

PARISHBlackwell Parish

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 c/o Agents c/o Agents England
APPLICATION NO. 25/00184/FUL **FILE NO.** PP-13929707
CASE OFFICER Mr Mitchel Smith
DATE RECEIVED 14th April 2025

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 and parking spaces are proposed to the front and rear of the proposed building.

The application has been referred to planning committee given more than twenty separate households had objected to the proposal.

Officers maintain a recommendation that the proposal is approved conditionally.

BACKGROUND

This application was considered by Planning Committee members at the October meeting, and it was determined that the decision would be deferred pending amendments to the scale of the building and the available parking provision. The applicant therefore provided a revised scheme, decreasing the overall footprint of the building, setting it back slightly, and so the principal elevation would be in-line with the adjacent property and also providing two additional parking spaces to the front of the site. As such, necessary statutory and public consultations have been undertaken.

Given the small alterations to the proposal, Members will note this report is largely the same as the initial recommendation report. There has been a significantly lower number of representations received during the latest public consultation, but the objections first received have still been considered in the assessment of the revised scheme.

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 of the site 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 a number of deviations to the scale, design and appearance of the other properties within 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

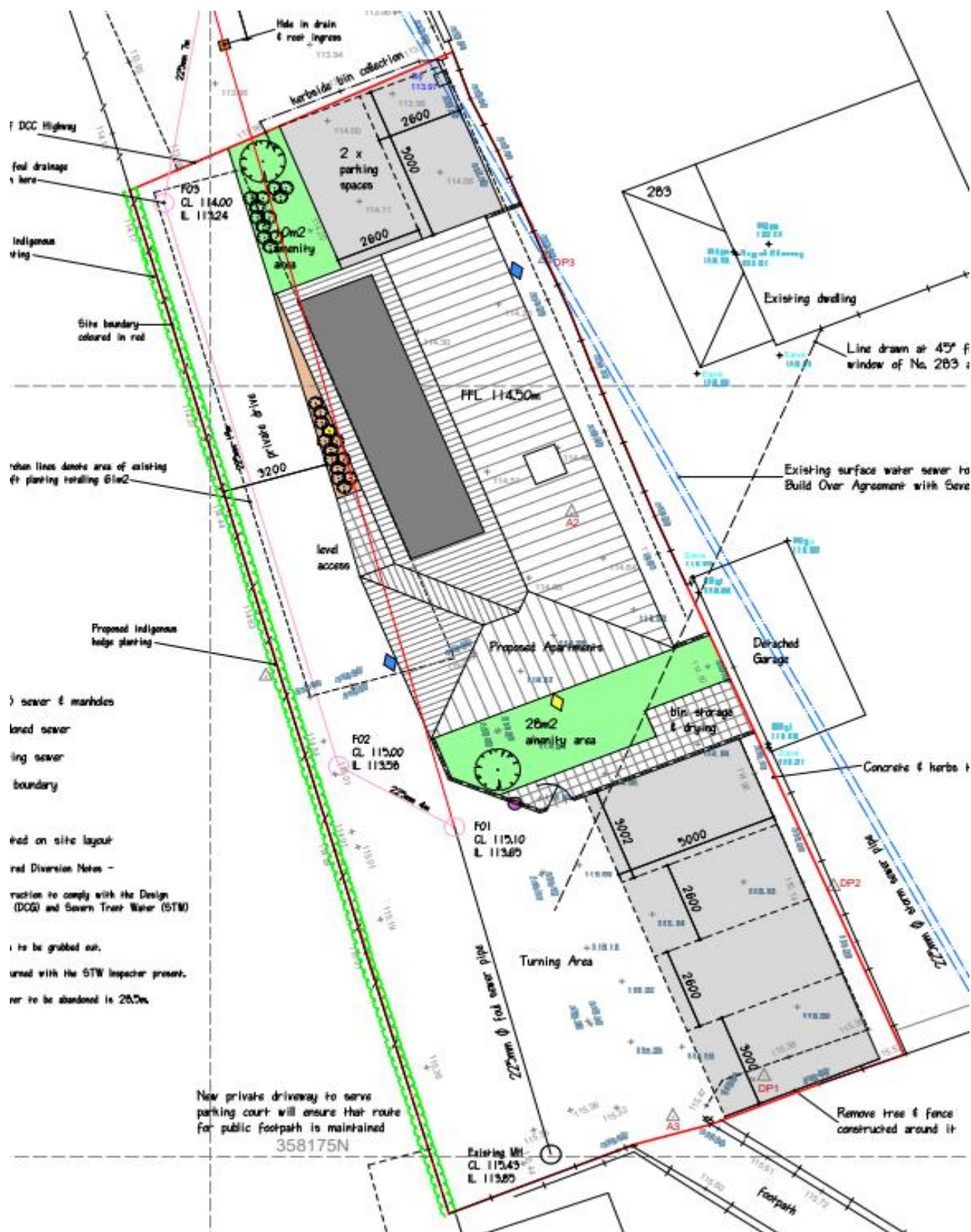
The application is seeking planning permission for the removal of the garages to be replaced by four apartments, each containing a bedroom, living room, shower, kitchen and storage space.

