

PARISH Old Bolsover Parish

APPLICATION Outline application with all matters reserved for residential development for up to five dwellings

LOCATION Land To The Rear Of 20 To 26 And North Of 28 Church Road Stanfree

APPLICANT Castle Homes Chesterfield Ltd 10 Corner Pin Close Netherthorpe
Staveley Chesterfield S43 3LN

APPLICATION NO. 24/00318/OUT **FILE NO.**

CASE OFFICER Mr Jonathan Gaynor

DATE RECEIVED 16th July 2024

SUMMARY

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

Notwithstanding the above, the application is recommended for approval. This application is a resubmission of planning application reference 20/00465/OUT, which was granted permission under the same planning policy context but has since lapsed. 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



OFFICER REPORT ON APPLICATION NO. 24/00318/OUT

SITE & SURROUNDINGS

The application site is 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. There is a small building towards the eastern boundary of the site. 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.

BACKGROUND

This application is a resubmission of application reference 20/00465/OUT that was granted permission on 21 April 2021 following a resolution to grant at planning committee. That planning permission has now lapsed.

PROPOSAL

The application 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 could be achieved taking access from the existing access road / driveway located between 26b and 30A Church Road, Stanfree. This layout is however only indicative and the detail would be subject to a reserved matters application.

Supporting Documents

The following drawings / documents have been submitted:

- Location Plan
- 21/825/1 – Layout
- 21/825/2.A – Sections
- 21/825/3 – Topographical Survey
- 21/825/04 – Block Plan and Levels
- 26228_08_020_01.2 – Vehicle Tracking (Refuse Vehicle)
- 26228_08_020_01.1 – Site Access and Visibility Extents
- Design & Access Statement
- Coal Mining Risk Assessment
- Biodiversity Metric calculation

- Biodiversity Metric Condition Assessment
- Biodiversity Net Gain Assessment – Revision B
- Ecological Impact Assessment

AMENDMENTS

Revised Biodiversity Net Gain Assessment received following comments from Derbyshire Wildlife Trust.

EIA SCREENING OPINION

Given the type, scale, location, characteristics of the development and characteristics of the potential impact, the proposals are not considered to be EIA development considering the schedules set out in the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

HISTORY

20/00465/OUT	Granted Conditionally	Outline application (all matters reserved) for the erection of 5 detached dwellings
06/00124/OUT	Granted Conditionally	Residential development
08/00449/REM	Granted Conditionally	Erection of 1 two storey dwelling and associated access (Site A) and detached garage
16/00317/DISCON	Discharged	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

CONSULTATIONS

Bolsover District Council Engineers –

1. The sewer records do not show any public sewers within the curtilage of the site. However, the applicant should be made aware of the possibility of unmapped public sewers which are not shown on the records but may cross the site of the proposed works. These could be shared pipes which were previously classed as private sewers and were transferred to the ownership of the Water Authorities in October 2011. If any part of the proposed works involves connection to / diversion of / building over / building near to any public sewer the applicant will need to contact Yorkshire Water in order to determine their responsibilities under the relevant legislation.
2. All proposals regarding drainage will need to comply with Part H of the Building Regulations 2010. In addition, any connections or alterations to a watercourse will need prior approval from the Derbyshire County Council Flood Team, who are the Lead Local Flood Authority.

3. The developer should provide detailed proposals of the disposal of foul and surface water from the site and give due consideration to the use of SuDS, which should be employed whenever possible and designed in accordance with current legislation and best practice.
4. Where SuDS features are incorporated into the drainage design for developments of between 2 and 9 properties it is strongly recommended that the developer provides the new owners of these features with sufficient details for their future maintenance.
5. It is essential that any work carried out does not detrimentally alter the structure or surface of the ground and increase or alter the natural flow of water to cause flooding to neighbouring properties. The developer must also ensure any temporary drainage arrangements during construction gives due consideration to the prevention of surface water runoff onto the public highway and neighbouring properties.

Coal Authority –

The application site falls within the defined Development High Risk Area. The Coal Authority concurs with the recommendations of the Coal Mining Risk Assessment Report; that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site. The Coal Authority therefore has no objection to the proposed development subject to the imposition of conditions to secure the above.

Derbyshire County Council Archaeology –

The proposed development area occupies part of the site of the former Oak House Farm, an historic farmstead that appears on the Sanderson Map of 1835 and subsequent editions of the Ordnance Survey as well as the site of the former Mission Hall, the latter recorded on the Derbyshire HER as a heritage asset (MDR12665). The mission hall was demolished before 1999 and the remains of the farm buildings at Oakhouse Farm between April 2015 and June 2017 resulting in the loss of heritage assets. It is probable that the demolition of the farm buildings and the removal of the concrete slab associated with them will have removed any pre-existing archaeological deposits without any assessment of impact, potential or significance. It is also the reality that the current application will have no archaeological impact and as such there is no objection.

Derbyshire County Council Highways –

Note a previously approved Outline application on this site for the erection of 5 detached dwellings under reference 20/00465/OUT with the HA response provided (dated 30 November 2020) concluding... 'It is recommended, therefore, that the applicant is given the opportunity to submit details to satisfactorily address the above issues. If, however, you are minded to determine the proposals on an as submitted basis, the Highway Authority would wish to provide recommendations for inclusion within the decision.'

