

**PARISH** Pleasley Parish

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**APPLICATION** Change of use of land to enable the stationing of 4 residential mobile home plots for travelling showpeople to occupy with associated access and landscaping.

**LOCATION** Station Yard Chesterfield Road Pleasley Mansfield

**APPLICANT** Messrs Marshall & Allen c/o Brimble Lea Unit 3, Kingsmead Business Park Shaftesbury Road Gillingham SP8 5FB

**APPLICATION NO.** 25/00162/FUL **FILE NO.** PP-13874315

**CASE OFFICER** Mr Mark Penford

**DATE RECEIVED** 27th March 2025

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### **SUMMARY**

This is a full planning application for the material change of use of land known as Station Yard, Pleasley (formerly Pleasley West Railway Station) to station 4 residential mobile home plots for travelling showpeople with the establishment of parking, turning and amenity areas within the site. The application has been referred to the Planning Committee for determination because of a significant level of public opposition to the development (more than 20 objections from individual households).

The District Council has an unmet need for sites to accommodate travelling showpeople. Policy LC5 of the Adopted Local Plan supports new sites to be granted for this accommodation which meets criteria (a) to (h) of the policy. The application has demonstrated compliance with all criteria, which releases the countryside site for housing. A significant material planning consideration is that a large part of the site has planning permission for a single caravan for travelling showpeople and equipment, which has established a significant section of the site as previously developed land.

The application raises no concerns regarding impacts on the rural character of the environment, design and character, residential amenity, biodiversity, land contamination and stability, flooding and drainage. The application has demonstrated a sustainable form of development which meets the three objectives of sustainability set out under paragraph 8 of the framework. It is therefore recommended that the application is conditionally approved.

## SITE LOCATION PLAN



## SITE & SURROUNDINGS

The site is an established travelling showpeople's yard, which is currently vacant and surrounded by trees and vegetation. The site is accessed by an unadopted driveway in private ownership that serves nine dwellings off Chesterfield Road known as 'Midland Cottages'. The site is designated as countryside within the adopted Local Plan, just outside the development envelope of Pleasley Village. The private drive slopes uphill from Chesterfield Road. Within the development area the land levels are relatively flat. The site area measures 0.42 hectares. There are residential dwellings to the south-east. The Pleasley Pit Country Park and Nature Reserve is to the north-west. Chesterfield Road and residential dwellings are to the north-east.



*The site in April 2025*



## BACKGROUND

### BOL/1988/0192

Planning Permission was granted in 1988 for the use of the site for storage, maintenance and repair of showman's plant and equipment together with winter living quarters to comprise 1 showman's caravan under office code BOL/1988/0192. The development was implemented and has established the site's use for travelling showpeople's accommodation for one winter caravan and equipment as acceptable in principle. As such, a mobile home could be stationed on the site for occupation by travelling showpeople in accordance with the 1988 consent at any time.



***The 1988 planning consent application site area, which is previously developed land.***

### 22/00137/FUL

A full planning application for 13 proposed dwellings on the site was registered under office code 22/00137/FUL. The case officer was of the view that the residential development was acceptable in principle subject to all material planning considerations because the site comprised previously developed land. However, there was outstanding information relating to impacts on protected species and clarification was required on rights of access. This led to the applicant withdrawing the application in September 2022.

### 23/00460/VAR

An application under Section 73 of the Town and Country Planning Act registered under office code 23/00460/VAR to remove the personal occupancy condition of the 1988 consent was approved on 31<sup>st</sup> October 2023. The case officer's report considered whether the condition was necessary, explaining that planning permission should run with the land, not the person, and so Government advice to local planning authorities is that it is rarely appropriate to use personal consent conditions. Personal permissions should only be used in exceptional circumstances such as conditions limiting benefits to a particular class of people, such as new residential accommodation in the open countryside for agricultural or forestry workers, may be justified on the grounds that an applicant has successfully demonstrated an exceptional need.

Regarding the particular class of people (as referred to in the NPPG) the title of the planning permission made it clear that the 1988 permission is for the storage of showman's equipment and a showman's caravan and so a condition to that effect of a personal permission was not considered to be necessary. It should be noted that the application currently under consideration similarly defines the application is for travelling showpeople's accommodation

within the description and therefore a personal permission is not considered to meet the six tests of planning conditions.

### 23/00583/OUT

An outline planning application for the use of the land to station 2 no residential homes for travelling showpeople, construction of an access road, plot bases and drainage was then registered under office code 23/00583/OUT. Similar to the 2022 application the case officer considered the principle of development to be acceptable although further information was required in relation to the site layout and access. The applicant decided to withdraw the application in June 2024.

### 24/00277/LAWEX

An application for a Certificate of Lawfulness for the existing use of the site for the stationing of 2 mobile homes for permanent use by travelling showpeople was registered under office code 24/00277/LAWEX and withdrawn in October 2024. Council Officers were concerned that insufficient evidence had been submitted to confirm that the site had been used on a permanent all year-round basis for the stationing of two mobile homes for an uninterrupted period of at least ten years. The planning merits of the proposal and the development plan policies were not engaged. The purpose was to establish if the proposed use of land for stationing two caravans was lawful in planning terms by virtue of being in continuous use/occupation for 10 years.

## **PROPOSAL**

The application is to establish four residential mobile home plots that would be occupied by travelling showpeople. Each plot would consist of a mobile home, parking for two vehicles and amenity space. The application is proposing a material change of use of the land and there is no known operational development associated with the mobile homes. As such it is the change of use of the land to residential which requires planning permission and the individual design of the mobile homes on site does not require planning permission. In this situation elevations and floor plans of the mobile homes are not required.

The vehicular access to the site is proposed from the established existing access at the end of the private access road that serves Midland Cottages. Within the site a turning area is provided so that occupants can enter and exit in a forward gear. The application is proposing the accommodation to be for 12 months of the year on a permanent basis. Although the 1988 consent has established the use of the site for storage of travelling showpeople's equipment associated with one mobile home for winter's accommodation, the applicants do not propose to store equipment on this site as it is stated that the applicant has storage arrangements elsewhere.

The private road between Chesterfield Road and the site proposed to accommodate the four mobile homes is owned between various residents in the area and individual occupiers have access rights over each part of the private road owned by individual residents. As planning practice guidance advises planning application sites provide access to a public road, the application site red line reaches the adopted highway of Chesterfield Road and the applicant has completed Certificate B and served notice on the individual land owners of the private access road.

Procedurally in terms of land ownership procedures the application is correct. The application

advises that the applicants have an unfettered legal right over the privately owned access road and that the notice served is correct. Any dispute which may arise between local residents' owners and the applicant regarding site access rights, or any works to the private road to facilitate the development, are a private legal matter and not within the remit of planning.

The definition of travelling showpeople is set out in the Governments Planning Policy for Travellers Sites is set out in Annex 1 Glossary, point 2:

*“Members of a group organised for the purposes of holding fairs, circuses or shows (whether or not travelling together as such). This includes such persons who on the grounds of their own or their family’s or dependants’ more localised pattern of trading, educational or health needs or old age have ceased to travel temporarily or permanently, but excludes Gypsies and Travellers as defined above.”*

The PPTS Annex 1 Glossary point 4 identifies:

*For the purposes of this planning policy, “pitch” means a pitch on a “gypsy and traveller” site and “plot” means a pitch on a “travelling showpeople” site (often called a “yard”). This terminology differentiates between residential pitches for “gypsies and travellers” and mixed-use plots for “travelling showpeople”, which may / will need to incorporate space or to be split to allow for the storage of equipment.*



**Proposed Site Layout**

## Supporting Documents

- Planning Statement prepared by Brimble Lea Chartered Planning and Architecture dated 26<sup>th</sup> March 2025.
- Preliminary Ecological Appraisal and Biodiversity Net Gain Feasibility Report prepared by Oak Ecology dated 27<sup>th</sup> February 2025.
- Statutory Biodiversity Metric Calculation prepared by Oak Ecology.

## AMENDMENTS

None received.

## PLANNING HISTORY

BOL/1988/0192	Granted	For use of land for storage maintenance and repair of showmen's plant and equipment, together with winter living quarters (1 showman's caravan) (BOL 488/192)
23/00460/VAR	Granted	Removal of Condition 3 of planning permission BOL.488/192 To remove the named personal consent restriction
23/00583/OUT	Withdrawn	Use of land for the stationing of 2no residential mobile homes and construction of access road, plot bases and drainage.
24/00277/LAWEX	Withdrawn	Lawful Development Certificate for the existing use of the site for the stationing of 2no mobile homes for permanent use by Travelling Showmen

## CONSULTATIONS

### **Bolsover District Council - Environmental Health**

10.04.2025

Further information is required regarding foul drainage provision. Environmental Health's standard ground contamination conditions will also be necessary to ensure the site is developed free from unacceptable levels of land contamination.

30.04.2025.

A pre-commencement condition is recommended to secure a Phase 1 Contaminated Land Assessment to identify the likely contaminative risks associated with the site and risks to human health. A further condition is recommended to require a detailed scheme of remediation (where the site investigation identifies unacceptable levels of contamination). A condition is recommended to ensure no dwelling is occupied until any necessary remediation works are carried out in full, and verification of the installed remediation will be necessary. A final planning condition is recommended to secure and agree a foul drainage scheme prior to the commencement of development.

08/05/2025

Re-affirms no objection to a conditioned approach to agreeing a foul drainage scheme for this development.

### **Bolsover District Council – Planning Policy**

The Planning Policy for Travellers Sites December 2024 (PPTS) requires Local Authority's to identify and update annually, a supply of specific deliverable sites sufficient to provide 5

years' worth of sites for travelling showpeople against their locally set targets. The site is outside, but on the edge of Pleasley and in the countryside where Policy SS9 supports development of previously developed land. It is understood the site is a brownfield site provided it meet the definition of the term in the NPPF and the development respects the form, scale and character of the landscape.

The PPTS requires LPA's to attach weight to the effective use of previously developed land, untidy or derelict land. The Local Plan provides locally specific guidance for travelling show people provision in policy LC5, which advises new sites for travelling showpeople will be granted which meets the criteria set out in the policy.

