

**PARISH** Old Bolsover Parish

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**APPLICATION** Erection of two single storey 3 bedrooed detached dwellings and two 3 bedrooed semi-detached dwellings  
**LOCATION** Land and Buildings to The Rear Of 41 Appletree Road Stanfree  
**APPLICANT** Mr Stuart Chambers-Smith 41 Appletree Road Stanfree S44 6AJ  
**APPLICATION NO.** 25/00329/FUL **FILE NO.** PP-14209652  
**CASE OFFICER** Mrs Karen Wake  
**DATE RECEIVED** 28th July 2025

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### **SUMMARY**

The proposal is outside the development envelope within an area of open countryside. The proposed use is not fully 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. 25/00329/FUL**

#### **SITE & SURROUNDINGS**

The site is made up of part of the rear garden of the existing dwelling to the northeast of the site, a former haulage yard which is currently used for storage purposes and a section of a

grassed field. The site contains several buildings and structures and is mainly hard surfaced. The site slopes down away from the road and has its own access which is separate from the access and parking for the existing dwelling.

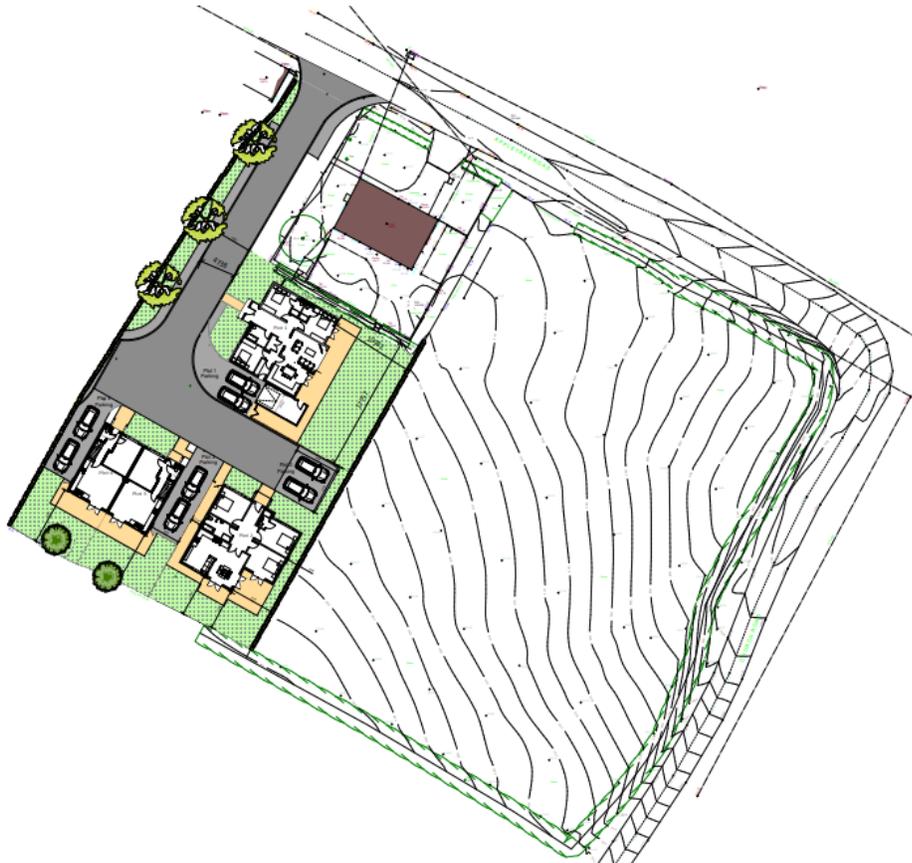
There is a mature hedge along the rear (southwest) boundary with a field beyond. On the northeast boundary is a mature hedge with the existing dwelling and garden beyond and on the east/southeast boundary is a post and wire fence with a field beyond. On the west/northwest boundary is a mature hedge and shrubs with a two storey dwelling and garden beyond.

## **BACKGROUND**

Outline planning permission was granted for up to three dwellings on part of the site in May 2024. The site of the 2024 application did not include the area of field in the southeast corner of the site which is currently included in the application now being considered.

