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To: Chair & Members of the Planning
Committee

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Monday, 10th February 2025

Dear Councillor,

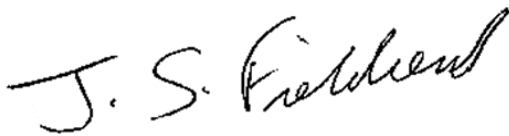
PLANNING COMMITTEE

You are hereby summoned to attend a meeting of the Planning Committee of the Bolsover District Council to be held in the Council Chamber on Wednesday, 19th February, 2025 at 10:00 hours.

Register of Members' Interests - Members are reminded that a Member must within 28 days of becoming aware of any changes to their Disclosable Pecuniary Interests provide written notification to the Authority's Monitoring Officer.

You will find the contents of the agenda itemised on page 3 onwards.

Yours faithfully,



Solicitor to the Council & Monitoring Officer

Equalities Statement

Bolsover District Council is committed to equalities as an employer and when delivering the services it provides to all sections of the community.

The Council believes that no person should be treated unfairly and is committed to eliminating all forms of discrimination, advancing equality and fostering good relations between all groups in society.

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- **Visiting** one of our [offices](#) at Clowne, Bolsover, Shirebrook and South Normanton

**PLANNING COMMITTEE
AGENDA**

**Wednesday, 19th February, 2025 at 10:00 hours taking place in the Council Chamber, The
Arc, Clowne**

Item No.		Page No.(s)
1.	Apologies For Absence	
2.	Declarations of Interest	
	Members should declare the existence and nature of any Disclosable Pecuniary Interest and Non Statutory Interest as defined by the Members' Code of Conduct in respect of:	
	a) any business on the agenda	
	b) any urgent additional items to be considered	
	c) any matters arising out of those items	
	and if appropriate, withdraw from the meeting at the relevant time.	
3.	Urgent Items of Business	
	To note any urgent items of business which the Chairman has consented to being considered under the provisions of Section 100(B) 4(b) of the Local Government Act 1972.	
4.	Minutes	4 - 28
	To consider the minutes of the last meeting held on 22 nd January 2025.	
	<u>APPLICATIONS TO BE DETERMINED UNDER THE TOWN & COUNTRY PLANNING ACTS</u>	
5.	Application no. 24/00361/FUL - Erection of 2 industrial buildings for storage associated with existing Railway Maintenance Business Unit, 60 Brookhill Road, Pinxton	29 - 47
6.	Application no. 24/00551/FUL - Single storey extensions to front and rear at 57A Alfretton Road, Newton	48 - 56
	<u>REPORTS</u>	
7.	Quarterly update on Section 106 Agreement Monitoring	57 - 67
8.	Local Plan for Bolsover District (March 2020) - First Five Year Review Report	68 - 143

Agenda Item 4

PLANNING COMMITTEE

Minutes of a meeting of the Planning Committee of the Bolsover District Council held in the Council Chamber on Wednesday, 22nd January 2025 at 10:00 hours.

PRESENT:-

Members:-

Councillor Tom Munro in the Chair

Councillors Chris Kane (Vice-Chair), Duncan McGregor, John Ritchie, Phil Smith, Deborah Watson and Carol Wood.

Officers:- Jim Fieldsend (Director of Governance and Legal Services & Monitoring Officer), Kay Gregory (Principal Planner (Development Management)), Jon Hendy (Senior Planning Policy Officer), Sarah Kay (Assistant Director of Planning and Planning Policy), Chris McKinney (Senior Devolution Lead for Planning Policy, Strategic Growth and Housing), Julie-Anne Middleditch (Principal Planning Policy Officer), Neil Oxby (Principal Planning Policy Officer), Chris Whitmore (Development Management and Land Charges Manager), Angelika Kaufhold (Governance and Civic Manager), Matthew Kerry (Governance and Civic Officer).

PL128-24/25 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Rob Hiney-Saunders, Janet Tait and Jen Wilson.

PL129-24/25 URGENT ITEMS OF BUSINESS

There was no urgent business to be considered at the meeting.

PL130-24/25 DECLARATIONS OF INTEREST

Minute No.	Member	Level of Interest
PL135-24/25 PL136-24/25	Councillor Deborah Watson	As a Member on the Planning Committee, Councillor Watson declared an interest in agenda items 8 and 9 as a Dragonfly Board Member and left the meeting during discussion of these items.
PL135-24/25 PL136-24/25	Councillor Carol Wood	As a Member on the Planning Committee, Councillor Wood declared an interest in agenda items 8 and 9 as a Dragonfly Board Member and left the meeting during discussion of these items.

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PL131-24/25 MINUTES

Moved by Councillor Carol Duncan McGregor and seconded by Councillor Phil Smith **RESOLVED** that the minutes of a meeting of the Planning Committee held on 27th November 2024 be approved as a true and correct record.

PL132-24/25 APPLICATION NO. 24/00318/OUT - OUTLINE APPLICATION WITH ALL MATTERS RESERVED FOR RESIDENTIAL DEVELOPMENT FOR UP TO FIVE DWELLINGS - LAND TO THE REAR OF 20 TO 26 AND NORTH OF 28 CHURCH ROAD, STANFREE

Committee considered a detailed report in relation to the above application presented by the Development and Land Charges Manager who gave details of the application and highlighted the location and features of the site and key issues.

This application was a resubmission of application reference 20/00465/OUT which was granted but had now lapsed. This application sought approval for outline planning permission for a residential development of up to 5 dwellings, with all matters reserved.

In response to Councillor Carol Wood's question relating to whether access to horse paddock would be retained, the Development and Land Charges Manager stated this level of detail would be included at the next stage when more detailed information would be provided.

Mr S Haslam (agent) attended the meeting and spoke in support of the application

Moved by Councillor Phil Smith and seconded by Councillor John Ritchie and following a unanimous vote in favour of the application

RESOLVED that application be approved subject to the following conditions and the inclusion of informatives, including an informative relating to the deemed Biodiversity Gain Plan condition and the requirements of the Development Management Procedure Order:

01. Approval of the details of the layout, scale, appearance, landscaping and those remaining access details beyond the main entry point into the site off Church Road (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
02. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development to which this permission relates shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
03. The development hereby permitted shall be carried out in accordance with the following approved drawings and documents unless specifically stated otherwise in the conditions below:
 - 21/825/1 – Layout
 - 21/825/2.A – Sections
 - 21/825/3 – Topographical Survey

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- 21/825/04 – Block Plan and Levels
- 26228_08_020_01.2 – Vehicle Tracking (Refuse Vehicle)
- 26228_08_020_01.1 – Site Access and Visibility Extents
- Design & Access Statement (June 2024)
- Coal Mining Risk Assessment (Earth Environmental and Geotechnical, November 2020, Report No. A3827/20)
- Ecological Impact Assessment (LM Ecology, Revision A - September 2024).

Drainage

04. No development shall take place, other than site clearance works, until a detailed design and associated management and maintenance plan of the surface water drainage for the site have been submitted to and approved in writing by the Local Planning Authority.
05. No development, other than site clearance works, shall take place until a detailed assessment has been provided to and approved in writing by the Local Planning Authority, to demonstrate that the proposed destination for surface water accords with the drainage hierarchy as set out in Paragraph: 056 Reference ID: 7-056-20220825 of the planning practice guidance.
06. Prior to commencement of the development, other than site clearance works, the applicant shall submit for approval to the Local Planning Authority details indicating how additional surface water run-off from the site will be avoided during the construction phase. The applicant may be required to provide collection, balancing and/or settlement systems for these flows. The approved system shall be operating to the satisfaction of the Local Planning Authority, before the commencement of any works, which would lead to increased surface water run-off from site during the construction phase.
07. Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority. This must demonstrate that the drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls).

Coal Authority

08. No development shall commence until;
 - a) a scheme of intrusive site 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 made safe and stable for the development proposed.

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

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09. 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 shall be submitted to the Local Planning Authority for approval in writing. This document shall 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.

Contamination

10. The development hereby permitted shall not begin until a scheme to deal with contamination of land, controlled waters and/or ground gas has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include all of the following measures, unless the Local Planning Authority dispenses with any such requirement specifically in writing:
1. A Phase I site investigation report carried out by a competent person to include a desk study, site walkover, the production of a site conceptual model and a human health and environmental risk assessment, undertaken in accordance with BS 10175 : 2011 Investigation of Potentially Contaminated Sites – Code of Practice.
 2. A Phase II intrusive investigation report detailing all investigative works and sampling on site, together with the results of the analysis, undertaken in accordance with BS 10175:2011 Investigation of Potentially Contaminated Sites – Code of Practice. The report should include a detailed quantitative human health and environmental risk assessment.
 3. A remediation scheme detailing how the remediation will be undertaken, what methods will be used and what is to be achieved. A clear end point of the remediation should be stated, such as site contaminant levels or a risk management action, and how this will be validated. Any on-going monitoring should also be outlined.
 4. If during the works contamination is encountered which has not previously been identified, then the additional contamination shall be fully assessed, and an appropriate remediation scheme submitted to and approved in writing by the Local Planning Authority.
 5. A validation report detailing the proposed remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology. Details of any post-remedial sampling and analysis to show that the site has reached the required clean-up criteria shall be included, together with the necessary documentation detailing what waste materials have been removed from the site.

Ecology

11. No tree, scrub or hedgerow clearance shall 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.

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12. The development shall be carried out in accordance with the mitigation recommendations detailed in Appendix C of the Ecological Impact Assessment (LM-Ecology, September 2024). A short statement of compliance shall be submitted to the LPA to discharge this condition prior to occupation of any of the dwellings hereby approved.
13. The enhancement recommendations detailed in Section F4 of the Ecological Impact Assessment (LM-Ecology, September 2024) shall be implemented in full. In addition, hedgehog gaps (130 mm x 130 mm) shall be incorporated in all garden fencing. Evidence that these measures have been implemented should be submitted to the Local Planning Authority for approval within one month of completion of development. Measures shall be retained in perpetuity.

Highways

14. Before any other operations are commenced the site access shall be modified, laid out and constructed in accordance with a detailed design first submitted to, and approved in writing by the Local Planning Authority. The access shall be constructed to base level and be provided with visibility sightlines of 2.4m x 43m in both directions. Prior to the first occupation of any dwelling on site, the permanent new access shall be laid out as approved and the land in advance of the visibility sightlines shall be retained throughout the life of the development free of any object greater than 1m in height relative to the adjoining nearside carriageway channel level.
15. At the commencement of operations on site, space shall be provided within the site curtilage for storage of plant and materials, site accommodation, loading and unloading of goods vehicles, parking and manoeuvring of site operatives and visitors vehicles, laid out and constructed in accordance with detailed designs to be submitted in advance to the Local Planning Authority for written approval and maintained throughout the contract period in accordance with the approved designs free from any impediment to its designated use.
16. No development consisting of highway construction shall take place until either confirmation has been provided that a Section 38 adoption agreement with the Highway Authority will be completed; or details of the construction and future maintenance of the residential access driveway(s) and footway(s) (including layout, levels, gradients, construction, surfacing, means of surface water drainage and street lighting) have been submitted to and approved in writing by the Local Planning Authority. Any such details approved shall be implemented before the first occupation of any dwelling on site and the driveway shall thereafter be maintained in accordance with the approved details.
17. No dwelling shall be occupied until space has been provided within the site curtilage/ plot for the parking of residents and visitors vehicles associated with that dwelling, all to be laid out and constructed in accordance with the approved drawings. The facilities shall be retained throughout the life of the development free from any impediment to their designated use, for the parking of motor vehicles at all times.
18. No dwelling shall be occupied until further details for the arrangements of waste collection from the new dwellings have been submitted to and approved in writing

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by the Local Planning Authority. Details required shall demonstrate that a Refuse Collection Vehicle with a GVW of 32 tonnes is capable of accessing and turning within the site; or alternatively the design of a presentation / collection point positioned at the site entrance. Details shall be implemented as approved prior to occupation of any dwelling and shall be retained throughout the life of the development free from any impediment to their designated use.

Climate Change

19. An electric vehicle recharging point shall be provided within the garage or on the exterior of each dwelling before the dwelling to which the recharging point relates is first occupied. Charging points shall be provided with an IP65 rated domestic socket 13amp socket, directly wired to the consumer unit with 32 amp cable to an appropriate RCD. This socket should be located where it can later be changed to a 32amp EVCP. Alternative provision to this specification must be approved in writing by the local planning authority. All recharging points shall thereafter be retained.

Amenity

20. No machinery or plant shall be operated, no process shall be carried out and no deliveries taken at or dispatched from the site except between the hours of 8am and 6pm Monday to Friday, and 8am and 1pm on Saturday, and not at any time on Sundays, Bank or Public Holidays.

PL133-24/25 APPLICATION NO 23/00463/FUL - ERECTION OF 74 DWELLINGS (INCLUDING 7 AFFORDABLE DWELLINGS) AND ASSOCIATED INFRASTRUCTURE INCLUDING STREET LAYOUT, PUBLIC OPEN SPACE AND DRAINAGE AT LAND TO THE REAR OF 57 TO 111 SHUTTLEWOOD ROAD, NORTH OF MILL LANE AND WEST OF NETHER VIEW, BOLSOVER

Committee considered a detailed report in relation to the above application presented by the Development and Land Charges Manager who gave details of the application and highlighted the location and features of the site and key issues. The application sought approval for the erection of 74 dwellings (including 7 affordable dwellings) and associated infrastructure including street layout, public open space and drainage. The Committee was advised of a further representation which had been received from Ms S Nicholls (one of the speakers) which comprised of a photograph and plan copies of which were provided to members.

As a point of clarification the Development and Land Charges Manager advised that a new link road was being provided by the developer on the adjacent Woodhall Homes site. The applicants commitment to contribute £200,000 to the link road could be used to explore the options for the road. In the event of the Woodhall Homes site delivering the link road any remaining funds would have to be returned to the developer. In these circumstances it would be unreasonable to retain funding when the link road was delivered by another scheme.

It was confirmed that any proposed increases to the numbers of affordable properties above 10% was subject to negotiation with developers but could also make

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developments unviable. This application had to be considered on the Development Plan which currently had a 10% affordable properties criteria and any ambitions to increase this to 15% had to be explored at in a future review.

In response to Councillor Wood's comments that this was an ancient habitat which should be retained, the Development and Land Charges Manager confirmed that the application had been submitted before the biodiversity requirements became law. There would be some loss but there would also be some onsite enhancements and net gains elsewhere.

Ms S Nicholls attended the meeting and spoke against the application.

Mr G Morris attended the meeting and spoke against the application.

Ms C Stainton (agent) attended the meeting and spoke in support of the application.

Ms Stainton provided the following responses to members' questions:

- in response to Councillor Smith's question whether the number of affordable properties could be rounded up rather than down, Ms Stainton responded that the application was policy compliant and any changes would be subject to negotiation.
- the distance between the speaker's property and the new property was 34 metres which was in excess of the required 12 metres and there had never been any proposal for a bungalow instead of the proposed 4 bedroom property.
- native trees would be planted on the estate as specified by the Derbyshire Wildlife Trust.

Moved by Councillor Duncan McGregor and seconded by Councillor Phil Smith and following a vote

For the motion: 6

Against the motion: 1

It was therefore **RESOLVED** that application be approved subject to the following conditions and prior entry into a Section 106 Agreement, with delegated authority being granted to officers to grant the final decision on completion of a Section 106 Agreement. If any revisions to the Section 106 were proposed, then the application would be referred back to Planning Committee.

Conditions:

1. The development shall be begun before the expiration of three years from the date of this permission.
2. Except where otherwise stated in the conditions below, the development hereby permitted shall be carried out in accordance with the documents and plans listed below:
 - Revised site location plan – JHY/OLB/PH3/LP/01B; 20 Dec 24.

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- Phase 2 soft landscaping plan general arrangement – 2100 Rev F; 11 Dec 24
- Phase 2 soft landscaping plan detailed layout 1 of 4 – 4124/2101 Rev F; 11 Dec 24
- Phase 2 soft landscaping plan detailed layout 2 of 4 – 4124/2102 Rev F; 11 Dec 24
- Phase 2 Soft Landscaping plan detailed layout 3 of 4 4124/2103 Rev F; 11 Dec 24
- Phase 2 Soft landscaping plan detailed layout 4 of 4 – 4124/2104 Rev F; 11 Dec 24
- Proposed phase 2 landscaping metric (for offsite BNG) – Xcel format; 11 Dec 24
- Transport Assessment (Sanderson Associates); 4 dec 24
- Travel Plan (Sanderson Associates); 4 Dec 24
- Revised site layout – JHY/OLB3/SL01D; 29 Nov 24
- Ornamental fence detail – ORN/1011; 29 Nov 24
- Soft Landscape plan 1 of 3 – General arrangement – 4131/2100/Rev L; 29 Nov 24
- Landscape plan 2 of 3 – detailed layout – 4131/2101/Rev L; 29 Nov 24
- Landscaping plan 3 of 3 – detailed layout – 4131/2102/Rev L; 29 Nov 24
- Off site Biodiversity Net Gain at Wild Whittington Quote proposal – Wild Solutions and Derbyshire Wildlife Trust (19 November 2024); 28 Nov 24
- Landscape Management Area Plan – 4131/2103/Rev A; 28 Oct 24
- The Banbury House type – plots 319, 324 and 362 – OX/BN/V1 Rev B; 28 Oct 24
- The Banbury house type – plots 341, 366, 367, 374 – OX/BN/V3 Rev B; 28 Oct 24
- The Banbury Opp – plot 312 – OX/BN/V5; 28 Oct 24
- The Banbury house type - plot 318 – OX-BN-V2B; 28 Oct 2024
- The Buckley Corner Turner – plot 306 – OX/BUC/CT/V2/ST Rev A; 28 Oct 24
- The Buckley NDSS As Hipped Street Style A – plots 310, 311, 334, 344, 348 - OX/BUC/V1 Rev A; 28 Oct 24
- The Buckley NDSS Opp Hipped Street Style A – plots 305, 320, 332, 335, 350, 351, 357, 358 – OX/BUC/V2 Rev A; 28 Oct 24
- The Buckley NDSS As Hipped Stone Elevation – plot 345 – OX/BUC/V3 Rev A; 28 Oct 24

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- The Bentley Hipped Roof As Street Scene Style C – Plots 303, 307, 309, 317, 327, 337, 342, 352, 355, 363, 373 – OX/BY/V1 Rev B; 28 Oct 24
- The Bentley Gabled Roof Opp Street Scene Style A - Plots 308, 330, 338, 343, 353, 356 – OX/BY/V2 Rev B; 28 Oct 24
- The Bentley - Gabled Roof Street Scene Style C - Plots 328 & 346 – OX/BY/V3 Rev B; 28 Oct 24
- The Bentley Hipped Roof Opp Street Scene Style A - Plots 329,347, 349, 354, 360 – OX/BY/V4 Rev B; 28 Oct 24
- The Handforth NDSS Floor Layout & Elevation – Plots 315, 316, 368-372 – OX/HAND/V1 Rev A; 28 Oct 24
- THE HOLLIN A - PLOT 359 – OX/HN/135 Rev B; 28 Oct 24
- THE HOLLIN A - PLOT 333 – OX/HN/333; 28 Oct 24
- THE HOLLIN A - PLOT 336 – OX/HN/336; 28 Oct 24
- THE HOLLIN B - Plots 304 & 365 – OX/HN/B/V2 Rev B; 28 Oct 24
- The Hollin B - Plot 364 – OX/HN/B/V3 Rev B; 28 Oct 24
- The Keswick NDSS – OX/KES/V1; 28 Oct 24
- Dry Stone Wall Entrance 3 - OX2-DWE-03; 28 Oct 24
- Dry Stone Wall Entrance 4 - OX2-DWE-04; 28 Oct 24
- Biodiversity Metric Calculations; 28 Oct 24
- ADDENDUM TO AES-LTD LETTER 24th JUNE, 2024 - Applied Ecological Services Ltd; 28 Oct 24
- Amended Design and Access Statement; 28 Oct 24
- House Types Materials Schedule; 28 Oct 24
- Arboricultural Impact Assessment – Iain Tavendale; 3 July 24
- Archaeological geophysical survey (Project No. ARC/3604/1410) – Phase Investigations; 3 July 24
- Amended application form; 28 June 24
- Bat Survey Report – Applied Ecological Services; 27 Sept 23
- Breeding Bird Surveys 2022 – Applied Ecological Services; 27 Sept 23
- Ecological Appraisal – Applied Ecological Services; 27 Sept 23
- Boundary treatment plan – JHY/SDL 49 Rev D; 7 Sept 23
- Detached Single Garage Plan - SDL-2022-092 Rev B; 7 Sept 23
- Detached Double Garage - SDL-2022-094 Rev B; 7 Sept 23

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- Twin Garage – SDL-2022-095B; 7 September 23
- Brick Boundary wall and Piers with Cast Stone Coping & Frontage Fence – SF13 BOLS; 7 Sept 23
- Flood Risk Assessment - Fortem Civil Engineering (July 2023); 7 Sept 23
- Heritage Assessment – Wardell Armstrong; 7 Sept 23
- Geotechnical And Geo-Environmental Site Investigation – Eastwood and Partners – Issue 1 May 2022; 7 Sept 23
- Existing site levels; 7 Sept 23
- Proposed site / finished floor levels – 1088-204; 7 Sept 23
- Arboricultural Impact Assessment – Iain Tavendale; 7 Sept 23

3. The feature drystone walls shall be provided in accordance with the details submitted on the 29 November 2024 as detailed under condition 2 above, constructed from natural magnesian limestone, laid in courses and with a mortar specification all in accordance with the drystone walls constructed on phase 2.

4. The on-plot boundary fences and walls as detailed in the approved site layout under condition 2 above shall be constructed before the respective dwellings are occupied.

5. Prior to the occupation of plots 307, 308 and 309, the boundary fencing as detailed on the Ornamental fence detail plan ORN/1011, received on the 29 November 2024 shall have been constructed in accordance with the approved details, and retained as such for the life of the development.

6. Notwithstanding the submitted details, details of the vehicle preventative measures to be installed on the pedestrian entrance onto Mill Walk, and a time scale for their implementation shall be submitted to and approved in writing. The measures shall be installed in accordance with the approved details and retained as such for the life of the development.

Archaeology

7. a) No development shall take place until a Written Scheme of Investigation for archaeological work has been submitted to and approved by the local planning authority in writing, and until any pre-start element of the approved scheme has been completed to the written satisfaction of the local planning authority. The scheme shall include an assessment of significance and research questions; and

- i). The programme and methodology of site investigation and recording
- ii). The programme for post investigation assessment
- iii). Provision to be made for analysis of the site investigation and recording
- iv). Provision to be made for publication and dissemination of the analysis and records of the site investigation
- v). Provision to be made for archive deposition of the analysis and records of the site investigation
- vi). Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

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b) No development shall take place other than in accordance with the archaeological Written Scheme of Investigation approved under condition (a).

c) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological Written Scheme of Investigation approved under condition (a) and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

Biodiversity

8. No stripping, tree or hedge removal, or vegetation clearance shall 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 must be implemented and monitored until the chicks have fledged. No works shall be undertaken within exclusion zones whilst nesting birds are present.

9. No development shall take place (including demolition, ground works, vegetation clearance and movement of plant, machinery and materials) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the recommendations included in the Ecological Appraisal (AES Ltd., September 2023). It shall be produced by an ecologist and shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of “biodiversity protection zones”.
- c) Translocation methodology for orchids.
- d) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction.
- e) The location and timing of sensitive works to avoid harm to biodiversity features.
- f) The times during construction when specialist ecologists need to be present on site to oversee works.
- g) Responsible persons and lines of communication.
- h) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- i) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

10. A Landscape and Biodiversity Enhancement and Management Plan (LBEMP) shall be submitted to, and be approved in writing by, the LPA prior to the commencement of the development. The aim of the LBEMP is to provide details for the creation, enhancement and management of habitats and species on the site post development, in accordance with the proposals set out in the submitted Biodiversity Metric. The LBEMP should combine both the ecology and landscape disciplines and shall be suitable to provide to the management body responsible for the site. It shall include the following:-

- a) Description and location of features to be retained, created, enhanced and managed, as per the approved biodiversity metric (V3d).

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- b) Aims and objectives of management, in line with desired habitat conditions detailed in the metric.
- c) Appropriate management methods and practices to achieve aims and objectives.
- d) Prescriptions for management actions.
- e) Preparation of a work schedule (including a 30-year work plan capable of being rolled forward in perpetuity).
- f) Details of the body or organization responsible for implementation of the plan.
- g) A monitoring schedule to assess the success of the habitat creation and enhancement measures at intervals of 1, 2, 3, 5, 10, 20 and 30 years.
- h) Monitoring reports to be sent to the Council at each of the intervals above
- i) A set of remedial measures to be applied if conservation aims and objectives of the plan are not being met.
- j) Detailed habitat enhancements for wildlife, in line with British Standard BS 42021:2022.
- k) Requirement for a statement of compliance upon completion of planting and enhancement works.

The LBEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The approved plan will be implemented in accordance with the approved details.

11. Prior to the installation of any lighting fixtures in public open spaces, a detailed lighting strategy for the public open space shall be submitted to and approved in writing by the LPA 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.

12. Should any hedges proposed for retention become damaged during development, they shall be replaced in the first available planting season, in a double staggered row at 30 cm centres. Thereafter they shall be retained and maintained in accordance with the approved landscaping plans provided in condition 2 above.

13. If within a period of five years from the date of the planting of any tree or shrub shown on the approved landscaping scheme, that tree or shrub may die, be removed, uprooted or become seriously damaged it shall 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.

14. Prior to commencement of development, the developer shall submit evidence to the Local Planning Authority that the Habitat Bank units to compensate for habitat loss on site have been purchased, and the units have been registered to the development hereby approved.

Highways

15. The Development hereby approved shall not be occupied until the access, parking and turning facilities have been provided as shown on drawing JHY/OLB3/SL01D.

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16. No individual dwelling in the Development hereby approved shall be occupied until sheltered, secure and accessible bicycle parking has been provided in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority. The storage area shall be maintained for this purpose thereafter.

17. The Residential Travel Plan hereby approved, dated December 2024 shall be implemented and monitored in accordance with the regime contained within the Plan. In the event of failing to meet the targets within the Plan a revised Plan shall be submitted to and approved in writing by the Local Planning Authority to address any shortfalls, and where necessary make provision for and promote improved sustainable forms of access to and from the site. The Plan thereafter shall be implemented and updated in agreement with the Local Planning Authority and thereafter implemented as amended.

18. Prior to commencement of the development hereby permitted details of a construction management plan shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the construction period. The plan/statement shall include but not be restricted to:

- Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- Advisory routes for construction traffic;
- Any temporary access to the site;
- Locations for loading/unloading and storage of plant, waste and construction materials;
- Method of preventing mud and dust being carried onto the highway;
- Arrangements for turning vehicles;
- Arrangements to receive abnormal loads or unusually large vehicles;
- Highway Condition survey;
- Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

Reason: In the interests of safe operation of the adopted highway in the lead into development both during the demolition and construction phase of the development.

19. No above ground works or development shall take place until full details of all proposed street tree planting, root protection systems, future management plan, and the proposed timescale for planting, have been approved in writing by the local planning authority. The approved tree planting shall thereafter be carried out in accordance with those details.

Reason: To ensure the continued wellbeing of the trees in the interests of the amenity and environmental quality of the locality.

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Drainage

20. The development shall be carried out in accordance with the details shown on the submitted plan, "Flood Risk Assessment' (Rev 2) prepared by Fortem, dated 14/07/23", unless otherwise agreed in writing with the Local Planning Authority.

21. No development shall take place until a detailed design and associated management and maintenance plan of the surface water drainage for the site, in accordance with the principles outlined within:

a. FORTEM. (09/11/2023). Flood Risk Assessment. 1088-R003-V3. including any subsequent amendments or updates to those documents as approved by the Flood Risk Management Team

b. And DEFRA's Non-statutory technical standards for sustainable drainage systems (March 2015), have been submitted to and approved in writing by the Local Planning Authority.

22. Prior to commencement of the development, the applicant shall submit for approval to the LPA details indicating how additional surface water run-off from the site will be avoided during the construction phase. The applicant may be required to provide collection, balancing and/or settlement systems for these flows. The approved system shall be operating to the satisfaction of the LPA, before the commencement of any works, which would lead to increased surface water run-off from site during the construction phase.

23. Prior to the first occupation of the development, a verification report carried out by a suitably qualified independent drainage engineer must be submitted to and approved by the Local Planning Authority. This must demonstrate that the drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls).

Contamination

24. No dwellings hereby approved shall be occupied until:

The remedial works identified in the report ref 46420 have been undertaken in accordance with a scheme approved by the Local Planning Authority. The works shall ensure that the development 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.

a) If during the construction works associated with the development hereby approved any suspected areas of contamination are discovered, 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. Where the site investigation and risk assessment shows that further remediation is required, a remediation scheme shall be prepared and submitted to the Local Planning Authority for written approval, and the approved remediation scheme implemented.

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b) Upon completion of the remediation works required above, a validation report prepared by a competent person shall be submitted to and approved in writing by the Local Planning Authority. The validation report shall include details of the remediation works and Quality Assurance/Quality Control results to show that the works have been carried out in full and in accordance with the approved methodology. Details of any validation sampling and analysis to show the site has achieved the approved remediation, together with the necessary waste management documentation shall be included.

25. Construction works on the site and deliveries to the site shall be undertaken only between the hours of 07.30am to 6pm Monday to Friday and 7.30am to 1pm on Saturday. There shall be no work undertaken on site or deliveries to the site on Sundays or public holidays.

Advisory notes

1. This site is subject to a Planning Agreement under the terms of S106 of the Town and Country Planning Act 1990 (As amended), and any developer should be aware of the content of that agreement and the need to meet its requirements in addition to the conditions attached to this permission.
2. In accordance with condition 20 above (Yorkshire Water), If the developer is looking to have new sewers included in a sewer adoption agreement with Yorkshire Water (under Section 104 of the Water Industry Act 1991), he/she should contact our Developer Services Team (telephone 03451 208 482, email: technical.sewerage@yorkshirewater.co.uk) at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with the WRc publication 'Code for Adoption - a design and construction guide for developers' as supplemented by Yorkshire Water's requirements.
3. The proposed development is situated within a Smoke Control Area. This has legal implications for the type of solid fuel appliance which may be installed in the proposed development and types of solid fuel which may be burnt in these appliances. Further information is available at <https://www.gov.uk/smoke-control-area-rules>
4. (a) Subject to acceptance of the SuDS design by DCC (LLFA), the developer shall submit an Operation and Maintenance Plan (in accordance with section 32 of the SuDS Manual) which provides details of the arrangements for the lifetime management and maintenance of the SuDS features together with contact details. (a copy to be kept by Engineering Services)

(b) The sewer records do not show any public sewers within the curtilage of the site. However, there may be the possibility of unmapped public sewers which are not shown on the records but may cross the site of the proposed works. These could be shared pipes which were previously classed as private sewers and were transferred to the ownership of the Water Authorities in October 2011. If any part of the proposed works involves connection to / diversion of / building over / building near to any public sewer the applicant will need to contact Yorkshire Water in order to determine their responsibilities under the relevant legislation.

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(c) All proposals regarding drainage will need to comply with Part H of the Building Regulations 2010.

(d) 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.

5. The developer is advised to work with broadband providers to ensure NGA broadband services are incorporated as part of the design of new development. However, if it can be shown that this would not be possible, practical, or economically viable, in such circumstances, suitable ducting should be provided within the site and to the property to facilitate future installation. Guidance on the characteristics of qualifying NGA technologies is available from The Department for Digital, Culture, Media, and Sport.
6. Derbyshire County Council Lead Local Flood Authority has provided a set of advisory notes dated 22 November 2023 which will need to be adhered to, and which can be viewed in full on the Council's website.
7. The Derbyshire County Council Highway Authority has provided a set of advisory notes dated 17 December 2024 which will need to be adhered to, and which can be viewed in full on the Council's website.

PL134-24/25 APPLICATION NO. 24/00361/FUL - ERECTION OF 2 INDUSTRIAL BUILDINGS FOR STORAGE ASSOCIATED WITH EXISTING RAILWAY MAINTENANCE BUSINESS UNIT, 60 BROOKHILL ROAD, PINXTON

Committee considered a detailed report in relation to the above application presented by the Development and Land Charges Manager who gave details of the application and highlighted the location and features of the site and key issues. The planning application sought approval for the erection of 2 industrial buildings for storage associated with existing railway maintenance business. A video of the site was also shown to members as there had not been a site visit.

Mr D Palos attended the meeting and spoke against the application.

Mr A Redmond (the agent attended the meeting on behalf of the applicant and spoke in support of the application.

Members' sought clarity on the location and height of hedging and fencing and proximity to the speaker's property and it was suggested that this application be deferred until a site visit had taken place.

