when all around their environment is being ploughed under. Japanese knotweed is present on site. Who will be responsible for proposed boundary hedging? Light pollution from the development will have harmful impacts on wildlife. How can the development not affect the protected ancient woodland of Carnfield Wood when it is built very close to it without adequate protection. The Woodland Trust, experts in these matters, has advised that the buffer zone must be much larger than the one proposed. This advice would not be given if there was no threat to the Woodland from the development and therefore the proposed landscaping is not sufficient. The NPPF under Conserving & Enhancing the Natural Environment states that 'planning permission should be refused for development resulting in loss or deterioration of irreplaceable habitats, ANCIENT WOODLAND, unless the benefits outweigh' (the harm). In no way do the development benefits outweigh any further damage to Carnfield Wood. We must protect what is left at all costs otherwise what is the point of TPO's. Request to protect trees by Tree Preservation Orders. Only a nod to existing trees and hedgerows most of which they plan to destroy and replant with inferior and smaller specimens. Where will the grass snakes go when their habitat is destroyed? There are Adders on the site. There is no suitable habitat locally available, the woods that are left are not suitable. A piece of the ancient hedgerow is to be removed in this application (this is already protected as it is in the highest level of conservation). Walks are planned to go right up to the wood. Dogs and humans will disrupt all the wildlife. People will dump garden waste in the wood. The intention is to create a country park right up to and into the Conservation Area. The protected trees in the farm land are approximately 60 to 70 feet tall and tower over where properties are to be built. With Ash Die Back spreading, surely it is lunacy to build under such large trees. If there is excessive pruning or building close to the root system these could both have a detrimental effect on the life of trees as mentioned in the Tree Survey. The Great Crested Newt traps were only installed one week before the end of the migration season, unsurprisingly none were caught. The NPPF states that planning

permission should be refused for development resulting in loss or deterioration of irreplaceable habitats including ancient woodland unless the benefits of the development clearly outweigh the loss. Trees located along the private access road to Carnfield Wood Farm are protected as they fall within the Conservation area and they have been identified as being retained yet the developer has indicated no measures (e.g. a buffer zone) for the protection of these trees and indeed some property is to be located very close by with a private footpath running alongside them. It is proposed to retain some trees within or by the site but some buildings are located very close to these. If these trees encroach in any way into the gardens of proposed dwellings then they are at risk of being cut back. The whole planning application plays lip service to the protection of wildlife but in fact it provides insufficient evidence of its commitment to take all aspects into full consideration and provide satisfactory mitigating arrangements. Impact on birds; Red Kites and Buzzards have been sighted locally. Impact on Bees. Impacts on small mammals. Section of Landscape Assessment that states no adverse effect from lighting is untrue as, viewed at night, the proposed site is very dark even with current street lighting, dark enough certainly for the area to be used by bats and other nocturnal wildlife. We have already lost part of this Woodland and I would like to think that the Planning Department would adhere to the NPPF rules and fully protect what is left by refusing this application which offers very little in the way of genuine care for both Carnfield Wood and the whole Heritage/Conservation area which is important to the people of South Normanton.

Highway Safety: The traffic from Alfreton on the B6019 is now at its maximum and cannot take any more vehicles at peak times; the development will add to the existing chaos. It is gridlocked at peak times. Tailbacks regularly occur back to the railway station. Buses divert from normal routes to make up time when road is busy, denying people access to public transport. Already difficult to exit side roads at peak times due to the volume of traffic. Takes 30 minutes to travel 1.4 miles. Can take up to 20mins to get off Broadmeadows onto Mansfield Road. Figures in the Transport Assessment don't appear to reflect actual journey times (which are longer). Any incidents on the A38 or M1 results in traffic build up Alfreton Rd, The Common and Mansfield Road. 145 new houses, along with 500 more Houses being built at the bottom of Carnfield Hill (in Amber Valley), will bring a estimated further 800 cars trying to access the same road (B6019) all heading for the M1; this road is now little more than a feeder road for the M1 and is having to cope with far more vehicles than it was designed for. Rush hours are now making life difficult for residents. During and between rush hours the road carries many commercial vehicles of all sizes as well as buses and private cars. Crossing the road to reach a bus stop near the proposed development is a hazardous procedure, particularly for the elderly. Have given up travelling to Alfreton by bus because of this. An elderly couple living in the road moved from the village to Alfreton last year because of the traffic problem. AYG's Residential Travel Plan tacitly recognises the situation and suggests providing a refuge near the bus stops and post box. A few years ago County Councillor Jim Coyle, enquired about the possibility of providing a pedestrian-controlled crossing at that point, but was told that the County Council did not have enough money. They could not provide a refuge either, because the road was too narrow. It appears that AYG are not aware of that. If this application fails, as I and others hope, it will be modified and resubmitted. If it fails again, it will go through the usual appeals procedure and probably end up with the minister who will very likely approve it. Pedestrian-controlled crossing or traffic light controls suggested. Although not part of the development I would like to see access made to the Glebe school from The Common with car parking on the school grounds to help

alleviate the traffic problems at school times. The traffic outside schools is already at dangerous level; it is only a matter of time until someone is seriously injured, or worse. Note the applicants assessment of traffic in terms of NPPF guidelines, but doesn't agree that the change is negligible. Comment some of the developers approaches to discouraging car use, but do not consider that these will be effective in the long term. Unlikely that residents will access local employment as there is no new employment proposed, such that they are likely to travel further afield. The 'ghost island' mentioned in the planning application does not appear on the drawings and should be shown. On the road plan they say a central refuge will be built on Alfreton Rd to assist pedestrians crossing, but the Highway Authority refused this a few years ago citing that the carriageway was too narrow to accommodate it. Increased congestion will harm local businesses. Unhappy about any access through an adjacent cul-de-sac; property purchased as it is on a cul-de-sac where children can play safely that would be lost if there was a right of access through. It appears that DCC have accepted the Traffic Survey for Alfreton Road provided by the developers; what do they base this acceptance on? They obviously have no knowledge of the area and the problems experienced with even current levels of traffic.

Water supply/Drainage. Past problems with the drainage system with sewage backing up and over flowing. Water pressure and supply is not great. Adequate mitigation for this should be planned and carried out prior to permission being granted and building commencing. Soakaways will be ineffective. Surface water will contain contaminants that will pass into the attenuation area and into local wildlife habitats, resulting in harm. Water needs to be suitably treated. Development will exacerbate existing problems.

