

The Arc
High Street
Clowne
Derbyshire
S43 4JY

Date: 12th July 2016

Dear Sir or Madam

You are hereby summoned to attend a meeting of the Planning Committee of Bolsover District Council to be held in the Council Chamber, The Arc, Clowne, on Wednesday 20th July 2016 at **1000** hours.

Register of Members' Interest - Members are reminded that a Member must within 28 days of becoming aware of any changes to their Disclosable Pecuniary Interests provide written notification to the Authority's Monitoring Officer.

You will find the contents of the agenda itemised on pages 2 and 3.


Yours faithfully



Assistant Director of Governance and Monitoring Officer
To: Chairman and Members of the Planning Committee

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PLANNING COMMITTEE

AGENDA

Wednesday 20th June 2016 at 1000 hours in
the Council Chamber, The Arc, Clowne

Item No.		Page No.(s)
	PART 1 – OPEN ITEMS	
1.	<u>Apologies for Absence</u>	
2.	<u>Urgent Items of Business</u>	
	To note any urgent items of business which the Chairman has consented to being considered under the provisions of Section 100(B) 4(b) of the Local Government Act 1972	
3.	<u>Declarations of Interest</u>	
	Members should declare the existence and nature of any Disclosable Pecuniary Interest and Non Statutory Interest as defined by the Members' Code of Conduct in respect of:	
	a) any business on the agenda	
	b) any urgent additional items to be considered	
	c) any matters arising out of those items	
	and if appropriate, withdraw from the meeting at the relevant time.	
4.	To approve the minutes of a meeting held on 29 th June 2016	4 to 10
5.	Notes of a Site Visit held on 24 th June 2016	11
6.	Applications to be determined under the Town & Country Planning Acts.	
	(i) 15/00653/OUT - Residential development of up to 80 dwellings including means of access (from Cragg Lane) at Land Between Priory Way, Weavers Court And Strutt Close And Adjoining The West Side Of Cragg Lane, Newton	12 to 33
	(ii) 14/00531/OUT - 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 at Land Surrounding Rosewood Lodge Farm, Alfreton Road, South Normanton	34 to 76

- | | | |
|-------|--|----------|
| (iii) | 16/00040/OUT - Residential development for 64 houses, Lodge Farm, 126 Shuttlewood Road, Bolsover, Chesterfield | 77 to 88 |
| (iv) | 14/00080/OUTEA - Proposed amendments to previous resolution in respect of S106 Planning Obligation contributions in connection with outline planning application (with all matters except access reserved for later consideration) for residential development in the region of 950 dwellings, provision of an extra care facility (approx 70 units) and an Infant School together with appropriate vehicular, cycle and pedestrian access, associated car parking spaces and open space provision on Land Between Welbeck Road And Oxcroft Lane, Bolsover | 89 to 90 |

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Minutes of a meeting of the Planning Committee of the Bolsover District Council held in the Council Chamber, The Arc, Clowne on Wednesday 29th June 2016 at 1100 hours.

PRESENT:-

Members:-

Councillor D. McGregor in the Chair

Councillors T. Alexander, P.M. Bowmer, J.A. Clifton, C.P. Cooper, M.G. Crane, M. Dooley, S.W. Fritchley, H.J. Gilmour, T. Munro, B.R. Murray-Carr, P. Smith, R. Turner, B. Watson, D.S. Watson and J. Wilson.

Officers:-

C. Doy (Development Control Manager), R. Scott (Enforcement Manager), J. Fieldsend (Senior Principal Solicitor) and A. Brownsword (Governance Officer)

122. APOLOGIES

Apologies for absence were received from Councillors T. Connerton and M.J. Ritchie.

123. URGENT ITEMS OF BUSINESS

There were no urgent items of business.

124. DECLARATIONS OF INTEREST

There were no declarations of interest.

125. MINUTES – 4TH MAY 2016

Moved by Councillor D. McGregor and seconded by Councillor T. Munro

RESOLVED that subject to the word 'meeting' being replaced by the word 'application' in paragraph 2 of Minute No. 0995(iii), the minutes of a meeting of the Planning Committee held on 4th May 2016 be approved as a true and correct record.

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126. SITE VISIT NOTES – 29TH APRIL 2016

Moved by Councillor D. McGregor and seconded by Councillor T. Munro

RESOLVED that the notes of a site visit held on 29th April 2016 be approved as a true and correct record.

127. APPLICATIONS TO BE DETERMINED UNDER THE TOWN AND COUNTRY PLANNING ACT

- (i) 15/00599/FUL - Extension at ground floor and change of use from an existing Public House at ground floor level and Hotel at first and second floor levels to 1x 3 bedroom flat, 2x 2 bedroom flats and 2 studio apartments at ground floor level and a 21 bedroom House of Multiple Occupancy at first and second floor levels.(Part retrospective application) at Station Hotel, Station Road, Shirebrook, Mansfield

Further details were included on the Supplementary Report.

The Chairman informed the Committee that as the application had been heard by the Committee twice previously, the only part of the application to be heard were the findings of the Working Group which had met to discuss the issues raised by the Committee. Therefore, there were to be no public speakers.

The Development Control Manager presented the report and noted that information had been received which refuted the claim that the previous landlord of the public house had left the premises with £13,000 of debt and that it was viable as a pub.

Councillor B.R. Murray-Carr noted that the Working Group which consisted of Members, Planning Officers and Environmental Health Officers had met on site with the Applicant and Agent to discuss some items that were material considerations and other items of concern. An action plan of nine items had been formulated and eight of those items had now been addressed by the owner, including additional on-site management.

The Committee considered the application having regard to the Bolsover District Local Plan, National Planning Policy Framework and the five year housing supply.

Moved by Councillor D. McGregor and seconded by Councillor T. Munro

RESOLVED that Application No. 15/00599/FUL be APPROVED subject to the following conditions given in précis form to be formulated in full by the Assistant Director of Planning:

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1. Within 3 months of the date of this planning permission the fire escape at first floor level on the western elevation shall be linked to the main fire alarm system so that the main evacuation alarm sounds when the fire exit is opened and shall be retained linked to that system whilst ever the premises are in use in multiple occupation.
2. Within 6 months of the date of this planning permission the existing boundary wall shall be raised to 1.8m high using bricks to match the existing wall and with the existing coping re-used as shown on plan reference 14-06 A-013 Rev F and details of the fencing proposed shall have been approved in writing by the Local Planning Authority and erected on the site unless an alternative timetable has been agreed in writing with the Local Planning Authority. The approved scheme shall be maintained in place whilst the premises are in use as a HMO.
3. The off-street parking as indicated on drawing number A-013 Rev E shall be provided within 3 months of planning permission being granted, laid out, surfaced, marked out in a permanent manner and maintained for parking use whilst the premises are in use as a HMO.
4. There shall be no gates or other barriers on the highway access.
5. The extensions and alterations to the building shall be carried out in materials to match the existing building.

(Development Control Manager)

- (ii) 15/00493/FUL - Up to 8.3 MW solar photovoltaic park with accompanying access track, transformers, inverters, kiosks, substation, security fencing and CCTV cameras at Land North Of Westfield Farm, Beighton Fields, Barlborough

Further details were included on the Supplementary Report.

The Development Control Manager presented the report which gave details of the application, site history and consultations carried out.

The Committee considered the application having regard to the Bolsover District Local Plan, National Planning Policy Framework and National Planning Practice Guidance.

Moved by Councillor S.W. Fritchley and seconded by Councillor T. Munro

RESOLVED that Application No. 15/00493/FUL be REFUSED for the following reason:

The proposed solar farm would constitute “inappropriate development” in the Green Belt which is, by definition, harmful to the Green Belt. The solar farm would

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materially reduce the openness of this part of the Green Belt, and would conflict with one of the purposes for its designation in that, for the duration of its existence, it would constitute the encroachment of development into the countryside.

In accordance with the National Planning Policy Framework (NPPF) inappropriate development should not be approved except in very special circumstances. “Very special circumstances” will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

In addition to the harm to the greenbelt the proposal would significantly harm the character and appearance of the area, including adverse impacts on the visual amenity of the footpaths which pass adjacent to and near to the site (footpath 11, 9 and 12 Barlborough Parish).

The less than substantial harm that the proposed development would cause to the setting and significance of The Church of Immaculate Conception, a Grade II listed building, and the lack of compelling evidence to justify the siting of the solar panels on this site is given due weight. Also the development on agricultural land reducing its versatility is given limited weight against the proposal in the overall planning balance.

Weighing in favour the proposed solar farm would make a significant contribution toward meeting national targets concerning the derivation of energy from renewable sources, reducing carbon emissions and mitigating climate change. It would have economic benefits, and would also help to increase the security and diversity of the electricity supply. Some limited benefits would result from the ecological improvements to the site that the proposed development would secure and from job creation.

Weighing all of these considerations together the adverse impacts of the proposed development would outweigh the benefits. Since the totality of the harm caused would not be “clearly outweighed by other considerations”, as required by paragraph 88 of the NPPF and the special consideration of the harm required under paragraph 132 of the NPPF and S66 of the Listed Building Act, the “very special circumstances” necessary to justify development in the Green Belt do not exist in this case. The proposal would also conflict with saved policies GEN 2(1), GEN 9, CON 10 and ENV 3(C) of the Bolsover District Local Plan to an unacceptable degree.

(Development Control Manager)

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- (iii) 15/00649/OUT - Residential redevelopment including means of access at The Nursery, East Street, Scarcliffe

The Development Control Manager presented the report which gave details of the application, site history and consultations carried out. It was noted that the applicant had agreed to a limit of 10 dwellings on the site.

Mrs. S. Higginbottom, Ms. J. Atkinson, Mr. Wagstaffe and Mr. Coles attended the meeting and spoke against the application.

Mr. J. Church attended the meeting and spoke in support of the application. It was noted that the applicant was willing to provide extra parking for existing residents.

The Committee considered that application having regard to the Bolsover District Local Plan and National Planning Policy Framework.

It was:

Moved by Councillor M.G. Crane and seconded by Councillor J. Wilson
That Application No. 15/00649/OUT be REFUSED on highway grounds.

On being put to the vote, the motion was lost and it was therefore:

Moved by Councillor D. McGregor and seconded by Councillor T. Munro
RESOLVED that Application No. 15/00649/OUT be DEFERRED to negotiate residents parking and refer the application back to the Planning Committee for a decision and after the expiry of the additional publicity as a departure from the development plan.:

(Development Control Manager)

- (iv) 16/00030/OUT - Demolition of existing bungalow and outbuildings and erection of two storey dwellings with associated access drive at 287 Shuttlewood Road, Bolsover, Chesterfield, S44 6PB

The Development Control Manager presented the report which gave details of the application, site history and consultations carried out.

The Committee considered that application having regard to the Bolsover District Local Plan and National Planning Policy Framework.

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Moved by Councillor S.W. Fritchley and seconded by Councillor R. Turner

RESOLVED that Application No. 16/00030/OUT be APPROVED subject to the following conditions which are given in précis form and to be formulated in full by the Assistant Director of Planning:

1. Start within 3 years or within 2 years of approval of reserved matters
2. Submit reserved matters within 3 years
3. Levels details to be submitted and agreed.
4. Landscape maintenance plan.
5. Replacement planting for a period of at least 5 years.
6. Identification and treatment where necessary of contamination.
7. Ecology survey for presence of bats before any demolition of buildings starts

(Development Control Manager)

- (v) 16/00089/FUL - Erection of a single storey stables/tack room building with doors and windows to the front and small windows to the rear (retrospective application) at The Laurels, Ruthyn Avenue, Barlborough, Chesterfield

Further details were included within the Supplementary Report.

The Development Control Manager presented the report which gave details of the application, site history and consultations carried out. It was noted that the application for retrospective planning permission had been withdrawn, but the issue of enforcement action still required a decision.

The Committee considered the enforcement issues having regard to the Bolsover District Local Plan and National Planning Policy Framework.

Moved by Councillor H.J. Gilmour and seconded by Councillor D.S. Watson

RESOLVED that An Enforcement Notice be issued

1. Reason for issuing notice: The building is not of a scale or design of a typical rural building for the keeping of horses which would normally be considered acceptable in the countryside or Green Belt but is designed and built in a manner more fitting for domestic occupation and is unlikely to be used for the purposes specified in the application. No need for a new dwelling has been established in this Green Belt location and in view of the design being inappropriate for the specified use it is not considered to be necessary in such a location. The building, by virtue of its size, design and domestic character represents an urbanising feature in the countryside and the Green Belt which is considered to materially harm the rural landscape and the openness of the Green Belt. Consequently the proposal is considered to be contrary to policies GEN9, ENV3 & GEN2 and HOU9 of the Bolsover District Local Plan and is also contrary to the provisions of the National Planning Policy Framework.

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Requirement: demolish the building and remove all associated material from the site and restore the site to a grassed area level with surrounding land

Period for compliance: 3 months for the demolition works and a further 3 months to level and grass seed the site of the building.

(Development Control Manager)

- (vi) 16/00231/OTHER - Variation of S106 at Land to The Rear Of 1 To 35 Red Lane, South Normanton

The Development Control Manager presented the report which gave details of the application, site history and consultations carried out.

Mr. M. Merriman attended the meeting and spoke in support of the application.

The Committee considered that application having regard to the Bolsover District Local Plan and National Planning Policy Framework.

Moved by Councillor S.W. Fritchley and seconded by Councillor D. McGregor
RESOLVED that an extension of the time period for the delivery of 10% of the houses by 1 year (10th July 2017) be approved and all other terms of the S106 Agreement to remain the same.

(Development Control Manager)

The meeting concluded at 1232 hours.

PLANNING SITE VISIT

Planning Site Visits held on 24th June 2016 commencing at 1000 hours.

PRESENT:-

Members:-

Councillor D. McGregor in the Chair

Councillors T. Alexander, J.A. Clifton, C.P. Cooper, T. Munro, M.J. Ritchie, R. Turner, B. Watson, D.S. Watson and J. Wilson.

Officers:-

C Doy (Development Control Manager)

1. APOLOGIES

Apologies were received from P.M. Bowmer, T. Connerton, M. Dooley, H.J. Gilmour, B.R. Murray-Carr, S.J. Statter.

2. SITES VISITED

Application No:

16/00089/FUL Erection of a single storey stable block The Laurels Ruthyn Avenue
Barlborough

15/00493/FUL Solar Farm North of Westfield Farm Beighton Fields, Barlborough

16/00030/OUT Residential development 287 Shuttlewood Road Bolsover

15/00649/OUT Residential development The Nursery East Street Scarcliffe

The meeting concluded at 1130 hours.