Moved by Councillor Duncan McGregor and seconded by Councillor John Ritchie to defer consideration of this application and following a vote
It was **RESOLVED** that this planning application be deferred to a future meeting.

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Councillors Deborah Watson and Carol Wood left the meeting having previously declared interests in the following items.

PL135-24/25 APPLICATION NO. 24/00067/FUL - ERECTION OF 2 INDUSTRIAL UNITS, 22 PARKING SPACES SERVICE YARD FOR THE LOADING AND UNLOADING OF LGV/HGVs AND ALTERATIONS TO THE ACCESS AT LAND NORTH OF SOOKHOLME ROAD JUNCTION, PORTLAND DRIVE, SHIREBROOK

Committee considered a detailed report in relation to the above application and supplementary paper which confirmed the response from Natural England as presented by the Development and Land Charges Manager who gave details of the application and highlighted the location and features of the site and key issues. The application sought approval for the erection of 2 industrial units, 22 parking spaces service yard for the loading and unloading of LGV/HGVs and alterations to access.

It was confirmed that any delegated approval to officers would be subject to an acceptable drainage strategy being received and the conditions which had been requested by Natural England.

Moved by Councillor Duncan McGregor and seconded by Councillor John Ritchie and following a unanimous vote

It was **RESOLVED** that delegated authority be given to the Development Management and Land Charges Manager to approve this planning application subject to submission of an acceptable drainage strategy and conditions requested by Natural England and following conditions

1. The development shall be begun before the expiration of three years from the date of this permission.
2. Approved in accordance with the approved plan numbers.
3. Samples of materials to be submitted.
4. Submission, approval and implementation of a Landscaping and Biodiversity Enhancement and Management Plan based on the amended landscaping scheme plan and as described in the small site metric submitted.
5. Submission, approval and implementation of a construction environmental management plan.
6. Access, parking and turning to be provided in accordance with the approved plans before the use is first implemented and maintained as such thereafter.
7. Surface water drainage to be in accordance with the approved scheme and any other associated drainage conditions necessary.
8. Any information and conditions recommended by Natural England.

An adjournment took place from 11.30 am to 11:50 am.

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PL136-24/25 APPLICATION NO. 24/00373/FUL - CONSTRUCTION OF 9 NOS DWELLINGS; COMPRISING 2 NO. 1B2P SEMI-DETACHED, 3 NO. 1B2P TERRACED, 2 NO. 2B4P SEMI-DETACHED, 2 NO 3B5P SEMI-DETACHED AT ALDER HOUSE RECREATION ROAD, SHIREBROOK

Committee considered a detailed report in relation to the above application presented by the Development and Land Charges Manager who gave details of the application which sought approval for the construction of 9 dwellings and highlighted the location, features of the site and any key issues.

Councillor John Ritchie stated that council housing was exactly what was needed.

Moved by Councillor Duncan McGregor and seconded by Councillor Phil Smith and following a unanimous vote

It was **RESOLVED** that application be approved subject to the following conditions and the inclusion of informatives, including an informative relating to the deemed Biodiversity Gain Plan condition and the requirements of the Development Management Procedure Order:

1. The development shall be begun before the expiration of three years from the date of this permission.
2. The development must be carried out in accordance with plan numbers:
11102 Rev P08: Site plan
10400 Rev P1: 3 Bed semi-detached floor plan
10401 Rev P2: 2 Bed semi-detached floor plan
10402 Rev P2: 1 Bed semi-detached floor plan
10403 Rev P1: 1 Bed terraced floor plan
10600 Rev P1: 1 Bed terraced elevations
10600 Rev P1: 3 Bed semi-detached elevations
10601 Rev P1: 2 Bed semi-detached elevations
10602 Rev P1 1 Bed semi-detached elevations
3. Prior to construction of the walls of any dwelling, samples of the materials to be used for all external wall and roof areas, including windows and external doors must be submitted to and approved in writing by the Local Planning Authority. The dwelling hereby approved must be constructed in the approved materials and must be maintained as such thereafter.
4. If during the construction works associated with the development hereby approved, any suspected areas of contamination are discovered, then all works must be suspended until the nature and extent of the contamination is assessed and a report is submitted and approved in writing by the Local Planning Authority which addresses the risk identified. The Local Planning Authority must be notified as soon as is reasonably practicable of the discovery of any suspected areas of contamination.

Any investigation required must be undertaken in accordance with a scheme submitted to and approved in writing by the Local Planning Authority and must comply with current Government Guidance to achieve the appropriate standard at

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completion. Upon completion of the remediation works a validation report prepared by a competent person must be submitted to and approved in writing by the Local Planning Authority. The validation report must 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 must be included.

5. Before the dwellings hereby approved are first occupied, the boundary treatments for each of the site boundaries must be provided on site in accordance with the approved plans and must be maintained as such thereafter.
6. The accesses and parking spaces shown on the approved plan must be provided on site concurrent with the first occupation of the dwellings hereby approved and must be maintained available for parking thereafter.
7. The following biodiversity enhancement measures must be implemented on site:
 - 4No. dwellings to incorporate an integral bat box at eaves level (favouring southern elevations)
 - Integral universal bird bricks at eaves level (avoiding southern elevations) at a ratio of 1:1 with dwellings, as per British Standard BS: 42021:2022.
 - hedgehog gaps in any new fencing.

Evidence that these measures have been implemented must be submitted to the Local Planning Authority before the dwellings hereby approved are first occupied and these enhancement measures must be maintained on site thereafter.

8. Before any dwelling is first occupied, full details of both hard and soft landscape works including a programme for implementation must be submitted to and approved in writing by the Local Planning Authority. The approved landscaping must be provided on site in accordance with the approved programme of implementation.
9. 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.

Councillors Deborah Watson and Carol Wood returned to the meeting.

PL137-24/25 LOCAL PLANNING AUTHORITY MONITORING REPORT 2023/24

The Principal Planning Policy Officer presented the report to the Committee.

The Monitoring Report 2023/24 covered 1st April 2023 to 31st March 2024, and was attached at Appendix 1. This was the fourth Monitoring Report completed and included performance the classifications of 'Target Met' and 'Target Exceeded' to reflect the progress made.

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The preparation of the Shirebrook and Creswell Growth Plans was taking longer than envisaged due to greater public engagement and involvement – they were now classified as ongoing behind target.

Housing permissions had increased steadily, peaking in 2022/23. Although the number of permissions had fallen in 2023/24, the total of 194 permissions aligned with the yearly average of 191 permissions during the life of the plan.

Housing completions continued to surpass the Local Plan Target of 272 units per annum, standing at 359 for 2023/24.

Employment permissions had seen the lowest number of employment permissions granted since 2020 – a 31% drop on 2022/23. The hectareage covered by new employment permissions indicated a reduction of over 50%.

The number of completions across the 23 allocated housing sites had not met the predicted numbers since 2020. For 2023/24, the number of completions was 25% lower than 2022/23. However, in 2023/24 the rate of delivery across 3 of the sites remained ahead of both their forecast for the year and their overall trajectory.

The Principal Planning Policy Officer informed the Committee on the Bolsover North and Clowne Garden Village sites. It was noted all projects were performing as intended.

Some areas, such as customer self-build plots, did not have data available but would be reviewed.

Following the meeting, the Authority Monitoring Report would be published on the Council's website.

A Member stated that while the of number of completions with regards construction were not quite delivering, the Council remained in a strong position with spare capacity.

To a question on the supply and demand of properties in the District with regards the number of completions, a Principal Planning Policy Officer stated the analysis in 2023 had to consider the following 3 years of development as established by the UK National Government.

As of October 2023, there remained a surplus of plots available.

The Senior Devolution Lead for Planning Policy, Strategic Growth and Housing added, in terms of context, some applicants who had registered in the previous year had no serious interest in construction.

The Council needed applicants with genuine interest to realistically meet demand. An exercise to investigate this was required to help better shape the Local Plan Review.

Moved by Councillor Tom Munro and seconded by Councillor John Ritchie
RESOLVED that Planning Committee note the contents of the Authority Monitoring Report 2023/24 and endorse its publication.

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PL138-24/25 BROWNFIELD LAND REGISTER 2024

The Senior Planning Policy Officer presented the report to the Committee.

The Town and Country Planning (Brownfield Land Register) Regulations 2017 required local planning authorities to prepare and maintain a register of previously developed land within their area annually.

Regulations required this information to be published in a 'spreadsheet' format to provide standardisation across the country and enable easier data analysis. However, this format did not suit easy reading by the public.

Key highlights included:

- 368 dwellings built on brownfield land since 2017;
- 3 new sites added in 2024 which could deliver 15 dwellings on brownfield land; and,
- in total there were now 29 live sites on the register – if developed they could deliver a minimum of 1,060 dwellings on brownfield land.

Former industrial sites had also been brought forward – the Council had taken steps to make use of these.

To comply with regulations, the 2024 report and 'spreadsheet' were published on the Council's website before the end of 2024. It was considered appropriate to formally notify the Committee on the findings of the 2024 update.

A Member commented Officers had done a fantastic job with 1,000 potential homes allocated for the District.

To a question on the illegible item attached at Appendix a, the Senior Devolution Lead for Planning Policy, Strategic Growth and Housing confirmed this was the 'spreadsheet' Brownfield Land Register, hence the need to make it accessible for the public to understand.

The Chair stated it was an excellent report.

Moved by Councillor John Ritchie and seconded by Councillor Phil Smith

RESOLVED that the Planning Committee notes: 1) the information within the Brownfield Land Register Summary Report and Formal Register Spreadsheet as set out in Appendix A and B respectively; and,

- 2) that the Council's Brownfield Land Register monitoring return was published on its website before the 31st December 2024 deadline.

PL139-24/25 FIVE-YEAR HOUSING LAND SUPPLY - ANNUAL POSITION STATEMENT (2024-2029) UPDATED TO REFLECT THE CHANGES IN THE NATIONAL PLANNING POLICY FRAMEWORK AND PLANNING PRACTICE GUIDANCE

The Principal Planning Policy Officer presented the report to the Committee.

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The Council's Annual Position Statement on the Five-Year Housing Land Supply for the period 1st April 2024 to 31st March 2029 was approved by the Planning Committee at the meeting of 27th November 2024.

The local housing need identified by the UK National Government for the District had been approximately 200 new homes a year. The Local Plan had set out 272 new homes a year.

The Council could show 8.35 years of deliverable housing land supply for the period 2024/25 to 2028/29.

Following the UK National Government's consultation in 2024, the figure had been revised to 353 new homes a year without the 5% buffer. With the buffer, this figure would be 371 new homes a year.

This would see a deliverable housing land supply of 6.12 years for the period 2024/25 to 2028/29 (based on the housing monitoring figures at 1st April 2024).

A Member thanked the Planning team for their work – the Council was still in a good position when compared to other local authorities both regionally and nationally. The Chair echoed this sentiment.

The Senior Devolution Lead for Planning Policy, Strategic Growth and Housing agreed and thanked the Members of the Committee in return – the Council was in a strong position in comparison with other local authorities primarily because of the capability of Members of the Committee.

Moved by Councillor Tom Munro and seconded by Councillor John Ritchie

RESOLVED that the Committee: 1) Notes the detailed issues set out in the report;

- 2) Re-approves the assessment of the Council's Annual Position Statement of Five-Year Housing Land Supply (January 2025) as set out at Appendix A;
- 3) Re-authorises the publication of the Report and Annual Position Statement of Five-Year Housing Land Supply (Appendix A) and List of Major Development Sites and their contribution to the Council's Five-Year Housing Land Supply (Appendix B) on the Council's website; and,
- 4) Gives delegated authority to the Assistant Director of Planning and Planning Policy in consultation with the Chair and Vice Chair of Planning Committee to make any minor changes to the text or information referred to in recommendation 3) prior to publication.

PL140-24/25 PRE-CONSULTATION DRAFT LOCAL NATURE RECOVERY STRATEGY FOR DERBYSHIRE

The Senior Devolution Lead for Planning Policy, Strategic Growth and Housing presented the report to the Committee.

Derbyshire County Council was the responsible authority for the preparation of the Local Nature Recovery Strategy (the 'Strategy') for Derbyshire.

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The Strategy covered the District and would become a statutory plan FOR THE Council to consider (within its planning function and wider decision-making).

The initial consultation exercise events held during September 2024 were attached at Appendix A.

In accordance with the Environment (Local Nature Recovery Strategies) (Procedure) Regulations 2023, Derbyshire County Council had to provide the Council, as a 'Supporting Authority', with the proposed consultation draft of the Strategy in advance of formal publication and request their comments.

The proposed consultation draft, received on 6th January 2025, was attached at Appendix B

The Council could raise an objection with the responsible authority about:

- the local nature recovery strategy; or,
- the responsible authority's preparation of the local nature recovery strategy, including the extent to which the responsible authority has involved the supporting authority in that preparation.

The consultation draft of the Strategy was structured in four written sections and accompanied by a mapping GIS website – the District lay primarily on a southern Magnesium Limestone plateau.

A number of habitats lay within the District, including woodlands and green corridors. The Strategy identified that the Character Area of the District was likely to see pressure for new development, and thus may see benefits from Biodiversity Net Gain delivering investment in local nature recovery.

Existing environmental assets could be protected and expanded.

The report detailed the nine priority areas of the Strategy, with the most relevant for the District being: Woodlands and Trees; Grassland; Rivers, river corridors and other watercourses; Farmland; Urban environment and infrastructure; and People and wildlife.

It was noted that when new developments in a future plan were being developed, the Council would be able to deliver Biodiversity Net Gains (BNG).

To a question on BNG, the Senior Devolution Lead for Planning Policy, Strategic Growth and Housing explained new sites had to be registered first before they could be utilised, but they could generate significant income for the Council.

The Chair welcomed the update – some Wards would benefit financially and environmentally from the Strategy for BNG development.

A Member noted the site with most opportunity would Pleasley Vale (water credits were worth more).

Moved by Councillor Phil Smith and seconded by Councillor Jeanne Raspin
RESOLVED that the Committee: 1) Notes the update on the preparation of the Local Nature Recovery Strategy for Derbyshire set out in the report; and,

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2) Agrees to raise no objection with Derbyshire County Council about:

- a) the proposed consultation draft Local Nature Recovery Strategy for Derbyshire; or
- b) their preparation of the proposed consultation draft Local Nature Recovery Strategy for Derbyshire, including the extent to which the responsible authority has involved the supporting authority in that preparation.

PL141-24/25 6 MONTHLY ENFORCEMENT REPORT - JULY 2024 - DECEMBER 2024

The Development Management and Land Charges Manager presented the report to the Committee.

During the period 1st July 2024 – 31st December 2024, 121 unauthorised activity enquiries were received; down 14% on the previous 6 months review period. A graph showing the number of cases visited within target per priority was available in the report.

The Local Enforcement Plan had been last refreshed in May 2022.

The report listed the Enforcement Notices Served over the period 1st July 2024 – 31st December 2024.

It was noted the Development Management team had successfully obtained an Interim Injunction from the High Court relating to a planning matter (breach of contract), which prohibited any additional dwellings being constructed or disposed of on land at Chesterfield Road, Barlborough following non-compliance with obligations contained within s106 legal agreements dated 7th March 2011, 13th December 2016 and 29th January 2020.

Officers considered that the Local Enforcement Plan had worked well, insofar as ensuring that breaches of planning control were investigated in a timely manner in accordance with environmental impacts of any breach.

The Chair asked the Committee's thanks be passed to Officers for their work – the enforcement policy was being well handled.

Moved by Councillor Phil Smith and seconded by Councillor John Ritchie
RESOLVED that: 1) the report is noted; and,

- 2) The Planning department's performance against the service standards in the Local Enforcement Plan and updates on planning enforcement continue to be reported to Planning Committee on a half-yearly basis.

PL142-24/25 APPEAL DECISIONS: JULY 2024 - DECEMBER 2024

The Development Management and Land Charges Manager presented the report to the Committee.

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During July to December 2024, the Council had received no appeals on major planning applications and five appeal decisions on non-major planning applications (two were dismissed, three allowed). However, this only equated to 1.66% of the number of non-major applications determined from July to December 2024.

For the application at 16 The Chine, Broadmeadows, South Normanton, Alfreton, DE55 3AN, Members had gone against the Officer recommendation and refused the application. However, this was successfully upheld at appeal and Members had made the correct decision.

For the application at the land adjacent 1 Park Street, Barlborough, S43 4ES, the main issues were the effect of the development on the setting of nearby heritage assets and the living conditions of future residents. The appeal was allowed subject to conditions relating to: materials of construction; landscaping; ecological enhancements; removal of permitted development rights; widening of the access; parking and garage to be provided and retained for parking; submission of an archaeological written scheme of investigation; and submission of details of windows and doors.

To a question on the South Normanton application setting a precedent for future decisions, the Development Management and Land Charges Manager explained UK National Government policy would take precedence in the future. While the unsuccessful application would provide a case precedent, it would not set a policy precedent. The Senior Devolution Lead for Planning Policy, Strategic Growth and Housing added the inspector would take a decision on existing policy, not on a single case.

To a question on why Officers had recommended the 16 The Chine, Broadmeadows, South Normanton, Alfreton, DE55 3AN application, when the inspector had agreed with Members to refuse during the appeal, the Development Management and Land Charges Manager explained the site had been a sustainable location. However, the inspector had agreed with Members on the lack of available public transport and the need for personal car travel to access the site – this went against the application. However, Officers could consider the inspector's decision in the future.

A Member stated this was one of the reasons Members made the decisions on Planning applications, as they could use their own first-hand knowledge and views of applications like the one above.

Moved by Councillor Deborah Watson and seconded by Councillor Duncan McGregor
RESOLVED that: 1) This report be noted; and,

- 2) Recommend appeal decisions continue to be reported to Committee Members every 6 months

The meeting concluded at 12:41 hours.

PARISH Pinxton Parish

APPLICATION Erection of 2 industrial Buildings for storage associated with existing Railway Maintenance Business
LOCATION Unit 1 60 Brookhill Road Pinxton Nottingham
APPLICANT MLP 60 Unit 1 Brookhill Road Pinxton Derbyshire NG16 6NS
APPLICATION NO. 24/00361/FUL **FILE NO.** PP-13285320
CASE OFFICER Mr Mitchel Smith
DATE RECEIVED 6th August 2024

SUMMARY

On the 22nd of January 2025, Planning Committee deferred the determination of this planning application to allow for a site visit to be undertaken by the Committee Members.

Officers have been made aware that, in line with the request of Planning Committee, the applicants and residents of no.4 Mill Lane have been in correspondence regarding the erection of an appropriate boundary treatment to screen the residential property from the proposed storage units. At the time of the committee report deadline, no comprehensive update had been received on this issue and so any additional information received on this issue will be provided in a Committee Update Report.

This is a full planning application for the erection of two industrial buildings at Unit 1, 60 Brookhill Road, Pinxton. The buildings will be used for storage in association with the Railway Maintenance Business which operates at the site. The units are proposed towards the western side of the site. Revisions to the application were received which resulted in one of the buildings being moved an additional 2m away from the neighbouring boundary.

Cllr Mary Dooley has requested the application be referred to Planning Committee stating the impact of the development will be detrimental to the amenity of the occupants of a property on Mill Lane.

The application is recommended for conditional approval.

Site Location Plan



OFFICER REPORT ON APPLICATION NO. 24/00361/FUL

SITE & SURROUNDINGS

The application site forms part of the Pinxton industrial site to the south of the Bolsover District. The surrounding areas of the application site are made up of industrial sites to the east and residential and commercial properties to the north and west.

There are a number of industrial buildings situated throughout the site which vary in scale and appearance. Hardstanding is present at the site, in which at the time of the site visit, various materials were placed upon throughout. Towards the western side of the site was a travelling crane, which were in operation, loading and unloading various materials.

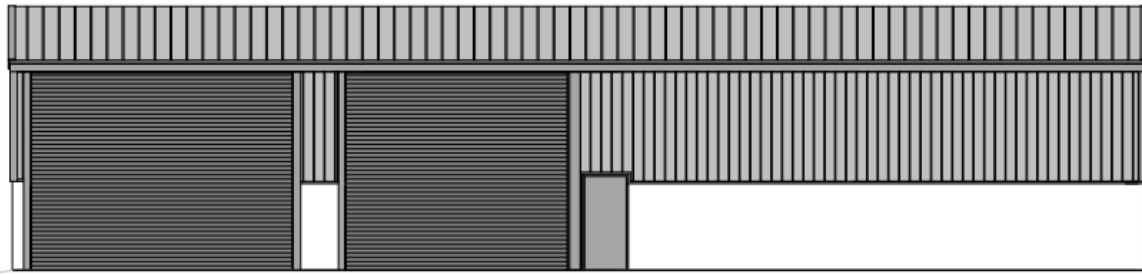
The site borders the amenity space of a residential property which is bound by a tall hedgerow (*Leylandii*) and palisade fencing.



PROPOSAL

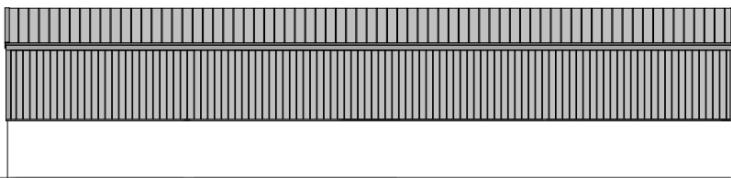
The application is seeking planning permission for the erection of two industrial buildings used for storage in association with the Railway Maintenance Business which operates from the site.

The units are identical in scale, measuring 25m by 9.5m and 5.8m to the ridge of the pitched roof and 4.6m to the eaves. The units differ in the siting on the openings; Unit C1 proposes two shutter doors on the eastern elevation, one opening measure 5.7m in width and the other 4.8m. Unit C2 contains one opening on the eastern elevation which measures 5.8m in width. Both units also contain various pedestrian access doors throughout.

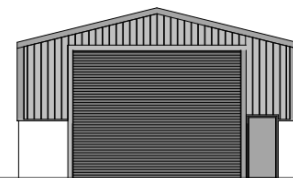


East Elevation
[1:100]

C1 - East Elevation



North Elevation
[1:100]



East Elevation
[1:100]

C2 - North & East Elevations

The units are to be sited towards the north-western site boundary.

The application form states that the walls of the proposed buildings will be steel portal frame with concrete lower push walls, finished in Kingspan cladding (colour to be agreed).

Supporting Documents

- **06/08/2024** – Planning Statement

AMENDMENTS

- Revised elevation and floor plans for buildings C1 and C2 received on the 1st November 2024.
- Revised site layout plan received on the 1st November 2024.
- Revised cross-sections plans received on the 1st November 2024.

The revisions were provided by the applicant as the initial proposal was considered to result in amenity harm to the adjacent residential property.

Summary of Submissions

- 06/08/2024 – Planning Statement
- 01/11/2024 – Revised proposed Unit C1 elevation and floor plans
- 01/11/2024 – Revised proposed Unit C2 elevation and floor plans
- 01/11/2024 – Coal Mining Risk Assessment
- 01/11/2024 – Cross sectional plans
- 01/11/2024 – Revised site layout plans

EIA SCREENING OPINION

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

HISTORY

98/00499/FUL	Granted	Erection of 2.4m high perimeter fence
07/00172/FUL	Granted Conditionally	Stockyard gantry crane and associated framework
07/00350/FUL	Granted Conditionally	Stockyard gantry crane and associated framework
16/00278/FUL	Granted Conditionally	Erection of 2 workshop units (Class B2) including the formation of new vehicular access onto Brookhill Road as amended by drawings received on 23 rd August 2016.
16/00279/FUL	Refused	Erection of 2 workshop units (Class B2)

CONSULTATIONS

Statutory consultees were invited to consider the application on 08/08/2024 requiring comments to be provided by 29/08/2024. As a result of the submission of revised plans, re-consultations were sent to consultees on 01/11/2024 requiring comments by 22/11/2024.

Coal Authority

28/08/2024: the submitted Coal Mining Risk Assessment is not considered to adequately address the impact of coal mining legacy on the proposed development and therefore object to the proposal.

06/11/2024: Based on the revised details, the initial objection is withdrawn subject to the imposing of a number of planning conditions and informative notes.

DCC Highways

22/08/2024: Confirms that there would appear to be no material impact on the public highway and therefore the Local Highway Authority has no comments to make.

12/11/2024: Again, concludes that based on the information provided there would not be an unacceptable impact on Highway Safety or a severe impact on congestion as there would appear to be no material impact on the public highway and therefore the Local Highway Authority has no comments to make.

Engineers

06/09/2024:

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

applicant will need to contact Severn Trent Water in order to determine their responsibilities under the relevant legislation.

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.

Environmental Health

30/08/2024: No objections to the proposals in principle, given the current/previous uses of the site for railway engineering a number of conditions have been recommended.

07/11/2024: Previous comments still apply.

Pinxton Parish Council

05/09/2024: No objection in principle to allowing new buildings on this footprint. However, the proposed height of the new build is objected to, in that it will clearly be unacceptably overbearing on nearby properties, and out of keeping with the roof-line of other buildings.

All consultation responses are available to view in full on the Council's website.

PUBLICITY

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

The site notice was posted 13/08/2024 and required comments by 03/09/2024.

Neighbour notification letters posted 08/08/2024. Comments required by 29/08/2024.

Neighbour notification letters posted 01/11/2024. Comments required by 22/11/2024.

A total of three representations have been received, two of which from the same objector.

The representations have been summarised below:

Principle

- The application is contrary to the following local and national policies:
 - NPPF: para 124b, 131, 135f
 - Local Plan for Bolsover District: WC2, SC1, SC3

Residential Amenity

- Due to the height and length of the buildings there will be significant, and adverse impacts on the amenity of the neighbouring property.
- The buildings will result in blank elevations along both boundaries of the neighbouring property, having an overbearing and over dominant impact, and impacting on the enjoyment of the garden.
- The buildings will also have an adverse impact on the sunlight into the garden space, and kitchen and two downstairs rooms of the neighbouring property.
- The development would result in harm to the amenity of dwellings approved in planning permission 23/00195/FUL.

Biodiversity

- The site has an over usage of flood lighting which is probably damaging and confusing to nocturnal animals and other wildlife.

Other Matters

- One comment did not state that they opposed to the proposal as it would not be noticeable from their location however raised concerns with ground water drainage.
- The Leylandii belonging to MLP have been allowed to grow upwards and have not been maintained, the neighbouring Leylandii has grown to its existing height due to the MLP hedge not being maintained and now being unmanageable.
- Considers that the Council will limit the use of the buildings for storage only.
- Questions the location of the units so close to the neighbouring property when there is space elsewhere in the property.
- States that the plans are incorrect and do not show measurements.
- Any fans, filters, vents, air conditioners ducting for expulsion of fumes should fitted to the front of the property to minimise noise, fumes, vapours and smells.
- The objector also provided images of what they consider to be correct plans for the site.

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
- WC2 General Principles for Economic development
- SC1 Development within the Development Envelope
- SC2 Sustainable Design and Construction
- SC3 High Quality Development
- SC7 Flood Risk
- SC9 Biodiversity and Geodiversity
- SC11 Environmental Quality (Amenity)
- SC14 Contaminated and Unstable Land
- 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: - Achieving sustainable development.
- Paragraphs 7 - 10: Achieving sustainable development.

- Paragraphs 47 - 50: Determining applications.
- Paragraphs 55 - 58: Planning conditions and obligations.
- Paragraphs 123 - 127: Making effective use of land.
- Paragraphs 131 – 136: Achieving well-designed and beautiful places.
- Paragraph 157, 159 and 162: Meeting the challenge of climate change.
- Paragraph 165 - 175: Planning and Flood Risk.
- Paragraphs 189 - 194: Ground conditions and pollution.

Supplementary Planning Documents

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

The purpose of the Successful Places guide is to promote and achieve high quality residential development within the District by providing practical advice to all those involved in the design, planning and development of housing schemes. The guide is applicable to all new proposals for residential development, including mixed-use schemes that include an element of housing.

Local Parking Standards:

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

Biodiversity Net Gain Design Note:

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

ASSESSMENT

Key issues

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

- *the principle of the development*
- *the visual impact of the proposed development*
- *residential amenity*
- *whether the development would be provided with a safe and suitable access;*
- *biodiversity net gain*
- *flood risk*
- *unstable land*

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

Principle

An objection was received which stated that the proposal was contrary to numerous sections of the NPPF. The objection was received prior to the updated version of the Framework which was released in December 2024. The changes resulted in alterations to some of the paragraph numbers, which have been set out below:

- 124b -> **125b**
- 131: remains the same
- 135f: remains the same

Para. 125b of the Framework states that planning policies and decision should recognise that some undeveloped land can perform many functions, such as for wildlife, recreation, flood risk mitigation, cooling/shading, carbon storage or food production; the objector considers the aim of this is to promote the use of brownfield land for housing, and the acknowledgement of unused floor space within the application site results in an admission that the units could be built elsewhere on the site and not surrounding the residential property.

Section 11 – ‘*Making effective use of land*’ to which para.125b has been taken from, states that decisions should promote the effective use of land in meeting the need for homes and other uses. In this instance, the site and its land has an authorised and well-established use for industrial processes. The overarching aim of this section of the NPPF is to promote suitable and effective uses of land, rather than just using brownfield land for housing as the objector suggests.

Paragraphs 131 and 135f form part of section 12 ‘*Achieving well-designed places*’, formerly ‘*Achieving well-designed and beautiful places*’. The objector questions the ‘claim’ that the buildings are of high quality, beautiful and sustainable. The use of the term ‘beautiful’ has been a longstanding criticism of the previous NPPF, to which the latest version completely removes it as a way to describe development. A focus on the functionality, appropriateness and whether the development is in keeping with its surrounding character and setting is required in order to achieve well-designed places. The development is considered functional and appropriate for storage uses at the site and is in-keeping with the surrounding setting given their proposed industrial appearance.

The objection also stated that the proposal did not accord with provisions a) and b) of policy WC2, given that the units were for storage only. The objection also states that the developments were contrary to a) and c) - of policy SC1 stating the siting of the units was not appropriate.

The development is acceptable in principle given that it is situated within the development envelope of Pinxton and therefore is compliant with policy SC1 of the Local Plan for Bolsover District. The siting of the units was verbally discussed with the applicants during the site visit; it was explained that the proposed location was the only suitable place in which the units could be placed which would not prejudice vehicular movements / manoeuvring of the crane and larger vehicles required to move the materials. The units are also considered to be of an appropriate scale and design for their use and setting. The objection comments appear to have a focus on the residential amenity impact which will be discussed in greater detail in the relevant section of this report.

The site is designated as an Existing Employment Site, in which policy WC2 of the Local Plan aims to protect and enhance employment levels. The proposal maintains the existing

industrial uses of the site, and therefore is considered to accord with the general principles of policy WC2 as the employment use is not impacted by the proposed erection of the two industrial units.

Visual impact of the proposed development

The site is situated within the large industrial area of Pinxton whereby numerous industrial units / buildings of varying scales and appearances are present throughout. The proposal includes the erection of two industrial units towards the south-western side of the site; the units are significantly set back from the highway such that the visual impact on the character and appearance of the streetscene is minimal. The buildings are of a suitable scale, appearance and finished in materials which are typical for their use and setting.

Policy SC3 of the Local Plan states that development is required to achieve a high quality of design in terms of place making, buildings and landscaping; the policy sets out provisions for development proposals to accord with in order to be considered acceptable. Most of the criteria aim to improve housebuilding and street layout, however, in terms of visual impact, the following provisions are relevant to this application:

b) Respond positively to the context and contributes to local identity and heritage in terms of height, scale massing, density layout and materials.

j) Accord with and respond to the established character and local distinctiveness of the surrounding landscape.

The buildings are of a suitable scale for their function and given the appearance of the units and the minimal impact they have on the character and appearance of the setting, it is considered that the proposal is in accordance with the provisions of policy SC3 of the Local Plan.

Overall, the visual impact of the proposal is acceptable and therefore accords with the provisions of policies SC2 and SC3 of the Local Plan and the 'Achieving well-designed places' section of the Framework.

Residential Amenity

Objections were received which stated that the units would have an unacceptable impact on residential amenity, and in particular to no.4 Mill Lane, with regard to harmful overshadowing and overbearing impacts, it would also result in an unsightly outlook for this property.

While the application site forms part of the Pinxton industrial site, a number of residential properties border the site to the north and west. The storage units are proposed to be sited to the east and south of the amenity space serving no.4 Mill Lane. The units are considered to be a suitable distance away from all other surrounding residential properties to not result in any harmful amenity impacts and therefore no.4 Mill Lane is the only property which will potentially be impacted by the proposed development.

In assessing residential amenity impacts, policies SC3 and SC11 of the Local Plan and the Council's adopted design guidance 'Successful Places' have been considered.

