

**PARISH** Blackwell Parish

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**APPLICATION** Demolition of 6 prefabricated concrete panel garages and the erection of 4 apartments with associated parking and amenity spaces  
**LOCATION** Garage Site To The West Of 283 Alfreton Road Blackwell  
**APPLICANT** Mr. C. Hardy  
**APPLICATION NO.** 25/00184/FUL **FILE NO.** PP-13929707  
**CASE OFFICER** Mr Mitchel Smith  
**DATE RECEIVED** 14th April 2025

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## SUMMARY

This is a full planning application for the demolition of six prefabricated, concrete panel garages to allow for the erection of four apartments with associated parking and amenity spaces. Each apartment will contain a bedroom, bathroom, living room and kitchen. Amenity spaces are proposed to the front and rear of the building, along with four parking spaces which will be accessed by a private driveway leading from Alfreton Road.

The application has been referred to Planning Committee given more than twenty separate households have objected to the proposal.

The application is recommended for conditional approval.

## Site Location Plan



## **OFFICER REPORT ON APPLICATION NO.25/00184/FUL**

### **SITE & SURROUNDINGS**

The application site is situated within the development envelope of Blackwell and to the north, east and south are a number of residential properties, while to the west is an area designated as an important open break.

The site is on the cusp of a residential settlement whereby the properties are predominantly two-storey and brick finished, there are however a number of variations to the scales, designs and appearances of the properties throughout the wider setting.

The application site is predominantly hardstanding bound by a mix of timber and concrete fences serving the surrounding residential properties. Towards the south-western boundary of the site are six prefabricated, concrete garages containing up-and-over doors.



## **PROPOSAL**

The application is seeking planning permission for the removal of the garages to be replaced by four apartments. Each apartment will contain a bedroom, bathroom, living room and kitchen. Four parking spaces and a turning area are proposed to the rear of the building and will be accessed via a private driveway leading from Alfreton Road. Amenity spaces are proposed to the front and rear of the site along with a designated space for bin storage and clothes drying.

The building proposed measures 8.2m in height, to the ridge of the pitched roof, 7.8m in width at the widest part, towards the rear and a total of 16.8m total in length, including the projecting porch, sited on the principal elevation of the development.

Solar panels are also proposed on the roof, the proposed plans state this will encompass around 27m<sup>2</sup> of the roof pane and will be recessed into the roof space.

Soft landscaping is proposed throughout the application site, this includes the introduction of trees, shrubs, an indigenous hedgerow, bounding the site on the western border, and various sections of topsoil with turf and plants.

A bat, and bird box and mammal gap are also proposed.

### Supporting Documents

- Design and Access Statement, received on the 14<sup>th</sup> April 2025
- Preliminary Ecological Report, received on the 14<sup>th</sup> April 2025

## **AMENDMENTS**

- **09/06/2025:** Amended block and elevation plans
- **25/06/2025:** Coal Mining Risk Assessment
- **14/08/2025:** BNG Metric
- **23/09/2025:** Revised block, elevation, floor, and topographical plans.

### Summary of Submissions

- Application form, received on the 14<sup>th</sup> April 2025
- Proposed floor, elevation and site layout plans, received on the 23<sup>rd</sup> September 2025
- Location plan, received on the 14<sup>th</sup> April 2025
- Topographical survey, received on the 14<sup>th</sup> April 2025
- Design and Access Statement, received on the 14<sup>th</sup> April 2025
- Preliminary Ecological Report, received on the 14<sup>th</sup> April 2025
- Coal Mining Risk Assessment, received on the 25<sup>th</sup> June 2025
- BNG Metric, received on the 14<sup>th</sup> August 2025

## **EIA SCREENING OPINION**

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

## **HISTORY**

There is no relevant planning history for this site.

## CONSULTATIONS

Statutory consultees were invited to consider the application on 22/04/2025 requiring comments to be provided by 13/05/2025.

### Blackwell Parish Council

- **13/05/2025:** Have the following objections:
  - Current drainage infrastructure is struggling.
  - Social infrastructure: problems getting doctor's appointments.
  - Highways: concerns over safe access.
  - Environmental concerns: loss of local wildlife
  - Flooding: hardstanding and surface water could present issues when raining.
  - Additional concerns: one bed apartments not in keeping with setting, loss of privacy and light, removal of public footpath.