Other. Question the accuracy of submitted plans and surveys. Adequacy of publicity by developers. Adequacy of publicity by the Council, including the timing of the [initial] consultation period falling in the busy Christmas period, including times when the information was not available on line due to a server error. The Council, developers and/or their representatives have not responded to matters raised with them. Council has allowed numerous extensions to facilitate the application process; this treatment is very one sided and unsatisfactory. Not had assurance that vehicular access via the Coal Road to the rear of dwelling will remain, although two new access points are shown on the plan there is nothing to suggest they will be suitable for vehicles; would like to see from the development vehicular access to the rear of George Street at two points. Although it will be sad to lose the open space to the rear of my property, I will be happy to see the end of the fly tipping that is happening on a constant basis. How much will Council Tax have to go up to pay for extra lighting, cleaning up leaves and emptying extra bins? Will affect council tax ratings. Comments regarding private rights of access across parts of the planning application site. Impact on property values. Comments about illegal felling of trees in Carnfield Wood (not part of this planning application site and so not directly relevant to the consideration of this planning application). If trees are planted near to existing houses, this will increase insurance premiums; who will pay for this?

POLICY

Bolsover District Local Plan (BDLP)

GEN1 (Minimum Requirements for Development);

GEN2 (Impact of Development on the Environment);

GEN4 (Development on Contaminated Land);

GEN5 (Land Drainage);
GEN6 (Sewerage and Sewage Disposal);
GEN8 (Settlement Frameworks);
GEN10 (Important Open Areas);
GEN11 (Development Adjoining the Settlement Framework Boundary);
GEN17 (Public Art);
HOU2 (Location of Housing Sites);
HOU5 (Outdoor Recreation and Play Space Provision For New Housing Developments);
HOU6 (Affordable Housing);
HOU16 (Mobility Housing)
TRA1 (Location of New Development)
TRA7 (Design For Accessibility By Bus)
TRA10 (Traffic Management)
TRA13 (Provision For Cyclists)
CON1 (Development In Conservation Areas);
CON4 (Development Adjoining Conservation Areas);
CON10 (Development Affecting the Setting of Listed Buildings);
ENV2 (Protection of the Best and Most Versatile Agricultural Land and the Viability of Farm Holdings);
ENV3 (Development in the Countryside);
ENV5 (Nature Conservation Interests throughout the District);
ENV6 (Designation and Registered Nature Conservation Sites); and
ENV8 (Development Affecting Trees and Hedgerows).

National Planning Policy Framework As the Bolsover Local Plan was prepared and adopted prior to 2004, paragraphs 214 and 215 of the NPPF mean that 'due weight' rather than 'full weight' should be attached to its policies.

Relevant Chapters of the NPPF: -

Chapter 1 'Building a strong competitive economy'

Chapter 4 'Promotion of sustainable transport'.

Chapter 6 'Delivering a wide choice of high quality homes'.

Chapter 7 'Requiring good design'.

Chapter 8 'Promoting healthy communities'.

Chapter 10 'Meeting the challenge of climate change, flooding and coastal change'.

Chapter 11 'Conserving and enhancing the natural environment'.

Chapter 12 'Conserving and enhancing the historic environment'.

Paragraph 34 states that:- *"Plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised."*

Paragraph 49 of the NPPF states that *"Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites."*

Emerging Local Plan for Bolsover District (October 2014 onwards)

The Council has commenced work to replace the adopted Bolsover District Local Plan (2000) following adoption of its Local Development Scheme on the 15th October 2014.

Following public consultation on the Identified Strategic Options for the new Local Plan during October-December 2015, on the 10th February 2016 the Council selected its Preferred Strategic Options for the Local Plan for Bolsover District. These are:

- Housing Target – 3,600 dwellings over the plan period (240 dwellings per annum);
- Employment Target – a range between approximately 80 and approximately 100 hectares over the plan period;
- Strategic Sites – support for Bolsover North, former Coalite site, Clowne North and former Whitwell Colliery site;
- Spatial Strategy – Option A with elements of Options C and B for the Spatial Strategy Option, meaning:

This Preferred Spatial Strategy Option will direct additional growth to the District's more sustainable settlements in order to take advantage of their greater employment opportunities, better transport links and services and facilities, but ensuring that a larger share goes to settlements such as Clowne where viability is better and to Whitwell and Bolsover where key brownfield sites exist. This option will seek to take advantage of the preferred suggested strategic sites as the principal locations of growth in Bolsover, Clowne and Whitwell, with smaller sites being sought to deliver growth in the other more sustainable settlements of South Normanton and Pinxton and focussing on achieving the committed growth in the District's other settlements. Where no committed growth currently exists, major development would be resisted in order to support the Council's Preferred Spatial Strategy Option but minor infill development would be accepted.

However, it is noted that at this stage the Council's Preferred Strategic Options will receive some but not significant weight in its decision taking on planning applications due to relatively early stage of preparation of the emerging plan.

The timetable for the future stages of the preparation of the Local Plan for Bolsover District is as follows:

- September 2016 – Consultation on draft Local Plan, including proposed policies and allocations
- July 2017 – Publication of proposed submission version Local Plan and formal consultation
- November 2017 – Submission of Local Plan
- September 2018 – Adoption of Local Plan

Other (specify)

Successful Places - A Guide to Sustainable Housing Layout and Design

Green Space Strategy (approved in April 2012)

Green Infrastructure Study (June 2008)

Guidelines to be used for assessment of applications for residential development when the Council does not have a five year supply of deliverable sites (approved in December 2015)

Carnfield Hall Conservation Area Appraisal and Management Plan 2008

English Heritage Guidance – The Setting of Heritage Assets (2011)

Planning (Listed Buildings and Conservation Areas) Act 1990

- S66(1) – “In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”

- Section 72 - requires that “special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.”

ASSESSMENT

The main issues associated with this proposal are the principle of the development of this site for residential purposes, the effects of the development on the setting, character and appearance of heritage assets, impact on the character and appearance of the area, impacts on the amenities of neighbouring residents, impact on biodiversity interests and impact on public safety.

The site lies outside of the settlement framework boundary. Policy ENV3 states that outside settlement frameworks planning permission will only be granted for development which:

- 1) is necessary in such a location; or
- 2) is required for the exploitation of sources of renewable energy; or
- 3) would result in a significant improvement to the rural environment; or
- 4) would benefit the local community through the reclamation or re-use of land.

As the proposal does not satisfy any of the criteria within that policy, the elements of the proposal outside of the settlement are contrary to that policy.

Policy HOU9 also relates to new houses in the countryside; and only supports new housing if it is required to meet a proven agricultural or forestry need. The policy is primarily aimed at proposals for individual dwellings, rather than estate developments; clearly a development of this scale could not all be for agriculture or forestry. It is considered that this policy is not applicable to this application and should not be given weight in the decision.