The LPA subsequently approved the application with the Officer Report mentioning... '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.' Therefore, the HA note the drawing submitted,

approved and Conditioned for 20/00465/OUT (21/825/1 dated Feb 21) has again been submitted for 24/00318/OUT, so as the principle of development has already been accepted from a highways aspect and, as highlighted above, notwithstanding the information already submitted, the HA offer no highway objections and as per Conditions 13 to 17 appended to application 20/00465/OUT, the HA recommend the same HA Conditions and Notes being appended to any consent granted, namely Conditions 13, 14, 15, 16, 17 and Notes 1 and 3 of approved application 20/00465/OUT.

Derbyshire Wildlife Trust –

The site comprises a disused area of land, disturbed by adjacent construction works, which now supports unmanaged species-poor grassland and ruderal vegetation. Patches of scrub and several small trees are also present. Protected species constraints are limited to nesting birds, common herptiles and small mammals.

A metric has been completed to determine the baseline value of the onsite habitats (1.58 habitat units). The post-development tab has now been completed and a net loss of -1.40 habitat units (89.06%) are predicted. To deliver a 10% gain, a total of 1.56 habitat units are required, however if these are to be delivered offsite, a spatial multiplier should also be applied which will further increase this number. The revised BNG Assessment indicates that this would be 3.12 habitat units (we assume this would be for a Habitat Bank within the LPA and this figure may change yet further if a cross-boundary Bank is used).

Offsetting in this manner is acceptable and, as per our letter, full details of the Habitat Bank and finalised figures can be provided in the Gain Plan, post-determination. Ideally, we recommend identifying a Habitat Bank at this stage and confirming they can supply the required units but this is not mandated by government guidance.

Whilst full details of the BNG approach can be provided in the Gain Plan, the preferred solution should be discussed with the applicant at this stage. If offsite land will be used, this will require securing via a S106 Agreement. If a Habitat Bank approach is chosen, we typically advise that the LPA seeks confirmation that a provider has been identified and can deliver the required type and number of units, although this is not mandatory. Depending on the approach, a condition for a Habitat Management and Monitoring Plan may also be required. Once the BNG matters have been addressed, conditions are advised to be attached to any consent regarding nesting birds, a Precautionary Working Method Statement and a Species Enhancement Plan.

Environmental Health –

Recommend conditions relating to working hours, the use of forklift trucks, identification and remediation of contamination, waste storage facilities, lighting, foul and surface water drainage, electric vehicle charging points, green infrastructure, solid fuel appliances, restriction on the use of chimneys for retrofitting solid fuel appliances, and an informative for noise and dust control.

Old Bolsover Town Council

No response received.

Planning Policy –

NPPF paragraph 6 identifies that Written Ministerial Statements may be material when

deciding planning applications. The Written Ministerial Statement, “Building the Homes We Need” 30th July 2024 expresses the intention to raise housing targets and facilitate housing delivery and is a material consideration.

Part of the site is covered by an area of land that received planning approval under application 08/00449/REM and prior to that 06/00124/OUT. At the time of both of those permissions the Bolsover District Local Plan (2000) was in force, and under that plan, the site was considered to be within the development envelope. The 2008 planning permission was granted for a large two storey detached dwelling on the site, which is understood to be an extant permission, which means that the development of this site is established by that permission as a fall-back position.

Outline planning permission was granted for five dwellings in 2021 (application reference 20/00465/OUT). The planning application was submitted and validated after the Local Plan for Bolsover District was adopted on 4th March 2020. The current application is understood to be a resubmission of permission 20/00465/OUT.

General Location of new development

Policy SS3 sets out the spatial strategy and distribution of development in Bolsover District to meet the local housing need set out in Policy SS2: Scale of Development. It directs development in accordance with a hierarchy with development being focused on the most sustainable towns and villages. More development is directed towards the small towns and the emerging towns. Less development is directed towards the five large villages. In small villages, the Local Plan will support limited development in a small number of those villages specified in the Plan. Small settlements in the countryside that do not have development envelopes, which includes Stanfree, “are considered to not be sustainable settlements and the Local Plan “will not support urban forms of development beyond infill development and conversion of agricultural buildings where appropriate.”

Stanfree, is a collection of four small blocks of development. Located on the B6418, Clowne Road between Clowne and Bolsover, there are two small ribbons of terraced development on the east side of the road; a small ribbon opposite the Appletree Inn and limited linked development along Bridle Road to the west and Appletree Road to the east; and the ‘core’ of Stanfree, which consists of a small group of housing around Church Lane with ribbon development to the east of Church Lane and the lane to Oxcroft with an estate development to the west of Church Lane. Policy SS3 identifies that infill development may be acceptable within small settlements in the countryside. The glossary to the Local Plan identifies infill development as “building on a relatively small site between existing buildings in a substantially built up area.” The application site is located behind the ribbon development along Church Lane and would form backland development. To the north, the site faces onto an ‘inactive’ frontage forming the garden to the rear of properties on Church Lane and to the east onto the open countryside. As such, it is not considered that that the application meets the definition of infill development as the proposed development is not considered to be between existing buildings and is not in a substantially built up area.

