

PARISH

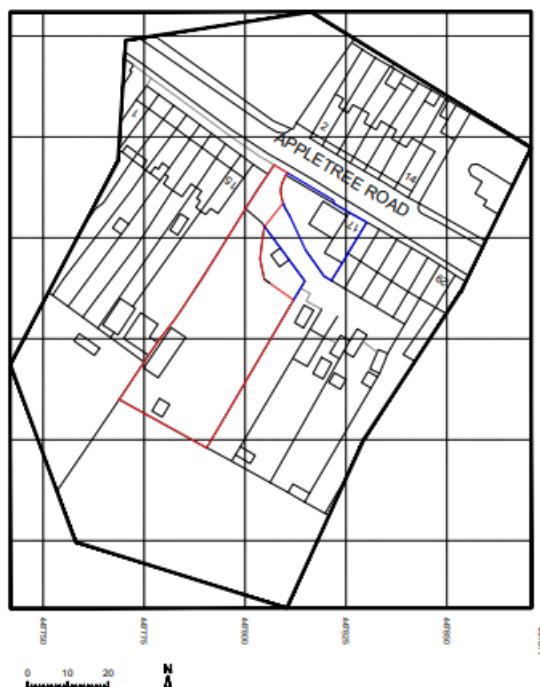
Old Bolsover Parish

APPLICATION	Outline application for the erection of up to 3 dwellings with all matters reserved		
LOCATION	Land to The Rear Of 17 Appletree Road Stanfree		
APPLICANT	Mr & Mrs Law 17 Appletree Road Stanfree Derbyshire S44 6AJ		
APPLICATION NO.	25/00258/OUT	FILE NO.	PP-14074785
CASE OFFICER	Mrs Karen Wake		
DATE RECEIVED	6th June 2025		

SUMMARY

The proposal is outside the development envelope within an area of open countryside. The proposed use is not compliant with Policy SS9 (Development in the Countryside) but meets the requirements of other relevant policies in the adopted local plan. A judgement is therefore necessary on the planning balance having regard to the issues relating to the development.

The application is recommended for approval subject to conditions.

Site Location Plan**OFFICER REPORT ON APPLICATION NO. 25/00258/OUT****SITE & SURROUNDINGS**

The site is an existing garden to the rear of the end-terraced dwelling. The site is accessed via an existing shared driveway which serves a number of dwellings within a row along the highway frontage. Each of these dwellings has a large, narrow garden to the rear on the opposite side of the access road and these dwellings contain a range of outbuildings. The site

itself slopes down slightly north to south with a screen fence along each side boundary and a hedge along the rear boundary. To each side of the site are gardens and to the rear is a field.

PROPOSAL

The application is in outline with all matters reserved for the erection of three dwellings. An indicative layout with plans and elevations have been submitted which indicate a detached two bedroom dwelling and a pair of semi-detached dwellings, one of which has two bedrooms and the other has one bedroom. Each of the dwellings are single storey. This plan is however, purely indicative.



AMENDMENTS

None

EIA SCREENING OPINION

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

HISTORY

11/00389/FUL	Granted	Single storey extension to side
	Conditionally	

CONSULTATIONS

Parish Council: No comments received

Planning Policy:

The application site is located in the Stanfree which is identified as a small settlement in the countryside. Policy SS3: Spatial Strategy and Distribution of Development sets out that small settlements in the countryside “are considered to not be sustainable settlements”. As a result, the Local Plan for Bolsover District resists residential development in these settlements, except for infill development and the conversion of agricultural buildings, where appropriate. Policy SS9: Development in the Countryside identifies that for development to be acceptable it must fall within one or more of the categories set out in the policy and that it will be required

to respect the form, scale and character of the landscape, through careful location, design and use of materials. The Dartford case considered the NPPF definition of previously developed land (PDL) and clarified that a garden outside a built-up area can be considered PDL, as long as it complies with other elements of the definition of PDL. Assuming that the current use is a residential garden associated with a dwelling it could be considered as previously developed land if it is not in a built up area. However, the application site is considered to be within a substantially built up area that forms part of Stanfree and as such is exempt from being previously developed land. Therefore, it does not meet any of the categories set out within Policy SS9.

In light of this, a planning judgement needs to be made as to whether the proposal constitutes infill development as permitted by policy SS3. This should be reached on a fact and degree basis on whether there are “existing buildings” on at least two sides on the adjoining land to the application site and whether the application site represents a relatively small site. If this is the case, the impacts of the proposed development on the character and appearance of the area will need to be considered against the policies set out in the policies SS1, SS3, SS9, SC2, SC3 and SC11.