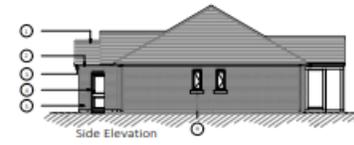
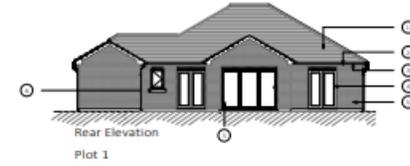
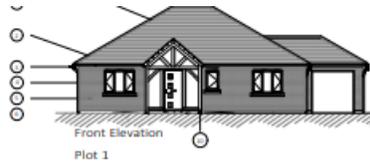
## **PROPOSAL**

The application is for full planning permission of the erection of 4 dwelling, 2 single storey detached dwellings and one pair of semi-detached two storey dwellings. Each of the dwellings have 3 bedrooms and 2 parking spaces. The dwellings are accessed via a shared driveway with a shared turning area.

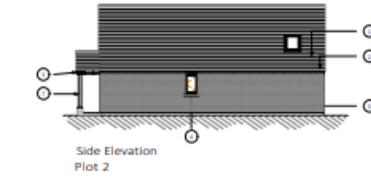
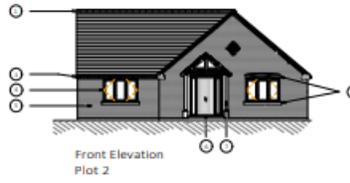




Ground Floor Plan  
Plot 1



Ground Floor Plan  
Plot 2





## AMENDMENTS

Supporting planning statement submitted  
Revised BNG metric submitted.

## EIA SCREENING OPINION

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

## HISTORY

24/00143/OUT	Granted Conditionally	Removal of existing buildings, previously used for haulage yard and outline consent for up to 3 dwellings
12/00422/FUL	Granted Conditionally	Two storey extension to side

## CONSULTATIONS

Parish Council: No comments received.

DCC Highways: 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. Recommend conditions requiring the site frontage to be maintained clear of obstruction above 1m in height for the first 2m from the highway boundary, submission of a construction management plan, details of arrangements for storage of bins and collection of waste to be submitted for approval.

Environmental Health Officer: Due to sensitive end use, a phased contaminated land investigation condition should be included on any permission. Recommends condition restricting hours of operation to 7.30am-6pm Mon-Fr and 7.30am-1pm Sat and deliveries restricted to 10am-4pm Mon-Fri and condition requiring programme of measures to minimise the spread of airborne dust from the site during construction and demolition periods be

submitted for approval.

Senior Engineer: Comments have not been received as part of the consultation on the current application. However, comments received on the earlier outline application are still considered to apply. These comments were:

The sewer records do not show a public combined sewer 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. These could be shared pipes which were previously classed as private sewers and were transferred to the ownership of the Water Authorities in 2011. If any part of the proposed works involves connection to/diversion of/building over/building near to any public sewer the applicant should be advised to contact Severn Trent Water in order to determine their responsibilities under the relevant legislation. The applicant should be advised that 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.

Any work carried must 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.

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.

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

BNG offsite options could comprise either the purchase of units from a local habitat bank or habitat creation / enhancement on offsite land owned by the applicant or a third party. Whilst full details of the chosen approach can be provided in a post-determination Gain Plan, if offsite land requires securing, a legal agreement is likely to be required at this stage. If a habitat bank purchase is likely, the Local Planning Authority is advised to seek confirmation that the type and number of units can be delivered by the provider, to avoid delays when discharging the Gain Plan condition, however this is not mandatory. Given that the onsite gains will be minor and restricted to private gardens, a Habitat Management and Monitoring Plan (HMMP) is considered disproportionate. A landscape plan could be secured and the inclusion of native or beneficial garden planting, such as small trees and pollinator friendly shrubs, is encouraged where possible.

Advise conditions relating to best practice measures to require all works to be undertaken in a manner by which to safeguard common reptiles, amphibians and nesting birds, submission of a lighting scheme prior to installation and submission of a species enhancement plan.

#### **PUBLICITY**

Site notice and 4 neighbours notified. No comments received.