Since the initial proposal the footprint of the flats has been reduced, now proposed to be 15m in length, re-locating the porch to the side of the property. At the widest section towards the rear of the building, the development measures 7.9m, falling to 6.8m towards the principal elevation.

Two parking spaces are proposed to the front of the building and a further four towards the rear which are accessed via a driveway to the side of the building. Amenity spaces are proposed to the front and rear along with sections of hard and soft landscaping throughout, including hedgerow planting towards the western border.

Solar panels are proposed to the roof encompassing 27m² of the roof pane. Bat and bird boxes and a mammal gap have also been included throughout the application site.

Revised scheme received on the 14th November 2025:



[illegible]

Relating to the initial design:

- Design and Access Statement, received on the 14th April 2025

- Preliminary Ecological Report, received on the 14th 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
- **14/11/2025:** Revised block, elevation, and floor plans

Summary of Submissions

- Application form, received on the 14th April 2025
- Location plan, received on the 14th April 2025
- Design and Access Statement, received on the 14th April 2025
- Preliminary Ecological Report, received on the 14th April 2025
- Coal Mining Risk Assessment, received on the 25th June 202
- BNG Metric, received on the 14th August 2025
- Floor, Elevation and Site layout plans, received on the 14th November 2025

EIA SCREENING OPINION

The proposals that are subject to 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. Given the revisions to the application, several reconsultations with statutory bodies have taken place.

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 wildlife.
 - Flood: 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:** 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.

Health and Safety Executive

- **23/10/2025:** Provided that the proposed development does not constitute as 'vulnerable' buildings, HSE has no comments to make.

Since Members considered the application at the previous Planning Committee meeting, the applicants amended the proposal and consultations have been undertaken. It was not considered necessary for a full re-consultation given the extent of the alterations and the outcome of the previous responses, as such, the relevant consultee responses are summarised below:

DCC Highways

- **19/11/2025:** No objections subject to conditions.

Environmental Health

- **24/11/2025:** Recommends the same conditions as set out in the previous response.

PUBLICITY

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

Prior to initial proposal being considered at the previous Planning Committee meeting, the public round of consultations prompted 36 representations from 24 separate households, 16 of which were provided in the form of a petition. The representations have been summarised below:

Principle

- Overdevelopment and over intensification contrary to policy SC1.
- Not sustainable development.
- Bolsover has already achieved a 5 year housing supply, and no neighbouring / nearby authority has required BDC to help deliver their objectives.

Visual Appearance

- Out of character for the local area.
- Use of materials will appear overbearing in comparison to the surrounding dwellings.
- The development does not conform to the existing building line.

Residential Amenity

- Substandard internal and external space.
- Overbearing.

