

PARISH Old Bolsover Parish

APPLICATION Outline application (all matters reserved) for the erection of 5 detached dwellings

LOCATION Land On The North Side Of 28 Church Road, Stanfree

APPLICANT Castle Homes (Chesterfield) Ltd, 10 Corner Pin Close, Netherthorpe, Staveley, Chesterfield, Derbyshire

APPLICATION NO. 20/00465/OUT

CASE OFFICER Mrs Sarah Kay

DATE RECEIVED 21st October 2020

SUMMARY

This application has been referred to the Planning Committee because the development proposed does not strictly comply with the provisions of policy SS9 of the Local Plan for Bolsover District and is therefore a departure to the Local Plan.

Notwithstanding the above, the application is recommended for approval. The proposals are considered on balance of all other material considerations (including a fall-back position of the site already benefiting from an extant planning permission) to be acceptable. The report presents a balanced planning argument why it is considered that the benefits of the proposals outweigh non-compliance with policy SS9 of the Local Plan.

Site Location Plan



SITE & SURROUNDINGS

The application site is currently an area of open land (approx. 0.26ha in area) located to the north of Oak House Farm and to the east of No's 20 – 30 Church Road, on the fringe of the rural village of Stanfree.

No's 26a, 26b, 30a and 30 Church Road are a recent development of four large two storey

detached dwellings which now form frontage development to Church Road. Central to No 30a, 30 and Oak House Farm is a driveway access which leads from Church Road between No 26b and 30a that leads to the main body of application site. No 26a and 26b take direct driveway access from Church Road.

Beyond the shared driveway surfacing the site is unkempt and in areas overgrown / inaccessible (particularly the northern section). There is a mix of builders / commercial paraphernalia deposited around the site which extends into the field to the east of the application site boundary. Levels are relatively consistent across the southern half of the application site and the site access, but there is a distinct change in site level from the centre of the site and the northern half, where levels drop off quite significantly to the north eastern corner.

There is a mix of hedgerows and trees positioned around the perimeter of the application site, and a concentration of more mature trees in the northern half of the site.

PROPOSALS

The application submitted seeks outline planning permission for residential development of up to 5 dwellings, with all matters reserved.

The application submission is accompanied by an indicative site layout / block plan (drawing no. 21/825/1) which shows how a potential layout of 5 detached dwellings on the site would be achieved taking access from the existing access road / driveway located between 26b and 30A Church Road, Stanfree.

In addition to the above the following drawings / documents has also been submitted:

Location Plan

21/825/1 – Site Layout

21/825/2A – Sections

21/825/3 – Topographical Survey

21/825/4 – Block Plan and Levels

Design & Access Statement

Coal Mining Risk Assessment

EIA SCREENING OPINION

The proposals that are the subject of this application are not Schedule 1 development but they are an urban development project as described in criteria 10b of Schedule 2 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017

However, the proposals are not in a sensitive location as defined by Regulation 2 and by virtue of their size and scale, they do not exceed the threshold for EIA development set out in Schedule 2.

Therefore, the proposals that are the subject of this application are not EIA development.

AMENDMENTS

23/11/2020 – Coal Mining Risk Assessment

16/12/2020 – Visibility Splay Plan (26228_08_020_01.1) and ~~Tracking Plan~~

~~(26228_08_020_01.2)~~

16/02/2021 – Site Layout Plan (21/825/1), Topographical Survey (21/825/3), ~~Site Sections (21/825/2)~~

17/02/2021 – Block Plan and Levels (21/825/04), Site Sections (21/825/2A)

** drawings which are ~~struck through~~ have been superseded.*

HISTORY (if relevant)

- 06/00124/OUT – Residential development
 - Granted Conditionally
- 08/00449/REM - Erection of 1 two storey dwelling and associated access (Site A) and detached garage
 - Granted Conditionally
- 16/00317/DISCON - Discharge of Conditions 2 (Two Off Street Parking), 4 (Front Boundary Treatment), 7 (Samples of Materials), 8 (Sample Panel of Stonework), 9 (Foul and Surface Water) of planning permission 08/00449/REM
 - Condition 2, 4, 7 and 8 agreed 08/08/2016.
 - Condition 9 agreed 22/08/2016.
- 16/00076/OUT – Erection of 7 dwellings
 - Refused 29/04/2016
 - Appeal (APP/R1010/W/16/3155405) dismissed on 25/11/2016.