#### **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 Healthy Places Supplementary Planning Document Adopted 2025:*

The purpose of the Successful Healthy 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 is slightly larger than that approved in the outline application as it now also includes an area of field. The remainder of the site contains several buildings and structures and is mainly hard surfaced. On this basis, most of the site is considered to be previously developed land where a change of use to residential use may be considered acceptable in principle, but policy SS9 requires that it is only on the basis that the proposed use is *‘sustainable and appropriate to the location.’* The part of the site which is currently a grass field is not previously developed land.

However, policy SS9 is somewhat 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 several factors. These include 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 is considered to be relatively small but is not considered to be infill development as there are buildings to the north and west side of the site, but to the south and east is a field containing no authorised buildings. In addition, the site extends out into an area which is currently a grassed field and as such intrudes into open countryside. However, the area of field which is within the site does not extend past the line of the existing built form of the immediate area to either the north or west of the site, it squares off the area of the existing built form such that the encroachment into the countryside does not appear incongruous. When viewed from the adjacent open countryside the development would be seen against the existing built form and is not considered to appear out of character or have an urbanising impact on the rural character of the area given it follows the lines of the existing built form.

As identified above, policy SS3 of the adopted Local Plan defines the village of Stanfree as a small settlement in the countryside, which has limited access to services and facilities.

The proposal would include the creation of four new dwellings in the village of Stanfree, which is accepted as not being 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. 300m away from bus stops on Clowne Road that has two bus services: -

- Service 53/53A – this service runs between Mansfield and Halfway Tram Terminus in Sheffield, operating between 7:15 – 22:30 Monday to Saturday and 08:30 and 18:30

- on Sundays (service is every 1 or 2 hours depending on the time of day)
- Service 90 that runs from Creswell to Chesterfield, via the Markham Vale employment area, operating between 06:30 and 18:00 Monday to Friday (mainly every 30mins), 07:30 – 18:00 on Saturday (mainly every 30mins) and no service on Sundays.

These services provide access into the nearby towns, cities and employment areas at various times during normal working/daytime hours, with links to train stations to provide wider travel opportunities in Creswell, Chesterfield, Mansfield and Sheffield.

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 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 that it is proposing only four additional dwellings on what is predominantly previously developed land, immediately adjoining 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 would not warrant a reason for refusal on sustainability grounds.

Screened in views from two sides by existing buildings and seen against these buildings when viewed from the open countryside, the proposal is not considered to appear visually intrusive into the open countryside such that, whilst the development does not strictly comply with all of the requirements of policies SS3 and SS9, it is considered to respect the form, scale and character of the landscape in this location.

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

As set out above, the site has buildings on two sides and for the most part the proposal removes existing buildings, some of which are in poor repair. The street scene is made up of predominantly two storey dwellings of various scale and design but there are also some single storey dwellings to the north of the site. The mix of single storey and two storey dwellings proposed are therefore not considered to appear out of character in the existing street scene. A mature hedge is proposed along the east side boundary which provides a softer boundary edge to divide the site from the remainder of the field, and the dwellings along the eastern boundary are single storey which also provides a less intrusive edge to the proposed built form. The site is partially screened in views from the north and west by existing buildings and will be seen against these buildings when viewed from the open countryside. The site is therefore considered to be seen within/immediately adjacent to the existing built form of this part of Stanfree and does not visually intrude into the open countryside to the side or rear of the site. The proposed dwellings are considered to be capable of being accommodated on the site without appearing out of character or unduly prominent within the

immediate street scene or the wider rural area. Subject to a condition requiring the use of appropriate materials, 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, SC3 and SS9 of the adopted local plan.

### Residential Amenity

The site is to the rear of an existing dwelling which has ground and first floor windows facing the site. There is just over 9m from the first floor windows of the existing dwelling to the boundary with the site. This is slightly short of the 10.5m required by the council's housing layout and design guidance, however, in part, these windows face the side of the single storey dwelling proposed and there are no principal room windows in the side of that dwelling. In part, the first floor windows of the existing dwelling face the garden of the proposed dwelling to the rear, however, the proposed dwelling has a large rear garden, the vast majority of which is more than 10.5m away from the existing dwelling such that the proposed dwelling directly to the rear of the existing is considered to have an adequate standard of amenity for its future occupiers and isn't considered to materially harm the privacy or amenity of residents of the existing dwelling.