Whilst the policies for the protection of the countryside must be given due weight, regard needs to be had to the policies and guidance of the NPPF. The NPPF specifies that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. The Council currently does not have a 5 year supply of housing. This means that the policies of the Local Plan have to be weighed up with those in the NPPF document that states that housing

applications should be considered in the context of the presumption in favour of sustainable development and ensuring the provision of a five year supply of deliverable housing sites (para. 49).

The Council has identified South Normanton as a settlement for planned growth, although no direction for growth or specific sites in the village are yet identified. This still represents an early stage of preparation that indicates a steer on the general location of new development within the emerging Local Plan for Bolsover District. However, at this early plan preparation stage this would not outweigh the NPPF's 'presumption in favour of sustainable development'.

Based on the latest assessment of our 5 year supply of deliverable housing sites (March 2015), the Council only has a supply of approximately 3.3 years and thus does not currently have a 5 year supply of deliverable sites. Based on this update, the Planning Committee at its meeting on the 9th December 2015 set out its guidelines that will be used in the assessment of new applications for residential development in situations when we do not have a five year supply of housing. Therefore, these guidelines are a relevant material consideration to this proposal and the following is an assessment against those guidelines: -

Achievable	
1) Does the application provide?	
a) an assessment which demonstrates that the site is available now, offers a suitable location for development now, and is achievable with a realistic prospect that housing will be delivered within five years, and in particular that development on the site is viable.	<p>The proposal is an outline application on behalf of Merriman Ltd., a land agent company. There is no statement in relation to a development partner at this stage and therefore it is assumed that should planning permission be granted the site will be marketed for sale.</p> <p>Merriman Ltd. are the land agent marketing the nearby site at Red Lane, South Normanton. After an initial refusal and dismissed appeal, this site was granted outline planning permission for residential development in June 2007 (ref. 06/00789/OUTMAJ), was initially renewed in July 2010 (ref. 10/00169/VARMAJ) and then again in July 2013 (ref. 13/00162/VARMAJ). Approval to remove the affordable housing contribution from the S106 Agreement to aid the viability of the site was granted in February 2015 and reserved matters were submitted in January 2016 and are currently being considered.</p> <p>Based on this history, the Red Lane site was removed from the schedule of sites expected to contribute to the Council's 5-year supply in 2014. This situation was reviewed in 2015 but due to continuing doubts about the delivery of the site it remains outside the 5-year supply.</p> <p>It is noted that the application site is potentially in a slightly better location than the Red Lane site. Despite</p>

	<p>this, given the track record of Merriman Ltd. there are some doubts that the application site if approved would contribute to the Council's 5-year supply. Whilst the submission of reserved matters for the site is a positive step, it would appear that the Red Lane site has not been purchased by a house builder and at the time of writing it is noted that the Red Lane site is still being marketed on Merriman Ltd's website.</p> <p>It is noted that the application site is potentially in a slightly better location than the Red Lane site. Despite this, given the track record of Merriman Ltd. there are some doubts that the application site if approved would contribute to the Council's 5-year supply.</p> <p>The application is not accompanied by a viability appraisal to prove that development on the site is viable, although the applicants have indicated that they wish to undertake a legal agreement to secure the exemption from affordable housing delivery in return for early delivery of housing.</p>
<p>b) an assessment of how the proposals perform against relevant saved policies in the Bolsover District Local Plan.</p>	<p>The Planning Statement advises that the proposal does not comply with all of the Council's adopted planning policy, although it notes that a large part of this is out-of-date.</p>
<p>c) evidence that the proposed development would form a well connected extension to the settlement framework, would be compatible with the landscape character and settlement pattern of the area, would safeguard and enhance locally important features such as wildlife habitats, views, hedgerows, tree belts, etc. and would not create an abrupt or inappropriate new settlement edge that would detract from the visual appearance or character of the settlement or surrounding landscape.</p>	<p>The Design and Access Statement sets out that a design led approach has informed the indicative masterplan, as revised.</p> <p>The site adjoins the existing settlement edge as well as the Carnfield Wood Site of Important for Nature Conservation and the Important Open Area allocation that implements the objective of the adopted Local Plan to retain a break in development between South Normanton and Alfreton as well as protect the immediate setting of the Grade II* listed Carnfield Hall and the Carnfield Hall Conservation Area.</p> <p>Whilst not binding, the layout shown on the revised indicative masterplan does appear to represent an overly intensive development and this raises doubts that the development would safeguard the setting of Carnfield Hall and the Carnfield Hall Conservation Area.</p>
<p>d) a timetable for the development of the site, which:</p>	<p>No timetable for the development is provided.</p>

<ul style="list-style-type: none"> • takes account of the time taken to market the site and find a suitable developer (if the application is not submitted by a developer); • makes a reasonable assessment, with supporting evidence, of the time which will be taken to resolve outstanding issues with the site such as ownership, access, drainage or water supply; • takes account of the time to implement measures for land stability, protection or re-creation of new wildlife habitats, removal of contamination or tipped materials and any other mitigation requirements; • includes a trajectory indicating the number of residential units which are expected to be completed and available for occupation for each year that the development is expected to continue. 	
<p>2) Is there confirmed support from land owners for the proposal and that the site is not subject to any dispute over land ownership or access rights?</p>	<p>The Planning Statement advises that “the site is available and can confirm that its development has support from the landowners and the site is not subject to any disputes.” No known disputes over access rights.</p>
<p>3) Are there any physical / environmental / marketability constraints?</p>	<p>There are no obvious physical / environmental constraints but the experience of the Red Lane site discussed above does raise some marketability concerns.</p>

It is noted that the development will place a number of demands upon local infrastructure, such as education, health, waste water, road network and green spaces. It is also noted the S106 Heads of Terms stated within the Planning Statement advises that contributions for public open space management, public art, education and any other reasonable requests will be the subject of negotiation. Despite the lack of detailed understanding of the development’s

viability and the potential for any purchaser of the site from Merriman Ltd. to seek to renegotiate the secured S106 package, at this stage it is noted that there is no evidence to prove the development cannot meet its local infrastructure demands. S106 matters are dealt with in more detail later.

Based on this initial assessment, it is considered that the proposal could form a well connected extension to the settlement framework provided it sufficiently safeguards the Carnfield Wood Site of Important for Nature Conservation and the setting of the Grade II* listed Carnfield Hall. In reaching this view, it is also noted that the loss of this greenfield site will add to the overall lack and fragmentation of green infrastructure in this part of the District.