- Loss of privacy / overlooking implications.
- Overshadowing issues introduced.

Biodiversity

- Loss of trees and natural screening.
- Reduced separation between properties and the countryside.
- Disturbance to natural habitats of animals.
- Tree works conducted prior to the application being submitted.
- Difficult to see where the shrubs, trees and hedgerows are to be placed.

Highway/Access

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

Other Matters

- Land ownership dispute / neighbouring fencing has been in situ for 25 years.
- 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 developer.
- Sewage and drainage concerns.
- Detrimental effects of prolonged construction.
- The plans show a 45° line but a 25° line has not been included.
- Plans indicate the inclusion of solar PV panels, however no provision for water storage cylinders or battery storage systems. What type of space heating is proposed? Note that there is no provision of electric vehicle charging.
- Picture (from Site & Surroundings section) is not a true representation of the plot. It seems to have been taken in a way for the site to appear much larger than it actually is.
- Horse riders known to use the existing footpath, has this been factored into the development design?
- It has been admitted in the report that the development fails to meet the guidelines of several standards. The report should be an impartial view, but it seems to be biased in favour of the development. No alternative designs or amendments resolving any of the issues raised were proposed. Instead, any issue is deemed 'acceptable', any adverse impact called 'slight' and failure to meet guidelines seems to be excused.

Revised plans have been provided by the applicant and therefore further public consultation has been undertaken. At present, one representation has been received which raises concerns already mentioned in the above summary. Any additional neighbour comments received following publication of the committee report will be provided to Members in an update report.

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.
- Paragraphs 207 - 221: Conserving and enhancing the historic 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

Officers maintain, for the same reasons set out in the previous report, that the principle of the development is acceptable.

Objections have been received which state the proposal does not constitute 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, are compatible with and does not prejudice any existing or intended use of adjacent sites and would not present any unacceptable environmental impacts; the remaining provisions are not relevant to this type of development proposal. The application 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 constitutes sustainable development in accordance with policies SS1, SS3 and SC1 of the Local Plan for Bolsover District.

An objection states that the Council are currently providing a 5-year housing supply, implying there is no need for additional residential housing. While the Council, at present, are meeting 5-year housing targets, this is not a justified reason to warrant a refusal of planning permission.

Landscape and visual impact of the proposed development

Representations opposed to the development stating it was out of character for the local area, due to nature, scale and materials proposed.

Policy LC3 of the 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 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, in which the immediate surrounding properties are two-storey, brick finished and contains tiled, gable roofs but there are deviations to the design of the properties. 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. As such, the streetscene is not considered to conform to a uniform design, scale and/or appearance.

The proposed building will be finished in red brick, containing 'silver pearl' render panels, and grey concrete interlocking roof tiles. The materials proposed are considered to reflect the characteristics of the surrounding buildings and therefore compliment the appearance and

finish of such properties.

While Officers did not consider the scale of the building to be unacceptable, Members raised this as a concern. The revisions to the proposal have reduced the overall footprint of the building and re-sited it in line with the neighbouring property (no.283). The constrained scale of the wider site is acknowledged, but the development is considered to be of an appropriate scale relevant to the site but also provides sufficient, functional space for potential residents.

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

Overall, it is considered that the proposal introduces a suitable use to a redundant garage site. The revised scheme addresses the scale concerns previously raised, and has been designed to resemble a detached, two-storey dwellinghouse when viewed from public spaces. The development is contemporary in design and does not introduce visual harm to the character and appearance of the streetscene. The development is compliant 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 representations were received, objecting to the proposal stating that the development does not provide sufficient internal or external spaces for potential residents and that the siting and scale of the building would result in significant amenity harm to the surrounding properties.

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) ensures that a good standard of amenity is maintained for both existing and future residents.

There are no residential properties to the west. The principal elevation of the proposed building is over 40m, and on the opposing side of a highway, from the neighbouring properties to the north, and therefore will not introduce any amenity harm to these properties.