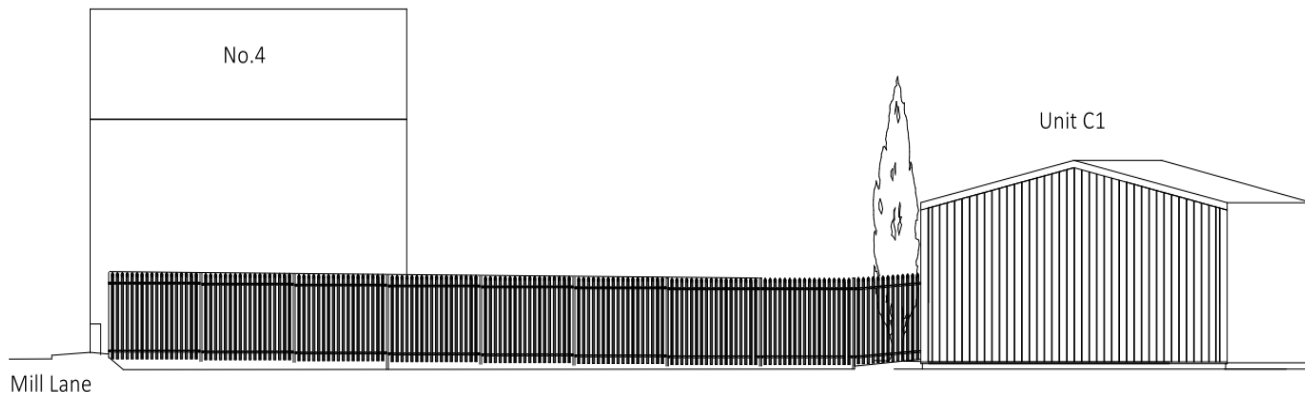
The objection stated that the proposal was contrary to policy SC3 of the Local Plan. Policy

SC3 states that proposals must 'ensure a good standard of amenity is maintained for the occupants of existing neighbouring properties as well as future occupants of new development, including levels of privacy and light, position and avoiding overbearing relationships and the provision of adequate amenity space'.

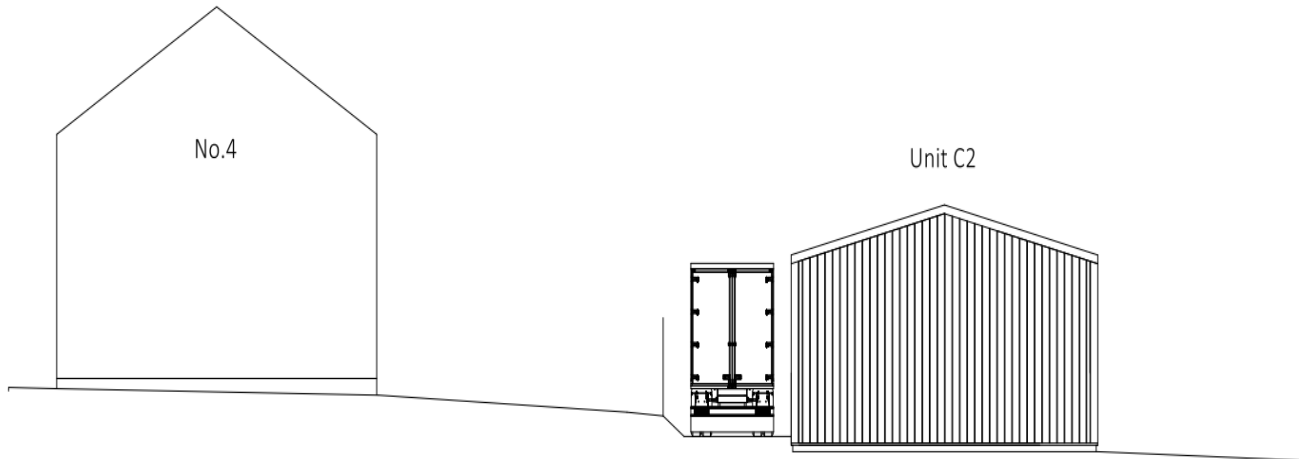
Policy SC11 states that development, which is likely to cause, or experience, a loss of residential amenity as a result of light, noise, dust, odour or vibration, or a loss of privacy must be supported by a relevant assessment and if necessary appropriate mitigation must be put in place.

Considerable weight has been afforded to the well-established industrial use of the application site. The introduction of two units, used for storage will not result in harmful noise, dust, odour or vibration implications to the surrounding dwellings. Environmental Health were consulted on the application and raised no objections in terms of amenity impacts. A condition will be imposed limiting the use of the units to storage purposes only, as set out in the supporting information received with the application; this will maintain an acceptable amenity impact with regard to noise and vibration.

Officers raised concerns with the agent, that the initial proposal resulted in harmful overshadowing and overbearing impacts to no.4 Mill Lane. The agent responded with a revised proposal which resulted in siting Unit C2 an additional 2m away from the neighbouring boundary; cross-sectional plans (set out below) were also provided which showed the relationship of the proposed storage units with no.4.



Relationship between Unit C1 and no.4 Mill Lane, as viewed looking at no.4



As Viewed From Mill Lane

Relationship of Unit C2 and no.4 Mill Lane, as viewed from Mill Lane

The above cross-sectional plans show the relationship between each unit and no.4 Mill Lane. The plans show that Unit C1 would be screened by the existing hedgerow which is situated between the application site and boundary of the amenity space of no.4. The agent suggested that a condition could be imposed which ensured the hedgerow would remain in place and be maintained to a height of 4.8m in order to screen the units from no.4. While this would mitigate the presence of the units, a constant 4.8m hedgerow would result in greater, more significant overshadowing and overbearing harm to no.4 and therefore would not be suitable.

Given the nature of the developments and their intended use, the proposal does not introduce any harmful impacts on the privacy provision.

The Successful Places guidance states that reasonable daylight and sunlight should be provided to property interactions and therefore relevant tests have been conducted assessing the potential levels of overshadowing in which the proposed buildings could introduce. The results demonstrated that the dwellinghouse would be unaffected by the storage units. A slight level of overshadowing would be present to the amenity space of no.4; however, this would not be of a level which is considered significantly harmful as per the Successful Places guidance and Building Research Establishment (BRE) document (2011). On this basis, the level of overshadowing is considered acceptable.

The Successful Places SPD does not specifically reference industrial sites adjacent to residential properties, however similar provisions can be applied to this application as with the relationship between an existing and proposed dwelling. In this instance, the introduction of a single storey dwelling in the same siting as the proposed storage units, would be acceptable with regard to the separation distances of the Successful Places guidance and therefore is not considered to be overbearing.

An objection states that the outlook of no.4 would be onto blank elevations of the units and therefore impacts on the enjoyment of the garden space. The outlook of a property is not a material planning consideration and as previously mentioned, considerable weight is given to the application site and its well-established industrial use.

It is also assumed that no.4 Mill Lane experiences some form of disruption through the daily activities of the railway maintenance operations. The siting of the units would provide a suitable screening to these operations, which would likely mitigate some of the noise disturbance experienced by the residents.

Overall, it is considered that the proposal would not introduce a harmful relationship between the application site and surrounding residential property with regard to overlooking, overbearing and overshadowing impacts. On this basis, the proposed development is compliant with policies SC3 and SC11 of the Local Plan for Bolsover District, and the relevant sections of the Successful Places guidance.

Highway Access/Safety

The proposed buildings are sited a significant distance away from the Brookhill Road and therefore the impact on highway access and safety is minimal. The Local Highway Authority (LHA) have been consulted on the application and confirmed that the proposal has no material impact on the public highway and therefore the LHA has no comments to make. The developments also do not result in the need for additional parking provisions.

On this basis, and due to the LHA raising no concerns, the proposal is compliant with policy ITCR11 of the Local Plan for Bolsover District.

Land Stability

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

The site is situated within a high-risk development area for historic recorded and unrecorded coal workings. As such, the Coal Authority have been consulted on the application. The initial comments received objected to the proposal stating that the Coal Mining Risk Assessment (CMRA) report which accompanied the application did not adequately address the impact of coal mining legacy on the proposed development. As such, the applicant provided a revised CMRA on the 1st November 2024 and the Coal Authority were re-consulted.

Based on the revised details the Coal Authority withdrew their initial objection but concluded that the coal mining legacy poses potential risks to the proposed development and therefore further investigations along with potential remedial measures are required in order to ensure the safety and stability of the proposed development. Therefore, a series of planning conditions relating to intrusive site investigations and potential remediation and mitigation measures have been recommended.

Environmental Health (EH) were also consulted on this application and confirmed no objections to the proposal in principle. A series of planning conditions were however recommended due to the industrial use of the site; the conditions relate to contamination assessments and remediation / mitigation schemes, should contaminants be identified.

As such, in order to ensure the land is suitable to accommodate the storage units, and to

satisfy the provisions of policy SC14, the conditions and informative notes which have been recommended will be imposed on any approved planning permission.

Overall, subject to the aforementioned conditions, the proposal is compliant with policy SC14.

Biodiversity

The proposal accords with the 'de minimis' development exemption reason for biodiversity net gain enhancements. This is because the proposed storage units do not impact on more than 25m² of on-site habitat.

A representation was received which referred to an overuse of floodlighting at the application site which therefore impacted on the surrounding wildlife. While this comment is noted, the floodlighting at the site does not form part of the planning application and therefore cannot be considered as part of the determination.

Drainage

Drainage concerns were raised by a neighbouring site who stated that the buildings would not be visible from their location, but water often flowed from the application site and therefore they would like assurance that suitable water drainage has been included within the application. In terms of planning considerations, suitable drainage would be covered under separate legislations, controlled by Building Control. The introduction of two storage containers is not considered to result in significant water displacement that would result in additional undue harm to the surrounding residential and industrial units.

Issues Raised by Residents

Comments have been made throughout the above assessment which consider the issues raised by the residents, however additional comments are made in respect of the following:

- The Leylandii belonging to MLP have been allowed to grow upwards and have not been maintained, the neighbouring Leylandii has grown to its existing height due to the MLP hedge not being maintained and now being unmanageable.
 - The maintenance of the hedgerow is not relevant to the planning application for the erection of two storage buildings; this would be a private matter between the resident and applicants.
- Considers that the Council will limit the use of the buildings for storage only.
 - A condition has been recommended which ensures the buildings will be used for storage only in order to maintain an acceptable level of residential amenity.
- States that the plans are incorrect and do not show measurements.
 - The plans provided are not required to show measurements provided they can be accurately measured, which in this instance was possible.
- Any fans, filters, vents, air conditioners ducting for expulsion of fumes should fitted to the front of the property to minimise noise, fumes, vapours and smells.
 - The plans provided do not demonstrate any of the above details and therefore this comment has not been considered towards the recommended outcome of the application.

- The objector also provided images of what they consider to be correct plans for the site.
 - The provided plans were noted but as there were no issues with the plans provided by the applicants it was not necessary to afford the objector's plans with significant weighting in determining the application.

CONCLUSION / PLANNING BALANCE

In conclusion, the proposal is considered to be a suitable scheme which benefits the site by providing needed storage space for materials. The buildings compliment the context and appearance of the application site and have an acceptable amenity impact on the surrounding residential properties.

On balance, given the established industrial use of the site and consideration to the siting and scale of the proposed buildings, a recommendation for approval has been put forward.

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 must be carried out in accordance with the following plans submitted with the application:
 - Revised 'UNIT C1 – Proposed Elevation and Floor Layout' plans received on the 1st November 2024.
 - Revised 'UNIT C2 – Proposed Elevations and Floor Layout' plans received on the 1st November 2024.
 - 'Cross Sections through the Site' plans received on the 1st November 2024.
 - Revised 'Block Plan' received on the 1st November 2024.
3. No development must take place until details of the materials to be used in construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the local planning authority. The development must be carried out in accordance with the approved details.
4. The two buildings hereby approved must only be used for storage purposes in association with the primary use of the site and not for other industrial manufacturing or industrial operations.
5. Prior to the commencement of the development (excluding demolition of existing structures and site clearance):

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

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

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

6. Prior to the buildings hereby approved being brought into 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 shall be submitted to the Local Planning Authority for approval in writing. This document shall 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.
7. Prior to the commencement of the buildings hereby approved:

a) A Phase I land contamination assessment (desk-study) shall be undertaken and approved in writing by the local planning authority.

b) The land contamination 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 must be submitted to the local planning authority for approval.

8. Prior to 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 CLR 11 and other 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) prior to commencing works in connection with the remediation scheme.

9. No buildings hereby approved shall be brought into use until:

a) The approved remediation works required by 8 above have been carried out in full in compliance with the approved methodology and best practice.

b) If during the construction and/or demolition works associated with the development hereby approved any suspected areas of contamination are discovered, which have not previously been identified, then all works shall be suspended until the nature and extent of

the contamination is assessed and a report submitted and approved in writing by the local planning authority and the local planning authority shall be notified as soon as is reasonably practicable of the discovery of any suspected areas of contamination. The suspect material shall be re-evaluated through the process described in 7b to 8 above and satisfy 9a above.

c) Upon completion of the remediation works required by 8 and 9a above a validation report prepared by a competent person shall be submitted to and approved in writing by the local planning authority. The validation report shall include details of the remediation works and Quality Assurance/Quality Control results to show that the works have been carried out in full and in accordance with the approved methodology. Details of any validation sampling and analysis to show the site has achieved the approved remediation standard, together with the necessary waste management documentation shall be included.

Notes to Applicant:

1. Ground Investigations

Under the Coal Industry Act 1994 any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) require the prior written permission of the Coal Authority since these activities can have serious public health and safety implications. 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. Failure to obtain permission to enter or disturb our property will result in the potential for court action. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at: www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property

2. 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.

3. Requirement for Incidental Coal Agreements

If any future development has the potential to encounter coal seams which require excavating, for example excavation of building foundations, service trenches, development platforms, earthworks, non-coal mineral operations, an Incidental Coal Agreement will be required from the Coal Authority. Further information regarding Incidental Coal Agreements can be found here –

<https://www.gov.uk/government/publications/incidental-coal-agreement/guidance-notes-for-applicants-for-incidental-coal-agreement>

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.

PARISH Blackwell Parish

APPLICATION Single storey extensions to front and rear
LOCATION 57A Alfreton Road Newton DE55 5TQ
APPLICANT L Storer 57A Alfreton Road Newton DE55 5TQ
APPLICATION NO. 24/00551/FUL **FILE NO.** PP-13588265
CASE OFFICER Mr Mitchel Smith
DATE RECEIVED 28th November 2024

SUMMARY

This is a householder planning application for the erection of single-storey extensions to the front and rear of the property. The development to the frontage will be to extend the existing porch to provide a ground-floor WC. The extension to the rear will replace the existing conservatory and will provide additional dining space for the residents.

The decision has been referred to Planning Committee as the agent of the application has confirmed that they are employed by Dragonfly which is owned by Bolsover District Council.

The application is recommended for conditional approval.

Site Location Plan

Date Produced: 28-Nov-2024

Scale: 1:1250 @A4



OFFICER REPORT ON APPLICATION NO.24/00551/FUL

SITE & SURROUNDINGS

The site comprises a detached, two-storey property finished in red brick. A porch extension is present which is fronted by a concrete hardstanding, the site frontage is bound by timber fencing.



Figure 1 - Site Frontage

The rear of the site contains a uPVC, conservatory extension and detached garage. The rear amenity space is 'L' shaped, extending to the rear of nos.55 and 55A.



Figure 2 - Rear of the application dwelling

The application site is situated outside of a development and therefore is considered to be within open countryside; the site also falls within a HS2 Safeguarding Zone.

PROPOSAL

The proposal includes single-storey extensions to the front and rear of the dwelling.

An extension to the existing front porch is proposed and will provide a downstairs WC to the dwelling. The extended porch will project a total of 3.2m from the principal elevation, and would be 2.1m in width.

The proposed rear extension will replace the existing conservatory and projects by 7.8m to the rear of the site. The extension will provide an additional dining area to the ground floor.

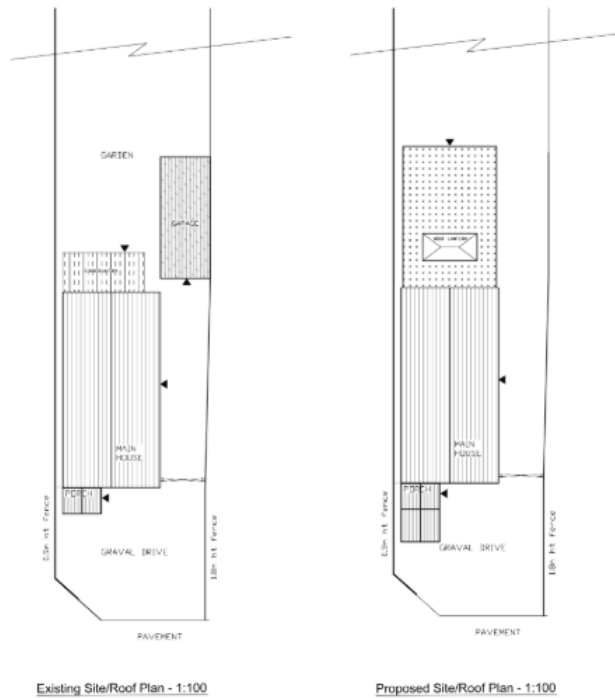
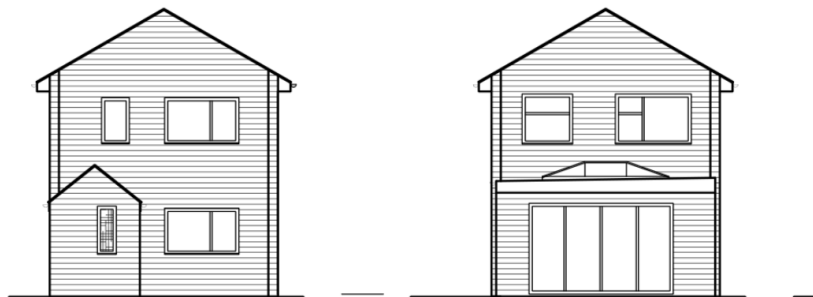


Figure 3 – Existing and proposed block plan



Proposed Front Elevation 1:100 Proposed Rear Elevation 1:100

Figure 4 - Proposed rear elevation plan

The application form states that the materials used in the development will match the existing dwelling, with concrete roof tiles used for the porch extension and a black rubber roof for the rear development.

Supporting Documents

- Design and Access Statement
- Proposed Elevation Plans
- Proposed floor and roof plans
- Proposed parking layout

AMENDMENTS

- Proposed parking layout plan received on 20th January 2025.

EIA SCREENING OPINION

The proposals which are subject to this application are not EIA development.

HISTORY

BLA/1969/0206 Granted Conditionally Carry out extension at rear

CONSULTATIONS

Blackwell Parish Council

13/12/2024: No objections.

DCC Highways

21/01/2025: No objections to the development as there appear to be no material impact on the public highway.

Engineers

13/01/2025:

1. The sewer records do not show any public sewers within the curtilage of the site. However, the applicant should be made aware of the possibility of unmapped public sewers which are not shown on the records but may cross the site of the proposed works. These could be shared pipes which were previously classed as private sewers and were transferred to the ownership of the Water Authorities in October 2011. If any part of the proposed works involves connection to / diversion of / building over / building near to any public sewer the applicant will need to contact Severn Trent Water in order to determine their responsibilities under the relevant legislation.
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.

HS2

10/01/2025: No objections in planning terms but recommend an informative note is appended to any granted planning permissions.

PUBLICITY

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

The site notice was posed on 03/12/2024 and required comments by 24/12/2024.

Neighbour notification letters posted on 28/11/2024 and required comments by 19/12/2024.

No representations have been 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
- SS9 Development in the Countryside
- 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 131 – 141: Achieving well-designed places.

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).

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 residential amenity impact of the proposal*
- *the impact of the development on biodiversity*
- *whether the development would be provided with a safe and suitable access;*
- *the impact of the development on the local road network; and*
- *the impact of the development on the HS2 safeguarding zones*

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

Principle

The site is situated outside of the designated development envelope and therefore is classed as open countryside regarding adopted Local Plan policies. Policy SS9 is the adopted Local Plan's strategic policy which seeks to restrict urban forms of development in the countryside, where these would not be appropriate or sustainable and not in accordance with the Local Plan's Spatial Strategy.

As such, it states that development proposals in the countryside will only be granted planning permission where it can be demonstrated that they fall within a number of stated categories. These relate to the re-use of previously developed land, the re-use of redundant buildings that make a positive contribution to the local area, the retention or enhancement of a community facility, development necessary to the operation of land-based businesses, small scale employment related to a suitable countryside sector, a building that is of exceptional quality or innovative design or development in accordance with a made Neighbourhood Plan.

It is noted that the stated categories do not include extensions to existing buildings located in the countryside and this could be interpreted as meaning that proposals in the countryside, for extensions to existing dwellings would not comply with policy SS9. However, this is not the strategic purpose of policy SS9 as stated above.

Whilst policy SS9 is silent on the matter of existing buildings located in the countryside it is considered that limited and proportionate extensions or alterations to an existing building can be treated as being compliant with the strategic purpose of policy SS9.

In reaching this view, it is noted that policy SS10 – Development in the Green Belt, treats limited and proportionate extensions or alterations to an existing building in the Green Belt as being acceptable. In light of this, it is considered that taking a different approach for extensions to existing buildings in the countryside would be illogical.

As to whether proposed extensions are limited and proportionate, it is noted that policy SS9 requires all cases where development is considered acceptable to respect the form, scale and character of the landscape, through careful location, design and use of materials. In assessing this, it is considered that policy SC3 – High Quality Development, and the design guidance provided by the adopted Successful Places SPD should be utilised.

The proposal is considered to contain proportionate extensions, which would be in-keeping with the surrounding residential setting, and character and appearance of the main dwelling, and therefore are compliant with aims of policy SS9 of the Local Plan for Bolsover District.

Visual Impact of the Proposed Development

Alfreton Road is made up of a series of residential properties which vary in appearance, scale and material finish, there is also a relatively inconsistent building line.

The proposed rear extension will not be visible from public spaces and therefore poses no impact on the character and appearance of the streetscene.

The porch extension is situated to the frontage of the dwelling, and it therefore holds some level of prominence with the streetscene. However, as there is no uniformity to the appearance of the surrounding setting and given that the materials proposed will match the main dwelling, the extension to the existing porch is will not result in undue visual harm to the surrounding setting.

On this basis, it is considered that the developments are acceptable regarding visual impacts and therefore accord with the provisions of policies SC2 and SC3 of the Local Plan and the 'Achieving well-designed places' section of the Framework.

Residential Amenity

The porch extension is sited towards no.55A to the north. Given the scale of this element of the proposal, it is not considered to result in additional amenity harm to the surrounding residential properties.

The proposed rear extension is positioned approx. 3m from the boundary with no.57 to the south and would extend about 4m to its rear and will be immediately alongside the boundary with no 55a to the north of the site and would extend 10m to its rear, but that dwelling is offset from its boundary by 3m; there is also an intervening outbuilding alongside the proposed extension. 2m boundary treatments are located on both side boundaries to the existing garden.

The offset distances to both dwellings, coupled with the intervening 2m tall boundary treatments will mean that this single storey extension will not introduce any harmful overshadowing or overbearing impacts on both neighbouring properties.

The extension proposes windows in the south side elevation, facing towards the blank elevation of no.57; views towards that property and its garden from the side widows will be screened by existing boundary treatments. Ground-floor windows are also proposed on the rear elevation but face towards the rear boundary of the application site and so will not impact on neighbours' privacy.

Overall, it is considered that a harmful relationship will not be introduced between the application site and surrounding properties regarding potential overlooking, overbearing and overshadowing impacts. On this basis, the proposal is compliant with the provisions of policy SC3 and SC11 of the Local Plan for Bolsover District.

Ecology and Biodiversity Considerations

As of April 2024, planning applications, unless exempt, are required to provide a minimum 10% biodiversity net gain (BNG). One of the exemptions includes householder developments. Given the nature of the proposal, it is therefore considered that the application accords with the exemptions and therefore it is not necessary to provide mandatory BNG.

Key Biodiversity Information	
Reason if exempt from the biodiversity gain plan condition	Householder development

Access/Highways

The proposed developments are sited to not affect the vehicular access to the site, but the porch extension reduces the existing parking area. As the property contains four bedrooms, the Local Plan Parking Standards require the provision of three off-street parking spaces; a site layout plan was submitted showing two-parking spaces to the front of the dwelling, which does not accord with those standards

Additionally, this does not accord with Standing Advice of the Local Highway Authority (LHA) necessitating a consultation with that Authority, who raised no objections stating it would not have a material impact on the public highway.

Departures from the Parking Standards can be considered acceptable where it will not result in negative impacts on highway safety and amenity. Given there is no LHA objections to the proposal, it is considered that the reduction in parking provision, in this instance, will not result in highway safety or amenity concerns; and the departure from the Parking Standards is acceptable.

As such, the proposal is considered acceptable regarding available parking provision and therefore is compliant with policy ITCR11 of the Local Plan.

HS2

The Policies Map indicates the safeguarded route of the proposed HS2. The application site is situated within the safeguarding zone and therefore the HS2 were consulted on the application. The comments received raised no objections in planning terms given the minor nature of the householder development, however it was requested that an informative note is included in the decision to raise awareness of the safeguarding zones.

CONCLUSION / PLANNING BALANCE

To conclude, the proposal is considered to be a suitable scheme which benefits the site by providing additional living space within the dwellinghouse. The extensions are compliant with relevant local and national planning policies and therefore the proposal is recommended for approval.

RECOMMENDATION

The 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 must be carried out in accordance with the plans received on the 28th November 2024.
3. The external wall and roof materials used in both the front and rear extensions, must

be of the same type, colour and texture as those used in the existing building

Reasons for Conditions:

1. To comply with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and in the interests of proper planning of the local area.
3. To ensure a satisfactory standard of external appearance and in compliance with policies SC2 and SC3 of the Local Plan for Bolsover District.

Statement of Decision Process

1. 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.

BOLSOVER DISTRICT COUNCIL

Meeting of the Planning Committee on 19th February 2025

Quarterly update on Section 106 Agreement Monitoring

Report of the Portfolio Holder for Growth

Classification	This report is Public
Report By	Julie-Anne Middleditch Principal Planning Policy Officer

PURPOSE / SUMMARY OF REPORT

- To provide a progress report in respect of the monitoring of Section 106 Agreements in order to give members the opportunity to assess the effectiveness of the Council’s monitoring procedures.

REPORT DETAILS

1. Background

- 1.1 Section 106 agreements are legal agreements between the Council and landowners / developers that are often completed alongside applications for planning permission for major developments. They are needed to deal with the additional pressures on infrastructure that result from the new development. They are only required where the effects of the development would otherwise be unacceptable in planning terms and where they cannot be dealt with by conditions of the planning permission.
- 1.2 Implementation of Section 106 Agreements in a timely manner alongside the build-out of the approved developments is important as failure to achieve this will mean important infrastructure improvements lag behind the impact of the development.
- 1.3 Furthermore, if the Council fails to spend monies provided through the Section 106 Agreement within a set period, often within 5-years of entering into the agreement, there is a risk to the Council that the developer would be entitled to request the money back. Although the risk is relatively low, it is one that the Council must take seriously due to both the negative impact on the affected local community and the consequential reputational impact on the Council.
- 1.4 To manage and mitigate this serious risk the Council has an approved procedure for recording and monitoring Section 106 Agreements. The S106 Monitoring Procedure governs the work of the Council’s cross-departmental Section 106

Monitoring Group. The latest version of the Procedure is considered elsewhere on this agenda.

- 1.5 Following the quarterly Section 106 Monitoring Group meetings, officers provide a progress report to the Planning Committee in respect of the monitoring of Section 106 Agreements. In line with the approved Procedure the progress report is required to highlight any sums at risk of clawback that need spending within 24 months, as well as a summary of the sums being held by infrastructure type that are in years three, four and five.
- 1.6 Accordingly, this report is the quarterly progress report following the meeting of the Section 106 Monitoring Group held on 20th January 2025.

2. Details of Proposal or Information

- 2.1 The Council’s Section 106 Agreement Monitoring Procedure requires sums within 24 months of their deadline to be highlighted for Member’s attention.
- 2.2 Members will recall that in the report provided to Planning Committee in November, eight remaining sums were identified as being within their 24-month deadline as of the October Monitoring Group meeting.
- 2.3 As reported to the Monitoring Group meeting on 20th January 2025 there were seven remaining sums within their 24-month deadlines (details below).

Spend Date within 12 months (by 30th December 2025)

Action Plan	Finance Spreadsheet	Site	Infrastructure and amount	Amount remaining	Date
Item 22	Line 88	Station Road, Langwith Junction	Health (£16,000)	£16,000 No change	30.1.25

- 2.4 Since the meeting of the S106 Monitoring Group the Health sum from the Station Road development at Langwith Junction has been spent prior to its deadline, having been transferred to the Derby and Derbyshire Integrated Care Board on 29th January 2025.

Spend Date within 2 years (by 30 December 2026)

Action Plan	Finance Spreadsheet	Site	Infrastructure and amount	Amount remaining	Date
Item 4	Line 84	Spa Croft, Tibshelf	Art £10,176.20	£10,176.20 No change	31.3.26
Item 21	Line 71	Creswell Road, Clowne	Outdoor Sport £26,207	£26,207 No change	3.3.26
Item 17	Line 96	Land at Thornhill Drive, South Normanton	Art £10,757	£10,757.25 No change	24.6.26
Item 18	Line 97	Land at Thornhill Drive, South Normanton	Outdoor Sport £22,843	£17,086.99. Reduced by £5,755.91	24.6.26
Item 19	Line 98	Land at Thornhill Drive, South Normanton	Open Space £30,400	£30,400.07 No change	24.6.26
Item 20	Line 99	Land at Thornhill Drive, South Normanton	Health £11,784	£11,784.56 No change	24.6.26

- 2.5 Since the last Planning Committee, no further sums have come within the 2 years spend threshold.
- 2.6 The updates for the above items as recorded at the Section 106 Monitoring Group are set out below for Member's information.