DCC Highways: The existing access road currently serves several garages located to the rear of the properties. As the width of the access road at the redline boundary on the submitted plan only accommodates one-way traffic, vehicles have need to wait at the entrance while others are entering or exiting the site. However, given the rural nature of Appletree Road, along with its low-speed limit and relatively low traffic volume, it is considered that this arrangement would not result in an unacceptable impact on traffic congestion or highway safety.

Visibility when turning right from the access road towards the southeast along Appletree Road is currently limited due to the presence of a hedge. To ensure highway safety, a suitable visibility splay should be provided and secured by condition should the application be approved. It is noted that the applicant also submitted an indicative plan to outline the internal layout. As this outline application the detailed layout design will be fully considered in a separate application. However, here is sufficient space available for the access road to the dwellings and vehicular parking spaces.

Based on the analysis of the information submitted and a review of Local and National policy there would not be an unacceptable impact on Highway Safety or a severe impact on congestion. There are no justifiable grounds on which an objection could be maintained. Recommends a condition requiring provision of a 2.4m x 43m visibility splay in the southeastern direction with no obstruction over 0.6m within that splay.

Environmental Health Officer: No objections in principle. Advise a condition requiring submission of a phased contamination and remediation scheme where necessary and a condition restricting hours of construction and deliveries being restricted to 7.30am -6pm Monday to Friday, 7.30am to 1pm Saturday and no time on Sundays or public holidays.

Senior Engineer: The sewer records do not show any public sewers within the curtilage of the site. However, the applicant should be made aware of the possibility of unmapped public sewers which are not shown on the records but may cross the site of the proposed works. These could be shared pipes which were previously classed as private sewers and were transferred to the ownership of the Water Authorities in October 2011. If any part of the proposed works involves connection to / diversion of / building over / building near to any

public sewer the applicant will need to contact Yorkshire Water in order to determine their responsibilities under the relevant legislation.

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. 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.

Where SuDS features are incorporated into the drainage design for developments of between 2 and 9 properties it is strongly recommended that the developer provides the new owners of these features with sufficient details for their future maintenance.

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.

Derbyshire Wildlife Trust: Requested amendments to the BNG metric/clarification. Advised conditions requiring no works or site clearance to be carried out in bird nesting season and submission and implementation of a species enhancement plan and a landscape plan and management schedule.

PUBLICITY

Site notice and seven neighbours notified. Objections received from 6 neighbours which raise the following issues:

1. Appletree Road already suffers from limited parking availability, and the addition of three new properties will place further strain on this situation.
2. The access to the rear of the current terrace houses is already troublesome, and introducing three new dwellings in the garden of the end terrace at 17 Appletree Road will exacerbate this issue. It could lead to even greater congestion, reduce safety, and make access more difficult for both residents and emergency services. The access is proposed to be widened but it is not clear by how much or whether this will make the access easier for vehicles to pass. Visibility from the access is already limited due to on street parking adjacent to the access.
3. Title deeds to adjacent properties give a right of access over the access at all times and if the development is approved this access must remain useable at all times.
4. The applicant has certified that they own the access and this should be evidenced as this may not be the case.
5. The proposed development would significantly reduce the privacy for neighbouring properties. The close proximity of these new dwellings would result in increased overlooking, noise, and a general sense of encroachment. This would have a direct negative effect the quality of life for existing residents and add to daily stress.
6. Building in the rear garden area constitutes overdevelopment and results in the loss of valuable green space. Gardens contribute to environmental sustainability, local biodiversity, and residents' well-being. Approving this infill development would set a concerning precedent and alter the character of the neighbourhood.
7. It is accepted that there is a development of similar nature to the west of this site, that site was larger in size to accommodate the dwellings that have been built and also

serves as an end marker to the residential area. The development proposed in this application is on a smaller application site and to the rear of terraced dwellings. It does not sit within the built form of the area. The dwellings on the south side of Appletree Road are characterised by terraced dwellings with vehicle access to the rear. The proposal goes against the character of the area by introducing residential dwellings that sit beyond the established line of residential dwellings. There are examples of outbuildings and other structures relating to residential properties within the rear spaces of the properties on Appletree Road however these are not residential properties and therefore building residential properties as per the proposal to be out of character and inappropriate for the area.