However, given the track record of Merriman Ltd. on a nearby site, there are some doubts the application site if approved would contribute to the Council’s 5-year supply as the applicant suggests. This is particularly considered relevant given the guidance provided by PPG Paragraph: 020 – *What factors should be considered when assessing availability?* (Reference ID: 3-020-20140306), which states that:

“...Consideration should also be given to the delivery record of the developers or landowners putting forward sites, and whether the planning background of a site shows a history of unimplemented permissions.”

Suitable	
1) Will the site?	
a) be preferably within the settlement framework as defined in the Bolsover District Local Plan, or exceptionally adjoining settlement frameworks where such proposals are clearly aligned with spatial strategy and policy documents published with the approval of the District Council.	<p>The site is situated outside the settlement framework for South Normanton and is in the open countryside. However, the site is adjacent the western edges of South Normanton.</p> <p>At this stage in the plan making process, the Council has no emerging spatial strategy or policy documents to point to or give weight to in the decision taking.</p> <p>The Council is scheduled to identify its Preferred Option for the Local Plan for Bolsover District in February 2016 which will include the proposed level of growth in South Normanton. This will not detail precise allocations but will inform the number of allocations needed for inclusion in the draft Local Plan that will be published for public consultation in September 2016.</p>
b) be sustainable in respect of most if not all of the following factors:	
i) access to public transport	The 9.1 / 9.2 / 9.3 bus service between Derby and

<p>(within 400 metres walking distance of access to public transport services e.g. bus stop or railway station)</p> <p>ii) proximity to schools (within 800 metres walking distance of a primary school, and 2,000 metres walking distance of a secondary school)</p> <p>iii) proximity to town / local centres (within 800 metres walking distance of a town centre or local centre)</p> <p>iv) proximity to key employment sites or local jobs (within 2,000 metres walking distance of a major employment site or area of employment i.e. over 100 jobs)</p>	<p>Mansfield that passes through South Normanton along Alfreton Road stops approximately 200 metres from the centre of the site. This service operates on a high frequency (more than 1 bus per hour). Alfreton train station is approximately 1,100 metres away.</p> <p>Glebe Junior School is approximately 900 metres away. The Frederick Gent School (Secondary) is approximately 1,500 metres away.</p> <p>South Normanton Town Centre is approximately 1,100 metres walking distance of the site. Alfreton Town Centre and the McArthurGlen East Midlands Designer Outlet Centre are both approximately 3,000 metres away.</p> <p>In addition to the above employment centres, the Clover Nook Industrial Estate is approximately 1,000 metres away, although this is to the south of the A38. The Castlewood employment area is approximately 3,000 metres away.</p>
<p>c) contribute positively to reduce carbon emissions through its design and / or enable more sustainable lifestyles.</p>	<p>The Planning Statement advises that “this will be dealt with at the Reserved Matters stage.”</p>
<p>d) have or create any significant problems of contamination, flood risk, stability, water supply, harm to biodiversity or other significant physical or environmental issue.</p>	<p>No significant contamination, flood risk, stability, water supply problems identified, although it is noted that the development site will include the site of the former petrol filling station.</p>

Based on this assessment it is clear that the site is in a generally sustainable location due to its good access to frequent bus services and reasonable proximity to employment opportunities, despite not quite meeting distance guidelines for town / local centres and for primary phase schools.

Given the out-of-date nature of the adopted Bolsover District Local Plan and the absence of any new emerging policy, it is considered that the policy case is heavily governed by the NPPF and its presumption in favour of sustainable development and in particular given the published lack of a five-year supply.

However, from an assessment of this proposal, whilst it is noted that the site is in a generally sustainable location it is considered that the proposal cannot yet demonstrate that it sufficiently safeguards the setting of the Grade II* listed Carnfield Hall and the Carnfield Hall Conservation Area (see later detailed discussion). Furthermore, based on the available evidence there are some concerns that the proposal is not achievable within 5 years as required by the Five Year Supply guidelines.

Therefore, in light of these concerns, a decision to approve the application would not be supported from a policy perspective at this stage

Agricultural Land Quality

Policy ENV2 of the Bolsover District Local Plan aims to protect the best grades of agricultural land. Land in this area is classed as grade 4 in the agricultural land classification survey (2010). This is low grade agricultural land and as such, its loss to development would not conflict with this policy nor the equivalent provisions in the NPPF.

Heritage Considerations

Whilst policies of the Local Plan pre-date the publication of the NPPF, it is considered that the relevant heritage policies of that document are consistent with the policies in Section 12 of the Framework on conserving and enhancing the historic environment and should be given full weight. The Framework advises that, when considering the impact of a development on the significance of a heritage asset, great weight should be attached to the asset's conservation. Significant level of regard must also be had to the requirements, under TCP(Listed Buildings and Conservation Areas) Act 1990 S66(1) "In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses" and Section 72(1), that special attention should be paid to the desirability of preserving or enhancing the character and appearance of conservation areas.

In terms of archaeology, the Council's archaeological advisory has stated that he is happy with the study work submitted to date and has no objections subject to the inclusion of a condition relating to further archaeological evaluation and recording. The inclusion of such a condition would be appropriate under the terms of policy CON13 (Archaeological Sites and Ancient Monuments) and the objectives of the NPPF.

The proposed development site sits adjacent to (on southern and western edges) and partly within the Carnfield Hall Conservation area. The development site also falls within the setting of Carnfield Hall, which dates from the 16th century.

The proposed development site is approximately 1km from the hall, and is partly screened by hedgerows and land formation. Part of the proposed development will sit close to the boundary of Carnfield Wood Farm. This is an unlisted building of merit within the conservation area and forms part of the setting of Carnfield Hall.

The key issues are:

- What harm is there to the setting of Carnfield Hall?
- How would views within the conservation area be affected?
- How would the proposal impact upon Carnfield Wood?

The Carnfield Hall Conservation Area Appraisal and Management Plan lists the key elements of the conservation area, these include:

- Carnfield Hall and associated buildings – Grade II* & Grade II
- Carnfield Wood Farm – mid 18th century origins (included in the conservation area due to its historic links to Carnfield Hall estate)
- Carnfield Wood (remnants of medieval lakes, sluices and dams)
- Landscape surrounding Carnfield Hall (this has remained relatively unaltered for several centuries)
- Part of the conservation area is classified as an ‘Important Open Area’ in the Bolsover District Local Plan (2000)

It states that “Carnfield Hall has an intrinsic historical association with the landscape within which it sits. The landscape component of the conservation area has a significant role in setting the overall context for the buildings.” And “Within the conservation area views across the open fields and parkland towards Carnfield Hall and Carnfield Wood are considered to be important facets of the setting.”