The Local Plan for Bolsover District sets out the need for Gypsy and Traveller Accommodation sites as identified within the Gypsy and Traveller Accommodation Assessment (GTAA) (September 2015) and seeks to make provision to meet this need through site allocations. Since the adoption of the Local Plan, a new independent assessment in the Derby, Derbyshire, Peak District National Park Authority and East Staffordshire Gypsy and Traveller Accommodation Assessment Update 2023, has been completed covering the period from 2020 to 2040. It supersedes the previous evidence. The Table below sets out the requirement over periods of five years.

<b>Period</b>	<b>Plots</b>
Total 2020-25	8
Total 2025-30	6
Total 2030-35	6
Total 2035-40	7
<b>Overall Total 2020-40</b>	<b>27</b>

The PPTS requires that local planning authorities identify and update annually, a supply of specific deliverable sites sufficient to provide 5 years' worth of sites against their locally set targets. It also requires local planning authorities to prepare and maintain an up-to-date understanding of the likely accommodation needs of their areas over the lifespan of the development plan. (Paragraph 7 b). Including the allocation identified in the Local Plan under Policy LC4, the Council currently has a five-year supply of showpeople plots. However, the Local Plan does not identify sufficient sites to meet the need to 2033, when the Local Plan period expires, as the allocation is anticipated to meet the needs up to 2030.

Consequently, there is an outstanding need identified by an independent assessment as set out in criteria a) of Policy LC5 to 2033.

A site is allocated in the Local Plan under Policy LC4 but, as yet, the site has not been brought forward for development. However, the allocation does not provide sufficient plots to meet the need identified under the latest GTAA (2023) to when the Local Plan period expires in 2033. Consequently, under Policy LC5: Applications for Gypsies, Travellers and Travelling Showpeople, criteria a, as there is an identified need to the end of the Local Plan period set out by an updated independent assessment, there is a justification for considering a countryside location outside the development envelope.

If the proposals are acceptable a condition is necessary ensuring future use of the site is

available to meet the identified needs of travelling showpeople. Consideration should be given to impacts of the development on the Local Wildlife Site and the need to provide 10% biodiversity net-gain.

**Bolsover District Council – Senior Engineer**

No objection raised. Confirms the sewer records do not show any public sewers within the curtilage of the site, however the applicant should be aware of unmapped sewers, the need to comply with Part H of the Building Regulations, the need to agree proposals for disposal of foul and surface water, to give consideration to SUDS and their future maintenance; and to ensure any work does not detrimentally alter the structure or surface of the ground and increase or alter water flow to cause flooding.

**Bolsover District Council – Waste and Recycling Manager**

Raises no objection regarding refuse collection for the site and advises that the Council's refuse bins can enter the private access road and collect bins from a presentation point towards the end of the private road. Confirms the refuse team would not be able to enter the site. This is consistent with the response provided to application 23/00583/OUT, which raised no objection to refuse collection for two proposed dwellings on the site.

**Derbyshire County Council Archaeologist**

Confirms the proposed works do not threaten any known or suspected archaeological interest and there are no archaeological requirements to be placed on the applicant.

**Derbyshire County Council Local Highway Authority**

Confirms no objection to the application. Notes the two previous applications for 13 dwellings and two mobile homes, neither of which received an objection from the Highway Authority. The site is close to the highway network with good access to the local footway network and local bus stops are in walking distance. The site is accessed via a private access road serving nine dwellings. Emerging visibility from the private road to Chesterfield Road is appropriate when considering the development and that the development is not expected to generate a significant number of vehicles trips over those that could be generated by the existing dwellings.

Advises that the internal access road of a 5.2m width is of a suitable width to accommodate two-way vehicle movements and the turning head is also sufficient to allow larger delivery type vehicles to enter and exit the site in a forward gear. It is not clear if refuse vehicles will enter the site and swept path analysis may be necessary if BDC's waste management team agree to enter the site. Based on the analysis of the information provided and a review of local and national policy there would not be an unacceptable impact on highway safety or a severe impact on congestion and there are no justifiable grounds on which to raise a highway objection.

**Derbyshire County Council – Countryside Services and Land Reclamation**

1<sup>st</sup> response

The development information as currently provided indicates that the proposal may be unacceptable due to the history and potential instability of the slopes associated with the Pleasley pit country park reclamation, disused colliery waste tip embankments and railway embankments that abut the site to the south-east or south-west side, unless Bolsover District Council (BDC) can be satisfied upon investigation that such slope instability could be rectified

by the developer before the main built development proceeded. To enable BDC to consider these concerns before it determines the application, it is suggested that the applicant is requested by BDC to commission a suitable geotechnical professional to carry out a full slope stability investigation and submit the results of the investigation and a slope stability assessment report, including proposed remediation of the site, if required.

#### 2<sup>nd</sup> response

Confirms the County Council is happy with a pre-commencement condition to address the stability of the slopes and requests that the County Council's Land Reclamation team is consulted on the land stability investigation report when received, in addition to any necessary remediation to make the site safe and stable for the development proposed.

### **Derbyshire County Council Planning Policy and Monitoring**

Response not received.

### **Derbyshire Wildlife Trust**

Has reviewed the submitted Preliminary Ecological Appraisal (PEA) and Biodiversity Net Gain (BNG) Feasibility Report and Metric (Oak Ecology, February 2025). The current application appears to allow for the retention of the existing woodland priority habitat around the site and also avoid direct impacts on Pleasley Local Nature Reserve (LNR) and the adjacent Local Wildlife Site (LWS) due to the smaller footprint of development. No evidence of protected species was identified during the PEA. No further survey works relating to roosting bats is therefore required to inform the application.

Recommends the following conditions:

- Securement of a construction environmental management plan for biodiversity provide details on how ecologically important features and protected species will be avoided and protected during site works.
- Securement of a badger survey and any necessary mitigation.
- Prior to installation of any lighting, securement of a lighting strategy to safeguard bats and other wildlife.
- Securement of a Landscape Plan and Management Schedule to secure the biodiversity net gains.
- Securement of a Biodiversity Enhancement Plan before works commence to secure features such as bat and bird boxes, insect bricks/towers.

In terms of 10% Biodiversity Net Gain, the proposals will clear -0.28ha of artificial unvegetated surface. The development results in a +0.39 gain in habitat units, equating to +64.33% with the trading rules satisfied. Given the onsite gains will be minor and restricted to private gardens a Habitat Management and Monitoring Plan is considered disproportionate.

### **Pleasley Parish Council**

Concerns raised over how it can be guaranteed the development will stay for four mobile homes and there won't be more on the site. There is also a site on Common Lane for travellers. It has been requested that the application is rejected on behalf of the residents of Pleasley. There is already a campsite for caravans at the Black Rock development. Historic complaints have been made in the past about this notorious site. It has even been used for modern day slavery. The area sought for development is next to a field of rare orchids. The residents are totally against the idea for various reasons. The Parish Council agrees the area

needs to be protected from being spoilt for future residents, flora and fauna. A member of the public has concern about development of this green space.

### **Severn Trent Water Ltd**

Response not received.

### **PUBLICITY**

Site Notice posted 08.04.2025. Comments required by 29.04.2025.

Press Notice published 16.04.2025. Comments required by 01.05.2025.

Individual residents notified by letter 22.04.2025. Comments required 24.04.2025.

### **REPRESENTATIONS**

#### **Councillor Tom Kirkham**

Objects to the development. As a local councillor, issues regarding land contamination have been raised in the past. It is a concern that any development will increase contamination to the local area. In addition, there is also a local concern around access to the site along the unadopted road and the boundary of the site encroaching onto the County Council's land.

*In response to Cllr Kirkham's land ownership query the planning agent has provided land registry title extents for the applicant's land. The site includes the private access road with notices served on individual owners of the private road accordingly and goes up to the public highway in accordance with a road record plan. As such the applicant has demonstrated that the application site does not encroach onto County Council owned land. Land contamination is discussed in the land contamination section of this report and can be appropriately addressed by the use of planning conditions.*

#### **Resident Representations**

Forty-six letters of representation have been received.

Comments are summarised by topic area, as follows:

#### Principle of Development and Sustainability

- Not within the development envelope of Pleasley.
- Object to safeguard the economic, social and environmental well-being of Pleasley.
- Pleasley is defined under Policy SS3 as a rural village and treated as within the countryside.
- There are no exceptional circumstances to justify approval in the countryside.
- An updated GTAA was published in 2023 identifying a need for 14 plots for travelling showpeople. When published in 2023 the Pleasley Common Lane caravan site was not open but is now open and accommodates those numbers easily.
- Pleasley already has an over-adequate protected caravan site.
- Other villages have no caravan sites and should be looked at first.
- The owners are not contributing to the local economy and concerns for cost of repairs by the County Council.
- The application is for travelling showpeople but the submitted statement supports a

different use.

- It is hoped the planning council look for alternative sites, if required.
- The applicant has caused a great environmental, social and financial cost to Derbyshire.

#### Impacts on the Countryside and landscape features

- The site will be visible from the walking trail on the country park.
- The application makes reference to damaged trees. How were trees damaged in the first place?
- The size of the site is large and 4 mobile caravans will just be the start.
- The development is not materially different to previous requests and should be refused.
- Total disregard for trees.
- The area is now conveniently covered by topsoil to make it appear more presentable at first glance.

#### Design and Character

- Mobile homes are not in keeping with surrounding buildings.
- A radical change in character and identity.

#### Residential Amenity

- The original planners back in 1988 pre-empted this problem by putting measures in place to protect residents' rights and amenities.
- This is a peaceful rural environment we don't want that to change.
- If planning permission was to be granted the interests of residents would not be protected as per the 1988 consent.
- Concerns for future expansion.
- There have been environmental air incidents due to fires.
- Total disregard for human health.
- Concerns for commercialisation that will not protect amenity.
- There appears to be a complete disregard and lack of consideration to the current residents of Midland Cottages and surrounding area.

#### Highway Safety

- Chesterfield Road is used as a walking route to school and amenities.
- Any additional traffic may prove hazardous.
- The access road is not a suitable width and construction type.
- Greatly increased traffic of the access road (Midland Cottages).
- Two to three bed caravans will introduce and will profoundly create a hazard
- There is no guarantee refuse and recycling would be serviceable by BDC.
- An unacceptable increase in traffic from 1 caravan limited to winter accommodation to 4 caravans all year round.
- Midland Cottages is barely adequate for the number of vehicles already occupying the lane.
- The mobile homes will accommodate potentially 8 cars not considering visitors, deliveries, waste collection.