PARISH Blackwell

APPLICATION Residential development of up to 80 dwellings including means of access (from Cragg Lane)

LOCATION Land Between Priors Way, Weavers Court And Strutt Close And Adjoining The West Side Of Cragg Lane Newton

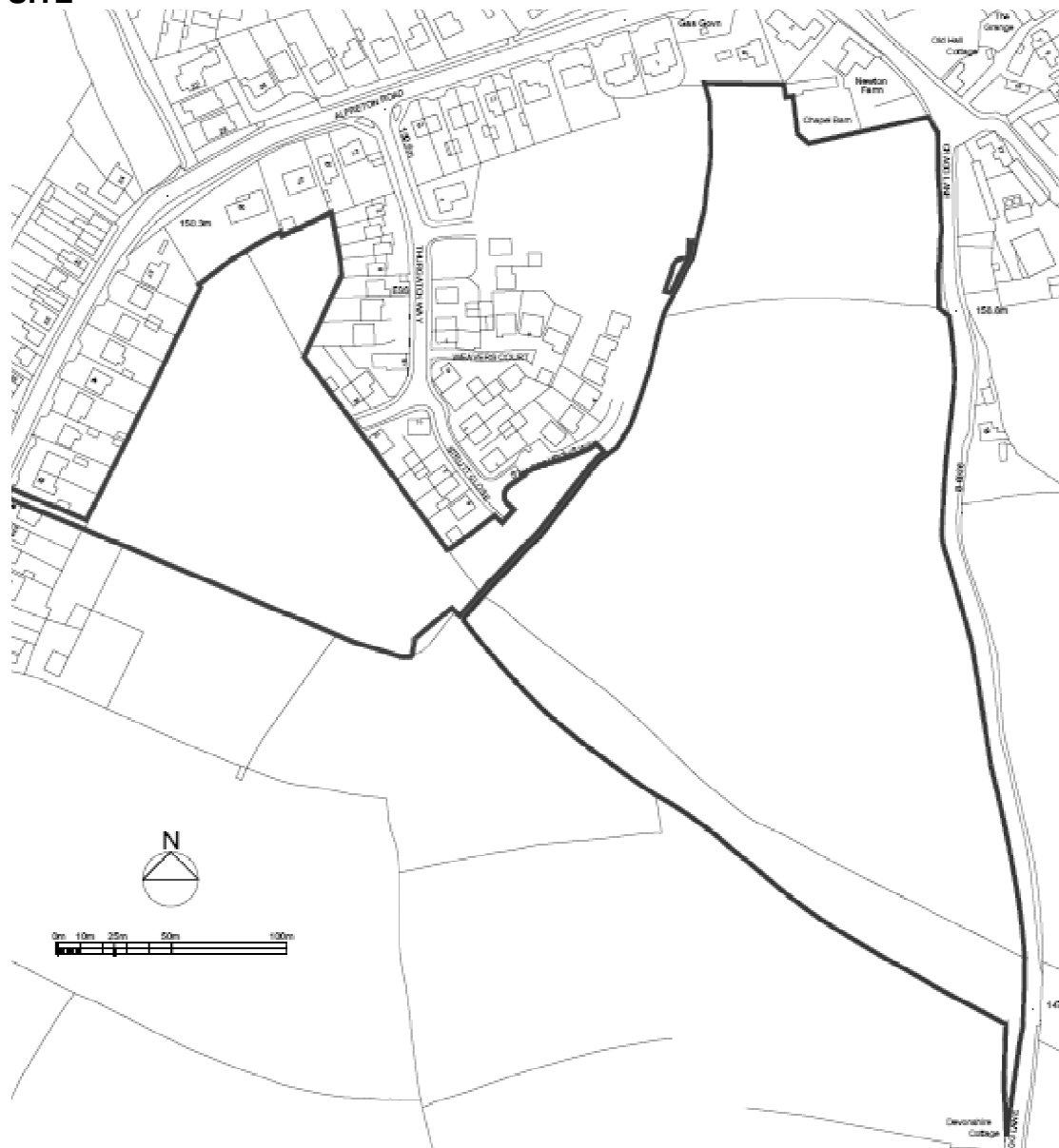
APPLICANT Wheeldon Brothers Ltd Wheeldon House Prime Parkway Derby Derbyshire DE1 3QB

APPLICATION NO. 15/00653/OUT **FILE NO.** PP-04708312

CASE OFFICER Mr Steve Phillipson

DATE RECEIVED 23rd December 2015

SITE



Approximately 5.5ha of grade 4 agricultural land (currently growing a cereal crop) adjacent to the south side of Newton contained by Cragg Lane to the east and former railway line (now re-naturalised) to the south. Recently constructed dwellings adjacent to the west. Ground levels fall gently from north down to southwest. The north eastern side of the site along Cragg Lane (including Cragg Lane itself) is within the conservation area. The view south along Cragg Lane is identified in the Conservation Area Appraisal as an important view. To the east side of Cragg Lane there are several heritage assets including:-
Grade 2 listed Top farmhouse on Cragg Lane which lies opposite the proposal site;
Grade 2* listed Newton Old Hall close to the northeast boundary of the site;
Unlisted of merit: Forge Cottage, Old Hall Cottage, Newton Farm, outbuildings at Top Farm.

Also at Old Blackwell Conservation Area:-

Grade 2 * listed Church of St Werburgh some 400m to the south; and unlisted buildings of merit at Cragg Lane including Craig House, Devonshire Cottage and Church Hill Farm.

PROPOSAL

Application for outline planning permission for residential development of up to 80 dwellings with all matters reserved for later approval except for access detail which is submitted for approval with this application.

Vehicular access would be from Cragg Lane. This will involve works both adjacent to and within the conservation area. As part of these amended proposals the existing narrow footpath on the east side of Cragg Lane would be widened to 2m and the footpath extended around and built out in front of Top Farm. Cragg Lane would be realigned slightly to 5.5m width and the proposed new estate street junction would also be 5.5m wide with short sections of 2m footway either side and grass verges beyond to form junction visibility splays. Pedestrian access to the site would be formed by a new crossing point to the widened footway on the east side of Cragg Lane. To accommodate these works the existing hedgerow on the west side of Cragg Lane would be removed (approx' 110m run). It is then proposed to replant the hedgerow behind the visibility splays either side of the new junction.

Although other matters are reserved (Layout, appearance, scale and landscaping) the Design and Access Statement and Planning Statement submitted with the application suggest that the setting of the conservation area and key views would be protected by a new 17m wide landscaped corridor to be planted within the site adjacent to Cragg Lane and this would widen out towards the southern end of the site and alongside the former railway line. These documents also suggest that an extension of the five pits trail - public footpath/cycle/bridleway could be provided along the line of the former railway to link up Cragg Lane with existing routes to the west.

The application is supported by the following documents:

Planning Statement

Design and Access Statement

Geo-environmental Assessments

Flood Risk Assessment – Concludes occupiers will be safe from flood risk and flooding will not be exacerbated elsewhere.

Transport Statement – Concludes that the development should be acceptable in transport

terms.

Tree Survey Report – Majority of trees to be retained. Replacement planting

Ecology Report – Habitats, protected species and mitigation considered.

Heritage Statement (revised) – There are potential impacts on the setting of Newton Old Hall, Top Farm and Newton Conservation Area. However concludes that mitigation planting proposals will minimise the impacts and residual impacts are expected to be minimal.

Geophysical Survey

S106 Contributions Agreed

Education - £182,384.16 towards Project A: Extension to provide additional teaching accommodation at Newton Primary School and

£206,114.04 towards Project B: Additional teaching accommodation at Tibshelf Community School.

Affordable Housing – re interim policy on delivery targets of market housing.

NHS/CCG - £551 per dwelling to increase capacity at Staffa Healthcare practice at Tibshelf.

Leisure - A LEAP set within a POS of not less than 1600sqm can be provided on site.

Provision/maintenance of a new public trail along the former railway line.

Plus public art – scheme to be agreed by planning condition.

AMENDMENTS

Revised Heritage Statement

Hedgerow removal /planting plan

Revised access detail plan (W139B – Figure 3.1) received 22/06/16

Revised Transport Statement

Reptile and Vole survey

Geophysical Survey

HISTORY (if relevant)

BLA1266/10 Layout of Roads and Sewers was partially implemented but is considered to be incapable of further implementation.

BLA170/2 Full permission for 16 dwellings approved 1975 has been partially implemented.

00/00393/FUL Erection of 58 two storey dwellings refused 2002.

00/00349/OUT Residential development; withdrawn 2002 in order to allow the submission of a further application reduced in area.

03/00483/OUTMAJ – Outline permission for residential development approved 2008. Limited by condition to not more than 50 houses served off Thurgaton Way.

11/00506/VARMAJ Extension of time for start of previously approved scheme

(03/00483/OUTMAJ) approved 27.03.12.

12/00477/FULMAJ - Residential development of 49 dwellings including associated garages and infrastructure (phase 1) adjacent site to west approved 18/03/13.

14/00065/OUTMAJ Outline permission for up to 45 dwellings approved 2014 (phase 2) on adjacent site to west..

14/00474/REM Erection of 40 dwellings approved (phase 2) on adjacent site to west.

CONSULTATIONS

Conservation Officer

10/02/16 Objects. The application site lies within the boundary of Newton conservation area.

Cragg Lane, which runs along the edge of the proposal site, forms a link between Newton and Blackwell. The conservation area appraisal discusses in detail the positive contribution that this part of the village makes to the character of Newton. "There has been little development along its route; early maps of the area illustrate the lack of development over centuries. The lack of development has allowed its setting to retain its rural agricultural character. Given the contribution that the dispersed nature of development along Cragg Lane makes to the character of the conservation area, it is felt that intensification through infill development should not be permitted.

THREAT: Intensification of built development would be likely to detract from the open and dispersed character of Cragg Lane area.

VIEWS: Openness towards St Werburghs Church to the south." (Newton CAA 2010).

I consider that the proposal causes harm to the character of both Newton and Old Blackwell conservation areas. It would affect views to the south of Cragg Lane towards St Werburghs Church. The open character and agricultural nature of the area would be altered and the relationship between the villages of Newton and Blackwell would be altered with the result of merging the two settlements. At present both villages can be read as separate settlements.

The potential impact upon the setting of several listed buildings within Newton and Old Blackwell is of concern also. Top farmhouse on Cragg Lane which lies opposite the proposal site, and Newton Old Hall, which lies further north along Cragg Lane but is a Grade II* listed building and is three storeys high, so views of the site would be possible from the upper floors.

The setting of the Church of St Werburgh, a grade II listed building in Old Blackwell would also be affected. There are also several unlisted buildings of merit in both Newton and Old Blackwell that would be affected by the proposal. These are:

Newton:

Forge Cottage, Cragg Lane
Outbuildings at Top Farm, Cragg Lane
Old Hall Cottage, Cragg Lane
Newton Farm, Cragg Lane

Old Blackwell:

Craig House, Cragg Lane
Devonshire Cottage, Cragg Lane
Church Hill Farm

Hedgerows and trees are cited in both Newton and Old Blackwell conservation area appraisal's as important features. Hedgerows in particular would be under threat with regard to the current proposal as entry to the proposal site would cut through a large segment along Cragg Lane. This would be unacceptable.

I do not agree with the conclusions of the Heritage Statement where it states that the impact upon heritage assets would be "slight adverse". I would interpret the impact as strongly adverse and the harm to the setting of listed buildings as less than substantial. I do not consider any potential benefits to outweigh the harm which would be caused by this proposal.

09/03/16 (Comments following re-consultation on the additional heritage information submitted) I have no further comments to make other than there will be harm to heritage assets (regardless of the level of harm), the local authority has to decide if the public benefits outweigh the harm caused to heritage assets. Also I do not consider that buffer zones of landscaping will be sufficient to completely screen the development, light pollution from the development especially at night would also be a concern.

01/07/16 (Comments following re-consultation on the revised access detail and updated heritage information submitted)

I still have issues with the conclusions of the heritage statement. It states that the proposed development would affect the significance of the conservation area to a moderate adverse impact but that "...for a conservation area of medium significance this equates to a significance of effect of slight adverse". I can only presume that the heritage consultants have assigned Newton conservation area as being of 'medium significance'? This is not based on any statement from Bolsover District Council or Historic England. Therefore this statement has no validity.

The revised statement does refer to potential impacts upon Newton Old Hall which is a grade II* listed building. However it concludes that the setting of the hall only involves it's immediate boundary and garden and therefore there will be no impact. This is not the case, views to and from the Hall could impact upon it's setting (which is not restricted to current ownership boundaries). There is no reference to views of the development site from the upper floor windows of the Hall. It is highly probable that the development will be clearly visible from these upper floor windows as well as associated lighting from the site. Therefore as stated previously I consider that there will be harm (less than substantial) to the setting of Newton Old Hall.

To conclude, I still have objections and do not agree with the conclusions of the Heritage Statement where it states that the impact upon heritage assets would be "slight adverse". I consider that there will be harm (less than substantial) to heritage assets including the conservation area and listed buildings and buildings of merit as stated previously. I do not feel that the proposed mitigations will offset the harm. I do not consider any potential benefits to outweigh the harm which would be caused by this proposal.

DC Archaeologist

11/01/16 The site at its northern end is within the historic core of Newton, adjacent to the edge of the Newton Conservation Area, within about 20m of Newton Old Hall (17th century with later medieval origins, Grade II* Listed, Derbyshire HER 1806) and the site of a chapel of 1696 (HER 1801) with associated graves. Newton has an entry in the Domesday Survey of 1086, where it appears to have been a sizeable village comparable in size to (say) Ashover. The village later had two manors, and the 'Old Hall' site has documentary evidence from the 14th century. Because the medieval village is likely to have focused around the Old Hall, there is therefore a high level of potential in the northern part of the proposal site for archaeological remains associated with the medieval village.

The heritage submission is unsatisfactory with regard to below-ground archaeological remains. The area of the site closest to the village's historic core has not been surveyed at all. An area of possible archaeological interest has been identified but no trial trenching has been

carried out to establish significance. It is not therefore possible on this evidence to understand the significance of the archaeological assets on the site as required at NPPF para 128. The applicant should provide the results of archaeological evaluation to assess the northern part of the site.

21/03/16 The applicant has made available the results of a geophysical survey including most of the northern field. The northern area shows a small number of possible archaeological targets, in addition to the probable archaeological anomalies in the SW of the site (see my previous comments). In addition I note that the area closest to the historic core still proved unsurveyable, and this area probably has the highest potential for medieval activity. Because of the moderate level of archaeological potential suggested by the geophysical survey, and the outline nature of the current application, I feel that the archaeological interest is best addressed through a condition requiring a post-consent scheme of archaeological recording in line with NPPF para 141. This would provide a trial trenching evaluation following outline consent, with the report made available to inform the detailed layout of the development where appropriate. A further scheme of mitigation might then be required to fully record any significant remains in advance of construction.

