

The Arc  
High Street  
Clowne  
S43 4JY

To: Chair & Members of the Planning  
Committee

Contact: Angelika Kaufhold  
Telephone: 01246 242529

Email: [angelika.kaufhold@bolsover.gov.uk](mailto:angelika.kaufhold@bolsover.gov.uk)

Monday, 7<sup>th</sup> April 2025

Dear Councillor,

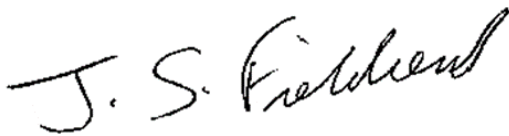
**PLANNING COMMITTEE**

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, 16<sup>th</sup> April, 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,

A handwritten signature in black ink, appearing to read "J. S. Fielden".

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.

#### **Access for All statement**

You can request this document or information in another format such as large print or **language** or contact us by:

- **Phone:** [01246 242424](tel:01246242424)
- **Email:** [enquiries@bolsover.gov.uk](mailto:enquiries@bolsover.gov.uk)
- **BSL Video Call:** A three-way video call with us and a BSL interpreter. It is free to call Bolsover District Council with Sign Solutions, you just need WiFi or mobile data to make the video call, or call into one of our Contact Centres.
- Call with [Relay UK](#) - a free phone service provided by BT for anyone who has difficulty hearing or speaking. It's a way to have a real-time conversation with us by text.
- **Visiting** one of our [offices](#) at Clowne, Bolsover, Shirebrook and South Normanton

**PLANNING COMMITTEE  
AGENDA**

***Wednesday, 16<sup>th</sup> April, 2025 at 10:00 hours taking place in the Council Chamber, The Arc,  
Clowne***

<b>Item No.</b>		<b>Page No.(s)</b>
<b>1.</b>	<b>Apologies For Absence</b>	
<b>2.</b>	<b>Urgent Items of Business</b>	
	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.	
<b>3.</b>	<b>Declarations of Interest</b>	
	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.	
<b>4.</b>	<b>Minutes</b>	<b>5 - 13</b>
	To consider the minutes of the last meeting held on 19 <sup>th</sup> February 2025.	
	<b><u>APPLICATIONS TO BE DETERMINED UNDER THE TOWN &amp; COUNTRY PLANNING ACTS</u></b>	
<b>5.</b>	<b>Application no. 23/00439/FUL - Land at the Rear of The White Swan Market Place, Bolsover</b>	<b>14 - 43</b>
<b>6.</b>	<b>Application no. 24/00480/FUL - 1 Elm Close, Bolsover</b>	<b>44 - 59</b>
<b>7.</b>	<b>Application no. 24/00500/VAR - Land South West of Brockley Wood, Oxcroft Lane, Stanfree</b>	<b>60 - 84</b>
<b>8.</b>	<b>Application no. 24/00560/FUL - Land at Harvester Way, Clowne</b>	<b>85 - 94</b>
	<b><u>REPORT OF THE DEVELOPMENT MANAGEMENT AND LAND CHARGES MANAGER</u></b>	
<b>9.</b>	<b>Outcome of Consultation on and Recommendation to Adopt a Local Validation Checklist (Local List) for Planning Applications</b>	<b>95 - 150</b>

**REPORT OF THE ASSISTANT DIRECTOR OF PLANNING AND PLANNING POLICY**

- |     |  |           |
|-----|--|-----------|
| 10. | Consultation on the Proposed Implementation of a Pre-Application (Planning) Advice Charging Schedule / Service | 151 - 161 |
|-----|--|-----------|

**REPORTS OF THE SENIOR DEVOLUTION LEAD FOR PLANNING POLICY, STRATEGIC GROWTH AND HOUSING**

- |     |   |           |
|-----|---|-----------|
| 11. | Creswell Growth Plan Update                   | 162 - 167 |
| 12. | Preparation of a New Local Development Scheme | 168 - 181 |



## PLANNING COMMITTEE

Minutes of a meeting of the Planning Committee of the Bolsover District Council held in the Council Chamber on Wednesday, 19<sup>th</sup> February 2025 at 10:00 hours.

### PRESENT:-

Members:-

Councillor Tom Munro in the Chair

Councillors Rob Hiney-Saunders, John Ritchie, Phil Smith, Janet Tait, Deborah Watson and Carol Wood.

Officers:- Matt Connley (Leisure Facilities Planning & Development Manager), Jim Fieldsend (Director of Governance and Legal Services & Monitoring 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), Dan Oakley (Compliance Manager), Neil Oxby (Principal Planning Policy Officer), Chris Whitmore (Development Management and Land Charges Manager) and Matthew Kerry (Governance and Civic Officer).

### PL143-23/24 APOLOGIES FOR ABSENCE

Apologies for absence were received on behalf of Councillors Chris Kane and Duncan McGregor.

### PL144-23/24 URGENT ITEMS OF BUSINESS

There were no urgent items of business to be considered

### PL145-23/24 DECLARATIONS OF INTEREST

There were no declarations made.

### PL146-23/24 MINUTES

An updated set of minutes was provided as a handout at the Committee. Officer revisions included:

- **PL133-24/25** – The applicant's commitment to contribute £200,000 to a link road could be used to explore options for a link road to be formed through the site in circumstances where this development did not come forward. If the link road through the adjacent site was to come forward the money would need to be returned to the developer, as it would no longer meet CIL regulation tests.
- **PL133-24/25** – 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 and negotiations which sought to maximise affordable delivery on site. If any revisions to the Section 106 were

## PLANNING COMMITTEE

proposed, then the application would be referred back to Planning Committee.

- **PL134-24/25** – 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. Members also encouraged the agent to engage with Mr D Palos to look at ways of minimising the impacts of the development on their residential amenity.
- **PL135-24/25** – It was confirmed that any delegated approval to officers would be subject to an acceptable drainage strategy being received.
- **PL135-24/25** – 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 conditions and ratification of this strategy by the Lead Local Flood Authority.

Moved by Councillor John Ritchie and seconded by Councillor Deborah Watson

**RESOLVED** that the updated minutes of a meeting of the Planning Committee held on 22<sup>nd</sup> January 2025 be approved as a true and correct record.

### **PL147-23/24      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 Management 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.

The application had been deferred from the previous meeting to enable a site visit by Members.

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

Mr. M. Prothero (the applicant) spoke in support of the application.

Mr. S. Clarke spoke in support of the application.

In answer to a question, Mr. S. Clarke stated loaded trailers would be reversed into intended holding areas (along with railway maintenance equipment) to be stored securely.

To statements made, the Development Management and Land Charges Manager confirmed that the 2016 application had been refused on residential amenity grounds. However, it was explained that this application sought permission for a building that was 8.3 metres high to ridge in close proximity to the eastern boundary. The application before Committee sought permission for buildings that were 4.6 metres high to eaves (5.8 metres to ridge) and would be set 2-4 metres in from boundaries.

## PLANNING COMMITTEE

Moved by Councillor John Ritchie and seconded by Councillor Carol Wood

**RESOLVED** that 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 1<sup>st</sup> November 2024.
  - Revised 'UNIT C2 – Proposed Elevations and Floor Layout' plans received on the 1<sup>st</sup> November 2024.
  - 'Cross Sections through the Site' plans received on the 1<sup>st</sup> November 2024.
  - Revised 'Block Plan' received on the 1<sup>st</sup> 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) 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 by 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.

## PLANNING COMMITTEE

7. Prior to the commencement of the buildings hereby approved:

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

## PLANNING COMMITTEE

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](http://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,

## **PLANNING COMMITTEE**

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-forapplicants-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.

## **PL148-23/24      APPLICATION NO. 24/00551/FUL - SINGLE STOREY EXTENSIONS TO FRONT AND REAR AT 57A ALFRETON ROAD, NEWTON**

Committee considered a detailed report in relation to the above application presented by the Development Management 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 single storey extensions to the front and rear of the property.

The applicant was employed by a Council owned company, and for transparency purposes the application brought before Committee.

## PLANNING COMMITTEE

Members raised concerns with regards the exclusion of the garage from the provided documentation and subsequent access issues to the rear if garage ultimately retained. The Development Management and Land Charges Manager informed the intended retention of the garage had not been necessary for the application as it was a building regulation issue and not a Planning one.

The Development Management and Land Charges Manager advised that the application sought permission for the extensions only and that the plans showed the garage to be demolished. It was pointed out that the applicant had suggested to Members on site that the garage could be retained. If the garage was retained this would result in a different scheme, requiring elevational changes.

Members agreed to add a footnote for clarity stating that if the approved development did not include the retention of the existing garage and that should the garage be retained, this would result in elevational changes to the rear extension that would require consideration as part of a new planning application.

Moved by Councillor Phil Smith and seconded by Councillor John Ritchie

**RESOLVED** that 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 28<sup>th</sup> 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.
4. If the approved development did not include the retention of the existing garage and that should the garage be retained, this would result in elevational changes to the rear extension that would require consideration as part of a new planning application.

### **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

## **PLANNING COMMITTEE**

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.

## **PL149-23/24      QUARTERLY    UPDATE    ON    SECTION    106    AGREEMENT MONITORING**

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

The Council’s Section 106 Agreement Monitoring Procedure required sums within 24 months of their deadline to be highlighted for Member’s attention.

The report detailed action plan spending deadlines for 30<sup>th</sup> December 2026.

The items listed in the report were presented, with the Compliance Manager and Leisure Facilities Planning & Development Manager providing further information where applicable.

During the discussion, it was noted funds for health services should always be prioritised in the areas capital was initially raised and remained in the District where possible.

When contacting the Integrated Care Board to discuss health care spending, the Senior Devolution Lead for Planning Policy, Strategic Growth and Housing informed there were safer approaches to make.



## PLANNING COMMITTEE

The Senior Devolution Lead for Planning Policy, Strategic Growth and Housing noted this was the first quarterly update on Section 106 Agreement Monitoring since a change in procedure in September 2022 where all required sum spending deadlines were over 1 year from the meeting.

The Chair echoed the above, telling Officers to keep up the good work.

Moved by Councillor Phil Smith and seconded by Councillor Janet Tait

**RESOLVED** that the 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

### **PL150-23/24      LOCAL PLAN FOR BOLSOVER DISTRICT (MARCH 2020) - FIRST FIVE YEAR REVIEW REPORT**

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

The Local Plan (the 'Plan') had been adopted on 4<sup>th</sup> March 2020. The Plan covered a period of 2014 to 2033 for housing requirements and 2015 to 2033 in relation to employment land. A review of the Plan would be completed before 4<sup>th</sup> March 2025.

No significant issues had been identified in relation to the policies set out within the Plan to justify an immediate review.

However, following 12<sup>th</sup> December 2024, the UK National Government was now basing the provision of affordable housing on a stock based approach and not a population one.

A review of the Plan was therefore required.

Moved by Councillor John Ritchie and seconded by Councillor Phil Smith

**RESOLVED** 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

The meeting concluded at 11:16 hours.

**PARISH** Old Bolsover Parish

---

<b>APPLICATION</b>	Proposed 9 x 1 bed (ground floor flats) and 9 x 2 bed, 2 storey (first and second floor flats)		
<b>LOCATION</b>	Land At The Rear Of The White Swan Market Place Bolsover		
<b>APPLICANT</b>	Mr Steve Botham 10 Corner Pin Close Netherthorpe Staveley Chesterfield S48 8LN		
<b>APPLICATION NO.</b>	23/00439/FUL	<b>FILE NO.</b>	
<b>CASE OFFICER</b>	Mr Jonathan Gaynor		
<b>DATE RECEIVED</b>	21st August 2023		

---

## SUMMARY

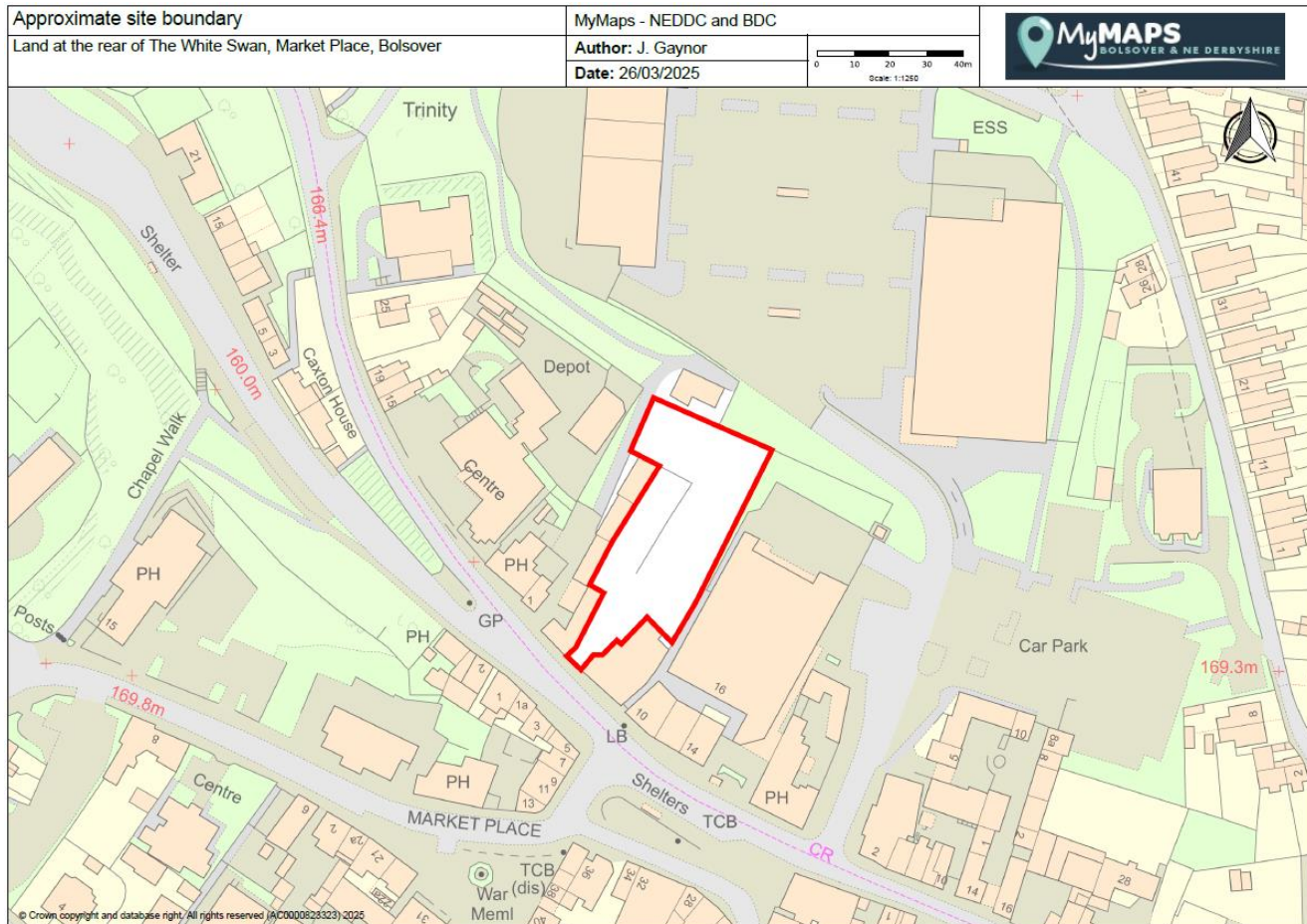
This full planning application is for 2 three storey buildings and 1 two storey building that will deliver 9 one bed flats at the ground floor and 9 two bed 2 storey flats, that will be delivered on the second and third floors of the building.

The site is a brownfield site situated within Bolsover Town Centre and as such, the development is acceptable in principle. The scheme has been revised in consultation with the Conservation Officer and Urban Design Officer as is now considered acceptable in all other planning regards, except viability.

A Viability Assessment has been submitted which concludes that for the scheme to be viable, no s106 contributions can be provided, contrary to the policy expectation totalling £136,746 towards education, open space and playing pitches. This assessment has been independently reviewed and the findings have been verified.

A recommendation to grant planning permission without requiring any s106 contributions is made on the basis that the development will secure the regeneration of a vacant brownfield site in the town centre and deliver residential development in a sustainable location that has been designed to respond positively to the site and its context, with the less than substantial harm to the conservation area outweighed by the public benefits to be derived.

## Site Location Plan



## OFFICER REPORT ON APPLICATION NO. 23/00439/FUL

### SITE & SURROUNDINGS

The site lies within Bolsover town centre close to the Market Place. It falls within the Bolsover Conservation Area and is within the vicinity of Bolsover Castle. The White Swan public house is a prominent un-listed heritage asset within the street, next to Dane Bank House which also has a distinct civic quality and status as a former bank. Both relate to the setting of the Market Place. The entrance to the site falls between these 2 buildings. There are several listed buildings along with many non-designated heritage assets in the town centre with a close-knit pattern of development and domestic scale.

The long extended narrow plots off the main street have been shown on historical plans to have outbuildings extending to the rear as part of a pattern of development of medieval burgage plots. The development will conform with this historical pattern.

There are stone boundary walls to the eastern and northern boundaries which are characterful and to be retained. The plot shows a split in level between the boundary of the rear of the White Swan and Dane Bank house. This is seen as a ramped footing/retaining wall

along the centre line of the courtyard.

The site is relatively contained behind the two main street buildings. The substantial mass of the White Swan and the adjacent Dane Bank House almost completely blocks the views to the main street. There are glimpses though from the street that are typical of the experience of walking down the street and looking through to the rear.

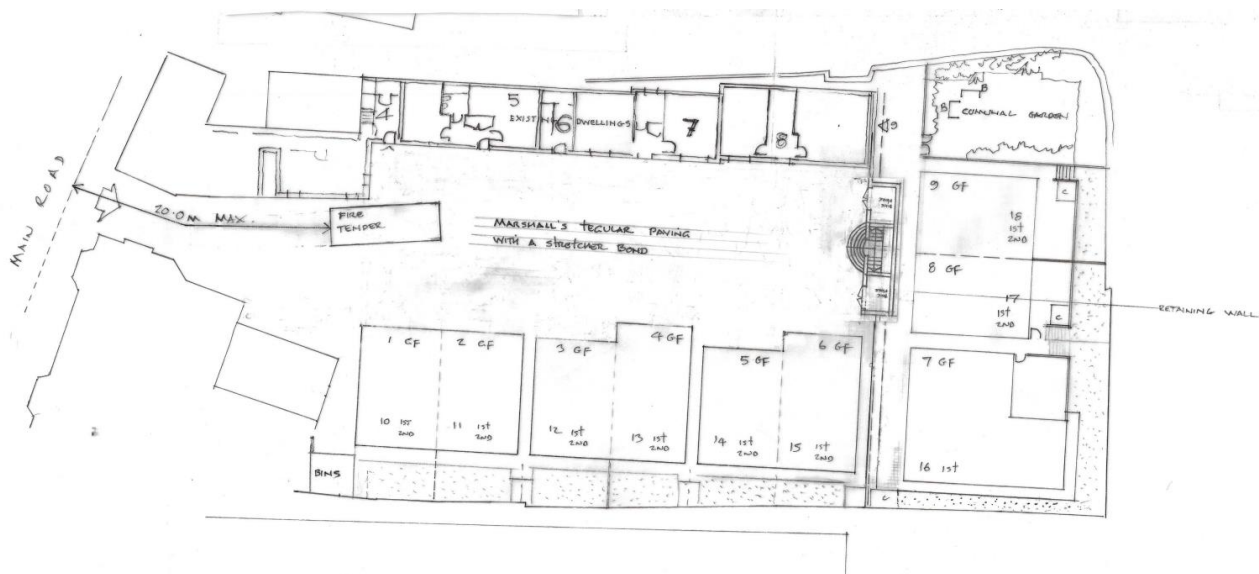
There are views from the north from a sloped bank to Morrisons service road and car park and to the east from Town End Car park beyond the rear of the B&M building which screens most of the development from the east. The west is completely enclosed by the recently developed mews buildings behind Dane Bank house.

While the development forms part of the rear of these properties there is potential for views of the upper parts of the site to be seen from other areas within the town.

## PROPOSAL

The application proposes 2 three storey buildings and 1 two storey building that will deliver 9 one bed flats at the ground floor and 9 two bed 2 storey flats, that will be delivered on the second and third floors of the building.





## AMENDMENTS

Amendments to the overall design of the scheme, which involved extensive discussions with the Conservation Officer and Urban Design Officer.

## EIA SCREENING OPINION

The development does not constitute Schedule 1 or 2 development under the (Environmental Impact Assessment) Regulations 2017. There is therefore no requirement to screen the development as to the likely environmental effects.

## HISTORY

17/00082/OUT	Granted Conditionally	Outline application with all matters reserved for residential development on land to the rear of the White Swan and the conversion of the pub to create retail use at ground floor with 3 or 4 apartments to the first floor.
17/00377/REM	Granted Conditionally	Approval of Reserved Matter for the erection of 10 dwellings

## CONSULTATIONS

- DCC Highways**

The Highway Authority's previous consultation response raised a highway issue in connection with the highway improvements conditioned within Decision Notice 17/00377/REM and in the intervening period a number of discussions have taken place to try and resolve the highway issues, which has culminated in the recently submitted revised drawing (Proposed Site Plan – Amended Plan), so from a highways aspect the drawings are now considered acceptable in principle. Conditions relating to access,



bicycle parking and the submission of a Construction Management Plan are requested, as well as informative notes.

- **BDC Planning Policy**

The starting point for decision-making are the policies set out in the development plan, which comprises the Local Plan for Bolsover District. The Local Plan sets out a spatial strategy and distributes development to the large and more sustainable settlements in Bolsover District. As the Plan was only adopted in 2020, it is considered to be up-to-date and has been delivering significantly more dwellings in recent years than is required under the Local Plan provisions.