- Removing travelling equipment from the site won't remove a hazard because of the number of mobile homes proposed.

### Ecology

- The site is adjacent to a nature reserve with nesting birds and wildlife dependent on trees and hedgerows.
- The applicant has damaged the nature reserve, how can it work that they want to develop land they don't own.
- The development has significantly damaged the nature reserve to enlarge the site.
- Total disregard for wildlife.

### Contamination and Land Stability

- A visual appraisal in 2022 was carried out before the site was cleared and embankment dug out. A more up to date site visit is advised.
- Presence of asbestos concerns.
- Destabilisation of the nature reserve has been done to make the site bigger.
- Harmful materials are left in the ground.

### Flooding and Drainage

- The end of Chesterfield Road below the site floods regularly.
- If the site is developed flooding will get worse.
- There are no serves to Station Yard so where will foul drainage be connected?
- If the foul connection is to Midland Cottages foul connection the system will not cope with additional demand.
- Severn Trent Water are aware the foul system does not cope currently and are called out twice a year to unblock the system.
- The applicant wants to add to the drainage system at Midland Cottages this would require permission from two landowners to cross their properties.
- The site itself does not flood but the risk that is created by the site before it even constructs hardstanding.
- Every time it rains there is a deluge running down Midland Cottages.
- The end of Chesterfield Road gets flooded because it is overwhelmed by surface water.
- The applicant does not have rights to dig on Midland Cottages to connect to the foul system.
- Residents have to put sandbags out to protect property.
- It is unclear where the foul connection will take place.

### Other Matters

- Pleasley already has a large mobile home/travellers site less than a mile away on Common Lane and another is not needed.
- The neighbouring properties will take a valuation hit.
- Who wants this type of development on their doorstep?
- Mortgage lenders won't be happy with the reduction in value of assets they have a financial interest in.
- Damage to the nature reserve makes the area unsafe for the public and will cost the public a substantial amount of money to rectify.

- Serious concerns about my property safety.
- Contradictions in the agents planning statement.
- The Wynn's sought consent to use the land in 1988 and were granted consent for that use only. Their protected characteristics does not change the classification of the land and should remain unchanged or withdrawn if the use is no longer required.
- There was fairground equipment moved on and off the site and residents were given prior notice.
- The applicants are using their protected characteristics to circumvent the planning process.
- Currently we give permission for each resident travelling over our part of the access road to access their property and this includes 1 no over winter caravan for 1 family.
- The applicant intends occupants and successors to have an unfettered legal right of access over the private road.
- The use of the right of way would be exceeded by exceeding the nature, purpose and amount of use
- If the owners of Station Yard infringe on our right as set out in our deeds they will face legal ramifications.
- A previous statement made by the previous planner is misleading and damaged public trust.
- There is no trust in the developer of Bolsover District Council.
- Station Yard owners tried to include DCC land in their application.
- Station Yard owners tried to include private land not belonging to them in their application.
- Station Yard owners stopped residents of Midland Cottages using part of the access road for many months when they have no legal right to obstruct.
- False statements have been provided to Bolsover District Council in an effort to obtain a Lawful Development Certificate.
- The landowner informed Bolsover District Council he is a showman but has not provided any evidence of the fairground they owns/works on.
- Land registry document state 30,000 was paid for station yard now advertised as an astronomical amount more.
- Residents make it clear they won't allow their part of Midland Cottages road to be dug up to provide access to services.
- It will be impossible for BDC to police who occupied Station Yard and to protect the nature reserve from damage or to prevent station yard from becoming something different from what it has planning permission for as provided when the site turned into a dump and despite locals complaining all records disappeared from BDC records.
- Damage caused to the Midland Cottages road, increase to wear and tear, and increase in costs of maintenance and repair to residents.

## **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:

- SS1: Sustainable Development.
- SS3: Spatial Strategy and Distribution of Housing

- SS9: Development in the Countryside.
- LC4: Site Allocations for Gypsies, Travellers and Travelling Showpeople
- LC5: Applications for Gypsies, Travellers and Travelling Showpeople.
- SC2: Sustainable Design and Construction.
- SC3 High Quality Development.
- SC5: Changes of Use and Conversions in the Countryside
- SC9: Biodiversity and Geodiversity.
- SC11: Environmental Quality (Amenity).
- SC14: Contaminated and Unstable Land.
- ITCR11: Parking Provision (Appendix 8.2)

*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:

- Chapter 2 (paras. 7 – 14): - Achieving sustainable development.
- Paragraphs 48 - 51: Determining applications.
- Paragraphs 56 - 59: Planning conditions and obligations.
- Paragraphs 85 - 87: Building a strong, competitive economy.
- Paragraphs 96 - 108: Promoting healthy and safe communities.
- Paragraphs 109 - 118: Promoting sustainable transport.
- Paragraphs 124 - 128: Making effective use of land.
- Paragraphs 131 – 141: Achieving well-designed places.
- Paragraph 170 - 182: Planning and Flood Risk.
- Paragraphs 187, 193 and 195: Conserving and enhancing the natural environment.
- Paragraphs 196 - 201: Ground conditions and pollution.

**National Planning Practice Guidance**

*Planning Policy for Traveller Sites (PPTS) (December 2014):*

The Government’s planning policy for traveller sites should be read in conjunction with the framework and is a material planning consideration for planning applications.

**Supplementary Planning Guidance**

*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).

## **Supplementary Advice Note**

### *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***

- Principle of Development
- Impacts on the Countryside and Landscape Features
- Design and Character
- Residential Amenity
- Highway Safety
- Biodiversity
- Contamination and Land Stability
- Flooding and Drainage
- Sustainability Considerations
- Other Matters

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

### **Principle of Development**

The District Council has a five-year supply of showpeople plots. In this situation the policies of the Adopted Local Plan may be given full weight and the tilted balance as set out in paragraph 11 d of the framework is not engaged.

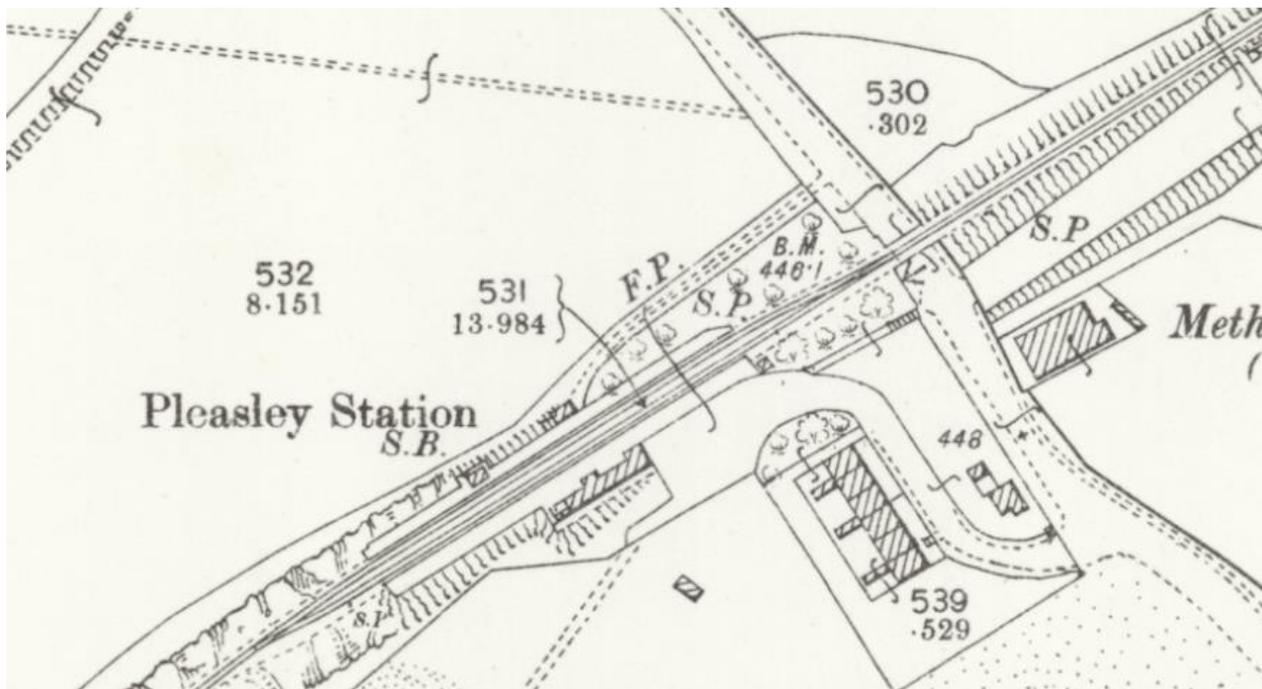
The application site development area is located outside, but on the edge, of the development envelope of Pleasley defined by Policy SC1 of the Adopted Local Plan where new development is acceptable which meets the criteria of the policy. The site is therefore within the countryside where policy SS9 of the Adopted Local Plan is engaged. Policy SS9: 'Development in the Countryside' is the adopted Local Plan's strategic policy.

The Policy seeks to limit urban forms of development in the countryside where these would not be appropriate or sustainable and not in accordance with the Local Plan's Spatial Strategy. As such, Policy SS9 states that development proposals in the countryside outside development envelopes will only be granted planning permission where it can be demonstrated that they fall within one or more of seven categories set out in the Policy. The criteria are as follows:

- a) Involve a change of use or the re-use of previously developed land, provided the

- proposed use is sustainable and appropriate to the location
- b) Are necessary for the efficient or viable operation of agriculture, horticulture, forestry or other appropriate land-based businesses, including the diversification of activities on an existing farm unit
- c) Are small scale employment uses related to local farming, forestry, recreation or tourism
- d) Secure the retention and / or enhancement of a community facility
- e) Secure the retention and / or enhancement of a vacant or redundant building that makes a positive contribution to the character or appearance of the area and can be converted without complete or substantial reconstruction
- f) Are in accordance with a made Neighbourhood Development Plan
- g) The building is of exceptional quality or innovative design

In relation to criteria (a) the effect of implementation of the 1988 planning permission for a single caravan for winters accommodation and storage of showpeople's equipment is that a significant section of the site is established as previously developed land in planning terms.