County Highway Authority

25/02/16 In the vicinity of the proposed access, Cragg Lane is subject to a 30mph speed limit. Appropriate sightlines can be achieved over controlled land. The junction geometry proposed complies with the requirements of the 6C's Design Guide, although the Highway Authority would need swept path drawings to ensure that service and delivery vehicles could satisfactorily enter and leave the site.

The Highway Authority, however, is gravely concerned about facilities for pedestrians should the development take place. To accord with National Planning Policy Framework, requires that safe and suitable access to the site can be achievable for all people. The 6C's Design Guide advocates footway and footpath widths of 2m with a minimum width of 1.2m past an obstacle. The existing footway on the eastern side of Cragg Lane is narrow and could not accommodate a wheel chair, never mind a wheel chair and pedestrian or pushchair. In addition, the Highway Authority would seek a continuous footway on the western side of Cragg Lane, extending south from that existing at the Alfreton Road/Cragg Lane junction. However, this cannot be provided due to the lack of margin fronting Newton Farm. The submitted drawing indicates a footpath into the north east corner of the site. A footpath in that location would require pedestrians to cross from the inside of the bend on Cragg Lane, at a location where visibility is restricted by third party land, to a point on the eastern side where no pedestrian facilities exist. Obviously, pedestrian access to the proposed development, as proposed, is inadequate. In the event that a satisfactory solution to provide safe access to the site for pedestrians cannot be achieved, it is likely that a refusal on highway safety grounds will be forthcoming.

If the applicant should be unable to demonstrate provision of adequate pedestrian facilities on Cragg Lane, consideration should be given to accessing the application site via the land currently under development.

29/06/16 and 30/06/16 (comments following re-consultation on revised access proposals plan (W139B – Figure 3.1) The applicant has adequately addressed the concerns previously raised regarding provision for pedestrians accessing and exiting the site, bearing in mind that

the majority of pedestrian movements into the village will be to/from the east and it is now considered that an objection on highway safety grounds could not be sustained. Therefore there are no objections to the proposal from the highway point of view subject to the following conditions:

Construction management plan; provision of a temporary access into the site from Cragg Lane for construction purposes; provision of Cragg Lane widening works as per drawing W139B – Figure 3.1; provision of the new access laid out in accordance with revised application drawing W139B – Figure 3.1; accordance with the 6Cs Design Guide and the “Manual for Streets” document; access gradient; provision of new estate roads; 2 parking spaces per dwelling; swept path detail with reserved matters.

Derbyshire Wildlife Trust

24/02/16 Initial comments and recommendations.

21/03/16 (Further comments following additional information on tree retention re bats).

7/06/16 The application site includes a site known as Cragg Lane, Railway; ref BO107/3. Clear Environmental Consultants (RPS) have undertaken a preliminary ecological appraisal, reptile surveys and water vole surveys, following best practices, current guidelines and relevant legislation. We consider that the ecological report provides an accurate and up to date assessment of the habitat types present within and close to the development area. The assessment has addressed the potential for protected species during the walkover and the desktop and not identified any significant likelihood of impacts.

The development has a slight adverse impact on hedgerows due to the construction of access road.

Cragg Lane Railway has ‘scrubbed’ over making access to the area difficult. It would be welcomed, to sensitively manage the disused railway and create a pathway through the line of vegetation to join to the neighbouring footpath routes. Selective scrub removal as well as planting native wildflower mix, will enhance the area and provide a biodiversity enhancement to the site. Furthermore, installation of refugia and artificial boxes would provide additional habitats for reptiles, insects, birds and bats.

The conversion of the arable land to residential may affect nesting birds associated with arable and hedgerow habitat. These impacts are likely to be fairly minor.

There could be minor impacts on grass snake. Water vole and otter could potentially utilize the wet ditch on the western boundary. There could be minor negative impacts in terms of pollution and disturbance to the ditch.

Seeks conditions requiring mitigation re:-

The retention of the trees and hedgerows and 2m margin of the hedgerows to be retained wherever possible, with any removal compensated for by replacement planting to ensure there is no net loss of priority habitat.

All retained habitats should be protected from damage by the erection of adequate temporary protective fencing for the duration of the works.

Any reserved matters application should follow the general parameters of layout, scale and landscaping set out and illustrated in the design and access statement V2. In particular, the reserved matters of layout and landscaping shall provide for undeveloped areas of green infrastructure along the eastern and southern boundaries with a minimum of 17m buffer. The western boundary will include a 10m buffer from the wet ditch to any proposed development.

Furthermore, trees along the northern boundary have potential to support roosting bats, a minimum of a 6m buffer from the trees to any proposed development.

A detailed lighting strategy be approved re bats.

Pre-commencement survey for any recently excavated badger setts on the site or within 30 metres of the site boundary should be undertaken prior to the commencement of any groundwork on the site and submitted to the LA for approval.

Plus a note re badger protection measures.

Note re nesting birds.

No development to take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted and approved.

A Landscape and Ecological Mitigation and Management Plan for all retained habitats within the development site to be submitted with reserved matters.

23/06/16 Confirms DWT's previous comments are still relevant with amended access arrangement plans.

Crime Prevention Design Adviser

No Comments

Environment Agency

This site falls within flood zone 1 and therefore the Lead Local Flood Authority should be consulted on the flood risk assessment. We have no detailed comments to make.

Coal Authority

20/01/16 No objections subject to a condition. Coal mining legacy potentially poses a risk to the proposed development and so intrusive site investigation works should be undertaken in accordance with an approved scheme of investigation prior to submission of reserved matters in order to establish the exact situation regarding coal mining legacy issues on the site. In the event that the site investigations confirm the need for remedial works to treat the areas of shallow mine workings to ensure the safety and stability of the proposed development, this should also be conditioned to ensure that any remedial works identified by the site investigation are undertaken prior to commencement of the development.

DCC Flood Risk Team

25/01/16 Conditions are recommended re:

A detailed design and associated management and maintenance plan of surface water drainage for the site, in accordance with DEFRA Non-statutory technical standards for sustainable drainage systems (March 2015);

A detailed assessment to demonstrate that the proposed destination for surface water accords with the hierarchy in Approved Document Part H of the Building Regulations 2000.

Environmental Health Officer

04/02/16 No objections subject to a condition requiring an investigation into potential ground contamination.

Leisure Officer

Seeks at least 1,600m² (20m² per dwelling) with a play or community focus on site. I would

expect the value of this to be at least equal to the equivalent commuted sum for such provision of £61,200. Plus maintenance sum if BDC are to adopt.
Also seeks a commuted sum for built and outdoor sports within the parish of £72,800.
Notes the proposals re a green corridor, along the route of the former railway to further extend the Five Pits Trail. This is welcomed, particularly as there is currently a focus on the development of tourism in the wider north Derbyshire / north Nottinghamshire area using cycling and the evolving network of Greenways as a focus.

Parish Council

27/01/16 The Council strongly oppose the residential development proposed for land adjacent to Cragg Lane, Newton because of:

1. The adverse effect on the Newton Conservation Area in light of the requirements laid down in the Appraisal and Management plan adopted by Bolsover District Council as recently as April 2010.
2. The proposed vehicular and pedestrian access would be highly dangerous.
3. The change in the village nature of Newton to become a dormitory suburb without the advantage of an adjacent city or town centre.

DCC (Strategic Infrastructure)

29/01/16 We conclude that there is insufficient capacity in local schools at both primary and secondary level to accommodate the numbers of pupils that we expect to be generated by this development.

The following S106 developer contributions are sought if permission is granted:

- £182,384.16 towards Project A: Extension to provide additional teaching accommodation at Newton Primary School;
- £206,114.04 towards Project B: Additional teaching accommodation at Tibshelf Community School.
- £1079.20 towards the provision of additional waste management capacity at Loscoe Household Waste Recycling Centre;

Advice to be provided via notes attached to planning permission (if granted) on:

- Access to high speed broadband services for future residents (in conjunction with service providers); and
- Designing new homes to Lifetime Homes standards.
- As a minimum, new residential development should incorporate a 32mm mains water riser which will enable the installation of domestic sprinkler systems, and ideally should incorporate the sprinkler systems themselves.

NHS / CCG

08/01/16 The standard rate of £551/dwelling would be the level of contribution to health we would like to request. The NHS says that the site is close to the Staffa Healthcare practice at Tibshelf and is likely to result in an increase in their patient list. The Staffa practice already has an offer of section 106 money from another development in Newton (14/00065/OUTMAJ), as they are at maximum physical capacity. There is potential for internal reconfiguration to provide facilities for patients on the first floor, but this would require a lift.

Arts Officer

28/01/16 Where a development costs or is likely to cost £1million or more which this one will, then the Council has a percent for art policy which seeks a contribution of 1% of the total costs to Public Art.

In previous applications made by this Developer they have sought to propose a scheme of art themselves which they then employ an artist and deliver. I would have no issue with this again as long as the scheme was submitted and approved by Bolsover District Council.

Housing Strategy Officer

21/01/16 The interim affordable housing policy allows applicants on sites outside of Barlborough and less than 300 dwellings to be offered an option to waive the affordable housing requirement in return for a s.106 agreement which provides an undertaking to commence development and complete at least 10% of permitted dwellings within 3 years from the grant of planning permission, and at least 50% within 5 years from grant of planning permission. Failure to comply with this requirement would result in a development having to provide the required provision of affordable housing on the remaining as yet undeveloped area of the site as per policy HOU6 i.e.

10% of the total site capacity to be given to affordable housing, for the South Normanton sub-area we would be looking for 1 bed apartments or 'quarter' houses 50% (individual entrances) 2 bed houses 50%. In line with the SHMA findings, we require these units to be either social rented or affordable rented. We would require completion and handover of affordable units to be before 75% of the market houses have been occupied.

PUBLICITY

Advertised in the press, 2 site notices posted, 32 neighbours consulted. 2 letters received in support on grounds that the country needs more houses; permission should only be refused if the site is special; the school used to have external classrooms so no reason why this can't be looked at again.

Objections from 102 properties received including from Newton Community Centre.
Objections made on the following grounds:-

Affects the character and appearance and setting of the conservation area

Loss of hedge to conservation area boundary

No amount soft landscaping on the proposed development could counter this impact.

The site is set between two conservation areas

Would result in the threats identified in the Conservation Area Appraisal being realised

View to St Werburgh's Church affected

Setting of a listed building affected

Setting of Newton Old Hall affected

View across Newton Farmyard and Chapel Barn adversely affected by backdrop of new dwellings.

The historic core of Newton has remained largely untouched so far and its rural character maintained

Will detract from the rural character of the conservation area

To widen the road here would be removing the entire nature and character of the village; not to hugely modify the road size would make it a hotspot for accidents.

The Conservation Area was designed to help protect the open and diverse character of the Lane and maintain its centuries-old undeveloped nature and sense of remoteness, all of which would be destroyed. Planting trees, as is proposed, while it would be welcomed up to a point if the development went ahead, would obscure the views and change the open character of the area.

The Conservation Area Appraisal states that access should not be taken from Cragg Lane.

Unlisted buildings of merit affected

The conservation area will become overshadowed by a suburban development

Detrimental impact on the village and the visual impact of such a development. The development looks out of place especially when entering into Newton along Cragg Lane - this objection is not about the loss of view but what the view will look like.

Completely detrimental to what is left of a small, rural village with a long history.

Does not respect local context

Would over-bear the conservation area

Inadequate archaeological survey

Old Blackwell conservation area also affected

If approved should be built in stone

Planted buffer should be extended to the north side of the site

Cragg Lane makes a wonderful entrance to our village, with hedges, fields, wildlife, thatched roofs and historic buildings. Having more new houses and another road would ruin that totally.

During the application process for phase 2 Wheeldon's stated within the planning statement that "The applicant indicates that there would be no intention to develop adjacent to Cragg Lane if this permission is granted..." As this permission was granted, this is further evidence that Wheeldon will say whatever it takes to get what it wants, and is happy to spread falsehoods in order to do it. The same statement says "*The current application site is outside the settlement framework but is effectively proposed as a trade off instead of applying for permission for the land within the settlement framework which might harm the character of the conservation area*" So, in the documents for phase 2 Wheeldon's openly acknowledge that building on the proposed side would harm the character of the area, and yet now seem perfectly happy to be the instigator of that demise.

Increase traffic unsafe especially via Cragg Lane – narrow undulating country lane with blind spots

Access is totally unsuitable with limited visibility

Errors in the Transport Statement and TRICS data

Poor pedestrian access and pedestrian safety

Capacity of the surround roads

Cragg Lane is used as short cut to the M1 due to weight restriction on a nearby road

Cragg Lane is not "lightly trafficked" and not conducive for cycling

Increased traffic emissions

Alternative access through Wheeldons phases one and 2 not suitable/wide enough or designed for accessing the current site

Proposed footpath link is at a blind spot

Traffic at school drop off time with existing on street parking problems made worse

Pelican crossing needed which would cause traffic queuing

No safe place for five pits trail footpath extension to emerge on Cragg Lane

Speed limit on Cragg Lane is ignored

Resident does not agree with DCC (highways) that access issues have been dealt with in the revised proposals

Policy HOU4 is not a saved policy and has no effect

Loss of green space

Greenfield site

Green Belt land (*this is not correct*)

Loss of countryside

The land is in productive agricultural use, loss of agricultural land

Contrary to local plan

Deplete green gap between Newton and Old Blackwell

Should use brownfield land instead

In preparing the *Local Plan for Bolsover District Identified Strategic Options Consultation Document* October 2015 the Council carried out a Settlement Hierarchy Study (April 2015) which assessed the sustainability of the District's settlements. There is no mention of Newton within the top 10 most sustainable settlements.

Loss of small village character with all the new development taking place

Already many new houses built (89 approved)– already increase village by 11% the proposal would push this over 20-25%. Newton has had more than its fair share of new housing

Not a sustainable level of growth

Newton will become a dormitory suburb

Will create an abrupt, inappropriate new settlement edge that will detract from the visual appearance and character of the village and surrounding landscape

As a village, we do not want Newton to grow so that it merges into others

Impact on wildlife

Loss of hedgerow

Failure to retain hedgerow previously

Loss of habitat

Concerns that trees have been surveyed outside the application site/land ownership and queries some of the details of the survey

In accuracy and omissions in the ecology survey

The area referred to as scrubland in the north of the site should be valued as a wildlife area

Impact on water voles and bats and birds, ducks etc

Complaints that scrub clearance works was already underway (*this was needed to undertake survey work for the application and undertaken in consultation with the Wildlife Trust*)

Shortage of school capacity

School bus capacity

Doctors practice capacity

Capacity of car park at doctors practice

Nursery capacity

Lack of facilities in Newton to support increased population

Newton is now full

Facilities and shops listed in the D&A closed years ago

In Newton the only facilities are one shop/post office, 2 pubs and 1 club

Tibshelf Services cannot be accessed via the local road only the M1

There are no significant employers within 1km of the site
90% of the residents of Newton Travel to work by car and use car for services
Not within 800m of town or local centre
Capacity of the stream/drain to take additional surface water – risk of flooding
Existing surface water problems
Sewers inadequate
Increased carbon emissions
Poor bus service
Would not be sustainable development
Cumulative impact with other developments on services and school capacity should be considered i.e. with approvals in Tibshelf. 376 dwellings approved or applied for.