8. Whilst the application is in outline only, it appears to be constrained by the size of the application site. In particular the proposed 1 bedroom dwelling which appears to be small and squeezed in as an opportunity of an additional dwelling rather than consideration for the end user.
9. This is the third application for new build development in the village since 2021. Since this time, up to 5 new dwellings have been approved (app refs 21/00619/OUT and 24/00143/OUT). Whilst five may appear a small number of dwellings, the incremental changes these dwellings have on the village are changing the small village appeal of Stanfree and increasing traffic volumes as well as the appearance and character of the area.

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
- SS2 – Scale of development
- SS3 – Spatial strategy and distribution of development
- SS9 – Development in the countryside
- LC3 – Type and mix of housing
- SC2 – Sustainable design and construction
- SC3 – High quality development
- SC5 – Change of use and conversions in the countryside
- SC9 – Biodiversity and geodiversity
- SC11 – Environmental quality (Amenity)
- SC14 - Contaminated and unstable land
- ITCR10 – Supporting sustainable transport patterns
- ITCR11 – Parking provision
- Appendix 8.2 – Parking standards

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 124 - 128: Making effective use of land.
- Paragraphs 131 – 141: Achieving well-designed places.
- Paragraphs 187, 193 and 195: Conserving and enhancing the natural environment.
- Paragraphs 196 - 201: Ground conditions and pollution.

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 impact on the character of the area
- Residential amenity.
- whether the development would be provided with a safe and suitable access and impacts on highway safety.
- Biodiversity

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

Principle

In the Local Plan for Bolsover District (March 2020) the village of Stanfree is identified as a small settlement in the countryside. As a village without a defined development envelope, Stanfree is considered to lie in the countryside where development proposals should be considered against policy SS9 of the Local Plan.

Policy SS9 states that development will only be granted planning permission where it can be demonstrated that the proposals fall within one or more of the policy categories, as identified below.

Policy SS9: Development in the Countryside

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 the following categories

- 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 all cases, where development is 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 adopted Local Plan defines Previously Developed Land as “*Land which is or was occupied by a permanent structure. This excludes land that is or has been occupied by agricultural or forestry buildings, land that has been developed for minerals extraction or waste disposal where provision has been made for restoration.*”

The National Planning Policy framework (2024) defines Previously Developed Land as, “*Land which has been lawfully developed and is or was occupied by a permanent structure and any fixed surface infrastructure associated with it, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed). It also includes land comprising large areas of fixed surface infrastructure such as large areas of hardstanding which have been lawfully developed. Previously developed land excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.*”

The application site, contains an outbuilding but is predominantly a grassed, residential garden area within the built up area of Stanfree and as such the site is not considered to be previously developed land where residential development may be considered acceptable. As such, the proposal does not meet any of the criteria set out in Policy SS9 and is therefore considered contrary to the requirements of this policy.

However, policy SS9 is some what at odds with Policy SS3 of the adopted Local Plan which is the policy for spatial strategy and distribution of development in that it does not allow for infill development. Policy SS3 defines the village of Stanfree as a small settlement in the countryside, which has limited access to services and facilities such that in terms of the settlement hierarchy and the distribution of development steered by the local plan, Stanfree would be placed at the lower end of meeting the criteria of sustainable development.

Policy SS3 states that

“The Small Settlements in the Countryside are considered to not be sustainable settlements and the Local Plan will not support urban forms of development beyond infill development and conversion of agricultural buildings where appropriate.”

The Local plan defines Infill development as “Building on a relatively small site between existing buildings in a substantially built up area.”

There is no definition in the Local Plan of what constitutes an “existing building”. Therefore, it is considered that the definition of building set out in the Town and Country Planning Act 1990 Section 336 should be applied. Section 336 defines that a building *“includes any structure or erection, and any part of a building, as so defined, but does not include plant or machinery comprised in a building.”* From case law, three key factors need to be considered:

1. Whether the development is of a size to be constructed on site, as opposed to being brought on to the site,
2. its degree of permanence, and
3. physical attachment.

No single matter is necessarily decisive, and a planning judgment should be reached on a fact and degree basis on whether there are “existing buildings” on at least two sides on the adjoining land to the application site.