The location within Bolsover town centre is considered to be a sustainable location and this meets strategic policy requirements, and subject to more detailed policy considerations such as Archaeology and Conservation would be acceptable in policy terms, unless material considerations indicate otherwise.

Such material considerations that should also be considered are:

- The Government's drive for more housing
- The Council's excellent delivery record of delivering housing in recent years.
- The unviable nature of the development and the consequent lack of contribution towards infrastructure including school. Playing pitches and open space.

- **BDC Streetscene and Waste Services**

After looking at the plans, we will not be able to service the bins from outside the homes, there's no chance we'll get a refuse vehicle up there, either driving in and trying to turn around or reversing in off the Main Road, all bins must be presented at the bottom near the Main Road, possibly within a bin storage area. *Following updated plans*, unfortunately our decision remains the same the bins would have to be brought to the entrance of the development near to the road, all the properties will have individual 180ltr black bins, 240ltr burgundy bins, 240ltr green bins (if requested/required) and 23ltr food waste caddy (this starts in April 2026) this is why a bin storage area near to the entrance would be ideal.

- **DCC Public Right of Way Officer**

The amended plans do not appear to further affect Bolsover FP 19, therefore the RoW section has no objection, and comments remain as previously stated.

- **DCC Planning Policy and DCC Adult Social Care**

*Early comments outlined necessary S106 contributions.* However, Derbyshire County Council appreciate that an independent review of the viability of the development has taken place which agrees with the applicant's evidence that the scheme cannot viably support any S106 contributions.

Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. However,

the County Council understand that the particular circumstances of some developments may justify the need for a viability assessment at the application stage.

The County Council accepts the conclusion of the independent viability report i.e. that the development cannot support any S106 contributions.

Derbyshire County Council would also like to make the following comments from our Public Health and Adult Social Care Team:

*As this development is fewer than 100 dwellings and relates to general housing, ASCH are unable to provide specific feedback. However, we would appreciate the following general design principles being considered to comply with the NPPF's requirement for developments to 'create places that are safe, inclusive and accessible and which promote health and well-being, with high standards of amenity and flexibility for existing and future users.'*

- *Dwellings meet national space and/or M4(2) standards to encourage independent living for all ability and mobility levels*
- *Good internal space standards, ceiling heights, natural light levels*
- *Stairways, walls and ceilings capable of accommodating stair lifts or hoists should these be required in future; large internal cupboards which could be converted for through floor lifts at a future date*
- *A mix of tenures and types: affordable accommodation is important to help ensure the stability of the domiciliary care market*
- *Having a proportion of dwellings built on one level (stacked or bungalow) and ensuring this type of provision is located near public transport routes and/or urban centres*

- **Urban Design Officer**

I've now checked the amended plans and consider all amendments acceptable and in line with my previous requests, in particular:

- to move the steps away from the window of the existing mews building,
- Relocated the bin area to remove the unsightly wooden fence in front of the rear extension of the White Swan,
- Removal of trees from the courtyard.
- Including wider French style windows to the rear to improve light and amenity.

Agrees with Conservation Officer regarding details of materials and therefore happy to recommend approval. I only wish to ensure that a detailed soft and hard works landscape scheme for the area is submitted showing details of steps, planter walls, coping stones, and balustrades, and any paving scheme, including threshold paving. The character of the courtyard needs to be simple but to as high a standard as the buildings. *Details of courtyard finish now agreed in consultation with Urban Design Officer.*

- **Conservation Officer**

The revised scheme had addressed a number of the concerns raised in our previous comments and was generally considered to be moving in the right direction and more aligned with the previously approved scheme which relied on a 'stepped' change in

levels to preserve the character of the courtyard.

The architect has provided the following justification:-

- *The revised development is predominantly two-and- half storey in height with the transition from the courtyard to the upper level which is accessed via steps*
- *All this is in line with the design advice previously produced by Solstice Design and materials have been chosen with a combination of local limestone with occasional use of red brick. Roofs are a mix of pantiles and Welsh slate.*
- *Development now occurs in short rows with variation in roof height. Conservation rooflights are included to the courtyard with dormer windows to the rear. There is now no single theme nor repetition of similar house types.*
- *The disposition of buildings to the rear has been re-considered so that the buildings to the upper ground level do not overlook the entrance to the completed units ( i.e., Dane bank Flat 9).*

The changes to the detailing and materials are welcomed.

Given the sensitivity of the site it is imperative that the detailed design and materials of construction respect the local vernacular and deliver a high-quality courtyard development which will enhance the conservation area. To avoid any confusion at a later date, it would be beneficial to agree the general palette of materials at this stage.

The revised scheme proposes the following materials:-

#### West elevation - First plot to rear of White Swan

Magnesian limestone to front / red pantile roof – see comments below

Magnesian limestone – acceptable but sample of stone and lime pointing to be conditioned

Stone kneelers and coping – acceptable

Stone heads and cills – acceptable – sample of stone required

Stone stringcourse – details required

Cast aluminium rainwater goods on rise and fall brackets – acceptable

Conservation Rooflights – acceptable – details required

Painted timber flush casement windows set back in 100mm reveal - acceptable 1:20 details to be conditioned

Timber boarded doors – acceptable details to be conditioned

Ridge tiles – no details

The use of magnesian limestone on this plot is welcomed but it is not clear whether the return gable would be in stone. Given the visibility of this plot and relationship with the White Swan and Dane Bank House it would be preferable if the gable end was constructed in stone. Having considered the proposed mix of roof materials, it is considered that the use of slate throughout the development is the preferred option rather than a mix of slate and pantile.

#### West elevation - remainder of block



Front elevation - Brick with projecting stone gables – comments below  
Slate roof – acceptable – sample required  
Stone kneelers and coping – acceptable – details required  
Stone heads and cills – acceptable – sample of stone required  
Stone stringcourse – details required  
Cast aluminium rainwater goods on rise and fall brackets – acceptable  
Conservation Rooflights – acceptable – details required  
Painted timber flush casement windows set back in 100mm reveal - acceptable details to be conditioned  
Full height door opening to gable with fully glazed screen – details required by condition  
Timber boarded doors – acceptable details to be conditioned  
Ridge tiles – no details

I had some reservations about the mix of stone (to gables) and brick facades but if it is well detailed it could add some visual interest and provide a common theme/ detail across the site.

#### Rear elevation

Red brick - acceptable – sample and sample panel required  
Rear gable verge details – details required (is it proposed to use a brick dentil course or traditional pointed verge detail)  
Slate roof – acceptable – sample of slate required  
Stone kneelers and coping – acceptable – details required  
Stone heads and cills – acceptable – sample of stone required  
Stone stringcourse – details required  
Cast aluminium rainwater goods on rise and fall brackets – acceptable  
Conservation Rooflights – acceptable – details required  
Painted timber flush casement windows set back in 100mm reveal - acceptable 1:20 details to be conditioned  
Full height door opening to gable with fully glazed screen – details required by condition  
Timber boarded doors – acceptable details to be conditioned  
Ridge tiles – no details

#### Plot 7, 8, 9 16, 17, 18

The materials are the same as above and will be covered by conditions.

The elevated positioning of these plots makes them very dominant, but the revised scheme is not dissimilar to the approved layout. The blank elevation to unit 7 is poorly detailed despite being screened by adjacent properties and it may be worth revisiting this element of the design to see if it can be improved.

The proposed stepped access to the upper level and introduction of a fully glazed balustrade is a more acceptable design solution.

## Heritage Impacts

In heritage terms the main issue for consideration is the impact of the proposed development on the character and appearance of the Conservation Area and setting of the designated and non-designated assets in accordance with the policies contained in the Bolsover District Local Plan and the NPPF as outlined above.

The applicant concludes that the revised scheme has addressed the heritage concerns as outlined below:-

*In conclusion, we feel that the character of our revised scheme now accords with the principals of the previously approved development and the reduction in ridge heights ensures that the scheme has little, if any, impacts from views from the Castle. The ridge heights are shown on the elevations are subservient to those of the White swan and the Supermarket building to the North-East.  
Given the above we see no reason that a new Heritage Statement would be necessary given the changes made to reflect those previously approved.*

Whilst I am of the opinion that the revised scheme does address many of the concerns raised it is considered that there will be a degree of harm caused to the character and appearance and setting of the wider (albeit less than substantial at the low end of the scale). In accordance with the requirements set out in the NPPF (para 208) it must be demonstrated that the level of harm will be outweighed by the public benefits of the scheme.

*Later comments:* We have agreed the general detailing and materials including the use of slate and stone to end gable.

I am ok with the revised plans, and I understand that a revised Heritage Impact Statement is being prepared to satisfy the DCC archaeologist.

### Suggested conditions

- Sample of brick and stone
- Sample of slate / ridge tiles
- Sample panel of lime pointing to be agreed.
- Details of stone stringcourse
- Windows to be set back in 100mm reveal.
- 1:20 details of windows and doors
- Details of glass balustrade and screen to full height openings
- Details of conservation rooflights
- Details of cast aluminium rainwater goods / rise and fall brackets.
- Removal of limited pd rights
- Hard and soft landscaping
- Details of steps
- **Leisure Officer**  
Open Space

Policy ITCR5 of the Local Plan for Bolsover (March 2020) sets out standards to improve green space and play provision in the district.

Applying the policy in the standard below, a proposal for 25 dwellings would require the provision of 0.10 ha of Formal Green Space and 0.06 ha of Semi natural Green Space.

Formal Green Space could be either amenity green space, informal recreation grounds, or equipped play areas, or a combination, bearing in mind that all residents should be within 400 metres of an equipped play area.

As noted above, Policy ITCR5 sets out new Green Space Quantity Standards. Any residential development of 25 or more dwellings will be required to make provision for an equipped play area and new or enlarged green space either on site or within 400 metres walking distance in accordance with the following minimum standards:

- a) 1.86 ha. of Formal Green Space (Amenity green space, Recreation Grounds, and Equipped Play Areas) per 1,000 population
- b) 1.2 ha. of Semi-natural green space per 1,000 population
- c) In settlements where the current provision for either formal or semi natural green space exceeds minimum standards a reduction will be made in the relevant requirement to reflect the percentage of the development site that is within 400 metres walking distance from the edge of existing publicly accessible formal and/or semi-natural green space of at least 0.5 hectares in size.

In addition new residential developments of more than 10 units will be expected to make reasonable financial contributions, either for new green spaces, playing pitches or to improve green spaces or playing pitches falling within the following walking distances:

- Spaces of a minimum size of 10 ha within 7.5 km
- Spaces of a minimum size of 4 ha within 2 km
- Spaces of a minimum size of 2 ha within 800 m
- Spaces of a minimum size of 0.5 ha or equipped play areas within 400m

The Council will prioritise contributions to achieve minimum quality standards of 60% for green spaces and standard for playing pitches.

In line with Policy ICTR5 and using the current policy formula the commuted sum would be £19,152) (18 dwellings x £1,064 per dwelling). This amount is based on 2023 prices and should be index linked to the RPI in terms of timing of payment.

The commuted sum would be invested in the creation, enhancement and / or improvement of open green spaces or playing pitches as outlined in Policy ICTR5.

#### Built & Outdoor Sports Facilities

Under Policy ICTR7: Playing Pitches: When considering development proposals the Council will use the Sport England Playing Pitch Calculator and the Playing Pitch Strategy and Assessment to consider whether new playing pitch provision or improvements to existing pitches will be needed.

Policy ICTR5 also refers to Quality Improvements to Playing Pitches: new residential development of more than 10 dwellings will be expected to make financial contributions to the improvement of playing pitches and / or their ancillary facilities.

As the proposed development is not of sufficient scale to require any dedicated on-site built / outdoor sports facilities, it is normally recommended that a suitable commuted sum is negotiated in lieu of any formal on-site requirement. However, as the contribution requested under ICTR5 also includes 'playing pitches', a separate / additional contribution is not being sought in this case.

- **Derbyshire Wildlife Trust**

We previously provided comments on this application on 16th October 2023, requesting that swift bricks are used instead of sparrow terraces and that the box locations were amended.

We note that the most recent Elevations Plan (Rev. A) was updated to swap the bat box to the eastern elevation and the terrace to the northern elevation, however it has not swapped out the terrace for swift bricks. The most recent version of the Hard and Soft Landscaping Plan (Rev. D) also still refers to a sparrow terrace, despite our recommendations to swap this for swift bricks.

We would also refer to the comments provided by Derbyshire Swift Conservation Trust and echo the advice to install bricks in accordance with the British Standard BS 42021:2022 at a ratio of 1:1 with dwellings. The new-build apartments provide an ideal opportunity to incorporate a meaningful number of swift bricks in a suitable building.

We advise that the bat and bird box details should be agreed via submission of a revised Elevation Plan, to include a greater number of integral swift bricks, in groups at eaves level on suitable elevations (avoiding south). Once the bat and bird box details have been agreed, they can be secured via a compliance condition with the relevant plans. Alternatively, a condition could be attached for a Bat and Bird Box Plan, in line with BS 42021:2022, but details would have to be agreed prior to any works above foundation level to ensure the boxes are incorporated.

Conditions recommended relating to nesting birds and lighting.

- **Historic England**

On the basis of this information, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

- **Integrated Care Board (NHS)**

I can confirm that this application falls under our threshold for a S106 request.

- **Environmental Health**

I can confirm that whilst I have no objection to the proposals in principle, given the location of the proposed development and the previous land uses, conditions are recommended in relation to measures to minimise dust during construction,

construction working hours, a scheme of sound insulation, a contamination assessment and any remediation works undertaken.

- **Yorkshire Water**

The developer is proposing to discharge surface water to public sewer however, sustainable development requires appropriate surface water disposal. Yorkshire Water promote the surface water disposal hierarchy and the developer must provide evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical before considering disposal to public sewer.

As a last resort, and upon receipt of satisfactory evidence to confirm the reasons for rejection of other methods of surface water disposal, curtilage surface water may discharge to public sewer. Surface water discharges to the public sewer must have a minimum of 30% reduction based on the existing peak discharge rate during a 1 in 1 year storm event. The developer will be required to provide evidence of existing positive drainage to a public sewer from the site to the satisfaction of Yorkshire Water and the Local Planning Authority by means of physical investigation. On-site attenuation, taking into account climate change, will be required before any discharge to the public sewer network is permitted.

A condition is requested to that effect.

- **DCC Archaeology**

I have reviewed the resubmitted WSI and confirm that it is fit for purpose and can be implemented

- **Old Bolsover Town Council**

No response received.

- **BDC Engineers**

My comments regarding the above application are as follows :

1. Subject to acceptance of the SuDS design by DCC (LLFA), we must ensure the developer submits 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 )
2. The sewer records show a public sewer within the area of the proposed work (plan enclosed). The applicant should also be made aware of the possibility of unmapped public sewers which are not shown on the records but may cross the site of the proposed works. These could be shared pipes which were previously classed as private sewers and were transferred to the ownership of the Water Authorities in October 2011. If any part of the proposed works involves connection to / diversion of / building over / building near to any public sewer the applicant will need to contact Yorkshire Water in order to determine their responsibilities under the relevant legislation.
3. All proposals regarding drainage will need to comply with Part H of the Building Regulations 2010.
4. 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.

- **Ramblers Association**

We would reiterate that we have no objection or comment to offer in relation to the proposal as presented.

- **Peak and Northern Footpath Association**

No response received.

- **Lead Local Flood Authority**

I checked through the public folder but found no reports relating to the flood risks and drainage strategy, although this development is considered as a "Major Development".

May you please ask the applicant to provide the FRA and Drainage Strategy for the LLFA to review and response?

- **Derbyshire Fire and Rescue**

No objections subject to the following:

- Access for emergency service vehicles, both during the demolition and construction phases of the proposal, should be provided in accordance with Approved Document B (Vols 1 and 2) Section B5.
- Site details should be provided to Derbyshire Fire and Rescue Service with contact details and expected timeframes for the build.
- A full Building Regulations Consultation.

- **Severn Trent Water**

No response received.

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

## **PUBLICITY**

The application has been publicised by way of neighbour notification, site notice and a press notice. One representation has been received from Derbyshire Swift Conservation Project and is summarised below:

The submission shows a sparrow terrace on the southern elevation but best practice is to use integrated nest bricks as they become a permanent feature of the building, require zero maintenance, are aesthetically integrated with the design of the building, are less vulnerable to vandalism and have better thermal regulation with future climate change in mind. The latter point also means such bricks can be safely installed on all aspects of new developments. Additionally, such bricks are considered a universal nest brick for urban bird species, including red-listed species such as Common Swift, House Sparrow, House Martin, and Starling.

The number of integral nest boxes on new residential developments shall at least equal the

number of dwellings. A condition is recommended to secure the above.

*All representations are available to view in full on the Council's website.*

## **POLICY**

### Local Plan for Bolsover District ("the adopted Local Plan")

Planning law requires that applications for planning permission be determined in accordance with policies in the adopted Local Plan, unless material considerations indicate otherwise. In this case, the most relevant Local Plan policies include:

- SS1 – Sustainable Development
- SS3 – Spatial Strategy and Distribution of Development
- LC3 – Type and Mix of Housing
- WC5 - Town and Local Centres
- SC1 – Development within the Development Envelope
- SC2 – Sustainable Design and Construction
- SC3 – High Quality Development
- SC7 – Flood Risk
- SC9 – Biodiversity and Geodiversity
- SC10 – Trees, Woodland and Hedgerows
- SC11 – Environmental Quality (Amenity)
- SC14 – Contaminated and Unstable Land
- SC16 – Development Within or Impacting upon Conservation Areas
- SC17 – Development affecting Listed Buildings and their Settings
- SC19 – Bolsover Area of Archaeological Interest
- SC21 – Non Designated Local Heritage Assets
- ITCR10 - Supporting Sustainable Transport Patterns
- ITCR11 – Parking Provision

### National Planning Policy Framework ("the NPPF")

The National Planning Policy Framework sets out the Government's planning policies for England and how these should be applied. The overarching aims of the NPPF is therefore a material consideration in the determination of this application and have been taken into account.

### Supplementary Planning Documents and other Considerations

*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.

#### *Planning (Listed Buildings and Conservation Areas) Act 1990:*

Section 72 requires that “Special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.”

S66(1) requires that in considering whether to grant planning permission for development which affects a listed building or its setting, special regard is had to the desirability of preserving the building or its setting or any features of architectural or historic interest which it possesses.

#### *Bolsover Conservation Area Appraisal 2021.*

## **ASSESSMENT**

### **Key issues**

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

- the principle of the development;
- design and heritage;
- archaeology;
- residential amenity;
- the impact of the development on the local road network;
- biodiversity;
- contamination;
- drainage; and,
- viability.

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

### **Principle**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material



considerations indicate otherwise.

To achieve sustainable development, Policy SS3 of the Local Plan sets out a settlement hierarchy which seeks to distribute development firstly to the district's larger and more sustainable settlements. Bolsover is listed under Policy SS3 as a small town and sits at the top of settlement hierarchy. Therefore, it is considered that the urban form of development proposed (residential) complies with Policy SS3.

The site is located within the development envelope of Bolsover where new housing development is supported in accordance with Policy SC1 of the Local plan, subject to meeting design and compatibility criteria, and subject to accordance with other relevant policies of the Local Plan. In addition, Policy WC5 of the Local Plan states that support will be given to proposals, which maintain or enhance the vitality and viability of town centres such as Bolsover. While this policy could be viewed as being directed towards retail and leisure development, the proposed residential development would bring additional footfall to Bolsover town centre when occupied, which is likely to help boost the local economy through increased use of town centre offerings.

Therefore, the principle of residential development is acceptable subject to the acceptability of the other matters discussed in this report.

## **Design and Heritage**

Local Plan Policy SC16 relates to development within or impacting on Conservation Areas and states that development proposals within or impacting upon Conservation Areas will be permitted where they preserve or enhance the character and appearance of the area and its setting. Applications will be considered in relation to how well the design and location of the proposal has taken account of a) The development characteristics and context of the conservation area, in terms of important buildings and important open spaces, b) Landscapes, walls, trees and views into or out of the area, and c) The form, scale, size and massing of nearby buildings, together with materials of construction.

Local Plan Policy SC3 (a) states that development will be required to achieve high quality of design in terms of place making, buildings and landscaping, create good quality, attractive, durable, and connected places through well designed locally distinctive development that will integrate into its setting.

NPPF paragraph 215 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Paragraph 135 of the NPPF states that planning decisions should ensure developments function well and add to the quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and which are sympathetic to local character and history.

As set out above, the site falls within the Bolsover Conservation Area and within the vicinity of Bolsover Castle. The White Swan public house is also a prominent undesignated heritage

asset within the street, next to Dane Bank House. There are also several listed buildings along with many non-designated heritage assets in the town centre with a close-knit pattern of development and domestic scale. Therefore, heritage and design needs to be carefully considered as part of the assessment.

The original scheme submitted in August 2023 was reviewed by the Conservation Officer and Urban Design Officer and was not supported. It was considered that the character of the scheme had substantially changed from the scheme approved through an earlier permission (17/00377/REM). The strengths of the previously approved scheme were that the courtyard was generally retained at the same level and was wider, the first building retained a subservience in ridgeline to the main White Swan building, and most of the ridgeline was two storeys with no dormers and occasional step change in ridgeline. A centralised gable frontage portion and gabled fronted end portion allowed for step changes in height and was used to transition up to the buildings at the rear of a higher level.