Acronyms: DMLCM = Development Management and Land Charges Manager; CADO = Community Arts Development Officer; = Leisure Facilities Planning & Development Manager; PPPO = Principal Planning Policy Officer; CLE = Chartered Legal Executive; SDLPPSG&H = Senior Devolution Lead for Planning Policy, Strategic Growth and Housing; PPDM = Principal Planner Development Management; PA= Principal Accountant; HOL = Head of Leisure; DMCO =

Item	Development site, relevant S106 sum and spend by date	Responsible officer
10	<p>Station Road, Langwith Junction – Health £16,000 (30.01.25)</p> <p><u>Action from Previous Quarterly Meeting</u> To investigate the circumstances of the existing Health Centre.</p> <p>Discuss with Legal Services if under the terms of the S106 if there is the opportunity for the Council to have a legally binding agreement with the ICB as non-signatories, in order that they can draw down remainder of funds to use at a later date on capital works.</p> <p><u>Update between October and January meetings</u> A scheme agreed with the ICB for the money to be spent at Langwith Surgery to create designated clinical space and a room for clinicians with the remainder to be a contribution towards the new Health Centre at Creswell.</p> <p><u>January meeting update</u> Indemnity Agreement being drawn up by locum solicitor. Money to be transferred by the clawback deadline of 30th January. To look at a different approach in the future for the Council to discharge its liability in the S106 Agreement itself.</p> <p><u>Agreed Action</u> Remove from the Action Plan</p>	<p>PPPO</p> <p>PPPO</p> <p>PPPO</p> <p>PPPO</p> <p>PPPO</p> <p>PPPO</p>
4	<p>Spa Croft, Tibshelf – Art £10,176.20 (31.03.26)</p> <p><u>Action from previous quarterly meeting</u> To take project through Procurement process before the next meeting.</p> <p><u>Update between October and January Meeting</u> At the last meeting we were awaiting approval from legal services regarding the tender documentation. There were questions around Construction Design Management and Health and Safety so also sent to H&S. LSPDM had mentioned that Minor Works Contract may be a way forward. Following the meeting confirmation was received from Legal</p>	<p>CADO</p> <p>PPPO</p> <p>CADO</p>

	<p>that the Request for Quotation to tender for the project could proceed.</p> <p>Seven Artists had expressed interest in tendering for the work. Quotation closing date moved from Tuesday 14th January to Friday 17th January. The Contract Start date is to be W/C 20th January and the Project Completion date 30th September 2025</p> <p><u>January meeting update</u> Two tenders received. The Community Group is to go through the tenders with CADO. Anticipating a start date of W/C 27th January.</p> <p><u>Agreed Action</u> Report to next meeting.</p>	<p>CADO</p> <p>CADO</p> <p>CADO</p>
14	<p>Creswell Road, Clowne – Outdoor Sport (SP) Planning Ref: 14/00603/FUL £26,207 (3.3.26)</p> <p><u>Previous Action</u> Report to next meeting.</p> <p><u>January meeting update</u> Last reported that LSPDM had been working with the Parish Council on a skatepark proposal but that very late in the process the Parish Council wanted to undertake a public consultation to see if a skatepark is actually what the community want, notwithstanding that the project had gone through procurement and a potential contractor had been identified. There is a spend date of March 2026 against this sum.</p> <p>Waiting to hear back from Parish Council following recent retirement of the Clerk. If they decide not to pursue the skate park there are other options available under the terms of the S106 to enhance formal leisure facilities.</p> <p><u>Agreed Action</u> Notify PPPO of intentions of Parish Council so that other potential options that are within the terms of the S106 can be discussed</p>	<p>LSPDM</p> <p>LSPDM</p> <p>LSPDM</p> <p>LSPDM</p>

<p>15</p>	<p>Land at Thornhill Drive, South Normanton – Art 17/00148/OUT £10,757 (24.6.26)</p> <p><u>Previous Action</u> Report to next meeting.</p> <p><u>Update between October and January meeting</u> Last reported that there was an issue with the S106 requiring that the artwork is related to the site but that there is no obvious space for any artwork on it. As the S106 mentioned other forms art that can be considered CADO has looked at potential projects be they physical or community based.</p> <p>The contribution is planned to form a ‘pilot’ project focused on the location that will last for one year running from April 2025 to March 2026 with targeted marketing and information to the residents of this development. It will also open to the wider community of South Normanton to enable several initiatives.</p> <p>The Project will be underpinned by the soon to be published Community Arts Strategy with its aim of increasing involvement in participation for residents and being inclusive by using arts as a language to reach wider into communities. With the overarching aim of promoting Arts as activity.</p> <p><u>January meeting update</u> Initial conversation has been had with the artist.</p> <p><u>Agreed Action</u> Report to next meeting</p>	<p>CADO</p> <p>CADO</p> <p>CADO</p> <p>CADO</p> <p>CADO</p> <p>CADO</p>
<p>16</p>	<p>Land at Thornhill Drive, South Normanton – Open Space 17/00148/OUT £30,400 (24.6.26)</p> <p><u>Previous Action</u> To discuss S106 and Planning Policy basis for spending the sum in the light of CLE advice</p> <p><u>Update between October and January meeting</u> At the last meeting it was discussed that there were various projects that the Parish Council had highlighted for the Recreation Ground. As the Recreation Ground had outdoor sports facilities that are in need of refurbishment including the BMX track and the skatepark it was thought that as outdoor sport equipment in a public open space, the monies could be combined. The outstanding</p>	<p>LSPDM</p> <p>PPPO/LSPDM</p> <p>LSPDM/PPPO/D MCO/DMLCM</p>

	<p>matter was whether the Open Space contribution could be used for these projects alongside the Outdoor Sports moneys.</p> <p>At a round table meeting with DM Officers and LSPDM it was agreed that due to the tightly prescribed sports policies of the Local Plan that focus on Playing Pitches and Indoor Sports, the BMX/Skatepark did not come within them. They do however come within Policy ITCR5 as part of a NEAP, a Neighbourhood Equipped Area for Play. So the Open Space money of just over £30,000 can be used for the upgrading works.</p> <p><u>Update at January meeting</u> LSPDM has met with Parish Council and the preference is to do something with the old BMX track. Aiming to proceed on this basis but unsure how far the contribution will go.</p> <p><u>Agreed Action</u> Report to next meeting</p>	<p>LSPDM</p> <p>LSPDM</p>
<p>17</p>	<p>Land at Thornhill Drive, South Normanton – Outdoor Sport 17/00148/OUT £17,086.99 remaining (24.6.26)</p> <p><u>Previous Action</u> Report to next meeting.</p> <p><u>Update between July and October meeting</u> Under Local Plan Policy Outdoor Sport relates only to playing pitches and their ancillary buildings This contribution cannot therefore be used as a contribution towards the bmx improvements. LSPDM is in discussions with the Parish Council regarding other potential projects.</p> <p><u>January meeting update</u> There are a range of sites where the contribution could be spent. The Pavilion is an obvious project given its condition, but the Parish Council are not keen for the contribution to be used for repairs to this building.</p> <p><u>Agreed Action</u> Report to next meeting</p>	<p>LSPDM</p> <p>LSPDM</p> <p>LSPDM</p> <p>LSPDM</p> <p>LSPDM</p>

20	Land at Thornhill Drive, South Normanton – Health17/00148/OUT £11,784.56 (24.6.26)	PPPO
	<u>Previous Action</u> To follow up on the response for an update on this S106 contribution with a request for more information.	PPPO
	<u>Update between October and January meeting</u> ICB reported no update on a project for this contribution, except to say that they are aware of it and will be speaking to the practice in due course.	PPPO
	<u>January meeting update</u> The monies are to be used towards the enhancement of The Village Surgery at Pinxton and The Hub Surgery at South Normanton. Nothing further to report	PPPO
	<u>Agreed Action</u> Contact the ICB for an update on potential projects.	PPPO

2.7 These updates demonstrate the monitoring carried out by Planning Officers and the progress being made by Spending Officers to ensure that S106 monies are spent in a timely manner alongside the build-out of the approved developments. However, in line with the Council’s S106 Agreement Monitoring Procedure the relevant Spending Officers will attend the Committee to answer any questions to Members on the above Action Plan items.

2.8 In addition to these time sensitive items, the Procedure requires that Members are provided with summary information in relation to Section 106 Agreement monies held with deadlines beyond the 24-month period. Based on the position at the end of Quarter 3 (31st December 2024), the following ‘summary of sums’ can be provided for years three, four and five.

Infrastructure type	Amount in later years		
	Year 3	Year 4	Year 5 and beyond
Affordable Housing	£0.00	£0.00	£195,418.36
Art	£12,695.12	£0.00	£99,805.57 (no clawback on £477.46)
Outdoor Sport	£48,723.75	£27,756.16	£455,132.19 (no clawback on £32,867.69)
Informal Open Space	£116,794.50	£109,359.00	£65,220.84

			(no clawback on £10,000.77)
Health	£0.00	£0	£91,209.25 (of which, no clawback against £12,277.20)
Highways	£0	£0	£569,000.00 (no clawback)
Biodiversity	£0	£0	£8,029.96
	£178,213.37	£137,115.16	£1,483,816.17

2.9 Since the last meeting there have been changes in the profile of sums across the years for most areas of infrastructure due to the passage of time. The sum for Art from the development at High Ash Farm has come within the 3 years spending timeframe. The Outdoor Sports contributions in both years 4 and 5 have increased with the contribution from Land off Oxcroft Lane, Bolsover, coming within the 4 years spending timeframe and the new contribution from Land off Lees Lane, South Normanton included in year 5. The Informal Open Space contribution from Mooracre Lane, Bolsover, has come within the four-year timeframe since the last quarter. The sum available in year 5 for Health has increased on receiving the contribution from Lees Lane, South Normanton. The profile of sums for Biodiversity remains the same. Overall, the sums available in years 3-5 across all areas of infrastructure provision have increased since the last financial quarter by just under £140,000.

3. Reasons for Recommendation

- 3.1 The implementation of Section 106 Agreements in a timely manner is essential to achieving sustainable growth across the district and protecting the quality of life for the district's residents and businesses.
- 3.2 As a result, it is important that Members receive information about the progress being made by the various Council departments to deliver Section 106 Agreements and to give Members the opportunity to assess the effectiveness of the monitoring procedures.
- 3.3 It is recommended that Members note the contents of the latest monitoring report and highlight any concerns about the implementation of the Section 106 Agreements listed.

4 Alternative Options and Reasons for Rejection

- 4.1 Providing a progress report in respect of the monitoring of Section 106 Agreements to Planning Committee addresses recommendations made in recent Audit reports and recommendations of Members of the Planning Committee as set out in the Council's procedure for recording and monitoring Section 106 Agreements. Therefore, officers have not considered alternative options.

RECOMMENDATION(S)

That Planning Committee note the contents of the report and highlight any concerns about the implementation of the Section 106 Agreements listed.

Approved by the Portfolio Holder for Growth

<u>IMPLICATIONS:</u>	
<u>Finance and Risk:</u>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Details: If obligations required to make a development acceptable in planning terms aren't properly discharged then there is a risk of harm to the Council's reputation and public confidence in the Council's decision taking. If financial contributions are not spent within a defined period, then the money has to be returned to the developer and normally returned with interest. Therefore, there are finance and risk implications if procedures for recording and monitoring Section 106 Agreements are not sufficiently robust.	
On behalf of the Section 151 Officer	
<u>Legal (including Data Protection):</u>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Details: There are no data protection implications insofar as Section 106 Agreements are part of the statutory planning register and are therefore public documents. Section 106 of the Town and Country Planning Act 1990 provides the legal framework for the acceptance and discharge of the Section 106 Agreements and the Council's approved procedure addresses the key legislative provisions of this section of the 1990 Act.	
On behalf of the Solicitor to the Council	
<u>Environment:</u>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Details: Section 106 Agreements cover a range of policy and infrastructure requirements, albeit they do not specifically contribute to this subject.	
<u>Staffing:</u>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Details: There are no human resources implications arising from this report.	
On behalf of the Head of Paid Service	

DECISION INFORMATION

<p>Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds:</p> <p>Revenue - £75,000 <input type="checkbox"/> Capital - £150,000 <input type="checkbox"/> <input checked="" type="checkbox"/> Please indicate which threshold applies</p>	No
<p>Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)</p>	No

District Wards Significantly Affected	All
Consultation: Leader / Deputy Leader <input checked="" type="checkbox"/> Executive <input type="checkbox"/> SLT <input type="checkbox"/> Relevant Service Manager <input type="checkbox"/> Members <input type="checkbox"/> Public <input type="checkbox"/> Other <input type="checkbox"/>	No

Links to Council Ambition: Customers, Economy, Environment and Housing.
<u>Environment</u> <ul style="list-style-type: none"> Ensuring all area, neighbourhoods and streets in the district, irrespective of housing tenure or type, are places where people want to live, feel safe, and are proud to live; <u>Housing</u> <ul style="list-style-type: none"> Enabling housing growth by increasing the supply, quality, and range of housing to meet the needs of the growing population.

DOCUMENT INFORMATION	
Appendix No	Title
Background Papers	



BOLSOVER DISTRICT COUNCIL

Meeting of the Planning Committee on 19th February 2025

Five Year Review of the Local Plan for Bolsover District

Report of the Portfolio Holder for Growth

Classification	This report is Public.
Contact Officer	Neil Oxby. Principal Planning Policy Officer.

PURPOSE / SUMMARY OF REPORT

- To set out and seek approval for the conclusions in relation to the first statutory five year review of the Council’s adopted Local Plan for Bolsover District.

REPORT DETAILS

1. Background

1.1 The basis of planning in England is a plan-led system, which only works effectively where development plans are up-to-date and, where necessary, plans are updated. Along with providing policies for the determination of applications for development within the District, the purpose of a local plan is to set out a spatial strategy and identify the land required to deliver new homes and economic development. Where appropriate, it may be necessary to replenish sites that have been built out or where there is a shortage of sites to meet future requirements over the plan period. An up-to-date local plan also enables the consideration of and planning for, the provision of necessary infrastructure arising from development proposals.

Local Plan for Bolsover District

1.2 The Local Plan for Bolsover District was adopted on 4th March 2020. The Plan covers a period of 2014 to 2033 for housing requirements and 2015 to 2033 in relation to employment land¹. The Plan identifies a requirement for delivering land to meet a requirement of 272 dwellings per annum (dpa) and the provision of 92 ha of employment land. (Policy SS2: Scale of development). In addition to the 92 ha, Policy SS7: Coalite Priority Regeneration Area identifies the potential for the regeneration of a brownfield site for employment development of up to 32 ha.

¹ In broad terms land provided for offices, industrial and storage/warehousing.

- 1.3 The Local Plan was brought forward under the Tests of Soundness set out in the NPPF 2012, although it took account of changes introduced by the NPPF 2018. One of these tests was that the plan should be “consistent with national policy”. Revised versions of the NPPF were issued in 2018, 2019, 2021, 2023 (Sept & Dec) and 2024, and consistency with national policy remains a key aspect. However, strategic policies in a local plan are prepared to cover a 15-year period. Over such an extended period there will inevitably be changes in national policy, but planning policies are set out to include flexibility to accommodate some level of change.
- 1.4 The decision to update a plan should be made in the context of how the plan is currently performing, and whether any changes would significantly improve the weight and functioning of the plan. The cost and uncertainty created by embarking on an update of a partial or full review should also be borne in mind.

Legislative Requirements

- 1.5 Section 17 of the Planning and Compulsory Purchase Act 2004 (PCPA) requires that a local planning authority must keep under review their local development documents (include a local plan). Regulations were amended in 2018 so that under Regulation 10A of the of the Town and Country Planning (Local Planning) (England) Regulations 2012, as amended, a local plan review must be completed every five years, starting from the date of adoption of the local plan. Therefore, the review of the Local Plan for Bolsover District should be completed before 4th March 2025.
- 1.6 If the Council determines that there is no need to update the Local Plan and its policies, it must publish the reasons for this decision before 4th March 2025. Alternatively, the Council may determine there is a need for a new plan or to update specific policies or to allocate more sites, but this would need to follow the plan-making procedure set out in legislation.
- 1.7 Under the provisions of the Levelling Up and Regeneration Act 2023 a new system of bringing local plans forward will be introduced at some point in the future, although the relevant sections and regulations have not been brought into force as yet. The provisions may include plans being required to be completed within 30 months of commencing. The proposed introduction of national development management policies will result in plans that focuses on specifically local policies, on development quantum, site allocations and design guidance. There are transitional provisions where the Government has stated that a plan could be submitted for examination under the existing PCPA 2004 system by no later than December 2026.

The English Devolution White Paper 2024

- 1.8 The English Devolution White Paper 2024 sets out proposed changes to the structure of local government and the introduction of Spatial Development Strategies (SDS). The SDS would be brought forward in Derbyshire and Nottinghamshire through the East Midlands Combined County Authority (EMCCA) and is anticipated to consider future housing and economic

requirements over Combined Authority area. However, the White Paper emphasises that Local Planning Authorities should not delay development of Local Plans while they await the adoption of an SDS. Relevant local plans should continue to be updated or developed alongside the SDS process. At this stage there is no published timeframe for the EMCCA to bring forward its SDS.

National Planning Policy and Guidance

1.9 The NPPF, paragraph 34 states that:

“Policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary. Reviews should be completed no later than five years from the adoption date of a plan, and should take into account changing circumstances affecting the area, or any relevant changes in national policy. Relevant strategic policies will need updating at least once every five years if their applicable local housing need figure has changed significantly; and they are likely to require earlier review if local housing need is expected to change significantly in the near future.”

1.10 Planning Policy Guidance Plan-Making sets out the following:

“There will be occasions where there are significant changes in circumstances which may mean it is necessary to review the relevant strategic policies earlier than the statutory minimum of 5 years, for example, where new cross-boundary matters arise. Local housing need will be considered to have changed significantly where a plan has been adopted prior to the standard method being implemented, on the basis of a number that is significantly below the number generated using the standard method, or has been subject to a cap where the plan has been adopted using the standard method. This is to ensure that all housing need is planned for as quickly as reasonably possible.” Paragraph: 062 Reference ID: 61-062-20190315.

1.11 Consequently, the NPPF places an emphasis on the aspect of significant changes to the local housing need figure in considering a review. The PPG specifically identifies that local housing need will be considered to have changed significantly where a plan has been adopted prior to the standard method being implemented, on the basis of a number that is significantly below the number generated using the standard method.

1.12 Planning Practice Guidance² also provides that a local planning authority may need to gather new evidence to inform their local plan review and evidence should be used to justify a decision not to update policies.

1.13 In line with this, the Council has commissioned or has prepared the following evidence base studies to inform the review process:

- Derbyshire Gypsy and Travellers Accommodation Assessment (GTAA);

² Planning Policy Guidance Plan Making - What evidence is required when carrying out a review? At Paragraph: 068 Reference ID: 61-068-20190723

- Local Housing Needs Assessment (LHNA);
- Economic Needs Assessment Study (ENAS);
- Infrastructure Study and Delivery Plan (IDP).

1.14 The findings of these reports have been presented to the Members of the Local Plan Implementation Advisory Group and the key points raised have been considered and inform the proposals below.

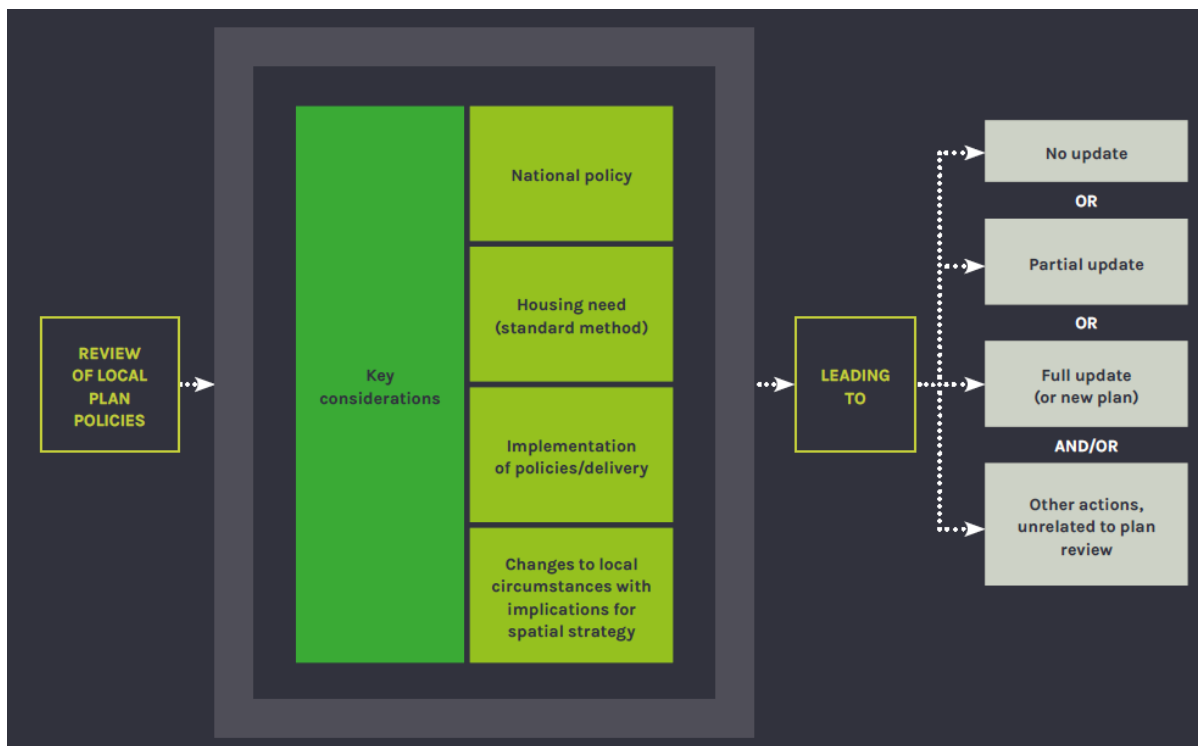
2. Details of Proposal or Information

Basis of the Local Plan Review (LPR)

- 2.1 Unlike the adoption of a local plan where there are extensive legislative requirements to bring a plan forward, the only legal requirement for a LPR is to undertake a review and make public the reasons why a local plan does not need to be updated.
- 2.2 To assist in progressing the Local Plan Review, the Council has utilised the guidance from the Planning Practice Guidance Plan-Making sections and the Planning Advisory Service (PAS), Local Plan Route Mapper Toolkit Part 1: Local Plan Review Assessment.
- 2.3 In accordance with the Planning Practice Guidance Plan-Making sections, the following information has been considered:
- conformity with national planning policy;
 - changes to local circumstances; such as a change in local housing need;
 - the Council's Housing Delivery Test performance;
 - whether the Council can demonstrate a 5 year supply of deliverable sites for housing;
 - whether issues have arisen that may impact on the deliverability of key site allocations;
 - our appeals performance;
 - the success of policies against indicators set out in the Council's Monitoring Reports;
 - the impact of changes to higher tier plans;
 - plan-making activity by other authorities, such as whether they have identified that they are unable to meet all their housing need;
 - significant economic changes that may impact on viability.; and
 - whether any new social, environmental or economic priorities may have arisen.
- 2.4 The PAS Toolkit, see Diagram 1 below, has been utilised to consider the LPR.

Diagram 1: Planning Advisory Service - Process for reviewing local plan policies

Source: Planning Advisory Service Local Plan Route Mapper, October 2021



2.5 The PAS Local Plan Review Toolkit Part 1 provides a matrix which facilitates a review of policies within the Council’s Local Plan to assess whether they need updating. The matrix consists of a number of statements, “requirements to consider”, against which the Local Plan can be considered. It is widely used to undertake local plan reviews.

2.6 The analysis carried out through the use of the PAS Local Plan Review Toolkit has been informed by the review of the NPPF and PPGs, a consideration of changes in legislation since the Plan was adopted, a review of the Local Plan policies and the conclusions from the Council’s Authority Monitoring Reports (AMR). The findings of this analysis is set out in detail in the Local Plan Review document which forms Appendix 1 to this report. However, the key considerations are summarised below.

Is the Local Plan delivering the Council’s Vision and aligned with Regional and Local Strategies?

2.7 The Plan has been reviewed against the Council’s strategies / plans including the Council Plan, ‘Bolsover District: The Future 2024-2028. The vision, objectives and actions in the Local Plan are considered to be consistent with these strategies / plans. However, the specific housing targets identified in the Council’s Corporate Plan and the Council’s Housing Strategy will need to be amended to follow the new nationally set target.

2.8 At this time, the East Midlands Combined County Authority has not produced any plans relevant to the Local Plan policies. It is also considered that the previously published D2N2 Local Enterprises Partnership economic plan raises no significant issues to take account of at this time.

Have any issues with the Local Plan arisen from Planning Appeal Decisions?

- 2.9 A review has been undertaken of appeal decisions with decisions dated between 22nd July 2019 to 15th January 2025. The purpose of the review is to consider whether there is evidence from appeal decisions, which would indicate that policies are out of date or policies do not accord with the NPPF. From the assessment undertaken, no significant issues have been identified in relation to the policies set out within the Local Plan for Bolsover District that would justify a review of the policies in question.

Have Any Requirement Arisen from Neighbouring Authorities?

- 2.10 Within the North Derbyshire and Bassetlaw Housing Market Area (HMA), the position is that Bassetlaw DC has recently adopted their local plan and that Chesterfield BC and North East Derbyshire DC are also reviewing their local plans. As these plans were adopted at a later date than the Local Plan for Bolsover District, the conclusions of their reviews are not yet known. Other neighbouring authorities have recently adopted plans, are at examination for a submitted local plan or have undertaken LPRs. At this stage no issues or requirements have been identified or arisen from neighbouring authorities.

Have Legislative Changes resulted in a Requirement to Amend the Local Plan?

- 2.11 There have been some legislative changes that potentially impact on specific policies and how the policy aspects may be applied. The Environmental Act 2021 and its associated regulations have introduced Biodiversity Net Gain and Local Nature Recovery Strategies. There have been amendments to the Town and Country (Use Classes Order) 1987, as amended and the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended since the Local Plan was adopted. The changes do have the potential to have an impact as they allow or potentially allow for changes, which may have otherwise been determined under local plan policies. However, it is not consider that this results in a requirement for changes to the strategic policies in the Local Plan.

Is the Local Plan Delivering?

- 2.12 The Local Plan for Bolsover District has been very successful in delivering development within the District. In relation to housing, over the last 10 years the Council has seen 959 more dwellings delivered than that required by the Plan (see Table 1). This delivery record provides an average of 367 dpa being delivered over the 10 years period, which is in excess of the revised local housing need requirement under the new standard method of 353 dpa. Taken over the past five years the average deliver rises to 454 dpa. The Council has 8.35 years of deliverable housing land supply for the period 2024/25 to 2028/29, (1st April 2024, based on 272 dpa) and the Council passed the latest Housing Delivery Test with a measurement of 260%.

Table 1: Housing completions against the Local Plan annual requirement of 272 new homes a year to 31st March 2024.

Year	Annual Requirement	Completions (Net)	Variance
2014/15	272	253	-19
2015/16	272	325	+53
2016/17	272	290	+18
2017/18	272	248	-24
2018/19	272	291	+19
2019/20	272	439 *	+167
2020/21	272	446	+174
2021/22	272	537	+265
2022/23	272	491	+219
2023/24	272	359	+87
Total	2,720	3,679	+959

- 2.13 In relation to employment land, the brownfield site at Coalite within Bolsover has been development for strategic B2/B8 units, with a number of the units now occupied. Units have also been completed at Wincobank Farm, South Normanton creating job opportunities for local residents.

Changes to NPPF and Local Housing Need (Standard Method) from 12th December 2024

- 2.14 The Local Plan Review exercise has become more complex with the change in Government and their policy changes regarding future housing requirement, culminating in the updated NPPF and PPGs, including the standard method formula, being published on 12th December 2024. The consequence for Bolsover District is that under the revised standard method formula the District's housing requirement has risen to 353 dwellings per annum. The Local Plan housing requirement as adopted is 272 dpa and the standard method requirement of March 2024 was 195 dpa. In looking at the respect standard method requirements, the revised figure is a 81% increase on the previous standard method.

Conclusions regarding the Local Plan Review

- 2.15 The Local Plan has been very successful in delivering development within the District. In relation to housing, the Council has seen over the last 10 years the delivery of 959 more dwellings than required over the Plan's requirement of 272 dpa. This is an average of 367 dpa being achieved over the 10 years period and 454 dpa over the past five years. Employment sites have been allocated which have seen development, particularly to meet strategic B2/B8 needs. The evidence identifies that local employment land needs can be met to 2033 and while there is anticipated shortfall in strategic requirement to 2033, this has to be seen in the context that the Property Market Area for strategic B2 / B8 is extensive, needs could be met elsewhere or through potential planning applications in appropriate locations within the District.
- 2.16 Nevertheless, the analysis based on Planning Practice Guidance and the PAS Toolkit, identifies that the Local Plan does not meet the indicated requirements set out in PAS assessment matrix A1, A2 and A12. This arises from the recent

changes introduced to the NPPF and PPG on 12th December 2024. The local housing need figure for Bolsover has increased to 353 dpa from 272 dpa which, for the reasons set out above, is considered to be a significant change in the local housing need³. In addition, the NPPF makes significant changes to the approach to the Green Belt, which are not reflected in the Local Plan's strategic Green Belt policy. In this context, it is considered that there is a requirement for some of the strategic policies to be updated. Therefore, there has been a fundamental change to some strategic policies so that it cannot be concluded that strategic policies can be carried forward for a further five years. Consequently, an update of the Local Plan is necessary.

- 2.17 However, this should be seen in the context of the Council continuing to see the delivery of new housing well above the Local Plan requirement. Evidence shows that the average delivery of housing has been 367 dpa over the 10 years period and 454 dpa over the past five years. As such, this exceeds the new standard method requirement figure of 353.
- 2.18 Furthermore, in relation to the Green Belt only 6% of Bolsover District is designated as Green Belt and only the large village of Barlborough is constrained by the Green Belt boundary, with the larger settlements unaffected. Regarding the change in national Green Belt policy, it is anticipated that this is likely to be contained within the proposed National Development Management Policies, which are due to be introduced in the near future. In the short term, it is considered that applications in the Green Belt will need to reflect the NPPF provision as a significant material consideration.
- 2.19 As a result, the need for a new Local Plan is not immediate and, therefore, the Council will need to determine the timescale over which an updated Local Plan should be brought forward. Relevant to this timescale question, the Government has asked that all local planning authorities produce an updated Local Development Scheme (LDS) within 12 weeks of the publication of the NPPF, i.e. by no later than 6 March 2025. As a consequence, officers will be preparing a new Local Development Scheme for consideration at the next meeting of the Planning Committee.
- 2.20 In the meantime, it is considered that the current Local Plan and Tibshelf Neighbourhood Plan still provide a robust statutory development plan for Bolsover District.

3. Reasons for Recommendation

- 3.1 There is a statutory requirement to review a Local Plan to determine if an update is required. The analysis reflect the approach set out in Planning Practice Guidance and the Planning Advisory Service's Local Plan Route Mapper Toolkit Part 1: Local Plan Review Assessment.

³ Although not specifically applied to a local plan review, the Government references in various paragraphs of the NPPF the need for annual housing requirements to meet not less than 80% of the standard method requirement. The Bolsover Local Plan housing requirement of 272 dpa is less than 80% of the revised standard method requirement of 353 dpa. Therefore, it is concluded that the local housing need has changed significantly.

4 Alternative Options and Reasons for Rejection

- 4.1 There is no reasonable alternative as there is a legal requirement for the Council to undertake a Local Plan Review within five years of the Local Plan for Bolsover District being adopted, that is before 4th March 2025.

RECOMMENDATION(S)

It is recommended that the Planning Committee:

- 1) Notes the detailed issues set out in the report and the analysis set out in the Local Plan for Bolsover District (March 2020) – First Five Year Review Report (February 2025) document (Appendix A).
- 2) Authorises the publication of the Local Plan for Bolsover District (March 2020) – First Five Year Review Report (February 2025) document on the Council's website.
- 3) Gives delegated authority to the Assistant Director of Planning and Planning Policy in consultation with the Chair and Vice Chair of Planning Committee to make any minor changes to the text or information referred to in recommendation 2) prior to publication.
- 4) Notes that a further report on the Local Development Scheme, which will set out the format and timetable for the preparation of an updated Local Plan, will be prepared and brought forward for consideration.

Approved by the Portfolio Holder for Growth

IMPLICATIONS:

Finance and Risk Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Details: The Planning Policy and Housing Strategy team has a budget for the commissioning of evidence base documents and undertaking policy work. At this stage, there are no specific finance or risk issues arising from this report. <p style="text-align: right;">On behalf of the Section 151 Officer</p>
Legal (including Data Protection) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Details: The Planning and Compulsory Purchase Act 2004 requires a local planning authority must keep under review their local development documents. Under Regulation 10A of the of the Town and Country Planning (Local Planning) (England) Regulations 2012, as amended, a local plan review must be completed every five years, starting from the date of adoption of the local plan. Therefore, the review of the Local Plan for Bolsover District should be completed before 4th March 2025.

On behalf of the Solicitor to the Council

Staffing Yes No

Details: There are no human resources implications arising from this report.

On behalf of the Head of Paid Service

Equality and Diversity, and Consultation Yes No

Details: There are no specific direct or indirect negative impacts on any person with a protected characteristic or any group of people with a shared protected characteristic arising from this report.

Environment Yes No

Details: The Local Plan Review considers whether a update of the policies set out in the Local Plan is required, including the need to support sustainable growth and the prudent use of resources, to mitigate against and adapt to the impacts of climate change and to enhance biodiversity.

DECISION INFORMATION:

Please indicate which threshold applies:

Is the decision a Key Decision?

A Key Decision is an Executive decision which has a significant impact on two or more wards in the District or which results in income or expenditure to the Council above the following thresholds:

Yes No

Revenue (a) Results in the Council making Revenue Savings of £75,000 or more or **(b)** Results in the Council incurring Revenue Expenditure of £75,000 or more.

(a) (b)

Capital (a) Results in the Council making Capital Income of £150,000 or more or **(b)** Results in the Council incurring Capital Expenditure of £150,000 or more.

(a) (b)

District Wards Significantly Affected:

(to be significant in terms of its effects on communities living or working in an area comprising two or more wards in the District)

Please state below which wards are affected or tick **All** if all wards are affected:

All

Is the decision subject to Call-In? <i>(Only Key Decisions are subject to Call-In)</i>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
If No, is the call-in period to be waived in respect of the decision(s) proposed within this report? <i>(decisions may only be classified as exempt from call-in with the agreement of the Monitoring Officer)</i>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Consultation carried out: <i>(this is any consultation carried out prior to the report being presented for approval)</i>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Leader <input type="checkbox"/> Deputy Leader <input type="checkbox"/> Executive <input type="checkbox"/> SLT <input type="checkbox"/> Relevant Service Manager <input type="checkbox"/> Members <input type="checkbox"/> Public <input type="checkbox"/> Other <input checked="" type="checkbox"/>	Portfolio Member for Growth and Chair of Planning Committee.