### Coal Authority

- **04/07/2025:** The Coal Authority has no objection to the proposed development subject to the imposition of planning conditions requiring a scheme of intrusive investigations, remediation and/or mitigation works to ensure the suitability of the site.

### DCC Highways

- **07/05/2025:** requested that the application is amended to reflect the change of use to the land.
- **08/05/2025:** Officers responded stating that this was not necessary as the proposal title accurately reflected the development proposed.
- **15/05/2025:**

Site Access – visibility into the serviced road and Alfreton Road is considered acceptable in both directions.

Internal Layout – It is presumed that the existing footpath is to be retained, providing a route for pedestrians, aiding connectivity. There are some concerns about the potential conflict between vehicle and pedestrian movements in the site, due to the central driveway being limited to 3.2m, however this is not sufficient to warrant an objection. 4 parking spaces are proposed, in line with DCC's parking guidance for new developments.

Conditions / Informatives – development not occupied until access, parking and turning facilities have been provided; no works shall commence until a Stopping Up Order has been granted.

### Derbyshire Wildlife Trust:

- **09/09/2025:** the metric details that 0.089ha of 'moderate' condition modified grassland will be lost. The only habitats present within the metric pertain to bare ground, a sparse area of scattered scrub and one individual tree which falls within a neighbouring garden. Having reviewed the public representations, it is apparent that mature tree clearance has taken place, this is not certain or based on the information submitted. Clarifications are advised regarding this issue.
- **09/09/2025:** it would appear that the purchase of credits is not for the correct amount. The metric does appear to have been completed correctly and in line with the submitted Preliminary Ecological Assessment. On-site gains should be considered prior to exploring off-site options such as habitat banks or other off-site land to satisfy the biodiversity net gain hierarchy.

- **16/09/2025:** the applicant has purchased 0.04 units of neutral grassland to offset the loss of modified grassland at the site. However it appear that 0.05 units are required given the habitat bank is outside of the LPA / NCA area and therefore the Spatial Risk Multiplier takes this into account. The site is so small and the losses insignificant that the baseline from ProHort can be accepted. Additional units are required and it is recommended that a finalised metric is submitted but this is not mandatory at this stage.

### Engineers

- **12/05/2025:**

1. The sewer records show a public sewer within the area of the proposed work (plan enclosed). The applicant should also 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.
2. All proposals regarding drainage will need to comply with Part H of the Building Regulations 2010. In addition, any connections or alterations to a watercourse will need prior approval from the Derbyshire County Council Flood Team, who are the Lead Local Flood Authority.
3. 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.

### Environmental Health

- **09/05/2025:** Development is situated within an area defined as a high development risk by the UK Coal Authority and should be accompanied by a coal mining risk assessment. Standard contaminated land conditions are also recommended.

### **PUBLICITY**

The application has been advertised by way of a site notice and neighbour notification letters have been sent.

A total of 32 representations have been received from 24 separate households, 16 of which were provided in the form of a petition. This number of household objections exceeds Bolsover Council's limit for determination under delegated powers and therefore the application has been referred to Planning Committee. The representations have been summarised below:

### Principle

- Overdevelopment and over intensification contrary to policy SC1.
- Not sustainable development

### Visual Appearance

- Out of character for the local area.
- Use of materials will appear overbearing in comparison to surrounding homes.

### Residential Amenity

- Substandard internal and external space.
- Overbearing.
- Loss of privacy / overlooking.
- Overshadowing issues.

### Biodiversity

- Loss of trees and natural screening.
- Reduced separation between properties and countryside.
- Disturbance to natural habitat of animals.
- Tree works conducted prior to the application being submitted.

### Highways/Access

- Access from Alfreton Road is narrow with poor visibility, additional residents will worsen access safety.
- Fire engine access is 3.7m generally, proposed is 3.2m with no pedestrian pavement.
- Inadequate parking and turning facilities and increased congestion.

### Other Matters

- Boundary and land ownership dispute.
- Development sets a precedent for future overdevelopment.
- No formal highways report provided to demonstrate it meets safety standards.
- Lack of clarity on occupancy.
- Rainwater / drainage concerns.
- Lack of meaningful community consultation by the developer.
- Sewage and drainage concerns.
- Detrimental effects of prolonged construction

As a result of the alterations to the application, a second public consultation was undertaken. A site notice was posted on the 30<sup>th</sup> September 2025 requiring comments by the 21<sup>st</sup> October 2025. Letters were also posted to the surrounding neighbouring properties on the 24<sup>th</sup> September 2025 requiring comments by 15<sup>th</sup> October 2025.