The scheme submitted in August 2023 proposed buildings that had roofs with regular stepping, which would follow the sloping topography and consistency in gables, dormers, doors, and ginnels, which altogether gave a more suburban feel to the scheme. The scheme at that time had very little resemblance to the architecture of the public house and was less subservient than the previous scheme. The consistency and repetition were considered to be out of character with the mix of styles generally found in the town centre and did not reflect the industrial/workshop character. Overall, neither the Conservation Officer nor the Urban Design Officer supported the scheme in design terms.

Following the comments made by the Conservation Officer and Urban Design Officer, the applicant worked proactively to amend the scheme, and a revised scheme was submitted in late 2023. The revised scheme submitted in design terms, is predominantly two and half storey in height with the transition from the courtyard to the upper level, which would be accessed via steps. The development now occurs in short rows with variation in the roof height, which is similar to the previously approved scheme. Conservation rooflights are included in the courtyard, with dormer windows to the rear, and the deposition of buildings to the rear has been reconsidered so that the buildings to the upper ground level do not overlook the entrance to the completed units: i.e., Dane Bank Flat 9. There does not appear to be any single theme nor repetition of similar house types, and the ridge heights have been reduced.

The Conservation Officer and Urban Design Officer have reviewed the revised scheme and they have noted that the revisions have addressed many of the concerns raised in respect of the initial scheme submitted. It was considered that the revised scheme now aligns much more closely with what was approved previously as part of the earlier reserved matters scheme and could be supported in principle. The Conservation Officer noted that given the sensitivity of the site it is imperative that the materials proposed respect the local vernacular and deliver a high-quality courtyard development which will enhance the Conservation Area. The applicant put forward a detailed breakdown of what materials will be used for each elevation on the revised plans submitted, and for the most these have been accepted by the Conservation Officer (in principle). However, conditions would still be needed for the following in order to agree the use of materials in full:

- Sample of brick and stone
- Sample of slate / ridge tiles

- Sample panel of lime pointing to be agreed.
- Details of stone stringcourse
- Windows to be set back in 100mm reveal.
- 1:20 details of windows and doors
- Details of glass balustrade and screen to full height openings
- Details of conservation rooflights
- Details of cast aluminium rainwater goods / rise and fall brackets.
- Details of steps

The Conservation Officer has also requested that a condition is attached, which removes Permitted Development Rights in order to preserve the appearance of the Conservation Area post development, which is considered to be both reasonable and necessary. Given that flats do not benefit from permitted development rights applicable to 'dwellinghouses', it is only considered necessary to remove rights around boundary treatments and renewable energy, that could otherwise result in uncontrolled means of enclosure and additions around the buildings such as solar panels, that may be acceptable but only in a controlled manner. A condition for the submission of a hard and soft landscaping scheme was also requested by the Conservation Officer. Details have now been provided by the applicant showing Marshall's Tegular paving with a stretcher bond across the whole courtyard in accordance with the Urban Design Officer's advice. This is considered acceptable.

Overall, the Conservation Officer and Urban Design Officer now support the revised scheme, as this now resembles the scheme that was previously approved on the site under reserved matters application reference 17/00377/REM. Notwithstanding the support given to the revised scheme, the Conservation Officer does conclude that the development would have a degree of harm to the character and appearance of the Conservation Area, which would amount to 'less than substantial harm' at the low end of the scale. Therefore, in accordance with the NPPF at paragraph 215 the public benefits of the scheme need to be weighed up against the harm.

The public benefits include:

1. Bringing the site back into a viable use that would provide additional housing for people to live. Housing provision is high on the Government agenda, and the provision for additional housing on a brownfield site would be a strong public benefit.
2. The development would bring additional footfall to the town centre of Bolsover that would provide additional expenditure to local shops and businesses, which is also a public benefit.

It is considered that the public benefits set out above would outweigh the low level of less than substantial harm identified by the Conservation Officer. Therefore, it is considered that the development would comply with Local Plan Policies SC3, SC16 and SC17, and sections 12 & 16 of the NPPF.

## **Archaeology**

The site is within the Bolsover Area of Archaeological Interest. Local Plan Policy SC19 requires application within this area that involve ground disturbance to be accompanied by the

results of a suitable archaeological assessment appropriate to the scale and type of development. It sets out that proposals will be supported where the significance of archaeological assets is sustained and enhanced. Where harms to archaeological assets are considered to be outweighed by development benefits, provision should be made for their excavation and recording before development takes place.

The NPPF at paragraph 207 states that in determining applications, LPAs should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation

A Written Scheme of Investigation has been submitted by the applicant and sets out a scheme of archaeological mitigation by watching brief during the planned development. The Derbyshire County Council Archaeologist is satisfied with the information, subject to a condition ensuring implementation is in accordance with it.

### **Residential Amenity**

Local Plan Policy SC3(n) sets out a requirement to achieve a good standard of amenity for the occupants of existing neighbouring properties as well as the future occupants of new development, including levels of privacy and light, position and avoiding overbearing relationships and the provision of adequate amenity space.

Local Plan Policy SC11 states that development likely to cause, or experience, a loss of residential amenity because of light, noise, dust, odour or vibration, or a loss of privacy must be supported by a relevant assessment. If necessary, appropriate mitigation must be put in place. Applicants will need to demonstrate that a significant loss of amenity would not occur because of the development or throughout its construction and operation.

The NPPF paragraph 198 states that planning policies and decisions should mitigate and reduce to a minimum potential adverse impact resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and the quality of life. NPPF Paragraph 135(f) states that development should create places that have a high standard of amenity for existing and future users.

The Successful Places SPD also sets out minimum standards for separation distances and garden areas in the interests of residential amenity.

The proposed layout of the properties has been considered relative to one another and surrounding uses. As with the previously approved reserved matters application for the site (ref: 17/00377/REM), which considered a layout for 10 dwellings, the garden sizes and front to front separation distances within the courtyard are lower than would typically be expected. However, the site is seeking to achieve a particular design approach, which is a 'mews type appearance', preserving the historic building pattern and with a communal garden area. Given these considerations and town centre location, there is sufficient reason to depart from more typical separation and garden size standards used for assessing more conventional housing layouts. It is common for development in locations such as town and city centres to demonstrate lower levels of separation and smaller garden sizes because of the density of the environment. In this case, it is considered that there would not be any adverse effects on neighbouring properties in terms of residential amenity. In terms of overbearing, overshadowing or overlooking between the new properties, the north eastern building is close to the side elevation of the southern building, however the design is such that windows are limited to avoid significant impact and the level change helps with this.

It is noted that there are non-residential uses in the vicinity of the site such as retail, a public house, industrial and offices, as would be expected in a town centre location. Residential uses around the site already exist and it is considered that further residential properties would not be subjected to unreasonable noise or other amenity impacts from existing surrounding uses or restrict their ongoing operation.

To ensure that the construction phase of development does not have any adverse impacts in terms of noise, vibration, and harm from additional construction traffic during the build phase, a suitable worded planning condition would be attached to ensure that a Construction Management Plan was submitted and agreed.

### **The Impact of the Development on the Local Road Network**

Local Plan Policy ITCR10 states that development proposals which are likely to have significant amounts of movements will need to be supported by a Transport Statement or Transport Assessment in order to understand their impact on existing transport networks. Policy ITCR11 and Appendix 8.2 of the Local Plan sets out parking standards for various types of development. For dwelling, the expectation is generally two spaces for 2-3 bed dwellings and 3 spaces for 3+ bed dwellings, subject to exceptions where the context allows / requires. An exception must be justified and not lead to negative impacts on health and safety or unacceptably impact upon amenity.

In this circumstance, the site is a town centre location that is considered to be sustainable. There are a wide array of day to day amenities and access to public transport within walking distance. While there would be space for some parking within the courtyard, any significant amount of spaces would visually dominate streetscene and detract from the design to

maintain a burgage style plot behind a main street. Also, the flats to the west side of the courtyard have been constructed without integral garages and external parking, and the design relies on some continuity of space provided by the minimal courtyard finished in Marshall's Tegular paving. Some soft landscaping was proposed in front of the buildings but its removal was discussed with the Urban Design Officer to maintain a clean authentic courtyard that's quality would not be eroded by poor maintenance of vegetation. The open space also allows for access by emergency and service vehicles.

Given the above, no parking provision is considered acceptable in this instance and this should not be considered a departure from the relevant Local Plan policies.

## **Biodiversity**

This application was received before the mandatory 10% biodiversity net gain came into force and therefore is exempt from that provision. However, Local Plan Policy SC9 states that development proposals should seek to conserve and enhance the biodiversity and geodiversity of the district and to provide net gains where possible. Proposals for development must include adequate and proportionate information to enable a proper assessment of the implications for biodiversity and geodiversity.

Derbyshire Wildlife Trust have been consulted and consider that given the nature of the site, it is unlikely that any habitat impacts will result from the proposals. They do however recommend conditions in relation to lighting, breeding birds, and the submission of a biodiversity enhancement plan. Derbyshire Wildlife Trust do concur with the comments from Derbyshire Swift Conservation Project to use swift bricks instead of sparrow terraces as they provide an ideal opportunity to incorporate a meaningful number of swift bricks in a suitable building. It is considered that an acceptable situation can be achieved via conditions in accordance with Policy SC9.

## **Contamination**

Local Plan Policy SC14 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 which does not result in unacceptable risks which would adversely impact upon human health, and the built and natural environment.

The site is brownfield and subject to a number of historic uses. Environmental Health have been consulted and have no objections to the development in principle but given the location and previous uses, recommend conditions in relation to a land contamination assessment and the implementation of any necessary remediation, a scheme of sound insulation, a programme of measures to minimise the spread of airborne dust from the site during the demolition and construction phase, and the control over construction working hours.

With the imposition of the conditions recommended by the Environmental Health Officer, the proposal is considered to be acceptable in accordance with Policy SC14.

## **Drainage**

No detailed drainage details have been submitted with the application, although a drainage strategy prepared to support a previous application for 10 dwellinghouses on the site was submitted to demonstrate that acceptable drainage can be achieved.

Yorkshire Water has been consulted and noting that surface water is proposed to be discharged into the public sewer, state that the developer must provide evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical before considering disposal to a public sewer. As a last resort, and upon receipt of satisfactory evidence to confirm the reasons for rejection of other methods of surface water disposal, curtilage surface water may discharge to public sewer. Surface water discharges to the public sewer must have a minimum of 30% reduction based on the existing peak discharge rate during a 1 in 1 year storm event. The developer will be required to provide evidence of existing positive drainage to a public sewer from the site to the satisfaction of Yorkshire Water and the Local Planning Authority by means of physical investigation. On-site attenuation, taking into account climate change, will be required before any discharge to the public sewer network is permitted. They request a condition to secure the above. The Lead Local Flood Authority (LLFA) at Derbyshire County Council have also been consulted and requested a Floor Risk Assessment and Drainage Strategy. The site is within Flood Zone 1 which is the lowest risk of flooding, and only slightly encroached by areas at low risk of surface water flooding.

A recommendation to approve would therefore be subject to no objections from the LLFA and conditioned to require the relevant information to accord with policy SC7 of the Local Plan.

## **Viability**

Given the scale of the proposed development, a s106 contribution totalling £136,746 is expected, comprising £91,928.37 for education, £20,338 for open space and £24,480 for playing pitches.

A Viability Assessment has been submitted that suggests that a minimum of 20% profit on cost is usually required to maintain a viable development, and that the development will only return a developer profit of 18% with the inclusion of zero s106 contributions.

In order to test and verify the submitted information, the Council has had an independent review conducted. This initially run an appraisal with the full s106 contribution and found a residual land value below the benchmark land value and therefore deemed the development to be unviable. The contribution was then reduced to establish at what point, if any, it returned a viable outcome. With nil s106 contributions, the scheme still fails to meet the viability threshold, even considering a view that the applicant's appraisal's figures are optimistic and no contingency has been built in. If the various elements were adjusted to mid-range expectations, the viability outcome would be even worse. The independent review therefore concludes that the scheme cannot viably support any s106 payments, and that these costs should be removed in order to give the scheme the best chance to be delivered.

Granting planning permission without securing the above contributions is a negative of the

development. Policy II1 states that where the needs for infrastructure and other requirements arising from development is proven to exceed that which can be viably made, priority will be determined by the District Council based on the importance of the infrastructure and other requirements, to the delivery of the Local Plan. This is a consideration in the assessment of the various sustainability costs and benefits in a planning balance.

The site is a brownfield town centre site and is considered highly sustainable in planning terms relative to the district. It is considered that there is significant benefit to bringing the site back into use for residential purposes in this sustainable town centre location. The amendments to the buildings design and appearance will also result in a form of development that will make a more positive contribution to the site and its context. While it is unfortunate that contributions cannot be made in this instance, the viability position is clearly evidenced and verified and the less than substantial harm to the conservation area would be outweighed by the public benefits to be derived in this case. As such, a recommendation to grant planning permission without providing any s106 contributions is made.

## **CONCLUSION / PLANNING BALANCE**

The site is in a sustainable town centre location where the principle of residential development is acceptable. The design of the scheme has evolved through consultation with the Conservation Officer and Urban Design Officer, such that it is now considered acceptable. The scheme is acceptable or can be made acceptable by condition in all other planning regards, except viability. In this instance, it is considered that the benefits of remediating the site and bringing it back into residential use without s106 contributions should be afforded more weight than leaving the brownfield town centre site vacant.

## **RECOMMENDATION**

**Upon no objections being received from the Lead Local Flood Authority (LLFA), that delegated authority be given to the Development Management and Land Charges Manager or Principal Planners to APPROVE the development subject to the following conditions and any other conditions recommended by the LLFA:**

### Conditions

1. The development shall be begun before the expiration of three years from the date of this permission.
2. The development hereby approved shall be implemented in accordance with the following plans unless specifically stated otherwise in the conditions below:
  - Revised Location Plan (received 17 January 2025);
  - Site Plan and Ground Floor Plan Plots 1-6 (Drawing no. 23 946 2 Rev. B, received 17 January 2025);
  - Ground Floor Plots 7-9 and First Floor Plots 10-15 (Drawing no. 23 946 3 Rev. A, received 28 March 2025);
  - Rooms in Roof Plots 10-15 and First Floor Plots 16-18 (Drawing no. 23 946 4 Rev. A, received 28 March 2025);
  - Elevations (Drawing no. 23 946 5 Rev. C, received 28 March 2025);



- Sections (Drawing no. 23 946 6 Rev. A, received 28 March 2025);
  - Hard and Soft Landscaping (Drawing no. 23 946 7 Rev. D, received 17 January 2025).
3. Before the commencement of construction works including any demolition in connection with the development hereby approved, a programme of measures to minimise the spread of airborne dust from the site during construction and demolition periods shall be submitted to and approved in writing by the Local Planning Authority. The construction shall be undertaken in accordance with the approved scheme.
  4. Construction works on the site and deliveries to the site shall be undertaken only between the hours of 7.30am 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.
  5. Prior to the first occupation of the dwellings hereby approved a scheme of sound insulation shall be submitted to and approved in writing the Local Planning Authority. The scheme shall be designed following the completion of a sound survey undertaken by a competent person. The scheme shall take account of the need to provide adequate ventilation, which will be by mechanical means where an open window would not achieve the following criteria. Unless otherwise agreed, the scheme shall be designed to achieve the following criteria with the ventilation operating:
    - Bedrooms 30 dB LAeq (15 Minutes) (2300 hrs – 0700 hrs)
    - Living/Bedrooms 35 dB LAeq (15 Minutes) (0700 hrs – 2300 hrs)
    - All Other Habitable Rooms 40 dB LAeq (15 Minutes) (0700 hrs – 2300 hrs)
    - All Habitable Rooms 45 dB L<sub>Amax</sub> to occur no more than 6 times per night (2300 hrs – 0700 hrs)
    - Any outdoor amenity areas 55 dB LAeq (1 hour) (0700 hrs – 2300 hrs).

The scheme as approved shall be validated by a competent person and a validation report submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in full and retained thereafter.

6. Development other than that required to be carried out as part of an approved scheme of remediation must not commence until:
  - a) A Phase I contaminated land assessment (desk-study) shall be undertaken and approved in writing by the local planning authority.
  - b) The contaminated land assessment shall include a desk-study with details of the history of the site use including:
    - the likely presence of potentially hazardous materials and substances,
    - their likely nature, extent and scale,
    - whether or not they originated from the site,

- a conceptual model of pollutant-receptor linkages,
- an assessment of the potential risks to human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments,
- details of a site investigation strategy (if potential contamination is identified) to effectively characterise the site based on the relevant information discovered by the desk study and justification for the use or not of appropriate guidance. The site investigation strategy shall, where necessary, include relevant soil, ground gas, surface and groundwater sampling/monitoring as identified by the desk-study strategy

The site investigation shall be carried out by a competent person in accordance with the current U.K. requirements for sampling and analysis. A report of the site investigation shall be submitted to the local planning authority for approval.

7. Before the commencement of the development hereby approved:

Where the site investigation identifies unacceptable levels of contamination, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be submitted to and approved in writing by the local planning authority. The submitted scheme shall have regard to relevant current guidance. The approved scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria and site management procedures. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

The developer shall give at least 14 days notice to the Local Planning Authority and Environmental Health Division prior to commencing works in connection with the remediation scheme.

8. No dwellings hereby approved shall be occupied until:

- a) The approved remediation works required by 7 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 6b to 7 above and satisfy 8a above.

- c) Upon completion of the remediation works required by 7 and 8a 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.
9. The development hereby approved shall not be brought into use until the access facilities have been provided as shown on drawing 'Site Plan and Ground Floor Plan Plots 1-6' (Drawing no. 23 946 2 Rev. B, received 17 January 2025).
10. No 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.
11. 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 demolition/construction period. The plan/statement shall include but not be restricted to:
- Parking of vehicles of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
  - 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.
12. Prior to their use on the development, details of the below shall be submitted to and approved in writing by the local planning authority:
- Sample of brick and stone;
  - Sample of slate / ridge tiles;
  - Sample panel of lime pointing;
  - Details of stone stringcourse;
  - 1:20 details of windows and doors, including showing windows set back in 100mm reveal;
  - Details of glass balustrades and screen to full height openings;
  - Details of conservation rooflights;
  - Details of cast aluminium rainwater goods / rise and fall brackets;

- Hard and soft landscaping (details of steps, retaining walls / features, coping stones, balustrades, and any paving scheme, including threshold paving).

The development shall be implemented and retained in accordance with the approved details.

13. Notwithstanding the provisions of Parts 2 and 14 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking and re-enacting that Order) none of the dwellings hereby permitted shall be altered externally, including: the erection of gates, fences or walls; exterior painting; or the installation of solar panels or any other external energy equipment, unless planning permission has first been granted by the Local Planning Authority.
14. No clearance of scrub or trees should be undertaken between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests immediately before the work is commenced. If any active nests are discovered then these should be left undisturbed until the birds have fledged with an appropriate buffer surrounding the nest.
15. Prior to the installation of external lighting fixtures, a detailed lighting plan shall be submitted to and approved in writing by the local planning authority to ensure luminaires are positioned to avoid lightspill to biodiversity features, including bat and bird boxes. This should provide details of the chosen luminaires, their locations, and any mitigating features such as dimmers, PIR sensors and timers. 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.
16. Notwithstanding the Sparrow Terraces shown on the approved Elevations Plan (Drawing no. 23 946 5 Rev. C), Swift Bricks shall be installed instead of the Sparrow Terraces, in accordance with the British Standard BS 42021:2022, at a ratio of 1:1 with the dwellings hereby approved.
17. No development shall take place other than in accordance with the archaeological Written Scheme of Investigation undertaken by Archaeological Research Services Ltd (report 2024/49), received 01 July 2024.
18. 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 and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.
19. Prior to occupation of any of the dwellings hereby approved, full details of bin storage facilities, including plans of the enclosure and provisions for refuse collection, shall be submitted to and agreed in writing by the Local Planning Authority.

20. There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to:-
- evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical;
  - evidence of existing positive drainage to public sewer and the current points of connection; and
  - the means of restricting the discharge to public sewer to the existing rate less a minimum 30 % reduction, based on the existing peak discharge rate during a 1 in 1 year storm event, to allow for climate change.
21. Subject to acceptance of any SuDS design by Derbyshire County Council (Lead Local Flood Authority), an Operation and Maintenance Plan (in accordance with section 32 of the SuDS Manual) must be submitted to and approved in writing by the Local Planning Authority prior to occupation of any of the dwellings, which provides details of the arrangements for the lifetime management and maintenance of the SuDS features together with contact details.

### Informatives

1. The development hereby approved and any associated highway works required, is likely to impact on the operation of the highway network during its construction (and any demolition required). You are advised to contact the Highway Authorities Network Management Team at [www.derbyshire.gov.uk/transport-roads/roads-traffic/roadworks/roadworks.aspx](http://www.derbyshire.gov.uk/transport-roads/roads-traffic/roadworks/roadworks.aspx) before undertaking any work, to discuss any temporary traffic management measures required, such as footway, Public Right of Way, carriageway closures or temporary parking restrictions a minimum of eight weeks prior to any activity on site to enable Temporary Traffic Regulation Orders to be prepared and a programme of Temporary Traffic Management measures to be agreed.
2. It is expected that contractors are registered with the Considerate Constructors scheme and comply with the code of conduct in full, but particularly reference is made to “respecting the community” this says: Constructors should give utmost consideration to their impact on neighbours and the public
  - Informing, respecting and showing courtesy to those affected by the work;
  - Minimising the impact of deliveries, parking and work on the public highway;
  - Contributing to and supporting the local community and economy; and
  - Working to create a positive and enduring impression, and promoting the Code.
3. The Construction Management Plan should clearly identify how the principal contractor will engage with the local community; this should be tailored to local circumstances. Contractors should also confirm how they will manage any local

concerns and complaints and provide an agreed Service Level Agreement for responding to said issues.