CONSULTATIONS

Coal Authority

- 03/11/2020 – holding objection received as CMRA needed.
- 30/11/2020 – objection withdrawn following consideration of CMRA submitted. Comments received confirming CA concurs with the recommendations of the CMRA, that coal mining legacy potentially poses a risk to the proposed development and that investigations are required, along with possible remedial measures, in order to ensure the safety and stability of the proposed development. Should permission be granted a pre-commencement condition should be imposed requiring site investigations to be undertaken and follow up condition requiring the works to be validated prior to occupation.

Environmental Protection Officer

- 06/11/2020 – no objections in principle with condition recommended to deal with any made ground / potential site contaminants prior to occupation of any dwelling.

DCC Highways

- 12/11/2020 – holding referral to officers.
- 30/11/2020 – comments received acknowledging the sites previous planning history (inc. extant permissions) and seeking confirmation that the access can

achieve an appropriate width, area of turning (commensurate with the size of vehicle likely to use the access), exit visibility (measuring 2.4m x 43m) and clarity of waste collection arrangements / emergency access. It is also commented that parking should be provided in accordance with adopted parking standards / dimensions.

Lead Local Flood Authority

- 16/11/2020 – no comments to make / standard advisory notes recommended.

Steve Chapman (BDC Drainage)

- 20/11/2020 – comments received raising no objections in principle, confirming there were no public sewers recorded to cross the site but gives advice about the potential presence of unmapped public sewers being present. Further advice is offered relating to Part H of Building Regs and any new drainage needing to meet these requirements and its design to be agreed (by planning condition); in addition to the encouragement of the use of SuDS where appropriate (and subject to future maintenance arrangements).

Bolsover Town Council

- no comments received.

Derbyshire Wildlife Trust

- 17/12/2020 – comments received advising that the application was not accompanied by any ecological or biodiversity assessment so it was not possible to know the details of the extent and type of habitats that will be affected. From aerial imagery it would appear that there is likely to be a minor loss of biodiversity due to clearance of vegetation including shrubs, under scrub and possibly trees. DWT advised the LPA to request a Preliminary Ecological Appraisal so that a full understanding of the impact on biodiversity could be understood and any impacts can be mitigated in order to ensure there is not a net loss of biodiversity.

Yorkshire Water

- no comments received.

All consultation responses are available to view in full on the Council's website.

PUBLICITY

A site notice was displayed on site (27/10/2020) and 9 neighbours were notified by letter (26/10/2020). Following the receipt of revised plans neighbours were re-consulted by letter (23/02/2021).

- There have been ten representations received which are summarised as follows:

Object on the grounds of over development;

Stanfree is designated as a "Small settlement in the Countryside" so the Council should not support any type of urban development;

Whilst sympathetic to the planning proposals of this site, the current application of up to 5 dwellings is too ambiguous and the resulting impact varies considerably;