There are no dwellings to the east or south of the site. To the west of the site are existing dwellings but these dwellings front the road and as such are set well forward of the proposed dwellings. There is a garden to one of these dwellings which runs adjacent to the site boundary. The proposed dwelling which is adjacent to that boundary has only a ground floor w.c window and a landing window facing that site such that the proposal is not considered to result in overlooking of the adjacent garden.

The proposed site layout meets the councils "Successful Healthy Places" guidance in terms of distances between windows, private garden space etc and is considered to provide adequate amenity standards for its future residents whilst protecting the privacy and amenity of adjacent dwellings, subject to a condition requiring installation and maintenance of appropriate boundary treatments. In this respect the proposal is considered to meet the requirements of Policies SC3 and SC11 of the Local Plan for Bolsover District and the guidance set out in the Successful Healthy Places Supplementary Planning Document adopted by the council.

The proposal will result in some noise and disturbance for residents of adjacent dwellings during construction, but this will only be for a relatively short period of time given the size of the site. Once constructed, the proposal is not considered to result in any additional noise or disturbance for adjacent residents over and above what would reasonably be expected in a village, or than would have been experienced when the site was used as a haulage yard.

The Environmental Health Officer has asked for conditions restricting hours of construction and a programme to restrict dust from the site. This is considered unnecessary because the control of noise and dust 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 development includes a shared access and turning area. The road is quite straight at this point and is a relatively lightly trafficked road. Visibility splays cannot be achieved in the non-

critical direction due to the adjacent dwelling which fronts the road. However, given that the site was previously used as a haulage yard, the vehicle movements generated to and from the proposed dwellings is not considered to be greater than would reasonably be expected from the continued use of the site as a haulage yard. Given these circumstances, the Highway Authority have confirmed that a condition requiring the site frontage to be maintained clear of obstruction above 1m in height for the first 2m from the highway boundary will be adequate. The Highway Authority have also advised conditions requiring submission of a construction management plan and arrangement for bin collections to be agreed and this is considered reasonable and necessary given the size of the site, the narrow nature of the highway at this point and given the distance between the proposed dwellings and the highway. Adequate access, turning and parking is proposed for each dwelling to meet the council's parking standards, and this can be required by condition. The existing access and parking to the existing dwelling is unaffected by the proposal. Subject to the above conditions, the proposal is not considered to be detrimental to highway safety or have 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 policies SC3 and ITCR11 of the adopted local plan and paragraphs 115 and 116 of the NPPF in this respect.

#### Ecology and Biodiversity Considerations

A preliminary ecological appraisal has been submitted which found no evidence of bats or nesting birds. The report concluded that there was no evidence of the current or historic presence of bats was found on any of the buildings and there were no external features suitable for use by roosting or resting bats. The buildings as a whole were assessed to have negligible potential to support roosting bats and that bats were not currently considered to pose a constraint to works on the buildings and no further survey for bats is required.

The reports also concluded that there was no evidence of current or historic bird nesting found in the buildings during the survey, but there are access points suitable for such species on all the buildings and although unlikely, it is possible that birds could begin to use the buildings for nesting at any time in the current breeding season. The report therefore recommends that, if possible, works on the buildings should ideally avoid the nesting season for birds and if this is not possible, then a suitably qualified ecologist should check the building prior to work commencing to see if it is in use by nesting birds. If nesting birds are found to be present at this time, all works likely to cause disturbance should cease until the young have fledged and the nest is no longer in use. A note can be added to any decision to advise the applicant of these requirements.

The report also found that there were not considered to be any ecological constraints to the development of the site regarding any other protected or notable flora and fauna species.

Derbyshire Wildlife Trust have confirmed that the appraisal, as well as the amended BNG metric submitted are acceptable.

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.