**The site from historic OS maps 1892-1914 showing the station, demonstrating a considerable section of the site has been previously developed.**

The framework's updated definition of previously developed land excludes land "that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape". The site has been cleared of all structures and debris and is partially greened over but remnants of hard surfacing could be seen at the time of the case officer's site visit. As of 2023 the site was in a derelict and untidy condition with a static caravan and a tourer caravan on site together with numerous derelict vehicles and built-up waste. It is not considered that in this time the site could be reasonably viewed as having fully blended into the landscape and to have reverted to a greenfield site. As such, the 1988 planning consent area is previously developed land and is appropriate for new housing development in principle, subject to all material planning considerations.

The PPTS is a material planning consideration for this application. Paragraph 27 requires that in considering applications, local planning authorities should attach weight to sites which include a) “effective use of previously developed (brownfield), untidy or derelict land.”



***The site in in a derelict and untidy condition - 2023***



***The site in 2022***

The PPTS requires Local Planning Authority’s (LPA’s) to identify and update annually, a supply of specific deliverable sites sufficient to provide 5 years’ worth of sites against their locally set targets. Paragraph 25 of the PPTS states LPA’s should consider the following issues amongst other relevant matters when considering planning applications for travellers sites:

- a) the existing level of local provision and need for sites
- b) the availability (or lack) of alternative accommodation for the applicants
- c) other personal circumstances of the applicant
- d) that the locally specific criteria used to guide the allocation of sites in plans, or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites
- e) that they should determine applications for sites from any travellers and not just

Paragraph 26 states LPAs should very strictly limit new traveller sites development in open countryside that is away from existing settlements or outside area allocated in the development plan. Sites in rural areas should respect the scale and to not dominate the nearest community and avoid placing an undue pressure on local infrastructure.

The application is not seeking storage of showpeoples equipment as it is stated that this would be stored elsewhere. However, the need to provide storage is not a requirement of the PPTS, which states plots for travelling showpeople are mixed use and that they may need to incorporate the storage of equipment. Thus, as worded, the absence of space to provide storage of equipment does not conflict with the PPTS. As such, it is not considered reasonable to insist that the applicants provide details of the stated alternative storage site when the PPTS recognises that storage is not always a necessity.

The Adopted Local Plan for Bolsover District sets out the need for Gypsy and Traveller Accommodation sites as identified within the Gypsy and Traveller Accommodation Assessment (GTAA) (September 2015) and seeks to make provision to meet this need through site allocations. Since the adoption of the Local Plan, a new independent assessment in the Derby, Derbyshire, Peak District National Park Authority and East Staffordshire Gypsy and Traveller Accommodation Assessment Update 2023, has been completed covering the period from 2020 to 2040. It supersedes the previous evidence. The Table below sets out the requirement over periods of five years.

<b>Period</b>	<b>Plots</b>
Total 2020-25	8
Total 2025-30	6
Total 2030-35	6
Total 2035-40	7
<b>Overall Total 2020-40</b>	<b>27</b>

**Table 1: Travelling showpeople plot needs 2020-40.**

**Source: Derby, Derbyshire, Peak District National Park Authority and East Staffordshire Gypsy and Traveller Accommodation Assessment Update 2023**

The PPTS also requires local planning authorities to prepare and maintain an up-to-date understanding of the likely accommodation needs of their areas over the lifespan of the development plan. (Paragraph 7 b). Including the allocation for travelling showpeople identified in the Local Plan under Policy LC4 (14 plots at Beaufit Lane, Pinxton), the Council currently has a five-year supply of showpeople plots.

However, District Council's Local Plans team confirms that the adopted Local Plan does not identify sufficient sites to meet the need to 2033, when the Local Plan period expires, as the allocation is anticipated to meet the needs up to 2030. Consequently, there is an outstanding need for sites to provide residential accommodation for travelling showpeople within the district, as identified by an independent assessment.

The Adopted Local Plan provides locally specific guidance for travelling showpeople provision under Policy LC5. Local Plan Policy LC5 is considered to be in conformity with the PPTS with the Examiner's Local Plan Report identifying that the criteria-based policy LC5 would enable further sites to come forward as and when needed.

Policy LC5 advises that planning permission for new sites for Gypsies, Travellers and Travelling Showpeople will be granted if the proposed development meets the criteria of the policy. Each criterion is considered as follows:

*a) Proposals should be within development envelopes or on other suitable development land as provided for within the Plan unless they can be shown to meet a need identified in an independent assessment*

As set out above, there is an identified unmet need for sites for travelling showpeople, a countryside location is justified and the application complies with criteria (a).

*b) Will result in an acceptable living environment for its residents*

It is not considered the development would harm the local character of the environment in which current residents live, or their residential amenity. These considerations are discussed in the residential amenity section of this report. Criteria (b) is met.

*c) Is located within one kilometre of a convenience food store, a primary school, and a doctor's surgery, or of access to public transport*

Ruby's Food & Wine Convenience Store in New Houghton is approximately 0.5km from the site.

Standon Convenience Store in New Houghton is approximately 0.6km from the site.

Antony Bek Primary School in New Houghton is approximately 0.2km from the site.

Pleasley Surgery within Pleasley village is approximately 0.2km from the site.

It should be noted the criteria does not require full access to the above amenities if there is access to public transport. In this case there is excellent access to public transport with nearby bus stops on the A617 within walking distance. Further consideration is given to the site's access to amenities and services in the sustainability section of this report.

This demonstrates full compliance with criteria (c).

*d) Has safe highway access with adequate provision for parking and servicing; and in the case of sites for travelling showpeople has good access to the strategic highway network*

The Highway Authority has not objected to this application. The site access is therefore considered to be safe and adequate parking is provided within the site and defined for each mobile home. The site has good access to the strategic highway network being very close to the A617 and 4 miles from junction 29 of the M1. Criteria (d) is met. These considerations are discussed in more detail within the highway safety section of this report.

*e) Is so located, designed and landscaped that its use will not significantly detract from the character of the area or from the amenity of adjoining or nearby land and so enclosed as to prevent encroachment onto adjoining land*

The site is surrounded by tree cover that provides sufficient screening of the development from the wider landscape and neighbouring properties and is therefore enclosed to prevent encroachment onto neighbouring land. These considerations are discussed in the countryside and amenity sections of this report. Criteria (e) is met.

*f) Is appropriate to the scale of the nearest settlement, its local services and infrastructure*

This is a minor planning application. Four residential plots are considered an inconsequential scale of development in relation to Pleasley's population size, services and infrastructure. Criteria (f) is met.

*g) Will not cause unacceptable nuisance to existing neighbours by virtue of noise and other disturbance caused by on-site activity and/or movement of vehicles to and from the site*

The District Council's Principal Environmental Health Officer has raised no concerns regarding noise and disturbance. As stated above there is the absence of showground equipment on the site, removing on-site activity associated with such storage. Impacts on residential amenity are discussed in the amenity section of this report. Criteria (g) is met.

*h) Is not within the green belt, or in areas at high risk of flooding*

The site is not within the Green Belt or in an area at high risk of flooding. The site is in flood zone 1 defined by the Environment Agency as at low risk of flooding. Criteria (h) is met.

The planning application has therefore demonstrated full compliance with Policy LC5.

A large proportion of the site is previously developed land which needs to be given significant weight in the overall planning balance in accordance with Policy SS9 (a) of the Adopted Local Plan, which supports development on previously developed sites in countryside locations subject to all material planning considerations. As there is an identified unmet need for sites for housing for travelling showpeople, Policy LC5 releases countryside sites for housing to meet the identified need.

The District Council's Local Plans team has stated the Council needs to be satisfied that the applicant meets the definition of travelling showpeople as defined in Annex 1 of the PPTS. Officers have made a request for this information and where the applicants currently store their equipment however the information has not been provided. In the planning agents view, this is akin to securing a personal planning permission where a personal permission is granted based on an applicant's personal circumstances.

In this case the description of the development is clearly for 4 mobile home plots for travelling showpeople, which defines the occupancy characteristics. In addition, a planning condition is attached to this recommendation which restricts future occupancy of the site to occupiers who meet the definition of travelling showpeople in the PPTS only.

A significant material planning consideration is appeal decision APP/R3650/W/24/3340254 (19/12/2024) for change of use of land to establish a gypsy pitch within the district of Waverley Borough Council. In refusing the application the Council's position was that, as there was no evidence of gypsy status or personal circumstances submitted for the proposal, the Council considered the proposal against the general housing policies rather than its Gypsy and Traveller Policy.

However, the Inspector stated in the appeal decision that whilst no information was put forward in relation to the gypsy status of future occupants, the description of the development referred to the provision of a gypsy pitch. The Inspector was satisfied that, even though there was no identified occupant, if the appeal was to be allowed, a condition would have been attached to restrict occupancy to meet the definition of Gypsies and Travellers. In that situation the Inspector considered the appeal against the Council's Gypsy and Traveller policy without evidence that occupants would meet the definition of Gypsy and Travellers.

It should be noted the wording of Policy LC5 does not require planning applications to demonstrate how individuals fall within the definition of Gypsies, Travellers or Travelling Showpeople. As such, it is considered unreasonable to insist that the applicants provide evidence of how they fall within the definition of travelling showpeople (also noting the Council removed the personal occupancy condition from the site in 2023). This application should therefore be processed in accordance with Bolsover District Council's policy for Gypsies, Travellers and Travelling Showpeople (LC5) with the attachment of a condition restricting occupancy to travelling showpeople. Whilst it is appreciated the PPTS states that Local Planning Authority's should consider the lack of alternative provision for applicants and their personal circumstances, as there is an identified unmet need for sites, this is not considered necessary or reasonable.

In relation to the occupancy period, the 1988 consent description for one caravan limited this to winter living quarters. The precise winter period was not defined by planning condition. It is appreciated this application seeks occupancy 12 months of the year. The definition of travelling showpeople includes those "*who on the grounds of their own or their family's or dependants' more localised pattern of trading, educational or health needs or old age have ceased to travel temporarily or permanently*". As such, in the Council's current position of an unmet need, it is considered unreasonable to impose winter quarters accommodation for this development. Clearly travelling showpeople may need to retire on health or old age grounds or to care for family, in which case a permanent place of accommodation would be required.

### **Conclusion on Principle of Development**

The District Council's Local Plan's team has confirmed there is an unmet need for sites for travelling showpeople in the district. Policy LC5 supports new sites for travelling showpeople, including countryside locations, where all of its criteria are met, as demonstrated above. The development meets all of the criteria to Policy LC5.