The second public consultation prompted two further responses, a number of the comments received raised matters already mentioned in the previous consultation, however additional comments are summarised as follows:

- Why has the application been extended again?
- Clearly an unsuitable development in the village for all reasons previously explained.
- No material change, adding topographical drawings and copies of planning portals seems to be some sort of distraction.
- Asks that the application is rejected.
- Neighbouring fencing has been in situ for 25 years.
- The plans show a 45° but a 25° has not been included.

- Policy SS3 states it would support one residential dwelling, but there are several dwellings built within the surrounding setting, some of which are larger scale consisting of 23 houses and 20 flats.
- Bolsover already achieving 5 year housing supply, and no neighbouring / nearby authority has required Bolsover District Council to help deliver their objectives.

## **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 Development
- SS11 – Important Open Breaks
- LC3 – Type and Mix of Housing
- SC1 – Development within the Development Envelope
- SC2 – Sustainable Design and Construction
- SC3 – High Quality Development
- SC9 – Biodiversity and Geodiversity
- SC11 – Environmental Quality (Amenity)
- ITCR11 – Parking Provision

### National Planning Policy Framework (“the Framework”)

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

- Chapter 2 (paras. 7 – 14): - Achieving sustainable development.
- Paragraphs 48 - 51: Determining applications.
- Paragraphs 56 - 59: Planning conditions and obligations.
- 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 161, 163, 164, and 166: Meeting the challenge of climate change.
- Paragraph 170 - 182: Planning and Flood Risk.
- Paragraphs 187, 193 and 195: Conserving and enhancing the natural environment.

### Supplementary Planning Documents

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

The purpose of the Successful Places guide is to promote and achieve high quality residential development within the District by providing practical advice to all those involved in the design, planning and development of housing schemes. The guide is applicable to all new

proposals for residential development, including mixed-use schemes that include an element of housing.

*Local Parking Standards:*

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

*Biodiversity Net Gain Design Note:*

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

## **ASSESSMENT**

### ***Key issues***

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

- *the principle of the development;*
- *the landscape and visual impact of the proposed development;*
- *the impact of the development on the surrounding neighbouring properties;*
- *whether the development would be provided with a safe and suitable access and impact on the local road network;*
- *the impact on biodiversity and proposed enhancements;*
- *ground contamination and stability; and*
- *other matters*

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

### **Principle**

Objections were received which stated that the proposal did not constitute to sustainable development and given the scale of the building would result in over intensification of the land, which would be contrary to policy SC1 of the Local Plan.

In order to support sustainable development, proposals must accord with the settlement hierarchy, set out in policy SS3, which is as follows:

- a) Firstly to the Small Towns of Bolsover and Shirebrook and the Emerging Towns of South Normanton and Clowne
- b) Then to the Large Villages of Creswell, Pinxton, Whitwell, Tibshelf and Barlborough

Policy SC1 considers development proposals in development envelopes to be suitable

providing they are appropriate in scale and design, and functional to the area, is compatible with and does not prejudice any existing or intended use of adjacent site and would not have an unacceptable environmental impact; the remaining provisions are not relevant to the proposal. The site is situated within a predominantly residential area and forms part of the development envelope of Blackwell.

The National Planning Policy Framework (NPPF or Framework) sets out at para.73 '*that Small and Medium sized sites can make an important contribution to meeting the housing requirement of an area*'. The developments proposed are contained to the application site, and while the building itself is large in scale, it is considered to be proportionate to the scale of the application site and necessary for the proposed residential function. The proposal does not prejudice any existing or adjacent sites and does not amount to unacceptable environmental impacts.

The site is within walking distance to local shops and facilities and there are several bus stops within the vicinity providing access to larger towns and cities such as Pinxton, Mansfield and Derby. The site is therefore within a sustainable location where residential development is acceptable.

Overall, it is considered that the proposal is constitutes sustainable development in accordance with policies SS1, SS3 and SC1 of the Local Plan for Bolsover District.