For planning policy purposes, the site is located within the countryside. Policy SS9 of the Local Plan, states that development proposals in the countryside will only be granted if they fall within one or more of a list of categories outlined in the Policy. The Policy also states that where a proposal is considered acceptable (by satisfying one or more of the types of

development listed), it is required to respect, among other things, the character of the landscape. There is no evidence that the site is previous developed land and it is not considered that the development proposal satisfies any of the categories outlined in Policy SS9. As such the proposal does not accord with Policy SS9 of the Local Plan.

The proposal would accord with paragraphs 61 and 88 of the NPPF, which seek to boost the supply of housing and support the rural economy. However, as the Local Plan was adopted within the last five years and delivering in excess of the housing requirements set out in the Plan it is considered to be up-to-date with the provision of five additional dwellings providing a limited benefit. The Local Plan Policies SS3 and SS9 are consist with NPPF, which provides that development should be in sustainable locations and in the context of the countryside should contribute to and enhance the natural and local environment, by recognising the intrinsic character and beauty of the countryside.

Other considerations - Sustainable development

Policy SS1: Sustainable Development sets out the factors that will inform the assessment of whether a development contributes to sustainable development. This includes a requirement that development should:

g) Support the hierarchy of centres and / or enhance their role as a focus for new services and facilities. Create well designed places that are accessible, durable, adaptable and enhance local distinctiveness.

h) Protect and enhance the character, quality and settings of towns and villages and heritage assets through an appropriate mix of good quality, well-designed developments.

i) Protect, create and / or enhance the character, quality and diversity of the District's green infrastructure and local landscapes, the wider countryside and ecological and biodiversity assets

The development will also need to reflect the requirements set out in Policy SC2: Sustainable Design and Construction and Policy SC3: High Quality Design.

These policies set out the basis for sustainable development with a requirement to take a design led approach, which demonstrates an understanding of site context, constraints and opportunities and use of this information to develop conceptual ideas and design responses. This includes a requirement for the application of sustainable drainage and measures to mitigate and adapt to the effects of climate change. Further guidance is provided through the provisions of the Successful Places Supplementary Planning Document.

Other Considerations – Landslip Hazard Zone

The site falls within a Development High Risk area as per the latest 2024 Coal Authority Maps.

Policy SC 14 Contaminated and Unstable Land therefore applies and expects development proposals to demonstrate that they are stable or will be addressed by appropriate mitigation measures to ensure that the site is suitable for the proposed use.

The site is located in Flood Zone 1 and as the site is less than 1 hectare, under the provisions

of NPPF Footnote 63 there is no identified requirement for a site - specific flood risk assessment. Policy SC2 identifies that the sustainable drainage principles should be adopted including the application of the drainage hierarchy.

Under the NPPF paragraph 187 d) development should provide biodiversity net gain. This is also reflected in Local Plan Policy SC9: Biodiversity and Geodiversity. Under the Environment Act 2021 and supporting Regulations there is a requirement for a minimum of 10% biodiversity net gain requirement for residential developments with 9 houses or fewer on less than 1 ha of land, subject to any exemptions that may apply. (Further information on BNG is available through the Council's Planning Advisory Note: Biodiversity Net Gain).

Conclusion

The starting point for decision-making are the policies set out in the development plan, which comprises the Local Plan for Bolsover District. The Local Plan sets out a spatial strategy and distributes development to the large and more sustainable settlements in Bolsover District. As the Plan was only adopted in 2020, it is considered to be up-to-date and has been delivering significantly more dwellings in recent years than is required under the Local Plan provisions. No development was allocated or identified for Stanfree, which the Plan considers to not be sustainable settlements and not a location that the Council will support urban forms of development beyond infill development and conversion of agricultural buildings where appropriate.

Policy SS3 provides that that for Small Settlements in the Countryside infill development may be acceptable. However, it is considered that the proposed development does not meet the requirements for being defined as infill development under the Local Plan.

Policy SS9: Development in the Countryside identifies that permission can be granted for development in the countryside where it falls within one or more categories set out in the Policy. However, it is considered that the application site does not meet any of the categories set out in the Policy.

Therefore, it is considered that the proposed development does not meet the strategic policy requirements as set out in the Plan. On this basis, the application should be refused unless it is judged that material considerations indicate otherwise.

Yorkshire Water -

Based on the information submitted, no observation comments are required from Yorkshire Water.

As the proposal site is currently undeveloped, no positive surface water is known to have previously discharged to the public sewer network. Surface water discharge to the existing public sewer network must only be as a last resort and the developer is required to eliminate other means of surface water disposal.

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

PUBLICITY

Site notice erected and letters sent to 12 adjacent properties. Two representations have been

received raising the following points:

Overcrowding - Stanfree is considered a hamlet and in previous documentation provided by Castle Construction 16/00076/OUT December 2015 Inspire & Development wrote that red brick housing was considered unsuitable for the area and housing estate type dwellings should be avoided. The above and additionally, in the likelihood, at least 10 further vehicles to this corner of Stanfree would contribute to a 'housing estate' type overcrowded area.

Topography - A huge amount of earth movement would need to be required to raise the level for houses 3, 4 and 5. This would require a substantial retaining wall on the north and east side for houses 3, 4 and 5 that would not be in keeping with the farmland and for the surrounding the site.