A significant material planning consideration is that a significant section of the site is previously developed land under the 1988 consent and residential development is acceptable on that part of the site under criteria (a) of Policy SS9. The application has not identified any conflict with the PPTS. The application has demonstrated the proposed use is acceptable in principle, subject to all material planning considerations.

### **Impacts on the Countryside and Landscape Features**

In all cases Policy SS9 requires development to be considered acceptable it will be required to respect the form, scale and character of the landscape, through careful location, design and use of materials.

The site borders greenspace (Pleasley Pit Country Park) protected by Policy ITCR6 of the Adopted Local Plan, however the application site does not encroach onto the greenspace and there is no conflict with Policy ITCR6 and the development would not cause harm to the greenspace.

Policy SC5 of the Adopted Local Plan supports the change of use of land in countryside locations provided they comply with all the following criteria:

- a) The building is worthy of retention, structurally sound and capable of conversion without substantial reconstruction
- b) The conversion or change of use, is in keeping with the original character of the building or land and enhances the fabric and character of any adjacent buildings, or the landscape character type generally
- c) The number of units and/or density of development is appropriate to the building's location
- d) The building would have an existing curtilage or a curtilage can be created which does not adversely affect the landscape character type, the building itself or any adjacent structure
- e) Utilities can be provided and the building has adequate access to a metalled road without creating traffic hazards and without involving road improvements incompatible with the character of the area
- f) The development proposed does not add to flood risk concerns.

Policy SC8 of the Adopted Local Plan states proposals for new development will only be permitted where they would not cause significant harm to the character, quality, distinctiveness or sensitivity of the landscape, or to important features or views, or other perceptual qualities such as tranquillity unless the benefits of the development clearly outweigh the impacts.

Policy SC10 of the Adopted Local Plan states trees, woodlands and hedgerows are important visual and ecological assets. In order to help retain local distinctiveness, trees, woodland and hedgerows will be protected from damage and retained, unless it can be demonstrated that removal is necessary and appropriate mitigation can be achieved.

The framework seeks to protect and enhance valued landscapes and to recognise the intrinsic character and beauty of the countryside (paragraph 187).

The application site is visually contained by trees and vegetation that surround it, which are

proposed for retention. As such the development would be screened by the vegetation and not cause any harm to the rural character of the environment. Although details of the precise mobile homes are unknown, they will be low lying and within the landscape ensuring the development is not prominent. They are sufficiently distanced from the perimeter of the site to prevent harm to the trees to be retained.

In addition, no equipment is proposed for storage on the site, which will further protect the rural character of the area. A single mobile home could be sited on the 1988 consent area at any time in accordance with the 1988 consent. Although four mobile homes are now sought for consent, the site's character as a caravan site is established in part by the 1988 permission. Large areas of the site will be soft landscaped and remain absent of development, demonstrating the site is capable of accommodating four no mobile homes without resulting in a cramped and contrived form of development.

Residents have stated there has been some deliberate damage to trees. If this is the case that is regrettable, however the trees are not subject to a Tree Preservation Order and the applicant is entitled to remove trees within their control without the benefit of planning permission. It should be noted trees are within the control of the County Council, which has confirmed that it would not give consent to remove trees surrounding the site. An advisory note is recommended to make the applicant/future occupants aware.

It is appreciated local residents fear future expansion due to the application site area, however the application is required to be considered on its own merits. The application raises no issues in respect of its countryside or landscape impacts and is considered in accordance with the above policies that protect the rural environment.

## **Design and Character**

Policy SC3 of the Adopted Local Plan requires development to create good quality, attractive, durable and connected places through well designed locally distinctive development that will integrate into its setting; and to respond positively to the context and contributes to local identity and heritage in terms of height, scale massing, density, layout and materials.

The framework requires development to function well, add to the overall quality of the area, be sympathetic to local character and be visually attractive as a result of good architecture (paragraph 135).

The proposed site plan shows the site layout of the development. The site would have a private access road leading to a turning head towards to the southwest. Two mobile homes would be site to the south of the access road and two mobile homes would be sited to the north of the access site. The site has been in a derelict and untidy condition for a considerable period before being cleared more recently.

A mobile home site would be of a different character to the residential area, which consists of residential dwellings of different house types. However, it would still be of a residential character and not of a significant scale to dominate the existing neighbourhood. Whilst it is appreciated this development does not include the establishment of space to store equipment, and therefore establish the traditional character of individual yards, this is not technically required by the PPTS, which recognises storage may only be required.

The tree and vegetation screening will also enclose the site and not cause any change in character to the existing residential area of Pleasley. A significant section of the site will be soft landscaped (to be agreed by planning condition) in accordance with paragraph 27 of the PPTS which encourages sites to be well planned and soft landscaped in a way to positively enhance the environment.

In the interests of securing a high-quality development planning conditions are recommended to agree a hard and soft landscaping scheme for the site and a form of boundary treatment. The development is considered in accordance with Policy SC3 of the Adopted Local Plan and Paragraph 135 of the framework.

### **Residential Amenity**

Policy SC3 (n) of the Adopted Local Plan requires development to ensure a good standard of amenity is maintained for the occupants of existing neighbouring properties as well as the future occupants of new development, including levels of privacy and light, position and avoiding overbearing relationships and the provision of adequate amenity space.

Policy SC11 of the Adopted Local Plan states development likely to cause, or experience, a loss of residential amenity as a result of light, noise, dust, odour or vibration, or a loss of privacy must be supported by a relevant assessment. If necessary, appropriate mitigation must be put in place. Applicants will need to demonstrate that a significant loss of amenity would not occur as a result of the development or throughout its construction and operation.

Paragraph 135 (f) of the framework requires planning decisions to create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Paragraph 14 of the PPTS states when assessing the suitability of sites in rural or semi-rural settings, local planning authorities should ensure that the scale of such sites does not dominate the nearest settled community.

The nearest dwelling to mobile home plot 4 is distanced 18m away to the south-east. The proposed siting of the mobile homes is therefore sufficiently distanced to not result in the loss of privacy for existing residents or cause any massing or overshadowing issues.

Some residents have public safety concerns. The planning system does not discriminate against any future occupants of residential accommodation regardless of their protected characteristics and way of life. As such any public safety concerns that might be caused by the applicants protected characteristics is not a material planning consideration. As stated above the scale of the development would not dominate the local residential community in accordance with paragraph 26 of the PPTS.

It is recommended that a precise garden curtilage is agreed for each mobile home by planning condition. The application site will provide large areas of soft landscaping to provide a healthy lifestyle and play areas for any children, in accordance with paragraph 27 (c) of the PPTS. Future occupants would be provided with a good level of outlook and natural light from

each mobile home and a good standard of residential amenity.

From the outset this application has sought planning consent without the need for storage. Whilst the 1988 consent did include the storage of travelling showpeople's equipment, this was in relation to one caravan. The intensification in use of the site will increase to four caravans, and there would also be an intensification of storage if sought by the applicants. As such the applicant has agreed to a planning condition to prevent storage of travelling showpeople's equipment on the site, which is considered to be reasonable and necessary to protect residential amenity (the Environmental Health Officer and Highway Authority has considered the application on the basis of no storage).

The application raises no amenity concerns in accordance with policy SC3 (n) and SC11 of the Adopted Local Plan.

### **Highway Safety and Refuse Collection**

The vehicular access to the site is via the unadopted vehicular access serving Midland Cottages over which the applicant has access rights. The site layout includes a turning head to enable vehicles to enter and exit the site in a forward gear and two car parking spaces per dwelling.

The Highway Authority has raised no objection to the development noting that no highway objection was raised to the planning application for 13 dwellings on the site or to the planning application for two residential mobile homes.



***The extent of the public highway***

The Highway Authority comments that the site is close to the existing highway network and has good access to the local footway network. Bus stops are within the County Council’s recommended walking distances. Emerging visibility from the private road onto Chesterfield Road is confirmed to be appropriate to the Highway Authority, which considers that the development would not generate a significant number of vehicle trips. The internal access road is 5.2m wide which the Highway Authority confirms is sufficient for two-way vehicle movements and the turning head is also sufficient for larger delivery type vehicles, such as supermarket deliveries, to enter and exit the site in a forward gear. The Highway Authority concludes that there would not be an unacceptable impact on highway safety or a severe impact on congestion.

The District Council’s Waste and Recycling Manager has confirmed that the District Council’s refuse vehicles could access the private road for bin collection purposes. Future occupants would present their bins towards outside the entrance of the site to the north of 6 Midland Cottages. The application has demonstrated the site is serviceable and internal swept path analysis of the site is not necessary. The precise bin presentation/collection scheme is recommended to be defined on a plan and agreed by planning condition in consultation with the District Council’s Waste and Recycling Manager.

The District Council’s Adopted SPD ‘Successful Places’ advises 2 car park spaces are provided for 2-3 bed dwellings and 3 car park spaces for 4 and above bed dwellings. The application is proposed two car park spaces per mobile home on hard surfacing capable of accommodating at least two vehicles with the hard surfacing for each mobile home exceeding

the 5m x 2.6m for each vehicle, in accordance with that required by Appendix 8.2 to Policy ITCR11.



*The vehicular access to the site.*

The number of bedrooms within each mobile home is unknown, however most mobile homes have two to three bedrooms and therefore it is considered that 2 spaces per mobile home is appropriate and acceptable. The Highway Authority recommends a planning condition to ensure the parking per mobile home is provided prior to occupation, which is attached to this recommendation. The site is within good access to the strategic highway network being 0.3km from the A617 and 4 miles from junction 29 of the M1.

Although local residents have highway safety concerns, in the absence of an objection from the Highway Authority, Waste and Recycling Manager there are no planning grounds on which to recommend refusal. The application is considered in accordance with Policy SC3 (e) of the Adopted Local Plan by providing a safe form of development in highways terms and with Paragraph 115 of the framework by not having unacceptable impacts on highway safety.

### **Biodiversity**

Policy SC9 of the Adopted Local Plan states development proposals should seek to conserve and enhance the biodiversity and geodiversity of the district and to provide net gains where possible. Proposals for development must include adequate and proportionate information to enable a proper assessment of the implications for biodiversity and geodiversity. Paragraph 187 (d) of the framework states planning decisions should minimise impacts on and provide net gains for biodiversity.