The proposal results in a small loss for biodiversity (-0.05 units.) Whilst some native hedgerow is proposed on site, the site is not large enough to accommodate the required 10% gains on site, outside of private gardens and the applicant has confirmed this will be offset by the purchase of habitat units from a local DWT site, full details of which will be provided in the Biodiversity Gain Plan post decision. 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 a lighting scheme and a Species Enhancement Plan, the proposal is considered to be in accordance with the mandatory BNG requirement and policy SC9: Biodiversity and Geodiversity within the Local Plan for Bolsover District.

Derbyshire Wildlife Trust have also asked for a condition requiring best practice site clearance measures be implemented but as the great crested newts, nesting birds and hedgehogs it is designed to protect are all already protected under separate legislation it is considered unnecessary and should be an advisory note rather than a condition.

If Biodiversity Gain Plan Condition Applies			
Biodiversity Metric Used			
Overall Net Unit Change	Habitat Units	Hedgerow Units	River Units
	-0.05	+0.25	n/an
	Total % change	Total % change	Total % change
	-26.13%		n/a

### Contamination

The site is a former haulage yard and is close to a former landfill site and as such there is potential for contamination on the site. The Environmental health officer has requested a condition requiring submission of a contamination investigation report and any remediation measures necessary to be carried out. Subject to such a condition, the proposal is considered to be capable of development which is safe for its intended use and meets the requirements of Policy SC14 of the Local Plan for Bolsover District.

### **CONCLUSION / PLANNING BALANCE**

On balance, the proposal is not considered to fully meet the criteria of development which would be acceptable in the countryside as a small part of the site is not previously developed land and is therefore contrary to policy SS9. However, the area of field which is within the site does not extend past the line of the existing built form of the immediate area to either the north or west of the site, it squares off the area of the existing built form such that the encroachment into the countryside does not appear incongruous. When viewed from the adjacent open countryside the development would be seen against the existing built form and is not considered to appear out of character or have an urbanising impact on the rural character of the area given it follows the lines of the existing built part of Appletree Road. The proposal 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. As set out above, the site is considered to be sufficiently sustainability for this scale of development, and it is noted that similar schemes have recently been approved in the immediate vicinity. The site is considered capable to accommodating the proposed 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. The development shall be begun before the expiration of three years from the date of this permission.
2. The development (including finished ground and floor levels) must be carried out in accordance with the plan number:
  - SLH-1-15-07-2025: Proposed floor plans and elevations
  - SLH-2-15-07-2025: Proposed floor plans and elevations
  - SLH-3-15-07-2025: Proposed floor plans and elevations
  - SLH-4A-15-07-2025: Proposed block plan

3. Before any other operations are commenced, space must be provided within the site for storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods vehicles, parking and manoeuvring of employees and visitors vehicles, laid out and constructed in accordance with detailed designs first submitted to and approved in writing by the Local Planning Authority. Once implemented the facilities shall be retained free from any impediment to their designated use throughout the construction period.
4. Before the construction of the dwelling above foundation level, samples of the materials to be used in all external wall and roof areas must be submitted to and approved in writing by the Local Planning Authority. The dwellings must be constructed in the approved materials and must be maintained as such thereafter.
5. Before the dwellings hereby approved are first occupied, a scheme for the boundary treatments within and around the site must be submitted to and approved in writing by the Local Planning Authority. The approved boundary treatments must be provided on site in accordance with the approved scheme before the dwellings are first occupied and must be maintained as such thereafter.
6. Prior to occupation of each of the dwellings hereby approved, the two parking spaces for that dwelling shown on the approved plans must be provided on site in accordance with the approved plans and must be maintained available for parking thereafter.
7. 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.
8. Before any dwelling on the site is first occupied, the access and turning area shown on the approved plans must be provided on site in accordance with those plans and must be maintained as such thereafter.
9. Before any dwelling is first occupied, the site frontage must be made clear of obstruction over 1m in height for the first 2m back from the highway boundary. This area must be maintained free from obstruction over 1m in height thereafter.
10. Before any of the dwellings hereby approved are first occupied, details of arrangements for storage of bins and collection of waste must be submitted to and approved by the Local Planning Authority. The approved arrangements must be implemented on site before the dwellings are first occupied and the facilities retained for the designated purposes at all times thereafter.
11. Prior to building works commencing above foundation level, a Biodiversity Enhancement Plan must be submitted to and approved in writing by the Local Planning Authority. The approved enhancements must be implemented in full before the dwelling hereby approved is first occupied and must be maintained as such thereafter.