The development proposes several openings on both ground and first-floors, on all elevations. The windows on the rear elevation measure 14.6m to the boundary of the residential properties to the south and are sited 29m to the elevations of nos.16 and 18 which contain habitable room windows facing the application site. The windows on the proposed side elevation, which look towards no.283 to the east, serve bathrooms, which are not habitable rooms as per the guidance contained in the adopted Successful Places guidance. The proposed openings on the opposing elevation look out to green space to west. In terms of privacy provision, all openings of the development proposed are compliant with the separation distances of the adopted Successful Places design guidance.

Further daylight assessments have been undertaken following the re-siting of the building. The initial proposal resulted in a slight impact to a window of an outlier extension belonging to no.283, however this was not a primary window, and the impact was not considered to result

in significant amenity harm. The revised siting further alleviates the potential overshadowing impact to no.283 and therefore provides betterment to a situation which was already compliant with relevant guidance. As such, no significant overshadowing harm will be introduced.

The revised scheme projects further into the application site given the re-positioning, but does not present overbearing harm in this instance. The neighbouring property comprises an amenity space measuring around 22m in length. Given the suitably large garden space, and that the neighbouring detached garage will mitigate some of the presence of the development, it is considered that the potential overbearing impacts will be acceptable.

An objection received relates to the internal and external spaces provided to potential residents. As outlined in the 'Technical housing standards – nationally described space standard', a one bedroomed property, for 1 person must include a minimum floor space of 39m², the standards note a reduction to 37m² is acceptable whereby a shower room is proposed instead of a bathroom, of which is confirmed by the proposed site plans. As such, the revised scheme is compliant with the nationally adopted space standards.

With regard to external spaces, the revised scheme has omitted sections of the outdoor communal space in order to provide additional on-site parking spaces. The Successful Places design guidance states that 100m² (25m² per flat) of outdoor amenity space should be provided. The initial proposal included 53m² of amenity space, however 15m² of this has been lost to make way for the parking. Therefore, only 38m² of outdoor amenity space is provided. The Successful Places SPD acknowledges that deviations from the guidance can be considered acceptable on more constrained sites. While the lack of amenity space is not ideal, it is not a justified reason to withhold planning permission given the availability of green space elsewhere within the locality, which are within walking distance from the application site.

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 acceptable levels of internal spaces and supplies some level of outdoor amenity space. As such, the application is considered compliant with policies SC3 and SC11 of the Local Plan and Successful Places design guidance.

Highways & Access

Given the nature of the development, the Local Highway Authority (LHA) were consulted on the application.

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 acceptable in both directions by the LHA.

An existing footpath connects the southern boundary of the application site to Deamon Street, forming a strip of adopted highway. The connection is to be retained by way of maintaining connectivity for pedestrians. An informative note will be included ensuring the applicants divert the existing adopted highway to facilitate the development.

Objections were received which raised conflict between the vehicular and pedestrian movements in the site, due to the central driveway being limited to 3.2m, however the LHA confirmed the access width is sufficient to allow two vehicles to pass. With regard to pedestrian safety, the vehicles maintain suitable visibility, and given the function of the road, vehicles speeds will be low such that pedestrian safety is not significantly harmed.

The initial scheme proposed four parking spaces to the rear of the site, which fell short of the Parking Standards of the Local Plan. Officers did not consider this to be unacceptable given the LHA stated the parking provision was in accordance with Derbyshire County Council's Parking Guidance for New Developments. Notwithstanding this, Members of the Planning Committee deferred the decision subject to alterations to available parking. As such, applicants provided an amended scheme which included an additional two spaces to the site frontage, providing a total of six off-street parking spaces which now accords with the provisions and parameters set out in the Local Plan's Parking Standards.

The LHA were consulted on the revised scheme, and raised no objections subject to the imposition of conditions requiring the parking to be provided in accordance with the revised plans and for development not to take place until a Stopping Up order had been granted. The first condition is considered reasonable and necessary, however Stopping Up orders are outside the planning remit, and addressed under separate legislations enforced by the LHA; as such, this will be included as an informative note, as previously mentioned.