4. Contractors should ensure that courtesy boards are provided, and information shared with the local community relating to the timing of operations and contact details for the site coordinator in the event of any difficulties.
5. 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>.
6. The sewer records show a public sewer within the area of the proposed work. The applicant should also be made aware of the possibility of unmapped public sewers which are not shown on the records but may cross the site of the proposed works. These could be shared pipes which were previously classed as private sewers and were transferred to the ownership of the Water Authorities in October 2011. If any part of the proposed works involves connection to / diversion of / building over / building near to any public sewer the applicant will need to contact Yorkshire Water in order to determine their responsibilities under the relevant legislation.
7. All proposals regarding drainage will need to comply with Part H of the Building Regulations 2010.
8. 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.
9. The developer is proposing to discharge surface water to public sewer however, sustainable development requires appropriate surface water disposal. Yorkshire Water promote the surface water disposal hierarchy and the developer must provide evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical before considering disposal to public sewer.
10. The developer will be required to provide evidence of existing positive drainage to a public sewer from the site to the satisfaction of Yorkshire Water and the Local Planning Authority by means of physical investigation. On-site attenuation, taking into account climate change, will be required before any discharge to the public sewer network is permitted.
11. Derbyshire Fire and Rescue Service have no objections subject to the following:

- Access for emergency service vehicles, both during the demolition and construction phases of the proposal, should be provided in accordance with Approved Document B (Vols 1 and 2) Section B5.
- Site details should be provided to Derbyshire Fire and Rescue Service with contact details and expected timeframes for the build.
- A full Building Regulations Consultation.

12. 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>

### **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** Old Bolsover Parish

---

**APPLICATION** Change of use from C3 to 6 bedroomed assisted living property, single storey extension to front and 2 storey side and rear extension.  
**LOCATION** 1 Elm Close Bolsover Chesterfield S44 6EA  
**APPLICANT** Mr Benson Osejindu and Mrs Hope Osejindu 1 Elm Close Bolsover Derbyshire, S44 6EA  
**APPLICATION NO.** 24/00480/FUL **FILE NO.** PP-13471825  
**CASE OFFICER** Mrs Karen Wake  
**DATE RECEIVED** 15th October 2024

---

## SUMMARY

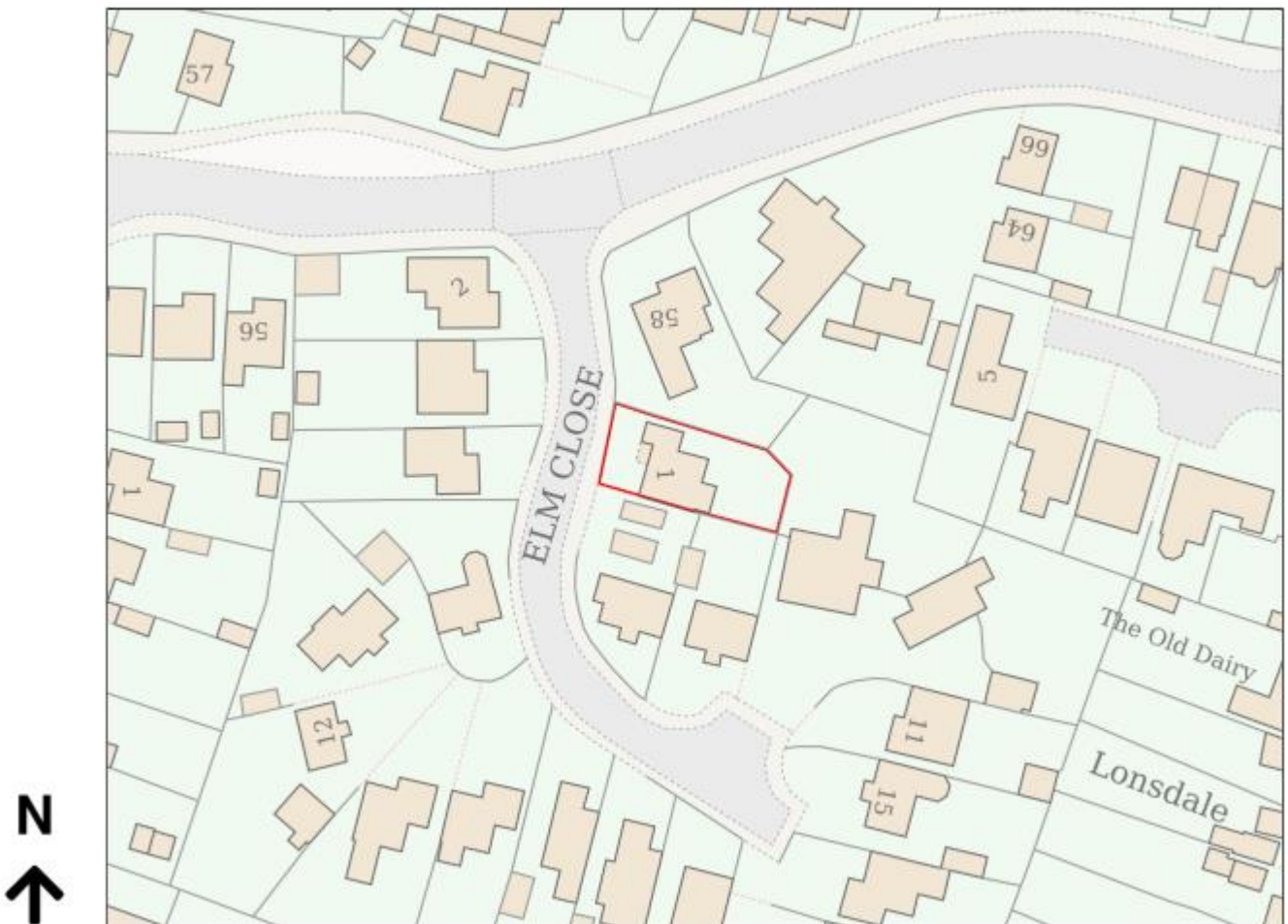
The application has been referred to committee by Cllr Clarke due to concerns about insufficient parking spaces for the application leading to highway safety implications, the harmful impact on local residents and the impact on the drainage system. There have also been objections to the proposal from 27 households.

The application is for the change of use of the existing 4 bedroom dwelling to a 6 bedroom assisted living property. The proposal includes a single storey extension to the front and a 2 storey side and rear extension which to provide the additional accommodation. The proposal includes the loss of the existing garage but provides a replacement parking space on the site frontage such that there are three spaces in total on the site.

The application is recommended for approval, subject to conditions



## **Site Location Plan**



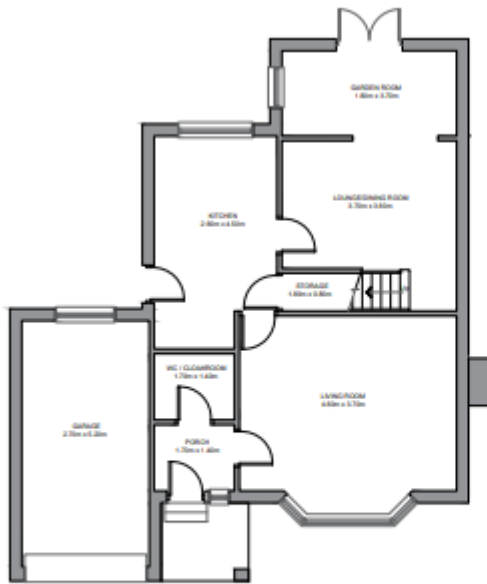
### **OFFICER REPORT ON APPLICATION NO. 24/00480/FUL**

#### **SITE & SURROUNDINGS**

The application property is a two storey detached dwelling with and attached, pitched roof garage. There is an existing access to the front with two parking spaces side by side on the site frontage. To the rear of the property is a garden with a 1.8m high fence and 2.5m high conifer hedge along the northern side boundary with a two storey dwelling beyond which faces the site. On the rear (west) boundary is a 1.8m high fence with garden and two storey assisted living accommodation beyond. On the southern side boundary is a 1.8m high fence with two storey dwellings and gardens beyond.

#### **PROPOSAL**

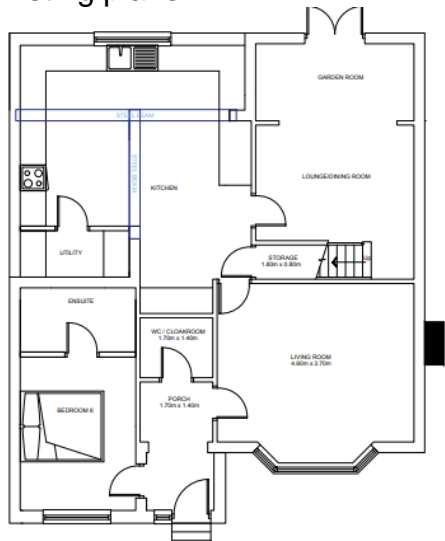
The application is for the change of use of the existing 4 bedroom dwelling to a 6 bedroom assisted living property. The proposal includes a single storey extension to the front and a 2 storey side and rear extension which to provide the additional accommodation. The proposal includes the loss of the existing garage but provides a replacement parking space on the site frontage such that there are three spaces in total on the site.



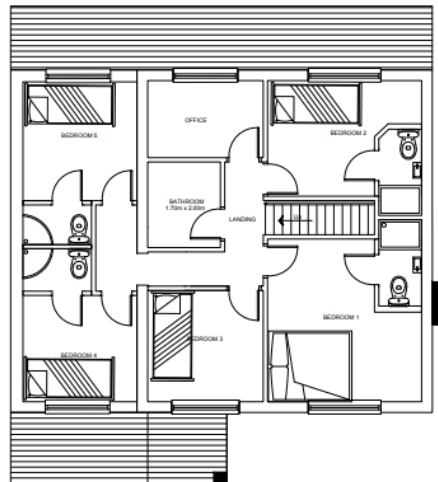
**Ground floor**  
Scale 1:50

**First floor**  
Scale 1:50

## Existing plans



**Ground floor**  
Scale 1:50



**First floor**  
Scale 1:50

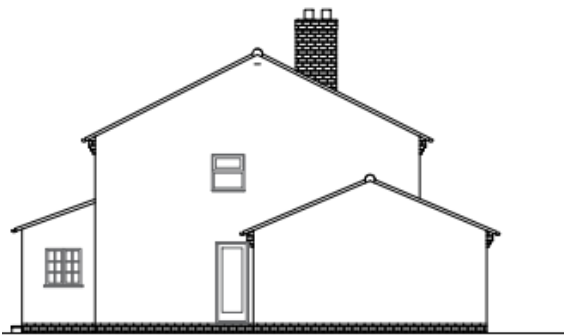
## Proposed plans



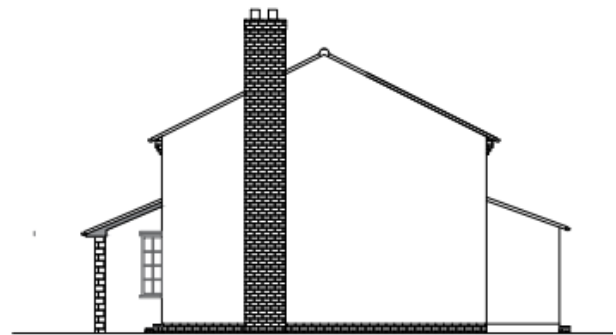
Front Elevation  
Scale 1:50



Rear Elevation  
Scale 1:50



Left Side Elevation  
Scale 1:50



Right Side Elevation  
Scale 1:50

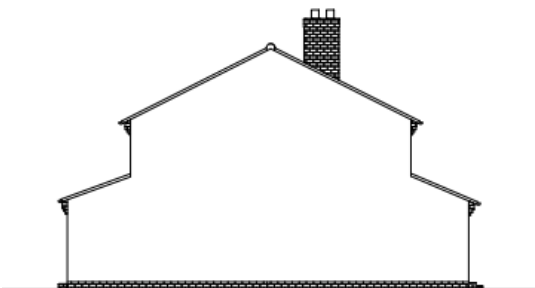
## Existing elevations



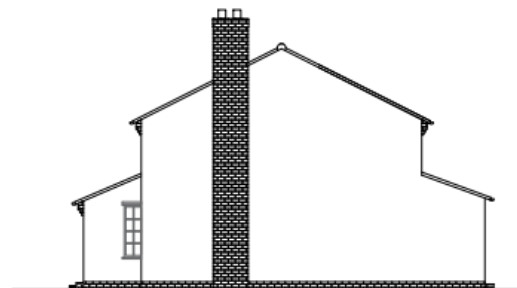
Front Elevation  
Scale 1:50



Rear Elevation  
Scale 1:50

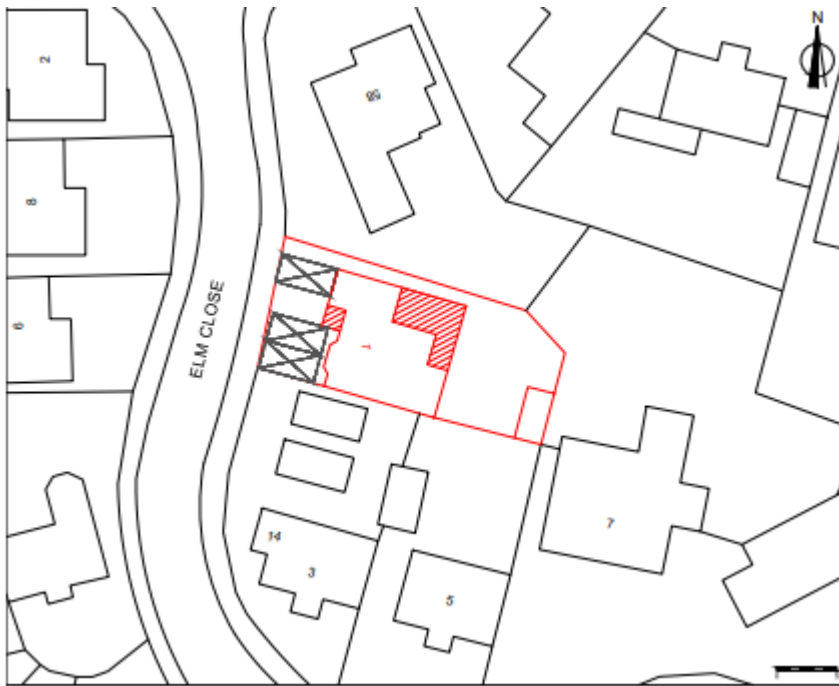


Left Side Elevation  
Scale 1:50



Right Side Elevation  
Scale 1:50

## Proposed elevations



Proposed block plan

## AMENDMENTS

The proposal has been amended to provide an additional parking space on the site frontage resulting in three spaces on site in total.

A noise management plan and a managing challenging behaviour and positive behaviour support policy and procedure for the accommodation has been provided.

## EIA SCREENING OPINION

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

## HISTORY

None

## CONSULTATIONS

### DCC Highways:

Advise checking that the proposal meets the councils parking standards. There would not be an unacceptable impact on highway safety or a severe impact on congestion and therefore there are no grounds on which an objection could be maintained. Recommends a condition requiring submission of a scheme for secure bicycle storage be submitted for approval and maintained on site thereafter. Recommends informative notes advising contractors are expected to be registered with the considerate contractors scheme, advising of the need to contact DCC if works are required within the highway and the need to obtain a section 184 licence from the Highway Authority and that drainage from the parking area shouldn't drain onto the highway.

### DCC Adult Social Care:

Support the application

#### Senior Engineer:

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

All proposals regarding drainage will need to comply with Part H of the Building Regulations 2010. In addition, any connections or alterations to a watercourse will need prior approval from the Derbyshire County Council Flood Team, who are the Lead Local Flood Authority.

#### Force Designing Out Crime Officer:

There are no recorded issues relating to crime and disorder which would make this property unsuitable for the proposed use. Consequently, there is no objection to the application.

### **PUBLICITY**

Site notice and neighbours notified. Objections received from 27 households.

The objections highlight several concerns regarding the transformation of residential properties into assisted living facilities. Primarily, there is significant unease about the impact on community life, with respondents noting that such developments alter the neighbourhood's character, resulting in increased traffic, noise, and potential antisocial behaviour, which may lower the quality of life. Safety concerns are prominent, particularly regarding the risks posed to children due to traffic and parking issues. There is anxiety about the possible decline in property values and the erosion of the neighbourhood's familial character. Respondents are also troubled by privacy invasions and shifts in social dynamics due to the arrival of non-residents and service vehicles. Furthermore, there are doubts about the local infrastructure's capacity to accommodate increased demands on resources like sewerage systems, parking, and traffic management. Finally, respondents express dissatisfaction with the planning and management processes, fearing that decisions might set a precedent for future developments that could further disrupt residential areas. The issues are summarised as follows:

- Community impact and residential discontent: - residents express significant concern over the transformation of residential properties into assisted living facilities within a quiet, suburban area. They believe such developments fundamentally alter the character of their neighbourhood, leading to increased traffic, noise, and potentially antisocial behaviour, which they fear could diminish their quality of life and undermine the area's suitability for family living.
- Safety and welfare considerations: - the safety of residents, especially children, is a predominant concern with the proposed changes leading to increased traffic and parking issues during construction and afterwards once the business is operating. Fear over dangerous driving, inadequate parking leading to obstructive street parking, and the potential for accidents are central to the objections raised, with a belief that these issues could create unsafe conditions for pedestrians and young residents.

- Property values and neighbourhood character: - there's widespread worry that the conversion of family homes into assisted living residences could adversely affect property values in the area, making any future sales unappealing. Residents feel that the introduction of commercial operations in a residential zone not only threatens the familial character of the neighbourhood but also risks creating a precedent for further non-residential development, thereby further eroding the area's residential appeal.
- Social dynamics and privacy concerns: - the potential influx of non-residents, including staff, visitors, and service vehicles, into what was previously a cohesive and quiet residential area raises issues of noise disturbance, privacy invasion and altered social dynamics. In particular, there's unease regarding the impact on privacy and light and the introduction of interactions that residents feel could disrupt the existing community spirit and cohesiveness.
- Infrastructure and environmental strain: - there are apprehensions regarding the adequacy of local infrastructure to support the additional demands that assisted living facilities place on resources such as parking, traffic management, and sewerage systems. Blocked drains and insufficient parking, compounded by an increase in vehicular movement, pose challenges to both the environment and the daily lives of existing residents.
- Planning, management, and future precedent: - criticisms have been voiced about the planning, consultation and decision-making process, with residents feeling left out of consultations, or concerned about the apparent inadequacy of existing restrictions to preserve the area's character. Additionally, there's a fear that approving such developments without considering the full range of potential impacts sets a troubling precedent for the future transformation of residential estates into mixed-use areas, without sufficient regard for long-standing community needs or the appropriateness of particular developments in specific local contexts.
- Business operation: - The proposal should be considered as an extension of the existing business at No 7. Given the close proximity of the two properties it gives rise to considerations of Operational Efficiencies, linking the properties via a gateway so that the staffing and other operational requirements will not be totally separate between premises, doubling the number of residents without the relative increase in operational costs.

## **POLICY**

### Local Plan for Bolsover District ("the adopted Local Plan")

Planning law requires that applications for planning permission be determined in accordance with policies in the adopted Local Plan, unless material considerations indicate otherwise. In this case, the most relevant Local Plan policies include:

- SS1 – Sustainable Development
- SS3 – Spatial Strategy and Distribution of Development
- LC3 – Type and Mix of Housing
- SC1 – Development within the Development Envelope
- SC3 – High Quality Development

- SC9 – Biodiversity and Geodiversity
- 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.
- Paragraphs 96 - 108: Promoting healthy and safe communities.
- Paragraphs 109 - 118: Promoting sustainable transport.
- Paragraphs 124 - 128: Making effective use of land.
- Paragraphs 196 - 201: Ground conditions and pollution.

### Supplementary Planning Documents and advice notes

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 proposal
- The impact on residential amenity

- Whether the development would be provided with adequate parking and a safe
- and suitable access

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

## **Principle**

Policy SS1 of the Local Plan for Bolsover (2020) at c), under the heading Sustainable Development, indicates that development proposals should 'locate development in close proximity to trip generators with the aim of reducing the need to travel by non-sustainable modes of transport'. The site is with a reasonable walking distance of the town centre where most services and facilities and public transport can be accessed. Supported accommodation in this location would help to meet this objective.

Policy SS3 of the Local Plan sets out a spatial strategy for the distribution of development in accordance with a Settlement Hierarchy Study which has assessed the sustainability of the district's settlements and ranked them accordingly. Firstly, development is directed to the main towns of Bolsover & Shirebrook followed by the emerging towns of South Normanton and Clowne. These settlements are the most sustainable.

The site falls within the Bolsover East Ward and within the Parish of Old Bolsover. The site is located within the defined development envelope of Bolsover where the principle of development is acceptable as defined under Policy SC1. This is a small-scale development in planning terms which involves the change of use of an existing dwelling to provide assisted living accommodation within the development envelope of one of the district's main towns and, as such, the proposal meets the requirements of Policy SS3 of the Local Plan by distributing the proposed use to within the main towns and/or larger villages.

Recent government advice emphasises the provision set out in Paragraph 60 of the framework which states to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. The overall aim should be to meet as much of an area's identified housing need as possible, including with an appropriate mix of housing types for the local community.

Paragraph 63 of the framework states within the context of establishing need, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. These groups should include (but are not limited to) those who require affordable housing; families with children; older people (including those who require retirement housing, housing-with-care and care homes); students; people with disabilities; service families; travellers; people who rent their homes and people wishing to commission or build their own homes.