The development is described as a continuance of the recent development however this still

remains unfinished (inc. the access road which is in a state of disrepair);
As built the access road does not have the capacity to serve additional dwellings;
Stanfree has no immediate public facilities or services so it is not conducive to a larger population (residents will be car dependant as there is only 1 infrequent bus service);
The site lies outside of the settlement development limit of Bolsover;
The presumption in favour of sustainable development is not met or justified by the application which has been submitted;
The submission argues that substantial weight should be given to the extant permission present on site, however it is argued that substantial weight should also be given to the scheme of 7 dwellings which was refused and dismissed at appeal;
The development will not create attractive and comfortable places to live or create safe environments which are visually attractive for new and/or existing residents;
Proposals will adversely impact upon the privacy of immediate adjoining neighbouring by virtue of overlooking and overshadowing
Adverse impacts of noise and disturbance during construction works;
The shared access road is narrow and is certainly too narrow for construction vehicles to use. Existing residents already experience problems with bin collections and larger vehicles gaining access;
There is insufficient parking proposed;
The road layout and infrastructure of Stanfree cannot safely support further development or vehicle movements;
The single track road adjacent to the site which leads up to Oxcroft will not cope with additional traffic and is dangerous (blind bends / drainage ditch);
The site adjoins Oxcroft Estate Land Settlement, where no building is allowed and it is currently being considered as a conservation area;
The site is immediately adjoined by open land with is used by wildlife and the destruction of their habitat should not be allowed;
The site is occupied by trees, hedgerows and fresh water springs from the limestone escarpment nearby, the development of the site will inevitably have an impact upon local drainage which may adversely impact nearby residents;
The recent development of the site took a long time to complete and were only offered for sale about 4 years ago. There isn't the demand in the local area for more houses and the builder has yet to complete the stone walls and make good the access road;
The home proposed will not be affordable or sustainable;
Will the houses be desirable located next to a scaffolding yard and rubbish dump?;
Even though the houses have been re-orientated they are still outside the settlement framework; and
The site has recently been cleared without undertaking the preliminary ecological appraisal as advised by DWT in their comments.

All neighbour representations are available to view in full on the Council's website.

POLICY

Bolsover District Local Plan ("the adopted Local Plan")

Planning law requires that applications for planning permission be determined in accordance with policies in the adopted Local Plan, unless material considerations indicate otherwise. In this case, the most relevant Local Plan policies include:

Policy SS1: Sustainable Development

Policy SS2: Scale of Development
Policy SS3: Spatial Strategy and Distribution of Development
Policy SC1: Development within the Development Envelope
Policy SC2: Sustainable Design and Construction
Policy SC3: High Quality Development
Policy SC7: Flood Risk
Policy SC9: Biodiversity and Geodiversity
Policy SC10: Trees, Woodlands and Hedgerows
Policy SC11: Environmental Quality (Amenity)
Policy SC13: Water Quality
Policy SC14: Contaminated / Unstable Land
Policy ITCR10: Supporting Sustainable Transport Patterns
Policy ITCR11: Parking Provision

National Planning Policy Framework (“the Framework”)

The National Planning Policy Framework sets out the Government’s planning policies for England and how these should be applied. The Framework is therefore a material consideration in the determination of this application and policies in the Framework most relevant to this application include:

Paragraphs 7-10: Achieving sustainable development
Paragraphs 47-48: Determining applications
Paragraphs 54-57: Planning conditions and obligations
Paragraphs 108-111: Promoting sustainable transport
Paragraph 118: Making effective use of land
Paragraphs 124-128: Achieving well-designed places
Paragraph 153: Meeting the challenge of climate change
Paragraph 165: Sustainable Drainage Systems
Paragraphs 170 and 175: Conserving and enhancing the natural environment
Paragraphs 178-181: Ground conditions and pollution

Supplementary Planning Documents

Successful Places: A Guide to Sustainable Housing Layout and Design – Supplementary Planning Document.

Parking Standards – Consultation Draft Supplementary Planning Document.

ASSESSMENT

It is considered that the main issues in the determination of this application are:

- the principle of the development;
- highway safety considerations, including whether the development would be provided with a safe and suitable access and the impact of the development on the local road network;
- landscape and visual impact of the development;
- whether the development can deliver a suitable design and layout and provides sufficient residential amenity;
- the ecology impacts of the development (inc. trees and wildlife);
- potential contamination risks / land stability;
- drainage requirements; and
- impacts on infrastructure, including recreation and leisure, education and health

facilities.