The Conservation Area Appraisal and Management Plan seeks to develop the management proposals for the preservation and enhancement of the Carnfield Hall Conservation Area that will fulfil Bolsover District Council’s statutory duty under Section 71 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

As initially submitted, the planning application proposed dwellings within the western part of the planning application site that lies within and at the eastern edge of the Conservation Area. A revised indicative layout drawing removed housing from this area due to concerns raised regarding impacts on the Conservation Area and setting of the Listed Building.

A Heritage Statement was submitted with the original application, which was supplemented by later submissions that concluded that no harm to heritage assets resulted from the proposals. As the Council (and Historic England) disagreed with these conclusions drawn by the initial consultants, the applicant commissioned a separate consultant to undertake a review of built heritage evidence base and resultant commentary from Bolsover District Council and Historic England. This considered the comments in the initial statement and by consultees to the planning application. This review agreed with the position of both the Council and Historic England that the proposal would result in less than substantial harm to the significance of the Hall and Conservation Area. Given the potential for intervisibility between the Hall and the site, that would be greater during the winter months, it is suggested in the review document that, if the Client is minded, an approach of dropping build heights on this south-western edge of the Site may be an acceptable approach. As the review document demonstrated inadequacies of the original Heritage Statement, a replacement document was submitted that recognises that there will be less than substantial harm to the heritage assets and in particular Carnfield Hall. It describes the harm to Carnfield Hall, Carnfield Wood Farm and the Conservation Area as being of “negligible to minor degree of harm”.

A landscape assessment was also submitted as part of the proposal. Within this are photographs taken from the roof of Carnfield Hall which show a clear view of the proposal site from the hall. With regard to historic link between the hall and the proposal site; the conservation area appraisal document contains historic maps, dating from 1880 and 1937, which shows Carnfield Wood Farm land extending into adjoining fields (now part of the proposal site). The farm was part of the Carnfield Hall estate and therefore has a direct link to the history and significance of the hall. Further documents have been submitted to the authority by objectors, sale documents and tithe maps, which clearly show the historic connection and the extent (historically) of the farms land.

It is fairly obvious that proposals for development within a view of a listed building are within the setting, and will have an impact on the setting and consequently on the ability to read the buildings within the historic landscape. In considering the impact, the architectural quality and the interest need to be considered.

Carnfield Hall, Carnfield Wood Farm, the views and the setting currently allow the landscape and the buildings within the landscape to be interpreted. Surrounding mature trees and woodland buffer 20th Century developments that would otherwise more significantly compromise the current setting. The main views from Carnfield Hall are not currently compromised by the impacts from significant levels of infrastructure such as streetlights. Whilst there are existing developments in that easterly direction, their location away from the ridge line means these are not visible from the Hall, Farm or Conservation Area. The setting still evokes the nature of a rural estate and enables an easy reading of the farmstead within an agricultural landscape. The setting and views are clearly part of the consideration of what is unique and important about the conservation area and this should not be undervalued.

It is also important to fully consider that the buildings and the conservation area depend on the appearance of the surroundings; that still provide significant views of Carnfield Wood Farm, Carnfield Hall, and all of the current aspects of the immediate surroundings; to provide accessible historic context. It is important that the open spaces are retained and that the current views are not compromised, to maintain the setting and character of the listed buildings and conservation area.

These considerations are endorsed by NPPF paragraph 128, which makes it clear that when determining applications it is relevant to consider the significance of heritage assets affected, including any contribution made by their setting.

As the development will be visible from the Hall it will adversely affect the setting of the hall; which will impact upon Carnfield Wood and the character of the conservation area in general. The introduction of a new housing estate would also detract from the setting of the Hall at night as this has the potential to intensify existing impacts of artificial lighting around the site in the critical main view from and of the Hall. Whilst there is a faint glow from existing developed areas to the east, these are distant from the Conservation Area boundary and this proposal will bring housing and associated lighting up to the boundary, with the potential to significantly intensify that impact, resulting in further harm.

It is the view of both the Conservation Officer and Historic England (formerly English Heritage) that the proposed development will cause harm to the setting of Carnfield Hall and

the conservation area, and thus the significance that the Hall derives from this setting, because of the change in character and partial visual impact. Both these consultees consider that harm to be less than substantial.

In reaching a decision on this application, the identified harm will need to be balanced against the public benefits associated with the proposed development, as required by the NPPF.

It should be noted that in identifying less than substantial harm the NPPF remains clear on the need for a 'clear and convincing justification' for any level of harm and the need to weigh up public benefits associated with the proposal against the level of harm and that the more important the asset, the greater the weight should be. (Paragraphs 132-134). Less than substantial harm does not automatically equate to a proposal being acceptable in terms of the heritage assets affected. In light of statutory duty, harm must be given considerable weight in the determination of the application.

Assessing the precise harm that would arise from development is limited with outline planning applications, given the absence of detailed design proposals. As a means of addressing this and seeking to address the identified harm to Heritage Assets, the applicants have submitted a Design Code for consideration. This uses the submitted Landscape and Visual Impact and Heritage Studies to identify elements that will impact on the heritage assets, the physical extent of the site to which the Design Code will apply, identify options for mitigation to be included in the design code, ensure that these are appropriate and consistent with landscape character and determine timescales for their provision.

The images in this document only show visibility from ground and first floor windows and do not pick up on the second floor views that are also available, but which are noted in other submitted plans with the planning application. Whilst this is unfortunate, given the details on those other images, it is not considered likely that this would impact on the assumptions made in that Code document.

This report refers to the previously proposed 10m landscape belt on the western boundary that would incorporate 1m high mounding, and identifies an area generally to the west of the planning application site where other measures would be proposed, including limits on building heights, finished floor levels, highway design and lighting.

It is stated that by Year 15, however, the sections and photomontages demonstrate that the 10m wide belt of woodland planting provided along the western boundary will have matured sufficiently to completely screen these dwellings. The Council's Streetscene Joint Assistant Director has confirmed that the proposed trees should reach the heights shown in the timescales stated. Notwithstanding this it is acknowledged in the Design Code that despite the proposed planting 'some filtered views of the development may be obtained during the winter months when deciduous vegetation is not in leaf, although the inclusion of evergreen/coniferous species as part of perimeter planting proposals would help to mitigate this.'