Policy LC3 of the Local Plan for Bolsover District states that the council will support the provision of housing for older people and specialist housing provision across all tenures including extra care schemes in appropriate locations, close to services and facilities. Policy LC3 is therefore supportive of the proposed use. The County Council's Adult Social Care department has also confirmed that they support the application



In planning terms, whilst it is appreciated that the proposal is a materially different use to C3a, being a residential institution C2 use, the nature of the accommodation to be provided is such that the building would remain in residential use within a residential area. There are no planning policies which restrict, in principle, assisted living accommodation being provided within existing residential areas. Nor is there any planning mechanism to locate care facilities away from existing residents who might be opposed to them or to control the amount of assisted living accommodation in one area. Each planning application is required to be considered on its own merits.

The principle of development is therefore acceptable in principle subject to assessment of relevant local and national planning policy and consideration of any relevant material planning considerations.

#### Visual impact of the proposed development

The development utilises an existing dwelling within the development envelope. The proposal includes a two-storey side/ rear extension and a single storey extension to the front and rear of the dwellings and provides one additional parking space on the site frontage.

The proposal is considered to be in keeping with the existing dwelling in terms of character, scale, design and materials. The street scene is made up of two storey dwellings of various scale, design and materials such that the proposal is not considered to appear unduly prominent or out of character in the area in accordance with the requirements of policies SC2 and SC3 of the Local Plan for Bolsover District.

#### Residential Amenity

##### Impact on residential amenity for existing residents

The property is a detached, two storey dwelling with a rear garden positioned at the entrance of a small cul-de-sac. The rear garden is enclosed by the existing fence and hedge. The site is surrounded by two storey dwellings which means that although the property is detached, it is very close to neighbouring properties.

The proposal does not include any new side facing windows and the windows proposed in the rear elevation and in the front elevation at first floor level are no closer to the dwellings/gardens to the front and rear of the site than those in the existing dwelling. The proposal introduces ground floor windows in the front elevation which are closer to the dwellings to the front of the site than the existing windows, but they face across the public highway and as such privacy to these windows is limited anyway.

The proposal is therefore not considered to result in any additional overlooking of adjacent dwellings over and above the existing situation and as such the proposal is not considered to result in a loss of privacy for adjacent residents. The proposal introduces a two storey extension to the side which is closer to the dwelling to the north of the site than the existing two storey element of the property. However, the single storey part of the dwelling to the north of the site does not have a window facing the site and the windows in the main part of this dwelling are set away from the boundary and are angled away from the proposal. The proposed extension meets the council's housing layout and design guidance in terms of the impact on the daylight to these windows and the proposal is not considered to have a material, harmful impact on the daylight to or outlook from that dwelling.

The proposed use of the site is assisted living accommodation for adults (over 18) who have specific care needs as a result of learning disabilities, autism or mental health needs etc. These adults could need homing for many reasons and would be allocated to the home by the placing authority based on the provision available and the suitability for the property/location for that person. If planning permission was to be granted for the change of use of the property, the people living there now or in the future could not be controlled by planning condition. As such the use of the property as assisted living accommodation needs to be considered in general terms, rather than trying to focus on the specific problems suffered by the potential future occupiers as this would be controlled by the placing authority.

As a worst case scenario, the property could be occupied by 6 people, all of whom could have challenging behavioural issues, if the placing authority deemed that this was an appropriate placement of these people. If this was the case, there is potential for noise and disturbance from the property and for antisocial behaviour. This would potentially be detrimental to the amenity of local residents.

However, if the residents of the accommodation cause noise and disturbance for adjacent residents this can be investigated and controlled by an abatement notice. This is a protracted process, but the Environmental Health Department do have the statutory powers to control this issue. In addition, if residents are showing aggressive or anti-social behaviour, this is a matter to be controlled by the police, not by planning legislation. Furthermore, such disturbances at the property would be an indication that the placement is not suitable and may not be in the best interest of that person. This would be a matter for the placing / local authority (responsible for adult social care) to resolve.

That said, policy SC11 of the Local Plan for Bolsover District states that development likely to cause a loss of residential amenity as a result of, amongst other things, noise, must be supported by a relevant assessment. In addition, paragraph 191 of the NPPF states that planning decisions should mitigate and reduce to a minimum, potential adverse impacts resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and the quality of life.

The existing property can continue to be used as dwellinghouse without the need for planning permission. The occupants of the property as it exists, or post enlargement could cause noise nuisance and undertake activity that could result in incidents of antisocial behaviour. On this basis, it could be argued that the use of the property as assisted living accommodation may not be significantly different from its occupation as a dwelling in this respect, and it is not considered to be a reason to justify refusal of the proposal. However, the probability of this happening is less likely in a single household environment, and whilst the two uses are similar, they are not the same and it is therefore considered reasonable and necessary to condition the implementation of the noise management plan (as amended) which has been submitted as part of the application process. This noise management plan has addressed how the potential for noise issues arising from the site are to be managed should the application be approved. This should ensure that any potential adverse impact are minimised.

As set out above, the use of the property for assisted living could increase the potential for anti-social/aggressive behaviour in the area. Policy SC3 of the Local Plan for Bolsover District requires development to take account of the need to reduce the opportunities for crime and

the fear of crime, disorder and anti-social behaviour, and promote safe living environments. In addition, paragraph 96 of the NPPF states planning decisions should aim to achieve healthy, inclusive and safe places and beautiful buildings which, amongst other things, are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion. Whilst this policy is aimed primarily at larger, new built development, it is clear that these issues are considered to be material planning issues which need to be taken into account.

The details of the people who are potentially occupying the property are not known, nor is their reason for being in care and as such the challenges presented by the residents is unknown because this is a matter for the placing authority who allocate people needing care to suitable homes. Even if the details of the residents were known, the residents occupying the property could change at any time without any need for planning permission. There is therefore no evidence that the use of this property will result in an increase in anti-social behaviour and whilst there is potential for this to happen in some cases there are also many cases where small scale assisted living homes operate successfully in residential areas with residents settling into community life. The operators of the home have a managing challenging behaviour and positive behaviour support policy and procedure which covers how any such situations are managed. In addition, there is always the possibility for the property to be occupied as a dwelling by residents who may bring crime and/or anti-social behaviour to the area and again this cannot be controlled by planning legislation. For this reason, the proposal is not considered to represent a use which would result in an unsafe living environment for existing residents. The success of the home's residents to integrate into the community will, to a large extent, depend on the people living there at the time and the management of the home itself and both of these matters are controlled by the placing authority.

The issue of the impact of the home in terms of noise and disturbance for residents is not restricted to noise and disturbance from residents of the home. It could also be as result from the comings and goings associated with the use of the property as assisted living accommodation in terms of staff, visitors etc. Information has been submitted with the application which details how the home will operate in terms of staff, visitors etc. The assessment of the impact of these comings and goings is difficult because this will partly be dependent on the needs and requirements of the residents and their families at the time of occupation and the staff who are employed at any one time and each of these things can vary. For example, some residents would have more visitors than others, residents will have different needs in terms of care and assessment, for example the need for medical attention or psychologist/health and well-being support. Most staff are likely to travel to work individually by car but on occasion may walk, or travel by bus or taxi. Residents may be taken to appointments in cars or by ambulance or taxi or bus or may walk. The precise details of the number and timings of these movements therefore cannot be quantified or qualified and are likely to vary on a regular basis. The impact of any noise and disturbance from such comings and goings would also therefore vary.

It is considered likely that the comings and goings from the property as a result of its use as assisted living could be greater than if the property was a single dwelling. However, if the dwelling was occupied by a family with grown up children/dependant relatives/occupiers working shift patterns etc or as a small house in multiple occupation, this would require no planning permission at all. Such occupation would also result in numerous comings and

goings and would also have visits from friends/relatives/carers/support workers etc. Such that the comings and goings would also be difficult to quantify. On this basis it is considered that the proposed use would not result in such an increase in comings and goings from the site over and above what could be reasonably expected in a residential area that it would result in noise and disturbance to residents of adjacent dwelling of a level that would cause harm to their residential amenity.

#### Residential amenity for future residents

The home is proposed to accommodate up to six residents over 18 years old. The dwelling is within walking distance of Bolsover Town Centre and the facilities it offers. The dwelling on site has an enclosed private garden which is considered to provide adequate open space to meet the need of its occupiers and room sizes are above minimum space standards. In planning terms, the proposal is therefore considered to provide an adequate standard of amenity for future occupiers of the property.

#### Access/Parking/Highways

As set out earlier in the report, in terms of staff change over patterns, visitors to the home, vehicular movements to and from the home etc is not wholly quantifiable or predictable and will be dependent upon the needs of individual residents in occupation at any one time.

The site is capable of accommodating two cars on the site frontage on existing parking spaces. The proposal results in the loss of the existing garage as a parking space but proposes a replacement parking space on the site frontage such that there would be three parking spaces on site. These spaces could be required to be provided and maintained by condition. The details provided with the application refer to one staff member on site at all times plus a cleaner on site two days per week. This could mean a requirement for three spaces for a short period of time during staff shift change if the cleaner was on site at that time and each of them had driven to work. This would mean any visitors to the site would need to park on the road.

This is not an ideal situation, particularly given the narrowness of the cul-de-sac and the density of the development. However, the existing dwelling could feasibly be occupied by two parents with three grown up children who all drive, resulting in the need for three cars to park on-street on a regular basis, not counting any visitors that dwelling may attract. For this reason, subject to a condition requiring no more than six residents with no more than three staff members on site, the proposal is not considered to have a materially greater impact on street parking or highway safety than its occupation as a dwelling. On this basis the proposal is not considered to be harmful to highway safety and is considered to comply with the requirements of Policy SC3 of the Local Plan for Bolsover District and paragraph 115 of the NPPF in this respect.

The highway Authority have asked for a condition requiring submission of details of covered, secure bicycle parking to be provided on site. Given that this is an existing dwelling and will remain in a form of residential use, albeit operating as a business, such a condition is considered to be unnecessary and is not considered to meet the tests for conditions.

#### Ecology and Biodiversity Considerations

Reason if exempt from the biodiversity gain plan condition	The proposal falls below the threshold of needing to provide the mandatory 10% net gain for biodiversity because it doesn't impact on a priority habitat and impacts on less than 25 square metres (5m by 5m) of on-site habitat and less than 5 metres of on-site linear habitats such as hedgerows.
--	---

#### Issues raised by residents

Most of the issues raised by residents are covered in the above assessment.

The issue of property values and saleability have not been considered as these are not material planning issues which could be taken into account.

The issue of setting a precedent for more development of this nature in the future has not been considered as each application should be taken on its individual merits.

The issue of the proposal being considered as commercial not residential has also not been considered because, although the proposal is clearly a business, that business is the provision of assisted living accommodation for people with special needs which is a residential use of the building. Residential accommodation should be provided for all tenures including people in need of assistance and to consider the use to be anything other than a form of residential use could be considered discriminatory.

The issue of capacity of existing sewerage systems and blocked drains have not been considered as this would be a consideration for the public drainage body concerned.

The operation of the business in connection with an existing assisted living property on the same cul-de-sac has not been considered as the way the business operates is covered by other governing bodies and legislation and is not an issue covered under planning legislation.

#### **CONCLUSION / PLANNING BALANCE**

There is an identified need for the provision of care homes/assisted living accommodation for both adults and children within the county. The site is within walking distance of the town centre and as such is considered to be a sustainable location for residential development. The proposed development is therefore considered to help contribute towards this need.

There is potential for the proposal to result in noise and disturbance for adjacent residents but, subject to appropriate management procedures being put in place, this impact is not considered to be materially greater than could occur from the continued use of the site as a dwelling.

The potential for anti-social behaviour and the fear of crime as a result of the development is acknowledged but equally the home may provide much needed accommodation for residents with extra care needs who would benefit and thrive within a community, and it is a matter for the placing authority to ensure that residents are homed in an appropriate location to suit their needs and where they can be part of a community.

The proposal may result in some on street parking, but this is not considered to be significantly greater than if the property remains a dwelling, or if it was used as a small HMO which would not require planning permission. Subject to a condition requiring the parking to be provided prior to the use commencing and being maintained as such thereafter, the proposal is not considered to be detrimental to highway safety and there are no objections to the proposal from the Local Highway Authority.

## **RECOMMENDATION**

**That 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 noise management plan submitted to the Local Planning Authority via email on the 28<sup>th</sup> March 2025 must be implemented in full, concurrent with the first occupation of the site and must continue to be implemented in accordance with the approved scheme in perpetuity thereafter.
3. Before the development hereby approved is first implemented, the three parking spaces shown on amended parking plan received by the Local Planning Authority via email dated 2<sup>nd</sup> January 2025 must be provided on site in accordance with that plan and must be maintained available for parking at all times thereafter.
4. Notwithstanding the Town and Country Planning (Use Classes) Order 1987 (or any order revoking and re-enacting that order with or without modification) the premises must be used only as assisted living accommodation for up to 6 adults and for no other purpose (including any other use falling within Class C2 of the Order).
5. There must be no more than three members of staff on shift at the premises at any time unless otherwise agreed in writing by the Local Planning Authority

### Notes

1. The three members of staff on shift must include the cleaner and carers on site.

### **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.

However, future occupiers of the property may have protected characteristics and if these protected characteristics were not considered and housing provided across all tenures, including extra care schemes in accordance with Policy LC3 of the Local Plan for Bolsover District, then it may be considered that such regard had not been exercised.

### **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** Old Bolsover Parish

---

**APPLICATION** Variation of Condition 2 (22/00402/FUL) - Update to Sudbury and Westbury house types, internal alterations, handing of plots and minor adjustment to positioning, including parking arrangements adjacent Plots 96-102

**LOCATION** Land South-West of Brockley Wood, Oxcroft Lane, Bolsover

**APPLICANT** Mr D Abbott 5 Midland Way Barlborough Chesterfield Derbyshire S43 4XA

**APPLICATION NO.** 24/00500/VAR **FILE NO.** PP-13512240

**CASE OFFICER** Kay Gregory

**DATE RECEIVED** 24th October 2024

---

## SUMMARY

This application has been submitted under S73 of the Town and Country Planning Act 1990, proposing material amendments to the residential development approved under planning reference 22/00402/FUL.

The original scheme was *Full planning application comprising proposed link road between Shuttlewood Road and Oxcroft Lane, including demolition of Boleappleton Farm and associated outbuildings, ground level changes, and construction of 161 dwellings with public open spaces, access routes, landscaping and associated works (major revisions from hybrid, part outline/part full application to full planning application).* The development has commenced insofar that parts of Boleappleton Farm have been demolished.

The proposed amendments comprise updates to the Sudbury and Westbury house types comprising internal alterations and adjustment to positioning within their plots, and revised parking arrangements adjacent to plots 96 – 102.

The application has been referred to Planning Committee by reason that the previous application 22/00402/FUL was determined by Planning Committee, and the Council's adopted Committee functions policy requires applications *that propose the removal or variations of conditions or obligations imposed on a permission granted by the Planning Committee that are more than non-material minor amendments to the original permission shall be determined by the Planning Committee.*

Following consideration of the submitted details, in consultation with adjacent residents, the Councils Urban Design officer, DCC highways and Derbyshire Wildlife Trust, it is considered that the proposed amendments are acceptable and as such Members are requested to approve the application, in accordance with the officer recommendation.



### **Site Location Plan**

A site location plan is not a validation requirement for Section 73 applications. The site location plan extract provided below is the one approved for 22/00402/FUL.



## OFFICER REPORT ON APPLICATION NO.

### SITE & SURROUNDINGS

The site covers approximately 9 ha of former agricultural land at the north side of Bolsover set between Oxcroft Lane on the East side and Shuttlewood Road on the West side.



The application site originally comprised three agricultural fields separated by hedgerows with occasional trees, but all vegetation approved for removal has now been cleared and the land scraped, ready for development. The demolished Boleappleton Farm is at the west portion of the site and will form the access point into the development from Shuttlewood Road as shown on the images below:







Existing residential properties on Shuttlewood Road are adjacent to the West boundary of the site; to the South are new residential properties of the Jones Homes development site; and to the North and East sides is open countryside. Brockley Wood (ancient woodland and local wildlife site) and a 20m telecom tower are immediately adjacent to the Northeast corner.

The site sits at the top of a valley feature in the landscape with ground levels at the centre significantly lower than the East and West sides. Levels also drop to the north with the head of Hawke Brook running through the centre of the site in a northly direction. A spur of the red line application boundary extends northwards from the main site adjacent to the brook to facilitate surface water drainage works. The current site layout is provided on the images below:







A Public Right of Way crosses the north-western corner of the site (footpath 45). Pedestrian access can be gained off Shuttlewood Road into the site and then the footpath extends north. The site is flood risk zone 1 (least likely to flood) and Coal Authority low risk zone.

## **PROPOSAL**

This application has been submitted under Section 73 to vary condition 2 of 22/00380/FUL, which relates to the approved plans. Several of the approved plans are to be superseded in accordance with the details below.

The amendments are due to a number of minor changes being made throughout the design stage in order to comply with technical design, engineering, and client requirements.

Proposed amendments to approved scheme.

- Plots 13, 14, 21, 22, 23, 49, 51, 70, 74, 77, 78, 104-106, 108-109, 138, 144, 145, 155 handed.
- Plot 135 rotated 90 degrees to provide greater landscaped buffer and improve street scene arrangement.
- Garage and driveway for plot 144 relocated to southern side, creating double garage / driveway arrangement with neighbouring plot 161.
- Refresh update of Westbury and Sudbury housetypes - updated to improve the flow of space, internal arrangements and associated living environment for occupiers.
- Car parking arrangements adjusted to plots 126 / 127, and 96-102 to aid engineering design and relationship to properties.
- Landscaping drawings updated to reflect minor adjustments, with the house type pack also updated to correlate with these and incorporate the correct plot numbering.
- Following plot substitutions – list and house type image provide below:

Plot	Approved	Proposed
19	Trowbridge (4-bed)	Beal (3-bed)
20	Trowbridge (4-bed)	Beal (3-bed)
26	Trowbridge (4-bed)	Westbury (4-bed)
27	Trowbridge (4-bed)	Westbury (4-bed)
29	Trowbridge (4-bed)	Hardwick (3-bed)
30	Trowbridge (4-bed)	Hardwick (3-bed)
62	Trowbridge (4-bed)	Hardwick (3-bed)
63	Trowbridge (4-bed)	Hardwick (3-bed)
85	Trowbridge (4-bed)	Hardwick (3-bed)
86	Trowbridge (4-bed)	Hardwick (3-bed)
112	Trowbridge (4-bed)	Hardwick (3-bed)
113	Trowbridge (4-bed)	Hardwick (3-bed)
159	Trowbridge (4-bed)	Hardwick (3-bed)
160	Trowbridge (4-bed)	Hardwick (3-bed)





Trowbridge (4 Bed) Westbury (4 Bed)

2 Substitutions



Trowbridge (4 bed) Hardwick (3 Bed)

10 Substitutions





## AMENDMENTS

All received 2 April 2025

- N2023 008 Rev U – Planning layout
- N2023 401 Rev J – Materials layout
- N2023 402 Rev J – Enclosures plan
- 9990-FPCR-XX-XX-DR-L-0003 P13 – Landscaping general layout
- 9990-FPCR-XX-XX-DR-L-0004 P12 – Detailed planting plan 1 of 2
- 9990-FPCR-XX-XX-DR-L-0005 P12 – Detailed planting plan 2 of 2
- 9990-FPCR-XX-XX-DR-L-0007 P12 – Detailed spine road planting
- 9990-FPCR-XX-XX-DR-L-0008 P12 – Detailed spine road planting
- 9990-FPCR-XX-XX-DR-L-0009 P12 – Detailed spine road planting

## EIA SCREENING OPINION

A Screening Opinion was submitted for the site – 22/00141/SCREEN, under Regulation 6 of the EIA Regulations. It was determined that, *“having had regard to the scale and nature of development, the location of the proposals and the characteristics of the potential impacts, it is considered that whilst the development proposals represent a major residential development there is no evidence to suggest that the proposal would have EIA significant effects on (a) population and human health, (b) biodiversity, land, soil, water, air or the landscape, or as a result of the interaction between these factors.*

*Therefore, the Council considers that the development proposals do not constitute EIA development and so an environmental statement will not be required to accompany any planning application submitted for these proposals.”*

## HISTORY

22/00141/SCREEN	EIA not required	Request for EIA Screening Opinion under Regulation 6 - Proposed Residential Development at Land West of Oxcroft Lane, Bolsover
22/00402/FUL	Grant conditionally	Full planning application comprising proposed link road between Shuttlewood Road and Oxcroft Lane, including demolition of Boleappleton Farm and associated outbuildings, ground level changes, and construction of 161 dwellings with public open spaces, access routes, landscaping and associated works (major revisions from hybrid, part outline/part full application to full planning application).
24/00446/DISCON	Partial approval	Discharge of condition 4 (Management Plan), condition 5 (Archaeological Written scheme of Investigation), Condition 13 (habitat Management and Monitoring Plan) and Condition 14 (Species Enhancement Plan) of application 22/00402/FUL

## **CONSULTATIONS**

### BDC Urban Design

31/10/24 - In general, the amendments are minor to moderate and will not affect the overall character of the scheme. I am however concerned where the layout changes result in a poor interface with Brockley Wood, and the knock-on impact of street trees being too close to houses that have been slightly moved forward. Other minor points can be resolved before approval.

12/3/25 - I agree with all the changes above except for:

- Changes at plot 161&144 to improve plot 145. This results in a weakening of the public realm on the link road and the landscape 'Avenue' effect.
- Plot 20 which projects forward of the building line on a bend and results in poor views into its rear along the road.
- Introduction of integral garages and more driveways to Plots 25-28 onto main road. I don't think this improved the appearance and leads to more gaps in the hedgerow verges, weakening the character of the street.
- Plots 96-102 Parking opposite is still considered a reduction in quality of public realm. I recommended a field stone wall around parking lot so that gives a distinct edge between the development and woodland. I do not think the hedges proposed will give enough screening and demarcation.