These issues are addressed in turn in the following sections of this report

Principle of the Development

In the Local Plan for Bolsover District (March 2020) the village of Stanfree is identified as a small settlement in the countryside, which in terms of the settlement hierarchy and the distribution of development steered by the local plan it would be placed at the lower end of meeting the criteria of sustainable development (policy SS3). As a village without a defined development envelope, Stanfree is considered to lie in the open countryside where development proposals should be considered against policy SS9 of the Local Plan.

Policy SS9 states that development will only be granted planning permission where it can be demonstrated that the proposals fall within one or more of the policy categories. In this instance the development the subject of this application does not meet any of that policy criteria. Notwithstanding the however, whilst it is accepted that the development proposals do not meet the provisions of the development plan in regard to policy SS9, planning decisions can be taken contrary to the development plan if there are material circumstances which dictate otherwise.

In 2008 planning permission was granted for a large two storey detached dwelling on the site the subject of this application, which was latterly confirmed by the Planning Enforcement team (in 2014) to have been implemented. This planning permission is therefore an extant permission, which means that the redevelopment of this site is established by that permission as a fall-back position.

08/00449/REM – Approved Site Layout



Therefore notwithstanding the fact that policy SS9 states permission for new dwellings should not be granted in the countryside unless the qualifying criteria of that policy is met, this site already has a permission for a very large dwelling and therefore it is necessary to consider whether, if permitted, the development the subject of this application would be significantly

site does include some previously developed land and the existence of the extant planning permission is a significant fall-back position in this case which is considered to carry great weight in the planning balance. It is accepted that the scale of development proposed is necessary to realise the potential of this site for this development and on balance the principle of development (subject to the parameters considered in greater detail below) can be regarded as being acceptable.

Highway Safety / Access

The Local Highways Authority (LHA) commented on the original application submission making a number of observations about the application detail and seeking confirmation that the access can achieve an appropriate width, area of turning (commensurate with the size of vehicle likely to use the access), exit visibility (measuring 2.4m x 43m) and clarity of waste collection arrangements / emergency access. The LHA also commented that parking should be provided in accordance with adopted parking standards / dimensions.

A number of the comments made by the LHA were given in the absence of them actually undertaking a site visit to the application site (due to covid restrictions).

Taking each of the points made by the LHA in turn the shared access / driveway is already in situ as it serves No's 26b, 30a and 30b as well as providing access to the land the subject of this application. As can be seen in the photographs taken below, there is a footway / margin on either side of the access / driveway and it is wide enough for two vehicles to pass each other. If the LHA had visited the site they would have been able to observe this situation negating the need to query the width of the access or its suitability to serve the scale of development being proposed.



In respect of on-site turning detailed site layout plans have been submitted to demonstrate that there is adequate exit visibility and available on site turning (Visibility Splay Plan (26228_08_020_01.1) and Tracking Plan (26228_08_020_01.2) - detailed received 16.12.2020). The visibility plan clearly shows that exit visibility is achievable as per the LHA's requirements / recommendations; however the vehicle turning plan was superseded following a later revision to the site layout / block plan submitted in February 2021.

Notwithstanding this, it is clear that the latest site layout plan detailed also includes adequate space for on-site turning and the development would not cause unacceptable impact on

highway safety and the proposed access would be suitable. In a similar way to which the currently dwellings served off the access are serviced for waste collection, this development would be no different.

Looking in more detail at the layout of the development proposals, each unit is shown to be provided with 2 no. dedicated off street parking spaces which accords with the parking standards set in Appendix 8.2 of the Local Plan, however this is a layout matter that would be considered in more detail at the reserved matters stage if outline permission was granted.

In addition to the above, given that the development does lie in a small village in the open countryside it has to be accepted that future occupiers of the development are likely to own cars and therefore the development should (under the provisions of policy SS1 of the Local Plan) include for the provision of electric vehicle charging points at each dwelling.