Refuse Tracking - The proposal for the refuse truck (vehicle tracking) isn't an acceptable option. Because of the badly designed drive between 30a and 30 Church Road there is normally a car or visitors cars parked on the road making the turning space potentially inaccessible. Occupants from houses 3, 4 and 5 would find it unacceptable to take their bins down to the main road for collection if the refuse truck is unable to get to them. 28 and 30 Church Road already take their bins down to the main road.

According to the last planning application 20/00465/OUT which the community objected to, the garage for house 2 was outside the boundary and it appears that the turning road will also be outside of the boundary.

The plot needs to be redesigned with the original house or similar first proposed in the agreed planning application 15/00283/FUL reinstated as per the plan from this application, the site cleared up and the orchard remaining intact as stipulated in the agreed application and shown on the plan drawing.

It is very disappointing to see that resident objections to several previous planning applications for this plot continue to be ignored by the planning committee with genuine concerns not being adequately addressed. It appears this latest application is somewhat of a lazy application to renew another extant application.

This proposal continues to be ambiguous in that it is for up to five dwellings; are we considering the impacts of one, two, three, four or five additional dwellings? The potential impact will vary significantly depending on the Applicants actual intentions.

Whilst many of the points from my objection to the previous application remain (Appendix 1), I would like to highlight the following points of particular concern:

In the committee report to the now extant application (20/00465/OUT), the committee identified that *"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 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.”

I find it alarming that although the committee made the statement above, highlighting that the application does not meet any of the SS9 policy criteria, meaning planning permission should not be granted, they continued to approve the previous application and grant permission. The previously approved development remains unfinished some seven years after the first dwelling of that development became occupied. Most notable of the unfinished aspects are the access road which is in severe disrepair. The dry-stone wall was eventually finished albeit to a very poor standard which already displays signs of poor workmanship. If the Architects and Applicants intentions remain that this proposed development shall be a “continuance” of a previous development then the Local Authority should carefully consider in their decision making, the level of commitment shown previously by the Applicant.

The existing access remains unfinished from the Applicants first development attempt and it continues to be a shared access and private road not only for the residents of 26b, 28, 30 and 30a Church Road but also for the land located on the North side of 28 Church Road Stanfree, which is now used for equestrian purposes including stables.

The condition of the access remains in severe disrepair with four more years of wear and tear added to it; it has not been constructed in accordance with the Manual of Contract Documents for Highway Works, it is unlikely to ever withstand prolonged heavy trafficking such as that for delivering construction equipment and materials and the condition of covers and frames associated with the drainage infrastructure is a significant safety concern. Adjacent properties are within close proximity of the road itself and should any of the drainage covers fail whilst being trafficked by large vehicles carrying construction equipment/materials there could be catastrophic consequences.

The Architects latest response to tracking visibility/background papers is also of concern; “The area within the visibility splays up to the highway shall be completed shortly in accordance with the previous approval for the four houses already constructed.” – I remind you this is seven years after the first dwelling became occupied.

Vehicle tracking has been completed digitally without any consideration of site conditions and resident vehicles being parked legally on the private access road. Does the vehicle tracking continue to work in real life conditions noting that the block paved footways are also not constructed and/or suitable for vehicles tracking over them.

The issue of refuse collection has still also not been addressed with an assumption made that the council will consult with the bin collection services and there may need to be a dedicated area on collection days.

This latest application still lacks any real consideration for the existing ground levels across the proposed plot, adjacent properties and their private amenity areas. Significant work to existing levels would be required both in terms of cut and fill. Throughout much of the year the ground conditions in the gardens of properties 26a and 26b continue to be heavily saturated. Additional development without sufficient drainage will exacerbate this issue further. How does the Local Authority propose to monitor this to ensure the conditions are not worsened?

I remind the Local Authority that they should carefully consider the current condition of the

first development phase including the access road and the condition that the proposed land has been kept in for a number of years. Rather than permit the further development of land, it might be more appropriate to concentrate on enforcing previous planning agreements prior to entering into future developments creating more unfinished developments?

Accepting this proposal will have lasting effects on residents in the area who will have to put up with a messy, unsafe construction site on their doorstep for an unknown quantity of time.

The land is currently listed for agricultural use but has been used in a disrespectful manner for a number of years. The land is untidy, is used to store scrap metal, fuel bowsers, construction site cabins, general construction waste and leftover materials. This persistent non-compliance by the Applicant is disrespectful and harmful to the surrounding environment and ecosystem and the proposal to build up to five new dwellings will likely move this problem further up the plot into prime agricultural land. Is this acceptable to the Local Authority?

To conclude, I reiterate the proposals made are not realistically achievable on the following grounds:

- The initial development phase remains unfinished – seven years after the first dwelling became occupied.
- The existing access is a private road for four existing dwellings and stables to the land to the North of 28 Church Road, requiring full unobstructed access.
- The condition of the existing access is in severe disrepair.
- The existing access is unlikely to ever withstand prolonged heavy trafficking such as that for delivering construction equipment and materials.
- The existing access is already congested.
- The existing access is not adequate to serve the new site.
- The site falls outside the settlement development limit defined in the Bolsover Local Plan.
- 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.
 - A previous application for the erection of 7 new dwellings with access from Church Road (ref: 16/00076/OUT), was rejected and an appeal dismissed in 2016.
- The positioning of the proposed plots would be overbearing on existing properties and the Architects complete lack of site knowledge totally discredits the proposal.
- A number of environmental concerns have not been adequately addressed by the Applicant or Architect including the effect on the local ecosystem.