26/3/25 – All agreed, much better. They have reverted to an old plan.

### DCC Highways

7/11/24 – No objections. The drawing approved in Condition 2 of Decision Notice 22/00402/FUL (n2023/008O) is being proposed to be replaced with submitted drawing n2023/008P showing additional parking spaces which from a highway perspective is acceptable, so based on the analysis of the information submitted and a review of Local and National policy the Highway Authority concludes that there would not be an unacceptable impact on Highway Safety or a severe impact on congestion.

### Derbyshire Wildlife Trust

16/1/25 - The slight increase in parking spaces north of the access road is not anticipated to cause any significant additional impact to wildlife or changes to BNG calculations. During the implementation of landscaping onsite, planting should be targeted to the rear of the spaces to reduce lightspill from the cars onto adjacent habitats. We would not expect additional lighting fixtures to be required but if so, details should be submitted for approval.

## **PUBLICITY**

The application has been published by way of a site and press notice. There have been two representations received as a result of the publicity. Their comments are summarised below but can be viewed in full on the Council's website.

- In the original plans plots 96 - 99 were for Holbeck affordable houses, on the new plans they are now Westbury style houses. Are these houses going to remain affordable housing?
- Given their location directly opposite the woods, I oppose any changes to these plans. If tweaks to plans are allowed in the first instance, I fear that this may set a precedent



moving forward and the housing development initially proposed will not look like the plans accepted by Bolsover district Council.

- I would like to reiterate that I have objected to any building on the land south-west of Brockley wood and will continue to object to any further building within Bolsover.
- Once again, there has been no consideration for local amenities such as Doctors and schools. I moved to the area due to wanting to live in a semi-rural location, now Bolsover does not resemble any such thing due to the volume of new builds.
- I live on Shuttlewood Road and the only 2 houses to be directly affected by the whole site are 145 and 147 Shuttlewood Road.
- According to the site map plots 44, 45 and 46 are houses overlooking 145 and 147 Shuttlewood Road yet plots 47, 48, 49, 51 and 52 on the same street are all bungalows.
- Being the only houses to be directly affected why would you build houses on plots 44, 45 and 46 and bungalows on the rest of the street, surely for nothing more than privacy plots 44, 45 and 46 need to be bungalows the same as the rest of the street.
- As regards the parking arrangements adjacent plots 96 - 102. I would like to know if there has been sufficient investigation into the effects of light being shone into the woods, and the affects it would have on the wildlife and especially the birds. Because if a light is shone into a woods or hedgerows the birds will panic and take flight probably to their deaths as they can't see where they are going or land.
- Also, I would like clarification that the public footpath will stay open during the development allowing access.

#### Officer response to resident comments

Plots 96 – 99 are still Holbeck units, as per the approved application, and are affordable units (First Homes).

With regards to amenities and infrastructure contributions, this is a S73 application, to make amendments to the original application. The terms of the signed S106 Agreement are still applicable, insofar that financial contributions towards education, sport and open space and primary health care are still required for payment at various stages of the development.

With regards to the proposed amendment to car parking arrangements in front of plots 96 – 99, Derbyshire Wildlife Trust has been consulted and advised they have no objections but would like a hedge to enclose the rear of the parking spaces, to reduce glare into the woodland. The urban design officer has also requested screening in the form of a wall. It is important to note that the approved 'full' application did include 4no. parking spaces within this area, and so the principle of having parking adjacent to the woodland has already been agreed. The parking spaces will also be viewed in context with the telecom mast. The applicant has also confirmed that the parking bays will be on lower ground levels than the adjacent woodland and so headlight glare will be screened by the retaining wall.

With regards to the public footpath, this may require a temporary diversion or closure notice during construction, which will be formally considered by the Council's legal services department.

One resident discussed the two houses at the rear of 145 and 147 Shuttlewood Road, querying why they could not be bungalows. There are no proposed changes to these plots,

which have already been approved by 22/00402/FUL.

## **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. The original ‘Full’ application was determined in accordance with the policies listed below:

- SS1: Sustainable Development.
- SS2: Scale of Development.
- SS3: Spatial Strategy and Distribution of Development.
- SS9: Development in the Countryside.
- SC1: Development within the Development Envelope.
- SC2: Sustainable Design and Construction.
- SC3: High Quality Development.
- SC7: Flood Risk.
- SC8: Landscape Character.
- SC9: Biodiversity and Geodiversity.
- SC10: Trees, Woodland and Hedgerows.
- SC11: Environmental Quality (Amenity).
- SC14: Contaminated and unstable Land.
- SC18: Scheduled Monuments and Archaeology.
- LC1: Housing Allocations.
- LC2: Affordable Housing Through Market Housing.
- LC3: Type and Mix of Housing.
- ITCR3: Protection of Footpaths and Bridleways.
- ITCR5: Green Space and Play Provision.
- ITCR7: Playing Pitches.
- ITCR10: Supporting Sustainable Travel Patterns.
- ITCR11: Parking Provision.
- II1: Plan Delivery and the Role of Developer Contributions.

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

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. Since determination of the full planning application there has been an amendment to the document, and so the policies provided below are listed in accordance with the updated Framework:

- Chapter 2: - Achieving sustainable development.
- Paragraphs 7 - 10: Achieving sustainable development.
- Paragraphs 48 - 51: Determining applications.
- Paragraphs 56 - 59: Planning conditions and obligations.
- Paragraphs 96 - 102: Promoting healthy and safe communities.
- Paragraphs 103 – 108: Open space and recreation
- Paragraphs 109 - 114: Promoting sustainable transport.
- Paragraphs 115 – 118: Considering development proposals
- Paragraphs 124 - 128: Making effective use of land.
- Paragraphs 131 – 141: Achieving well-designed and beautiful places.
- Paragraph 161, 163, 164 and 166: Meeting the challenge of climate change.

- Paragraph 170 – 175, 181-182: Planning and Flood Risk.
- Paragraphs 187, 193, 195: Conserving and enhancing the natural environment
- Paragraphs 196 - 201: Ground conditions and pollution.
- Paragraphs 202 - 221: Conserving and enhancing the historic environment.

#### Supplementary Planning Documents

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

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

#### **ASSESSMENT**

This application has been made under S73 of The Town and Country Planning Act 1990 and seeks to substitute plans approved under 22/00402/FUL.

An application made under S73 of the Planning Act allows applicants to apply for amendments to approved developments. There is no statutory limit on the degree of change permissible to conditions under S73, but the change must only relate to conditions and not to the operative part of the permission.

Whilst the nature of the proposed changes can be considered in terms of their amenity impact, highway safety, and other matters such as biodiversity; the principle of the development has already been established under 22/00402/FUL and so is not a matter for consideration under the terms of the current application.

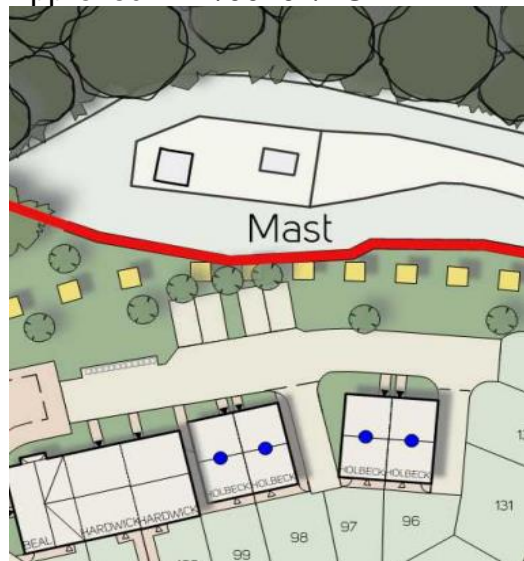
Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with an up-to-date development plan unless materials considerations indicate otherwise. The Local Plan for Bolsover District is the relevant development plan, and this document was adopted in 2020. Giving full consideration to consultation responses received and the relevant policies of the Local Plan and the Framework, the main considerations in this proposal are the impact on the visual amenity of the area surrounding the site, whether the proposed amendments result in unacceptable levels of harm to neighbouring properties, whether the development provides a safe and suitable access, and minimising harm to biodiversity.

#### Visual Amenity / Design considerations

The proposed amendments, whilst they relate to a number of different house types, are spread out around the site and so there will be no detriment to the visual amenity of the area over and above the scheme originally approved, and the design amendments will integrate into the development as a whole.

Where concerns have been raised by the Urban Design officer over street scene views or impacts on landscaping, these have been addressed where possible. One such issue was with the amendments to plots 19 and 20, which pushed plot 18 closer to the road, interrupting the building line between plots 16-18, and reducing the amount of on plot landscaping to the front. This is identified in the extracts below.

Approved – 22/00402/FUL



72

Derbyshire Wildlife Trust had also requested screening to the rear of the spaces for the same reason. The applicant has confirmed that the parking bays will sit lower than the adjacent woodland buffer, and will have a retained wall and planting around, providing a distinct edge between the development and woodland, and to reduce headlight glare.

The proposed amendments therefore achieve an overall good quality layout in terms of place making, buildings and landscaping and will not cause any detriment to visual amenity or the character of the development, in compliance with policies SS1, SC2 and SC3 of the adopted Local Plan.

#### Residential amenity

The proposed amendments to the layout and substitution of house types will not cause any detriment to the amenity of future residents. Separation distances and other amenity requirements will be retained in accordance with the Council's recommended guidelines.

The amendments therefore comply with policies SS1, SC3 and SC11 of the adopted Local Plan.

#### Ecology and Biodiversity Considerations

A detailed landscaping plan has been submitted to accord with the proposed layout amendments. Derbyshire Wildlife Trust has been consulted and raised no objection. They suggested that a hedge be planted to the rear of the parking bays opposite plots 96-101 to reduce headlight glare, but as mentioned above, these parking spaces will be on lower land levels than the woodland and will be screened by a retaining wall and additional planting.

In terms of Biodiversity Net Gain, this is a Section 73 application and so is exempt from normal trading rules. The original planning application was submitted prior to the mandatory BNG requirements coming into force at the beginning of 2024, although will provide a net gain in biodiversity through the significant levels of onsite open space, and through additional biodiversity enhancements on land adjacent to the 'spur' which runs alongside Brockley Wood to the north of the site, which is included within the signed Section 106 Agreement.

Key Biodiversity Information	
Reason if exempt from the biodiversity gain plan condition	Section 73 application

It is therefore considered that the proposed amendments do not cause any detriment to the landscaping scheme approved under 22/00402/FUL, in compliance with policies SS1, SC3 and SC9 of the adopted Local Plan.

#### Highway Issues

The proposed amendments will have no impact on the road layout approved under 22/00405/FUL.

The only difference is the addition of the five parking spaces discussed above. The highway authority has been consulted on this aspect and raised no objections.

It is therefore considered that the amended layout will cause no detriment to highway and pedestrian safety and provides a safe road network to serve the development, in compliance

with policies SS1, SC2, ITCR10 and ITCR11 of the adopted Local Plan.

#### Additional considerations

The application has been submitted to vary condition 2 which relates to the plans and documents approved under 22/00402/FUL.

Condition 1 on the original permission which relates to the 3-year time scale to commence development has been removed, by reason that the development has commenced with the partial demolition of Boleappleton Farm.

An application was submitted - 24/00446/DISCON for the approval of conditions 4, 5, 13, and 14 of the original permission. Where these conditions have been approved in full or in part, they have been amended in accordance with the details submitted and consultee comments received.

All other conditions will be imposed as per the original approval.

#### **CONCLUSION / PLANNING BALANCE**

It is considered that the proposed amendments when viewed in the overall context of the development, are relatively minimal, and will not cause harm to the visual amenity of the area sufficient to warrant a reason for refusal on design or amenity grounds. The proposal, as amended will not impact on the amenity of existing neighbouring properties or future residents of the development or exacerbate highway safety to an unacceptable level.

The legal agreement under s106 of the Planning Act 1990 entered into in respect of the original application dated 22<sup>nd</sup> July 2024 which secures contributions towards affordable housing, health care, playing pitch, education, library, off site biodiversity and travel plan contributions, includes a clause (2.16) which states that any application under s73 of the Act affecting this permission shall comply with the terms of the deed. It requires that a memorandum shall be endorsed on the face of the Deed which is recorded on the public register. This memorandum will need to be appended to the Deed prior to the grant of permission.

Subject to the above, it is recommended that the application is approved and the conditions amended in accordance with the comments provided above.

**RECOMMENDATION – That following the endorsement of a memorandum on the face of the Deed dated 22<sup>nd</sup> July 2024, which secures the developer contributions relating to the original planning permission, that the application be Approved with conditions**

1. 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: -

- n2023\_001B Location Plan
- n2023\_401J Materials Plan
- n2023\_402J Enclosures Plan
- n2023\_403B Adoptable Areas Plan
- n2023\_008U Planning Layout

- 600152-HEX-XX-XX-DR-TP-0105 P03 Proposed Access Arrangement from Oxcroft Lane
- 600152-HEX-XX-XX-DR-TP-0106 P04 Proposed Access Arrangement from Shuttlewood Road
- 600152-HEX-XX-XX-DR-TP-0111 P07 Highways Layout
- 9990-FPCR-XX-XX-DR-L-0003 P13 General Arrangement
- 9990-FPCR-XX-XX-DR-L-0004 P12 Detailed Planting Plan (Sheet 1 of 2)
- 9990-FPCR-XX-XX-DR-L-0005 P12 Detailed Planting Plan (Sheet 2 of 2)
- 9990-FPCR-XX-XX-DR-L-0007 P12 Detailed Spine Road Planting
- 9990-FPCR-XX-XX-DR-L-0008 P12 Detailed Spine Road Planting
- 9990-FPCR-XX-XX-DR-L-0009 P12 Detailed Spine Road Planting
- n2023 100-01 Beal Elevations & Floor Plans
- n2023 100-02 Beal (R) Elevations & Floor Plans
- n2023 100-03 Beal Elevations & Floor Plans
- n2023 100-04 Beal Elevations & Floor Plans
- n2023 100-05 Beal Elevations & Floor Plans
- n2023 100-06 Buckingham Elevations
- n2023 100-07 Buckingham (R) Elevations
- n2023 100-08 Buckingham Floor Plans
- n2023 100-09 Hardwick Elevations & Floor Plans
- n2023 100-010 Hardwick (R) Elevations & Floor Plans
- n2023 100-11 Kedleston Elevations & Floor Plans
- n2023 100-12 Salisbury Elevations & Floor Plan
- n2023 100-13 Salisbury Elevations
- n2023 100-14 Sudbury Elevations & Floor Plans
- n2023 100-15 Petworth Elevations & Floor Plans
- n2023 100-16 Claydon Elevations & Floor Plans
- n2023 100-17 Rev B Welbeck V1 Elevations
- n2023 100-18 Rev B Welbeck V1 Floor Plans
- n2023 100-19 Rev A Welbeck V2 (36-39) Elevations
- n2023 100-20 Rev A Welbeck V2 (36-39) Floor Plans
- n2023 100-21 Rev A Welbeck V2 (32-35) Elevations
- n2023 100-22 Welbeck V2 (32-35) Floor Plans
- n2023 100-23 Richardson Elevations
- n2023 100-24 Richardson (R) Elevations
- n2023 100-25 Richardson Floor Plans
- n2023 100-26 Trowbridge (R) Elevations
- n2023 100-27 Trowbridge Floor Plans
- n2023 100-28 Winster Elevations
- n2023 100-29 Winster Floor Plans
- n2023 100-30 Westbury V1 (R) Elevations
- n2023 100-31 Westbury V1 Elevations
- n2023 100-32 Westbury V1 Floor Plans
- n2023 100-33 Wycombe Elevations
- n2023 100-34 Wycombe (R) Elevations
- n2023 100-35 Wycombe Floor Plans

- n2023 100-36 Holbeck Elevations
- n2023 100-37 Holbeck Floor Plans
- n2023 100-38 Single Garage Elevations & Floor Plan
- n2023 100-39 Shared Garage Elevations & Floor Plan

## 2. Nesting Birds

No stripping, demolition works, 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.

3. The development hereby permitted shall be carried out in accordance with the Construction and Ecological Management Plan (Rev A – FPCR August 2024) received on the 23 September 2024 in respect of 24/00446/DISCON.

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. There shall be no variation to the approved details unless otherwise formally agreed by the Local Planning Authority.

## 4. Archaeology

(a) The development hereby permitted shall be carried out in accordance with the Written Scheme of Investigation for Archaeological Works at Land West of Oxcroft Lane, Bolsover (Version 2.0 – Marrons – 11/09/2024) received on the 23 September 2024 in respect of 24/00446/DISCON.

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

c) The development shall not be occupied until the site investigation and post investigation reporting 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 publication and dissemination of results and archive deposition has been secured.

There shall be no variation to the approved details unless otherwise formally agreed by the Local Planning Authority.

## 5. Slope Stabilisation Measures

Prior to the commencement of development, detailed engineering drawings and information showing the provision of appropriate slope stability measures for the site shall have been submitted to and approved in writing by the Local Planning Authority. The slope stability measures shall accord with the following requirements and shall be implemented as approved: -

a. No reduction in ground levels shall be permitted at the bottom of the valley



- b. No increase in ground levels shall be permitted at the crest of the slope.
- c. The slope of any part of the site shall not be steeper than 1 in 6 unless appropriate slope stabilisation measures are incorporated.
- d. The slope of parts of the site to be occupied by houses shall not exceed 1 in 10 (or 1 in 8 if appropriate land drainage is used) unless other suitable slope stabilisation measures are incorporated.
- e. Should there be a need for retaining walls where the ground slopes at more than 1 in 10, the maximum retaining wall height shall be 3.0m and there shall be a slope of no steeper than 1 in 40 for a zone 3.5 times the retained height in front of and behind the retaining wall. This zone should not overlap a similar zone from another retaining wall. (That is the width of level ground between two retaining walls should be no less than seven times the average of their retained heights. This gives an overall slope of 1 in 6.)
- f. Land drainage running perpendicular to the site contours shall be provided where ground with a gradient of between 1 in 8 and 1 in 10 is to be developed with housing or roads or where any springs are encountered.
- g. Soakaways shall not be used for this development.
- h. No trench more than 1m deep and 10m long shall be dug approximately parallel to the site contours in the steeper sections.
- i. No spoil heaps over 1.5m high shall be placed on any part of the slope where the gradient measured over a width extending 20m from the stockpile, or each side of it, is steeper than 1 in 10.

#### 6. Surface Water Drainage Details

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. Flood Risk Assessment and Drainage Strategy prepared by Hexa Consulting Engineers, Ref: 600152, Dated 21st March 2023, Revision V06 and "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.

#### 7. Surface Water Management During Construction

Prior to commencement of the development, 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.

#### 8. Surface Water Drainage System Verification Report

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).

#### 9. Foul Drainage Details

No development shall take place until details of the proposed means of disposal of foul water drainage for the whole site, including details of any balancing works, off-site works and phasing of the necessary infrastructure, have been submitted to and approved by the local planning authority. If sewage pumping is required from any part of the site, the peak pumped foul water discharge must not exceed 6.7 (six point seven) litres per second. Furthermore, unless otherwise approved in writing by the local planning authority, no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works that would service that building.

The site shall be developed with separate systems of drainage for foul and surface water on and off site. The separate systems shall extend to the points of discharge to be agreed.

10. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority.

#### 11. Ground Contamination

a. Before the commencement of the development hereby approved:

Works identified in the Remediation Strategy submitted with the application Report ref KE/GCB/JRH/47129-003 shall be undertaken in accordance with the scheme in that report. The Remediation 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.

The developer shall give at least 14 days-notice to the Local Planning Authority (Environmental Health Division) prior to commencing works in connection with the remediation scheme.

b. No dwellings hereby approved shall be occupied until:

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

ii) If during the construction and/or demolition works associated with the development hereby approved any suspected areas of contamination are discovered, then all works shall be suspended relative to that area 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 the Phase I contaminated land assessment (desk-study) submitted with the application and through the process described in a. above and,

iii) Upon completion of the remediation works required by a. 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.

12. The development hereby permitted shall be carried out in accordance with the Habitat Management and Monitoring Plan (Rev C – FPCR – September 2024), received on the 28 November 2024 in respect of 24/00446/DISCON. There shall be no variation to the approved details unless otherwise formally agreed by the Local Planning Authority.

13. The development hereby permitted shall be carried out in accordance with the Species Enhancement Plan (Ref: 9990/PRA – FPCR – 21 November 2024) received on the 28 November 2024 in respect of 24/00446/DISCON. There shall be no variation to the approved details unless otherwise formally agreed by the Local Planning Authority.

14. Lighting

Prior to the installation of lighting fixtures, a detailed lighting strategy shall be submitted to and approved in writing by the Local Planning Authority to safeguard bats and other nocturnal wildlife. This should provide details of the chosen luminaires, their locations and any mitigating features such as dimmers, PIR sensors and timers. Dependent on the scale of proposed lighting, a lux contour plan may be required to demonstrate acceptable levels of light spill to any sensitive ecological zones/features. Guidelines can be found in Guidance Note 08/23 - Bats and Artificial Lighting at Night (BCT and ILP, 2023). Such approved measures will be implemented in full.

15. Street Trees

Street trees shall be provided and maintained in accordance with a scheme to be submitted to and approved in writing by the local planning authority. All proposed street trees must be suitable for transport corridors as defined by Trees and Design Action Group (TDAG). Details must be provided of what management systems are to be included, this includes root protections, watering and ongoing management responsibilities and contact details.