Overall therefore, subject to the imposition of appropriate and necessary planning conditions requiring the implementation / provision of the visibility splays and plot parking the development proposals are considered to be acceptable.

Landscape and Visual Impact

The application site sits on the fringe of the built up settlement of Stanfree, where the application site shares its western and southern boundaries with neighbouring dwellings and its eastern and northern boundaries with open countryside.

As described in the principle of development section above, the land level characteristics extending across the application site decrease towards the north eastern corner of the site where there is a natural land form transition into the open countryside.

To reflect the change in levels the applicant / development undertook topographical survey work to establish the scope / extent of the site developable area and this led to the submission of the indicative site sections and block plan layout detailed below.





The streetscene and site sections drawing above demonstrates that the development would need to respond to the decrease in levels across the site, but the development could assimilate with the backdrop of the existing development along Church Road with ridgelines of the new dwellings not extending above those of the existing built form. The site layout plan submitted also shows how the development could be laid out to retain the open fringe of the development edge to the eastern and northern boundary, and alongside more nature forms of boundary treatments this would assist in lessening the impact of the developments appearance on the settlement edge. The position of the detached garage shown to serve plot 2 would however not be acceptable as this extends beyond the natural edge of the built form created by existing development patterns. Given this is an outline proposal though, this points would need to be addressed at the reserved matters stage if outline permission is granted.

In the context of Policy SC8 of the Local Plan it is considered that if the development proposals came forward (subject to reserved matters approval) in line with the site levels and finished floor levels indicated on the latest levels and block plan submitted they will assimilate with their surroundings and will not cause any significant harm to the character, quality, distinctiveness or sensitivity of landscape, or to important features. In respect of landscape and visual impact the development proposals would be considered to be acceptable.

Design and Layout (inc. Residential Amenity)

In the context of design and layout considerations regard should be had to the advice contained in the Council's adopted Supplementary Planning Document 'Successful Places' - Housing Layout and Design Guide and Policy SC2 and SC3 of the Local Plan.

Albeit that the application is submitted in outline, with matters of appearance, scale, layout and landscaping reserved for later approval, the submission does include details showing how the site could be laid out to provide a development of up to 5 dwellings on site. Amongst these details is information relating specifically to levels, which shows how the development takes account of the fact the site does have sloping land levels towards its north eastern corner and that it is on the settlement edge of Stanfree.

It is clear that the application site and its surrounding area has undergone a degree of change to its character and appearance as a result of the development of No's 26a, 26b, 30a and 30b which are all large two storey detached dwellings. Further encroachment of built development into the southern half of the site the subject of this application has also already been accepted by the planning permission for a large two storey 5 bedroom dwelling (with guest annex) that was granted under application ref. 08/00449/REM and confirmed extant in 2014.

The indicative site layout plan that has been submitted demonstrates that adequate separation distances can be achieved between the footprint and position of windows in the boundary sharing neighbouring properties and the development site (based upon the position of the indicative dwellings shown). As this is an outline application the final design of any dwellings would be determined at reserved matters stage (if outline permission was granted) but the indicative plan shows this can feasibly be achieved in accordance with the guidelines of the adopted SPD.

Having regard to the relative separation distances achieved between plots and overall private amenity space per dwelling, the indicative site layout plan also shows that all units can achieve minimum distances sought between facing windows and garden areas / boundaries guided by the adopted SPD.

Materials, finishes and a boundary treatments will all need to be agreed as part of any reserved matters submission concerning appearance and landscape as these details do not accompany the current submission. It would be expected that these details reflect the materials and finishes that are prevalent in the surrounding local area.

Subject to controls over final design as discussed above, it is considered that a proposal can be designed at reserved matters stage that satisfies policies of the Local Plan in terms of design, layout and amenity considerations.