In terms of highway design it is stated that Highway design within the Design Code area should comprise private drives. The intimacy this will bring will enable the scheme to address:

- A. Non adopted highways will allow for innovative street lighting schemes.
- B. Introduction of good quality boundary treatment between dwellings to prevent vehicle light pollution spilling beyond the site towards heritage assets.

In order to address concerns raised over lighting it is stated in the Design Code that “... *light pollution already affects the setting of Carnfield Hall Conservation Area. Potentially the development will add to this principally through new street lighting but also potentially through security lighting on properties and vehicle headlights.*”

New street lighting has greater potential to be seen above the earth mounding, woodland planting and existing hedgerow by virtue of the height of light columns. The height and spacing of light columns will be determined as part of a Reserved Matters submission for the development. However, in principle, street lighting adjacent to the western boundary will be restricted to low level light columns, no more than 1.5 metres above ground level; there will be no need for high level adoptable columns as these plots can be served by private drives. Furthermore, wherever possible, lights will be positioned behind dwellings so they are not seen from Carnfield Hall or the Conservation Area. Levels of luminance can also be controlled by way of planning condition

Controlling light pollution from vehicle headlights can be undertaken by a combination of road design and boundary treatment. Security lighting is difficult to control but we would support the Council if it wished to impose a planning condition that required the installation of such to be controlled by the Council. Our client’s would insert a similar clause in the Property Deeds.”

There are concerns with the report. It is not made clear how the area that the proposed Design Code is intended to cover has been derived. It is also reliant on what is only an illustrative layout plan in referring to the “10 proposed dwellings within the study area, identified as being visible from Carnfield Hall”. No examples of low level lighting are included and the scheme relies on the provision of private drives.

On the issue of lighting, whilst the “6 C’s” highway guide allows for up to 25 dwellings to be accessed from a private drive this is discouraged by the Highway Authority that prefers adoption of any schemes of 5 or more dwellings. The Highway Authority also has powers to require adoption and in the future could be asked to adopt the highways by future residents. Crime Prevention would also need to be considered as part of the effectiveness of any lighting scheme. Whilst the removal of permitted development rights is suggested this only removes the right to carry out ‘development’. In many cases, the addition of security lighting is deemed ‘de minimis’ (i.e. insignificant) such that it is not development by definition such that planning permission is not required; therefore removal of permitted development would be ineffective. The enforcement of such a requirement would also be difficult and would remove the right for people to seek to secure their property. An applicant’s agreement to support a condition does not justify its inclusion that should be based solely on the planning merits of the case. On this basis there are outstanding questions regarding the ability to design a scheme that would give sufficient comfort that the potential impacts could be adequately addressed to overcome the concerns over harm to setting that would arise from lighting.

Whilst some of the proposed measures have the potential to mitigate some of the identified impacts on Heritage Assets, it is considered that there remain uncertainties, in part due to the

outline nature of the application, that limit the weight that can be given to the suggested Design Code. For this reason, the proposals are not considered to constitute sufficiently clear and convincing justification to override the harm, as required in the NPPF.

Urban Design Issues including Residential Amenity and Crime Prevention

The Council's Urban Design Officer raised initial concerns and considered that the indicative layout as originally submitted was not acceptable and sought to establish design principles by which any reserved matters submission should follow. A revised draft masterplan has satisfied a number of the concerns providing an approach to the scheme that would be more appropriate.

As an outline planning application design and layout is a reserved matter. On this basis it would need to be demonstrated that any scheme would satisfy the Council's normal requirements in terms of delivering suitable levels of privacy and amenity for neighbouring residents and an advice note drawing attention to the Council's Adopted Design Guide 'Successful Places' can be included.

Care would need to be taken over the proximity of any new dwellings to both existing mature trees and the proposed woodland belt to the western boundary and the indicative siting may be too close to ensure satisfactory levels of amenity are achieved in the longer term (as new planting matures). This issue is raised in comments made by The Council's Streetscene Joint Assistant Director who has experience of issues relating to complaints from residents due to close proximity of landscaping once it begins to mature due to light/shade issues, root trespass/encroachment and potential interference with satellite signals.

Similarly the Crime Prevention Design Advisor has advised that he has no comments to make at this stage and would ask to be consulted again at reserved matters stage.

On this basis it is considered that a scheme can be designed at Reserved matters stage that would satisfy the requirements of policy GEN2 (Impact of Development on the Environment) in regard to these issues.

Environmental Health Considerations.

In respect of Contamination, the Environmental Health Officer agrees with the recommendations of the desk study that further investigations are required and recommends the inclusion of conditions to secure such works and mitigation where needed. Such conditions are considered appropriate to ensure compliance with policy GEN4 (Development on Contaminated Land) and the objectives of the NPPF. A similar condition has also been requested by the Environment Agency.

The Environmental Health Officer has recommended a condition regarding noise controls during the demolition and construction process. Notwithstanding this request, there are controls under Environmental Health legislation and planning should not duplicate such controls such that conditions to this effect should not be included.

The Environmental Health Officer also advised the submission of an Air Quality Assessment

to accompany the planning application to consider the impacts of additional traffic on air quality from additional traffic at the mini-roundabouts on Alfreton Road and at Junction 28 of the M1 where the Council has an Air Quality Management Area. This request was made to the applicant but no such report has been submitted. Notwithstanding this, it is worth noting that in making this request the Environmental Health Officer states that it is likely that the effect on air quality may be small. Given the comparatively small additional traffic volumes to that already contained on the highway network, it is not considered that this would be a significant issue in planning terms and it is not felt that the absence of such a report is objectionable, such that this should not be a reason to refuse permission.

Health and Safety Executive Considerations

The site is within the outer zone of the Rough Close Works at South Normanton to which policy EMP14 (Rough Close Works Outer Development Control Zone) relates. The Health and Safety Executive does not advise against the grant of planning permission provided that the development is no more than three storeys (12metres) high and is of traditional brick construction. This can be conditioned.

Biodiversity Considerations and Trees (as both a biodiversity and amenity feature)

A tree survey has been submitted detailing the existing trees within and around the development site, a number of which are good quality. That report makes recommendations as to those trees that are essential to maintain, desirable to maintain or to which no comment is assigned based on potential retention. Notwithstanding this grading system, the indicative layout drawing submitted shows a layout where none of the trees would be felled. However, it does not consider whether the proximity of the indicative development, including buildings, highways and driveways and other associated developments, would impact on the long term health of the retained trees and on this basis further information would be required with any reserved matters submissions to consider these issues further; the close proximity of trees to some dwellings may also impact on the amenities of the occupants of some dwellings as well. Noting that this is only an indicative layout due to the outline planning application, it is considered that a layout that would provide sufficient protection for the trees and the amenities of future residents could be achieved. Conditions could be attached in the event that members are minded to approve the development requiring further submissions relating to trees with any reserved matters application.