#### Landscape and visual impact of the proposed development

Objections were received stating that the development was out of character for the local area and the use of the proposed materials would not be in-keeping with the surrounding dwellings.

Policy LC3 of the Bolsover Local Plan, states that proposals for new housing should seek to ensure an appropriate mix of dwelling types, and sizes, taking account of existing imbalances in the housing stock, site characteristics, the characteristics of adjoining development, and viability and market considerations. Policy SC3 requires proposals to create good quality, attractive and connected places which respond positively to local context, established character and local distinctiveness.

The application site is within a residential setting, the immediate surrounding properties are two-storey, brick finished and contain tiled, gable roofs. The wider setting varies considerably whereby a number of single-storey dwellinghouses are present; hipped roofs are also more frequent and the type and colour of brick varies largely.

The proposed building will be finished in red brick, containing 'silver pearl' render panels, and grey concrete interlocking roof tiles. The materials proposed are similar to that which are present at the dwellings along Alfreton Road and therefore will complement the appearance and finish of the existing dwellings.

In terms of scale, the proposed building is smaller in width than nos.281 and 283 which are adjacent, and is only 0.15m taller in height. As such, when viewed from the streetscene, the building will appear to be a detached, two-storey dwellinghouse. The proposal does sit slightly forwards of the building line of no.283 but the immediate streetscene does not conform to a uniform building line and therefore the proposal will not look out of place in this regard. It is

also noted that the application site and adjacent dwellings are accessed via a service road from the highway and therefore these properties are considerably set back from Alfreton Road, such that their prominence within the streetscene is minimal.

The application site borders a designated important open break. While the development would be visible from the open break, given that it is not situated within the designated area, the impact on the District's openness is minimal. As such, the proposal accords with policy SS11 of the Local Plan.

Overall, it is considered that the proposal introduces a suitable use to a redundant garage site. While the building is large in scale, it has been designed to resemble a detached dwellinghouse in views from public spaces, and through the use of the materials proposed will not appear out of place with the surrounding dwellinghouses. The proposal is contemporary in design and does not result in undue visual harm to the character and appearance of the streetscene. As such, the development is considered to accord with the provisions of policies LC3, SC2 and SC3 of the Local Plan and the 'Achieving well-designed places' section of the Framework.

#### Residential Amenity

A number of objections raised concerns that the development did not provide sufficient internal and external spaces for residents and the siting of the building would result in overbearing, overshadowing and overlooking impacts to the existing surrounding residents.

Policy SC11 states that development, which is 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 relevant assessment and if necessary, appropriate mitigation must be put in place. Policy SC3(n) aims to ensure a good standard of amenity is maintained for both existing and future residents of the properties.

To the north of the application site, on the opposing side of the highway are nos.22 and 24 Hardwick Close, to the east is no.283 Alfreton Road and to the south of the site are nos.16 and 18 Deamon Street. There are no residential properties to the west of the application site.

The principal elevation of the proposed flats measures over 40m away from the residential properties to the north and therefore the proposal does not introduce any amenity harm to these properties.

The building proposes several openings on both the ground and first-floors, on all elevations. The windows on the rear elevation measure 15.5m to the proposed rear boundary of the application site and are sited over 30m to the elevations of no.16 and 18 to the south. The windows situated on the principal elevation are over 40m away from the properties to the north. The windows sited on side elevation facing towards no.283 serve the bathrooms of the proposed flats and are not considered to be habitable rooms, while the openings on the opposing side of the building overlook the green space to the west. Following an assessment with regard to potential overlooking, it is confirmed that all openings proposed are compliant with the separation distances set out in the Council's adopted design guidance – Successful Places.

Relevant daylight assessments have been conducted and identified a slight impact to the

window in the outlier extension of no.283. Notwithstanding this, the impacted window does not serve a primary window and therefore is afforded less protection by the Successful Places guidance.

The proposed flats project past the building line of no.283 by 1.8m, given the height of the proposed building it is not considered to introduce harmful overbearing impacts in this instance. The length of the development runs parallel with the amenity space of the neighbouring property which measures a total of 22m in length. On the basis that the neighbouring property has a suitably large garden space in which a detached garage is situated towards the neighbouring border, it is considered that the potential overbearing impacts will be acceptable.

