

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.

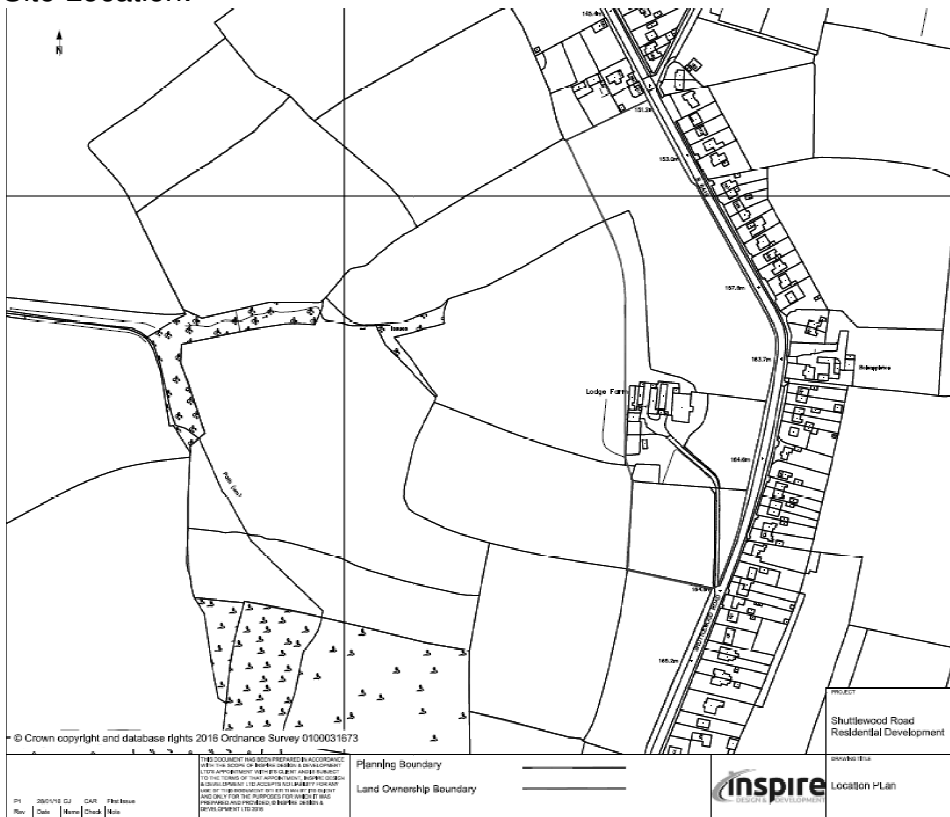
An indicative site layout and junction layout accompanies the application. The indicative drawings show two main character areas, one comprising the new dwellings and the other being based on the retention of the farmhouse and its outbuildings at Lodge Farm. Two points of access from Shuttlewood Road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

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

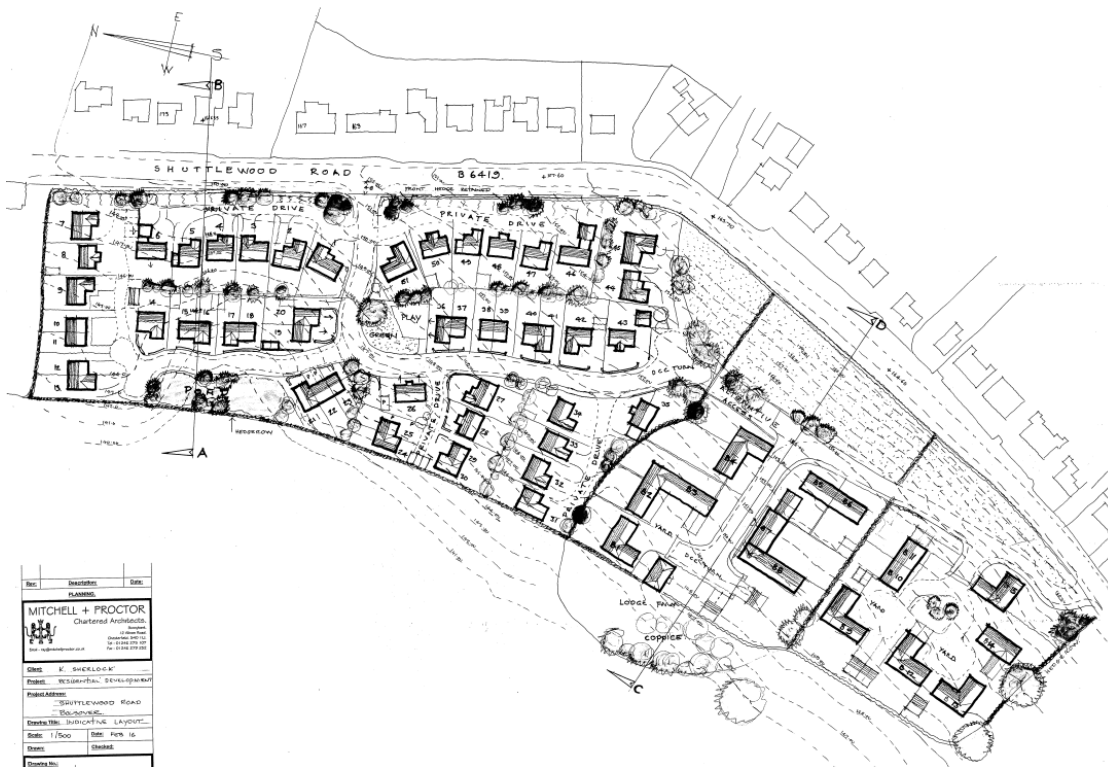
- Topographical survey
- Wildlife survey
- Coal mining report
- Contextual analysis
- Ecological survey
- Phase 1 geo-environmental assessment report
- Design and access statement
- Geophysical survey
- Bat survey
- Indicative layout
- Indicative junction layout
- Planning statement
- Landscape and visual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