Whilst noting the requests for Tree Preservation Orders on the trees, the trees are not considered to be under threat and for the reasons stated above the Council maintains a degree of control over the trees in relation to any Reserved matters applications. Further consideration to potential Tree Preservation Order controls could be given as part of the consideration of any detailed layout proposals.

The Environment Agency has stated that the proposed development will be acceptable if a planning condition is included requiring a scheme to be agreed to ensure that the balancing lagoon within the site is designed, located, constructed and managed in such a way as to positively contribute to the nature conservation value of the site. Advisory notes relating to protection of wildlife legislation and biodiversity enhancements are provided.

The Derbyshire Wildlife Trust has stated that the ecological surveys have been undertaken to a reasonably high standard and generally provide sufficient information upon which to assess the impacts of the proposal. Further submissions were made to address initial shortcomings. As a result of this additional work, the Derbyshire Wildlife Trust has concluded that whilst there are still concerns relating to the development (in terms of increased disturbance to the wood from recreational activities and predation from domestic cats) the proposed buffer and greenspace will provide some protection to the woodland and offers an opportunity to create habitats of wildlife value that can complement the woodland and provide habitat for birds and reptiles.

Conditions are recommended by the Trust in terms of securing a construction environmental management plan (CEMP: Biodiversity); a landscape and ecological management plan (LEMP) for all retained and created habitats; and avoidance of any site clearance work unless a competent ecologist has undertaken an appropriate site check. These could be attached to any permission to address ecology issues.

The Woodland Trust has objected on the basis of potential damage to an area of ancient woodland, that is irreplaceable and any development that results in its damage or loss should not be granted planning permission. It is stated that if the application were to be granted it would like to see a buffer of an appropriately landscaped buffer of a minimum of 20m between houses and the woodland and controls over lighting.

Whilst noting these comments of the Woodland Trust, these differ from the opinion offered by the Derbyshire Wildlife Trust that a 15m planted buffer would be appropriate, as would appear to be supported in guidance referred to by the Woodland Trust, including appeal decisions and it is not considered that there would be grounds to refuse planning permission on this issue.

Considering all the comments from the statutory consultees on biodiversity, including consideration of the impacts on the ancient woodland, it is considered that controls, both in terms of securing an appropriate reserved matters layout and through conditions, would provide sufficient protection to the woodland and would secure net improvements to biodiversity in line with the requirements of policy ENV5 (Nature Conservation Interests throughout the District) and ENV8 (Development Affecting Trees and Hedgerows) of the adopted Bolsover District Local Plan.

Flood Risk and drainage

The Environment Agency has considered the submitted Flood Risk Assessment and has raised no objections to the proposed development subject to imposition of the following planning condition relating to surface water drainage. Severn Trent Water has also suggested a condition regarding both surface and foul drainage systems. Subject to inclusion of such conditions, the proposal is considered to be acceptable in terms of adopted Local Plan policy and objectives of the NPPF in this regard.

Highway Safety

A Transport Assessment was submitted in support of the application. The Highway Authority has stated that it is mindful of the National Planning Policy Framework when reaching its conclusion on the Transportation Assessment, in particular that development should only be refused on transport grounds where the residual cumulative impacts of development are

'severe' and that improvement cannot be undertaken within the transport network that cost effectively limit significant impact of the development.

The Highway Authority is in broad agreement with the conclusions reached in the Transport Assessment which states that the proposed development would not have a severe impact on existing highway conditions. The Highway Authority has therefore raised no objections subject to the inclusion of conditions and advisory notes, including a condition regarding the closure of the former Coal Road to vehicles (that would be diverted through the site to maintain access – non-vehicular access would be maintained).

In its initial consultation response the Highway Authority had sought contributions to proposed upgrade works to the junction of Alfreton Road and Birchwood lane, approx. 450m east of the proposed site access to Alfreton Road. Since that time however, the works have been programmed and are due to commence in early April. On this basis, it cannot be demonstrated that the works are reliant on this scheme for contributions, given the work is already designed to address an existing issue on the highway network.

Leisure comments

The Council's leisure officer has noted that on site provision for open space and play has been proposed, but that given the distance to the nearest facilities, any equipped area should incorporate a NEAP (Neighbourhood Equipped Area for Play) standard play area and not a LEAP (Local Equipped Area for Play) as proposed. Also that this would be better located centrally within the site, instead of to the south of the site adjacent Carnfield Wood that would not be an ideal location for the location of play equipment. The Leisure Officer is content that the overall amount of space shown would meet normal standards. Contribution to off-site formal open space provision is sought. Also sought are contributions to upgrading 200m of Bridleway 4 south of Alfreton Road to improve access for pedestrian and cyclists between the proposed development and Alfreton, Broadmeadows, South Normanton and beyond.

The final layout of any scheme would be a reserved matter and this would also need to include the final location for any play space; it is shown located more centrally in later indicative plans to those initially submitted. Its final location would also be influenced by considerations relating to both biodiversity and household occupants' amenities. The type and design of on-site play provision deemed necessary can be required by a planning condition.

No response has been received from the applicant in terms of requests for off-site formal recreation space contributions.

It is not considered that the request for contributions to upgrading of the bridleway is reasonable, given this facility is already accessible to large parts of the population and it would be difficult to demonstrate that the additional use from this development would justify the upgrade sought in its own right.

Public Art

The Public Art Officer is seeking contributions under the terms of policy GEN17 (Public Art). The applicants have included Public Art in its draft heads of terms for a S106 planning obligation, although a formal offer has not been received.

Affordable Housing

The Strategic Housing Officer has referred to the Council's current policy of non-provision of affordable housing where there is a commitment to the delivery of dwellings; the agent has previously indicated that this option would be taken up by the applicant and has included this in the submitted heads of terms. Should delivery within the timescales not be forthcoming then provision of 10% affordable housing provision would be secured under the terms of any S106.

Education Contributions

The Education Authority has advised that it is anticipated that both The Green Infant School and Frederick Gent School would be able to accommodate the infant, secondary and post-16 education school pupils generated by the proposed development. Glebe Junior School would be able to accommodate approximately 10 pupils arising from the proposed development. The County Council therefore requests a financial contribution of £68,394.06 towards the provision of 6 primary pupil places, to accommodate the residual number of pupils, via the adaptation of a classroom (classroom project A at Glebe Junior School).