16. No building shall be occupied until full details of both hard and soft landscape works including a programme for implementation have been submitted to and approved in writing by the Local Planning Authority and the works shall be carried out as approved.

17. 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 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.

18. Noise Mitigation

Prior to the first occupation of plots 1-4, 161, 44-46, 135-141 and 96-102 of the dwellings hereby approved a scheme of sound insulation shall be submitted to and approved in writing the Local Planning Authority in respect of these plots. The scheme shall be designed following the completion of a sound survey undertaken by a competent person. The scheme shall take account of the need to provide adequate ventilation, which will be by mechanical means where an open window would not achieve the following criteria. Unless agreed with the local planning authority the scheme shall be designed to achieve the following criteria with the ventilation operating:

Bedrooms	30 dB LAeq (15 Minutes) (2300 hrs - 0700 hrs)
Living/Bedrooms	35 dB LAeq (15 Minutes) (0700 hrs - 2300 hrs)
All Other Habitable Rooms	40 dB LAeq (15 Minutes) (0700 hrs - 2300 hrs)
All Habitable Rooms	45 dB LAmax to occur no more than 6 times per night (2300 hrs - 0700 hrs)
Any outdoor amenity areas	55 dB LAeq (1 hour) (0700 hrs - 2300 hrs)

The scheme as approved shall be validated by a competent person and a validation report submitted to and approved in writing by the local planning authority prior to occupation of the relevant plots. The approved scheme shall be implemented in full and retained thereafter.

#### 19. Highway Safety

Before the proposed Shuttlewood Road junction can be used during the construction phase of development, Shuttlewood Road shall be realigned, and the new junction shall be provided in accordance with drawing 600152 HEX XX XX DR TP 0106 Rev P04.

20. No dwelling shall be occupied until the access, parking and turning facilities for that individual dwelling have been provided as shown on drawing TP-0111-P07.

21. The Development, which shall first be submitted and approved in writing by the Local Planning Authority, shall not be occupied until the highway improvements works comprising:

- Works A as shown on drawing DR-0105-P03.
- Works B as shown on drawing DR-0106-P04.

Relative to that phase have been constructed and completed.

22. 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.

23. The Development hereby approved shall not be brought into use until an updated Travel Plan has been submitted to and approved in writing by the Local Planning Authority that promotes sustainable forms of travel to/from the development site. The submitted details shall use Modeshift STARS Business (or an alternative that has been agreed by the LPA) to carry out this process and shall include mechanisms for monitoring and review over the life of the development and timescales for implementation. The approved Travel Plan shall be implemented, monitored, and reviewed in accordance with the approved details.

24. 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 demolition/construction period. The plan/statement shall include but not be restricted to:

- o 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);
- o Advisory routes for construction traffic.
- o Any temporary access to the site.

- o Locations for loading/unloading and storage of plant, waste and construction materials.
- o Method of preventing mud being carried onto the highway.
- o Arrangements for turning vehicles.
- o Arrangements to receive abnormal loads or unusually large vehicles.
- o Highway Condition survey.
- o Working hours/days for noise generating activities.
- o Methods of dust suppression during demolition and construction.
- o Methods to prevent damage from surface water run-off during construction.
- o Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.
- o Complaint recording and contact details of persons responsible for implementing the Construction Management Plan.

25. Prior to the occupation of any dwelling a detailed play space scheme shall have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented before any more than 75% of market dwellings have been occupied. The scheme shall include: -

- a. Access - all paths leading to the play area shall be tarmac and at least 1.5m wide with a gradient of no steeper than 1:12 (ideally 1:20).
- b. There shall be at least 5 pieces of equipment suitable for children up to the age of 12 years, which should be predominantly metal in construction.
- c. The play area shall be fenced with 2 self-closing gates to restrict access by dogs, with sufficient benches and bins (including dog bins) within the play area and surrounding open space.
- d. The play area must be located such that it benefits from informal surveillance from nearby dwellings and / or pathways, with an adequate buffer zone of at least 20m to the nearest dwelling.
- e. Planting should be arranged so that it allows open views into an out of the play area.

26. Notwithstanding the submitted planting/landscape drawings, where the existing hedgerow fronting Oxcroft Lane is to be removed at, and to the south of the proposed access point, it shall be replaced in the first available planting season, behind the proposed footway by a native mix hedgerow planted in a double staggered row at 30 cm centres. Thereafter it shall be retained and maintained.

27. Prior to any construction of the dwellings above foundation level, details or samples of all external building materials must be submitted for approval and implemented as approved.

28. No development shall commence until details of finished floor levels and ground levels throughout the site have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

### **Reasons for Conditions**

1. For the avoidance of doubt having regard to the amended and additional drawings submitted during the application in order to define the planning permission.

2. To ensure that birds are adequately protected during development. In the interests of

biodiversity and in compliance with policies SS1, SC3 and SC9 of the adopted Local Plan.

3. To ensure that protected species and other conservation interests are adequately protected during development. In the interests of biodiversity and in compliance with policies SS1, SC3 and SC9 of the adopted Local Plan.

4. To ensure that interests of an archaeological nature are fully investigated and reported where necessary. In the interest of archaeological conservation and in compliance with policies SS1, SC2, SC3, and SC18 of the adopted Local Plan.

5. To ensure that site stability is given full consideration, and to mitigate where necessary. In the interests of site stability and in compliance with policies SS1, SC2 and SC14 of the adopted Local Plan.

6. To ensure that adequate drainage systems are implemented. In the interests of sustainable drainage and in compliance with policies SS1, SC2 and SC13 of the adopted Local Plan.

7. To ensure that surface water is adequately drained during construction. In the interests of sustainable drainage and in compliance with policies SS1, SC2 and SC13 of the adopted Local Plan.

8. To ensure that the approved drainage systems have been implemented. In the interests of sustainable drainage and in compliance with policies SS1, SC2 and SC16 of the adopted Local Plan.

9. To ensure that foul water is adequately drained from the site. In the interests of sustainable drainage and in compliance with policies SS1, SC2 and SC13 of the adopted Local Plan.

10. To ensure that foul water is adequately drained from the site. In the interests of sustainable drainage and in compliance with policies SS1, SC2 and SC13 of the adopted Local Plan.

11. To ensure that the site is free from contamination and any sources are adequately mitigated. In compliance with policies SS1, SC2 and SC14 of the adopted Local Plan.

12. In the interests of providing national biodiversity net gain requirements, and the enhancement / creation of other nature conservation interests. In compliance with policies SS1, SC3 and SC9 of the adopted Local Plan.

13. In the interests of biodiversity net gain, and the enhancement / creation of other nature conservation interests. In compliance with policies SS1, SC3 and SC9 of the adopted Local Plan.

14. To ensure that bats and other nocturnal species are not adversely affected by artificial light. In the interests of biodiversity and in compliance with policies SS1, SC2 and SC9 of the adopted Local Plan.

15. To provide a positive impact on the visual amenity of the street scene and to provide biodiversity enhancements. In compliance with policies SS1, SC2, SC3, SC9 and SC10 of the adopted Local Plan.
16. To ensure that the development is provided with sufficient landscaping. In the interests of biodiversity and visual amenity and in compliance with policies SS1, SC3 and SC3 of the adopted Local Plan.
17. To ensure that any landscaping which fails is replaced. In the interests of biodiversity and visual amenity and in compliance with policies SS1, SC3 and SC9 of the adopted Local Plan.
18. To ensure that residents of affected properties are provided with adequate sound insulation. In the interests of residential amenity and in compliance with policies SC1, SC2, SC3 and SC11 of the adopted Local Plan.
19. To ensure that the development is provided with a safe and sustainable highway network. In the interest of highway safety and in compliance with policies SS1, SC2, SC3 and ITCR10 of the adopted Local Plan.
20. To ensure that the development is provided with a safe and sustainable highway network. In the interest of highway safety and in compliance with policies SS1, SC2, SC3, ITCR10 and ITCR11 of the adopted Local Plan.
21. To ensure that the development is provided with a safe and sustainable highway network. In the interest of highway safety and in compliance with policies SS1, SC2, SC3 and ITCR10 of the adopted Local Plan.
22. To incorporate measures and actions which provide alternative, sustainable travel modes. In the interests of sustainable travel and wellbeing, and in compliance with policies SS1, SC2, and ITCR10 of the adopted Local Plan.
23. To incorporate measures and actions which provide alternative, sustainable travel modes. In the interests of sustainable travel and wellbeing, and in compliance with policies SS1, SC2, and ITCR10 of the adopted Local Plan.
24. To ensure that provision is made within the site to park, store, and mitigate for offsite damage arising from construction vehicles during development. In the interests of residential amenity and highway safety, and in compliance with policies SS1, SC2, SC3, SC11 and ITCR10 of the adopted Local Plan.
25. To ensure that the development is served with a suitable play space. In the interests of recreation provision and residential amenity and in compliance with policies SS1, SC2, SC3 and ITCR5 of the adopted Local Plan.
26. In the interests of biodiversity and visual amenity. In compliance with policies SS1, SC3, SC9 and SC10 of the adopted Local Plan.
27. To ensure a satisfactory external appearance of the completed development. In the

interests of visual amenity and in compliance with policies SS1 and SC3 of the adopted Local Plan.

28. To ensure that the development takes the form as envisaged by the Local Planning Authority. In the interests of visual and residential amenity and in compliance with policies SS1, SC2 and SC3 of the adopted Local Plan.

### **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

Clowne Parish

---

<b>APPLICATION</b>	Retrospective change of use to equestrian and siting of 2 x wooden field shelters		
<b>LOCATION</b>	Land North Of 14 To 36 Harvester Way Clowne		
<b>APPLICANT</b>	Mr John Allsop 36 Harvester Way Clowne ChesterfieldS43 4FF		
<b>APPLICATION NO.</b>	24/00560/FUL	<b>FILE NO.</b>	
<b>CASE OFFICER</b>	Mrs Karen Wake		
<b>DATE RECEIVED</b>	3rd December 2024		

---

## SUMMARY

The application is for the retention of the use of the land for the keeping of horses and the retention of the two field shelters. The site lies beyond the southwestern edge of the settlement of Clowne and immediately to the north of a housing estate built out by Avant Homes known as 'The Edge'. With the area of public open space to the west of the housing estate and protected playing fields to the north of the site, the land comprises protected green space in the Local Plan for Bolsover District (2020).

The application has been referred to Planning Committee because it is recommended for approval on a temporary basis and is contrary to planning policies in the development plan.

The use of the land for the keeping of horses and associated operational development has eroded the value of the green space and, in this respect, results in some harm to the landscaped setting of the adjacent housing development. The proposed use will, however, maintain the openness of the site and the field shelters are positioned in locations that have a minimal impact on the wider landscape. The proposal is therefore not considered to be so harmful, to the setting of the settlement or wider landscape given the localised impacts, so as to conflict with Policy SS9 and SC3 of the Local Plan for Bolsover District (2020).

The site does, however, form part of a wider area of protected green space in the development plan. It was purposefully included to provide amenity green space to the adjacent housing development and to improve connectivity through the site to the protected playing fields to the north. The Council is currently investigating its options within regard to taking ownership of the land. This could lead to compulsory purchase measures being pursued, based on the planning purposes outlined in the local plan.

A temporary, 18 month planning permission is therefore considered to be appropriate in this case, given the conflict with Policy ITCR6 to enable the temporary use of the land, prior to any longer-term proposals coming forward (to meet local plan policy and retain the allocated green space). This will allow the District Council to explore the possibility of acquiring the land to enhance and improve the connectivity of the allocated green space to fulfil the purposes outlined in the local plan over this period and give the applicant time to find alternative land to keep his horses and to re-locate the field shelters.

## **Site Location Plan**



## **OFFICER REPORT ON APPLICATION NO. 24/00560/FUL**

### **SITE & SURROUNDINGS**

The site comprises a generally level area of land, some 0.27ha in area, used as a paddock with a post and rail fence along the north and south boundaries. To the north of the site are playing pitches and to the south are two storey dwellings and an area of public open space. On the east boundary is temporary site fencing with an area of grassland beyond. On the west boundary is a mature hedge and there are two field shelters within the site, adjacent to this hedge line. The site is currently used for the keeping of horses.

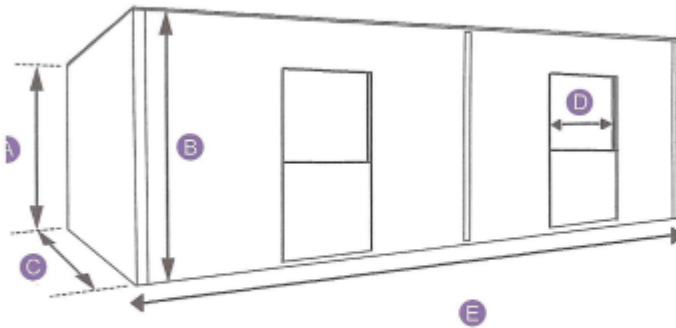
### **BACKGROUND**

The site was previously in agricultural use. The land to the south of the site formed part of the same agricultural use but this area was granted planning permission for residential development including a formal green space. The application site was excluded from the residential planning application site because the ownership of the site could not be established as there is no title deed for this piece of land. The site therefore remained in agricultural use until the applicant took possession of the site in 2017 and fenced the site off. The site appears to have been used for the keeping of horses since that time without the benefit of planning permission. The two field shelters were subsequently erected in 2020 and are also unauthorised.

### **PROPOSAL**

The application is for the retention of the use of the land for the keeping of horses and the retention of the two field shelters. The field shelters are constructed in timber with black onduline roofs.

### Field Shelter 1



#### Dimensions

A = 2.1metres

C = 3.1metres

E = 5.7metres

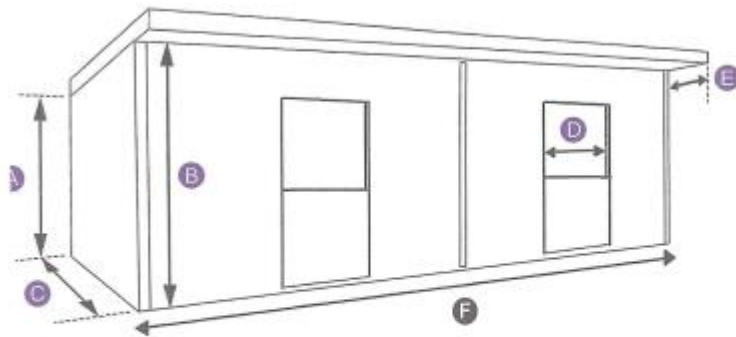
B = 2.6metres

D = 1.2metres

#### Construction

Timber clad with Onduline roof sheets

### Field Shelter 2



#### Dimensions

A = 2.1metres

C = 3.6metres

E = 0.5metres

B = 2.6metres

D = 1.2metres

F = 7.5metres

#### Construction

Timber clad with Onduline roof sheets

## AMENDMENTS

None

## EIA SCREENING OPINION

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

## HISTORY

None

## CONSULTATIONS

Parish Council:

No comments received.

#### Environmental Health Officer:

Suggests notes to be added to any planning permission regarding burning of waste, storage of manure, liquid run off and planning permission not providing exemption against statutory nuisance. Advises conditions requiring no business use to operate from the stables and no storage of horse boxes, trailers, van bodies and portable buildings or other vehicles be kept on the land other than for the loading and unloading of horses.

#### DCC Highways:

No objections. Advise not to be added to any planning permission to advise the applicant that Clowne Public Footpath No. 20 runs adjacent to the east of the proposed development site, as shown on the attached plan. No objections providing the width of the path is not encroached upon by the proposed gardens as it appears that the route will be ultimately unaffected by the proposed works. Request the applicant is advised that the footpath must remain open, unobstructed and on its legal alignment, there should be no disturbance to the path surface without prior authorisation from the Rights of Way Section, consideration should be given to the safety of members of the public using the path during the works, a temporary closure of paths will be permitted on application to DCC where the path remains unaffected on completion of the development and there should be no encroachment of the path, and no fencing should be installed without consulting the Rights of Way section.

#### Planning Policy Manager

It is considered that the proposed change of use of the land from the green space allocation within the Local Plan for Bolsover District (March 2020) to equestrian and siting of 2 x wooden field shelters would be contrary to policies:

- ITCR6: Protection of Green Space; and
- SS9: Development in the Countryside unless it is judged that this proposal would respect the form, scale and character of the landscape, through careful location, design and use of materials.

On this basis, the application should be refused unless other material considerations indicate otherwise.

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

#### **PUBLICITY**

Site notice and neighbours notified.

21 representations made in support of the proposal.

These residents enjoy watching/visiting the horses. They find them good for mental health and feel they are a part of the estate which has been there for many years. They consider the shelters blend into the hedge and trees around them and prefer them to the fence and floodlights to the multi-use games area. They feel the land was previously agricultural and the horses give a rural feel to the area. They consider the land to be clean, tidy and well-kept and the horses do not have any effect on nearby wildlife or cause noise or disturbance to residents.

One objection received which raises the following issues:

1. A new build housing estate is not the appropriate location for a small holding. The land was intended as a wild meadowland border by the developers and planners for the estate and should be returned to its intended state.
2. There is frustration about the amount of straw, hay, feed and mud along the roads, footpaths and on adjacent property created by the running this small holding.

3. The small holding has clear visibility into the windows, including bedrooms of adjacent houses resulting in a loss of privacy and the need to keep bedroom blinds permanently closed.

One objection has also been received anonymously and as such limited weight can be attributed to the issues raised however the concerns raised in that objection are of a similar nature to those set out above.

## **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)
- SC1 (Development within the Development Envelope)
- SC2 (Sustainable Design and Construction)
- SC3 (High Quality Development)
- SC5 (Change of Use and Conversions in the Countryside)
- SC11 (Environmental Quality (Amenity))
- ITCR6 Protected green space

### 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.
- Paragraphs 96 - 108: Promoting healthy and safe communities.
- Paragraphs 124 - 128: Making effective use of land.
- Paragraphs 187, 193 and 195: Conserving and enhancing the natural environment.
- Paragraphs 196 - 201: Ground conditions and pollution.

### Supplementary Planning Documents and advice notes

#### 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:

- Principle of the development in the countryside
- Principle of the development on a protected green space
- residential amenity.
- whether the development would be provided with a safe and suitable access and impacts on highway safety.

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

### Principle of the development in the countryside and the impact on the character of the countryside

The site is outside the development envelope in an area of countryside.

Policy SS9 states that development proposals in the countryside, outside development envelopes will only be granted planning permission where it can be demonstrated that they fall within a number of stated categories, such as the re-use of previously developed land. In all cases, where development is considered acceptable it will be required to respect the form, scale and character of the landscape, through careful location, design and use of materials. Furthermore, in making this part of the assessment of the application, it is considered that policy SC3: High Quality Design and the design guidance provided by Successful Places SPD should be utilised.

It is recognised that the stated categories of policy SS9 do not include the change of use of previously undeveloped land, i.e. greenfield land, located in the countryside. Equestrian uses can be an acceptable land use in some countryside locations, however, such use and the associated structures and paraphernalia that accompany equestrian uses can detract from the visual amenity of the area. It is for this reason that policy SS9 requires all proposals where development is considered acceptable are required to respect the form, scale and character of the landscape, through careful location, design and use of materials.

Policy SC3 requires development to achieve a high quality of design in terms of place making, buildings and landscaping and states proposals for development will be permitted provided they respond to the established character and local distinctiveness of the surrounding landscape amongst other considerations.

The application site prior to its current unauthorised use comprised green space, which, together with the protected public open space to the south and protected playing fields to the north softens the urban fabric of the settlement and makes a positive contribution to the setting of The Edge development. The use of the land for the keeping of horses and associated operational development has eroded the value of the green space and, in this respect, results

in some harm to the landscaped setting of the adjacent housing development. The proposed use will, however, maintain the openness of the site and the field shelters are positioned in locations that have a minimal impact on the wider landscape, with existing landscaping and landform containing the development and filtering wider public view. The proposal is therefore not considered to be so harmful, to the setting of the settlement or wider landscape given the localised impacts, so as to conflict with Policy SS9 and SC3 of the Local Plan for Bolsover District (2020).

#### Principle of the development on a protected green space

The site is outside the development envelope on a site allocated as protected green space in the adopted local plan

Policy ITCR6: Protection of Green Space states that “development proposals will be permitted where they do not result in the loss of existing green spaces, including allotments and village greens, as identified on the Policies Map or in the Council’s Green Space Strategy, and associated documents, or any future green space.

Proposals resulting in a loss will need to provide a satisfactory replacement facility, unless the proposal was of greater overall benefit to the local community than existing or realistic potential uses of the green space.

The Policies Map identifies the application site as part of the protected green space that includes the playing pitches south of the District Council offices and the formal green space to the north and west of The Edge. The formal green space as delivered by the residential development of The Edge is at present not connected to the playing pitches as the application site has been fenced off, preventing free or controlled access between the two.

It is recognised that the lack of free or controlled access between the adjoining parts of the green space is detrimental to the quality of the green space as a whole.

The land has no registered title, so the ownership at the time of writing remains unclaimed. This has been the case for some time and as a result the site was excluded from the application site for the residential development and formal green space adjacent to the site because the developer, Avant Homes, was unable to secure the ownership of the land as a result. This situation has left the land unclaimed, albeit it is known that the applicant has taken possession of the land with the intent on securing adverse possession. The applicant states that they were allowed to take possession of the land by Avant Homes, with the actual landowner still unknown. The applicant claims to have been using the land as a paddock since January 2017 and that they commenced first registration of the land on 5<sup>th</sup> December 2024 by paying the registration fee to the Land Registry.