An objection relates to their being insufficient internal and external space for future residents; internal space would be a matter for Building Control and therefore does not form part of this consideration. The Successful Places guidance states that 100m<sup>2</sup> (25m<sup>2</sup> per flat) of outdoor amenity space is required. The application proposes a total of only 53m<sup>2</sup> amenity space, in the form of a small section to the front of the site and a slight larger section to the rear. While it would be preferred that the proposal would accord with the amenity space provisions of the Successful Place guidance, it is noted that deviations from the guidance can be considered acceptable on more constrained sites. An increase to the amenity space would be at the detriment of the parking area which would potentially lead to greater impacts for the surrounding residents. There are also several green spaces throughout the locality which can be utilised by residents for recreational activities. In this instance, the lower provision of amenity space can be considered acceptable.

Overall, a harmful relationship between the application site and surrounding neighbouring properties will not be introduced with regard to potential overlooking, overbearing and overshadowing impacts. The proposal also provides a sufficient level of outdoor amenity space. As such, the application is compliant with policies SC3 and SC11 of the Local Plan and the Successful Places design guidance.

#### Access & Highways

Due to the nature of the development, the Local Highway Authority (LHA) have been consulted on the application. The initial response recommended that the proposal is deferred pending additional information. The LHA state that part of the proposed works lies within a public highway and therefore it would be necessary to formally extinguish the highway rights by way of a Stopping-Up Order. The LHA officer was reminded that this did not form part of the planning process and asked to provide comments specifically regarding the safety, access and impact on the public highway.

As such, a second consultation was received which raised no objections the proposal subject to conditions.

The site is located off Alfreton Road, a classified road subject to a 30mph speed limit, with access to the site being taken from a service road, running parallel to Alfreton Road. Visibility into the service road and Alfreton Road is considered by the LHA, to be acceptable in both directions.

There is an existing footpath connecting to the south boundary of the site off Deamon Street.

This connection currently runs through the site, in the form of a strip of adopted highway. The connection is to be retained by way of maintaining connectivity for pedestrians. An informative note will be included reminding the Applicants that the existing highway will require diverting to facilitate the development.

Concerns are raised regarding the conflict between vehicle and pedestrian movements in the site, due to the central driveway being limited to 3.2m; however, this is not considered to be sufficient to warrant an objection to the planning permission given there is sufficient width north of this section such that a vehicle can wait or two vehicles can pass.

The Parking Standards of the Local Plan states that 1 space per unit, plus 1 space per 2 units for visitors should be provided; therefore, a total of six off-street parking space should be provided as per the Parking Standards. The development, however, only proposes four. The LHA state that this is in accordance with Derbyshire County Council's Parking Guidance for New Developments. While the parking provision falls short of the LPA's Parking Standards it would seem illogical to refuse planning permission on this basis, especially given the LHA raised no objections to this element of the application. It is also noted that the Local Plan Parking Standards acknowledge a limited number of circumstances where a departure from the standards can be acceptable provided it does not lead to negative impacts on health and safety or unacceptably impact upon amenity.

The LHA recommend conditions ensuring the access and parking are provided prior to the occupation of the dwellings. It is also recommended that no works are undertaken until a Stopping Up Order has been granted, but this would be within the remit of the LHA and therefore will be included as an informative note rather than a planning condition.

Overall, the development proposed does not harmfully impact on the safety and access to the highway and will not result in harm to the highway network. As such, the proposal is compliant with policy ITCR11 of the Local Plan.

#### Ecology and Biodiversity Considerations

The application saw objections stating that numerous trees had been felled prior to the submission of the application. This matter was queried with the agent who stated that the trees belong to the adjacent land, and were felled to facilitate the development but did not form part of the application site. The trees were not protected via Tree Preservation Orders and given the site is not within a conservation area, are not protected by the LPA. The objections also raised concerns regarding the disturbance the development would have on the natural habitats of animals. The concerns are noted but all development is likely to result in some form of disturbance to local wildlife. The site itself is predominantly hardstanding and therefore in terms of site clearing will likely not result in much wildlife and habitat disruption, and if so, this will not be for a prolonged period of time.