Detrimental impact on residential amenity

Loss of privacy
Loss of light
Loss of view
Devaluation of property
Noise
Pollution
Dust and disturbance of construction
Increased crime and antisocial behaviour
Area of high risk from coal mining subsidence
Risk of methane from the old railway line

Queries what community consultation was undertaken

The community does not support the application
Inaccuracies in the Geo- Environmental Assessment
Inaccuracies in the Planning Statement
Design and Access Statement is inaccurate and misleading
No affordable housing
No landscape softening proposed to north and west boundaries
Low housing demand in Newton
The route of HS2 will result in further loss of green fields and affect Sawpit Lane Industrial Estate.

Additional comments on amended plans

There is no footpath on the west side of Cragg lane so original highway object has not been addressed.

The removal of hedgerow will make the traffic hazard even worse.

No proper pedestrian crossing planned 100% hazardous – route to school and recreation ground.

A wider footway will not keep pedestrians safe due to speeding HGV's

The hedgerow is part of the conservation area and should not be removed

The conservation area appraisal states that hedgerows are an important feature

Important views in the conservation area to Top Farm will be urbanised by the road works also views to St Werburgh's Church.

POLICY

Bolsover District Local Plan (BDLP)

As the Bolsover Local Plan was prepared and adopted prior to 2004, 'due weight' rather than 'full weight' should be attached to its policies dependent upon the degree of consistency with the NPPF.

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)
GEN11 (Development Adjoining the Settlement Framework)
GEN17 (Public Art)
HOU9 (Essential New Dwellings in the Countryside)
HOU5 (Outdoor Recreation and Play Space Provision for New Housing developments)
HOU6 (Affordable Housing)
TRA1 (Location of New Development)
TRA15 (Design of Roads and Paths to Serve New Development)
CON 1 (Development in Conservation Areas)
CON4 (Development Adjoining Conservation Areas)
CON10 (Development Affecting the Setting of Listed Buildings)
ENV3 (Development in the Countryside)
ENV5 (Nature Conservation Interests Throughout the District)
ENV8 (Development Affecting Trees and Hedgerows)
(It should be noted that policy HOU4 "Housing Site at Cragg Lane Newton" is not a saved policy).

National Planning Policy Framework

Paragraph 14 – *advises that permission should be granted for sustainable development. Where the development plan policies are out-of-date permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework.*

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."*

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 112 *"Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality."*

Paragraph 132 *“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.”*

Paragraph 134. *“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.”*

Paragraph 137 *“Local Planning Authorities should look for opportunities for new development within conservation areas and world heritage sites and within the setting of heritage assets to enhance or better reveal their significance.”*

Other

Newton Conservation Area Appraisal and Management Plan 2010

Old Blackwell Conservation Area Appraisal and Management plan 2010

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 February 2015)

Statutory Duties

Planning applications affecting conservation areas and listed buildings:

Section 66 creates a duty with respect to planning applications affecting a Listed Building or its setting in that special regard shall be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990: In considering planning applications “special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.”

ASSESSMENT

The Principle of Development

The planning history of this site is unusual in that a historic planning permission for residential development existed since 1970 and a small element of that permission was implemented. The extant permission was recognised in the Bolsover District Local Plan 2000 in that the site was included within the settlement framework. The site was not a chosen housing allocation as such instead policy HOU4 was recognition of the planning position. Policy HOU4 was designed to make the best of the historic permission by minimising the visual impacts of

development on the countryside and Old Blackwell Conservation Area and the then planned new conservation area at Newton. The old planning permission is no longer capable of any further implementation and so is no longer a material consideration. Hence policy HOU4 was not “saved” as a local plan policy in 2007 and so carries no weight. The legacy of this situation however is that the settlement framework boundary has not yet been revised to omit the undeveloped area formerly covered by HOU4.

The current planning application falls largely within this area and so is within the settlement framework where residential development is acceptable in principle. However the south east quarter of the application site is outside the settlement framework and within the countryside as defined by the local plan. Whilst layout and landscaping details are reserved matters, the illustrative plan submitted with the Applicant’s design and access statement shows the part of the site which is outside the settlement framework as a landscaped area rather than developed.

Even though part of the site is outside the settlement framework, the housing supply policies of the Bolsover District Local Plan (2000) are out of date. Therefore only limited weight can be given to them. That noted, saved countryside protection policies ENV3 and HOU9 do not normally allow residential development except in special circumstances. HOU9 can permit dwellings for agricultural workers but this is not relevant here. To accord with policy ENV3 development outside the settlement framework must be necessary (for example to house an agricultural worker), or it must result in a significant improvement to the rural environment, or it must benefit the local community through the reclamation or reuse of land. It is considered that the proposal does not meet these criteria and the proposal is contrary to these policies and approval would be a departure to these policies of the development plan. However the indicative proposal to landscape rather than build on the area outside the settlement framework would help reduce the policy conflict. It would be necessary to restrict the developable area by condition to achieve this.

Furthermore, despite the policy conflict, Bolsover District Council is currently experiencing a shortfall in its 5 year supply of housing. Government guidance in the National Planning Policy Framework (NPPF) advises that in such circumstances, where the development plan is absent, silent or relevant policies are out of date (as is the case for the Bolsover District Local Plan), planning permission should be granted for sustainable development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF (Para.14); or specific policies in the NPPF indicate that development should be restricted. The adverse impacts are considered below.

It is considered that the proposal generally complies with policy TRA1 in that it is accessible by means of transport other than the private car and that it complies with some but not all of the criteria in the Council’s guidelines for assessing sites outside the settlement framework in the absence of a five year housing supply. It is considered that the failure to accord with all of guideline criteria would not be a reason for refusal in this case.

Heritage Impacts

A key element of achieving sustainable development as set out in the NPPF is conserving and enhancing the historic environment.

Subject to a condition requiring further archaeological survey work there are no objections to this outline application from the DC Archaeologist regarding below ground archaeology.

The application site is adjacent to Newton Conservation Area and the proposed alterations to Cragg Lane are actually within the conservation area (works necessary to achieve access arrangements that the County Highway Authority would accept). In addition, listed in the "Site" description above and in the Conservation Officer's response are a series of other heritage assets which would have their setting adversely affected by the proposal. These include 3 listed buildings one being a grade 2*, Old Blackwell Conservation Area and 7 unlisted buildings of merit. This area of Cragg Lane Newton has considerable rural character with its winding hedgerow lined lane, adjacent fields, thatched roofs and historic buildings. This is recognised in the Newton Conservation Area and Management Appraisal (NCAMA).

The lack of development over the centuries has allowed its setting to retain its rural agricultural character. The NCAMA states that given the contribution that the dispersed nature of development along Cragg Lane makes to the character of the conservation area, it is felt that intensification through infill development should not be permitted. It states that intensification of built development would be likely to detract from the open and dispersed character of the Cragg Lane area. It states that development on this site (ref HOU4 site) could have a substantial impact on the character of the conservation area, that the existing hedgerows on Cragg Lane should be protected and that access should not be taken from Cragg Lane.

Contrary to the NCAMA the proposal does include access from Cragg Lane, it does require hedgerow removal and will result in a wider more engineered section of highway. It will also result in important views identified in the NCAMA being affected and the rural setting of listed farm buildings being affected.

The advice from the Council's Conservation Officer is that permission should be refused. She advises that the proposal would cause harm to the character of both Newton and Old Blackwell Conservation Areas. It would affect views to the south of Cragg Lane towards St Werburghs Church. The open character and agricultural nature of the area would be altered and the relationship between the villages of Newton and Blackwell would be altered with the result of merging the two settlements. She advises that hedgerows and trees are cited in both Newton and Old Blackwell Conservation Area appraisal's as important features and that the loss of a large section of hedgerow would be unacceptable. She does not agree with the conclusions of the Applicant's Heritage Statement where it states that the impact upon heritage assets would be "slight adverse" and she interprets the impact as strongly adverse and the harm to the setting of listed buildings as less than "substantial" (NPPF para' 132 refers).

The Applicant proposes to mitigate the harm caused to heritage assets by replanting the 110m run of hedgerow to be removed along the widened Cragg Lane and by providing a 17m planted corridor behind it. However it is considered that, for the duration of time it would take for the hedge to re-grow (at least 5 years), the hedgerow removal would have significant and harmful impacts on the conservation area and on the setting of the listed and unlisted buildings identified above. Even when the hedge has re-grown the character of the conservation area will still be harmed. Instead of views of hedgerow lined agricultural fields

(associated with the G2 listed Top Farmhouse adjacent to the site) it will be necessary to maintain the hedgerow at a greater height together with the taller planting corridor behind it in an attempt to screen views of the modern development behind. It is also highly likely that the new development would still be visible above and between the landscaping and buildings especially in winter, from the access junction as well as from upper windows of listed buildings facing the site. Light pollution would be evident at night. The context of the setting of these assets would be permanently and adversely altered. Also the highway improvements will have “urbanised” the street character away from the current country lane form.

The NPPF 132 says that “when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s Conservation”.... and that “any harm or loss should require clear and convincing justification”. At NPPF para’ 134 it advises that “Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal”. The Conservation Officer does not consider that the potential benefits of the proposal to outweigh the harm which would be caused.

The public benefits to weigh in the balance would be the contribution the proposal would make to the Council’s 5 year supply of housing; a new section of multi-user trail along the former railway and a wider section of footpath along the eastern side of Cragg Lane (These are considered further below). However when considering the balance Committee Members are reminded of the Council’s statutory duties under S66 and S72 to have special regard to the desirability of preserving a listed building or its setting and to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.

Visual Impacts

In addition to the visual impacts highlighted above, development on this green field site would clearly result in the urbanisation of this part of the countryside.

In terms of the backdrop of development to the west, it should be noted that although the new existing development on phases one and two Thurgaton Way are now clearly visible from Cragg Lane, this is in part due to the unauthorised removal of the hedgerow which lined the stream on the eastern boundary of phase one. The hedge was removed in breach of condition (it has now been replanted). Had it been retained as a mature hedge and settlement edge treatment then there would have been a more obvious and logical boundary in which to contain built development and to define where the edge of the countryside ought to be. The hedgerow will re-grow in time and it is considered that the Applicant should not benefit from any urban backdrop/infill argument in favour of the proposal as a result of the unauthorised removal of the former hedgerow.

Highway Issues

There is a high number of public objections to the proposal and many of these list highway safety as a main concern. Issues have been raised about the accuracy/methodology used in the submitted Transport Statement including TRICS data used. This issue has been checked with DCC who have confirmed that Cragg Lane and the highway system do have capacity to accept the additional traffic from this proposal. As amended, the County Highway Authority does not object to the application subject to conditions including the requirement to widen the

existing footway on the east side of Cragg Lane and associated carriageway realignment, new junction and visibility splays etc. As such it is considered that a refusal on highway safety grounds is not appropriate and could not be defended.

It is accepted that from a highway safety point of view the solution reached is not ideal because it is not possible to provide a safe footpath along the west side of Cragg Lane and so pedestrian access to Newton will involve crossing Cragg Lane at a new minor crossing point. However it is considered that this issue would not justify a refusal on highway safety grounds.

Ecology

Appropriate studies have been undertaken to assess impacts on ecology, wildlife, protected species, trees and hedgerows. New areas of planting and landscaping are proposed. Derbyshire Wildlife Trust has identified some minor impacts but recommend conditions to deal with mitigation and compensation necessary. It is considered that there are no unacceptable residual impacts.

Drainage, Flood Risk, Potential Ground Contamination, Coal Mining Risk

Subject to conditions requiring further investigation and approval of details no significant issues have been identified.

Social Infrastructure

Capacity issues at the local schools and GP practice have been taken into account and S106 contributions agreed to pay for proportionate capacity expansion. These are set out above in "Proposal" section of this report. Developer contributions have also been agreed for the provision of play space on site, provision/maintenance of a new public trail along the former railway line, compliance with the Council's affordable housing policy and a condition requiring public art on site. Hence it is considered that current service capacity issues can be adequately mitigated.

The Public Benefits of the Proposal

i) 5 Year Housing Supply:

The Council does not currently have a five year supply of housing. It had 3.3yrs when last calculated in April 2015, although significant progress has been made to increase the supply since then and it is possible that the Council will be approaching a 5 year supply position in the coming months. For the time being however there is not a 5 year supply and so significant weight in favour of sustainable housing development arises from the NPPF policy provided that proposals are deliverable. This Developer does have a good record of delivery on phases one and two adjacent hence there is no reason at this stage to conclude that the site will not be deliverable.

The weight to be given to this benefit is reduced to a degree by the limited sustainability of Newton as a location for major housing growth. The level of services and facilities in Newton is limited to a primary school and one shop/post office, 2 pubs and 1 club. With regard to proximity to services and facilities when compared with main villages and towns, this site within the village of Newton is not the most sustainable settlement but neither is it entirely unsustainable. The site is close to bus stops with a bus service that runs half hourly, and is close to a primary school. The secondary school is within the 2000m walking distance recommended in the Council's Guidelines but the shops at Tibshelf are about 2.3km away

(800m recommended). The closest major employment site is Saw Pit Lane Industrial Estate some 3000m away (2000m recommended).

Given the limited service provision in Newton it is highly unlikely that Newton will be selected as an appropriate location for major housing growth in the local plan process. Furthermore Newton has already had quite a high level of housing growth recently compared with other settlements in the District (about 13%) accounting for phases one and two on the land adjacent to the west. Hence there is no particular need for further housing growth in Newton.

ii) Footpath Widening:

The widening of approximately 80m the existing narrow footway on the east side of Cragg Lane to provide pedestrian access to the application site would also benefit the general public. At the junction with Town Lane there would also be a minor improvement in junction visibility due to the footpath build out.

iii) New Trail:

An additional public benefit might be the addition of approximately 300m of new multi-user trail along the line of the former railway on the southwest boundary of the site. At this stage little work has been done on the feasibility of this proposal. There is no footpath on the west side of Cragg Lane where the proposed trail would emerge and it is not known whether additional hedgerow removal on Cragg Lane would be necessary to provide pedestrian visibility splays to allow safe crossing to the east side; if it is necessary it would add further harm to the setting of the conservation areas. The thinning of trees to create a corridor along the former railway line should also be considered since there is a risk that the new housing development would be more exposed in the landscape to views from the south, including from Old Blackwell conservation area and the grade 2 * listed Church of St Werburgh some 400m to the south. Therefore at this stage it is considered that only limited weight should be given to this potential benefit.

iv) Potential net gain to biodiversity from the extent of new planting indicated.