What constitutes a relatively small site is also not defined in the Local Plan and is a matter of planning judgement when considered against a number of factors. These including the pattern of the settlement, does the open space contribute to the character of the area, the density of the development, whether it is out of context or conflicts with the character of the locality, and whether it intrudes into the open countryside.“

In this instance, the site has buildings on three sides which, given their size, degree of permanence and physical attachment to the ground, are considered to meet the definition of development set out above. The site is within the existing built form of this part of Stanfree and does not intrude into the open countryside to the rear of the site. The dwellings on Appletree Road are in linear form along the highway frontage, however these dwellings have

numerous outbuildings to the rear, some of which are quite large. In addition, there is a residential development to the northwest of the site which does not follow the predominantly linear development and an outline planning permission has been granted for three dwellings on a former haulage yard to the southeast of the site and this site also extends away from the highway frontage with dwellings to be erected to the rear of the existing dwellings.

Within this context, the site could be considered to be a relatively small site between existing dwellings within the built up area of the village of Stanfree. As such, residential development on the site could be considered to be infill development as defined in the Local Plan which would meet the requirements of development which would be supported by Policy SS3.

It is accepted that Stanfree is not the preferred location for new growth in terms of its accessibility/sustainability. However, despite this, the village has continued to see small pockets of appropriate infill growth in recent years.

The application site is approx. 250m away from bus stops on Clowne Road, providing a bus service into Clowne and Bolsover. Whilst the bus route is relatively limited and is not 24hours, it does provide access into the nearby towns at various times during normal working/daytime hours.

There are a small number of employment uses within walking distance of the site, but the bus service provides access to employment in nearby towns and the Barlborough Links employment area.

There is no direct access to services such as doctors or dentists, but these are located within the nearby towns that are accessible on the bus route.

There are playing fields located approximately 1.2km away and a primary school in Shuttlewood, located approximately 1.9km away. There is secondary school provision within the towns of Clowne and Bolsover which are accessible by bus.

There is a small convenience shop/post office in Shuttlewood which is approximately 2.2km from the site.

Whilst the Council acknowledge that Stanfree has limited access to services and facilities, there is access to these by bus, with Clowne only 2km to the north.

The site is not within a sustainable settlement but given the access to facilities by public transport set out above and that only up to three additional dwellings are proposed within the built up area of Stanfree and given that there have been recent approvals for limited infill developments within the village, it is considered that the location is acceptable, and refusal of the application on sustainability grounds could not be sustained.

On balance, whilst the proposal is not considered to meet the criteria of development which would be acceptable in the countryside and is therefore contrary to policy SS9, it is considered to represent infill development which is acceptable in small settlements within the countryside in accordance with Policy SS3. The proposal does not extend out beyond the existing built form of the village and does not intrude into the open countryside. The development (if single storey) is therefore considered to respect the form, scale and character

of the existing landscape and is not considered to have a harmful or urbanising impact on the countryside, as required by Policy SS9. The sustainability of the location is not considered to be a reason to justify refusal of the development. The principle of development, subject to the key issues considered in greater detail below, can be regarded as acceptable, in compliance with the relevant provisions of the development plan taken as a whole.

Impact on the character of the area

As set out above, the site has buildings on three sides. Dwellings to the north and northeast are two storey and the outbuildings to the southeast and northwest are single storey. The site is therefore considered to be within the existing built form of this part of Stanfree and does not intrude into the open countryside to the rear of the site. Given the scale of the outbuildings to each side of the site, two storey dwellings on the site would appear intrusive and quite dominant in the street scene. Single storey dwellings, however, could be accommodated on the site without appearing out of character or unduly prominent within the immediate street scene. Subject to a condition requiring the proposed dwellings to be single storey only, the development is considered to respect the form, scale and character of the existing landscape and is not considered to have a harmful or urbanising impact on the countryside, in accordance with policies SC2 and SC3 of the adopted local plan.

Residential amenity

The proposal is in outline with all matters reserved and as such the impact of the final development on the amenity of adjacent residents cannot be fully assessed at this stage. However, an indicative plan has been submitted which shows how three single storey dwellings can be accommodated on the site in a way which, subject to appropriate boundary treatments, would meet the council's Successful places Supplementary Planning Document in terms of distances between windows and gardens of existing and proposed dwellings.

The indicative plan also shows how three dwellings can be accommodated which provide an adequate standard of amenity in terms of private open space, outlook etc.

There will be some noise and disturbance to residents of adjacent dwellings during the construction period but once constructed, the occupation of the dwellings is not considered to result in a material increase in noise and disturbance over and above the existing situation, or that which would reasonably be expected in a residential area.