### **Protected Species**

In relation to protected species, the application is submitted with a Preliminary Ecological Appraisal prepared by Oak Ecology dated February 2025. Derbyshire Wildlife Trust comments the application allows for the existing woodland priority habitat to be retained around the site and this avoids direct impacts on the Pleasley Local Nature Reserve site and the adjacent Local Wildlife Site due to the smaller footprint of development.

No evidence of protected species was identified during the Preliminary Ecological Appraisal,

however the nature of the habitats on site makes it suitable to support protected/notable species such as bats, badger, nesting birds, hedgehogs and herptiles. There are also roosting opportunities within the damaged trees along the perimeter of the site, but no further survey work is required because the trees are to be retained. Due to the presence of priority habitat and potential for protected species a number of planning conditions are recommended by Derbyshire Wildlife Trust to prevent harm to species including:

1. Prior to commencement of development, submission of a Construction Environmental Management Plan to provide details on how the ecologically important features on the site together with protected species will be protected during the construction phase.
2. Prior to the installation of any external lighting, a detailed lighting strategy shall be submitted and approved in order to safeguard bats and other nocturnal wildlife.
3. Prior to commencement of development, submission of a badger survey together with provision of mitigation, if necessary.
4. Prior to building works commencing, submission of a Biodiversity Enhancement Plan to include bird and bat boxes, insect bricks, habitat piles for hedgehogs and ecologically beneficial landscaping.

The above conditions are attached to this recommendation.

### Biodiversity Net Gain

It is now mandatory for planning applications to secure a 10% net-gain for biodiversity, unless falling within one of the exemptions approved by the Government. The application is submitted with a Biodiversity Net Gain Feasibility Report and Metric prepared by Oak Ecology dated February 2025.

The proposals seek to clear -0.28ha of artificial unvegetated, unsealed surface to facilitate the development. The development results in a +0.39 gain in habitat units, which equates to +64.33% with trading rules satisfied. Derbyshire Wildlife Trust confirms that given the on-site gains will be to provide vegetated gardens of 0.28ha (0.39 units) and restricted to private gardens, a Habitat Management and Monitoring Plan is considered disproportionate.

Derbyshire Wildlife Trust has advised that the Local Planning Authority secures a landscape plan and management schedule by condition with encouragement to provide native planting such as small trees and pollinator-friendly shrubs, where possible. The condition is attached to this recommendation.

The development site has a baseline habitat units of 0.60m, post development of 0.99 units, resulting in a 64.33% net change to deliver onsite Biodiversity Net Gain. The assessment was based on the retention of the woodland and the land surrounding the four mobile homes to be changed into vegetated gardens with typical amenity species associated with residential gardens.

Key Biodiversity Information			
If Biodiversity Gain Plan Condition Applies			
Biodiversity Metric Used	Statutory Biodiversity Metric		
Overall Net Unit Change	Habitat Units	Hedgerow	River Units

		Units	
	0.60	0	0
	Total % change	Total % change	Total % change
	64.33%	0%	0%

The application has demonstrated acceptable impacts on protected species and other wildlife and will deliver the mandatory 10% biodiversity net gain in accordance with Policy SC9 of the Adopted Local Plan and paragraph 187 (d) of the framework.

### **Contamination and Land Stability**

Policy SC14 of the Adopted Local Plan states development proposals will not be permitted unless it can be demonstrated that any contaminated or unstable land issues will be addressed by appropriate mitigation measures to ensure that the site is suitable for the proposed use and does not result in unacceptable risks which would adversely impact upon human health and the built and natural environment.

#### Contamination

In order to appropriately consider contamination of the site, the District Council’s Principal Environmental Health Officer has recommended planning conditions to secure a Phase 1 Contaminated Land Assessment (desk study) prior to commencement of development. The contaminated land assessment shall include a desk study which details the history of the site and the likely presence of potentially hazardous materials and substances on the site including an assessment of the risks to human health. If contamination is identified, a site investigation strategy shall be required, and a report of the site investigation submitted to the Local Planning Authority for approval.

Where the site investigation identifies unacceptable levels of land contamination, the conditions will require the applicant to provide a remediation scheme to bring the site to a suitable condition for the intended use, by removing unacceptable risks to human health, buildings and other property and the natural and historic environment. A final planning condition is required which requires any approved remediation scheme to be carried out in full and to ensure the applicant/developer provides a validation report to evidence that the remediation works have been carried out in full. These conditions would appropriately ensure that the site can be developed free from unacceptable levels of land contamination by providing remediation, if necessary, in accordance with Policy SC14.

#### Land Stability

The County Council’s presently owns, and its Countryside Services team is responsible for the management of the Pleasley Pit Country Park. The Countryside Services team commented on planning applications 22/00137/FUL and 23/00583/FUL concerning the application site. In all of its comments the service identified the need to further examine the disused colliery waste tips and embankments that abut the site to the south-east or south-west side.

The site is bordered by Pleasley Pit Country Park on its north-west, south-west and south-east sides. The Country Park was created in the late 1990s by a project to reclaim the derelict former Pleasley Colliery Site and the nearby railway land. The Countryside Service Managers have identified the necessity for further examination of the disused colliery waste tips and the railway embankments that abut the site. To the north-west of are the remains of a disused colliery waste tip, which was inspected by the County Council between 1986 and 1998. Much of this tip was reprofiled during the reclamation works and is now a gently sloping area dominated by open limestone grassland bordered by deciduous tree belts.

The slope which borders the site to its south-east appears to have been originally formed sometime between 1900 and 1920. This is the highest elevated slope and the earliest to be developed. The slope which borders the site to its south-west site appears to have been formed at a later date following the closure and decommissioning of the railway.

The County Council undertook a visual appraisal of the slopes on 7<sup>th</sup> April 2022. Although there were limitations in the extent of the available area to inspect (due to access constraints and vegetation cover), a general appraisal was able to be carried out. No appreciable tell-tale signs were observed to suggest that a significant risk of instability was apparent. However, that slope appears to be stable is no guarantee that it will remain this way. The County Council is therefore concerned that certain influences may be operating, or developed to do so, which may have a destabilising effect. These may be concealed from view, may occur intermittently or be of a size or rate of development that they are largely imperceptible.

The County Council is unclear where the exact boundaries of the site are in relation to the locations of the slopes, in particular their toe areas. It is unclear whether the development proposals may impinge upon the footprint of any of the slopes. Regardless, the County Council advises the type of the slopes are not modified.

It has been advised that the District Council should be satisfied that slope instability may be rectified before the development proceeds and is approved. To determine this, it is advised that the applicant commissions a slope stability investigation and to submit the results of the slope stability investigation. The study should consider:

- Any development avoid disturbance to the slopes, which may impact stability. There is evidence to suggest the toe of the slope has been removed in certain places of the site.
- Proposed excavations made in the ground in front of the toe of the slopes should incorporate temporary/permanent works and/or control measures to minimise the risk of them becoming unstable.
- Consider the potential construction phase impacts including the management of surface water run-off to prevent it reaching or accumulating within or alongside the slopes.

It should be noted that paragraph 4.3 of the submitted planning statement recognises the applicants have a responsibility to ensure the accommodation is safe for future occupants of the plots.

Although the County Council initially requested that the slope stability investigation be undertaken prior to determination of the application, the County Council has been reminded of

the Adopted Local Plan's land stability policy, which states "*Where necessary, the developer will be required to carry out further investigations and undertake any necessary remedial measures to ensure that contaminated or unstable land issues are addressed prior to the commencement of the development*".

It is therefore Officer's opinion that this matter needs to be considered through a pre-commencement of development condition rather than before determination of the application.

The County Council has been made aware of Officer's recommendations for a condition which requires this land stability report to be submitted prior to commencement of development. In response the County Council confirms agreement to this approach, which is in line with adopted Local Plan policy as set out above. The pre-commencement condition is attached to this recommendation and will ensure full compliance with Policy SC14 of the Adopted Local Plan and land stability considerations.

### **Flooding and Drainage**

Policy SC7 of the Adopted Local Plan states all development proposals will be required to consider the effect of the proposed development on flood risk, both on-site and off-site, commensurate with the scale and impact of the development.

Paragraph 181 of the framework states when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere.

This is a minor planning application with a site area less than 1ha. Therefore, in accordance with the framework a site-specific flood risk assessment is not necessary. The Lead Local Flood Authority at the County Council is not a statutory consultee.

Some local residents have stated that whilst the site doesn't flood, the neighbouring area has flooded and there are concerns the development might increase flooding elsewhere following the establishment of hard surfacing. During periods of heavy rainfall, it is stated there is a deluge of surface water that runs down Midland Cottages.

The site is within flood zone 1, which is an area defined by the Environment Agency as being as lowest risk of flooding. The site is not identified as being at risk of flooding from surface water. As the site is not susceptible to flooding there are no concerns in relation to impacts of flooding/surface water on any future occupants. In relation to the impacts on the surrounding residents, it is recommended that a planning condition is attached to agree a surface water disposal scheme for the site.