The Planning Balance

The main issue to consider in this case is whether the strongly adverse (but less than “substantial” NPPF para’ 132 refers) impacts on heritage assets identified above by the Conservation Officer are outweighed by the public benefits of the proposal. Whilst significant weight can be given to increasing the 5 year supply of housing, Newton is already well provided for and it is not a highly sustainable location as might justify major housing growth. In this case it is considered that the harms are outweighed by the benefits. The harms to several heritage assets are significant and the council has a statutory duty to give special regard to their preservation. The harms to the setting of the listed buildings should be avoided if possible and must be given substantial weight in the decision. This impact and the other impacts referred to in the report above are considered to render the site unsustainable and the benefits do not outweigh these impacts.

Other Matters

There are various issues raised in representations which can only be assessed properly at reserved matters stage and not at outline stage. These include:

impact on residential amenity, loss of privacy, loss of light, increased crime and antisocial behaviour etc.

Dust and disturbance of construction can be controlled by condition. Loss of view and devaluation of property are not normally material planning considerations.

Whilst noting that the site is producing a cereal crop, it is lower grade agricultural land (grade 4) and so does not involve the loss of grades 1, 2 and 3a agricultural land and so does not conflict with policy ENV2 designed to protect the best and most versatile agricultural land.

Crime and Disorder: No significant issues

Equalities: No significant issues

Access for Disabled: No significant issues

Trees (Preservation and Planting):

SSSI Impacts: No significant issues

Human Rights: No significant issues

RECOMMENDATION

REFUSE

1. The proposal would result in physical harm to Newton Conservation Area and less than substantial harm to the setting, character and significance of a series of heritage assets including:-

Newton Conservation Area; Old Blackwell Conservation Area;

Grade 2 listed Top Farmhouse on Cragg Lane opposite the proposal site;

Grade 2* listed Newton Old Hall close to the northeast boundary of the site;

Grade 2 listed Church of St Werburgh Old Blackwell; and unlisted buildings of merit including: Forge Cottage, Old Hall Cottage, Newton Farm, Outbuildings at Top Farm, Craig House, Devonshire Cottage and Church Hill Farm.

The proposed access from and associated works within Cragg Lane would cause physical harm to the conservation area by the removal of approximately 110m stretch of hedgerow which is noted in the Newton Conservation Area and Management Appraisal (NCAMA) for its important contribution to the character of this stretch of the conservation area (6.20) and will result in a wider more engineered section of highway and additional traffic all of which would adversely affect the rural character of the conservation area contrary to the requirements of the NCAMA.

The development would cause harm to the rural character of both Newton and Old Blackwell Conservation Areas. It would affect important views to the south of Cragg Lane towards St Werburgh's Church. The open character and agricultural nature of the area would be altered and the relationship between the villages of Newton and Blackwell would be altered with the result beginning to merge the two settlements.

The rural setting of listed buildings and unlisted buildings of merit would be harmed by the encroachment of development. Instead of associated fields being adjacent of e.g. Top Farm, there would be modern development resulting in a loss of context. Even if the development were screened the agricultural setting would be lost. However it is likely that the new development would still be visible above and between the landscaping especially in winter, from the access junction, as well as from upper windows of listed buildings facing the site.

Light pollution would be evident at night. The rural context and setting of these assets would be permanently and adversely altered.

The potential public benefits of the proposal would not outweigh the harms caused.

Approval of the application under these circumstances would be contrary to local plan policies CON 1 (Development in Conservation Areas); CON4 (Development Adjoining Conservation Areas); CON10 (Development Affecting the Setting of Listed Buildings); and to Paragraphs 132 and 134 of the National Planning Policy Framework.

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 has 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

The latest revised information sets out a list of what are considered to be the public benefits associated with the proposal to weigh against any [less than substantial] harm to Heritage Assets in line with Paragraph 134 of the NPPF as follows: -

a. The development will provide housing in a sustainable location in a highly sustainable settlement. South Normanton has been identified in the emerging Local Plan as a sustainable settlement where a degree of housing development will ensue.

b. The development will provide housing at a time when the Council is not able to demonstrate a 5 years supply of deliverable housing sites. Our client together with a national house builder are eager to pursue the Alfreton Road site and delivery will be early.

- c. The proposed development will provide identified heritage benefits to support the wider understanding of Carnfield Hall Conservation Area, which, by association includes Carnfield Hall. The scheme will provide sensitive planting on its south-western flank to provide a visual continuation of Carnfield Wood when viewing from within the historic parkland. Over time, this planting, once established, will engender a greater sense of enclosure to the historic parkland, a sense of enclosure which was historically sought, and is still seen with the existing Carnfield Wood in providing a viewshed along the southern boundary, channelling views east, through the park. In addition to this, as part of the development proposal it is proposed to provide assistance to the current owner of Carnfield Hall in sensitively restoring some of the historic features of Carnfield Woods, as an integral part of the character and appearance of the Conservation Area, such as ponds and watercourses, which were created and managed historically as a feature of the designed landscape for the enjoyment of occupiers of Carnfield Hall. Further, there is scope to enable the general public to visit the woodlands to experience the woods as part of this designed landscape, where presently their more unmanaged character, currently out of bounds to the general public, is not immediately apparent as part of an historic landscape.
- d. The natural setting of the site and existing landscape features together with the set off from Carnfield Woods and the attenuation area provide the potential to create high quality informal public open space. In addition formal play facilities will be provided in the heart of the site for existing and new residents.
- e. The proposal will ensure resolution of the Coal Road access to improve highway safety. Access onto Alfreton Road is ill defined and by closing off this access and accessing the Coal Road via the new development highway safety will be improved. There will also be a very significant visual improvement of the Coal Road and this in itself will encourage greater usage.
- f. Improved natural surveillance on the Coal Road will result from the development. The Coal Road is currently screened from public view and does not provide an inviting route for pedestrians. The development will provide opportunities for natural surveillance and increased activity.
- g. Enhanced bio -diversity across the site will result with the establishment of numerous and diverse habitats. There are numerous opportunities arising from the development with the creation of the attenuation ponds, an area for reptiles, natural wild flower grassland, bird and bat boxes, additional hedges and woodland areas. This represents significant public benefit.
- h. The redevelopment of the prominent Alfreton Road frontage and the demolition of the boarded up terrace houses and the former Petrol Station canopy will very significantly enhance the street scene. The existing frontage is extremely untidy and has a seriously detrimental impact in the street scene. It creates a very poor public image in this part of South Normanton. The proposed entrance into the site will be carefully designed to create a sense of arrival which will change the street scene for the better.
- i. The development will enable the existing petrol and diesel tanks to be removed together with any potential contamination. The former PFS has contaminated land that needs to be addressed. The development affords that opportunity from which public benefit will accrue.

j. Initial discussions have been held with Graham Oliver, owner of Carnfield Hall to assist in undertaking essential dredging works to existing ponds within Carnfield wood. This will reinstate the ponds and enhance bio diversity. Merrimans would work alongside Mr Oliver and the Friends of Carnfield Woods to deliver these enhancements. Ultimately it may enhance managed public access through the development into the wood.

k. Additional planting that is proposed to the western edge of the site could be seen as a continuation of Carnfield Wood, providing an increased sense of enclosure that reinforces the parkland setting which Carnfield Wood was intended to support.

l. The development will generate economic activity and economic benefits to the broader community. Construction jobs and subsequent tradesmen jobs will be created. There will be New Homes Bonus and rateable income for the Council. Furthermore there will be additional spend in the local community.

A draft section 106 Planning Obligation has been submitted and includes the following: -

- a) Formal Recreation contribution
- b) Public Art (Not more than £10,000)
- c) Education
- d) Affordable housing (to be waived in the event of early delivery of housing)
- e) Education contribution of £ 68394.06 towards Glebe Junior School
- f) Health contribution of £551 per dwelling.

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
- letter from Signet Planning dated 3rd June 2016 with accompanying Built Heritage Assessment [by CgMs - June 2016], Masterplan Development Zoning Report [by Pegasus

ref. BIR.4597 dated 3rd June 2016, including 7 appendices], and revised illustrative Master Plan No 10-034 P003 Rev M)

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 the 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. 21/10/15

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. Remain unconvinced (even if all lighting columns were placed behind houses), that there would be no ‘glow’ from the development site relating to car, house and street lighting. These elements combined bring urbanisation into what is currently the historic parkland setting of a grade ii* listed building. This would result in ‘harm’ to the setting of Carnfield Hall (less than substantial). In accordance with paragraph 134 of the National Planning Policy Framework, this harm must be weighed against the public benefits of the proposal. 1/7/16

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 the 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 conditions and notes contained 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. 15/3/16.

Following the receipt of additional information, state that a decision to approve the application would not be objected to from a policy perspective at this stage provided other more detailed considerations are satisfactorily addressed. 7/7/16

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 have 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 12 further letters.

A fourth round of publicity in June 2016 and consultation carried out in resulted in a further 6 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 not.

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. Should be a moratorium on any new development in the area until infrastructure issues have been addressed.

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 to 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. Much more suitable sites with far better access to the main arterial roads at Junction 29 and 29A.

The developer has now come up with "an interest shown by a National Housebuilder". As this was a prime concern of your Policy Dept this should be confirmed but no details are given and an interest is not a confirmation.

This development is not in harmony with the Council's emerging Local Plan. For example at 4.5 it talks about:-

- Developing brownfield sites before or instead of greenfield sites.
- Retaining rural character.
- Protecting open countryside/open breaks/outside settlement area.
- The need to protect Heritage including their settings.

When talking about the Historic environment it says "safeguard, enhance and where necessary regenerate the District's historic environment including the wider settings. Identified by the NPPF as a strategic priority."

The Preferred Strategic Option states that "smaller sites should be sought for South Normanton & Pinxton". There has already been recent developments in South Normanton with more in the pipeline and this estate does not represent a 'small site'. It also states that "major development would be resisted in order to support the Council's Preferred Spatial Strategy Option but minor infill would be accepted. A better proposition would be the development of the garage site (pp already given but lapsed), similar to which Bolsover has already passed in other parts of the District. This would be on appropriate land, be an asset to

the Village, acceptable to local people and be the smaller infill site that the Local Plan mentions.

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? Concerned at the proposed position of the toddler playground - will be subject to relentless noise during daylight hours (and possibly through the night if it becomes the haunt for the estate teenagers) and we all know how the sound of children amplifies and carries. Implied creation of pedestrian access on to Buntingbank Close from The Coal Road would fundamentally change the environment and privacy of 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 bear 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 many 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 is seen as part of the "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.

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 prove 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.

The proposed second planting of trees between the north of the site and the Conservation Area/ Carnfield Wood Farm is not adequate protection for this area as the area in between will be used as public open space and, as many of the trees are deciduous, protection of views towards and from the Hall, the Farm and the Conservation Area will be compromised during leaf fall. This area is the highest level of Conservation and this, together with the Farm, deserves an equal formal 10m buffer zone as proposed further to the south west boundary. As the area between the new row of trees and the current ones that are in the private lane is to be open space for public use, if the old ash trees die back (which they admit) then the edge of the site will be totally open to the Farm and Conservation Area and onward to the Hall with no protection of views.

Comments often based on inaccurate information. For example that as the Hall operates a garden centre its importance is diminished. Firstly there is no garden centre and secondly even if there were it would support the Hall and not detract from it. Chatsworth House has

retail housed in its former stables but it is a supporting role. To say Carnfield Wood Farm looks like terraced houses is completely untrue. Viewed from the road it looks like a farmhouse. The fact that the area is now in equine use as opposed to agriculture is not much of a change and is still rural in context whereas the building of a large housing estate is a different proposition altogether.

In terms of the NPPF there are no benefits to South Normanton and therefore it will not outweigh the harm. The developer offers several benefits but these do not, I believe, outweigh the permanent harm. Jobs will only be temporary and would be available wherever the location of new builds as would the new homes bonus and there is no proof that the local economy will receive a great deal of benefit, particularly as the site is located some way from the town.

If building on the setting of a Heritage Asset is agreed then a dangerous precedent will be set allowing other developers to apply for similar permissions leaving no room for argument against it. Due to Government cuts putting pressure on Council resources Bolsover Council has already not met its commitments to Carnfield Conservation and Heritage by missing two reviews. The erosion of these Heritage Assets etc by allowing such a development will impact on the area not just for this generation but for future ones too. Once lost to development this setting of the Hall will never be regained.

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. It cannot be stated by the developer that the planting in the SW corner will be a continuation of Carnfield Wood as much of the proposed species are different and not in keeping with the area. It will not be ancient woodland.

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. Recent introduction of traffic lights at the junction of Alfreton Road and Birchwood Lane has made congestion even worse.

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 of time 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. Need a good quality access to the rear of properties (Upgraded Coal Road). 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

Members may recall that, at the applicant’s request and with the agreement of the Chair of Planning Committee, a report relating to this planning application was withdrawn from the Planning Committee agenda of the 30th March 2016; the application was recommended for a refusal of planning permission but was not considered by the Planning Committee. Since that time, the applicants have submitted additional information that has sought to address the concerns relating to the planning application and this report and recommendation are based on the application as amended.

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 presumption in favour of granting consent for sustainable development under Para 14 of the NPPF therefore must be given considerable weight in the decision (subject to demonstrating that the heritage impacts are acceptable and the development is sustainable).

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 published assessment of our 5 year supply of deliverable housing sites, the Council has a supply of approximately 3.3 years and thus does not currently have a 5 year supply of deliverable sites. This represents the position at the 31st March 2015 and thus does not take account of permissions granted since, together with any permissions that have lapsed or dwellings that have been built over the period to 31st March 2016. However, at the time of writing the Council does have approximately 17.5 years supply of residential sites and this reflects the Council's decision to approve several new sites that have added approximately 1,600 dwellings to the supply since the 2015 assessment. Work is ongoing regarding the 2016 assessment and it is intended that this will be published shortly and in light of the above it is expected that the 5-year supply position will be much improved.

The Planning Committee at its meeting on the 9th December 2015 again set out the Council's

guidelines, which are based on national planning policy, 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. has experience of marketing other sites in South Normanton, namely the nearby site at Red Lane. This site has stalled and was removed from the schedule of sites expected to contribute to the Council's 5-year supply. However, from recent information on that site it is expected that the Red Lane site will begin to contribute to 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 and that with recent delivery of houses in South Normanton greater confidence can be placed on this site being delivered.</p> <p>However, 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>
b) an assessment of how the proposals perform against relevant saved policies in the Bolsover District Local Plan.	<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>
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	<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</p>

<p>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>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>d) a timetable for the development of the site, which:</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>No timetable for the development is provided.</p>
<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>

3) Are there any physical / environmental / marketability constraints?	There are no obvious physical / environmental constraints but the experience of the Red Lane site discussed above does raise some marketability concerns.
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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.