Links to Council Ambition: Customers, Economy, Environment, Housing	
<u>Economy</u> <ul style="list-style-type: none"> Actively working with partners to support enterprise, innovation, jobs and skills. Unlocking regeneration and development potential of long-term vacant land and buildings, and stalled sites and deliver income generating capital projects. Promoting the District and working with partners to increase and support the creative, cultural and tourism sector. 	
<u>Environment</u> <ul style="list-style-type: none"> Ensuring all area, neighbourhoods and streets in the district, irrespective of housing tenure or type, are places where people want to live, feel safe, and are proud to live. Reducing our carbon footprint whilst supporting and encouraging residents and businesses to do the same. Enhancing biodiversity across the district. Working with stakeholders, strategic and local partnerships to deliver shared strategies and priorities that support the local environment. 	
<u>Housing</u> <ul style="list-style-type: none"> Enabling housing growth by increasing the supply, quality, and range of housing to meet the needs of the growing population. 	

DOCUMENT INFORMATION:

Appendix No	Title
A	Local Plan for Bolsover District (March 2020) – First Five Year Review Report (February 2025) document

Background Papers

(These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Executive, you must provide copies of the background papers).

DECEMBER 2024



**LOCAL PLAN FOR BOLSOVER
DISTRICT (MARCH 2020)**

FIRST FIVE YEAR REVIEW REPORT

FEBRUARY 2025

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1.0 INTRODUCTION

- 1.1 The Local Plan for Bolsover District was adopted by the Council on 4th March 2020. Under Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended), a local planning authority is required to undertake a review of their local plans within five years of adoption. The review is to establish whether a plan requires updating. If the plan does require updating, those updates need to be undertaken through the relevant local plan process set out in legislation.

Legislation and National Planning Guidance

- 1.2 The Planning and Compulsory Purchase Act 2004 (PCPA) Section 15 requires that a Local Planning Authority (LPA) must prepare and maintain a "local development scheme." The scheme is to specify local development documents which are either development plan documents (the subject of the presumption in s.38(6)) or supplementary planning documents.
- 1.3 PCPA Section 17(3) requires a LPA's adopted local development documents, taken as a whole, to set out the authorities' policies relating to the development and use of land in their area.
- 1.4 Regulation 5 of the Town and Country Planning (Local Planning) (England) Regulations 2012, as amended, sets out documents which are to be prepared as local development documents. They include documents setting out site allocations and policies for development management, which are then defined by Regulation 6 as local plans. In preparing a development plan document or any other local development document, the LPA must have regard to national policies and advice contained in guidance issued by the Secretary of State (PCPA section 19(2)).
- 1.5 Regulation 10A of the 2012 Regulations requires a LPA to complete a review of its local plan within every 5 years, starting from the date of adoption of the plan.
- 1.6 From a national planning policy aspect, a local plan is brought forward under policies set out in the National Planning Policy Framework, Planning Policy for Traveller Sites, other statements of government policy such as Written Ministerial Statements, endorsed recommendations of the National Infrastructure Commission and Planning Practice Guidance.
- 1.7 The National Planning Policy Framework, (NPPF) requires that:

“Policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary. Reviews should be completed no later than five years from the adoption date of a plan, and should take into account changing circumstances affecting the area, or any relevant changes in national policy. Relevant strategic policies will need updating at least once every five years if their applicable local housing

need figure has changed significantly; and they are likely to require earlier review if local housing need is expected to change significantly in the near future.” NPPF Paragraph 34.

1.8 Planning Policy Guidance Plan-Making (PPGPM) sets out the following:

“There will be occasions where there are significant changes in circumstances which may mean it is necessary to review the relevant strategic policies earlier than the statutory minimum of 5 years, for example, where new cross-boundary matters arise. Local housing need will be considered to have changed significantly where a plan has been adopted prior to the standard method being implemented, on the basis of a number that is significantly below the number generated using the standard method, or has been subject to a cap where the plan has been adopted using the standard method. This is to ensure that all housing need is planned for as quickly as reasonably possible.” Paragraph: 062 Reference ID: 61-062-20190315.

1.9 Consequently, the NPPF places an emphasis on the aspect of significant changes to the local housing need figure in considering a review. The PPG specifically identifies that local housing need will be considered to have changed significantly where a plan has been adopted prior to the standard method being implemented, on the basis of a number that is significantly below the number generated using the standard method.

1.10 The Planning Advisory Service (PAS) identifies that the failure to deliver new homes is the single matter most likely to trigger the need for a review of policies and update of a local plan.

1.11 Further guidance is set out by the PPGPM. The Guidance recognises that policies age at different rates according to local circumstances and a plan does not become out-of-date automatically after 5 years. The local plan review process is a method to ensure that a plan and the policies within remains effective. Under the Guidance the information that an authority can consider includes but is not limited to:

- conformity with national planning policy;
- changes to local circumstances; such as a change in Local Housing Need;
- their Housing Delivery Test performance;
- whether the authority can demonstrate a 5 year supply of deliverable sites for housing;
- whether issues have arisen that may impact on the deliverability of key site allocations;
- their appeals performance;
- success of policies against indicators in the Development Plan as set out in their Authority Monitoring Report;
- the impact of changes to higher tier plans;
- plan-making activity by other authorities, such as whether they have identified that they are unable to meet all their housing need;
- significant economic changes that may impact on viability; and

- whether any new social, environmental or economic priorities may have arisen.
(Paragraph: 065 Reference ID: 61-065-20190723)

1.12 The PPGPM identifies that if a local planning authority decides that they do not need to update their policies, they must publish the reasons for this decision within 5 years of the adoption date of the plan (Para. 070 Reference ID: 61-070-20190315). It also makes clear that a local planning authority can review specific policies on an individual basis, but this would need to follow the plan-making procedure set out in legislation. (Para. 069 Reference ID: 61-069-20190723).

1.13 In accordance with the Planning and Compulsory Purchase Act 2004, Sections 13 and 17, the Council continues to review the matters which may be expected to affect the development of their area or the planning of its development.

1.14 Levelling Up and Regeneration Act 2023 proposed a number of changes to future legislation. These include:

- National development management policies (NDMPs) to be drawn up by the Secretary of State for Levelling Up, Housing and Communities (DLUHC). The Secretary of State must consult the public on proposed NDMPs with consultation anticipated by the government in summer or autumn 2025. The NDMPs will carry the same weight as local plans in decision-making on planning applications, but where there is conflict the NDMPs will override local plans.
- It includes reforms to the plan-making process. The government has proposed changing regulations to require Local Planning Authorities (LPA) to produce local plans within 30 months and update them every five years. It proposed that, in these 30 months, local plans would undergo:
 - Two rounds of consultations to allow the local community and certain public bodies to participate in the plan-making process.
 - Three 'gateway' checks (of four to six weeks each) where technical specialists or planning inspectors would help LPAs resolve issues.

The government also proposed that the examination of the local plan by the Planning Inspectorate should take place during the 30-month timeframe. On this basis examination should last "no more than six months".

- Supplementary planning documents (SPDs) are used to expand on policies in local plans are proposed to be replaced by 'supplementary plans'. Supplementary plans will be examined and will have the same statutory weight as local plans.
- Introducing a statutory requirement for LPAs to prepare design codes, in which they set out design requirements for developments in their area.
- Under Schedule 7 (15C) of the Act, the local plan must be designed to secure that the use and development of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change.

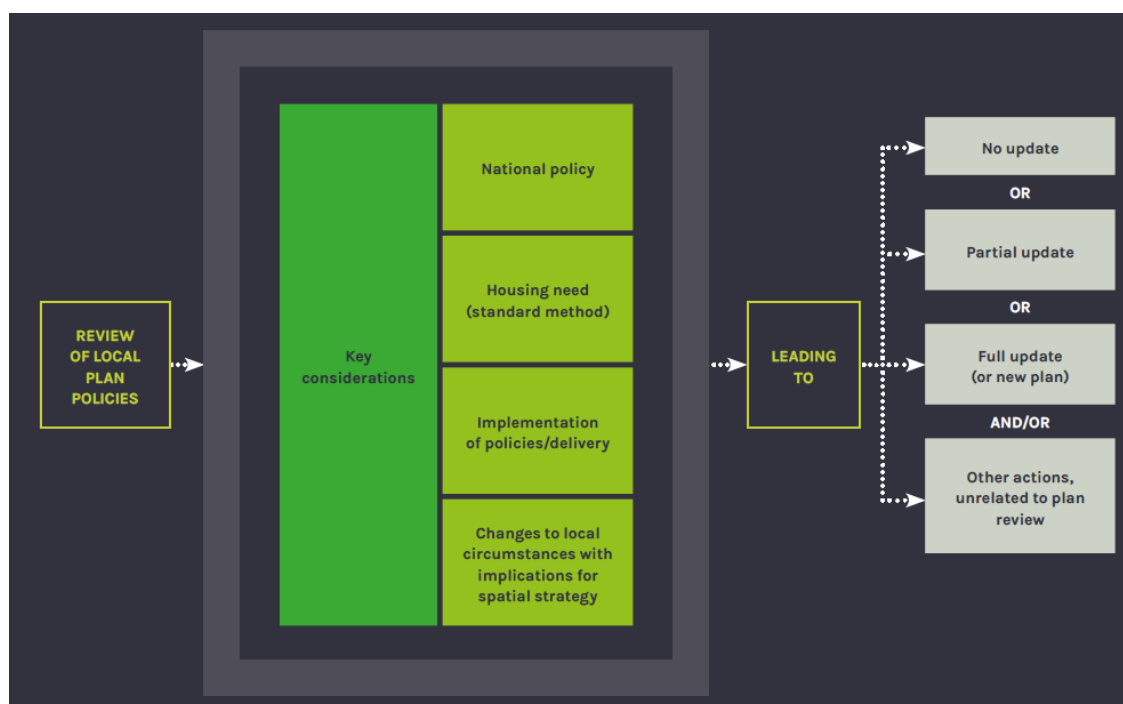
Adapting to climate change – including dealing with flood risk – must be a central part of Local Plans.

As yet these changes have not been introduced.

- 1.15 The Local Plan Review (LPR) has been undertaken to consider the guidance set out by the Planning Advisory Service (PAS) Local Plan Review Assessment, Diagram 1. The matrix is intended to supplement the NPPF (paragraph 34 in particular) and the associated National Planning Practice Guidance on the review of policies within the plan. Completing the matrix is identified as helping councils to understand which policies may be out of date for the purposes of decision making or where circumstances may have changed and whether or not the policy / policies in the plan continue to be effective in addressing the specific local issues that are identified the plan.

Diagram 1: Planning Advisory Service - Process for reviewing local plan policies.

Source: Local Plan Route Mapper, October 2021



Requirements of a Local Plan 5 Year Review

- 1.16 The Local Plan for Bolsover District was adopted on 4th March 2020. In accordance with legislation, the LPR should be completed by 3rd March 2025. The purpose of the Review is to assess whether an update of the Local Plan is required. An update could involve a new plan or a partial update of one or more policies or additional allocations.
- 1.17 There is limited legislative requirements relating to a local plan review, consequently the LPR has been undertaken regarding the guidance set out in PPGPM and using the PAS Local Plan Review Assessment.

1.18 There are a number of reasons that an update of all or part of the Plan may be necessary. These are summarised as follows:

- Legislative changes: Changes to the law may result in the need to amend policies. For instance, changes to planning use classes may affect how policies are applied.
- National policy changes: The Local Plan 2020 was examined against the 2012 version of the National Planning Policy Framework (NPPF). However, aspects of the NPPF 2018 were taken into account at the Local Plan Examination and the Main Modifications required by the Inspector. Since that time, there have been a number of further versions of the NPPF, with the most recent being that published in December 2024. Planning Practice Guidance has also changed in that time, most particularly in relation to the approach to housing need. There is a question over the status of PPGs and whether they are simply guidance or can amend national policy¹.
- Other policy changes: Other policy changes include the publication of new regional or local policies in strategies that influence a local plan and its policies.
- Neighbouring local plan authorities: Issues may arise in relation to the housing and economic needs of neighbouring authorities, which must be considered under the duty to cooperate in the Planning and Compulsory Purchase Act 2004.
- Monitoring data: The Council monitors the Local Plan and collates the findings in its Authority Monitoring Report. This provides an easy reference point about how policies are being applied and what effect they are having.
- Appeals: A number of appeals have been decided since the Local Plan was adopted in 2020, and these may often give an indication of whether or not a policy requires amending, for instance if appeal decisions regularly conflict with a policy approach or reveal confusion about specific wording. Appeals decided up until mid-January 2025 have been taken into account here.
- Other changes in circumstances: There are a wide variety of changes that could fit within this category. These include physical changes on the ground, such as a specific development or important piece of infrastructure. They might also include socio-economic changes within the local area, with knock-on impacts on viability, or increased strain on particular services or facilities.

1.19 It should be noted that while there may be policy gaps this does not necessarily require a wholly new policy. Nor is it necessarily the case that

¹ Mead Realisations Ltd v The Secretary of State for Levelling Up, Housing And Communities & Anor [2024] EWHC 279 (Admin) (12 February 2024) “There is no legal principle which prevents national policy in the NPPF being altered by a WMS and/or PPG”. The High Court essentially concluded that the NPPF and PPG have equal status (at [62]) and that it is permissible for the PPG to be more restrictive than the NPPF (at [71]). The judgement is subject to challenge in the Court of Appeal with no decision having been published on 24th January 2025.

any changes need to be made at all, but it is worth highlighting these matters at this point to ensure that the need for update is considered.

- 1.20 The Council has undertaken a number of studies to update the evidence in relation to the Local Plan and inform the Review.

Covid Pandemic

- 1.21 The COVID-19 pandemic occurred just after the adoption of the Local Plan for Bolsover District. From national data it can be seen that the Covid-19 pandemic impacted on many aspects of life, including aspects covered by a local plan. It is noted that some of the impacts of the Covid-19 pandemic are still being felt several years later.

2.0 REVIEW OF THE LOCAL PLAN FOR BOLSOVER DISTRICT

2.1 The Local Plan Review (LPR) has taken into consideration changes that have been undertaken since the Local Plan for Bolsover District was adopted in March 2020. There are reflected in the following aspects:

- Strategic Plans – A review has been undertaken of the changes to Strategic Plans at a regional and local level and a summary of these is set out in Appendix 1. From this analysis, it is concluded that there have been no substantial changes which would result in a conclusion that the vision and strategy in the Local Plan should be revised.
- Legislation – A local plan is brought forward under the legislative provisions of the Planning and Compulsory Purchase Act 2004 and the Town and Country Planning (Local Planning) (England) Regulations, 2012, as amended. The Levelling Up and Regeneration Act 2023 and its associated regulations, when made, will make substantial changes to how a local plan is brought forward and examined. However, the necessary sections have not been implemented at this time and no regulations have been introduced in relation to the local plan. There have been some legislative changes will potentially impact on specific policies and how the policy aspects may be applied. The Environmental Act 2021 and its associated regulations have introduced Biodiversity Net Gain. There have been amendments to the Town and Country (Use Classes Order) 1987, as amended and the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended since the Local Plan was adopted. These changes do have the potential to have an impact as they allow or potentially allow for changes, which may have otherwise been determined under local plan policies.
- National Policy – National planning policy changes including the National Planning Policy Framework, written ministerial guidance, endorsed recommendations of the National Infrastructure Commission and Planning Practice Guidance² will potentially have a significant impact on the Local Plan and its policies. These are considered through utilising the PAS Local Plan Route Mapper.
- Neighbouring Authority Requirements – The Council has undertaken a review of emerging and adopted neighbouring authority development plans and their planning context and undertaken a review the Tibshelf Neighbourhood Plan which forms part of the development plan for Bolsover District. No issues in relation to neighbouring authorities housing or economic requirements have been identified.
- Appeals – A review has been undertaken on appeal decisions in the District of Bolsover from reference: APP/R1010/W/19/3224662, Land to the West of Bridge Close, Clowne, decision date of 22nd July 2019 to 15th January 2025 and

² Mead Realisations Ltd v The Secretary of State for Levelling Up, Housing And Communities & Anor [2024] EWHC 279 (Admin) (12 February 2024) “There is no legal principle which prevents national policy in the NPPF being altered by a WMS and/or PPG”. The Court essentially concluded that the NPPF and PPG have equal status (at [62]) and that it is permissible for the PPG to be more restrictive than the NPPF (at [71]). The decision is subject to challenge in the Court of Appeal.

a summary of these determinations is set out in Appendix 2. Consequently, the review of appeal decision considered extends from prior to the adoption of the Local Plan for Bolsover District on 4th March 2020. The purpose of the review is to consider whether there is evidence from appeal decisions which would indicate that policies are out of date or policies do not accord with the NPPF. From the analysis, no significant issues have been identified in relation to the policies set out within the Local Plan for Bolsover District, which would justify a review of the policies in question.

- Viability – A review of major planning applications has been undertaken, Appendix 3. While there have been viability aspects on specific sites, it has not been identified that a Whole Plan Viability Review is necessary.
- Evidence – The Council has commissioned additional evidence work in relation the Local Plan Review, typically working with various other councils. This includes:
 - Derby, Derbyshire, Peak District National Park Authority and East Staffordshire Gypsy and Traveller Accommodation Assessment Update 2020-2040. (Derbyshire councils).
 - The Chesterfield and Bolsover Local Housing Needs Assessment 2025, Icen Projects. The Assessment considers a number of areas, including local housing needs, affordable housing incorporating a review of First Homes, an analysis of the private rented sector and considering the housing needs different groups and the housing mix that is appropriate to the District.
 - The Bolsover, Chesterfield and North East Derbyshire Economic Need Assessment Study 2025, Lichfields. The Study reflect the requirements of national planning guidance to consider the future need for land for offices, general industrial and logistics uses with the district. Given the councils location on the M1 Motorway, the Study includes a consideration of the demand for land for strategic logistics, taking into account the wider evidence from Sheffield, Rotherham, Derbyshire and Nottinghamshire.
 - Infrastructure Study and Delivery Plan 2025. The Study provides information on how infrastructure capacity may have changed since the Local Plan was adopted and will also inform future S106 Agreements.

The evidence from these assessments/studies has been considered as part of the Review through the PAS Toolkit.

- Neighbourhood Plans - Within the District of Bolsover there is one 'made' neighbourhood plan, the Tibshelf Neighbourhood Plan 2017 – 2033. Planning Practice Guidance Plan Making stresses that there is no requirement for a neighbourhood plan to be reviewed every five years. A review of the policies in the neighbourhood plan has been undertaken, which has not identified any specific issues in relation to the Local Plan policies or the changes to national planning policy, Appendix 4.

PAS Local Plan Route Mapper Toolkit Part 1: Local Plan Review Assessment

- 2.2 The Planning Advisory Service (PAS) has provided a Local Plan Route Mapper & Toolkit, which provides practical advice and tools to undertake a Local Plan review, project plan, manage and carry out the update of a Local Plan. Part 1 provides a matrix which facilitates a review of policies within the Council's Local Plan to assess whether they need updating. The matrix consists of a number of statements, "requirements to consider", against the Local Plan for Bolsover District.
- 2.3 The National Planning Policy Framework (NPPF) was introduced in 2012. A revised NPPF was published in July 2018. It included a transitional arrangement in paragraph 214 which identified that, for the purpose of examining the Local Plan, the policies in the 2012 NPPF will apply. Similarly, where the Planning Practice Guidance (PPG) has been updated to reflect the revised NPPF, the previous versions of the PPG applied for the purposes of the Examination under the transitional arrangement. The Local Plan for Bolsover District was submitted for examination on 31st August 2018 and follow a main modification consultation and Inspector's Report was adopted on 4th March 2020. The Inspector recommended main modifications included requirements that were reflective of the 2018 version of the NPPF, which were incorporated into the adopted version of the Plan.
- 2.4 The NPPF 2012 has been revised in 2018, 2019, 2021, 2023 (Sept & Dec) and 2024. A revised NPPF was published on 12th December 2024 together with changes to Planning Practice Guidance, which has significantly amended national planning requirements. In summary, these include the following:
- Housing – There is a mandatory requirement to using the standard method to arrive at the minimum local housing need. It sets a baseline of 0.8% of a district housing stock with an affordability factor being applied to this baseline in accordance with the requirements set out in planning practice guidance. In addition to the local housing need, the NPPF requires the applications of various buffers, dependent on the councils' circumstances.
 - Housing Requirement for Bolsover – The local housing need for Bolsover under the revised standard method is 353 dwellings per annum. A 5% buffer is applied to this figure resulting in a requirement for 371 dwellings per annum.
 - Affordable Housing – There is an emphasis on social rents and sites having mixed tenure. There is no longer a specific requirement for affordable homes for sale, including First Homes.
 - Green Belt – Significant changes are made to the Green Belt policies. The approach to exceptional circumstances for changing Green Belt boundaries through the Local Plan has been amended. There has also been the introduction of a definition of grey belt land within the Green Belt. The purpose is to enable development to come forward where a local planning authority (lpa) cannot meet its identified need for 'homes, commercial or other development' through other means. The release of grey belt land is subject to new 'golden rules.' Grey belt is defined in the NPPF as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not

strongly contribute to any of check of unrestricted sprawl, prevent merging of towns, and preserve the setting of historic towns.

- Local Plans – There is a strengthening of the duty to cooperate between councils and infrastructure providers.
- Economic Growth – Additional policies are set out to support economic growth and meet future development needs.
- Other aspects – There have been other changes in relation to improved health, provision for education, a vision led approach to transport, increased emphasis on climate change, and an additional policy aspect to the sequential approach to flooding.
- Planning policy for traveller sites – There have been a change to the definition of gypsies and travellers to include “all other persons with a cultural tradition of nomadism or of living in a caravan”. The policies identify that NPPF paragraph 11 will apply if there is not a 5 year supply of deliverable sites and, if it is necessary to release Green Belt, the “Golden Rules” will not apply.

PAS Toolkit Part 1 A1 – “The plan policies still reflect current national planning policy requirements.”

Conclusion – Disagree.

There are various policies in the Local Plan for Bolsover District which are not entirely in conformity with the wording of the NPPF, but these are considered in the main to not be significant. However, it is considered that the recent changes in the NPPF (December 2024) in relation to the Green Belt policy, in particular the grey belt and the ‘Golden Rules’, are significantly different to the relevant policy in the Local Plan meaning that this factor is considered to identify that Local Plan policies need updating in this area.

- 2.5 The NPPF identifies in paragraph 1 that “It provides a framework within which locally prepared plans can provide for housing and other development in a sustainable manner.” Under paragraph 9 “Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.” Consequently, the Local Plan policies need to be seen in the context that they are applying a local approach within the framework set by the NPPF.
- 2.6 The 2018 NPPF introduced changes to the approach to strategic policies which are reflected in the policies and format of the current NPPF. Plans should make explicit which policies are strategic policies (paragraph 21). This is reflected in the Local Plan for Bolsover being set out in Appendix 1.3 Strategic Policies of the Local Plan for Bolsover District.
- 2.7 A change from the 2012 NPPF is the emphasis on small and medium sized sites. The NPPF in paragraph 73 requires “through the development plan and brownfield registers, land to accommodate at least 10% of their housing

requirement on sites no larger than one hectare; unless it can be shown, through the preparation of relevant plan policies, that there are strong reasons why this 10% target cannot be achieved.” The Local Plan identifies that 13% of the sites brought forward are less than 1 ha (page 66). The Brownfield Register identifies opportunities for smaller sites to come forward and planning permission has been granted for a number of sites within the development envelope. However, the implication of planning for a local plan period of 15 years is that the requirement for 10% of housing sites on sites no larger than one hectare should be demonstrated at the Local Plan Examination rather than on LPR.

- 2.8 The NPPF is now more explicit about the need for strategic policies to be set over a minimum 15-year time frame from the adoption of the Local Plan. The 2012 version against which the Bolsover Local Plan was examined identified the period should ‘preferably’ be 15 years. The 2024 NPPF requires that strategic policies should look ahead over a minimum 15 year period from adoption (paragraph 22). The Town and Country Planning (Local Plan) (England) Regulations 2012, as amended, requires under regulation 10A, that a review of a local plan, must be completed every five years, starting from the date of adoption of the local plan. The requirement for a review is also set out in policy in the 2024 NPPF paragraph 34. However, there is nothing in Regulation 10A or NPPF Paragraph 34 that requires an extension of a plan period forward to at least 15 years post review. The implication is that NPPF paragraph 22 in relation to the 15 year requirement, applies to a newly adopted Plan reflecting the strategic matters set out in NPPF paragraph 20.
- 2.9 The spatial strategy under Policy SS3 of the Local Plan sets out a settlement hierarchy which ranks and classifies settlements based on the availability and accessibility of a broad range of facilities. Settlements that are in a higher tier of the hierarchy will be more sustainable locations for new development, because residents would be able to access a greater range of services and facilities more easily, without the need to travel as far by car. A settlement hierarchy also helps to understand the role and character of different settlements, which is important in maintaining and enhancing their character. It is not considered that the spatial strategy has changed. For the period following the adoption of the Local Plan the Council has seen the delivery in relation to the number of homes brought forward within the District being above the Local Plan requirement but in accordance with the spatial strategy. Under these circumstances, the spatial strategy and distribution of development within the Plan is not considered to require any revision.
- 2.10 Policy SC9 of the Local Plan requires that wherever possible development should provide a net gain in biodiversity. This is consistent with the NPPF as paragraph 1878- d) sets out a requirement for minimising impacts on and providing for net gains for biodiversity. Under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) developers must deliver a biodiversity net gain of 10%. (Major sites from January 2024, small site from April 2024). Legislation has introduced a legal requirement for development to achieve at least 10% biodiversity net gain. However, there is no evidence that a higher biodiversity net gain could be achieved in Bolsover and it is not considered that this necessitates a change to the relevant Policy.

- 2.11 The NPPF paragraph 133 requires all local planning authorities to prepare design guides or codes consistent with the principles set out in the National Design Guide and National Model Design Code and which reflect local character and design preference. The Local Plan in policies SS1: Sustainable Development, SC2: Sustainable Design and Construction and SC3: High Quality Development places an emphasis on design. The Council's supplementary planning document Successful Places (A Guide to Sustainable Housing Layout and Design) promotes and achieves high quality residential development within the District by providing practical advice to all those involved in the design, planning and development of housing schemes. It is not anticipated that a design guide or code will form part of a local plan but would come forward as a Supplementary Planning Document.
- 2.12 Under Policy SC2 new development will need to mitigate and adapt to the effects of climate change. The Council does not set specific policy requirements in relation to energy, which would replace the relevant requirements set out in the Building Regulations. However, there is no requirement for such policies in the NPPF or legislation and a number of policies within the Local Plan address and mitigate the impact of climate change. Policy SC6 provides support for development proposals for the generation of renewable energy subject to criteria set out in the Policy. However, the Policy specifically excludes large wind turbines as required by national policy at the time. The change in Government policy is a material consideration and should be seen alongside the criteria set out in Policy SC6.
- 2.13 Paragraph 200 of the NPPF sets out that, where appropriate, the agent of change should be required to provide mitigation before the development is completed. This is reflected to some degree within Local Plan policies particularly in relation to residential amenity (Policy SC11). However, Paragraph 200 specifically identifies that new development can be integrated effectively with existing businesses and community facilities. This clarifies the NPPF 2012 which provided that planning policies and decisions should "aim to recognise that existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established." The inclusion of an explicit reference to the agent of change principle is a change of emphasis and clarifies the application of the principle.
- 2.14 The Local Plan sets out a shortened definition of previously developed land. As a result, there is some inconsistency between the Local Plan definition and the definition of previous developed land in the NPPF Annex 2. The Local Plan does not include within its definition the curtilage of the developed land or exclude "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." In this context the Court of Appeal in *Dartford Borough Council v The Secretary of State for Communities and Local Government & Ors* [2017] EWCA Civ 141 (14 March 2017) has held that development in the curtilage of land that was occupied by a permanent structure (a residential garden) in a rural area as opposed to a build-up area should be classed as previously developed land. In these circumstances, it is anticipated that the NPPF definition would be taken forward as a material consideration.

2.15 The NPPF has strengthened the approach to the economy. Additional policies includes:

- A requirement to have regard to the national industrial policy.
- An emphasis on identifying suitable locations for uses such as laboratories, gigafactories, data centres, digital infrastructure, freight and logistics. (NPPF para. 86).
- Identifying that planning policy and decision making should recognise and address “the expansion or modernisation of other industries of local, regional or national importance to support economic growth and resilience.” (NPPF para. 87).

The Local Plan has made substantial provision for logistics development within the district and has made a significant contribution towards meeting these needs through sites at South Normanton and Horizon 29 (Coalite). Therefore, the Local Plan policies are regarded as being consistent with the emphasis on economic growth.

2.16 The Local Plan sets out a Policy covering the Green Belt. There were minor differences between the Policy and the NPPF prior to the December 2024 version, but these were not considered to be significant. However, significant changes have been introduced by the NPPF 2024. These reflect a number of aspects:

- The introduction of a new concept within the Green Belt, the grey belt and the “golden rules”.
- Green Belt boundaries can be amended under a Local Plan in exceptional circumstances. The revised NPPF provides greater clarity on the ‘exceptional circumstances.’ These include, but is not limited to, instances where an authority cannot meet its identified need for ‘homes, commercial or other development’ through other means (NPPF para.146).
- NPPF para.148, in practice, results in two sequential tests. An additional sequential test is introduced for Green Belt release “plans should give priority to previously developed land, then consider grey belt which is not previously developed, and then other Green Belt locations.”
- Housing, commercial and other development is no longer regarded as inappropriate in the Green Belt where (paragraph 155):
 - a) it would be ‘Grey Belt’ land.
 - b) it would not fundamentally undermine the purposes taken together of the Green Belt across the area of the plan.
 - c) it would be in a sustainable location.
 - d) there is a demonstrable unmet need for the type of development proposed.
 - e) the development would meet the golden rules.

2.17 As is set out in Table 1, Bolsover District has a limited area of Green Belt and the Local Plan Review does not anticipate a change in the spatial strategy with sufficient sites to meet the future housing supply. It can also be anticipated that National Development Management Policies will be taken forward in 2025 and will include the Green Belt policies. Nevertheless, currently the Local Plan Green Belt Policy is not reflective of the latest version of the NPPF.

Authority name	Area of land designated as Green Belt	Total area as at 31 December 2023	Percentage of total land area designated as Green Belt
Bolsover	1,080	16,030	6.7
Chesterfield	1,440	6,600	21.8
North East Derbyshire	10,320	27,560	37.5

Table 1: Green Belt Bolsover District

Source: <https://www.gov.uk/government/statistics/local-authority-green-belt-statistics-for-england-2023-to-2024>

2.18 On 1st September 2020, changes to the Use Classes Order came into force with implications for employment land. In particular, a number of formerly separate use classes were combined within a new use class E (Commercial, Business and Service). This includes shops (formerly A1), financial and professional services (A2), restaurants and cafes (formerly A3), offices, light industrial and research and development (formerly B1) as well as a number of community and leisure uses formerly within the D1 and D2 use classes. Changes of use within a single use class are not classed as development, and do not require planning permission. Changes to the General Permitted Development Order have also been made since adoption of the plan, to extend permitted development rights. A new permitted development right to convert class E uses to residential came into force on 1st August 2021 and replaced existing permitted development rights for conversion of offices to flats. Legislation now permits specific changes without the need for a specific planning application. However, these changes are not anticipated to have a direct impact which requires policies in the Local Plan to be updated. The new right carries additional restrictions and therefore means that the Policy is more likely to be able to control uses in the way envisaged.

2.19 The Environment Act 2021 introduced significant new provisions which have an impact on the relationship between biodiversity and development. Prior to the Act the duty on public authorities was to conserve biodiversity. This has been amended by the Act to a duty to conserve and enhance biodiversity. The Act also introduces Local Nature Recovery Strategies, which are to include a statement of biodiversity priorities for the strategy area and also a local habitat map for the area. These are to be prepared for defined areas,

and in the case of Bolsover this would cover the county of Derbyshire. The Act amended Town and Country Planning Act 1990 to include “The biodiversity gain objective is met in relation to development for which planning permission is granted if the biodiversity value attributable to the development exceeds the pre-development biodiversity value of the onsite habitat by at least the relevant percentage.” The Biodiversity Gain Requirements (Exemptions) Regulations 2024 came into force on 12th February 2024. Under the regulations there is the introduction of mandatory 10% biodiversity net gain (BNG) on large development sites, came into force in February 2024. The regulations as they apply to smaller sites (less than 10 units) came into force from 2nd April 2024. Policy SC9 seeks to conserve and enhance biodiversity and geodiversity of the District. The Policy took account of the NPPF 2018 including an expectation that there will not only be no net loss of biodiversity on site but that there will be a net gain wherever possible. The Policy identifies that biodiversity net gain should be achieved where possible, which is consistent with the NPPF paragraph 180 d) which sets out a requirement for net gains for biodiversity but does not specific any specific requirement. Legislation has introduced a legal requirement for development to achieve at least 10% biodiversity net gain. However, there is no evidence that a higher biodiversity net gain could be achieved in Bolsover.

PAS Toolkit Part 1 A2 “There has not been a significant change in local housing need numbers from that specified in your plan (accepting there will be some degree of flux).”