As of April 2024, all development proposals, unless in accordance with an exemption, must provide a mandatory 10% uplift in biodiversity. It is preferred that the biodiversity net gain (BNG) is provided on-site where possible. The proposal initially sought the 'de minimis' development exemption reason stating that less than 25m<sup>2</sup> of on-site habitat would be impacted by the development. During the site visit officers noticed an unsealed surface which would constitute to habitat and therefore triggered the mandatory BNG provision.

The Applicants provided a metric and outlining an on-site baseline of 0.04 habitat units, stating -0.02 (66.4%) of these would be lost as part of the development. The applicant also provided details of their purchase of BNG credits in order to provide the mandatory uplift.

Derbyshire Wildlife Trust (DWT) were consulted on the application and there was some initial confusion regarding the baseline values and whether mandatory BNG was relevant. After a verbal discussion with the DWT officer, it was confirmed that the trees mentioned in a number of objector representations did not form part of the planning application site and therefore could not be considered towards the proposal. It was also confirmed that the unsealed surface, on-site exceeded 25m<sup>2</sup> such that mandatory BNG was required.

The final consultation with DWT approved the on-site baseline (0.04 habitat units) provided by ProHort, but stated additional credits required purchasing. The Applicant provided details of the purchase of 0.04 units, but given this habitat bank was situated outside of the LPA / NCA area, a Spatial Risk Multiplier needed to be taken into account and once applied would result in 0.05 units being required. DWT recommended that a final metric, outlining the purchase of the credits and finalising the 10% BNG is provided to the LPA, but this could be completed post-decision and forms part of the standard biodiversity condition.

Soft landscaping and tree and hedgerow planting are proposed throughout the site, this includes mountain ash or silver birch trees, indigenous hedgerows and various shrubs. A mammal gap, bird box and bat box are also proposed. While the planting and features do not contribute towards mandatory BNG provisions, they do provide significant habitat enhancements onsite, in line with policy SC9 of the Local Plan.

#### Land Stability

As set out in policy SC14, development proposal will not be permitted unless it can be demonstrated that any contaminated and unstable land issues can be addressed by appropriate mitigation to ensure the site is suitable for its intended use and does not result in unacceptable risks to human health, and the built and natural environment.

The initial consultation with Environmental Health (EH) outlined that the site is situated within a Development High Risk Area for coal mining features. As such, the applicant provided a Coal Mining Risk Assessment (CMRA), and the Coal Authority (CA) were consulted on the development.

The CA concurs with the recommendation of the CMRA, which considers that coalmining legacy potentially poses a risk to the proposed development and therefore intrusive site investigation works should be undertaken prior to the commencement of the development in order to establish the exact situation regarding coal mining legacy issues on site. Subject to the imposition of the conditions requiring ground investigation works, the CA raises no objection to the proposal.

EH also recommend the undertaking of intrusive ground works in order to identify any potential contaminated land. Details of any founded contaminated land must be considered by a competent person, and a scheme of mitigation must also be provided.

The condition recommended by the CA and EH are necessary to ensure the site is suitable for the intended use, as outlined in policy SC14 and therefore will be appended to any

planning permission.

### Other Matters

The above assessment is considered to address the planning matters of the proposed development and has regard for a number of objections / representations made throughout. Additional comments are made in respect of the following:

- Boundary and land ownership dispute.
  - Numerous objections mention a land ownership dispute. This matter was queried with the agent who confirmed the application had been made in accordance with land boundaries believed to be within the ownership of the applicant. Land ownership is not a material planning consideration and therefore holds no bearing on the recommended outcome of the proposal, this is a legal matter, outside the remit of development control.
- Development sets a precedent for future overdevelopment.
  - The proposal is not considered to be overdevelopment of the site and sets no precedent for future development. Planning applications are considered on their individual planning merits and the acceptability with regard to local and national planning policies.
- No formal highways report provided to demonstrate it meets safety standards.
  - This is not a requirement of the planning application. The Local Highway Authority were consulted on the application and raised no objections, subject to conditions, to the application.
- Lack of clarity on occupancy
  - The future occupancy of the flats is not a planning consideration. The approval or refusal of the development is not based on the type of the occupants.
- Rainwater drainage / sewage concerns.
  - This would be a matter for the local water board and / or Building Control. The development proposes additional soft landscaping to an existing, predominantly hard surfaced area and therefore will likely provide a drainage betterment.
- Lack of meaningful community consultation by the developer.
  - The developer is not required to undertake community consultation. The application was advertised by way of site notice and surrounding neighbouring properties were sent letters outlining the development proposed. This process is above that required by planning legislation.
- Detrimental effects of prolonged construction
  - There is expected to be some disturbance during the construction phase, but this is not considered to be prolonged. The comments are also not specific as what 'detrimental effects' they are concerned about.
- The plans show a 45° but a 25° has not been included.
  - The plans are not required to show either the 25° and / or 45° angles in terms of

national validation requirements. With regard to amenity impacts, as set out in the relevant section of the report, Officers have conducted such assessments and determined the proposal to be acceptable.