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 identified South Normanton as a settlement for planned growth, although no sites or general locations within South Normanton have been identified. Whilst this still represents an early stage of preparation, it does indicate a steer on which settlements will have planned growth within the emerging Local Plan for Bolsover District.</p> <p>Therefore, at present this proposal would align with the available emerging Local Plan.</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. Access to Alfreton Train Station is also good.

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.

From an assessment of this proposal, it is noted that the site is in a generally sustainable location and that based on the available evidence the proposal should be able to contribute to the Council's 5-year supply.

Therefore, whilst in advance of the selection of allocations in the Local Plan for Bolsover District, a decision to approve the application would not be objected to from a policy perspective at this stage provided other more detailed material considerations are satisfactorily addressed.

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 overall site falls within the setting of Carnfield Hall, which dates from the 16th century.

The proposed development site is approximately 1km from the Hall, and the proposed built areas of the development are well screened by hedgerows and land formation (subject to compliance with limitations on floor slab levels and heights- discussed later). Part of the proposed development will sit approximately 50m from 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.”

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.

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. Further amendments have also removed dwellings from the area immediately adjacent to the Conservation Area boundary, with the indicative layout plan showing the nearest dwellings being approx. 10m from the Conservation Area.

The Council (and Historic England) disagreed with the conclusion that there would be no harm to heritage assets drawn by the initially submitted Heritage Statement. This resulted in the applicants commissioning a separate consultant to undertake a review of built heritage evidence base which in turn led to a revised Built Heritage Assessment being submitted;

which has also been amended to respond to the latest revised indicative drawings. This Assessment concludes, based on the latest indicative drawings, that there would be no impact to the significance of Carnfield Hall and that the proposal will result in an aggregate negligible degree of harm to the character and appearance, and therefore significance, of the Conservation Area. Both Historic England and the Conservation Officer consider there to be harmful impacts but that these would be less than substantial.

To seek to address concerns raised by officers in terms of the potential impacts on the setting of Carnfield Hall, the applicants have commissioned further work to supplement the originally submitted landscape and visual analysis, including creating composite photographs to demonstrate the degree of intervisibility between the Hall and the development site. This has been used as a tool to adjust the indicative layout plans to get to a position that seeks to demonstrate that existing landscape features would screen the proposed dwellings in views from the Hall.

This is a substantive piece of additional work carried out since the earlier report recommended the refusal of planning permission that has informed the latest indicative layout plan. This reduces the area where dwellings are proposed and includes an approach of limiting build heights within certain parts of the site to ensure that the identified landform and landscape will provide screening around the site that will be effective at screening views of the new development from the Hall.

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 rural setting is 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.

The revised details are considered to demonstrate that intervisibility in views from the upper floors of Carnfield Hall and built development on the planning application site will be effectively screened by existing landform and landscaping and that additional landscaping will add to the screening benefits of landscaping features. Notwithstanding this, the variable nature of landscape features, in particular loss of foliage in winter months, mean that some

very limited views may be available at such times, although these will be through the foreground view of soft landscaping features and at a lower level than the taller landscape features, such that the landscaping would be the primary feature in the view. On this basis, the impacts on the setting of the Listed Building won't be nil, but will be very negligible.

The introduction of a new housing estate has the potential to 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 close to the boundary, with the potential to significantly intensify that impact, resulting in further harm. To seek to address this, the applicant has submitted details to show that a street lighting scheme could be designed using contemporary technology, which would limit the amount of obtrusive light from the development. This goes a long way to reducing the potential impacts, although it is considered that light impacts are not solely restricted to street lighting, but could also result from internal and external lighting on dwellings, particularly from security lighting. Application documents indicate that 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 the applicant 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. It is considered that the layout of the site can consider the issue of lighting from vehicles at the time of any reserved matters planning application. Some security lighting would not be classed as development in planning terms and as such the removal 'permitted development' rights by condition would not be effective and would also remove the right of individuals to secure their own properties that is considered unreasonable. Given this position, it is not considered that the complete eradication of lighting impacts could reasonably be achieved, although the impacts can be minimised through sensitive layout and design. For this reason it is considered that there will be some harm to the setting of Carnfield Hall and the Conservation Area, although that harm is considered to be less than substantial.

The conservation area principally relates to the setting of Carnfield Hall but also forms the setting of Carnfield Hall Farm and associated buildings. Currently in views from the south/east they are very much in a predominantly rural setting, formed in part by a large part of the application site. This contribution of the southern part of the application site to this setting will be largely lost through the development, even with the open gap proposed along the southern and western boundaries. The offset and additional landscaping should mitigate some of the impacts in views out of the Conservation area from the farm complex. Whilst the loss of the rural character of this view is noted it is considered on balance that there is sufficient open land retained around the farm complex for the context to still be appreciated, and their relationship to Carnfield Hall is undisturbed, such that the Conservation Area is preserved.

In reaching a decision on this application, this 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.

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 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. Controls can be included as part of a construction management plan that can be secured by condition.

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. If planning permission were to be granted, the height of the buildings would be controlled due to the need for a condition to control the height in the interests of the protection of heritage assets discussed earlier. The use of traditional brick construction 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 have commenced. 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. Also sought are contributions to off site formal recreation space and the 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 applicants have indicated that they would prefer for the Council to adopt onsite open space, although this information was only received very late in proceedings and further discussions would be required as to the amount of land and equipment that the Council would be prepared to adopt. On this basis, it is recommended that in the event that planning permission were to be granted, a condition be included to cover the submission of detailed designs and maintenance of open space and NEAP standard play provision. This would not preclude later discussions and agreement should adoption be appropriate.

The applicants have agreed to the provision of an off-site formal recreation contribution that would need to be secured through a S106 planning obligation.

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 S106 planning obligation limited to a sum not exceeding £10,000. This is considered to be acceptable.

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).

The applicants have agreed to pay this contribution and it is included in the draft agreement recently submitted to the Council.

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 comments 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 recommendation on this application is based on a close balance of judgment of the impacts on Heritage Assets against other benefits of new housing development.

Setting aside the impacts to the Listed Building and Conservation Area, 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. 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.

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

Paragraph 132 of the NPPF is 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.

Paragraph 134 of the NPPF requires that "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

In considering the balance between such harm and benefits of any proposal, 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.

As discussed in the report, the majority of the potential impacts have been satisfactorily addressed with limitations now being proposed as to where built development can be located and the heights within those areas. This will ensure that visually the development would be very well screened from the Hall by existing landform and landscaping. Additional landscaping to supplement those existing features is also proposed. Views from the Conservation Area will be available, but it is considered that the character of the Conservation Area will be preserved. This leaves the issue of night time lighting that may have some impacts on setting of both the Hall and the Conservation Area, although it is not considered that this would be a substantive issue and conditions to control the final detail of any street lighting can be included. On this basis, whilst there will be harm of a less than substantial nature to the setting of the Listed Building and Conservation Area, it is considered that the harm is very limited and at the lower end of less than substantial harm.

A number of the items listed in the applicants list of benefits are not considered significant and in some respects are solely providing mitigation for impacts that arise from the development itself, such that their benefit is often neutral.

There will be benefits from the development, in particular the provision of additional housing in a sustainable location to satisfy the national policy position, as included in the NPPF, given that the Council cannot demonstrate a 5 year supply of deliverable housing, albeit indications indicate that the Council is getting close to demonstrating a 5 year supply of housing that limits the significance of this benefit. This in turn delivers economic benefits in terms of employment during the development period and expenditure in the local economy.

It is not considered that the delivery of additional Council Tax revenue and/or New Homes Bonus is material to the consideration of this planning application and no weight should be afforded to it.

The re-development of the semi-derelict houses and former petrol filling station site on the Alfreton Road frontage is a public benefit. However, there is no evidence to show that this could not be delivered without this quantum of development to reduce the heritage impacts further, such that the weight attributable to this is reduced as a result.

Biodiversity improvements can be secured and would need to be subject to appropriate conditions if permission were to be granted.

The proposed landscaping impacts and the Coal Road junction improvements are seen as neutral, being mitigation to address other impacts of the development. Improvements to natural surveillance of the Coal Road where it passes the development site are acknowledged, although this has to be balanced against the more urbanised character of that

public footpath where it passes the site.

The provision of play space mainly relates to normal requirements to provide play provision for residents of the new development, which limits its wider community benefit, although this would be available to the wider community.

Carnfield Hall and Carnfield Wood do not form part of the planning application site, are not legally associated with the planning application site in terms of ownership and control, and the suggested enhancements to those assets relate to possible private agreements that are not proposed to be secured through any formal control or agreement as part of any planning permission that may be issued. For this reason, no reliance on such enhancements is provided and such no weight can be attributable to these matters in the overall balance of considerations.

It is considered that the additional information submitted by the applicants has demonstrated that the harm to Heritage Assets has been significantly reduced to be at the lower end of less than substantial which is considered to reduce the amount of benefits that would be necessary to balance against that harm. Whilst not all the benefits cited in the application documents are accepted, it is considered that these are sufficient overall to balance in favour of the grant of planning permission.

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

Defer decision and delegate to Assistant Director Planning in consultation with Chairman and Vice-Chairman of Planning Committee subject to:

A. Completion of S106 Planning Obligation to cover

- Formal Recreation contribution (£910 per dwelling)
- Public Art (Not more than £10,000)
- Education
- Affordable housing (to be waived in the event of early delivery of housing)
- Education contribution of £68394.06 towards Glebe Junior School
- Health contribution of £551 per dwelling.

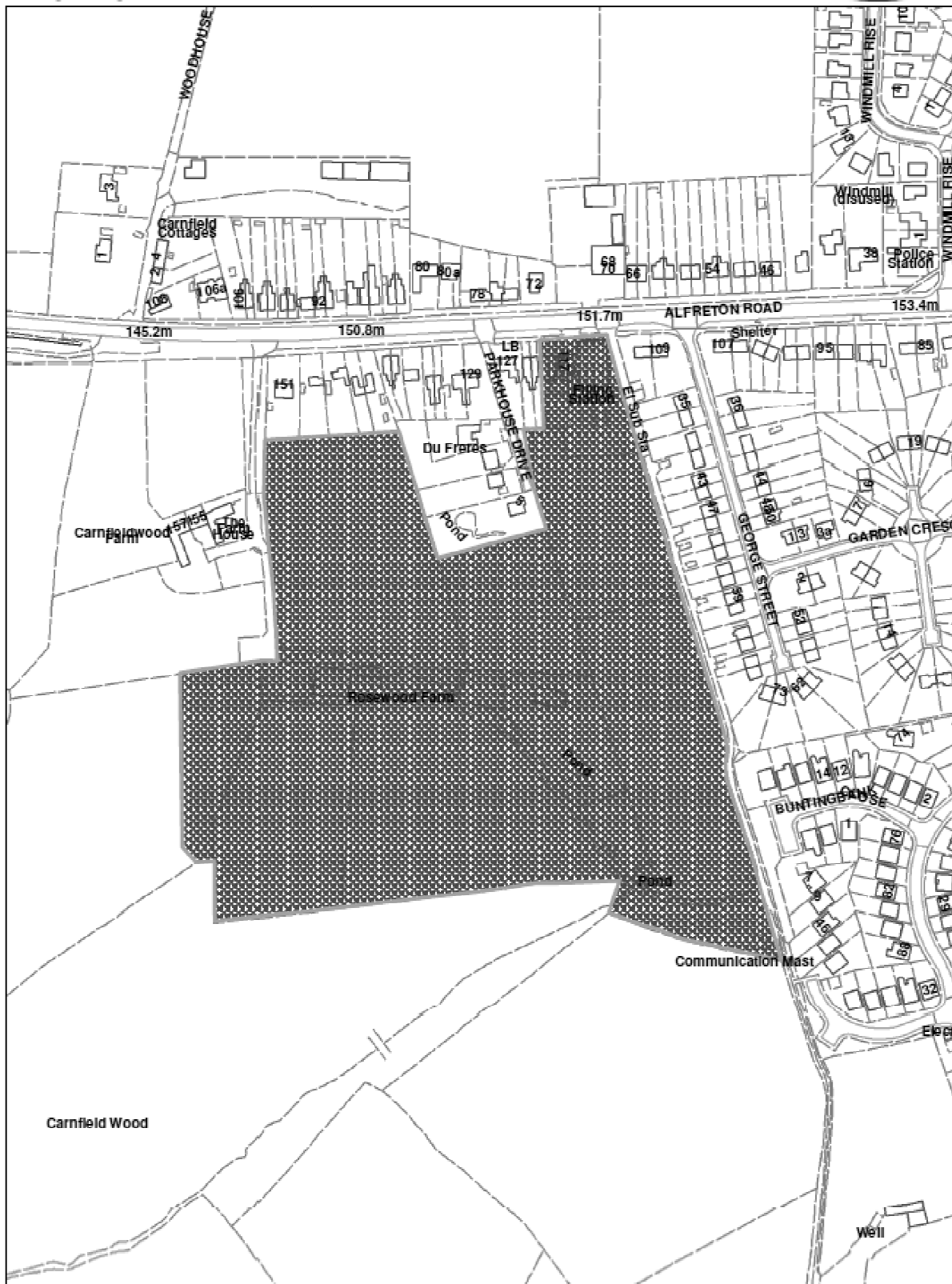
B. Conditions deemed necessary including those set out below in précis form to be formulated in full by the Assistant Director of Planning.

1. Standard outline conditions
2. Compliance with application documents regarding layout and height parameters generally following the details shown on the submitted revised masterplan drawing ref: BIR4597_13
3. Landscaping to include biodiversity mitigation, hedgerow and tree retention and protection.
4. Details of play areas to include NEAP facility and open space areas, along with the provision and long term maintenance of informal open space areas
5. Construction management and mitigation to cover:
 - Site accommodation;
 - Storage of plant and materials, incl. to minimise the risk of pollution;
 - Parking and manoeuvring of site operatives and visitors vehicles;
 - Loading, unloading and manoeuvring of goods vehicles;
 - Hours of operation;
 - Method of prevention of mud and debris being carried onto the highway;
 - Dust management provision;
 - Noise management;
 - An assessment of the risks posed to groundwater
6. Construction environmental management plan to manage biodiversity impacts.
7. Reptile mitigation method statement
8. Landscape and ecological management plan (LEMP)
9. Lagoon design details, including biodiversity features.
10. Highways conditions
11. Archaeology conditions
12. Foul Drainage details
13. SuDS drainage details
14. Contamination identification and mitigation
15. Detailed Street lighting scheme.
16. Health and Safety Executive requirement regarding traditional brick construction.