Conclusion – Disagree.

Prior to the December 2024 changes to the standard method for identifying local housing needs, the Council requirement within the Local Plan at 272 dpa was above the standard method figure of 195 dpa. Planning Practice Guidance was amended on 12th December 2024 with the revised standard method for assessing local housing need resulting in a standard method figure of 353 dpa for Bolsover. This is considered to represent a significant change in the local housing need from that specified in the Local Plan. Consequently, it is considered that this factor identifies that the Local Plan policies need updating in this area.

The evidence in relation to Travellers identifies that there are no issues in relation to Gypsies and Travellers sites, but for Showpersons there is anticipated to be a shortfall of 6 sites by 2035. However, in relation to the LPR it is anticipate that it is acceptable for this shortfall to be met through the criteria based Policy in the Local Plan.

- 2.20 The Local Plan for Bolsover District, 2020 took forward a housing need of 272 dwellings per annum. This was based on the evidence from the SHMA which set out conclusions on the demographic need for homes with upward adjustments to support baseline economic growth, and a 10% upward adjustment to the demographic need to support enhanced affordable housing delivery.
- 2.21 The 2018 NPPF introduced the standard method of arriving a local housing need. The standard method for Bolsover identifies a requirement at the commencement of the 2024/25 year of 195 dwellings per annum. However, this figure can vary on an annual basis subject to the amount of increase in household over a 10-

year period set out in the 2014 based household projections and the affordability factor for the year in question. Nevertheless, it has been typically around 200 dwellings per annum for Bolsover.

- 2.22 The government elected in July 2024 placed an emphasis on housing growth. The Written Ministerial Statement of 30th July 2024 “Building the homes we need.” Set out that “We are in the middle of the most acute housing crisis in living memory. Home ownership is out of reach for too many; the shortage of houses drives high rents; and too many are left without access to a safe and secure home.” The Government’s target is to build 1.5 million homes over the next five years. This has been reflected in changes to the NPPF, which include a new standard method formula with the baseline moving from demographic projections to being based on the housing stock within the district together with an affordability factor. Despite the Council’s track record of delivering significant housing growth there is a requirement under the NPPF for a 5% buffer.
- 2.23 The revised standard method formula results in a requirement for 353 dwellings per annum. An 81% increase on the previous standard method figure of 195 dwellings per annum and an additional 81 dwellings per annum above the Local Plan requirement. The Local Housing Needs Assessment 2025 concludes that the new requirement of 353 dwellings per annum is a reasonable figure for the Council to plan for.
- 2.24 This is considered to represent a significant change in the local housing need from that specified in the Local Plan. Consequently, it is considered that this factor identifies that the Local Plan policies need updating in this area.

PAS Toolkit Part 1 A3 – “You have a 5-year supply of housing land.”

Conclusion – Agree.

The Council is able to demonstrate a 5-year supply of housing land, both currently against the Local Plan requirement of 272 dpa and also against the expected new 371 dpa (353 plus 5% buffer) figure. As a result, this factor is considered to identify that the Local Plan policies do not need updating in this area.

- 2.25 The Council published a Five-Year Housing Land Supply Position Statement on 27th November 2024 through the Planning Committee, which was updated on through the report to the Planning Committee of 22nd January 2025. The Committee Report demonstrates that as of 1st April 2024, the Council could demonstrate 8.35 years supply of deliverable housing sites. Under the changes to the standard method formula and the reintroduction of a 5% buffer for Bolsover the local housing need is identified as 371 dwellings per annum. Based on the 5-year analysis on 1st April 2024, the Council would have a 6.12 years supply.
- 2.26 The evidence for Travellers has been updated in The Derby, Derbyshire, Peak District National Park Authority and East Staffordshire Gypsy and Traveller Accommodation Assessment Update 2020-2040. In relation to the LPR the key findings are as follows:
- In respect of Gypsies and Travellers the allocations at Hilcote Lane, Hilcote

and 3-5 Brookhill Lane, Pinxton have been developed. However, there is no need for new sites to be provide as the 14 pitches required for Gypsies and Travellers are covered through existing local plan applications and planning permissions granted for sites in other locations.

- For Travelling Showpeople, the Assessment identifies that there is a shortage of 13 plots from 2020 to 2040. The need for the period from 2020 to 2040 is identified as 27 plots. However, the Assessment breaks down this need into periods of five years. For the period 2020 to 2030 there is an identified requirement for 14 plots and for 2020 to 2035 20 plots. The adopted Local Plan sets out an allocation of 14 Travelling Showpeople plots at Beaufit Lane, Pinxton. Therefore, based on the evidence, the needs are met to 2030 with a 6 plot shortfall by 2035. However, under the National 'Planning Policy for Traveller Sites' updated 2024 the Council is required:
 - “to identify and update annually, a supply of specific deliverable sites sufficient to provide 5 years’ worth of sites against their locally set target.”
 - identify a supply of specific, developable sites, or broad locations for growth, for years 6 to 10 and, where possible, for years 11-15.

2.27 Currently, the Council has a 5 year housing supply but this will only be the case for a limited period into the future for showpeople. The Council’s Land Availability Assessment work has not identified any addition sites that are potentially available for travelling showpersons. Given the potentially limited future shortfall in plots in relation to the Local Plan period of 2033 it is considered that it is a reasonable approach is for the Council to rely on the criteria-based policy set out in Local Plan Policy LC5. The Policy allows sufficient flexibility to meet the need where it might arise and it is reflective of a similar scenario for gypsies and travellers which was deemed acceptable at the Local Plan Examination. It is acknowledged that there are existing and allocated Travelling Showpeoples sites located in higher risk flood zones. However, this is reflective of where sites have already been developed for this purpose or where sites had permission. This approach to this site was found to be acceptable by the Inspector at the Local Plan Examination.

PAS Toolkit Part 1 A4 – “You are meeting housing delivery targets.”

Conclusion – Agree

The Council has been found by the Government to have met the Housing Delivery Test every year since it was introduced. In addition, the average annual delivery of housing total is above the new 353 dpa figure, both across the last 10-year and 5-year periods. As a result, this factor is considered to identify that the Local Plan policies do not need updating in this area.

2.28 The Bolsover Local Plan plans for a minimum of 5,168 new homes for the period 2014 to 2033. (272 homes per annum).

2.29 Based on the housing provision for the period from 2014/15 to 2023/24 the Council has a requirement for 2,720 dwellings, but has delivered 3,679 homes.(See Table 2). The Council has a substantial five-year housing supply at

1st April 2024 and there is no evidence to suggest ongoing delivery to the required level will not be achieved in Bolsover.

2.30 The Housing Delivery Test (HDT) is an annual measurement of housing delivery across England. It assesses the number of homes built in each local authority over the previous three-years against their assessed local housing needs. The outcomes of the HDT reflect delivery levels:

- More than 95% of housing requirement – Passed - No action
- 85% - 95% - Action Plan - The local authority must produce an action plan to lay out steps it will take to increase their housing delivery
- 75% - 85% - Buffer - A 20% buffer will be added to the local authority’s 5-year land supply and an action plan must be produced
- Less than 75% (less than 45% up until 2020) – Presumption in favour of sustainable development - All planning applications must be granted if they accord with an up-to-date development plan unless the site is protected under the National Planning Policy Framework or the adverse impacts of development significantly outweigh the benefits

2.31 There have been no issues for Bolsover District in relation to the HDT since it was introduced in 2018. The latest Housing Delivery Test measurement issued on 12th December 2024 identifies that Bolsover DC has achieved a figure of 260%. For Bolsover there is no requirement for an action plan and the presumption in favour of housing development is not triggered, Table 3.

20-21	21-22	22-23	Total homes required	20-21	21-22	22-23	Total homes delivered	Housing Delivery Test	Consequence
149	209	216	574	467	537	491	1,495	260%	None

Table 2: Housing Delivery Test: 2023 Measurement

Source: [Housing Delivery Test: 2023 measurement](#), MH Government

PAS Toolkit Part 1 A5 – “Your plan policies are on track to deliver other plan objectives including any (i) affordable housing targets including requirements for First Homes; and (ii) commercial floorspace/jobs targets over the remaining plan period.”

Conclusion – Agree.

For affordable housing, the evidence from the updated LHNA identifies there is a requirement for social and affordable rent. The Local Plan policy identifies the need for affordable homes for rent and is consistent with the changes in the NPPF and PPG, which emphasises social rents and removes the requirement in the PPG for a percentage of First Homes to be brought forward.

The Authority Monitoring Reports (AMRs) identify that the Council is achieving in excess of the targets for delivering affordable housing.

The updated evidence of the ENAS is that the Council should aim to plan

positively to meet the indigenous employment space needs generated by either the 'Policy On' or Standard method 3 figure (353 dpa). The implication for the Local Plan Review is that the need for local business sites to 2033 can be met by the existing supply of local sites set out in the Local Plan. It considers the evidence for 'big box' strategic logistic needs (units 9,000 sq. m plus) it is identified that the Property Market Area extends well beyond North Derbyshire and is highly fluid as demand could be met from as far away as the A1 Corridor to the east; Doncaster to the north and Nottinghamshire to the south. Under the scenarios identified in ENAS to 2033 there would be a shortage in the supply of strategic sites specific to North Derbyshire. However, given the extent of the FEMA, the ENAS stresses that it would be a policy choice for the Council to make as to the extent of this wider strategic B2 / B8 need that it should contribute towards.

(i) Affordable Housing and Other Housing Aspects

- 2.32 Affordable need can be met in many ways and not just through the planning system. However, a local plan can contribute towards meeting affordable housing needs through a policy requirement identifying a percentage figure to be brought forward as affordable housing. This is set out in Policy LC2: Affordable Housing Through Market Housing, where a requirement for 10% affordable rents is identified on site of 25 or more dwellings. The requirement for affordable housing needs to be considered in the context that Bolsover is a District with a relatively low value housing market which impacts upon the viability of residential development and can significantly impact upon the degree of affordable housing that can be delivered.
- 2.33 Under the 2012 NPPF there was a requirement for housing needs to be identified through a Strategic Housing Market Assessment (SHMA) to ensure that the local plan meets the full objective housing needs for market and affordable housing (FOAN). The Courts subsequently clarified that an assessment of affordable housing need should be undertaken, but the level of affordable housing need does not necessarily have to be met in full within the assessment of the Objectively Assessed Need (OAN). However, it may support an upwards adjustment to housing need within the OAN calculation. (Kings Lynn and West Norfolk Council v SSCLG and Elm Park Holdings (2015) EWHC 2464). Based on the SHMA the Local Plan took forward the demographic need of 247 dwellings plus a 10% uplift to identify a requirement of 272 dwellings per annum.
- 2.34 The method of assessing local housing need was amended in the 2018 NPPF to utilise the standard method and this remains the current position. The 2024 NPPF requires affordable housing where a need is identified (para.63) with a requirement for major development to achieve 10% of the total number of homes to be unless this exceeds the level of affordable housing for the area or significantly prejudices the ability to meet the affordable housing needs of specific groups. The Written Ministerial Statement of 24th May 2021 and the PPG First Homes introduced guidance which set out that a minimum of 25% of on-site affordable units secured by Section 106 should be for First Homes. First Homes are a specific kind of discounted market sale housing which include discounted market sale units which must be discounted by a minimum of 30% against the market value and are sold to a person or persons meeting the First Homes

eligibility criteria. For Bolsover, the evidence identifies that the cost of buying a home in Bolsover is relatively low in comparison to national figures. Access to capital for the deposit and solicitors' fees is identified as an issue. Therefore, shared ownership is a more appropriate form of "other affordable routes to home ownership" within Bolsover. Under these circumstances, the evidence supports the Councils focussing on meeting the needs of specific groups, which in this case, is the needs of those in need of social and affordable rented products. Delivering the full requirement for affordable home ownership would jeopardise the ability to meet the needs of those most in need in an area where affordable home ownership is not expected to play a significant role in the context of affordable housing. The position regarding First Homes and affordable homes for sale has been amended by the NPPF December 2024 as there is no longer a requirement for the first 10% of affordable homes to be affordable homes for sale, nor is there a specific requirement for First Homes.

- 2.35 The Local Housing Needs Assessment (LHNA) has provided an up-to-date assessment of the affordable housing needs for Bolsover. There remains a high need for affordable housing in Bolsover District particularly relating to renting homes (social and affordable rented) rather than affordable home ownership. In terms of affordable homes for sale the Assessment concludes that given the cost of housing locally, it is difficult for affordable homes ownership products to be provided and considered as 'genuinely affordable.' If affordable ownership is required the Assessment identified that share ownership is likely to be the most suitable for households as it has the advantage of a lower deposit and subsidised rents.
- 2.36 The Assessment emphasises that the relationship between affordable housing need and overall housing need is complex. This was recognised in the Planning Advisory Service (PAS) Technical Advice Note of July 2015. PAS conclude that there is no arithmetical way of combining the OAN (calculated through demographic projections) and the affordable need. For the reasons set out in the report the Assessment identifies that despite the level of affordable housing being high (relative to overall housing requirements) it is not considered that this points to any requirement for the Council to increase the Local Plan housing requirement.
- 2.37 The Local Plan policy requirements for affordable housing are reflective of the up-to date evidence from the LHNA and are consistent with the national approach set out in the NPPF. The trigger for affordable housing requirements in Policy LC2 is 25 dwellings or more dwellings subject to viability and it is considered that remains the appropriate approach to this aspect.
- 2.38 The evidence from the Annual Monitoring Report 2023/24 is that market developments are achieving 10% affordable housing based on affordable rents. The Local Plan identifies a target of 41 affordable housing being delivered per annum. In 2023/24 80 affordable houses were brought forward. For the period 2020/21 to 2023/24, 279 affordable homes (gross) have been delivered which is significant in excess of the Local Plan Target identified in the Annual Monitoring Report.

Table 3: Affordable Housing Delivery 2020/21 to 2023/24
Source: Bolsover District Council

	Target	A/H delivered gross
2023/24	41	80
2022/23	41	87
2021/22	41	70
2020/21	41	42

- 2.39 The LHNA identifies that Bolsover has an aging population with the implication that there will be higher levels of disability and health problems requiring a likely increased requirement for specialist housing options moving forward. The Assessment identifies a need for additional housing units with support (sheltered/retirement housing) as well as homes to meet disabilities. This is proposed to be all dwellings at M4(2) and 5% of market homes and 10% of affordable homes to be M4(3) (Wheelchair users). The Government has consulted on amending the building regulation to require all properties to meet M4(2), but it is proposed that any requirements for M4(3) remain an optional proposal. The Council does not have specific allocations for older person accommodation, but the provision for housing for older people and specialist housing provision across all tenures is supported in Local Plan Policy LC3: Type and Mix of Housing.
- 2.40 The LHNA also covers other relevant groups including self-build and custom build development, which is encourage through Policy LC3. The Written Ministerial Statement places an emphasis on the accommodation needs of children in need of social services care and the NPPF has been amended to include “looked after children”.
- (ii) Commercial floorspace/jobs targets over the remaining plan period
- 2.41 Policy SS2: Scale of Development identifies that 92 hectares of employment land has been identified to meet needs from 2015 to 2033. Under Policy WC1 Employment Land Allocations 71.95 ha was allocated to meet future needs. The Local Plan also include a strategic policy SS7: Coalite Priority Regeneration Area. This was a brownfield site with significant costs associated with remediation. Given the uncertainty around viability and delivery, the site was not included within the 92 ha supply of employment land identified within Policy SS2.
- 2.42 The Annual Monitoring Report 2023/24 identifies that 15.8 hectares of development has been delivered at Wincobank Farm, South Normanton. Across the 14 allocation sites, 5 are now completed. The remaining 9 sites are available for future years. To 31st March 2024, of the land allocation under Policy WC1 29.04 ha has been developed for employment purposes with 42.91 ha being still available. The Coalite site has been substantially developed to provide six units of which five of the units are of a size to meet strategic logistics needs, which provided an area of 9,293 sq. m (100,000 sq. ft) or more. This is anticipated to be a regional demand rather than a demand specific to Bolsover District.

- 2.43 In conjunction with Chesterfield Borough Council and North East Derbyshire District Council, Lichfields have been engaged to undertake an Economic Needs Assessment Study 2025 (ENAS). The Study applied the guidance set out in national planning policy and guidance to consider the economic position and future employment land requirements from 2022 to 2033 and 2022 to 2044. In this context, employment land is those uses falling under Classes B2, B8 and E g) of the Town and Country Planning (Use Classes) (Order) 1987 as amended.
- 2.44 The Study considers both a local need and a wider strategic logistics/warehouse (units over 9,000 sq. m) in analysing the future requirements for employment land. For local employment land the Study considered a number of scenarios including labour demand, labour supply, past take up rates as well as undertaking consultations with stakeholders. It concludes that Bolsover DC, Chesterfield BC and North East Derbyshire DC comprise a self-contained Function Economic Market Area (FEMA) that represents an appropriate spatial area to plan for planning and employment needs at a local scale. In relation to the strategic logistics market it confirms that the market extends well beyond the three districts.
- 2.45 In terms of local needs for business space, the ENAS recommend that the three Councils should aim to plan positively to meet the indigenous employment space needs generated by either the 'Policy On' or SM3 figures. For Bolsover, the implication for the Local Plan Review is that the need for business sites to 2033 can be met by the supply of local sites, including Clowne Garden Village 20 ha.
- 2.46 In relation to strategic B2/B8 the Study identifies that the situation is more complicated, given that the FEMA covers a substantially wider area than North Derbyshire³ and some of the sites featuring in the localised supply could potentially contribute to wider strategic needs. The analysis indicates that under every scenario, even under the short-term time period of 2022-2033, there is a need for additional logistics sites to be provided across the FEMA. In practice the strategic logistics market extends well beyond the three districts, particularly along the M1 Corridor. The three recent reports which address this point⁴ suggest that the Strategic Logistics Property Market Area (PMA) which North Derbyshire sits within is highly fluid and could meet demand from as far away as the A1 Corridor to the east; Doncaster to the north; and Nottinghamshire to the south and east. Some of the unmet strategic logistics needs generated here could also be met elsewhere in the wider PMAs (and vice versa), although the focus will be particularly on comparable locations in the vicinity of the M1 junctions. Over the period to 2044 the ENAs identifies that there are strong arguments to support a conclusion that there could be a residual need for the three North Derbyshire Districts to provide between 2 and 3 further strategic B2/B8 parks of at least 25 hectares in size, or between 1 and 2 larger logistics parks of which one could be 50 ha or more in size. However, in the shorter term it can be seen that Bolsover has already contributed significantly to the provision of strategic B2/B8 sites. Potentially, there are some smaller sites that may come forward through current planning applications around Junction 28 of the M1

³ Comprises Bolsover DC, Chesterfield BC and North East Derbyshire DC.

⁴ The Bassetlaw A1 Corridor Logistics Assessment, Nottinghamshire Core & Outer Logistics Study and the Sheffield Logistics Study.

Motorway. In this context, it is considered that there is a justification for not bringing a new local plan forward simply to allocate additional strategic B2/B8 employment sites in the shorter term.

Town Centres

- 2.47 The Local Plan identifies land available on the edge of the town centres of Bolsover (Policy WC6), Shirebrook (Policy WC7) and South Normanton (Policy WC8). At Bolsover, the site has come forward for retail and other town centre uses. At Shirebrook the land has been developed to provide a convenience store together with affordable housing taking advantage of the town centre location. The South Normanton site remains as available as an opportunity for provision of convenience goods and other town centre uses including offices, leisure, residential, extra care and community facilities.
- 2.48 Under Policy SS5, the strategic site allocation of Clowne Garden Village sets out a masterplan which anticipates development for 1,500 dwellings, 20 ha employment land and additional land which provides the opportunities adjacent to the town centre. The Council has passed a resolution to grant permission for outline planning application, which is subject to a holding direction from the Secretary of State for Ministry of Housing, Communities & Local Government.

PAS Toolkit Part 1 A6 – “There have been no significant changes in economic conditions which could challenge the delivery of the Plan, including the policy requirements within it.”

Conclusion – Agree

There have been periods since the Local Plan was adopted on 4th March 2020 where there have been negative impacts in relation to the economic context. Nevertheless housing in Bolsover continued to be delivered above the Local Plan requirement of 272 dwellings per annum. In terms of employment land a number of units have being constructed at South Normanton and on the Coalite site. Therefore, the Local Plan continues to deliver both in terms of housing requirements and employment opportunities.

- 2.49 Shortly after the Local Plan was adopted on 4th March 2020, a national lockdown was introduced in relation to the Covid Pandemic (late March 2020 - June 2020). A further national lockdown was undertaken between January 2021 and July 2021. The lockdowns restricted gatherings and movements of all but essential workers. Business changed how they operated in response to the Pandemic including flexible working with a reduce demand for office space and an expansion of logistics requirements. No significant employer has been identified as recently shut down or moved out of the area, although the indication is that the Fraser Group (Sports Direct) may be vacating their headquarter at Shirebrook at some time in the future.
- 2.50 The increase in inflation seen in 2021 and 2022 was mainly due to international factors. These included global demand for consumer goods, supply chain disruption and substantial rises in energy and fuel prices.

- 2.51 These aspects will affect the scope and scale of growth and are likely to have an impact both on the general economic position and the housing and employment allocations set out in the Local Plan. Housing in Bolsover continued to be delivered above the Local Plan requirement of 272 dwellings per annum. In terms of employment land, a number of units have been constructed at South Normanton and on the Coalite site. These units came forward in 2020/21 and in 2023/24. The Coalite Site has been developed largely with units that would meet strategic logistics needs. Therefore, the Local Plan continues to deliver both in terms of housing requirements and employment opportunities.

PAS Toolkit Part 1 A7 – “There have been no significant changes affecting viability of planned development.”

Conclusion – Agree

Based on a review of planned major developments, whilst there have been viability aspects on specific sites, based on the good levels of delivery it is concluded that there is not a general issue with viability on development sites in the District, as might be evidenced if there were a large number of stalled sites.

- 2.52 Parkhurst Road Ltd v Secretary of State for Communities and Local Government and The Council of the London Borough of Islington [2018] EWHC 991 identified that land values should be “informed by,” and not “buck,” an analysis of market evidence which reflects those policies (or where appropriate is adjusted to do so). This approach is reflected in PPG Viability. The amended The RICS guidance Assessing Viability in Planning under the National Planning Policy Framework 2019 for England states that the ‘price paid for land is not a relevant justification for failing to accord with relevant policies in the plan’. However, this has to be balanced against a ‘minimum return at which it is considered a reasonable landowner would be willing to sell the land’(PPG Viability paragraph 013). The viability appraisal that supported the Local Plan looked at a variety of levels from 20% to 5% before concluding that 10% was a reasonable requirement in relation to infrastructure requirements. The Council has not implemented a Community Infrastructure Levy and is reliant on Planning Obligations through Section 106 Agreements. In accordance with the PPG Viability, Local Plan Policy LC2 Affordable Housing Through Market Housing, specifically allows for flexibility regarding potential viability issues through the submission of a viability assessment with an application.
- 2.53 A review of major planning applications from 2021 has been undertaken for the period of 1st April 2021 to 19th November 2024. Issues have been identified in relation to viability for infrastructure where a proposed development site is 100% affordable housing. For market housing, unless there are abnormal costs, there have been limited challenges on viability grounds. However, give the position in relation to registered providers the Council has taken a flexible approach to the affordable housing tenure. Therefore, it is not considered that the Policy requires any amendment at this stage and no recent appeal decisions have identified issues relation to affordable housing for Bolsover.

PAS Toolkit Part 1 A8 – “Key site allocations are delivering, or on course to deliver, in accordance the local plan policies meaning that the delivery of the spatial strategy is not at risk.”

Conclusion – Agree

In relation to the housing allocations set out in the Local Plan strategic policies and Policy LC1 Housing Allocation, the AMRs identifies the housing allocations in the Plan are overall on track. Development has been brought forward on the strategic site at Bolsover North (Policy SS4) in 2022/23. There has been a delay in the strategic site at Clowne Garden Village coming forward, particularly due to the Covid pandemic. However, Clowne Garden Village has a resolution to grant planning permission subject to the Secretary of State’s holding consideration. The former Whitwell Colliery strategic site has outline permission and is on track to meet its planned delivery trajectory. In relation to employment sites, particularly for strategic B2 / B8, delivery has been seen at the Wincobank Farm and Coalite (Horizon 29) sites.

- 2.54 In terms of housing need, the Council is achieving substantially above the requirements identified in the Local Plan. The Local Plan sets out an annual housing need of 272 new homes per annum. From 2014/15 to 2023/24 the Council has completed 912 more dwellings that required, see Table below.

Table 4, Completions against Local Plan for Bolsover District 2020 Requirements

Source: Bolsover District Council

Completions 2014/15 to 2023/24	Target (272 dwellings per annum)	Over delivery
3,679	2,720	959

- 2.55 In relation to the housing allocations set out in strategic policies and Policy LC1 Housing Allocation, the Annual Monitoring Report 2023/24 identifies the housing allocations in the Plan are ongoing although behind the target set out in the trajectory within the Local Plan for Bolsover District 2020. However, as set out development has commenced on the strategic site at Bolsover North (Policy SS4) in 2022/23. The strategic site at Clowne Garden Village (Policy SS5) is behind the Local Plan target timescale but this is not unusual for a large site allocation. A resolution to grant planning permission has been granted for the development, but it is subject to a holding direction from the Secretary of State for Ministry of Housing, Communities & Local Government. The strategic site at Whitwell Colliery Site (Policy SS6) is not anticipated under the trajectory in the Local Plan to come forward until 2026/27.
- 2.56 Developers are routinely surveyed as part of the Council’s annual 5 Year Housing Land Supply position statement to inform forecast completions over the next 5 years. The responses did not reveal a significant slow-down or loss of confidence in the market. Further, while some housing sites have taken longer to come forward than was anticipated no issues to the delivery of housing has been identified and the Council has delivered housing significantly above the Local Plan requirement of 272 dwellings per annum.

- 2.57 Policy SS2: Scale of Development identifies a requirement for 92 ha of employment land for the period 2015 to 2033. This reflected an approach which was at the higher end of the anticipated needs set out in the Economic Development Needs Assessment. Policy WC1 allocated sites meet this demand requirement. A number of the sites have the potential to come forward to meeting existing and future requirements in terms of local needs.
- 2.58 Strategic logistics is a demand based on a regional or sub regional requirement with individual districts contributing towards meeting the demand. In this context:
- Two sites were identified in Local Plan paragraph 6.7 to meet large logistic developments Brook Park Shirebrook and Wincobank Farm, South Normanton, both developments have been completed.
 - Bolsover District has an additional brownfield site identified in the Local Plan under Strategic Policy SS7: Coalite Priority Regeneration Area. The site provides an additional gross area of 32 ha of land which is not reflected in Local Plan demand requirements for uses within Class E g) i, ii and iii, B2 and B8 uses. The site is being marketed as Horizon 29. Units 1,2 3, 4 and 5 are constructed or under construction with Unit 6 being developed and occupied. Units 7 and 8, which are located across the district boundary with North East Derbyshire have not started.
- 2.59 A number of smaller sites have come forward for smaller logistic requirements or B2 employment uses on other sites within the district.
- 2.60 In this context, it is considered that the spatial strategy in the Local Plan remains appropriate and there is no evidence to indicate that key sites will not be deliverable.

PAS Toolkit Part 1 A9 – “There have been no significant changes to the local environmental or heritage context which have implications for the local plan approach or policies.”

Conclusion – Agree

The AMRs do not identify any significant contingency / action required against any of the policies relating to protecting the countryside, the natural environment and heritage assets.

Legislation has introduced a requirement for development to achieve 10% biodiversity net gain and the preparation of Local Nature Recovery Strategies. As these are legal requirements and there is no evidence that a larger BNG percentage can be achieved in the District it is considered not necessary to amend the Local Plan policies in this area.

No issues have been identified in relation to air quality with three previously declared Air Quality Management Areas (AQMAs) within the Council area having been revoked as of 2nd March 2022.

A review has been undertaken of the sites allocated in the Local Plan against the Flood Maps for Planning Flood Zones 2 and 3. No significant changes have been identified which impact on the Local Plan allocations.

- 2.61 Heritage – A new heritage designation is the Oxcroft Settlement Conservation Area. Minor extensions have been made to the Tibshelf and Barlborough Conservation Areas but this will not impact on housing or employment land delivery.
- 2.62 Biodiversity - New environmental designations 2022/23 as noted by Derbyshire Wildlife Trust (DWT) comprise three changes to the LWS Register for Bolsover comprised of one new Local Wildlife Site and 2 extensions as follows:
- Birch Hill Plantation – new site.
 - Poulter Country Park East – extension.
 - Tibshelf Ponds – extension.
- 2.63 DWT do not deal directly with Sites of Special Scientific Interest or Local Nature Reserves, but they are not aware of new designations during 2022/23 and not aware of any losses. Similarly with regard to Regionally Important Geodiversity Sites, they are not aware of any losses or gains during this period.
- 2.64 Biodiversity Net Gain – The Environmental Act 2021 and its supporting regulations have introduced a legal requirement for development to achieve 10% biodiversity net gain. The Local Plan does not identify a specific requirement in Policy SC9: Biodiversity and Geodiversity, but there is no evidence that a higher BNG can be achieved in Bolsover District. As the legal requirement is for at least 10% biodiversity net gain, it is not considered that it is necessary to amend Policy SC9.
- 2.65 Air quality – The Council’s 2023 Air Quality Annual Status Report identifies that the main source of air pollution is from transport sources, the public can support the reduction in air pollutant(s) release and improve air quality within the area by participating in active travel. Three previously declared Air Quality Management Areas (AQMAs) have been revoked within the Council area, as of 2nd March 2022.
- 2.66 Flood Zones - A review has been undertaken of the sites allocated in the Local Plan against the Flood Maps for Planning Flood Zones 2 and 3. No significant changes have been identified which impact on the allocations. In applying the Policy, it is necessary to consider the extensive guidance that is available in the PPG on Flooding and Coastal Change. It is not practical or a requirement to include this guidance with the Local Plan. The PPG also negate the need for a supplementary planning document to facilitate the understanding of the requirements to meet the Policy aspects.
- 2.67 Water Resources – The Environment Agency’s “Water stressed areas – final classification 2021” identifies that Severn Trent Water area – excluding Chester zone (12) is identified as a serious water stressed area. It also identified that

“Local authorities can use the water stress determination to inform whether they can require the tighter standard of 110 litres per head per day in new developments.” On 1st July 2021 the Secretary of State for the Department for Environment, Food and Rural Affairs made a Ministerial Statement on ‘Reducing demand for water’ (Statement UIN HCWS140). It included a number of measures to support water efficiency in homes including: “Write to local authorities to encourage them to adopt the optional minimum building standard of 110 litres per person per day in all new builds where there is a clear local need, such as in water stressed areas.” However, there is no national guidance in the PPGs or Written Ministerial Statements, which requires the application of 110 litres per head per day.

- 2.68 Water quality – At this time no issues have been identified for the District regarding the water quality from adverse nutrient impacts on habitats sites.
- 2.69 Contaminated and unstable land – While Bolsover District is a former mining area no specific issues have been identified in this context which would prevent development coming forward. The Coalite Priority Regeneration Area (Policy SS7) was not included within the supply of employment land site allocations in meeting the demand of 92 ha set out in Policy SS2. This reflected that it was a former chemical works and had a legacy of contamination which led to uncertainty when the site would come forward.
- 2.70 It is not considered that there have been significant changes to the local environmental or heritage context which would necessitate significant changes the relevant local plan policies. Development Management officers have not identified any issues with statutory consultees in relation to these policies.

PAS Toolkit Part 1 A10 – “No new sites have become available since the finalisation of the adopted local plan which require the spatial strategy to be re-evaluated.”

Conclusion – Agree

The Council carried out a call for sites in 2021 in order to refresh its land availability records. This identified a number of new sites and has informed the Council’s non-statutory Growth Plan work for Shirebrook and Creswell. However, this work has not reached a stage that would require the spatial strategy to be re-evaluated.