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

POLICY

Local Plan for Bolsover District (“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 SS9: Development in the Countryside
- Policy LC3: Type and Mix of Housing
- Policy SC2: Sustainable Design and Construction
- Policy SC3: High Quality Development
- Policy SC5: Change of Use and Conversions in the Countryside
- Policy SC7: Flood Risk
- Policy SC8: Landscape Character
- 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 SC16: Development Within or Impacting upon Conservation Areas
- 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.
- Paragraph 48: Determining applications.
- Paragraphs 56 - 57: Planning conditions and obligations.
- Paragraphs 109, 115 - 117: Promoting sustainable transport.
- Paragraphs 124, 129: Making effective use of land.
- Paragraphs 131, 135 - 137, 139 - 140: Achieving well-designed and beautiful places.
- Paragraphs 187, 193, 196 - 197: Conserving and enhancing the natural environment.

Supplementary Planning Documents

Successful Places: A Guide to Sustainable Housing Layout and Design, Adopted 2013:

The purpose of the Successful Places guide is to promote and achieve high quality residential development within the District by providing practical advice to all those involved in the design, planning and development of housing schemes. The guide is applicable to all new proposals for residential development, including mixed-use schemes that include an element of housing.

Local Parking Standards:

This document relates to Policy ITCR11 of the Local Plan by advising how the parking standards contained in appendix 8.2 of the local plan should be designed and implemented with development proposals. This SPD does not revise the standards contained in the Local Plan but does provide suggested new standards for parking matters not set out in the Local Plan, such as cycle parking. The design supersedes the parking design section included within the existing Successful Places SPD (2013).

Biodiversity Net Gain Design Note:

In light of the requirement for mandatory 10% biodiversity net gain, the Council has prepared a planning advice note to provide advice on the background to the introduction of mandatory 10% Biodiversity Net Gain, how this statutory provision relates to policy SC9: Biodiversity and Geodiversity in the Local Plan for Bolsover District, and how we will expect those preparing applications to approach this new legal requirement.

ASSESSMENT

Key issues

It is considered that the key 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;
- flood risk and 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

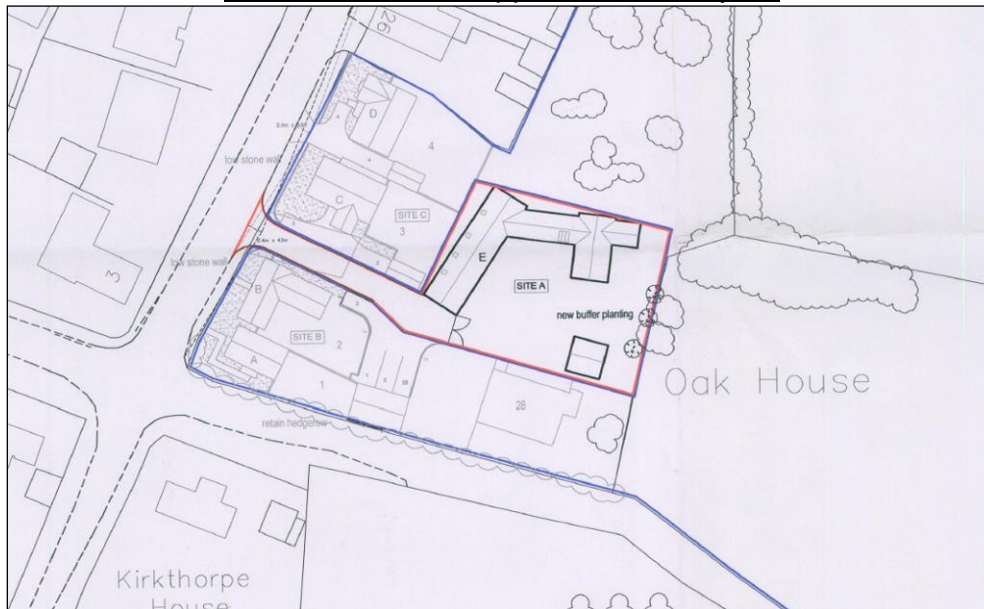
In the Local Plan for Bolsover District (March 2020), Stanfree is identified as a small settlement in the countryside, which in terms of the settlement hierarchy and the distribution of development steered by the Local Plan it would be placed at the lower end of meeting the criteria of sustainable development (policy SS3). As a settlement 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 stated categories. These categories include: certain changes of use or re-use of previously developed land; development

necessary for the efficient or viable operation of agriculture or other appropriate land based businesses; small scale employment uses related to farming, forestry, recreation or tourism; development that secures the retention or enhancement of a community facility or building that makes a positive contribution to the area; development in accordance with a made Neighbourhood Plan; or, the proposed building is of exception quality or innovative design. In this instance the development the subject of this application does not meet any of those policy criteria. 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 indicate otherwise.

In 2008 planning permission was granted for a large two storey detached dwelling on the site the subject of this application (08/00449/REM), which was 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 a significant portion of the site is established by that permission as a fall-back position.