Ecology / Biodiversity (inc. Trees and Wildlife)

At the time of the original application submission the site was undeveloped and had been used in part commensurate with the construction of the adjoining new dwellings for the storage of materials / plant / equipment. The upper / northern half of the site was overgrown with brambles and included some mature tree specimens.

The site was however cleared in early 2021 to allow the applicant / developer to undertake a topographical survey of the site to inform amendments and provide additional information in support of these application proposals. None of the vegetation or trees on site were protected and the works completed as part of the site clearance did not require planning permission in their own right and were undertaken outside of the nesting season.

As part of application process Derbyshire Wildlife Trust (DWT) were consulted on the application and it is noted that in their comments received late Dec 2020 that they recommended a preliminary ecological survey would assist the local planning authority in understanding any potential impact the development would have on biodiversity, so it could be mitigated to secure no net loss.

It is therefore unfortunate that the site was cleared without this survey being undertaken however the works fell outside of planning control for the reasons explained above.

Notwithstanding this, site photographs taken by the case officer in November 2020 show the condition of the site and the habitat characteristics it provided. The site was likely to be used primarily by small mammals and birds for transient habitat and foraging and therefore mitigation of these features can be incorporated into the design and fabric of the development to compensate for the loss of these features. Bird boxes, bat bricks, small mammal gaps in boundary treatments are all common measures which are encouraged; alongside new native tree planting and soft landscaping that encourage fruits, berries and pollinators.

Under the provisions of Policy SC9 of the Local Plan planning conditions securing a Landscape and Biodiversity Enhancement and Management Plan (LBEMP) will ensure that appropriate levels of mitigation are secured and deliver the appropriate landscaping and biodiversity enhancement measures deemed necessary as compensation. These details could also be included the submission of any reserved matters approval concerning landscaping and appearance.

Contamination / Land Stability

Under the provisions of Policy SC14 of the Local Plan both the Environmental Protection Officer (EPO) and the Coal Authority (CA) have reviewed the application submission and historical files, having regard to the nature of the development proposals.

Both have confirmed that whilst there is potential former land contamination and coal mining legacy issues which may affect the development site, these issues can be investigated and appropriately remediated (as detailed in the Coal Mining Risk Assessment and comments made by the CA). A condition can be included in the event that planning permission is granted for this site, for further assessment of the site to be undertaken in respect of contamination / coal mining risk and where that assessment shows it to be necessary to carry out appropriate mitigation to deal with that contamination.

Drainage

Foul Water

No consultation response has been received from the water company in respect of foul drainage and it must be assumed therefore that they do not have any objections to the proposal; the final design and provision of foul drainage is also a matter dealt with under the Building Regulations.

Surface Water

It is considered that the principle of incorporating a satisfactory drainage solution on site is achievable subject to the final design being agreed as a pre-commencement condition requirement alongside details of an implementation and management of any drainage scheme, including details for surface water management during the construction period. These recommended conditions also cover the comments raised by the Council's Drainage Engineer and are recommended for inclusion in the event of planning permission being granted.

Infrastructure Provision (inc. recreation, leisure, education and health facilities)

Having regard to the proposed scale of development (up to 5 dwellings) none of the trigger points that would seek S106 planning contributions associated with Education, Health, Green

Space / Play Provision and / or Playing Pitches are met.

CONCLUSION / PLANNING BALANCE

In conclusion, it is acknowledged that the principle of development does not accord with the provisions of policy SS9 of the Local Plan as the proposals would allow new dwellings in open countryside contrary to the criteria based in this policy.

However as is set out in this report, the site in part benefits from an extant planning permission for a large detached dwelling that creates a fall-back position which is a material planning consideration in this instance.

On balance therefore, having regard to all other material considerations which have been considered, it is accepted that development of this site for up to 5 dwellings can be accepted.

Through the detailed consideration of all other matters it is considered that the development can achieve an appropriate design, scale and appearance which is complimentary to the fact the site sits on the fringe of a small village settlement. The development would provide additional housing that is perhaps more akin to that needed across the Borough (as opposed to a large detached dwelling of the scale and form which exists alongside the extant permission) and in other respects (including technical considerations) the development has been considered to be acceptable.