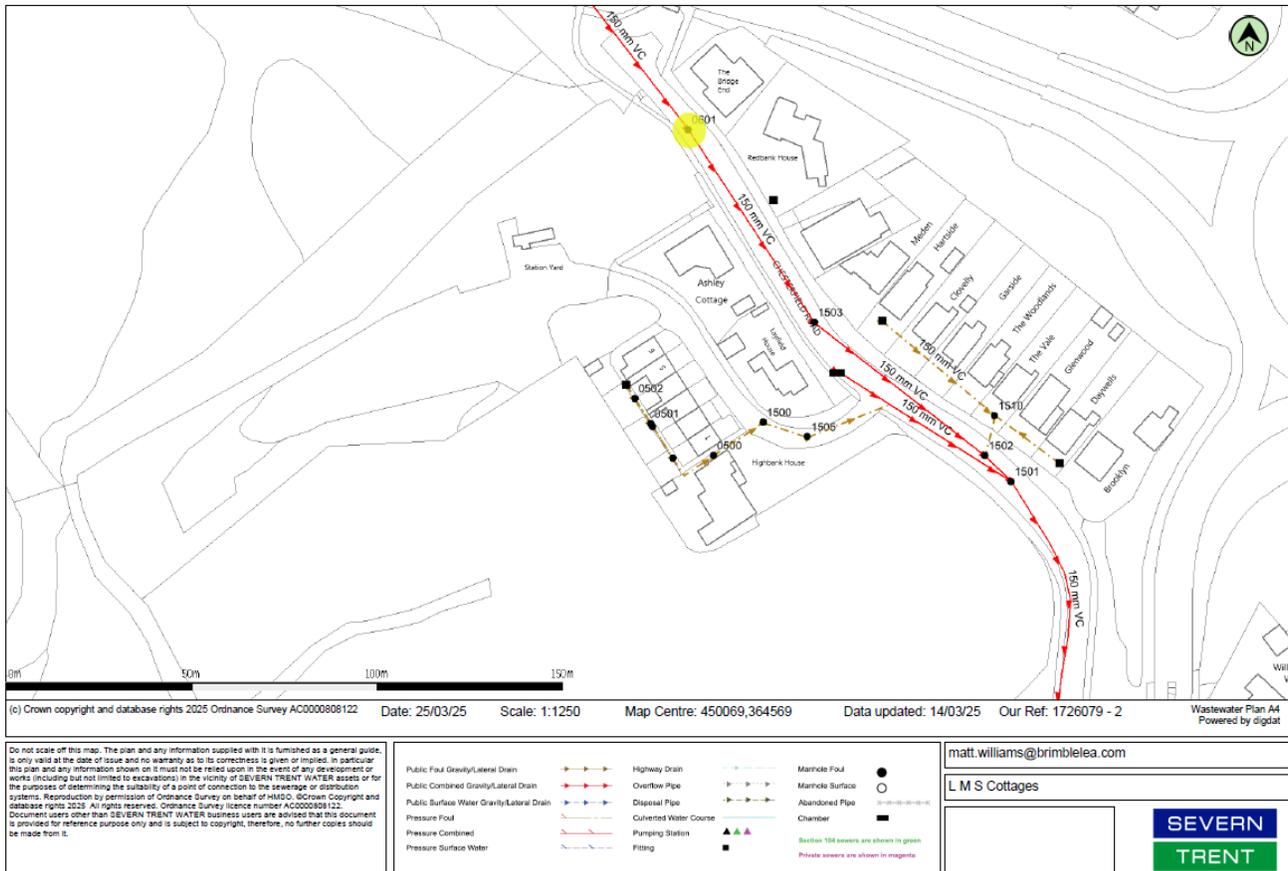
This should demonstrate how the site can be appropriately drained during periods of heavy rainfall and provide sufficient permeability within the site to prevent large areas of hard surfacing that might increase water run-off elsewhere. It should be noted large parts of the site will be soft landscaped and allow natural soakaway of surface water. The District Council's Senior Engineer has raised no objections to the development in terms of surface water disposal. Although residents have concerns regarding large volumes of water run-off, as the site is within flood zone 1 without any known critical drainage problems there are no planning grounds on which to recommend refusal of the application due to any impact on surface water flooding within the area.

In relation to the disposal of foul waste, local residents are also concerned about how the development could adequately connect to the foul waste system. Residents have stated the system is at full capacity and unable to serve additional dwellings. It has also been stated that Severn Trent Water has been called out to unblock the sewers at times. Any connection to the foul system requires separate consent from Severn Trent Water Ltd under Sections 106 to 109 of the Water Industry Act 1991. Therefore, this is a separate regime to planning within the full control of Severn Trent Water Ltd. If Severn Trent Water will not give consent to connect to the foul drainage system (whether that be because of capacity issues or another technicality) the applicant may propose an alternative disposal method, to be agreed by condition.

Severn Trent Water Ltd has been consulted on this planning application, however a response has not been secured. The District Council's Principal Environmental Health Officer has raised no objection on the grounds of foul waste disposal and agrees to a planning condition to agree the precise foul waste disposal scheme.

The individual owners of the private road serving Midland Cottages have a foul connection on the private road via a manhole (marked 1500 on Severn Trent Water's plan below). It is stated by residents the applicant might have access rights over the road, but not to provide a connection to the foul system to serve the development. As the manhole is in private ownership it is unlikely occupants, who object to the application, would give consent to the applicants to connect to manhole 1500, although this is a private matter.

For the avoidance of doubt the applicants land bounds the public highway of Chesterfield Road without requiring third party land to connect to the foul system at manhole 1500. The applicant intends to connect to the connection point marked 1601 on the public highway (marked yellow) on the plan below, subject to the appropriate consent from Severn Trent Water Ltd and the Highway Authority (for works on the public highway), as is the case for the majority of planning applications. Due to the land level changes, where the site is elevated above Chesterfield Road, this may require a pumped system, but the precise detail would be agreed as part of the required foul drainage design scheme by condition.



**Proposed foul drainage connection point (yellow) on Chesterfield Road without the use of third-party private land.**

As such it appears the applicant has direct access to the public highway in order to make a foul waste disposal connection without using third party land. The application is considered in accordance with Policy SC7 of the Adopted Local Plan.

### Sustainability Considerations

Policy SS1 of the development plan aligns with paragraph 11 of the framework which states that planning decisions should apply a presumption in favour of sustainable development. However, the titled balance as set out at paragraph 11 d of the framework, which requires developments to be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, is not engaged. The policies of the Adopted Local Plan carry full weight because at the time of this recommendation the District Council can demonstrate a five-year housing land supply.

Notwithstanding the above, the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 of the framework states achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives). The three objectives, and how this development complies with those objectives, is set out as follows:

a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

Purchasing the mobile homes and layout of the necessary access road and soft landscape provision will benefit the local economy/construction companies. Future occupants would spend in the local economy, benefitting the local shops and other amenities/services. In providing accommodation for travelling showpeople, the site will enable occupants to continue to provide their services across the country, enabling a means of income for future occupants. The economic objective is met.

b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

The application will make a contribution to an identified unmet need of sites for accommodation for travelling showpeople. The site has good access to local amenities and services, including those set out under Policy LC5. This includes walking distance to convenience stores (Lucy's), primary school (Antony Bek) and a doctors surgery (Pleasley Surgery). The site is also within walking distance to public houses such as The White Swan and Nags Head within Pleasley village and New Houghton Social Club. St Michael's Church in Pleasley is accessible by foot, as are other recreational amenities at Pleasley Pit Country Park and Pleasley Vale.

Bus services would take future occupants into larger towns such as Chesterfield, Bolsover town or Mansfield, which have an excellent supply of amenities and services without the need to rely on a private motor vehicle. Although some existing residents fear for public safety, the application is for residential plots adjacent to an existing residential area and the individual occupants' behaviours are not a material planning consideration. The scale of development would not dominate the community or adversely impact their health, social or cultural well-being. The social objective is met.

c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy

The site is within an area of countryside; however, the site is well enclosed by trees and vegetation which is to remain and the site adjoins the development envelope of Pleasley. As such no harm is identified to the countryside and rural character of the area. The site makes the effective use of a brownfield site by partly utilising the brownfield site established by the 1988 planning permission for one caravan. Although a countryside site would be released for plots, Policy LC5 permits this as there is an unmet need for sites for travelling showpeople in the district. The development has secured 10% biodiversity net gain, has demonstrated how the site is serviceable for waste and recycling collection, and the District Council's Principal

Environmental Health Officer raises no concerns regarding pollution. There are no policies in the adopted Local Plan which makes the applicants make a contribution towards a low carbon economy through renewable energies. The environmental objective is met.

### **Other Matters**

Resident concerns raised about future expansion are not a material planning consideration. The application is required to be considered on its own merits.

Any contravention of the access rights of the private road or whether the nature of the access exceeds those rights as permitted within title deeds is a private legal matter between the local residents and the applicants. If there was any infringement of access rights to occur, the owners of Station Yard could seek legal advice, outside of the planning system as could the existing residents.

Any additional wear and tear caused to the private access road and implications on cost of maintenance would similarly be a private matter to be resolved between the local residents and the applicants.

The devaluation of neighbouring property, the valuation of the application site and how the development may affect property mortgages is not a material planning consideration.

The comments raised from the Parish Council about the site being used for modern day slavery (and any possible concern about this happening in the future) is not a planning matter and would be for the police to deal with.

### **CONCLUSION**

The District Council has an unmet need for sites to accommodate travelling showpeople. Policy LC5 of the Adopted Local Plan supports new sites to be granted for this accommodation which meets criteria (a) to (h) of the policy. The application has demonstrated compliance with all criteria, which releases the countryside site for housing. A significant material planning consideration is that a large part of the site has planning permission for a single caravan for travelling showpeople and equipment, which has established a significant section of the site as previously developed land.

The application raises no concerns regarding impacts on the rural character of the environment, design and character, residential amenity, biodiversity, land contamination and stability, flooding and drainage. The application has demonstrated a sustainable form of development which meets the three objectives of sustainability set out under paragraph 8 of the framework. It is therefore recommended that the application is conditionally approved.