08/00449/REM – Approved Site Layout

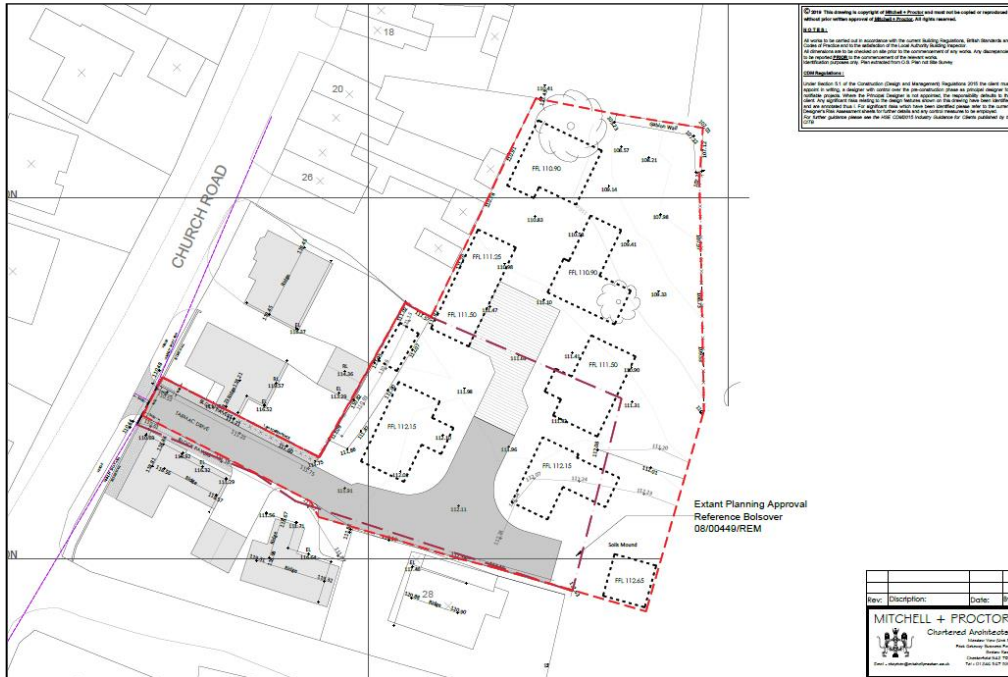


Therefore, notwithstanding the fact that policy SS9 states permission for new dwellings should not be granted in the countryside unless the qualifying criteria of that policy is met, this site already has a permission for a very large dwelling and therefore it is necessary to consider whether, if permitted,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

It is accepted that the extent of the red line boundary the subject of this latest application extends beyond that established by the 2008 consent to include the parcel of land to the immediate north which was an orchard, but this latest boundary is the same as the application that has already been considered under the same planning policy framework and was permitted in 2021. Bi-folding doors approved in the 2008 permission opened out onto this northern parcel of land and therefore it is likely this would have formed part of the extended curtilage of this dwelling had it been completed.

The indicative site layout plan submitted with this application, again, the same as submitted with the application that was permitted in 2021, shows a potential redevelopment of the site (which includes the orchard parcel of land) to create up to 5 detached dwellings. Topographical survey work had revealed that without significant level engineering the development would need to be concentrated away from the eastern boundary where levels drop (see indicative block plan below).

Indicative Block Plan



Comparing both the extant permission and the latest indicative block plan (above) it is clear that there would be an encroachment of new development beyond the area of the extant permission, however it will be necessary to consider further whether this has any significantly greater impact upon the character / appearance of the surrounding area. This is considered in more detail in the landscaping / visual impact section below.

Overall however, it is not considered that simply because the principle of the latest development proposal is contrary to the provisions of policy SS9 of the Local Plan this development should be automatically refused; the assessment effectively being the same as that for the application permitted in 2021, as the policy framework under which this application was assessed remains fundamentally the same.

These latest development proposals will allow for up to 5 new dwellings to be created in the settlement of Stanfree, which is accepted as not being the most preferable location for new growth in terms of its accessibility / sustainability. However, despite this the settlement has continued to see pockets of appropriate infill growth in recent years. In part this development 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, similarly to the 2021 position, is considered to carry great weight in the planning balance. Given the above: the fall-back position and decision made in 2021 under the same development plan; on balance the principle of development (subject to the other matters considered in greater detail below) can

be regarded as being acceptable.

Policy LC3 of the local plan seeks an appropriate mix of dwelling types, and sizes, taking account of existing imbalances in the housing stock, site characteristics, the characteristics of adjoining development, and viability and market considerations. The indicative plans submitted with the outline application show detached two-storey dwellinghouses, similar to those recently constructed adjacent to the site. While the detail of house numbers, types and design would be subject to approval at reserved matter stage, it is considered that the site can accommodate housing appropriate to its context and in accordance with policy LC3 of the Local Plan.

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

Recognising that this application is a resubmission of that granted in 2021, the local highway authority raises no objections subject to the imposition of conditions. The officer report for that application referred to observations that the local highway authority made which were only a result of not visiting the site due to Covid restrictions at the time. The access utilises the existing access off Church Road that already serves the recent development of 26b, 30a and 30b. It was established in the assessment of the previous application that the access is wide enough for two vehicles to pass and there is a footway / margin at either side of the access. The submitted plans demonstrate adequate exit visibility and ability to achieve acceptable on-site turning. In terms of refuse collections, the new dwellings would be served the same as the existing dwellings on the access. As such, subject to the imposition of appropriate and necessary planning conditions requiring the implementation / provision of the visibility splays and plot parking, the proposal is considered to be able to achieve a safe and suitable access, as well as parking and manoeuvring subject to final design, in accordance with policies SC3, ITCR10 and ITCR11 of the Local Plan for Bolsover District as is therefore considered acceptable.