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.

Not Set



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PARISH Old Bolsover

APPLICATION Residential development for 64 houses
LOCATION Lodge Farm 126 Shuttlewood Road Bolsover Chesterfield
APPLICANT Mr Keith Sherlock C/O Inspire Design United Kingdom
APPLICATION NO. 16/00040/OUT **FILE NO.** PP-04796349
CASE OFFICER Susan Wraith
DATE RECEIVED 1st February 2016

SITE

The site comprises 3.8 hectares of (mainly) pasture land and includes Lodge Farm and other farm buildings. It is positioned to the western side of Shuttlewood Road beyond, but adjacent to, the settlement development limits of Bolsover as defined in the Local Plan which encompass the thin ribbon of development on the eastern side of the road.

The site has a long but narrow form that follows the alignment of the road. The topography of the site generally slopes downwards in a westerly direction from Shuttlewood Road, which is towards the top of the prominent limestone escarpment.

The site is within the setting of Bolsover Castle (Grade I listed) which is located approximately 1.3 kilometres to the south.

PROPOSAL

The proposal is for outline planning permission for residential development for 64 dwellings. All matters of detail are reserved for later approval.

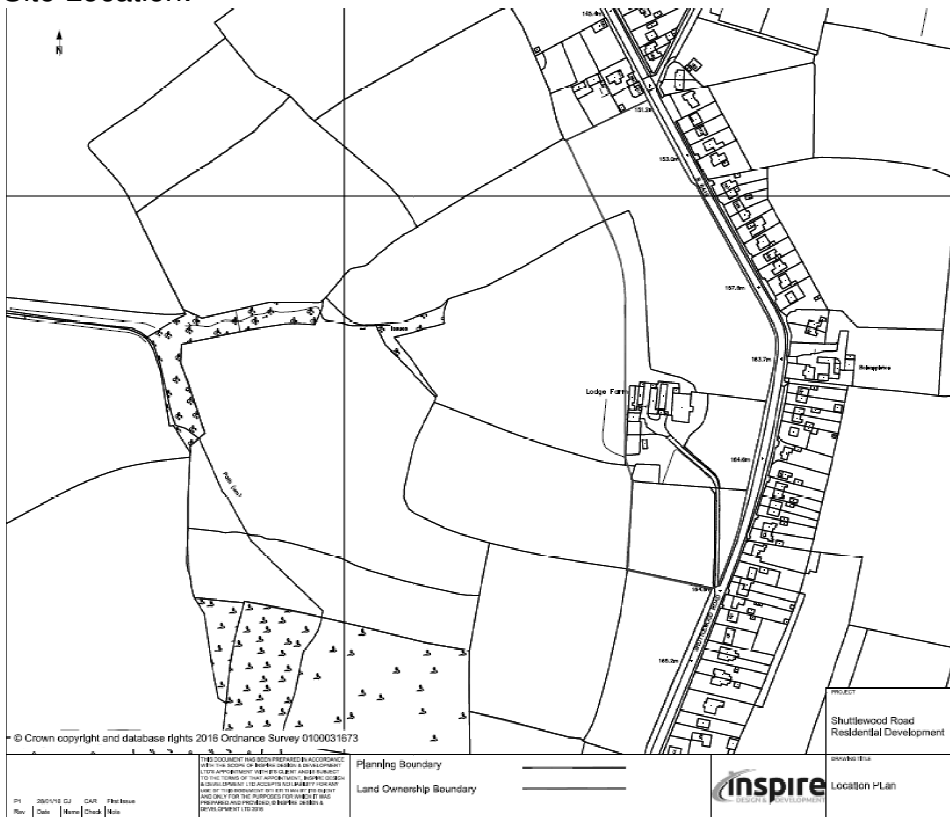
An indicative site layout and junction layout accompanies the application. The indicative drawings show two main character areas, one comprising the new dwellings and the other being based on the retention of the farmhouse and its outbuildings at Lodge Farm. Two points of access from Shuttlewood Road into the development site are shown.

The application is accompanied by the following assessments and technical reports:

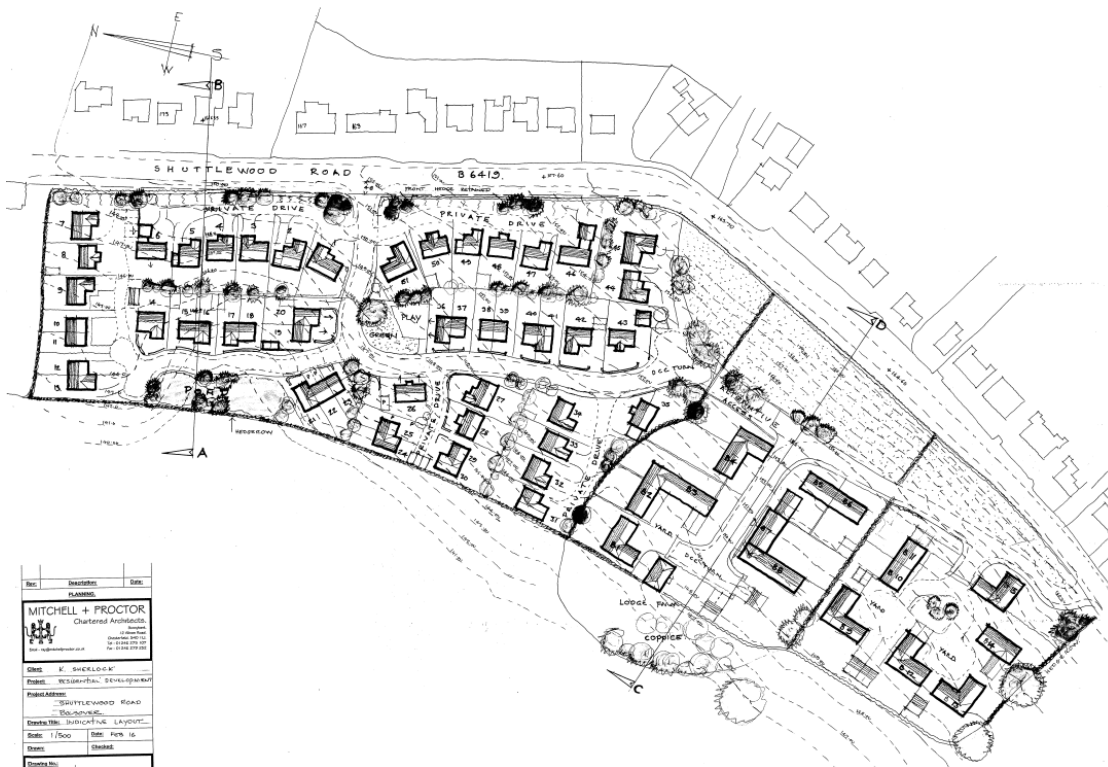
- Topographical survey
- Wildlife survey
- Coal mining report
- Contextual analysis
- Ecological survey
- Phase 1 geo-environmental assessment report
- Design and access statement
- Geophysical survey
- Bat survey
- Indicative layout
- Indicative junction layout
- Planning statement
- Landscape and visual impact assessment

Heritage Impact Assessment

Site Location:



Indicative Site Layout:



PLANNING HISTORY

15/00578/SCREEN – Request for a screening opinion for residential development (100 dwellings). Environmental assessment found not to be required.

CONSULTATIONS

Historic England: No comment offered. The application should be determined in accordance with national and local policy guidance, and on the basis of specialist conservation advice.

Derbyshire Wildlife Trust: Potential issue of roosting bats in the farmhouse and farm buildings needs further investigation. Principle of development on part of the site would only be acceptable on ecological grounds if grassland areas are retained, protected and enhanced through a long-term management agreement together with the retention and rejuvenation of the orchard or the provision of a compensatory orchard as part of the green infrastructure/open space provision. Conditions recommended.

NHS England: The development would result in increased service demand which would not be easily accommodated within existing provision. S106 funding requested although unable at this stage to give definitive answer as to where it would be spent.

Environment Agency: No objections in principle. Within flood zone 1.

Land Stability Consultee: Slope stability issues could be covered by suitable planning conditions.

Coal Authority: Site within a Defined Low Risk Area. Refer applicant to standing advice.

DCC Highways: The applicant will need to demonstrate that a safe and suitable access into the site can be provided with access roads at 90° to the existing carriageway, footways on Shuttlewood Road, gradients not exceeding 1:30 and visibility sightlines in accordance with the speed readings. Additionally, evidence will need to be submitted to demonstrate that significant impact on the existing road network will not result from the proposed development.

DCC Flood Risk: Conditions are recommended to ensure adherence to DEFRA's non-statutory technical standards for sustainable drainage systems.

DCC Infrastructure: Financial contributions should be secured through a Section 106 planning obligation towards school places/classroom accommodation at £68,394 for Brockley Primary and Nursery School, £34,197 for Bolsover Infant and Nursery School, £34,197 for Bolsover Church of England Junior School and £171,761 for The Bolsover School. Consideration should be given to providing dwellings to Lifetime Homes standards. Consideration should be given to installing sprinkler systems. Consideration should be given to delivering broadband infrastructure. The existing HWRC has sufficient capacity to accommodate the additional demand arising from the development.

DCC Archaeology: The geophysical survey has identified relatively modest archaeological potential which can be addressed through a post-consent scheme of archaeological work secured by planning conditions in line with NPPF para.141.

DCC Landscape: Unable to comment.

BDC Housing: The current Local Plan sets out a requirement for 10% of the total site capacity to be given to affordable housing provision although on site market housing delivered within agreed timescales could be considered. On this site the preferred house type would be 2 bedroom (4 person) houses for Social or Affordable Rent. There is also a need for ground floor accessible property, in the form of 2 bedroom bungalows.

BDC Urban Designer: Objects to the proposal. The location of the development is relatively remote from Bolsover and is likely to encourage car based journeys, the scheme encroaches beyond Shuttlewood Road and is likely to appear highly visible within the countryside and result in a detrimental urbanising impact on the character of this landscape; and the indicative layout raises a number of design issues that would be a concern in the event that detailed proposals were brought forward on this basis.

BDC Conservation Manager: Site is considered to be within the setting of Bolsover Castle which is a Grade I listed building and a Scheduled Ancient Monument. The proposal also has the potential to impact upon several other designated and non designated heritage assets. The wider setting and long views of Bolsover Castle have been explored in the Bolsover Castle Conservation Plan, produced for English Heritage in 2012 which acknowledged that Bolsover Castle, in views from both far and near, is a dominant element in the landscape and that this is an exceptional aspect of its character and significance. Views from the northern approach (amongst others) were considered and regarded as providing a dramatic introduction to Bolsover Castle. The proposed development will have a negative impact upon the northern approach and views towards Bolsover Castle. The site is also within the wider setting of Bolsover Castle. I consider that the proposal represents less than substantial harm to the heritage assets, in which case paragraph 134 NPPF would apply. In such cases the decision making authority is required to consider the balance between harm to the heritage assets and the benefit of the development.

BDC Environmental Health: Some previous history of dioxin on the land. Site investigation and remediation conditions recommended. This would be an issue to be taken into account in any financial viability assessment.

BDC Art: Contribution required towards public art.

BDC Leisure: No comments received.

BDC Regeneration: No comments received.

BDC Planning Policy: Site positioned beyond reasonable distances for social infrastructure (e.g. primary schools, shops) and not positioned adjacent to main areas of Bolsover and Shuttlewood. At 31st March 2015 the Council had 3.3 years of housing land supply. 1,600

dwellings have been added to supply since through planning permissions granted and preferred strategic sites have been selected. This year's Authority Monitoring Report is expected to show 5 year supply position is much improved.

Town Council: No comments received.

PUBLICITY

The application has been publicised by way of a site notice and press advertisement. 46 neighbours were notified by letter. 10 objection letters have been received and 1 letter received raising no objection. The objection letters covered the following issues:

- Increased traffic and highway safety issues
- Accident blackspot
- Potential pollution issues arising from Coalite site including Dioxins
- Increased traffic noise
- Impact on local services (schools, libraries, medical) which are already at limits
- Disruption during construction
- Cumulative effect, together with other planning permissions in the area
- Effect upon wildlife
- Outside settlement limits of current local plan
- Loss of countryside and ancient fields
- Not a logical extension to settlement being a "street in a field"
- Effect upon views of Bolsover Castle
- There are other more suitable brownfield sites
- Existing sites with planning permission not yet built on
- Will open up other land at the site for development
- Area prone to Subsidence
- Effect upon the identity of the historic town
- Would mean reliance on private car
- Would undermine investment in the town
- Loss of view
- Negative effect upon property values in the area

POLICY

Bolsover District Local Plan [BDLP]

GEN 1	Minimum Requirements for Development
GEN 2	Impact of Development on the Environment
GEN 5	Land Drainage
GEN 6	Sewerage and Sewage Disposal
GEN7	Land Stability
GEN 8	Settlement Frameworks
GEN 11	Development Adjoining the Settlement Framework Boundary
GEN 17	Public Art
HOU 5	Outdoor Recreation and Play Space
HOU 6	Affordable Housing
HOU 16	Mobility Housing
TRA 1	Location of New Development

TRA 7	Design for Accessibility by Bus
TRA 10	Traffic Management
TRA 12	Protection of Existing Footpaths and Bridleways
TRA 13	Provision for Cyclists
TRA 15	Design of Roads and Paths to Serve New Development
CON10	Development Affecting the Setting of Listed Buildings
CON13	Archaeological Sites and Ancient Monuments
ENV 3	Development in the Countryside
ENV 5	Nature Conservation Interests Throughout the District
ENV 8	Development Affecting Trees and Hedgerows

Planning law requires that decisions are made in accordance with the development plan unless material considerations indicate otherwise.

National Planning Policy Framework [NPPF]

Para 49 of the NPPF states 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.

Para 14 of the NPPF states that for decision taking, where the development plan is absent, silent or relevant policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies in the Framework indicate development should be restricted.

The NPPF is an important material consideration for this application. Depending on where the balance of considerations lies, it may or may not be a material consideration which indicates a decision other than in accordance with the development plan.

Para 112 “Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.”

Para 132 “When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.”

Para 134. “Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public

benefits of the proposal, including securing its optimum viable use.”

Para 137 “Local Planning Authorities should look for opportunities for new development within conservation areas and world heritage sites and within the setting of heritage assets to enhance or better reveal their significance.”

Other

Successful Places: A Guide to Sustainable Layout and Design Supplementary Planning Document. (This document is relevant to the indicative layout but not to issues concerning the development in principle).

ASSESSMENT

Approach to the decision

Whilst work on the emerging Local Plan for Bolsover is progressing, and the Council has selected its preferred strategic options for housing growth, the Council cannot at this point in time demonstrate a 5 year supply of deliverable housing sites. As such, its policies for the supply of housing (namely policies GEN8 and ENV3), insofar as they seek to restrain development within settlement limits, must be considered as not up-to-date within the context of para.49 of the NPPF.