### **RECOMMENDATION**

**That the application be APPROVED subject to the following conditions:**

#### **Conditions**

1. The development shall be begun before the expiration of three years from the date of this permission.

2. The site shall not be occupied by any persons other than travelling showpeople as defined in Annex 1: of the Planning Policy for Traveller Sites Guidance December 2024 (or its equivalent in replacement in national policy).
3. There shall be no more than four plots on the site. Each plot shall comprise no more than one caravan, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 as amended, stationed on it at any time.
4. 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:

Site Location Plan - drawing 25019-2 dated 25/03/2025

Proposed Site Plan - drawing 25019-1 Rev A dated 18/02/2025

5. No commercial or industrial activities shall be carried out and there shall be no storage of travelling showpeople's fairground or circus equipment on site.
6. Prior to the commencement of the development hereby permitted, a scheme of foul drainage and surface water disposal must be submitted and approved by the local planning authority. Prior to the occupation of the development the approved drainage schemes must be implemented fully accordance with the agreed scheme and be maintained thereafter.
7. Prior to the commencement of development, including preparatory site clearance, a detailed badger survey for any recently excavated badger setts on the site must be undertaken. The results and any appropriate mitigation must be submitted to the Local Planning Authority for approval and any mitigation measures implemented prior to first occupation of the mobile homes.
8. Prior to the installation of any lighting fixtures, a detailed lighting strategy must be submitted to and approved in writing by the Local Planning Authority to safeguard bats and other nocturnal wildlife. This must provide details of the chosen luminaires, their locations and any mitigating features such as dimmers, PIR sensors and timers. Once agreed the lighting scheme must be implemented fully in accordance with the agreed details and be maintained thereafter.
9. No development shall take place (including demolition, ground works, vegetation clearance and movement of plant, machinery and materials) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) must include the following.
  - a) Risk assessment of potentially damaging construction activities.
  - b) Identification of "biodiversity protection zones".
  - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction.
  - d) The location and timing of sensitive works to avoid harm to biodiversity features.
  - e) The times during construction when specialist ecologists need to be present on site

- to oversee works.
- f) Responsible persons and lines of communication.
  - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
  - h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP must be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

10. No dwelling must be occupied until full details of both hard and soft landscape works with an associated implementation plan, management schedule and monitoring, that includes defining the garden curtilage of each dwelling has been submitted to and approved in writing by the Local Planning Authority. The hard landscaping details must include the proposed hard surfaced materials. The soft landscape works must include a planting plan; schedules of any plants and trees, noting species, plant/tree sizes and proposed numbers/densities to demonstrate how the 10% biodiversity net gain will be provided in accordance with the submitted metric. All planting must be implemented in accordance with the approved details in the first available planting season. The created and/or enhanced habitat specified must be managed and maintained fully in accordance with the agreed landscaping plan.
11. Prior to first occupation of the hereby approved development:
- a) A Biodiversity Enhancement Plan must be submitted to and approved in writing by the Local Planning Authority. The Plan must clearly show positions, specifications and numbers of features, which will include (but are not limited to) the following:
    - external bird boxes
    - external bat boxes.
    - insect bricks / towers.
    - habitat piles for hedgehogs and herptiles.
    - ecologically beneficial landscaping

Once agreed the approved measures shall be implemented fully in accordance with the agreed details and be maintained thereafter.

- b) A statement of good practice including photographs must be submitted to the local planning authority to fully discharge this condition, demonstrating that the enhancements have been selected and installed fully in accordance with the approved Plan.
12. The hereby approved plots shall not be occupied for residential use until the off-road parking is provided in full. Once provided the parking shall be maintained free from obstruction thereafter.
13. Prior to the first occupation of the site, a detailed scheme of boundary treatment for the site must be installed fully in accordance with a scheme which has first been submitted to and approved in writing by the Local Planning Authority. The agreed boundary treatment scheme shall then be maintained thereafter.

14. Prior to first occupation precise details of a bin presentation and collection point must be defined on a plan and submitted to and approved in writing by the Local Planning Authority. Once approved the bin collection point shall be implemented and maintained thereafter.
15. Development other than that required to be carried out as part of an approved scheme of remediation must not commence until:
  - a) A Phase I contaminated land assessment (desk-study) shall be undertaken and approved in writing by the local planning authority.
  - b) The contaminated land assessment shall include a desk-study with details of the history of the site use including:
    - the likely presence of potentially hazardous materials and substances,
    - their likely nature, extent and scale,
    - whether or not they originated from the site,
    - a conceptual model of pollutant-receptor linkages,
    - 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, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments,
    - details of a site investigation strategy (if potential contamination is identified) to effectively characterise the site based on the relevant information discovered by the desk study and justification for the use or not of appropriate guidance. The site investigation strategy shall, where necessary, include relevant soil, ground gas, surface and groundwater sampling/monitoring as identified by the desk-study strategy

The site investigation must be carried out by a competent person in accordance with the current U.K. requirements for sampling and analysis. A report of the site investigation shall be submitted to the local planning authority for approval.

16. Where the site investigation identifies unacceptable levels of contamination, 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 submitted to and approved in writing by the local planning authority. The submitted scheme shall have regard to relevant current guidance. The approved scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria and site management procedures. The scheme shall 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. The developer shall give at least 14 days notice to the Local Planning Authority (Environmental Health Division) prior to commencing works in connection with the remediation scheme.
17. No plot hereby approved shall be occupied for residential use until:
  - a) The approved remediation works required by 16 above have been carried out in

full in compliance with the approved methodology and best practice.

- b) If during the construction and/or demolition works associated with the development hereby approved any suspected areas of contamination are discovered, which have not previously been identified, then all works shall be suspended until the nature and extent of the contamination is assessed and a report submitted and approved in writing by the local planning authority and the local planning authority shall be notified as soon as is reasonably practicable of the discovery of any suspected areas of contamination. The suspect material shall be re-evaluated through the process described in 14b to 2 above and satisfy 16a above.
  - c) Upon completion of the remediation works required by 16 and 16a above a validation report prepared by a competent person shall be submitted to and approved in writing by the local planning authority. The validation report shall include details of the remediation works and Quality Assurance/Quality Control results to show that the works have been carried out in full and in accordance with the approved methodology. Details of any validation sampling and analysis to show the site has achieved the approved remediation standard, together with the necessary waste management documentation shall be included.
18. Prior to the commencement of development a geotechnical professional must carry out a slope stability assessment report of the slopes which surround the application site, which must demonstrate that the site is safe and stable for the development proposed and provide remediation, if necessary. The assessment must give consideration to the following:
- a) Avoiding disturbance to the slopes that might impact stability, including to the toe of the slope, which may have been removed in certain places on the site.
  - b) Any proposed excavations made in the ground in front of the toe of the slopes to incorporate appropriate temporary/permanent works and/or control measures to minimise the risks of them becoming unstable.
  - c) Consider the impacts of the construction phase including the management of surface water run-off to prevent it reaching or accumulating within or alongside the slopes.

Once approved the development must proceed fully in accordance with the agreed slope stability assessment and any approved remediation must be implemented prior to the first occupation of the site.

### **Reasons for Conditions**

1. To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To define the terms of this permission and ensure future occupants are associated with the use for which the development is acceptable in planning terms in accordance with Policy LC5 of the Adopted Local Plan for Bolsover District.
3. To define the terms of this permission as proposed, and to prevent adverse impacts on

residential amenity through intensification in use of the site, in accordance with Policy SC3 of the Adopted Local Plan for Bolsover District.

4. In the interests of protecting residential amenity in accordance with Policy SC3 of the Adopted Local Plan for Bolsover District.
5. To define the terms of this permission as proposed, and to prevent adverse impacts on residential amenity through intensification in use of the site, in accordance with Policy SC3 of the Adopted Local Plan for Bolsover District.
6. This is a pre-commencement of development condition which is necessary in the interests of preventing unsatisfactory surface water run-off and enabling an adequate means of foul disposal in accordance with Policy SC7 and SC11 of the Adopted Local Plan for Bolsover District.
7. This is a pre-commencement of development condition necessary in the interests of preventing harm to protected species in accordance with Policy SC9 of the Adopted Local Plan for Bolsover District.
8. In the interests of safeguarding bats and other protected species in accordance with Policy SC7 of the Adopted Local Plan for Bolsover District.
9. This is a pre-commencement of development condition necessary to prevent harm to protected species during the construction phase in accordance with Policy SC9 of the Adopted Local Plan for Bolsover District.
10. In the interests of securing 10% biodiversity net-gain in accordance with Policy SC9 of the Adopted Local Plan for Bolsover District.
11. In the interests of securing sufficient biodiversity enhancement on site in accordance with Policy SC9 of the Adopted Local Plan for Bolsover District.
12. In the interests of securing sufficient off-road parking in the best interests of highway safety in accordance with Policy ITCR11 of the Adopted Local Plan for Bolsover District.
13. In the interests of protecting the rural character of the area and the privacy of existing and future occupants in accordance with Policy SC3 of the Adopted Local Plan for Bolsover District.
14. In the interests of defining an acceptable bin collection point in the best interests of highway safety in accordance with Policy SC3 of the Adopted Local Plan for Bolsover District.
15. This is a pre-commencement of development condition necessary to ensure the site is developed free from unacceptable levels of land contamination in accordance with Policy SC14 of the Adopted Local Plan for Bolsover District.
16. To ensure the site is developed free from unacceptable levels of land contamination in

accordance with Policy SC14 of the Adopted Local Plan for Bolsover District.

17. To ensure the site is developed free from unacceptable levels of land contamination in accordance with Policy SC14 of the Adopted Local Plan for Bolsover District.
18. This is a pre-commencement of development condition necessary to ensure the site is made safe and stable for future occupants in accordance with Policy SC14 of the Adopted Local Plan for Bolsover District.

## **Notes**

1. Bolsover District Council's Senior Engineer advises as follows:
  - a) 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 Severn Trent Water in order to determine their responsibilities under the relevant legislation.
  - b) 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.
  - c) 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.
  - d) Where SuDS features are incorporated into the drainage design it is strongly recommended that the developer provides the new owners of these features with sufficient details for their future maintenance.
  - e) 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.
2. This application will require the approval of a biodiversity gain plan before development commences, and as such you must adhere to the statutory requirements of the Biodiversity Gain Plan Advice Note provided below.
3. In relation to Condition 7, Derbyshire Wildlife Trust advises dependent on the scale of proposed lighting, a lux contour plan may be required to demonstrate acceptable levels of light spill to any sensitive ecological zones/features. Guidelines can be found in Guidance Note 08/23 - Bats and Artificial Lighting at Night (BCT and ILP, 2023). Such approved measures will be implemented in full.
4. The applicants/developer are made aware that the County Council does not wish for any structural assets such as retaining walls or similar to be built upon County Council land as the County Council would not assume any maintenance responsibilities or liabilities

associated with their function. The development site is surrounded on three sides by the Country Park. The Country Park is at a higher level to the development and the existing tree cover may prompt future requests by potential occupants to remove tree and vegetation growth. Occupants should be aware that the tree cover surrounding the properties cannot be removed at any point in the future regardless of claims to any impact on the house structure and/or the residential use of that dwelling, other than for health and safety reasons.

### **Statement of Decision Process**

1. Officers have worked positively and pro-actively with the applicant 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.

The decision contains several pre-commencement conditions which are so fundamental to the development permitted that:

- o it would have been otherwise necessary to refuse the whole permission; or
- o are necessary to address issues that require information to show that the development will or can be made safe, or
- o address other impacts which need to be assessed to make the development acceptable to minimise and mitigate adverse impacts from the development.

The planning agent has agreed in writing to all of the planning conditions attached to this recommendation.

### **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.*