

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

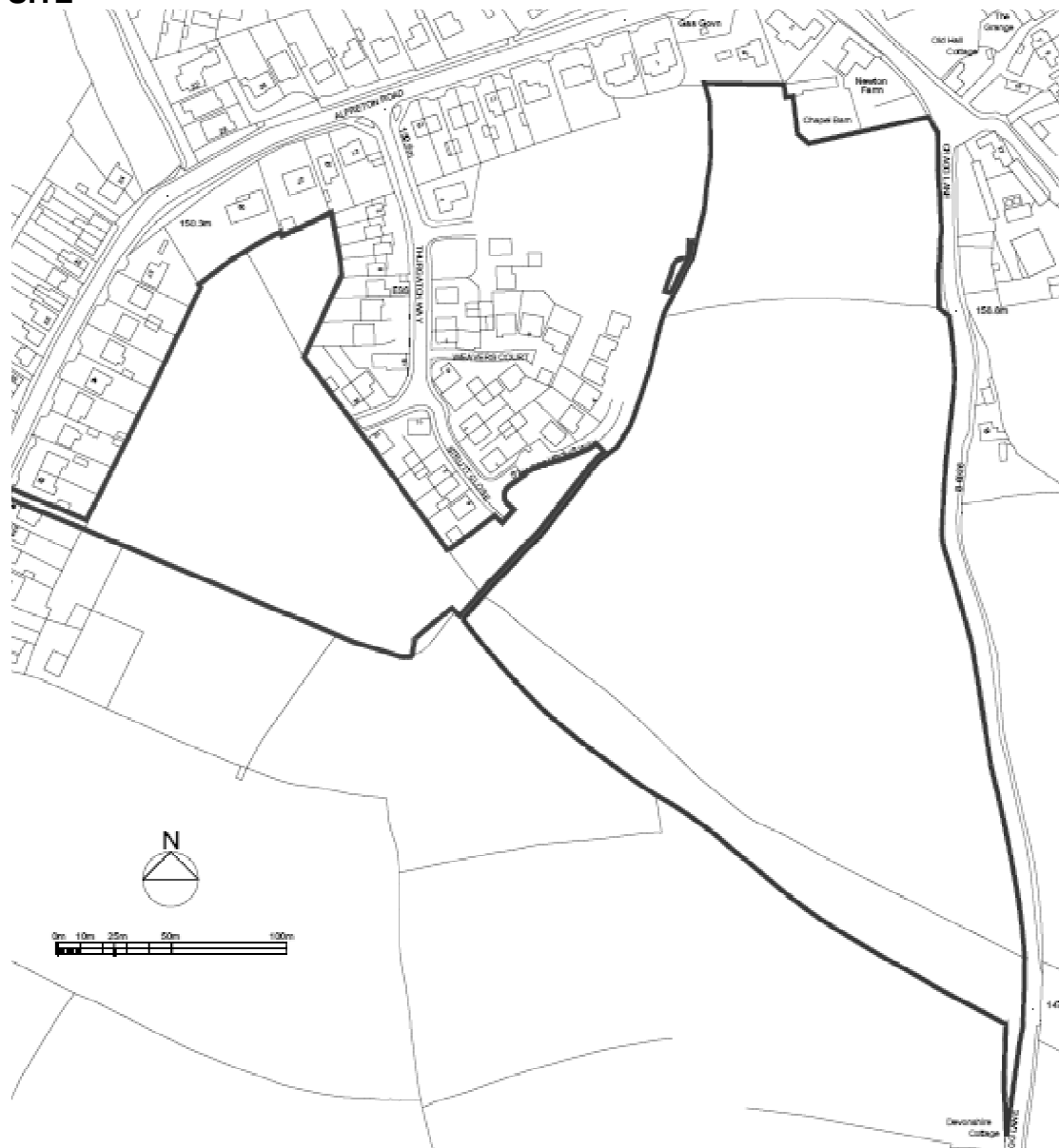
APPLICANT Wheeldon Brothers Ltd Wheeldon House Prime Parkway Derby Derbyshire DE1 3QB

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.