The approach to the decision, therefore, should be in accordance with para.14 of the NPPF. There are no specific policies within the Framework which indicate the development should be restricted. For example the site is not within land designated as green belt, local green space or an area of Outstanding Natural Beauty; and is not itself a designated heritage asset (albeit within the setting of a designated heritage asset). Planning permission should therefore be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

In other words, the decision lies in the balance between the benefits to the supply of housing against any harm such as that to the setting of Bolsover Castle, the wider landscape, accessibility to services and highway safety and efficiency. In that balance the adverse effects must “significantly and demonstrably” outweigh the benefits if permission is to be refused.

Benefit in increasing the supply of housing

The Council cannot currently demonstrate a five year housing land supply. At 31st March 2015 the Council had 3.3 years of housing land supply. However since that time 1,600 dwellings have been added to supply through planning permissions granted. This year’s Authority Monitoring Report is expected to show that the five year supply position is much improved. Additionally the Council has selected its preferred strategic sites including Bolsover North, Coalite, Clowne North and Whitwell Colliery sites and has resolved to grant planning permission subject to the completion of a s106 agreement for 950 approx dwellings at Bolsover North with other housing applications also coming forward. Thus the outlook for housing delivery within the district is optimistic with an expected substantial boost of housing

numbers within Bolsover itself.

The application proposes 64 dwellings which would add to the Council's overall housing land supply. The application is submitted on behalf of the land owner. There is no viability information and it is unclear whether the proposal is speculative or whether there is a development partner involved. As such the Council cannot be assured of the deliverability of the scheme or its timescale for delivery. Nevertheless, the NPPF (para. 47) strongly encourages local planning authorities to boost significantly the supply of housing. The suggested benefit to housing delivery should, therefore, be afforded some limited weight in these circumstances.

Effect upon the setting of Bolsover Castle

The site is within the setting of Bolsover Castle (grade I listed), the setting being the surroundings within which the heritage asset is experienced. Para.132 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset great weight should be given to the assets conservation. S66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory requirement upon the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting.

The setting of Bolsover Castle has been explored in the Bolsover Castle Conservation Plan, produced by English Heritage. The perception of the Castle as a dominant element of the landscape is considered to be an exceptional aspect of its character and significance. Views from the north, along Shuttlewood Road, provide a dramatic approach to the Castle. The proposed development will have a negative impact upon the northern approach and views towards Bolsover Castle. It will also detract, in wider views, from the Castle's prominence on the slope of the escarpment at the western edge of the town.

The applicant's Heritage Assessment concludes that the development would have a negligible impact upon the setting of the Castle and a neutral effect upon its significance. Whilst regard has been had to views from within the Castle and grounds looking outwards it is considered that views towards the Castle from the northern approach and wider views of the Castle within the escarpment are of particular note and that it is within these views that the harm to setting is identified.

The harm, which is less than substantial, would not be outweighed by the limited benefits to housing land supply arising from the development when taking into account the additional weight to be added to the interests of securing the assets conservation. The proposal is, thus, contrary to policy CON10 of the Bolsover District Local Plan and national guidance for conserving and enhancing the historic environment as set out in section 12 of the NPPF.

Effect upon Landscape

The site is located upon the western slope of the escarpment to the limestone plateau. The escarpment is visually prominent from many vantage points including from the M1 corridor. Bolsover Castle and New Bolsover Model Village are important focal points within a mainly

wooded and pastoral landscape. Because of its strong geological features and historic associations the landscape is considered to be a “valued landscape” within the context of para.109 of the NPPF and is deserving of protection. One of the core planning principles of the NPPF (para.17) is to take account of the different roles and character of different areas and (amongst other things) recognise the intrinsic character and beauty of the countryside.

A development of the scale proposed, on the slope of the escarpment to the western side of Shuttlewood Road, would result in a major urban encroachment in this visually prominent position. Its built form, infrastructure, lighting, visibility splays and general paraphernalia of everyday living would have a detrimental urbanising effect on the appearance of this important rural landscape.

The applicant has undertaken a Landscape and Visual Impact Assessment (LVIA) which, at first, included a wider site area. The site as now defined was informed by that assessment. The applicant’s LVIA indicates that there would generally be negligible or only minor change and effect in the identified viewpoints arising from the development. The Council has engaged a landscape consultant itself to evaluate the landscape impact. An update on the outcome of the consultant’s report will be provided prior to the Committee meeting.

Subject to the consultant’s findings, it is considered that the development would have a harmful effect upon this important and valued landscape and would, thus, be contrary to policies GEN 2 and GEN11 of the Bolsover District Local Plan.

The case for the applicant cites the permission granted at Blind Lane as a precedent for development on this scarp slope. The Blind Lane site is on the scarp slope, but each application is decided on its own merits. The policy position has changed since that decision was taken as has the understanding of the duty under S66 and paras 132-134 of the NPPF to protect the setting of listed buildings and the weight to be given to that protection in the overall balance of issues.

Accessibility to shops, services and social infrastructure

The site is positioned approximately 1,300m from Bolsover Infant and Nursery School, 1,400m from Bolsover C of E Junior School and 2,000m away from the Bolsover High School. The Brockley Primary and Nursery School in Shuttlewood is approximately 1,200m away. Whilst just at the limit of what is considered an acceptable distance from a secondary school (2,000m) its distance from primary schools is considerably more than the 800m distance generally applied by the Council when considering the suitability of sites.

With regard to shops and services, Bolsover Town Centre is approximately 1,300m walking distance from the site whereas 800m is generally considered to be the acceptable maximum distance to a town or local centre. In such a location it is likely that many shopping and school journeys will be made by private motorised transport. Furthermore, whilst the site currently has access to a reasonably frequent bus service, Derbyshire County Council has consulted on a proposal to withdraw all funding for subsidised buses from October 2017. There is, therefore, doubt over the longevity of accessibility to bus services.

It is considered, therefore, that the occupiers of the development would not have an

acceptable level of access to local services and primary schools and that the development would result in reliance on private motorised transport for school and shopping journeys. The development is, thus, contrary to policies GEN2 and TRA1 of the Bolsover District Local Plan.

Highway safety and efficiency

The Highway Authority has raised concerns as stated in the consultation section above.

It is understood that the applicant is liaising with the Highway Authority with a view to resolving these issues. An update will be provided at the Committee meeting. At the time of preparing this report, however, there is insufficient information for the Council to be satisfied that safe and efficient highway conditions can be achieved. The proposal is, thus, contrary to policies GEN1, GEN2 and TRA15 of the Bolsover District Local Plan.

Other matters

Following the undertaking of a bat survey no adverse impacts upon bat roosting sites have been identified. Ecology protection and/or mitigation measures can all be secured through the imposition of planning conditions.

In the event of the development being considered acceptable in principle a contribution towards education provision would be required. This could be secured through a s106 planning obligation.

Concerns have been raised about impacts upon health service provision. However, in the absence of a spending strategy by the health provider the collection of monies through the planning system would not be compliant with statutory regulations. This is not a decisive consideration in these circumstances.

The site layout is indicative only. It is likely that an acceptable layout, scale and design of development could be achieved, to accord with the principles of Successful Places, at reserved matters stage if it is to be found that residential development of this site is acceptable in principle and satisfactory access can be provided.

If the development is considered acceptable in principle, issues concerning land stability, land contamination, sustainable drainage, archaeology, affordable housing, open space and public art could all be addressed through the imposition of planning conditions.

Effect upon property values in the area is not a material planning consideration. Loss of view can only be afforded weight in the context of the wider public interests of protecting a valued landscape and not private views.

Conclusions

The proposal presents an opportunity for adding to the district's housing supply which is an important consideration which should be given due weight in the balance of issues. However, the harm arising to the wider landscape and setting of Bolsover Castle is considered to be substantial and to significantly and demonstrably outweigh the limited benefit to housing

supply. As such the development would not be sustainable development within the meaning of paragraph 14 of the NPPF.

Additionally, due to the distance of the site from the main part of the settlement, the development would not provide the occupants of the proposed housing with acceptable access to shops and primary schools without reliance on the car. Neither has it been satisfactorily demonstrated that the development would provide for safe and efficient access or that there would be no severe residual cumulative impacts upon the highway network. These are further reasons which indicate a negative decision.

The site is outside the settlement and within the countryside and therefore contrary to policies GEN8 and ENV3 of the Bolsover District Local Plan. Even though these policies are not up-to-date within the context of para.49 of the NPPF, this development is unsustainable and the policies, thus, can still carry weight in the decision. There are no considerations which indicate a decision other than in accordance with the development plan. It is, therefore recommended that permission be refused.

RECOMMENDATION: REFUSE for the following reasons:

1. The site is within the setting of Bolsover Castle (grade I listed), an exceptional aspect of its character and significance being its dominance within the landscape. The development would have a negative effect upon the setting of Bolsover Castle. The harm would not be outweighed by the limited benefits to housing supply. The proposal is, thus, contrary to policy CON10 of the Bolsover District Local Plan and national guidance for conserving and enhancing the historic environment as set out in section 12 of the NPPF.
2. The site is prominently located on the slope of the escarpment within a predominantly pastoral and wooded landscape with Bolsover Castle and New Bolsover Model Village providing important focal points. The development would be an undesirable urban intrusion which would detract from the character and appearance of this valued landscape and would be contrary to policies GEN2 and GEN11 of the Bolsover District Local Plan and para.109 of the NPPF.
3. The occupiers of the development would not have an acceptable level of access to local services and primary schools and the development would result in reliance on private motorised transport for school and shopping journeys. The development is, thus, contrary to policies GEN2 and TRA1 of the Bolsover District Local Plan.
4. The Council is not satisfied that safe and efficient highway conditions can be achieved or that there would be no severe residual cumulative impacts upon the highway network. The proposal is, thus, contrary to policies GEN1, GEN2 and TRA15 of the Bolsover District Local Plan.
5. The adverse impacts of the development significantly and demonstrable outweigh the benefits including those of contributing to housing supply. The site is located beyond the settlement framework and within countryside. The development is contrary to policies GEN8 and ENV3 of the Bolsover District Local Plan. There are no material

considerations that indicate a decision other than in accordance with the development plan.

Note to applicant:

Reason 4 may be overcome by providing additional information in relation to potential access details.

PARISH Old Bolsover

APPLICATION Outline planning application (with all matters except access reserved for later consideration) for residential development in the region of 950 dwellings, provision of an extra care facility (approx 70 units) and an Infant School together with appropriate vehicular, cycle and pedestrian access, associated car parking spaces and open space provision

LOCATION Land Between Welbeck Road And Oxcroft Lane Bolsover

APPLICANT Persimmon Homes (West Yorks Ltd) and Strata Homes (Yorks)

APPLICATION NO. 14/00080/OUTEA **FILE NO.** PP-03157152 H6385

CASE OFFICER Mr Peter Sawdon

DATE RECEIVED 14th February 2014

BACKGROUND

Planning Committee at its meeting on the 30th March 2016 resolved to grant planning permission for this development subject to conditions and a S106 Planning Obligation. The final decision was delegated to the Assistant Director Planning in consultation with Chairman and Vice-Chairman of Planning Committee subject to the completion of a S106 (on the terms listed in the original report) and conditions (to be formulated in full).

Since the time of that resolution work has been ongoing to finalise the wording of conditions and the S106 Planning Obligation.

The original report to Planning committee detailed various requirements in respect of financial contributions that would normally be sought through a S106 agreement, but also acknowledged that there were recognised viability issues, and therefore delivery issues, resulting in the resolution to initially require reduced contributions to deliver the most critical infrastructure requirements, namely:

- **EDUCATION** - an expansion to primary phase education provision – by way of land and financial contributions towards a replacement Infants Schools within the site and contribution to enable the extension to the Junior School acceptable to Derbyshire County Council;
- **GREEN SPACE PROVISION** – by way of approximately 6.5 ha, split between 4.2 ha of formal green space and 2.3 ha semi-natural green space arranged to provide a 4 hectare town park located at the southern part of the site that is open to the general public and combines at least three of the following uses: amenity green space, outdoor sports, semi-natural green space, equipped play area;
- **HIGHWAY REQUIREMENTS** - capacity improvements to the Town End / Welbeck Road / Moor Lane junction and other junctions as required – by way of on-site and off-site interventions and contributions acceptable to Derbyshire County Council;
- **SUSTAINABLE TRANSPORT MODE NETWORKS** - including walking, cycling and public transport access – by way of on-site and off-site interventions and contributions acceptable to Derbyshire County Council;

- STRATEGIC GREEN INFRASTRUCTURE – by way of on-site and off-site interventions and contribution acceptable to Derbyshire County Council and Bolsover District Council.
- AFFORDABLE HOUSING - Provision of serviced land for an extra care facility in lieu of some affordable housing contributions.
- PUBLIC REALM IMPROVEMENTS -

This was made subject to review mechanisms to re-consider viability over the lifetime of the development to potentially ‘clawback’ the remaining contributions that would normally be sought. Areas where reduced or no contributions were secured are: -

- Secondary Education contributions (@£2.4million)
- Reduced contributions to requests of the Highway Authority.
- Public Art – this was reduced as a result of viability testing and also the contribution was utilised for Public Realm improvements (a ‘gateway’ entrance wall and street trees) as an alternative, although the amount of monies available would not cover the desired number of street trees.
- Balance of affordable housing (taking into account provision of extra care facility)

POSSIBLE CHANGES TO S106 PLANNING OBLIGATION CONTRIBUTIONS

The Education Authority has recently noticed that there has been an error in the sum requested for education contribution, such that the requirement that had been sought and agreed for Junior School Provision has been set too high and needs to be reduced. At the time of preparing this report the exact figures still need to be calculated, but it is anticipated that this will be in the region of £1million.

As it is important to issue the planning permission without undue delay, this report is seeking delegated Authority to officers, in consultation with the Chair and Vice Chair of Planning to agree an alternative schedule of payments following further negotiations with the developers and their agent.

With the exception of the Junior School Contribution referred to above, it is proposed that none of the other contributions required under the original resolution of the Planning Committee will be reduced; rather it will be looking at the other areas where contributions fell short due to viability justification to which that money should be re-allocated.

It is also proposed that the previously resolved requirement for viability review mechanisms be maintained within the S106 document to seek to secure the remaining contributions that would normally have been sought in the event of more favourable financial conditions in the future.

RECOMMENDATION: To grant delegated powers to the Assistant Director Planning in consultation with Chairman and Vice-Chairman of Planning Committee to determine revised priorities for re-allocating part of the sums formerly allocated to the proposed Junior School expansion (final sum to be advised by Derbyshire County Council), to cover areas of identified infrastructure need not initially funded under the original resolution due to viability justification.