RECOMMENDATION

That the application be APPROVED subject to the following conditions:

Conditions

01. Approval of the details of the layout, scale, appearance, landscaping and those remaining access details beyond the main entry point into the site off Church Road (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
02. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development to which this permission relates shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
03. The development hereby permitted shall be carried out in accordance with the following approved drawings and documents unless specifically stated otherwise in the conditions below:
 - 21/825/1 – Site Layout
 - 21/825/2A – Sections
 - 21/825/3 – Topographical Survey
 - 21/825/4 – Block Plan and Levels
 - Design & Access Statement
 - Coal Mining Risk Assessment

Drainage

04. No development shall take place, other than site clearance works, until a detailed design and associated management and maintenance plan of the surface water drainage for the site have been submitted to and approved in writing by the Local Planning Authority.
05. No development, other than site clearance works, shall take place until a detailed assessment has been provided to and approved in writing by the Local Planning Authority, to demonstrate that the proposed destination for surface water accords with the drainage hierarchy as set out in paragraph 80 reference ID: 7-080-20150323 of the planning practice guidance.
06. Prior to commencement of the development, other than site clearance works, the applicant shall submit for approval to the Local Planning Authority details indicating how additional surface water run-off from the site will be avoided during the construction phase. The applicant may be required to provide collection, balancing and/or settlement systems for these flows. The approved system shall be operating to the satisfaction of the Local Planning Authority, before the commencement of any works, which would lead to increased surface water run-off from site during the construction phase.
07. Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority. This must demonstrate that the drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls).

Coal Authority

08. No development shall commence (excluding the demolition of existing structures) until;
 - a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past shallow coal mining activity; and
 - b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.
09. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Contamination

10. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions A to D have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition D has been complied with in relation to that contamination.

A. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's '*Model Procedures for the Management of Land Contamination, CLR 11*'.

B. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

C. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

D. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition A, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition B, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition C.

E. Importation of soil

In the event that it is proposed to import soil onto site in connection with the development, the proposed soil shall be sampled at source and analysed in a laboratory that is accredited under the MCERTS Chemical testing of Soil Scheme for all parameters requested (where this is available), the results of which shall be submitted to the LPA for consideration. Only the soil approved in writing by the LPA shall be used on site.

This memorandum in no way indicates that this site is currently considered to be contaminated, merely that the potential for contamination exists on this site. We do not currently have any entries on our register of contaminated land as we are presently at the stage of inspecting the District and identifying potentially contaminated sites. If any of these sites warrants regulatory action, an entry will be made on the public register.

As the whole of Bolsover district is considered to be a radon affected area we would advise the applicant obtains a Radon Risk report for the site. A report may be obtained from Public Health England <http://www.ukradon.org/>

Ecology

11. No removal of vegetation or work to buildings will take place between 1st February and

31st September inclusive, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period, and details of measures to protect the nesting bird interest on the site, have first been submitted to and approved in writing by the local planning authority and then implemented as approved.

12. A landscape and biodiversity enhancement and management plan (LBEMP) must be submitted to, and be approved in writing by, the Local Planning Authority prior to the commencement of the development. The LBEMP must combine both the ecology and landscape disciplines and ensure that there is no net loss of biodiversity and ideally providing a measurable net gain. It should include the following:-
 - a) Description and location of habitat and species features to be created, planted, enhanced and managed including type and locations of bird boxes, bat boxes / bricks, hedgehog access gaps in gardens and details of habitat creation.
 - b) Aims and objectives of management for species and habitat.
 - c) Appropriate management methods and practices to achieve aims and objectives.
 - d) Prescriptions for management actions.
 - e) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a ten-year period).
 - f) Details of the body or organization responsible for implementation of the plan.
 - g) Ongoing monitoring visits, targets and remedial measures when conservation aims and objectives of the plan are not being met.