- 2.71 No new significant sites have become available, which will impact on the spatial strategy sets out in the Local Plan. The spatial strategy in the Local Plan directs development and service provision within the District of Bolsover in accordance with the following settlement hierarchy:
- a) First to the small towns of Bolsover and Shirebrook and the emerging towns of South Normanton and Clowne
 - b) Then to the larger villages of Creswell, Pinxton, Whitwell, Tibshelf and Barlborough

- The Local Plan also support limited development in a number of smaller villages.
- 2.72 Planning consent has been granted for 161 dwellings on land South West Of Brockley Wood, Oxcroft Lane, Bolsover. The development is outside of the development envelope, but a number of benefits were identified in relation to the application, including the delivery of a link road. The development is reflected of the spatial strategy with Bolsover being identified at being at the top of the settlement hierarchy.
- 2.73 Housing development has come forward on permissions granted or submitted prior to the Local Plan being adopted, on allocations or in locations which reflected the spatial strategy. A number of permissions have been granted in the smaller villages, but the permissions are within the development envelope in accordance with Policy SC1 or had permission prior to the Local Plan being adopted.
- 2.74 It is recognised that there is the potential for additional travellers' sites to be needed before the end of the Local Plan, but it is anticipated that they could come forward through the criteria based policy set out in Policy LC5 which was considered as an acceptable approach at the Local Plan Examination.
- 2.75 The Council has undertaken consultations on possible Growth Plans at Shirebrook and Creswell. The Growth Plans look at the potential for how these settlements could grow and prosper going into the future. It is anticipated that they could form the basis of the development requirements for a future Local Plan. However, this work has not reached a stage that would require the spatial strategy to be re-evaluated.
- 2.76 The Council is meeting and going beyond the housing and employment land requirements set out in the Local Plan and remains on target to deliver its development strategy.

PAS Toolkit Part 1 A11 – “ Key planned infrastructure projects critical to plan delivery are on track and have not stalled / failed and there are no new major infrastructure programmes with implications for the growth / spatial strategy set out in the plan.”

Conclusion – Agree

The Local Plan is not reliant on key infrastructure projects being completed in order for allocated sites to be delivered. The Council's Local Plan is agile in meeting changing infrastructure requirements with the Policy reflecting a requirement towards green, social or physical infrastructure guided by the latest version of the Council's Infrastructure Study and Delivery Plan. The Council through S106 Planning Contributions supports the delivery of infrastructure required from planned development. Under these circumstances the infrastructure requirements are not considered to be prejudicial to the spatial strategy.

- 2.77 An Infrastructure Study and Delivery Plan (ISDP) was prepared to support the Local Plan. The ISDP is kept under review, with regular contact with the infrastructure providers and an updated version has been prepared as part of the LPR. This updated ISDP has identified that whilst capacity has changed, often

becoming more thinly spread in places or in types of infrastructure most affected by austerity, there have also been improvements in capacity as a result of new developments.

- 2.78 The Council's Local Plan is agile in meeting changing infrastructure requirements with the Policy reflecting a requirement towards green, social or physical infrastructure guided by the latest version of the Council's Infrastructure Study and Delivery Plan. The Council through S106 Planning Contributions supports the delivery of infrastructure required from planned development such as extensions to schools to meet future anticipated need.
- 2.79 Under these circumstances the infrastructure requirements are not considered to be prejudicial to the spatial strategy.

PAS Toolkit Part 1 A12 – “All policies in the plan are achievable and effective including for the purpose of decision-making.”

Conclusion – Disagree

Local Plan policies are deemed as being effective and effective for the purpose of decision-making, with no significant issues in relation to applications or appeals.

However, the NPPF 2024 makes significant changes to what needs to be taken into account in relation to decision-making in the Green Belt, which are not reflected in the Local Plan Policy SS10: Development in the Green Belt. Consequently, not all policies can be concluded to be achievable and effective in light of this very recent change.

- 2.80 While the Local Plan was examined against the National Planning Policy Framework 2012 it took into account various aspects of the 2018 NPPF. The analysis of strategies and the policies within the Plan has not identified fundamental issues regarding the Local Plan strategic policies. There are aspects of specific policies which could be updated and amended, but it is considered that the Local Plan remains effective in deliver the spatial strategy and the scale of development identified in the Plan to achieving the Vision and the Local Plan objectives.
- 2.81 A review of appeal decisions in Bolsover has been undertaken from a period prior to the Local Plan being brought forward. No issues have been identified in relation to strategic Local Plan policies. There is a significant supply of housing sites against the five year requirement and no strategic policy areas are regarded as being fundamentally ineffective or unachievable.
- 2.82 Local Plan policies are delivering planning decisions in accordance with the Local Plan with no significant problems in relation to applications or appeals. From discussions with Development Management officers and feedback from the decisions of the Planning Committee there could be amendments to specific policies in the Local Plan but they do not have a fundamental impact that would justify a review of the policy(ies) or Plan under the Town and Country Planning (Local Planning) (England) Regulations 2012, as amended.

- 2.83 The NPPF 2024 has made significant changes in relation to Part 13 Protecting Green Belt Land. It has introduced a number of changes including:
- Amending the wording for an exception to circumstances for changes to Green Belt boundaries through the local plan.
 - The introduction of development utilising grey belt land.
 - The introduction of the ‘Golden Rules’.

The Local Plan does not reflect any of these aspects. However, only a small area of the District is within the Green Belt. If significant development was proposed in the Green Belt, it would be necessary to consider the Local Plan Green Belt Policy in conjunction with the NPPF. Nevertheless, the Local Plan Strategic Green Belt Policy is not consistent with national planning policy.

PAS Toolkit Part 1 A13 – “There are no recent or forthcoming changes to another authority’s development plan or planning context which would have a material impact on your plan / planning context for the area covered by your local plan.”

Conclusion – Agree

Within the North Derbyshire and Bassetlaw Housing Market Area (HMA), the position is that Bassetlaw DC has recently adopted their local plan. Chesterfield BC and North East Derbyshire DC are reviewing their local plans, which were adopted at a later date than Bolsover’s Local Plan. No issues have arisen from other neighbour authorities, who have either a recently adopted local plan, undertaken a LPR or are at Examination with their local plan.

The East Midlands Combined County Authority (EMCCA) was established on 28th February 2024. It has powers in relation to transport, housing, skills and adult education, economic development and net zero, but has not at this time brought forward any strategies within these areas.

- 2.84 The Housing Market Area comprises Bassetlaw District Council, Bolsover District Council, Chesterfield Borough Council and North East Derbyshire District Council. The councils’ Local Plans were adopted as follows:
- Bolsover District Council Local Plan was adopted on 4th March 2020.
 - Chesterfield Borough Council Local Plan was adopted on 15th July 2020.
 - North East Derbyshire District Council Local Plan was adopted on 29th November 2021.
 - Bassetlaw Local Plan was adopted on 29 May 2024.

The three Derbyshire councils are undertaking Local Plan Five Year Reviews in accordance with the legal requirement under Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012, as amended and

paragraph 33 of the NPPF December 2023.

- 2.85 In terms of other neighbouring authorities Ashfield DC and Amber Valley BC are at examination on their local plans. Mansfield DC has just commenced a five year review of its adopted Local Plan. Rotherham completed a five year review of its Sites and Policies Local Plan in 2023, concluding that the document remains up to date and continues to comply with national planning policy. Sheffield City Council Local Plan is at Examination.
- 2.86 No additional housing or employment land specific requirements for Bolsover District has been identified as arising from these various plans and actions. The Council has and continues to liaise with these authorities as well as other neighbouring districts and boroughs to understand the pressure across the Housing Market Area and the Functional Economic Market Area.
- 2.87 The East Midlands Combined County Authority (EMCCA) was established on 28th February 2024. It has powers in relation to transport, housing, skills and adult education, economic development and net zero, but has not at this time brought forward any strategies within these areas.
- 2.88 The Tibshelf Neighbourhood Plan is the only 'made' neighbourhood plan within the District. The Neighbourhood Plan does not allocate any housing or employment land sites but sets out 21 policies. It is considered that there are no significant issues associated with the Neighbourhood Plan evidence base or its context that require changes to Local Plan policies in relation to the Local Plan Review.
- 2.89 In accordance with the Planning and Compulsory Purchase Act 2004, Section 13, the Council continues to review the matters which may be expected to affect the development of their area or the planning of its development.

PAS Toolkit Part 1 A14 – “There are no local political changes or a revised / new corporate strategy which would require a change to the approach set out in the current plan.”

Conclusion – Agree

No political issues have been identified. An analysis of “Bolsover District The Future 2024-2028” identifies that it is consistent between the corporate plan and the Local Plan. The Council places an emphasis on growth, which is reflected in both plans. Other plans set out by the Council have been review and no specific issues with the strategic policies in the Local Plan have been identified.

- 2.90 The Local Plan was brought forward when the local Labour Party was in control of the Council. In the 2019 local elections, Labour failed to gain a majority by one seat but moved back into overall control in 2021. In the 2023 local elections, Labour took control of the Council again with a significant majority. Overall, the political change has had no direct impact on the Local Plan.
- 2.91 An analysis of the current corporate plan “Bolsover District: The Future 2024-2028” identifies that it is consistent with the Local Plan. The Council places an

emphasis on growth which is reflected in both plans. Other plans set out by the Council have been review and no specific issues with the strategic policies in the Local Plan have been identified.

- 2.92 The East Midland Combined County Authority (EMCCA) effectively came into force on 28th February 2024, with has an elected Mayor from May 2024. There are proposed changes with EMCCA having a strategic planning role going into the future. However, at this time, these powers have not been introduced and in any case are likely to take some time in coming forward.

3.0 CONCLUSION ON THE LOCAL PLAN REVIEW

- 3.1 Bolsover District Council places a substantial emphasis on growth both in relation to housing and the local economy, but within the context of protecting the local environmental and enhancing biodiversity. This is reflected within the key objectives and policies set out in the adopted Local Plan for Bolsover District with the vision and priorities of the Local Plan aligning both with the NPPF and the Council's Corporate Plan.
- 3.2 The Local Plan Review has followed the guidance set out at a national level for a local plan review and utilised the Planning Advisory Service, Plan Route Mapper Toolkit Part 1: Local Plan Review Assessment to arrive at a conclusion regarding whether an update to the Local Plan is required. There is not a specific requirement to gather new evidence for an LPR. However, it was considered that the Council's Review should be informed by an update of the key evidence base documents in relation to local housing need, the local economy and infrastructure. Consequently, up-to-date assessments / studies have been undertaken to inform the review of the Local Plan. Where appropriate this has been undertaken working with neighbouring authorities. The Council continues to meet on a regular basis with other councils in the North Derbyshire and Bassetlaw Housing Market Area.
- 3.3 In undertaking a LPR the key aspect is where strategic policies in the adopted plan are up to date. The NPPF and PPG places an emphasis on meeting housing need with an update to a plan being necessary whether there has been 'significant' changes to the local housing need. For a substantial period over which the LPR was being brought forward, the Local Plan requirement of 272 dpa was significantly above the standard method requirement (March 2024) of 195 dpa. The Council on 1st April 2024 had a substantial Five Year Housing Supply with a figure of 8.35 years. It has met the requirements of the Housing Delivery Test with no issues arising. While some of the strategic sites are taking longer to come forward than anticipated in the Local Plan trajectory, this is not unusual given the additional complexity associated with bringing larger strategic sites forward and particularly the impact of the Covid-19 pandemic. Infrastructure requirements from development are met through an agile policy approach towards green, social or physical infrastructure.
- 3.4 In this context:
- The Local Plan has been very successful in delivering development within the District. In relation to housing, the Plan over the last 10 years has delivered 959 more dwellings that required over the Plan's requirement of 272 dpa. This is an average of 367 dpa over the 10 years period and 454 dpa over the past five years.
 - The Local Plan requirement for housing, 272 dwellings per annum, was significantly above the standard method requirement, at the time of 195 dwellings per annum, (March 2024).
 - The Spatial Strategy and spatial distribution of development remain up to date to meet the requirements set out in the Local Plan and no substantial additional

sites have been identified as being required in the context of a substantial housing supply.

- The strategic sites in the Plan have started to deliver and there is no evidence that the sites that have not currently started will not come forward to meet housing need in future years.

As such, the Local Plan, in terms of housing needs, was considered to be in a healthy position, delivering in excess of the necessary housing need.

- 3.5 On the 30th July 2024, the Government issued a Written Ministerial Statement, “Building the Homes we Need”. The Statement expresses the intention to raise housing targets and facilitate housing delivery. The Government has placed a substantial emphasis on delivering more homes with a target of 375,000 new homes per annum, looking to achieve the delivery of 1.5 million homes over a five-year period. From 12th December 2024, the NPPF was amended, and PPG for housing and economic land availability assessment was changed so that the formula provide a stock based approach to local housing need. This has resulted in a revised local housing need for Bolsover of 353 dpa for Bolsover. This is 81 additional dwellings per annum above the Local Plan requirements of 272 dpa and, for the reasons set out in the PAS analysis, is considered to be a significant change to the local housing need identified in the Local Plan.
- 3.6 The updated LHNA identifies that the Local Plan approach to affordable housing is consistent with the revised NPPF. While there have been other additional requirements identified in the LHNA in relation to future policy responses, these are not considered to justify a partial review or a new Local Plan.
- 3.7 The ENAS provides an evidence base in relation to employment land. The evidence identifies that the need for local business sites to 2033 can be met by the supply of local sites in the Local Plan. In relation to strategic B2/B8 the Study identifies situation is more complicated, given that the Property Market Area (PMA) for B2/B8 covers a substantially wider area than North Derbyshire and some of the sites featuring in the localised supply could potentially contribute to wider strategic needs. The analysis indicates that under every scenario for the period 2022-2033, there is a need for additional logistics sites to be provided across the FEMA. However, as the Study emphasises, the strategic logistics FEMA does not stop abruptly at the boundaries of the three districts. Some of the unmet strategic logistics needs generated here could also be met elsewhere in the wider PMAs (and vice versa), although the focus will be particularly on comparable locations in the vicinity of the M1 junctions. It is also expected that the EMCCA will seek to influence the general location of strategic B2/B8 in the future.
- 3.8 The Council’s Authority Monitoring Reports identify that significant employment land has been delivered particularly for strategic B2/ B8 purposes including Wincobank Farm, South Normanton and Coalite (Horizon29). In the short term it can be seen that Bolsover has already contributed significantly to the provision of strategic B2/B8 sites. Potentially, there are some smaller sites that may come forward through current planning applications around Junction 28 of the M1 Motorway. In this context, it is considered that there is a justification for not

bringing a new local plan forward simply to allocate additional strategic B2/B8 employment sites in the shorter term.

- 3.9 An analysis of policies in the Local Plan acknowledged that some policies ideally could be amended to reflect some changes of wording in relation to the NPPF December 2024. However, no fundamental issues in relation to strategic policies and meeting the spatial strategy set out in the Plan were identified.
- 3.10 Overall, the analysis based on Planning Practice Guidance and the PAS Toolkit, identifies that the Local Plan does not meet the indicated requirements set out in PAS assessment matrix A1, A2 and A12. This arises from the recent changes introduced to the NPPF and PPG on 12th December 2024. The local housing need figure for Bolsover has increased to 353 dpa from 272 dpa which, for the reasons set out above, is considered to be a significant change in the local housing need⁵. In addition, the NPPF makes significant changes to the approach to the Green Belt, which are not reflected in the Local Plan's strategic Green Belt policy. In this context, it is considered that there is a requirement for some of the strategic policies to be updated. Therefore, there has been a fundamental change to some strategic policies so that it cannot be concluded that strategic policies can be carried forward for a further five years. Consequently, an update of the Local Plan is necessary.
- 3.11 However, this should be seen in the context of the Council continuing to see the delivery of new housing well above the Local Plan requirement. Evidence shows that the average delivery of housing has been 367 dpa over the 10 years period and 454 dpa over the past five years. As such, this exceeds the new standard method requirement figure of 353.
- 3.12 Furthermore, in relation to the Green Belt only 6% of Bolsover District is designated as Green Belt and only the large village of Barlborough is constrained by the Green Belt boundary, with the larger settlements unaffected. Regarding the change in national Green Belt policy, it is anticipated that this is likely to be contained within the proposed National Development Management Policies, which are due to be introduced in the near future. In the short term, it is considered that applications in the Green Belt will need to reflect the NPPF provision as a significant material consideration.
- 3.13 As a result, the need for a new Local Plan is not immediate and, therefore, the Council will need to determine the timescale over which an updated Local Plan should be brought forward and this will be addressed in a new Local Development Scheme.
- 3.14 In the meantime, it is considered that the current Local Plan and Tibshelf Neighbourhood Plan still provide a robust statutory development plan for Bolsover District.

⁵ Although not specifically applied to a local plan review, the Government references in various paragraphs of the NPPF the need for annual housing requirements to meet not less than 80% of the standard method requirement. The Bolsover Local Plan housing requirement of 272 dpa is less than 80% of the revised standard method requirement of 353 dpa. Therefore, it is concluded that the local housing need has changed significantly.

Appendix One: Bolsover District Council Local Plan Review – Review of Local Strategy

A.1 To consider whether any new social, environmental or economic priorities have arisen since the Local Plan was adopted in March 2020, a review has been undertaken of regional and local strategies. The review also takes account of the implications arising from the Census 2021.

D2N2 Local Enterprise Partnerships

A.2 The NPPF requires a local plan to have regard to local industrial strategies. D2N2 has been the Local Enterprise Partnership (LEP) for Derby, Derbyshire, Nottingham and Nottinghamshire, and has had a central role in deciding the economic priorities and undertaking activities to drive economic growth and create local jobs. The D2N2 Recovery and Growth Strategy (RGS) “The Heart of the UK’s Green Revolution” builds on and supersedes their Local Industrial Strategy. It is identified as D2N2’s key strategic document up to 2030, albeit it is noted that the work of D2N2 has been incorporated into the new East Midlands Combined County Authority. At published, the D2N2 strategy seeks to drive improvement across three guiding principles, which are supported by a proposition and underpinned by more specific priorities and objectives, see Figure 2.



Figure 2: Recovery and Growth Strategy D2N2

Source: D2N2

A.3 It is not considered that the D2N2 Recovery and Growth Strategy requires changes to the Bolsover Local Plan.

Derbyshire Economic Strategy Statement (DESS)

- A.4 The DESS provides a strategic framework to underpin County wide objectives including how Derbyshire can contribute towards the D2N2 priority sectors and setting out an economic vision a, strategic themes and objective. Bolsover forms part of the North East Derbyshire Economic Zone along with Chesterfield Borough Council and North East Derbyshire District. The Zone is influenced by the Sheffield City Region and is characterised by major employment sites. For Bolsover, the priorities including supporting a transition to higher value-added businesses, opening up employment land and raising skill levels. While the Strategy is now somewhat dated, it is not anticipated that the Local Plan spatial approach and policies conflicts with this approach.

East Midland Combined County Authority (EMCCA)

- A.5 Through devolution, the Government has a policy of transferring powers and funding from national to devolved governments to enable decisions to be made closer to local people, communities and the businesses they affect. In November 2022, a devolution deal was agreed by the four upper tier councils of Derbyshire County Council, Nottinghamshire County Council, Derby City Council and Nottingham City Council. The East Midlands Combined County Authority Regulations 2024 came into force on 28 February 2024, with the majority of its provisions applying immediately and the remaining provisions coming into force with the election of a Mayor for the EMCCA in May 2024.
- A.6 Geographically the area comprises the local authority areas of Derbyshire County Council, Nottinghamshire County Council, Derby City Council and Nottingham City Council, together with district and borough councils across these counties. The EMCCA covers a population of 2.2 million people with an annual economic output of over £50bn. It is one of the most functional, self-contained economic geographies in the country – 92% of workers live in the Area and 87% of residents work in the Area.
- A.7 EMCCA has a number of functions and powers including transport, housing, skills and adult education, economic development and net zero. It will have £38m funding per year for the next 30 years and an additional £1.5bn in transport funding.
- A.8 Various bodies have been or will be integrated into EMCCA including the Local Enterprise Partnership with the EMCCA taking on their functions and roles. Whilst the role of the EMCCA will be significant, it is too early at this time to take into account the possible impacts of future policies that are not yet determined for implementation by the EMCCA.

Bolsover District: The Future 2024-2028

- A.9 The Council's corporate plan has been updated to consider the period 2024 to 2028. One of the key objectives throughout the Plan is to maximise the influence and opportunities from the newly created EMCCA to drive the continued delivery of excellent services, maximise local aspirations and drive economic prosperity for Bolsover District. Its 'Ambitions' are set out below.



Figure 3: Ambitions

Source: Bolsover District The Future 2024-2028

A.10 To achieve this, there are four main aims:

- Customers - Providing an excellent and accessible services.
- Economy - Drive growth, promoting the district and being business and visitor friendly.
- Environment - Protects the quality of life for residents and businesses, meeting environmental challenges, and enhance biodiversity.
- Housing - Delivering social and private sector housing growth.

Housing

A.11 Bolsover The District includes within its priorities a commitment to:

- Enable housing growth by increasing the supply, quality and ranges of housing to meet the needs of the growing population.
- Maximising our influence and opportunities within the EMCCA to create affordable, good quality housing options and to retrofit existing homes to be more environmentally sustainable.

A.12 A housing need figure set out in the Local Plan for Bolsover District is 272 dwellings per annum. This figure was based on the evidence provided by the

North Derbyshire and Bassetlaw Objectively Assessed Need Update, Final Report (October 2017) prepared by GL Hearne. For Bolsover DC, the household requirement was identified as being between 235 and 240 dwellings per annum. An upward adjustment of 10% was made to enhance the affordable housing delivery taking into account the judgement in Kings Lynn and West Norfolk Council v SSCLG and Elm Park Holdings (2015) EWHC 2464.

- A.13 In 2018, changes to National Planning Policy Framework introduced the standard method of arriving at housing need. The specific formula was set out in Planning Practice Guidance Housing and economic needs assessment. The current NPPF identifies that “the standard method is an advisory starting-point for establishing a housing requirement for the area.” For Bolsover, the standard method as at March 2024 sets out a starting point for housing need of 195 dwellings per annum. Allowing for a 10% upwards adjustment (215 dwellings) still allows for significant growth within the District reflecting the ambitions of set out in Bolsover District: The Future. Under NPPF paragraph 34, there is an expectation that if there has been a significant change in the local housing need and early review is required. However, this is typically regarded as the Local Plan provision failing to meet the minimum housing need identified through the standard method so there is an unmet housing need. Before the changes to the NPPF and standard method of 12th December 2024, this was not the position in Bolsover District. The revised standard method figure is 353 dwellings per annum. The Council has a housing delivery rate, which exceed the revised requirements over the past 10 years, has a significantly positive housing delivery test result and a five year housing supply in excess of five years. In addition, working is on-going towards the future housing supply through the Creswell and Shirebrook Growth Plans. Consequently, the Local Plan is making an important contribution towards enabling housing growth through the identify supply and meeting the ambitions set out in the corporate plan.

Economy

- A.14 The Local Plan places a substantial emphasis on policies which combined, work to address those physical and spatial issues which support economic productivity and growth. Through local action and policy, the Local Plan maintains a supply of land and premises for new business, and where appropriate for mixed uses including:
- The identification of a variety of sites, in terms of both size and quality, for employment generating uses, which with the Coalite Priority Area, is significantly in excess of the land required based on the evidence for the Local Plan.
 - The protection of employment generating areas but allowing for flexibility if there is no realistic prospect of reuse or development of the employment site.
 - Facilitating working from home where there is no significant adverse impact on the neighbouring amenity.

A.15 Development decisions consider accessibility, proximity of labour supply, upskilling and the potential for generating or supporting agglomeration benefits. For Bolsover it is important to invest in human capital, which is widely regarded as one of the most important elements of a healthy and prosperous economy. Investing in additional skills and education raises the amount of human capital (a person's knowledge and skills) which contributes toward higher wages for the person and higher productivity in terms of output from the worker. The Bolsover Local Plan recognises the importance of initiatives to improve local employment prospects. A skilled workforce, with access to training and work opportunities, is essential to support the District's growth agenda by helping to attract inward investment and enabling local businesses to grow. The Local Plan assists in delivery of the job opportunities needed to achieve this ambition through contributions towards educations and the requirement for 'Employment and Skills Plan" which sets out the opportunities for and enables access to, employment and up-skilling of local people.

Environment

A.16 'The Future' includes a number of priorities in relation to the environment including:

- Playing our part in achieving our national ambition to achieve net zero by 2050.
- Reducing our carbon footprint and encouraging residents and business to do same.
- enhancing biodiversity across the district.
- Working with stakeholders, regional and local partnerships to deliver shared strategies and priorities that support the environment.

A.17 Addressing climate change is a core planning principle that underpins both plan making and decision taking. Planning has a vital role to play in enabling and encouraging the transition to a competitive and resilient low-carbon society that also supports the environment, health, and wellbeing. The Local Plan does not set out specific targets but sets out a series of policies which contribute towards mitigating and adapting to climate change and climate impacts. This is reflected in Strategic Objective B: Climate Change, and a number of policies within the Local Plan including: Policy SS1 Sustainable Development, and Policy SC2: Sustainable Design and Construction. Various policies emphasis the need to tackle climate change through the approach to sustainable construction, renewable energy and energy conservation. Green infrastructure makes a substantial contribution toward adapting to and mitigating against climate change through the 'heat island effect,' tree planting and green space. There are also a range of other benefits to be gained through green infrastructure networks such as improved opportunities for walking and cycling, reduced carbon emissions and improved health and well-being of local communities. Such natural interventions are a desirable win-win approach combating climate change and delivering multiple other social, economic and environmental benefits.

- A.18 Policies on flooding and sustainable urban drainage will help to mitigate the impact climate change with water management and reducing the risk of flooding from all sources being a key aspect of sustainable development.
- A.19 Policies SC2: Sustainable Design and Construction and SC3: High Quality Development provide opportunities for sustainable design and layout and for efficient use of energy and resources so to mitigate and adapt to the effects of climate.
- A.20 The Local Plan sets out a number of policies which are key to protecting the local environment and enhancing biodiversity across the district. In terms of development viability, Bolsover District is a lower value area when compared against many other districts. Legislation has introduced the requirement for 10% biodiversity net gain (BNG). There is no evidence to identify that Bolsover District could achieve a higher percentage BNG which would require policy changes in the Local Plan. In terms of open space, the Local Plan sets out a policy requiring a minimum quality standard of 60% for green spaces, which is reflects in the Corporate Plan. The Council has adopted a Local Nature Recovery Action Plan and is working with other authorities on the preparation of a Local Nature Recovery Strategy for Derbyshire.

Conclusion

- A.21 The Local Plan Vision and special objectives are consistent with the aims and priorities set out in Bolsover District: The Future 2024 – 2028. Policies in the Local Plan support these aims and priorities. While the standard method of assessing local housing need has changes resulting in a housing requirement of 353 dwellings per annum, the key objectives of the strategies remain, which includes an emphasis on housing growth.

Bolsover Housing Strategy 2024 to 2029

- A.22 The Housing Strategy is a high-level document with an Action Plan, which sets out how the Council's housing our priorities will be achieved. This enables the Council to respond effectively to new legislation, to changes in national policy, and to local issues as they arise.
- A.23 The Housing Strategy focuses on delivery under the following key priorities for the period from 2024-2029:
- Priority 1 – Providing Good Quality Housing,
 - Priority 2 – Enabling Housing Growth,
 - Priority 3 – Supporting Vulnerable and Disadvantaged People,
 - Priority 4 – Maintaining and improving property and housing management standards and ensuring that standards and living conditions in the district contribute towards better health outcomes for all.

A.24 Priority 2 Enabling Housing Growth reflects the Local Plan policies and the strategic approach set out in the corporate plan, Bolsover District: The Future 2024-2028. Within the context of Priority 2 the Strategy places an emphasis on

- Contributing towards affordable housing needs
- Supporting infrastructure for new homes
- Long-term empty homes
- Needs of specific groups

A.25 As with the Bolsover District: The Future, the specified housing figure within the strategy of 272 dwellings per annum has, in practice, been replaced by the requirement under the standard method of 353 dwellings per annum. Other than this specific aspect, the Strategy is considered to be consistent with the policies set out in the Local Plan for Bolsover District.

Bolsover DC Carbon Reduction Plan 2019 - 2030.

A.26 Following on from the Kyoto Protocol on Climate Change and the UK Government's response embodied in the Climate Change Act (2008) and Carbon Plan (2011), The Carbon Reduction Plan, published by the Council in 2019, is based on a stated vision for Bolsover to be "*A district that balances economic prosperity with environmental sustainability, improving the lives of our people and our environment today and in the future*". The aim is to achieve this working with key partners, including other local authorities and external organisations, to implement and communicate the energy policy objectives and networking with other "Energy Groups" including the Carbon Trust, Bolsover Energy Partnership and Energy Savings Trust.

A.27 The Plan identifies eight themes: Sustainable Buildings and Workplaces, Renewable Energy, Low Carbon Fleet, Transport, Planning, Community and Collaboration, Biodiversity and Procurement. An Action Plan for each theme sets out timescales and targets. In respect of Planning (Theme 5) there are 10 action points. The actions relate to measures to ensure new housing and employment development in the district is striving to achieve climate objectives as well as introducing planning protocols for retro fitting small scale renewable energy technologies. The Reduction Plan identifies various policies in the Local Plan that contribute towards achieving carbon reduction.

A.28 The Written Ministerial Statement (WMS) of 13th December 2023 'Planning - Local Energy Efficiency Standards Update Statement' seeks to curtail the use of policy approaches that use energy-based metrics, which are designed to achieve emissions reductions through securing fabric efficiency standards and highly energy efficient buildings. A legal challenge has been launched against the WMS by Rights: Community: Action, supported by the Good Law Project which was rejected in the High Court. However, Bolsover has not sought to introduce policies within the Local Plan for energy performance standards that go over and above the requirements of the Building Regulations. Bolsover District: The Future identifies that the Council will seek to 'play our part in achieving our national ambition to achieve net zero by 2050.' In this context, it is considered the Local Plan is consistent with the Carbon Reduction Plan.

Sustainable Community Strategy 2020-2023

- A.29 The Local Plan reflected local aspirations and initiatives including the Sustainable Community Strategy for Bolsover 2006 – 2020. The Sustainable Strategy was reviewed to cover the period 2020-2023 but the Vision set out in the Strategy remained unchanged. Both strategies had a shared Vision of a “diverse, healthy, fair and prosperous district, building on the strengths of our industrial past to become a vibrant, thriving community capable of meeting the challenges and opportunities of the future.” In additions the six main themes in the 2006-2020 Strategy remained similar⁶.
- A.30 The current Sustainable Strategy is anticipated to be reviewed later in the current year but set out the following themes and priorities:
- A Safer Better Community. Priorities:
 - Reducing and managing Anti-Social Behaviour and Criminal Damage
 - Reducing the threat of Domestic Abuse and Reducing the harm to Victims and Survivors;
 - Reducing Violent Crime and Sexual Offences;
 - Reducing and Preventing Acquisitive Crime;
 - Reducing Alcohol and Substance Misuse;
 - Reducing the risk of Children at Risk of Exploitation;
 - Cross Cutting Theme: Building Confident and Cohesive Communities.
 - Getting Better All the Time. Priorities:
 - Building Healthy Communities;
 - Promote Healthy Lifestyles;
 - Supporting Effective Health and Social Care.
 - A Better Place to Live. Priorities:
 - Encouraging communities’ participation in cultural activity across Bolsover District;
 - Supporting the visitor economy;
 - Sustainable buildings.
 - A Better Place to Learn, Thrive and Work. Priorities:
 - To ensure that Bolsover District businesses and residents are aware of, and are able to take advantage of, opportunities offered by the digital and technological developments in the travel to work area;
 - Grow the skill base of the district through higher level training and meet the demand of employer;
 - Improve access to skills, training and employment opportunities for those experiencing a number of barriers;
 - Raise the aspirations of children, young people and their families to prepare them for the next phase of education, employment or training by providing positive experiences and introducing them to inspirational role models.

⁶ Reduced Crime - A safer and better community, A Healthy Environment - A better place to live
Improved Cultural Activities - A better life, Improved Health - Getting better all the time, Greater Prosperity
- A better place to work, Lifelong Learning - Better results, a better future, Improved Access - Better access
to all areas.

These remain similar to the six main themes in the 2006-2020 Strategy⁷.

- A.31 The Local Plan policies are consistent with and make a significant contribution towards the themes identified in the Strategy. However, the Local Plan achieves this within the context of its broad purpose to set out a vision and a framework for the future development of the area. The Strategy has more specific actions towards the priorities through an action plan.

Bolsover Business Strategy 2021

- A.32 The Business Strategy focuses on how the Council's Development Directorate will prioritise its own work and its work with internal and external partners to achieve the Council's ambition. Its economic priorities are reflective of the objectives set out in the Council's Corporate Plan 2020 – 2024. This includes working to unlock the development potential of three key sites identified in the Local Plan, namely Clowne Garden Village, the former Coalite Site (Horizon 29) and Whitwell Tip, as well as seeking to enabling housing growth. The approach set out in the Business Strategy 2021 is consistent with the Local Plan strategy and policies.
- A.33 A review of the Strategy has commenced to reflect the updated corporate plan, Bolsover District: The Future 2024-2028.