- Policy SS3 states it would support one residential dwelling, but there are several dwellings built within the surrounding setting, some of which are larger scale consisting of 23 houses and 20 flats.
- As set out in the above 'Principle' section of the report, policy SS3 includes the settlement hierarchy and does not state that it support only one residential dwelling. The principle of the development is considered to be acceptable. While other developments may have been approved within the surrounding area, these are not considered to impact on this application. The proposal has been considered on its individual merits and a recommendation for approval has been put forward.

### **CONCLUSION / PLANNING BALANCE**

The proposal is considered to be a suitable residential scheme which contributes, albeit on a small scale, to the Council's housing supply. The building is in-keeping with the surrounding locality and does not introduce any significant harmful amenity impacts to the surrounding residential properties. It would be preferred that additional parking and amenity spaces are provided but it is understood that the scale of the site limits the potential for this, and on balance suitable parking and communal areas are still proposed.

Upon review of the case, it has been noted that the application site is situated within an explosives safeguarding zone, and therefore consultation with the Health and Safety Executive (HSE) ought to be carried out, notwithstanding the nature of the development and its construction. The HSE were consulted on 16/10/2025 requiring comments to be provided by the 30/10/2025.

As such, a recommendation for approval has been put forward which includes powers being delegated to either the Development Management and Land Charges Manager or Principal Planners to issue the decision following confirmation being received from the HSE that they do not object to the development and where conditions or footnotes are recommended, for these to be imposed.

**RECOMMENDATION – That following no objections being received from the HSE, delegated authority be given to the Development Management and Land Charges Manager or Principal Planners to GRANT planning permission subject to the following planning conditions, and any other conditions and footnotes recommended by the HSE:**

#### **Conditions**

1. The development must be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted must be carried out in accordance with the following:
  - Proposed site layout, elevations and floor plans (dwg no. PA/24-023 SK 80 01 D) received on the 23<sup>rd</sup> September 2025.
3. No development shall take place above foundation level of the apartment block until

such time that samples of the materials and finishes (brick, roof tile, render) have been submitted to and approved in writing by the Local Planning Authority.

4. The development hereby approved must not become occupied until a detailed scheme for the boundary treatment of the site, including position, design and materials, and to include all boundaries or divisions within the site, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme must be completed before the building is first occupied or such other timetable as may first have been approved in writing with the Local Planning Authority.

5. The development hereby approved must not become occupied until full details of both hard and soft landscape works including a programme for implementation have been submitted to and approved in writing by the Local Planning Authority, and the works must be carried out as approved.

6. If within a period of five years from the date of the planting of any tree or shrub that tree or shrub may die, be removed, uprooted or become seriously damaged it must be replaced by another of the same species during the first available planting season, unless a variation of the landscaping scheme is approved in writing with the Local Planning Authority.

7. Prior to the installation of 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 should provide details of the chosen luminaires, their locations and any mitigating features such as dimmers, PIR sensors and timers. 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.

8. Prior to building works commencing above foundation level, a Species Enhancement Plan must be submitted to and approved in writing by the Local Planning Authority. Approved measures must be implemented in full and maintained thereafter. The Plan must clearly show positions, specifications and numbers of features.

9. The Development hereby approved must not be occupied until the access, parking and turning facilities have been provided as shown on drawing PA/24-023-SK-81-01- B.

10. No development shall commence (excluding demolition) until;

a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and;

b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

11. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development must be submitted to the Local Planning Authority for approval in writing. This document must confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

12. 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 must 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 shall 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.

13. Before the commencement of the development hereby approved:

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 shall be submitted to and approved in writing by the local planning authority. The submitted scheme must have regard to relevant current guidance. The approved scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

The developer must give at least 14 days notice to the Local Planning Authority prior to

commencing works in connection with the remediation scheme.