12. Prior to the installation of any external 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. The lighting scheme must be installed in accordance with the approved details and must be maintained as such thereafter.
13. 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.

14. 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.

15. No dwelling hereby approved shall be occupied until:

- c) The approved remediation works required by 14 above have been carried out in full in compliance with the approved methodology and best practice.
- d) 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 13b to 14 above and satisfy 15a above.
- e) Upon completion of the remediation works required by conditions 14 and 15a, 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.

### **Notes**

1. BNG 1
2. All works should be undertaken in a manner by which to safeguard common reptiles, amphibians, nesting birds and hedgehogs. Immediately prior to commencement, the footprint of works should be checked for any wildlife. If any active bird nest is discovered, works must be delayed until chicks have fledged. Active nests are protected by law. Any scrub or shrubs requiring removal should be cut by hand to ground level and removed from the footprint of works so as not to create habitat piles. If common amphibians or reptiles are discovered, they should be allowed to move away freely or can be carefully collected with gloved hand and clean container and moved to an area of safety. Should great crested newt be found at any point during construction works, works must cease immediately, and an ecologist will be sought. All rubble piles, leaf piles, compost heaps, dense vegetation and other general debris that could be used for shelter by hedgehogs shall be carefully cleared by hand to a location such as a skip, other container or raised pallets. This shall be undertaken prior to machinery entering site and avoiding the core hibernation period (November-February). If a hedgehog is discovered during clearance, it shall be moved immediately and carefully with gloved hands to an area of shelter such as beneath adjacent hedgerow/bushes. A short statement of compliance should be provided.
3. 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

4. prior approval from the Derbyshire County Council Flood Team, who are the Lead Local Flood Authority.
5. The applicant is advised that no demolition of buildings or structures should take place between 1st March and 31st August inclusive, unless preceded by a nesting bird survey undertaken by a competent ecologist no more than 48 hours prior to clearance. If nesting birds are present, an appropriate exclusion zone should be implemented and monitored until the chicks have fledged. No works should be undertaken within exclusion zones whilst nesting birds are present.
6. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.
7. The applicant is advised that no building demolition works should take place between 1st March and 31st August inclusive, unless preceded by a nesting bird survey undertaken by a competent ecologist no more than 48 hours prior to clearance. If nesting birds are present, an appropriate exclusion zone will be implemented and monitored until the chicks have fledged. No works shall be undertaken within exclusion zones whilst nesting birds are present. Comments: The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.
8. The applicant is advised that the biodiversity enhancement scheme submitted under condition 11 should include a Plan which 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 (as stipulated within anticipated mitigation licence)
  - insect bricks / towers.
  - fencing gaps 130 mm x 130 mm to maintain connectivity for hedgehogs.
  - summary of ecologically beneficial landscaping (full details to be provided in Landscape Plans).A statement of good practice including photographs should 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.
9. The applicant is advised that, dependent on the scale of proposed lighting, details submitted to discharge condition 12 above, may need to include 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).
10. The applicant is advised they should take all relevant precautions to minimise the potential for disturbance to neighbouring residents in terms of noise and dust during the construction phases of the development. This should include not working outside regular day time hours, the use of water suppression for any stone or brick cutting and advising neighbours in advance of any particularly noisy works.
11. The granting of this planning permission does not indemnify against statutory nuisance action being taken should substantiated noise or dust complaints be received. For further information please contact the Environmental Health service.

12. The applicant is advised that to protect the amenities of occupiers of other premises in the vicinity attention is drawn to the provisions of Section 60 of the Control of Pollution Act 1974 in relation to the control of noise from demolition and construction activities. The applicant is also advised to seek approval for any proposed piling operations.
13. The applicant is advised that the granting of this planning permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints within the remit of the Environmental Protection Act 1990 be received. For further information please contact the Environmental Health section.

### **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.