The LBEMP will also include details of the legal and funding mechanism(s) by which the long-term (25 years) implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The approved plan will be implemented in accordance with the approved details.

Highways

13. Before any other operations are commenced the site access shall be modified, laid out and constructed in accordance with a detailed design first submitted to, and approved in writing by the Local Planning Authority. The access shall be constructed to base level and be provided with visibility sightlines of 2.4m x 43m in both directions. Prior to the first occupation of any dwelling on site, the permanent new access shall be laid out as approved and the land in advance of the visibility sightlines shall be retained throughout the life of the development free of any object greater than 1m in height relative to the adjoining nearside carriageway channel level.
14. At the commencement of operations on site, space shall be provided within the site curtilage for storage of plant and materials, site accommodation, loading and unloading of goods vehicles, parking and manoeuvring of site operatives and visitors vehicles, laid out and constructed in accordance with detailed designs to be submitted in advance to the Local Planning Authority for written approval and maintained throughout the contract period in accordance with the approved designs free from any impediment to its designated use.
15. No development consisting of highway construction shall take place until either

confirmation has been provided that a Section 38 adoption agreement with the Highway Authority will be completed; or details of the construction and future maintenance of the residential access driveway(s) and footway(s) (including layout, levels, gradients, construction, surfacing, means of surface water drainage and street lighting) have been submitted to and approved in writing by the Local Planning Authority. Any such details approved shall be implemented before the first occupation of any dwelling on site and the driveway shall thereafter be maintained in accordance with the approved details.

16. No dwelling shall be occupied until space has been provided within the site curtilage/ plot for the parking of residents and visitors vehicles associated with that dwelling, all to be laid out and constructed in accordance with the approved drawings. The facilities shall be retained throughout the life of the development free from any impediment to their designated use, for the parking of motor vehicles at all times.
17. No dwelling shall be occupied until further details for the arrangements of waste collection from the new dwellings have been submitted to and approved in writing by the Local Planning Authority. Details required shall demonstrate that a Refuse Collection Vehicle with a GVW of 32 tonnes is capable of accessing and turning within the site; or alternatively the design of a presentation / collection point positioned at the site entrance. Details shall be implemented as approved prior to occupation of any dwelling and shall be retained throughout the life of the development free from any impediment to their designated use.
18. An electric vehicle recharging point shall be provided within the garage or on the exterior of each dwelling before the dwelling to which the recharging point relates is first occupied. All recharging points shall thereafter be retained. Cable and circuitry ratings shall be of adequate size to ensure a minimum continuous current demand of 16 Amps.

Statement of Decision Process

Officers have worked positively and pro-actively with the applicant to address issues raised during the consideration of the application. The proposal has been considered against the policies and guidelines adopted by the Council and the decision has been taken in accordance with the guidelines of the Framework.

Equalities Statement

Section 149 of the Equality Act 2010 places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it (i.e. "the Public Sector Equality Duty").

In this case, there is no evidence to suggest that the development proposals would have any direct or indirect negative impacts on any person with a protected characteristic or any group of people with a shared protected characteristic

Human Rights Statement

The specific Articles of the European Commission on Human Rights ('the ECHR') relevant to planning include Article 6 (Right to a fair and public trial within a reasonable time), Article 8

(Right to respect for private and family life, home and correspondence), Article 14 (Prohibition of discrimination) and Article 1 of Protocol 1 (Right to peaceful enjoyment of possessions and protection of property).

It is considered that assessing the effects that a proposal will have on individuals and weighing these against the wider public interest in determining whether development should be allowed to proceed is an inherent part of the decision-making process. In carrying out this 'balancing exercise' in the above report, officers are satisfied that the potential for these proposals to affect any individual's (or any group of individuals') human rights has been addressed proportionately and in accordance with the requirements of the ECHR.