

STATEMENT OF COMMON GROUND – Heritage

APPEAL REFERENCE: APP/N1025/W/23/3319160

DATE OF INQUIRY: 9-11 August and 15-18 August

SITE ADDRESS AND DESCRIPTION OF THE DEVELOPMENT:

Land at Sowbrook Lane, Stanton by Dale

Local Planning Authority Reference No: ERE/0722/0038

Erection of up to 196 dwellings with all matters reserved other than the means of access

APPELLANT: Wulff Asset Management Limited

LOCAL PLANNING AUTHORITY: Erewash Borough Council

Introduction

This Heritage Statement of Common Ground (HSoCG) has been prepared jointly between Wulff Asset Management Limited (the appellant) and Erewash Borough Council (EBC) (the 'Local Planning Authority' or 'LPA') with respect to the appellant's appeal against the decision of the LPA to refuse planning application reference ERE/0722/0038 ('the appeal application') at Land at Sowbrook Lane, Ilkeston ('the appeal site').

This statement addresses the following areas of common ground:

- 1 Development Proposal
- 2 Heritage Issue
- 3 Matters of Agreement
- 4 Matters of Disagreement

1 Development Proposal

The proposal comprises an Outline Planning Application for up to 196 dwellings with all matters reserved other than the means of access at Land North West Of 1 To 12 Twelve Houses, Sowbrook Lane, Stanton By Dale, Derbyshire (ERE/0722/0038)

2 Heritage Issue

As agreed at the Case Management Conference of 20th June 2023, the sole heritage issue is the effect of the proposed development on the setting and significance of New Stanton

cottages, a Grade II listed building and recorded on the National Heritage List for England (NHLE: 1329236).

This principal issue is in connection with Reason for Refusal 7, which states:

The proposal would result in adverse changes to the setting of the Grade II listed building at New Stanton Cottages which would detract from the manner in which it is experienced, appreciated and understood. This meets the threshold of “less than substantial harm” to the designated heritage asset and as no public benefits exist which are sufficient to overcome that harm, the proposal is contrary to the requirements of the NPPF.

3 Areas of Agreement

It is agreed that any effect of the proposed development on undesignated heritage assets within the site boundary is insufficient to warrant a refusal of permission, can be effectively mitigated and that this could be secured by an appropriate condition.

It is agreed that any effect of the proposed development on undesignated heritage assets outside the site boundary is insufficient to warrant a refusal of permission, and that mitigation, in terms of siting development appropriately can reduce harm.

It is agreed that any effect of the proposed development on designated heritage assets outside the site boundary is limited to the nearby listed building, listed at Grade II and recorded as New Stanton Cottages on the National Heritage List for England (NHLE: 1329236).

It is agreed that there would be less than substantial harm to New Stanton Cottages and that the harm would be at the lower end of the less than substantial scale.

It is agreed that the proposed development would have a “minor adverse effect” on the setting of the listed building (Paragraph 7.10 of the main Statement of Common Ground).

It is agreed that, notwithstanding the area of agreement above, the effect of the proposed development on New Stanton Cottages is the sole heritage matter at issue.

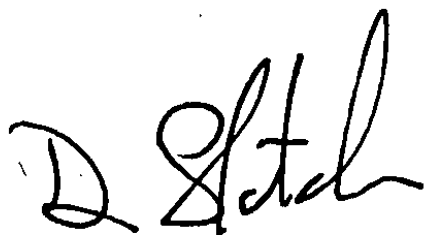
It is agreed that the public benefits arising from the proposed development would outweigh the less than substantial harm to New Stanton Cottages

It is agreed that Reason for Refusal 7 is overcome.

It is agreed that the tilted balance in Paragraph 11 of the NPPF is engaged.

It is agreed that the level of harm to the designated heritage assets should be considered in the overall tilted planning balance.

Signed

A handwritten signature in black ink, appearing to read 'D Slatcher', with a large, stylized 'S'.

Name: Daniel Slatcher

TJC Heritage

Date: 25.07.2023

Signed

A handwritten signature in black ink, appearing to read 'JG', with a large, stylized 'G'.

Name: James Grundy

On behalf of Erewash Borough
Council

Date: 26.7.2023