Whilst the applicant has been made aware of this request, a response has not been provided on this issue by the agent at the time of preparing this report.

The Council does not have a specific policy relating to this contribution request, but given that this request seeks to address a properly identified shortfall in infrastructure and is supported by evidence of a deliverable scheme to deal with it, the request is considered to be in line with the CIL regulations that govern S106 payments.

Derbyshire County Council – Other S106 contribution requests

In its consultation response Derbyshire County Council has also requested contributions to £1,956.05 (£13.49 per dwelling x 145 dwellings) to provide additional waste management capacity at Loscoe Household Waste Recycling Centre. There is no policy support for such a request and it is not considered that this request could be supported.

Comments are also made in respect of the provision of access to high speed broadband services for future residents (in conjunction with service providers); to design new homes to Lifetime Homes standards; and comments relating to the installation of sprinkler systems in dwellings. Notes could be attached to any consent in the event that members are minded to grant permission.

NHS

As with Education above, the request of the NHS and CCG has been put to the applicant, no response has been made on this issue. The Council has no policy to support such requests. Notwithstanding the requests however, unlike the education request, this request is not supported by any evidence of need (one of the two letters received talks about the surgery at The Hub nearing capacity but provides no explicit evidence), or any indication of a deliverable scheme. The responses deal with generic options to explore options. This is not considered

to comply with the requirements of the CIL regulations and as such, it is not considered that such contributions could be required.

Other

The objections received to this application have been noted and most issues are covered in the above assessment.

In terms of the safety of vacant buildings on the Alfreton Road frontage, this development would address this. Other legislative controls exist in respect of building safety.

Pre-application developer engagement with the local community and the extent and adequacy of this is not a material consideration in the determination of a planning application. Similarly impacts on Council Tax and private property rights are also not material planning considerations.

The NPPF encourages Local Planning Authority's to be pro-active and to work with developers to find solutions to problems with a view to facilitating development where appropriate. It is this process that has resulted in the extensions of time that have been agreed with the applicants.

Conclusions

The main outstanding issue that remains with this proposal is the impact of a housing development on this site on Carnfield Hall, a Grade II* Listed Building, and the associated Conservation Area. This impact is considered to be less than substantial.

Notwithstanding those impacts to the Listed Building, this proposal (subject to a satisfactory S106 Agreement and conditions) is considered to be an appropriate and sustainable extension of South Normanton that has the potential to deliver housing in line with national objectives for new house building and would also deliver some economic benefits, particularly during the construction phase. There are other site sensitivities, particularly the existence of the Ancient Woodland alongside that is also a local wildlife site, but subject to appropriate layout and conditions, the impacts on this are capable of appropriate mitigation.

In considering the balance between those issues, the weight to be given to the heritage impacts is important. In this respect, a recent High Court case [Forest of Dean District Council v Secretary of State for Communities & Local Government & Anor, Court of Appeal - Administrative Court, March 04, 2016, [2016] EWHC 421 (Admin)] considered the issue of applying paragraph 134 and the test on harm to heritage assets and the interaction between paragraph 134 and paragraph 14 (presumption in favour of sustainable development) of the NPPF. This stressed that considerable weight should be given to the desirability of preserving the setting of heritage assets.

Paragraph 132 of the NPPF is also important as this states that "The more important the asset, the greater the weight should be" and that "As heritage assets are irreplaceable, any harm should require clear and convincing justification". Carnfield Hall is a Grade II* listed building. Historic England's website describes such buildings as "particularly important buildings of more than special interest; 5.5% of listed buildings are Grade II*". This rarity and higher importance is considered to increase the weight that needs to be given to this issue.

For the reasons given in the report, whilst acknowledging the applicants efforts to explore options to address the impacts, it is not considered that this constitutes a clear and convincing justification, as required in the NPPF. Given the importance and weight that needs to be given to the identified harm, it is not considered that the public benefits of the proposal are sufficient to outweigh that harm, such that it is recommended that planning permission be refused.

The draft heads of terms acknowledges the likely requirement to negotiate a Section 106 Planning Obligation in respect of: Public Open Space Management; Public Art; Education; Early delivery of housing; and any other reasonable and CIL compliant contributions which arise throughout the course of the application (this would cover off site formal open space contributions). Whilst this acknowledges a need for a S.106 Planning Obligation, there has been no agreement as to the extent of these requirements and because an agreement has not yet been completed a reason for refusal must address the need to comply with these issues.

Other Matters

Listed Building: See assessment

Conservation Area: See assessment

Crime and Disorder: No significant issues arise

Equalities: No known issues

Access for Disabled: No known issues

Trees (Preservation and Planting): See assessment

SSSI Impacts: N/A

Biodiversity: See assessment

Human Rights: No known issues

RECOMMENDATION REFUSE permission for the following reasons:

1 It is considered that proposal would result in less than substantial harm to the significance of the setting of Carnfield Hall, a Grade II* Listed Building, and the Carnfield Conservation Area, contrary to policies CON4 (Development Adjoining Conservation Areas) and CON10 (Development Affecting the Setting of Listed Buildings) and the objectives of the NPPF in protecting the setting of Heritage Assets.

The proposals for development within the main view of the listed building are within its setting, and will have an impact on that setting and consequently on the ability to read the buildings within the historic landscape, including night time impacts from lighting, including street lighting and security and other domestic lighting. Whilst there are existing developments in that easterly direction, their location away from the ridge line means these existing developments are not visible from the Hall or Conservation Area. The setting still evokes the nature of a rural estate and enables an easy reading of the farmstead within an agricultural landscape.

Consideration has been given to the proposed mitigation for the impacts, along with any potential public benefits of the scheme, including the potential to contribute to housing delivery in a sustainable location that could contribute to the current absence of a 5 year housing supply in Bolsover District, along with potential economic benefits that would flow

from the development, particularly during the construction period. However, it is not considered that these constitute a clear and convincing justification to sufficiently outweigh the identified heritage impacts.

2. No formal agreement has been made with respect to the provision of affordable housing, additional education facilities, off site formal recreation provision and public art to which policies GEN17, HOU5 and HOU6 of the Bolsover District Local Plan apply. It has not been demonstrated that the proposal complies with those policies and no justification has been provided, such as an appropriate viability exercise, to demonstrate that those policies should not apply and therefore to approve the proposal would be contrary to those saved policies of the adopted development plan.

Statement of Decision Process

1. In compliance with the National Planning Policy Framework the Council has received additional information in response to issues raised during the consideration of the application and the decision is therefore made in accordance with policies 186 and 187 of the National Planning Policy Framework.