Subject to a condition requiring the dwellings be single storey only, the site is capable of accommodating up to three dwellings without resulting in a material loss of privacy or amenity for residents of adjacent dwellings and is considered to meet the requirements of Policies SC2, SC3 and SC11 of the Local Plan for Bolsover District and the guidance set out in the Successful Places, a Guide to Sustainable Housing Layout and Design published by the council.

The Environmental Health Officer has asked for a condition restricting hours of construction, but this is considered unnecessary because the control of noise during demolition and construction is covered under The Control of Pollution Act 1974 and therefore shouldn't be conditioned on the planning permission. An advisory note can be added to any planning permission advising the applicant of the need to comply with the requirements of this Act.

Access/Highways

The application is in outline with all matters reserved but there is only one access to the site which is shared with the dwellings to the north and northeast of the site to access the existing parking areas and garages located to the rear of the properties. As the width of the access road can only accommodate one-way traffic, vehicles may have need to wait at the entrance while others are entering or exiting the site. However, given the rural nature of Appletree Road, along with its low-speed limit and relatively low traffic volume, it is considered that this arrangement would not result in an unacceptable impact on traffic congestion or highway safety.

Visibility is currently limited due to the presence of a hedge. The Highway Authority have recommended a condition requiring provision of a suitable visibility splay to ensure highway safety.

An indicative plan has been submitted which shows how three dwellings with two parking spaces and a shared turning area could be accommodated on site. However, this plan is purely indicative and details of the parking and turning arrangements will be a consideration in the reserved matters application. On this basis, subject to a condition requiring the provision of a visibility splay across land in the applicant's control, the proposal is not considered to have an unacceptable impact on Highway Safety or a severe impact on congestion. There are therefore no justifiable grounds to refuse the application on highway safety grounds and the proposal is considered to meet the requirements of policy SC3 of the adopted local plan and paragraphs 115 and 116 of the NPPF in this respect.

The Highway Authority have asked for the visibility splay to be clear of obstruction over 0.6m in height but this is considered to be unreasonable when a 1m high boundary fence or wall can be erected along a highway boundary without the need for planning permission. The visibility splay remaining free from obstruction over 1m in height is therefore considered reasonable.

Ecology and Biodiversity Considerations

The site is a garden which is mainly grassed with shrubs and hedge to some of the boundaries. A biodiversity metric and biodiversity net gain assessment have been submitted with the application and Derbyshire Wildlife Trust (DWT) have confirmed they agree with the conclusions. A net loss of 0.697 habitat units (31.46%) and a gain of 0.0307 hedgerow units (23.98%) is proposed

The Council has published a Planning Advice Note regarding Biodiversity Net Gain (BNG) to assist both the preparation of planning applications and the assessment of those applications by providing advice on the operation of policy SC9: Biodiversity and Geodiversity within the Local Plan for Bolsover District (March 2020).

To achieve this, the note provides advice on the background to the introduction of mandatory 10% Biodiversity Net Gain and how the Council will expect those preparing applications to approach this new legal requirement.

The Planning Advice Note advises that the Local Planning Authority consider that delivery of BNG should seek to contribute towards design quality and a sense of place. A holistic

approach to BNG should align with achieving good design in terms of high-quality streets, open spaces, Green Infrastructure and soft landscaping. When considering how to secure BNG in association with development proposals, prospective developers should provide a higher value habitat (as defined by the Metric) that would be appropriate to its location and would not propose higher quality habitats in small, poorly located or compromised spaces. Applicants are expected to respond to the mandatory 10% BNG within their applications and proposals by demonstrating that they have taken the following sequential steps:

1. The applicant should try to accommodate the 10% net gain on land within the red line
2. If that can be demonstrated to not be possible, accommodate the 10% net gain on land in the applicant's ownership close to the application site ('blue land')
3. Then if neither sequentially preferable option can be demonstrated to be possible, then on land that will aid the delivery of the District's Local Nature Recovery Networks (as set out in the Council's Local Nature Recovery Action Plan)
4. Finally, if none of these sequentially preferable options can be demonstrated to be possible, then on land elsewhere where it would enhance a biodiversity or geodiversity asset or site.

Although some gain in hedgerow units is proposed on site, the site is not large enough to accommodate the required 10% gains on site, outside of private gardens and as such it will be necessary to purchase units from a habitat bank or purchase credits. However, the site is in outline with all matters reserved and is not proposed to be developed by the applicant. Full details of the final BNG provision therefore cannot be established at this time. There is no mandatory requirement to provide details of the precise mechanisms of delivery prior to determination of the planning application, as these details have to be provided in the post-determination Gain Plan.