Overall, the proposed development is compliant with policy ITCR11 and the Parking Standards of the Local Plan.

Ecology and Biodiversity Considerations

Numerous objections stated that several trees had been felled prior to the submission of the application. This matter was queried with the applicants who confirmed that the trees formed part of the neighbouring land and while they were felled to facilitate future development, did not form part of the application site. The trees were also not protected by a Tree Preservation Order and given the site is not situated within a conservation area, are not protected by the LPA. Objectors also raised concerns that development would impact on local wildlife and habitats. However, the site itself is predominantly hardstanding and offers little ecological and biodiversity value. The disturbances to wildlife are noted but this is not considered to be for a prolonged period of time and is to an extent that is expected as will all types of development.

As of April 2024, all development proposals, unless in accordance with a statutory exemption, must provide a mandatory 10% uplift in biodiversity. After some deliberation, the applicants provided a metric 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, this comprises a small section of unsealed surface towards the north-western border of the site. Details confirming the purchase of BNG credits was also provided in order to facilitate the mandatory uplift.

The application saw several consultations with Derbyshire Wildlife Trust (DWT); specific details of which were discussed in the previous report.

The final consultation with DWT approved the on-site baseline (0.04 habitat units) provided by ProHort, but stated additional credits would need purchasing given the applicants had not

taken into account the Spatial Risk Multiplier given the chosen habitat bank is situated outside of the LPA / NCA area, as such, 0.05 credits are required.

DWT recommended that a final metric, outlining the purchase of credits and finalising the 10% BNG is provided to the LPA, post-decision, forming part of the requirements of the standard biodiversity condition. Given the chosen method of BNG is to purchase credits and the previous recommendation from DWT, it was not necessary to re-consult them on the minor changes of the revised scheme.

Soft landscaping and tree and hedgerow planting are proposed throughout the site, including mountain ash, silver birch trees, and indigenous hedgerows with various shrubs; a mammal gap, bird box and bat box are also proposed, these are also welcomed features in order to facilitate biodiversity enhancements onsite, and in accordance with policy SC9 of the Local Plan for Bolsover District. Conditions will be imposed ensuring the trees and shrubs are planted in accordance with the necessary scheme.

Land Stability

As set out in policy SC14, development proposals will not be permitted unless it can be demonstrated that any contaminated and unstable land issues can be addressed by appropriate mitigation to ensure that 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 Coal Authority (CA) concurs with the recommendation of the Coal Mining Risk Assessment (CMRA), which sets out 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 harm. Subject to the imposition of conditions requiring ground investigation works, the CA have no objections to the proposal.

Environmental Health (EH) also recommended planning conditions which required the undertaking of groundwork investigations in order to identify any potential contaminated land. Should this be founded, it must be assessed by a competent person, and a mitigation scheme provided to and for approval by the Local Planning Authority.

EH were also consulted on the revised scheme and recommended the same conditions, set out on the previous response.

The conditions recommended by the CA and EH are necessary and reasonable in order to ensure the site is suitable for the intended use, as in accordance with policy SC14 of the Local Plan.

Other Matters

The above assessment is considered to address the planning matters of the proposed development and reflects on the objections / representations received throughout the planning process. Members will be familiar with this section of the previous report and the update report provided prior to the Planning Committee meeting. No additional concerns have been raised in the recent public consultation, as such, comments were made in respect of the following:

- Land ownership dispute / neighbouring fencing has been in situ for 25 years.
- **Officer comment:** Numerous objections mention a land ownership dispute. This matter was queried with the agent who confirmed the application has been made in accordance with land boundaries within the applicant's ownership. The LPA are satisfied that the red line plan has been provided correctly such that the application was correctly validated and processed. Notwithstanding this, land ownership would be private legal matter, outside the remit of planning controls.
- Development sets a precedent for future overdevelopment.
- **Officer comment:** 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.
- **Officer comment:** 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.
- **Officer comment:** 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.
- Sewage and Rainwater / drainage concerns.
- **Officer comment:** The site is predominantly hardstanding and sections of soft landscaping and proposed throughout the site, as such this will be a betterment in terms of drainage and surface rainwater concerns. The Council's engineers were consulted on the application along with Environmental Health and neither raised objections to the sewage/foul drainage, informative notes have been included.
- Lack of meaningful community consultation by developer.
- **Officer comment:** 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.
- **Officer comment:** 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° line but a 25° line has not been included.
- **Officer comment:** 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.

- **Officer comment:** 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.

- Plans indicate the inclusion of solar PV panels, however no provision for water storage cylinders or battery storage systems. What type of space heating is proposed? Note that there is no provision of electric vehicle charging.
- **Officer comment:** The provision of water storage cylinders, battery storage systems and space heating are not planning considerations for this application. The installation of EV charging is not a requirement but the Local Planning Authority (LPA) would welcome this, it is however noted that this could be completed by exercising permitted development rights.

- Picture (from Site & Surroundings section) is not a true representation of the plot. It seems to have been taken in a way for the site to appear much larger than it actually is.
- **Officer comment:** The image used in the report is taken from the start of the application site (red line) and has not been taken to make the site appear larger in scale. Notwithstanding this, Members were able to visit the site during the Committee Site Visits on Friday 24th of October.

- Horse riders known to use the existing footpath, has this been factored into the development design?
- **Officer comment:** The access to the rear of the site measures 3.2m while the connecting footpath measures 1.3m in width. It is not noted to have been a consideration but the access to the rear of the site is significantly wider than the public footpath and therefore will not present an issue.

- It has been admitted in the report that the development fails to meet the guidelines of several standards. The report should be an impartial view, but it seems to be biased in favour of the development. No alternative designs or amendments resolving any of the issues raised were proposed. Instead, any issue is deemed 'acceptable', any adverse impact called 'slight' and failure to meet guidelines seems to be excused.
- **Officer comment:** The report provides an assessment of the proposed development against the necessary local and national planning policies and adopted guidance, it has not been written in a way which is biased towards any outcome.

The report acknowledges that proposal falls short of the recommended parking standards of the Local Plan and the amenity space provisions of the Successful

Places guidance. The report also states that both these documents acknowledge that deviations from the stated provisions can be considered acceptable.

In terms of parking provisions, Paragraph 116 of the National Planning Policy Framework states that “development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios”. Derbyshire County Council’s Local Highway Authority were consulted on the application and raised no concerns with the proposed parking provisions, noting it was compliant with their Parking Guidance for New Developments. As such, it is considered to be illogical and unjustified to refuse planning permission on this basis.

With regard to amenity spaces, as previously stated the officer report acknowledges the shortfall of the amenity space but realises additional space would be at the detriment of the proposed parking spaces. The Successful Places guidance states that deviations to the provisions can be considered acceptable on more constrained sites. It is also noted that this is a guidance document and does not hold the same influence of planning application decisions as local and national planning policies.

CONCLUSION / PLANNING BALANCE

The revised scheme 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. The revised scheme proposes additional parking provision which is compliant with the Local Plan’s Parking Standards. It would be preferred that additional amenity space is provided but it is acknowledged that the constraints of the site, would result in parking being removed, which Members initially raised concerns with.

As such, a recommendation for conditional approval is put forward to Members of the Planning Committee.

RECOMMENDATION

The current application be APPROVED subject to the following 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 E) received on the 14th November 2025.
 - Preliminary Ecological Appraisal Report received on the 14th April 2025.
 - Coal Mining Risk Assessment received on the 25th June 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 (dwg no. PA/24-023 SK 80 01 E) received on the 14th November 2025.

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

- 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.
13. 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.
14. 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.

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 What is a permit and how to get one? - GOV.UK (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.