Census - Other changes in circumstances

- A.34 Key aspects of the Census 2021 are set out below.
- The number of usual residents in Bolsover District has increased by around 5.8% since 2011, rising from 75,866 to 80,273;
 - The number of households has increased by around 7.5%, rising from 32,801 to 35,261;
 - As the rate of population increase is less than the rate of increase in households, it is apparent that average household size has decreased slightly, from 2.31 to 2.27;
 - There has been a shift in tenure from owner occupation towards private renting, with owner occupiers (with or without a mortgage or loan) representing 66% of households compared to 67.2% in 2011, whilst 17.2% of households rented privately in 2021 up by 13% from 2011;
 - The number of people aged 65 or more has increased by around 17.5% from 13,784 to 16,213, which increases the proportion of the population in this age group from 18% to 20%;

⁷ Reduced Crime - A safer and better community, A Healthy Environment - A better place to live
Improved Cultural Activities - A better life, Improved Health - Getting better all the time, Greater Prosperity
- A better place to work, Lifelong Learning - Better results, a better future, Improved Access - Better access
to all areas.

- The percentage of people aged 16 years and over (excluding full-time students) who were employed increased in Bolsover but fell across the East Midlands. In Bolsover, the percentage who were employed rose from 54.3% in 2011 to 56.3% in 2021. During the same period, the regional percentage fell from 56.1% to 55.1%. The percentage of people aged 16 years and over who were unemployed (excluding full-time students) in Bolsover fell from 4.2% to 2.0%, while the percentage of people aged 16 years and over who were retired (economically inactive) decreased from 24.6% to 24.1%.
- The total number of people with no qualifications has decreased from 20,455 to 16,017, this has also decreased as a proportion of the overall population, from 32.9% to 24.2%. Other census data on qualifications is not comparable between 2011 and 2021 due to changes in how it is reported.
- Regarding distance that Bolsover residents travel to work, excluding those who work at home, the overall pattern has changed. In 2011, 31% of people who travel to work were travelling less than 5 km whereas in 2021, 23.4% now travel less than 5 km. However, there has been a significant increase in those who work offshore, in no fixed location or outside the UK, from 7.1% to 15.7%, which may also be an effect of the pandemic;
- In terms of method of travel to work for Bolsover residents, excluding those who work at home, the percentage of people using all modes of travelling to work have decreased slightly, the largest drop is driving a car or van which has dropped 2.1%. Though the actual number of people driving cars and vans has increased from 19,505 in 2011 to 24,349 in 2021. Again, it remains to be seen to what extent these issues will continue long- term.

A.35 Other changes were not anticipated at the time, such as the expansion of working from home and associated changes to travel patterns as a result of the Covid-19 pandemic, although there is lack of clarity on the degree to which these changes are permanent. However, there is little within the Census results that would indicate that the overall spatial strategy based on the settlement hierarchy in the Local Plan does not remain as the appropriate approach.

Review of Regional and Local Strategy Conclusions

A.36 The Vision set out in the Local Plan is that “By 2033, Bolsover will be a growing district, undergoing an economic and visual transformation...” It reflects three key elements:

- An economic role including expanding employment opportunities providing for a greater range of jobs, and remediation of brownfield sites based on the spatial strategy set out in the Plan.
- A social role in providing a range of new housing and supporting infrastructure, including green infrastructure and the value of biodiversity, focusing development on sustainable settlements while supporting regeneration.
- An environmental role with an emphasis on high quality design, addressing climate change, healthy lifestyles, protecting and enhancing the historic and natural environment with enhanced and better integrated green infrastructure.

A.37 The key issues for the Local Plan were identified as:

- Accommodate new growth, whilst ensuring the character of the District is retained and that major new development is supported by appropriate infrastructure.
- Protect and enhance identified heritage and natural assets and their settings.
- Support regeneration of the towns and main villages, to enable them to fulfil their role as service centres, coupled with the need to address the regeneration needs of rural settlements and the few remaining large areas of previously developed land in need of restoration or re-use.
- Improve health outcomes in a district with an above average percentage of retired people and people suffering poor health.
- Improve employment opportunities in the District by increasing the number and range of jobs in the District. Provide significantly greater local job opportunities to reduce out-commuting, improve sustainability and also to avoid the danger of turning some towns and main villages into dormitories' rather than settlements where people can live and work.
- Ensure the delivery of new housing in an area of marginal viability where deliverability has been challenging. Put place making and development quality at the heart of new development.
- Provide improved accessibility to better areas of green space.

A.38 The evidence from the review of local strategies is that these aspects remain the key issues for the Local Plan. Bolsover District: The Future 2024-2028, adopted a very similar approach to the Vision within the Local Plan with four main aims, placing an emphasis on the Economy, Environment and Housing. Bolsover Housing Strategy 2024 to 2029 and other Plans are reflective of the Local Plan approach. The Plan remains consistent with the evidence from D2N2. EMCCA is only just becoming established but can be anticipated to have a more strategic role in future years, particular in the context of the Devolution White Paper 2024. While the specific local housing need figure has changed with the alteration to the standard method formula from 12th December 2024, it is not considered that there is evidence of substantial changes to the regional / local strategies approach which are not reflected in the vision, objectives and policies set out in the Local Plan.

Appendix Two: Bolsover District Council Local Plan Review – Review of Appeal Decisions

Bolsover District Council, Local Plan Review – Appeal Decisions

A review has been undertaken on appeal decisions in the District of Bolsover from reference: APP/R1010/W/19/3224662, Land to the West of Bridge Close, Clowne, decision date of 22 Jul 2019 to 15th January 2025. The appeal decisions considered extend from prior to the adoption of the Local Plan for Bolsover District on 4th March 2020 to date.

The purpose of the review of appeal decisions is to consider whether there is evidence from appeal decisions which would indicate that policies are out of date or policies do not accord with the National Planning Policy Framework. From the analysis no significant issues have been identified in relation to the policies set out within the Local Plan for Bolsover District, which would justify a review of the policies in question.

Appeal Decisions

Source: Appeals Casework Portal 15th January 2025 (<https://acp.planninginspectorate.gov.uk/CaseSearch.aspx>)

<u>Case Reference</u>	<u>Site Address</u>	<u>Case Type</u>	<u>Status</u>	<u>Date</u>	<u>Comment</u>
APP/R1010/D/24/3354338	31 Queens Road Worksop Notts S80 4UW	Householder (HAS)	In Progress		
APP/R1010/Q/24/3350501	Rear of 16-124, south west of 124 and between Brickyard Farm & Barlborough Links S43 4ZD	Planning (W)	Complete: Decision issued. The appeal was dismissed.	10/12/2024	The application sought to have the planning obligations modified by way of an additional Deed of Variation in order to remove the obligation to provide any affordable housing and reduce the contributions required in respect of education contributions, off-site sports provision and highways contributions.
APP/R1010/W/24/3348478	16 The Chine ALFRETON	Planning (W)	Complete: Decision	11/12/2024	The development proposed is Change of Use of Existing Dwellinghouse (C3 Use) to

	DE55 3AN		issued. The appeal was dismissed.		Children's Care Home for up to 3no. Children (C2 Use). Minor facilitating works comprising widening of driveway and vehicle access.
APP/R1010/W/24/3347838	Land Adjacent 1 Park Street Barlborough S43 4ES	Planning (W)	Complete: Decision issued. The appeal was allowed	10/12/2024	The development proposed is the construction of a detached single storey dwelling (mezzanine floor over vaulted living accommodation). The main issues were the setting of nearby heritage assets and the living conditions of future residents.
APP/R1010/C/24/3345083	Land South West of Beaumont Cottage Alfreton DE55 5HR	Enforcement Notice	In Progress		
APP/R1010/C/24/3345082	Land South West of Beaumont Cottage Alfreton DE55 5HR	Enforcement Notice	In Progress		
APP/R1010/C/24/3342204	Land South of Pasture lane Hilcote Alfreton DE55 5HQ	Enforcement Notice	In Progress		
<u>APP/R1010/W/24/3347712</u>	Scrap Yard, Pinxton, NG16 6PN	Planning (W).	Complete: Decision issued. The appeal was dismissed.	29/10/2024	The development proposed is change of use of site from Scrap Car/Metal to Self-Storage Containers. The site was not considered to be in a suitable location for the proposed development having regard to flood risk.
<u>APP/R1010/C/24/3342204</u>	Land South of Pasture Lane, Hilcote, DE55 5HQ	Enforcement.	In Progress.		
<u>APP/R1010/W/24/3338263</u>	1 Twinyards Farm, Huthwaite Lane, Alfreton, DE55 5HX.	Planning (W).	Complete: Decision issued. The appeal was allowed.	05.09.2024	Planning permission is granted for temporary change of use from Agricultural to Commercial Storage. Identified that the effect of the proposal upon the character and appearance of the

					area would not be harmful over this temporary period. The development would comply with Policies SS9 and WC3 of the LP. It would also accord with LP Policy SC5 insofar as it supports the change of use of land in the countryside where it is in keeping with the original character of the land and the landscape character type generally.
<u>APP/R1010/W/24/3337881</u>	Westwood House, Alfreton, DE55 5NW.	Planning (W).	Complete: Decision issued. The appeal was allowed.	13.09.2024	The appeal is allowed and planning permission is granted for installation of a raised platform for horsebox parking, a gravel/hardstanding area and timber post and rail fencing. The proposal does not fully accord with the criteria of Policy SS9 relating to supported forms of development in the countryside. However, the development in question is related to an established equestrian use on the land, an activity which the Council accepts is suitable in a countryside setting Also if the scheme related to a commercial equestrian use, it would have the potential to be supported under Policy SS9. In essence, the conflict with SS9 is a technical one based on the particular private nature of the equestrian use to which it relates, rather than development being inappropriate in principle in the countryside.
<u>APP/R1010/D/24/3340677</u>	30 Church Street, Alfreton, DE55 2BT.	Householder (HAS).	Complete: Decision issued. The appeal was dismissed.	03.06.2024	The development proposed is for a vehicular access and hardstanding.
<u>APP/R1010/C/24/3338467 & APP/R1010/W/24/3338461</u>	67 Chatsworth Road, Worksop, S80 4LH.	Planning (W).	Complete: Decision issued. The	21.05.2024	Enforcement Notice Upheld. The development proposed is described as 'Greenland to garden fence'

			appeal was dismissed.		
<u>APP/R1010/D/23/3327757</u>	The Granary Water Lane, Mansfield, NG19 8UH.	Householder (HAS).	Complete: Decision issued. The appeal was dismissed.	20.05.2024	The development proposed is a single storey rear sun room The main issue in this appeal is the effect of the proposed development on the character and appearance of Stony Houghton Conservation Area and The Granary.
<u>APP/R1010/W/23/3320946</u>	Willow Tree Family Farm, Mansfield, NG20 8TF.	Planning (W).	Complete: Decision issued. The appeal was allowed.	31/10/2023	Planning permission is granted for the erection of 2 marquees and toilets, re-surfacing of existing access lane in association with mixed use of the site and an extension of the family farm for the keeping of animals at Willow Tree Family Farm.
<u>APP/R1010/W/23/3317479</u>	St Bernadettes Church, Bolsover, S44 6HF.	Planning (W).	Complete: Decision issued. The appeal was dismissed.	02/11/2023	Conversion of St Bernadettes Church into a residential private property.
<u>APP/R1010/W/22/3311795</u>	Clayton Farm, Stony Houghton, NG19 8TR.	Planning (W).	Complete: Decision issued. The appeal was dismissed.	25/07/2023	Gravel drive to serve touring park. 5 caravan hard standings, toilet block for 10 tent pitches and dog run area.
<u>APP/R1010/D/22/3310301</u>	12 Park Street, Chesterfield, S43 4ES.	Householder (HAS).	Complete: Decision issued. The appeal was allowed.	01/03/2023	Widen access drive & increase wall height.
<u>APP/R1010/W/22/3303169</u>	183 Shuttlewood Road, Chesterfield, S44 6NX.	Planning (W).	Complete: Decision issued. The appeal was allowed.	23/03/2023	Variation of Condition 2 (approved plans) of Planning Permission 21/00253/FUL granted on 14 January 2022 by Bolsover District Council, is varied, by deleting Condition No 5.

<u>APP/R1010/W/22/3299172</u>	Marios Motors, Unit 1 Shirebrook, NG20 8SG.	Planning (W).	Complete: Decision issued. The appeal was dismissed.	06/12/2022	Change of use from storage space above reception office into a bedsit room
<u>APP/R1010/D/22/3294811</u>	Claylands Farm Claylands Road, Worksop, S80 4QE.	Householder (HAS).	Complete: Decision issued. The appeal was allowed.	16/06/2022	First floor extension and alterations (alternative scheme with glazed gable).
<u>APP/R1010/W/21/3289346</u>	183 Shuttlewood Road, Bolsover, S44 6NX.	Planning (W).	Complete: Decision issued. The appeal was allowed.	08/07/2022	Condition No 5 deleted which states that: Notwithstanding the provisions of Part 1 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order) the dwelling must not be extended without the prior grant of planning permission.
<u>APP/R1010/W/21/3285912</u>	Mill Pond House, Langwith, NG20 9HS.	Planning (W).	Complete: Decision issued. The appeal was dismissed.	14/03/2022	Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) - Granny flat and 2 holiday lets.
<u>APP/R1010/W/21/3283765</u>	Golden Cottage Scarcliffe Lanes, Mansfield, NG20 9RQ.	Planning (W).	Complete: Decision issued. The appeal was allowed.	03/05/2022	Deleting Condition No 17 and substituting for it, the following condition: 1) Notwithstanding the provisions of Classes A, B, C, D, E, and F of Part 1, and Classes A, B and C of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extension, enlargement, alteration or the provision of incidental or ancillary buildings, surfaces or boundary treatments to the dwellinghouse hereby permitted and its curtilage and adjoining non-curtilage land shall take

					place unless authorised by an express grant of planning permission.
<u>APP/R1010/C/21/3283725</u> (lead case) Linked cases APP/R1010/C/21/3283726 APP/R1010/C/21/3283727 APP/R1010/C/21/3283728 APP/R1010/C/21/3283729 APP/R1010/C/21/3283730	Land at Markland Farm, Markland Lane, Chesterfield S43 4AY.	Enforcement Notice.	Complete: Decision issued. The appeal was allowed.	27/05/2022	Without planning permission, the material change of use of the land to a mixed residential, agricultural and commercial Large Goods Vehicle Haulage business with associated fencing, access way and hardstanding.
<u>APP/R1010/X/21/3272149</u>	2 Oakdale Road, Nottingham, DE55 3PA.	Lawful Development Certificate.	Complete: Decision issued. The appeal was dismissed.	17/12/2021	Conversion of existing garage to form separate staff office and store to facilitate child care home.
<u>APP/R1010/W/20/3265080</u>	Church Hill Farm, Cragg Lane, Alfreton, DE55 5HZ.	Planning (W).	Complete: Decision issued. The appeal was allowed.	30/04/2021	Prior approval agricultural building without the previously imposed conditions.
<u>APP/R1010/V/20/3252020</u>	Land to north and west of Berristow Farm, Alfreton, DE55 2EF.	Call-In Application.	Complete: Appeal Withdrawn		Withdrawn.
<u>APP/R1010/D/20/3248835</u>	7 Clowne Road, Chesterfield, S43 4EN.	Householder (HAS).	Complete: Decision issued. The appeal was allowed.	03/09/2020	New pitched roof to replace flat roof to existing detached garage with decorative ball top roof finial.
<u>APP/R1010/W/19/3241610</u>	The Dales, Worksop, S80 3EH.	Planning (W).	Complete: Decision issued. The	23/04/2020	Article 3(1) and Schedule 2, Part 3, Class R of the Town and Country Planning (General Permitted Development)

			appeal was allowed.		(England) Order 2015 - Change of use of agricultural buildings to storage/workshop.
<u>APP/R1010/W/19/3241373</u>	Ward Lane, Chesterfield, S43 4JD.	Planning (W).	Complete: Decision issued. The appeal was allowed.	14/06/2021	Temporary static residential caravans on land.
<u>APP/R1010/D/19/3238421</u>	37 Low Common, Sheffield, S21 3WG.	Householder (HAS).	Complete: Decision issued. The appeal was dismissed.	10/02/2020	Proposed tree house together with a pergola.
<u>APP/R1010/W/19/3237017</u>	McDonalds Restaurants Ltd, Chesterfield, S43 4WP.	Planning (W).	Complete: Decision issued. The appeal was allowed.	04/02/2020	Planning permission is granted for 'application for the variation of condition 4 of planning permission 17/00153/FUL' without complying with condition number 4 previously imposed on planning permission Ref 17/00153/FUL. 26 May 2017 and subject to the conditions set out in the schedule to this decision.
<u>APP/R1010/F/19/3236163</u>	The Coach House, Brookhill Lane, Nottingham, NG16 6JU.	Enforcement Listed Building and Conservation Area.	Complete: Decision issued. The appeal was allowed.	07/01/2021	The listed building enforcement notice is quashed, and listed building consent is granted for the retention of alterations/works at The Coach House, Brookhill Lane, Pinxton
<u>APP/R1010/W/19/3229146</u>	Beeston House, Milking Lane, Chesterfield, S43 4LH.	Planning (W).	Complete: Decision issued. The appeal was dismissed.	01/10/2019	Demolition of a farm cottage and outbuilding and the construction of a replacement dwelling
<u>APP/R1010/W/19/3224662</u>	Land to the West of Bridge Close, Clowne, S43 4AX.	Planning (W).	Complete: Decision issued. The appeal was dismissed.	22/09/2019	New dwelling with supported living annexe, construction of new barn, conversion of existing barn to microbrewery/kitchen with associated office

Appendix Three: Bolsover District Council Local Plan Review – Review of Major Applications in Relation to Viability

Viability

A review has been undertaken of major planning applications received by Bolsover District Council from 1st April 2021 to 19th November 2024.

21/00266/REM	Glapwell Nurseries, Glapwell Lane, Glapwell.	Approval of reserved matters in relation to planning permission 17/00598/OUT for Layout, appearance, landscaping and scale for relocation of nursery and garden centre.	No viability issues identified.
21/00273/REM	Glapwell Nurseries, Glapwell Lane, Glapwell.	Approval of reserved matters in relation to planning permission 17/00598/OUT Layout, appearance, landscaping and scale for residential development of 64 dwellings	No viability issues identified.
21/00301/FUL	Land Rear Of 39 To 59 The Woodlands, Whaley Thorns.	Construction of 19 dwellings	100% Affordable Homes Viability Assessment undertaken Site is below the threshold of 25 dwellings where affordable housing would be sought. However, proposal for 100% social housing for affordable rent. Policy requirement for contributions to recreation and leisure facilities is not being met for financial viability reasons
21/00306/FUL	Former Direct Services Depot Unit 2 Mill Lane, Bolsover.	Demolition of existing industrial buildings and proposal for 32 dwellings (residential development) at the former Mill Lane depot site. Meeting affordable housing requirements affordable rents.	Viability summary provided for infrastructure contributions but did not include works to Mill Lane which would reduce profit below the Planning Practice Guidance recommendations.
21/00331/FUL	Open Space East Of Dahlia Avenue, South Normanton.	Full Planning Application for Residential Development. Initially 25 dwellings reduced to 21 dwellings.	100% Affordable Homes Social housing Financial Viability Assessment. Proposed development for 100% affordable homes. Identified that S106 contributions were not viable in this context..
21/00386/REM	Land South Of Model Village, Creswell.	Application for approval of layout detail (reserved matter following outline planning permission 18/00087/OUT) for first phase works including retail unit and 7no dwellings to east side of Colliery Road.	Withdrawn.

21/00395/REM	Land To The Rear Of 17 To 95 Alfreton Road, Pinxton.	Approval of Reserved Matters	No viability issues identified.
21/00421/FUL	Land East Of Market Close, Shirebrook.	Construction of 24 single storey dwellings	100% social housing for affordable rent. Viability assessment identifies that cannot meet S106 contributions towards recreation and leisure facilities.
21/00471/REM	Land Between Welbeck Road And Oxcroft Lane, Bolsover.	Approval for reserved matters for attenuation basin serving residential phase 1a	No viability issues identified.
21/00640/FUL	Land South Of 69 Oxcroft Lane, Bolsover.	Full planning permission for the development of the site to deliver 38 residential dwellings (Use Class C3) inc. new access, hard and soft landscaping and associated development	S106 Agreement amended affordable rents replace by discounted market sales First Homes. 11/08/2022.
22/00229/FUL	Amberleigh Manor, Primrose Hill, Blackwell.	Change of use of former care home to 10 residential units and erection of two further residential units and associated development - total of 12 residential units (Use Class C3)	Viability appraisal. 7 th June 2023, On this basis, we conclude that planning application (22/00229/FUL) is unable to support any planning policy contributions. Officer's report identifies that the scheme is still unable to support any planning policy contributions across the entire site. Does not trigger affordable housing requirements.
22/00283/REM	Phase 1C Development Site, Meadow Lane, Shirebrook.	Application for reserved matters approval pursuant to outline permission 14/00594/OUT. The application proposes 265 dwellings, of which 214 would be open market and 51 affordable dwellings.	No viability issues identified.
22/00380/FUL	Development Site at Woburn Close, Blackwell.	Demolition of existing bungalows and assisted living building. Replacement with 23no. new dwellings (comprising 8no. houses and 15no. bungalows), and a 20no. flat independent living building.	100% Affordable Homes This scheme does deliver 23 no. new dwellings and 20 no. flats within the ILS, but taking into account the relative no. of units to be demolished across the site there is fact a comparative net loss of 12 no. flats and a net gain of 3 no. dwellings overall. In addition the Applicant is the Local Authority, who have confirmed that the scheme will be a 100% social housing development. Infrastructure net loss homes therefore does not appear to be a S106 agreement.

22/00402/FUL	Land South West Of Brockley Wood, Oxcroft Lane.	Full planning application comprising proposed link road between Shuttlewood Road and Oxcroft Lane, including demolition of Boleappleton Farm.	Viability on this site is tight if it is to also deliver the other policy requirements for S106 obligations (schools, affordable housing, leisure etc.).
22/00478/FUL	Land Between St Lawrence Avenue and Rotherham Road, North Of Langwith Road, Bolsover.	Residential development of 218 homes with associated open space, vehicular access roads, landscaping and infrastructure (Revised layout plan reducing the number of dwellings from 248 to 218 and submission of viability report) Application in progress at 19 th November 2024	BDC Viability Report CP Viability Ltd "In summary, we agree with the applicant that the scheme cannot viably support the full planning affordable housing policy requirements. However, we do find that the scheme can provide 10% onsite affordable housing, plus a S106 contribution totalling £700,000. Alternatively, if the Council was willing to accept nil onsite affordable housing, this would push up the overall S106 'pot' to circa £1.35 - £1.4million."
22/00485/FUL	Land To The Rear of 1 To 35 Red Lane, South Normanton.	Residential development comprising 52 no dwellings, with associated access, infrastructure, amenity space, boundary treatments, landscaping and external works.	100% Affordable Homes Full affordable housing scheme. CP Viability Ltd undertook a viability assessment. Viability assessment establishes that not all policy requirements can be met – Leisure and NHS contributions. 24 Shared ownership and 29 social rented.
22/00668/REM	Townend Farm, Lees Lane, South Normanton.	Development of 50no. dwellings, together with landscaping proposals and the access arrangements to individual dwellings and discharge of condition 14 (scheme of sound insulation) of outline planning permission ref. 20/00185/OUT.	No viability issues identified.
23/00084/REM	Land South of Model Village, Creswell.	Reserved matters application for layout of a phase of road infrastructure between the approved highway access and the Gleeson Link Road on Land South of Model Village (outline planning permission ref. 18/00087/OUT).	Application relates to a limited area of the outline permission. Not applicable to viability.
23/00086/REM	Land Off Blacksmiths Close and Park Avenue, to the rear of 7 - 53 Mansfield Road, Glapwell.	Approval of Reserved Matters for appearance, landscaping, layout and scale for residential development of 50 dwellings in relation to Outline Permission 19/00583/OUT.	Not determined at 19 th November 2024. No viability issues identified at this stage.
23/00180/OUT	Bolsover Business Park, Woodhouse Lane, Bolsover.	Outline planning application with access detail only, for mixed-use development comprising of up to 5,000 sqm of employment units, 2 retails units (total	Not determined at 19 th November 2024. No viability issues identified at this stage.

		gross area approx., 3,200 sqm one being for discount food retail), a drive-thru take-out unit and up to 35 dwellings including associated parking, infrastructure and access.	
23/00238/REM	Land between Welbeck Road and Oxcroft Lane, Bolsover.	Reserved matters application for the approval of details relating to access, appearance, landscaping, layout and scale in relation to the development of 21 dwellings (Phase 1B) on land to the east of Oxcroft Lane, Bolsover and discharge of Conditions 5, 7, 8, 10, 11, 14, 15, 18, 21 and 23 of Outline Planning Permission Ref. 14/00080/OUTEA.	Application relates to a limited area of the outline permission. Not applicable to viability.
23/00263/REM	Land South of Model Village, Creswell.	Application for the approval of matters reserved by outline planning permission 18/00087/OUT relating to the layout, scale, appearance and landscaping of residential development and associated works. 297 dwellings.	15 two bed units would be affordable, in line with the 5% requirement of the S106 associated with the outline permission.
23/00367/OTHER	Rear of 16 to 124 and South West of 124 and between Brickyard Farm and Barlborough Links, Chesterfield Road, Barlborough.	Application for variation of section 106 legal agreement, based on latest viability assessment, to reduce the amount of local infrastructure obligations currently required for schools, highways, affordable housing, recreation and play facilities.	<p>Section 106 Developer raised viability issues. CPV Viability Ltd undertook viability assessment. Site has significantly progressed. At situations such as this, the guidance is clear that there is no obligation on a Local Authority to reduce its planning policies just to boost a profit which a developer considers to be below their initial expectations.</p> <p>Planning appeal decision 10th December 2024. Inspector found that the appellant has demonstrated that the obligations without modification would still deliver a profit, albeit not one as large as projected or desired, given the challenging market conditions. That is unfortunate but the evidence shows that the development is still viable. The contributions within the obligations all continue to meet the relevant policy and legal tests.</p>
23/00439/FUL	Land At The Rear Of The White Swan, Market Place, Bolsover.	Proposed 9 x 1 bed (ground floor flats) and 9 x 2 bed, 2 storey (first and second floor flats).	Not determined at 19th November 2024. No viability issues identified at this stage. Does not trigger the threshold for affordable housing

23/00463/FUL	Land to the rear of 57 To 111 Shuttlewood Road, North of Mill Lane and West of Nether View, Bolsover.	Erection of 74 dwellings (including 7 affordable dwellings) and associated infrastructure including street layout, public open space and drainage.	Not determined at 19th November 2024. No viability issues identified at this stage. Affordable housing proposed to be shared ownership that will be delivered in partnership with Heylo Housing.
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Appendix Four: Bolsover District Council Local Plan Review – Tibshelf Neighbourhood Plan

Tibshelf Neighbourhood Plan

Within the District of Bolsover there is one ‘made’ neighbourhood plan, the Tibshelf Neighbourhood Plan 2017 – 2033. Planning Practice Guidance Plan Making stresses that there is no requirement for a neighbourhood plan to be reviewed every five years. However, individual policies may become out of date if they conflict with policies in a plan that is subsequently adopted.

- 3.1 A neighbourhood plan is required to be in general conformity with the strategic policies contained in the development plan for the District. Subject to modifications, the independent examiner concluded the Neighbourhood Plan was in general conformity with the strategic policies contained in the Local Plan for Bolsover. The Neighbourhood Plan was reviewed against the NPPF 2021 and against Planning Practice Guidance which was most recently updated, in part, on 25 August 2022.
- 3.2 The Neighbourhood Plan was ‘made’ on 15th May 2023. The Neighbourhood Plan does not allocate any housing or employment land sites but sets out 21 policies identified in the Table below with a brief commentary. It is not considered that there are any substantial issues associated with the Neighbourhood Plan policies in relation to the Local Plan Review.

Policies	Comments
Policy ENV1 Local Green Spaces	Consistent with NPPF paragraphs on Local Green Space.
Policy ENV2 Protection of Important Views	Views from private properties are not a material planning consideration, however, views from publicly accessible and enjoyable vantage points that have value to the community are of relevance to planning decisions. The NPPF recognises the importance of landscape setting and visual amenity (paragraphs 135 and 187), and the protection of such assets. The Neighbourhood Plan Policy sets out what views development proposals will need to take into consideration and reflected through good design. The Neighbourhood Plan Policy is a further consideration with Bolsover LP Policy SC8.
Policy ENV3 Dark Skies	The NPPF looks to ensure that new development is appropriate for its location taking into account the likely effects of pollution on health, living conditions and the natural environment. This includes limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation. (Paragraph 198). Further guidance is set out in the PPG Light Pollution. Consistent with Bolsover LP Policy SC11.
Policy ENV4 Biodiversity and Nature Conservation	Consistent with Bolsover LP Policy SC9 and the NPPF in relation to Part 15 Conserving and enhancing the natural environment, particularly paragraph 192 and 193.
Policy H1 Housing Mix	The Policy is consistent with the NPPF paragraph 63. It also reference the most up to date SHMA available so enables the Policy to reflect the up to date information on housing mix.

Policy H2 Affordable Housing	The Policy is consistent within the provisions of the Local Plan for Bolsover District. It is also reflective of the finding of the Local Housing Need Assessment 2024, which places an emphasis on afford housing for rent, on smaller housing in terms of housing mix and meeting the accessibility requirements of an older population.
Policy H3 Long Term Empty Housing and Other Properties and Housing Standards	Consistent with NPPF paragraph 124 “Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions” and supporting the development of under-utilised land and buildings. (Para. 125 d). It also reflective of Bolsover LP Policy SS1 which promotes the efficiency use of land and reuse of previously developed land.
Policy BE1 Building Design Principles in Tibshelf Conservation Area and its Immediate Setting	Consistent with Bolsover LP Policy LC3 and is also reflective of NPPF aim of setting a positive strategy for the conservation and enjoyment of the historic environment.
Policy BE2 Building Design Principles for Development Outside Tibshelf Conservation Area	Consistent with Bolsover LP Policy SS1 and Policy LC3 and is also reflective of NPPF emphasis on good design which is a key aspect of sustainable development .
Policy BE3 Conserving Tibshelf Character Buildings and Structures of Local Heritage Interest	The Local Plan in Policy SC21 places an emphasis on conserving and enhancing non designated heritage assets. The NPPF include non-designated assets within the definition of heritage assets and sets out that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. (Paragraph 216).
Policy EB1 Protection of Employment Sites	Policy protection for employment land site is set out in Bolsover LP Policy WC2 subject to marketing of the site. The Neighbourhood Plan is consistent with this policy as well as the NPPF emphasis on the economy while allowing for flexibility under paragraph 127.
Policy EB2 Home Working	The Policy is consistent with the NPPF with its emphasis on flexible working practices.
Policy EB3 Connecting Local People to Local Jobs	The NPPF in Part 6 requires that policies should help create conditions in which business can invest, expand and adapt. The Policy adds support to the Bolsover LP policies which support upskilling the local workforce such as Policy I12.
Policy S1 Tibshelf Village Centre	The NPPF definition of ‘Town Centre’ includes local centres. Tibshelf village centre is defined by the Bolsover LP as a Local Centre and the Neighbourhood Plan Policy is consistent with both the NPPF and the Local Plan, particularly Policy WC5.
Policy S2 Design of Shop Fronts in Tibshelf Village Centre	The Policy is consistent with the NPPF which place a substantial; emphasis on design and the Bolsover LP policies, particularly SS1, SC2 and SC3.
Policy S3 Shopping Mix in the Village Centre	The Policy reflects the changes to the Town and Country Planning (Use Classes) Order which introduced the new Class E. It is reflective of the legislation and the wider policy aspects set out above under Policy S1.
Policy S4 Shops outside of Tibshelf Village Centre	The Policy reflects that the NPPF paragraph 98 that it is necessary to plan positively for the provision of community facilities which includes local shops. The Policy would have to be seen in the context of the provisions of the Town and Country Planning (Use Classes) Order including whether the shop fell within the definition of a Class F2 ‘Local Community Uses’.

Policy CF1 New and Enhanced Important Community Facilities	The Policy is consistent with the NPPF paragraph 98 and the Bolsover Local Plan policies that support new and enhanced community facilities.
Policy CF2 Assets of Community Value	This Policy is in conformity with the NPPF paragraph 98 relating to community facilities and the legislation that provides for the listing of assets of community value.
Policy T1 Transport, Highway Safety and Parking	The policies is considered to be in conformity with Bolsover LP policies and more specifically SC1 and ITRC10 and NPPF Part 9. The Neighbourhood Plan Examination Report identified that the Policy had sufficient regard to what is now NPPF paragraph 116.
Policy T2 Ultra Low Emissions Vehicle Infrastructure	The NPPF in paragraph 117 e) identifies that development should be designed to enable charging of plug in and other ultra- low emission vehicles in safe, accessible and convenient locations. In relation to climate change it also facilitates the transition to a low carbon future set out in paragraph 163.