14. The development hereby approved must not become occupied until:

- a) The approved remediation works required by condition 13 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 condition 12 and satisfy 14a above.
- c) Upon completion of the remediation works required 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.

**Reasons for Condition(s)**

- 1. To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2. To ensure that the development takes the form as envisaged by the Local Planning Authority, and for the avoidance of doubt.
- 3. To ensure a satisfactory appearance of the completed development. In the interests of visual amenity and in compliance with policies SS1 and SC3 of the adopted Local Plan.
- 4. To ensure a satisfactory appearance of the completed development and to ensure that adequate privacy is provided for new and existing residents. In the interests of amenity and in compliance with policies SS1 and SC3 of the adopted Local Plan.
- 5. To ensure a satisfactory appearance of the completed development. In the interests of visual amenity and in compliance with policies SS1, SC3 and SC9 of the adopted Local Plan.
- 6. To ensure that the landscaping for the proposed development can establish. To ensure a satisfactory appearance of the completed development. In the interests of visual amenity and in compliance with policies SS1, SC3 and SC9 of the adopted Local Plan.
- 7. To ensure that bats and other nocturnal species are not adversely affected by artificial light. In the interests of biodiversity and in compliance with policies SS1, SC2 and SC9 of the adopted Local Pla
- 8. In the interests of biodiversity net gain, and the enhancement / creation of other nature

conservation interests. In compliance with policies SS1, SC3 and SC9 of the adopted Local Plan.

9. To ensure conformity with submitted details. In the interests of highway safety and to ensure that the layout provides sufficient access for vehicles. In compliance with policies SS1, SC2, SC3, and ITCR10 of the adopted Local Plan.

10. The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 187, 196 and 197 of the National Planning Policy Framework and policies SS1, SC2. and SC14 of the adopted Local Plan.

11. The undertaking of intrusive site investigations is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 187, 196 and 197 of the National Planning Policy Framework and policies SS1, SC2. and SC14 of the adopted Local Plan.

12. To protect future occupiers of the development, buildings, structures/services, ecosystems and controlled waters, including deep and shallow ground water. In the interests of residential amenity and ground conditions, and in compliance with policies SS1, SC3, and SC14 of the adopted Local Plan.

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#### **Note(s)**

##### **1. Stopping Up/Diversion of Adopted Highway**

You are advised that to facilitate the development an order must be obtained to divert the adopted highway under sections 247 of the Town and Country Planning Act 1990. Contact the National Transport Casework team. As part of the consultation process, associated with such applications, the Highway Authority and other interested parties will be given the opportunity to object to the proposed stopping-up. It should be noted that the Highway Authority's acceptance of the proposals for planning purposes does not preclude an objection being raised by the Authority at this stage.

##### **2. Ground Investigations**

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal

mine entries (shafts and adits) requires a Mining Remediation Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Application forms for Mining Remediation Authority permission and further guidance can be obtained from The Mining Remediation Authority's website at: [www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property](http://www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property) What is a permit and how to get one? - GOV.UK ([www.gov.uk](http://www.gov.uk))

### 3 Shallow Coal Seams

In areas where shallow coal seams are present caution should be taken when carrying out any on site burning or heat focused activities. To check your site for coal mining features on or near to the surface the Coal Authority interactive map viewer allows you to view selected coal mining information in your browser graphically. To check a particular location either enter a post code or use your mouse to zoom in to view the surrounding area

4. The sewer records show a public sewer within the area of the proposed work (plan enclosed). The applicant should also 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.

5. 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.

6. 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 .

7. 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.

### **Statement of Decision Process**

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

### **Equalities Statement**

*Section 149 of the Equality Act 2010 places a statutory duty on public authorities in the*

*exercise of their functions to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it (i.e., “the Public Sector Equality Duty”).*

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

### **Human Rights Statement**

*The specific Articles of the European Commission on Human Rights (‘the ECHR’) relevant to planning include Article 6 (Right to a fair and public trial within a reasonable time), Article 8 (Right to respect for private and family life, home and correspondence), Article 14 (Prohibition of discrimination) and Article 1 of Protocol 1 (Right to peaceful enjoyment of possessions and protection of property).*

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