In addition to the above, given that the site does lie in a small settlement in the open countryside, it has to be accepted that future occupiers of the development are likely to use 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.

Landscape and visual impact of the proposed development

The application site sits on the fringe of a built-up part 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.

In response to the change in levels the applicant 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:

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. Compared to the current backdrop of the recently completed dwellings, there is also considered to be no material harmful impact on the setting of the Oxcroft Settlement Conservation Area in terms of vistas from the Conservation Area. In respect of landscape and visual impact the development proposals would be considered to be acceptable in accordance with policies SS1, SC2, SC3, SC5, SC8 and SC16 of the Local Plan for Bolsover District.

Whether the development can deliver a suitable design and layout and provides sufficient 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 (SPD) 'Successful Places' - Housing Layout and Design Guide, and Policy SC2, SC3 and SC11 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 the 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 and neighbouring properties (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 Supplementary Planning Document.

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 Supplementary Planning Document.

Materials, finishes and 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 (including trees and wildlife)

Since the previous planning application, legislation has now been introduced requiring development to provide a minimum of 10% biodiversity net gain based on the existing biodiversity value of the site. An Ecological Impact Assessment, BNG metric and assessment have been submitted with the application and Derbyshire Wildlife Trust have been consulted. They note that the site has been disturbed by adjacent construction works and now supports unmanaged species-poor grassland and ruderal vegetation, with patches of scrub and several small trees present. They consider that protected species constraints are limited to nesting birds, common herptiles and small mammals.

As this is an outline planning application only, the impact on existing trees is uncertain as it depends on the final design to approved at reserved matters stage. However, the Biodiversity Net Gain Assessment (Rev B) submitted with the application identifies four individual rural trees: two apple trees and two hawthorn trees that, based on the indicative layout submitted, assumes they would be removed to accommodate the development given the small size of the site and assesses the BNG requirement on this basis. The trees do not benefit from any other protection in terms of Conservation Area location or Tree Preservation Order.

Further information has been sought to understand the potential post-development outcome in terms of biodiversity net gain which reveals the quantum of gain required based on the indicative plans. There is no mandatory requirement to provide details of the precise mechanisms of delivery prior to determination of the planning application, as these details can be provided in the post-determination Gain Plan. The submitted Biodiversity Net Gain Assessment (Rev B) acknowledges that off-site provision will be required to provide 10% gain but no details of an offsite provider have been provided at this stage. On the basis that the remaining details can be provided post-determination (and development cannot start until the mandatory details have been provided and discharged), along with conditions advised by Derbyshire Wildlife Trust relating to nesting birds, a Precautionary Working Method Statement and a Species Enhancement Plan, the proposal is considered in accordance with the mandatory BNG requirement and policy SC9 of the Local Plan for Bolsover District.

Contamination / Land Stability

The application site falls within the defined Development High Risk Area in terms of previous coal workings and both Environmental Health and the Coal Authority have been consulted. The Coal Authority concur with the recommendations of the of the submitted Coal Mining Risk Assessment Report in that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site. The Coal Authority has no objection to the proposed development subject to the imposition of the conditions to secure the above.

Environmental Health note that there is an historic landfill within 300m of the proposed building site, and the proposed site is in an area of previous extensive mining activity. They recommend a phased contamination condition to check for, deal with and verify, any

contamination of land, controlled waters and/or ground gas.

With the imposition of these necessary conditions, the development is considered to be in accordance with the provisions of policy SC14 of the Local Plan for Bolsover District.

Flood Risk and Drainage

Flood Risk

The site is in flood zone 1 (lowest risk) and not within any surface water flood risk areas.

There are therefore no further flood risk considerations other than drainage as a result of the development.

Foul Water

Yorkshire Water have been consulted and have no observation comments to make regarding waste water. The final design and provision of foul drainage is also a matter dealt with under the Building Regulations.

Surface Water

With regard to surface water, Yorkshire Water comment that as the proposal site is currently undeveloped, no positive surface water is known to have previously discharged to the public sewer network. Surface water discharge to the existing public sewer network must only be as a last resort and the developer is required to eliminate other means of surface water disposal. 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 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. This means there is no basis to request such contributions should planning permission be granted.

OTHER PLANNING CONSIDERATIONS

Representations received query the uncertain scale of the development (up to 5 dwellings), as well as topography and design. This is an outline planning application with all matters reserved, which means this application is only assessing the principle of up to 5 dwellings on the site. Further applications providing the necessary details would be required before the development can commence. Representations also mention the unfinished nature of an earlier adjacent development by the applicant. This does not provide justification to refuse this application.