On the basis that the remaining details can be provided post-determination (and development cannot start until the mandatory details have been provided and discharged), along with conditions advised by Derbyshire Wildlife Trust relating to submission of a Landscape Plan and Management Schedule and Species Enhancement Plan, the proposal is considered to be in accordance with the mandatory BNG requirement and policy SC9 of the Local Plan for Bolsover District.

Derbyshire Wildlife Trust have also asked for a condition requiring no works to take place in bird nesting season unless preceded by a nesting bird survey. As this is covered under other legislation it is unreasonable and unnecessary to require them as a planning condition, particularly given that the site can be cleared independent of the development with no planning control at all. An advisory note addressing this is recommended instead.

Key Biodiversity Information	
If Biodiversity Gain Plan Condition Applies	
Biodiversity Metric Used	Small sites metric version 1.2.2 Completed by Matt Liston Ecologist on 28 th May 2025

Overall Net Unit Change	Habitat Units	Hedgerow Units	River Units
	0.0697	0.0307	0.000
	Total % change	Total % change	Total % change
	-31.46%	+23.98%	Target not appropriate

Contamination

The site is adjacent to land which has previously been used for landfill. To ensure that amenity safeguards are in place, the environmental health officer has recommended a condition requiring submission of a phased contaminated land assessment and remediation scheme be submitted for approval. Subject to such a condition the proposal is considered to meet the requirements of policy SC14 of the adopted local plan.

Issues raised by residents

Most of the issues raised by residents are covered in the above assessment. The issue of ownership of this land has been questioned following the concern raised and evidence has been provided to show that whilst the land isn't registered with the land registry, it has been in the applicant's control since before 1982 and this is considered to be sufficient for the purposes of determining the planning application.

CONCLUSION / PLANNING BALANCE

On balance, whilst the proposal is not considered to meet the criteria of development which would be acceptable in the countryside and is therefore contrary to policy SS9, it is considered to represent appropriate infill development that is acceptable in this small settlement within the countryside in accordance with Policy SS3. The proposal is considered to respect the form, scale and character of the existing landscape and is not considered to have a harmful or urbanising impact on the countryside, as required by Policy SS9 provided the development is restricted to be single storey. The sustainability of the location is not considered to be a reason to justify refusal of the development. The site is considered capable to accommodating up to three single storey dwellings without causing material harm to residential amenity or highway safety, in compliance with the policies SC3 and SC11 of the adopted local plan. A recommendation of approval is put forward on this basis.

RECOMMENDATION

The current application be APPROVED subject to the following conditions:

1. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development to which this permission relates shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
2. Approval of the details of the layout, scale, appearance, access and landscaping (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

3. The dwellings hereby approved must be single storey only.
4. Before any dwelling on the site is first occupied, a 2.4m x 43m visibility splay must be provided from the access in the southeastern direction. The splay must be maintained free from obstruction over 1m in height thereafter.
5. Before development first commences on site, a landscaping scheme including a programme of implementation and details of the maintenance and management of the landscaping (including any on site habitat creation) for a 30-year period must be submitted to the Local Planning Authority for approval. The landscaping scheme must be provided and maintained on site in accordance with the approved scheme.
6. Prior to building works commencing above foundation level on any dwelling, a Species Enhancement Plan must be submitted to and approved in writing by the Local Planning Authority. The approved measures must be implemented in full and maintained as such thereafter. The Plan must clearly show positions, specifications and numbers of features, which will include (but are not limited to) the following:
 - universal nest boxes at ratio of 1:1, in line with British Standard 42021:2022.
 - integrated bat boxes each of the dwellings.
 - insect bricks in dwellings and / or towers in public open space.
 - fencing gaps 130 mm x 130 mm to maintain connectivity for hedgehogs in all gardens

A statement of good practice including photographs must be submitted to the local planning authority prior to the discharge of this condition, demonstrating that the enhancements have been selected and installed in accordance with the above.

7. 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 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.

8. 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 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.

9. No dwelling hereby approved shall be occupied until:
 - a) The approved remediation works required by 8 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 7b to 8 above and satisfy 9a above.
 - c) Upon completion of the remediation works required by conditions 8 and 9a, 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.

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.