Some conditions were recommended by the Environmental Health Officer that either are not considered to meet the legal tests or would be dealt with at reserved matters stage: the forklift truck restriction is considered excessive if the working hours condition is imposed and Statutory Nuisance legislation provides protection in any case. It is considered necessary to impose the working hours condition given the proximity to other residential properties. Waste storage would be considered when a detailed design is submitted at reserved matter stage. Surface water conditions should be imposed but foul water drainage and the drainage

hierarchy will be considered through Building Regulations. Given the unrestricted surrounding residential properties and enforceability of householder lighting, it is not considered necessary to impose a lighting scheme condition. Green infrastructure would be considered at the reserved matters stage in the form of a landscaping plan. An advisory note could be included suggesting native trees are considered as part of the proposed landscaping scheme. Solid fuel appliances and emissions are controlled through other regimes and it would be unreasonable to duplicate or further restrict these. The design of any proposed decorative chimneys would be considered at reserved matters stage.

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 contained 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. Furthermore, this application is a resubmission of an application submitted in 2020 which was approved essentially under the same planning policy context. There is nothing materially different in either the proposal or decision-making framework that would indicate a recommendation inconsistent with the 2021 recommendation should be made.

On balance therefore, having regard to all other material considerations, it is accepted that development of this site for up to 5 dwellings remains acceptable in this instance.

Through the detailed consideration of all other matters required by a reserved matters application before the development can commence, 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 settlement. The development would provide (limited) additional housing that now even higher on the national agenda and is in that regard more beneficial than the single large, detached dwelling of 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 and the inclusion of informatives, including an informative relating to the deemed Biodiversity Gain Plan condition and the requirements of the Development Management Procedure Order:

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 – Layout
 - 21/825/2.A – Sections
 - 21/825/3 – Topographical Survey
 - 21/825/04 – Block Plan and Levels
 - 26228_08_020_01.2 – Vehicle Tracking (Refuse Vehicle)
 - 26228_08_020_01.1 – Site Access and Visibility Extents
 - Design & Access Statement (June 2024)
 - Coal Mining Risk Assessment (Earth Environmental and Geotechnical, November 2020, Report No. A3827/20)
 - Ecological Impact Assessment (LM Ecology, Revision A - September 2024).

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: 056 Reference ID: 7-056-20220825 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 until;
- a) a scheme of intrusive site investigations has been carried out on site to establish the risks posed to the development by past 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. The development hereby permitted shall not begin until a scheme to deal with contamination of land, controlled waters and/or ground gas has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include all of the following measures, unless the Local Planning Authority dispenses with any such requirement specifically in writing:
1. A Phase I site investigation report carried out by a competent person to include a desk study, site walkover, the production of a site conceptual model and a human health and environmental risk assessment, undertaken in accordance with BS 10175 : 2011 Investigation of Potentially Contaminated Sites – Code of Practice.
 2. A Phase II intrusive investigation report detailing all investigative works and sampling on site, together with the results of the analysis, undertaken in accordance with BS 10175:2011 Investigation of Potentially Contaminated Sites – Code of Practice. The report should include a detailed quantitative human health and environmental risk assessment.
 3. A remediation scheme detailing how the remediation will be undertaken, what methods will be used and what is to be achieved. A clear end point of the remediation should be stated, such as site contaminant levels or a risk management action, and how this will be validated. Any on-going monitoring should also be outlined.
 4. If during the works contamination is encountered which has not previously been identified, then the additional contamination shall be fully assessed, and an appropriate remediation scheme submitted to and approved in writing by the Local Planning Authority.
 5. A validation report detailing the proposed remediation works and quality assurance certificates to show that the works have been carried out in full

accordance with the approved methodology. Details of any post-remedial sampling and analysis to show that the site has reached the required clean-up criteria shall be included, together with the necessary documentation detailing what waste materials have been removed from the site.

Ecology

11. No tree, scrub or hedgerow clearance shall take place between 1st March and 31st August inclusive, unless preceded by a nesting bird survey undertaken by a competent ecologist no more than 48 hours prior to clearance. If nesting birds are present, an appropriate exclusion zone will be implemented and monitored until the chicks have fledged. No works shall be undertaken within exclusion zones whilst nesting birds are present.
12. The development shall be carried out in accordance with the mitigation recommendations detailed in Appendix C of the Ecological Impact Assessment (LM-Ecology, September 2024). A short statement of compliance shall be submitted to the LPA to discharge this condition prior to occupation of any of the dwellings hereby approved.
13. The enhancement recommendations detailed in Section F4 of the Ecological Impact Assessment (LM-Ecology, September 2024) shall be implemented in full. In addition, hedgehog gaps (130 mm x 130 mm) shall be incorporated in all garden fencing. Evidence that these measures have been implemented should be submitted to the Local Planning Authority for approval within one month of completion of development. Measures shall be retained in perpetuity.

Highways

14. 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.
15. 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.
16. 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.

17. 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.
18. 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.

Climate Change

19. 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. Charging points shall be provided with an IP65 rated domestic socket 13amp socket, directly wired to the consumer unit with 32 amp cable to an appropriate RCD. This socket should be located where it can later be changed to a 32amp EVCP. Alternative provision to this specification must be approved in writing by the local planning authority. All recharging points shall thereafter be retained.

Amenity

20. No machinery or plant shall be operated, no process shall be carried out and no deliveries taken at or dispatched from the site except between the hours of 8am and 6pm Monday to Friday, and 8am and 1pm on Saturday, and not at any time on Sundays, Bank or Public Holidays.

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.