The Council is investigating its options within regard to taking ownership of the land. This could lead to compulsory purchase measures being pursued, based on the planning purposes outlined in the local plan. If this was the case, this would provide a realistic potential use for this part of the green space allocation and, if approved, the proposal could prejudice this future use. On this basis, the proposal would be contrary to policy ITCR6 unless the proposal is of greater overall benefit to the local community than the existing or realistic potential uses of the green space.

21 letters of support have been received from local residents which refer to the benefits provided by the current use of the site and wish to see the current use remain. However, if there is a realistic prospect that a scheme could be secured which would allow the site to link the existing formal open space to the playing pitches, this could provide a greater benefit to the community than the existing use of the site, in which case the development is considered to be contrary to Policy ITCR6 in this respect.

### Residential Amenity

The field shelters are set well away from the closest dwellings to the site. The field is partly adjacent to the existing public open space/play area and partly adjacent to dwellings. The private use of the land for the keeping of horses is not considered to result in unacceptable levels of noise, dust, odour or loss of privacy for adjacent residents. Subject to a condition requiring the use to remain private and no trade or business to be carried out from the site, the proposal would not result in an unacceptable loss of amenity for residents of the adjacent dwellings. On this basis the proposal is considered to meet the requirements of Policies SC3 and SC11 of the Local Plan for Bolsover District in this respect.

### Access/Highways

The site is accessed via a gate onto a lightly trafficked highway with good visibility in each direction. The use of the land for the keeping of horses is for a private/hobby use with no business carried out from the site and this can be controlled by condition. The proposal is not considered to result in a material intensification of the use of the residential street it is accessed from, and there are no objections to the proposal from the Highway Authority. The proposal is therefore not considered to be detrimental to highway safety and is considered to meet the requirements of Policy SC3 of the Local Plan for Bolsover District in this respect.

### Ecology and Biodiversity Considerations

Key Biodiversity Information	
Reason if exempt from the biodiversity gain plan condition	Retrospective application made under the S73A relating to a land-use started prior to the introduction of mandatory biodiversity net gain.

### Issues raised by residents

Most of the issues raised by residents are covered in the above assessment.

The issue of the land being intended as a wild meadowland by the developers has not been considered as the site was not included in the application site.

## **CONCLUSION**

The use of the land for the keeping of horses and associated operational development has eroded the value of the green space and, in this respect, results in some harm to the landscaped setting of the adjacent housing development. The proposed use will, however, maintain the openness of the site and the field shelters are positioned in locations on the site that have a minimal impact on the wider landscape. The proposal is therefore not considered to be so



harmful, to the setting of the settlement or wider landscape given the localised impacts, so as to conflict with Policy SS9 and SC3 of the Local Plan for Bolsover District (2020).

The site does, however, form part of a wider area of protected green space in the development plan. It was purposefully included to provide amenity green space to the adjacent housing development and to improve connectivity through the site to the protected playing fields to the north. The Council is currently investigating its options within regard to taking ownership of the land. This could lead to compulsory purchase measures being pursued, based on the planning purposes outlined in the local plan. Policy ICTR6 states that proposals resulting in a loss of protected green space will need to provide a satisfactory replacement facility, unless the proposal was of greater overall benefit to the local community than existing or realistic potential uses of the green space.

While the majority of representations received support the proposal, the ability of the District Council to use powers to acquire the land to connect the existing public open space and playing fields is a realistic and more beneficial use of the land to the wider local community. The development is considered to conflict with Policy ICTR6 in this respect. A temporary, 18 month planning permission is therefore considered to be appropriate in this case, given the conflict with Policy ICTR6 to enable the use of the land to continue, prior to any longer-term proposals coming forward (to meet local plan policy and retain the allocated green space). This will allow the District Council to explore the possibility of acquiring the land to enhance and improve the connectivity of the allocated green space to fulfil the purposes outlined in the local plan over this period and give the applicant time to find alternative land to keep his horses and to re-locate the field shelters in circumstances where it is acquired by the District Council.

## **RECOMMENDATION**

**That TEMPORARY PLANNING PERMISSION BE APPROVED subject the following conditions:**

1. The use hereby permitted shall cease and the field shelters shall be removed from the land on or before 16<sup>th</sup> October 2026 unless prior to that date the Council has on an application made to it, approved the use or operational development for a further period.
2. The use of the land and buildings shall be for the keeping of horses for private use only. No trade, business or commercial use in connection with the keeping of horses must be carried out.
3. The buildings hereby approved must be maintained in a dark green, dark brown or black colour unless otherwise agreed in writing by the Local Planning Authority.

## **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.

## **Bolsover District Council**

### **Meeting of the Planning Committee on 16<sup>th</sup> April 2025**

#### **Outcome of Consultation on and Recommendation to Adopt a Local Validation Checklist (Local List) for Planning Applications**

<b>Classification</b>	This report is Public
<b>Report By</b>	Chris Whitmore Development Management and Land Charges Manager
<b>Contact Details</b>	01246 242294 <a href="mailto:chris.whitmore@bolsover.gov.uk">chris.whitmore@bolsover.gov.uk</a>

#### **PURPOSE / SUMMARY OF REPORT**

- To report on the outcome of the consultation on the draft Local Validation Checklist with the community, staff, consultees and agents.
- To seek approval to adopt the Local Validation Checklist, which will set out local information requirements for planning applications from the 1<sup>st</sup> June 2025.

#### **REPORT DETAILS**

##### **1. Background**

- 1.1 This report follows a resolution at Planning Committee on the 27<sup>th</sup> November 2024 to undertake consultation in respect of a draft Local Validation Checklist, setting out the local information requirements for planning applications submitted to Bolsover District Council.
- 1.2 Any proposal to adopt a Local List was to be presented to a future planning committee meeting with the outcomes of any consultation exercise, Equality Impact Assessment and a final adoption draft of the document.

##### **2. Details of the Proposal**

- 2.1 Paragraph 45 of the National Planning Policy Framework states that local planning authorities should publish a list of their information requirements for applications for planning permission. These requirements should be kept to the minimum needed to make decisions and should be reviewed at least every two years. Local planning authorities should only request supporting

information that is relevant, necessary and material to the application in question.

- 2.2 Planning practice guidance advises that a local planning authority may request supporting information with a planning application. Its requirements should be specified on a formally adopted 'local list' which has been published on its website less than 2 years before an application is submitted. It reiterates the requirement of paragraph 44 of the National Planning Policy Framework in that information required by local lists must be relevant, necessary and material to the application in question and kept to the minimum needed to decide a planning application. These statutory tests are set out in section 62 (4A) of the Town and Country Planning Act 1990 (inserted by the Growth and Infrastructure Act) and article 11(3)(c) of the Town and Country Planning (Development Management Procedure) (England) (Order) 2015.
- 2.3 Ensuring that planning applications are supported by enough information is crucial to ensure effective service delivery. It also provides certainty for applicants, the Local Planning Authority, consultees and other interested parties and speeds up the decision-making process.
- 2.4 If a planning application is not supported by the information required by the national information requirements or an adopted local list, an application will not be registered as being valid and the formal process of considering and determining the planning application will not begin. The adoption of a local list will enable the Local Planning Authority to capture all key information required to determine an application at the validation stage to allow it to make decisions in a timely manner post registration / validation.

### **3. Details of the Consultation Exercise and Level of Engagement**

- 3.1 There are no specific regulations relating to consultation in respect of the adoption of Local Lists. Planning practice guidance advises that where a local planning authority is looking to adopt a local list, the proposals should be issued to the local community, including applicants and agents, for consultation.
- 3.2 The report to the Planning Committee on the 27<sup>th</sup> November indicated that a four-week consultation period would be undertaken early in 2025, with targeted emails to agents operating in the area and those registered on its online local plan database and separate advertisement seeking views of the Council's intention to adopt the Local List on the Council's website.
- 3.3 A longer consultation period of six weeks, between the 10<sup>th</sup> January and 21<sup>st</sup> February 2025 was undertaken. Targeted correspondence was sent to the 111 planning agents who either regularly submit planning applications to the District Council or who have expressed an interest in being notified of new policy documents within its planning area. Consultees on planning applications, staff within the planning team at Bolsover District Council, elected ward members and parish / town councils were also notified of the consultation and directed to the consultation draft of the Local Validation Checklist. A copy of the document was also made available for review and comment at the Customer Contact

Centres within the district and local libraries and a dedicated webpage created to advertise the consultation exercise.

- 3.4 The consultation on the Local Validation Checklist has been given wide exposure over a longer time period than originally envisaged. This resulted in the submission of nine representations being received, which represents a good level of interest / engagement in such a technical document. A summary of the comments received can be found at Appendix 1.

#### **4. Outcome of the Consultation Exercise**

- 4.1 The consultation comments from nine interest parties received have been reviewed and the Local Validation Checklist has been amended (where appropriate) to ensure that the information requirements are clear and meet the statutory tests are set out in section 62 (4A) of the Town and Country Planning Act 1990 and article 11(3) (c) of the Town and Country Planning (Development Management Procedure) (England) (Order) 2015. None of the consultation comments raised objections to the District Council adopting a local validation checklist.
- 4.2 One response from a planning agent was received, which highlighted formatting errors within the document, clarified changes to consultees and recommended clarification on when a noise/nuisance impact assessment will be required for applications involving children's homes. On the back of these comments the document was amended to have consistent formatting throughout and to provide clarity on when a noise/nuisance impact assessment would be required.
- 4.3 Derbyshire Wildlife Trust provided detailed comments on the parts of the Local Validation Checklist relating to ecology and biodiversity requirements. Additional wording and alternative terminology was recommended, including renaming 'Extended Phase 1 Habitat Survey' to 'Preliminary Ecological Appraisal' and adding the Environment Act (2021) to the policy drivers.
- 4.4 The Derbyshire County Council Countryside Project Officer requested that a tree survey/arboricultural impact assessment information requirement be included and presented model wording. This has been included in the adoption draft version of the Local Validation Checklist (Appendix 2).
- 4.5 Sport England advised that information requirement thirteen was amended to clarify that Section 106 contributions would be required to provide sports facilities both on and off-site and any other associated infrastructure, not just playing pitches. This change has been made to provide greater scope for and clarity on where such contributions can be made. A new information requirement was also suggested to consider the impacts of new development on existing playing fields to ensure that any application proposing development that is likely to prejudice playing field(s) or a sports facility provides adequate information to make an informed decision and not unduly delay determination. This has been included in the Local Validation Checklist.
- 4.6 The NHS and Mining Remediation Authority thanked the Local Planning Authority for consulting them. Neither consultee made any comments regarding potential improvements or changes

- 4.7 Historic England wished to add additional text to the ‘Design and Access Statement’ requirement in the national validation section (Part 1) of the document to require consideration of the impact of development proposals on heritage assets. This text has been included.
- 4.8 A District Council employee, within the planning services section responded to the consultation, expressing their interest in creating a proforma to help determine if self/custom-build projects qualify as such, to be satisfied that they are exempt from biodiversity net gain requirements. This has been prepared and a requirement to submit a form included at information requirement sixteen.
- 4.9 A summary of the comments received are present in a table at Appendix 1.
- 4.10 The consultation comments received have helped to fine tune the information requirements in the Local Validation Checklist for Bolsover District to ensure that they are clear and meet the tests set out in section 62 (4A) of the Town and Country Planning Act 1990 and article 11(3) (c) of the Town and Country Planning (Development Management Procedure) (England) (Order) 2015. A copy of the recommended Local Validation Checklist for adoption is set out at Appendix 2 and the Equality Impact Assessment for approval at Appendix 3.

## **5 Reasons for Recommendation**

- 5.1 The recommendation seeks to introduce new information requirements for planning applications received by the development management service. Planning Committee approval enables full scrutiny of the proposed change to service delivery and transparency in any decision to adopt the document.

## **6 Alternative Options and Reasons for Rejection**

- 6.1 An alternative option for the Council to choose not to adopt a Local Validation Checklist. Any relevant planning application would continue to be registered using the national validation requirements set by Article 7(1)(c)(ii) of the Town and Country Planning (Development Management Procedure) (England) (Order) 2015 and Planning Practice Guidance. This would impact on the quality of planning application submissions, which in turn, is likely to impact on the local planning authority’s ability to issue decisions in a timely manner.

---

## **RECOMMENDATION(S)**

1. That Planning Committee resolve to adopt the Local Validation Checklist at Appendix 2 with any minor corrections / alterations as appropriate from the 1st June 2025, following the creation of a new page on the Council’s website to direct service users to its existence / requirements and other supporting documentation and approval of the Equality Impact Assessment.

### **IMPLICATIONS:**

#### **Finance and Risk:**

Yes ☐

No ☒

**Details:** There are no specific finance or risk issues arising from this report. There is a risk that the non-validation of an application for a Local List requirement could lead to a non-determination appeal and an award of costs, however, there is an established procedure for dealing with validation disputes under article 12 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The consideration of the statutory tests for information requirements when considering validation disputes should ensure that such risks are minimal.

On behalf of the Section 151 Officer

**Legal (including Data Protection):**

Yes ☐

No ☒

**Details:** There are no legal implications other than the information requirements not meeting the statutory tests in respect of specific development proposals. This would be a matter of judgement for the validating officer and can be resolved as part of the "Article 12 notice" procedure.

On behalf of the Solicitor to the Council

**Environment:**

Yes ☐

No ☒

*Please identify (if applicable) how this proposal / report will help the Authority meet its carbon neutral target or enhance the environment.*

**Details:** There are no environmental implications.

**Staffing:**

Yes ☒

No ☐

**Details:** When the local planning authority receives an Article 12 notice, it will need to consider the merits of the applicant's case as to why the information requested does not meet the statutory tests. The local planning authority must then either issue a 'validation notice', stating that it no longer requires the information specified in the Article 12 notice, or a 'non-validation notice' stating that it still requires the applicant to provide the information requested. This is similar to the existing procedure in respect of national validation requirements and the correspondence sent by Planning Technicians. Some training will need to be given to staff initially and the Local List will need to be clear / user friendly in terms of setting out when local information requirements apply. Once established the Local List will front load the information necessary to determine planning applications, saving officer and consultee time.

On behalf of the Head of Paid Service

## DECISION INFORMATION

<p><b>Is the decision a Key Decision?</b> 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: <b>No significant impact on two or more district wards or expenditure above the thresholds.</b></p> <p><b>Revenue - £75,000</b> <input type="checkbox"/> <b>Capital - £150,000</b> <input type="checkbox"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i></p>	No
<p><b>Is the decision subject to Call-In?</b> (Only Key Decisions are subject to Call-In)</p>	No

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

<b>Links to Council Ambition: Customers, Economy, Environment and Housing.</b>
<ul style="list-style-type: none"> <li>Customers, Economy and Housing – Speeding up decision making, which will help facilitate the delivery of development more quickly on the ground.</li> </ul>

<b>DOCUMENT INFORMATION</b>	
<b>Appendix No</b>	<b>Title</b>
1	Summary of consultation comments received
2	Adoption draft of the Local Validation Checklist
3	Equality Impact Assessment for approval
4	Custom and self-build proforma
<b>Background Papers</b>	
<i>(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).</i>	



## Summary of consultation comments received

D Peck	<ul style="list-style-type: none"> <li>• Grammatical and formatting corrections highlighted.</li> <li>• Coal Authority needs changing to the Mining Remediation Authority.</li> <li>• Not all children homes require a noise impact assessment.</li> </ul>
Mining Remediation Authority	<ul style="list-style-type: none"> <li>• No comments to make, but happy to see that they have been acknowledged.</li> </ul>
Derbyshire Wildlife Trust	<ul style="list-style-type: none"> <li>• Adding additional words/phrases to certain bullet points.</li> <li>• Underlining of certain words.</li> <li>• Add additional bullet points to the Bat Survey and Assessment.</li> <li>• Rename 'Extended Phase 1 Habitat Survey' to 'Preliminary Ecological Appraisal'.</li> <li>• Raises concerns about potential exclusion of domestic gardens.</li> </ul>
Prevention and Partnership Team	<ul style="list-style-type: none"> <li>• Recommends an additional section under 'Other matters' which are likely to arise during the planning process as a point of reference to highlight to developers at an early stage, and ensure that crime and disorder, and in fact any other additional matters which may be raised during this consultation process, are given consideration</li> </ul>
Historic England	<ul style="list-style-type: none"> <li>• Would like additional information added to the Design and Access Statement section.</li> <li>• Unsure on how the tier system in the Archaeological Information was derived.</li> </ul>
K Gregory	<ul style="list-style-type: none"> <li>• Would like the creation of a Proforma Form and update the Self and Custom Build Housing section accordingly.</li> </ul>
NHS	<ul style="list-style-type: none"> <li>• Hope to be consulted on Large-scale developments.</li> </ul>
Countryside Project Officer (DCC)	<ul style="list-style-type: none"> <li>• Recommends a Tree survey/Arboricultural Impact Assessment sub-section.</li> </ul>

Sport England	<ul style="list-style-type: none"> <li>• Would like 'playing fields' in sub-section 13 changed to sports facilities to money can go towards things such as pavilions, clubhouses and carparking.</li> <li>• Recommend an information requirement that considers impacts on existing playing fields.</li> </ul>
---------------	--

# Local Validation Checklist for Planning Applications



## 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.

## Access for All statement

You can request this document or information in another format such as large print or language or contact us by:

- **Phone** – 01246 242424
- **Email** – [enquiries@bolsover.gov.uk](mailto:enquiries@bolsover.gov.uk)
- **BSL Video Call** – a three way video call with us and a BSL interpreter. It is free to call Bolsover District Council with Sign Solutions, you just need wifi or mobile data to make the video call, or call into one of our Contact Centres.
- **Call with Relay UK** via textphone or app on 0800 500 888 – a free phone service provided by BT for anyone who has difficulty hearing or speaking. It's a way to have a real time conversation with us by text.
- **Visiting one of our offices** at Clowne, Bolsover, Shirebrook and South Normanton.

# Contents

<b>Part 1</b> - National Validation Requirements .....	pg. 4
<b>Part 2</b> - Local Validation Requirements .....	pg. 8
<b>Appendix 1</b> – Possible information requirements based on application type .....	pg. 29

The Local Planning Authority has chosen to adopt a Local Validation List to ensure that, at the time of submission of a planning application, it has all the information necessary to be able to consider the merits of the proposal(s) in accordance with the relevant provisions of the development plan and other material considerations. Having the right information is crucial to good decision-making (National Planning Policy Framework, paragraph 43), and submitting all the required information with a planning application can help avoid delays and increase the chances of a successful application.

This document includes a list of information, which is required in addition to the national validation requirements set out in the Town and Country Planning (Development Management Procedure) Order (2015), namely:

## National Validation Requirements – Part 1

### 1. Application Form

Applicants are encouraged to submit applications electronically using the '1APP' application form wherever possible via the Planning Portal. If submitted electronically paper copies are not required.

The District Council accepts the submission of a paper-based applications. Offline planning application forms can be downloaded from the Planning Portal website. Although the statutory requirement is for one original and three additional copies of the completed Standard Application Form to be provided, the authority manage applications electronically and therefore only require one copy of the form, which will be uploaded to its online public access platform.

### 2. Ownership Certificate

An ownership certificate must be completed. It contains details about the ownership of the application site and confirms that an appropriate notice has been served on any other owners (and agricultural tenants). The forms of notice are in Schedule 2 to the Town and Country Planning (Development Management Procedure (England) (Order) 2015.

This is included within the Standard Application Form.

### 3. Location Plan

A location plan should be based on an up-to-date map. The scale should typically be 1:1250 or 1:2500, but wherever possible the plan should be scaled to fit onto A4 or A3 size paper. A location plan should identify sufficient roads and/or buildings on land adjoining the application site to ensure that the exact location of the application site is clear.

The application site should be edged clearly with a red line on the location plan. It should include all land necessary to carry out the proposed development (e.g. land required for access to the site from a public highway, visibility splays, landscaping, car parking and open areas around buildings). A blue line should be drawn around any other land owned or controlled by the applicant, close to or adjoining the application site.

#### 4. Fee

Planning applications incur a fee except where exempted by legislation. The Planning Portal includes a fee calculator for applicants. The local planning authority is also able to advise applicants on specific cases.

#### 5. Any other plans, drawings and information necessary to describe the development which is the subject of the application

Must be drawn to an identified scale and, in the case of plans, must show the direction of North. As a minimum this must include a block plan (to a scale of 1:500 or larger where appropriate). Block plans are more detailed than location plans. Their main purpose is to identify the detail of the development, to identify the building or land to which the application relates and any access requirements.

#### 6. Design and Access Statement

Required for:

- all major developments, and;
- development within a conservation area involving one or more dwelling or a building or buildings with a floor space of 100 square metres or more.

A Design and Access Statement must:

- a) explain the design principles and concepts that have been applied to the proposed development; and
- b) demonstrate the steps taken to appraise the context of the proposed development, and how the design of the development takes that context into account.

A development's context refers to the particular characteristics of the application site and its wider setting. These will be specific to the circumstances of an individual application and a Design and Access Statement should be tailored accordingly to demonstrate how the design has evolved in response to context and specific site studies such as topographical, drainage, landscape and architectural context.

Design and Access Statements must also explain the applicant's approach to access and how relevant Local Plan policies have been taken into account. They must detail any consultation undertaken in relation to access issues, and how the outcome of this consultation has informed the proposed development. Applicants must also explain how any specific issues which might affect access to the proposed development have been addressed.

Design and Access Statements accompanying applications for listed building consent must include an explanation of the design principles and concepts that have been applied to the proposed works, and how they have taken account of:

- a) the special architectural or historic importance of the building;
- b) the particular physical features of the building that justify its designation as a listed building; and
- c) the impact on the significance of the listed building which could include its setting.

Where a heritage asset may be harmed then all applications should be accompanied by a Heritage Impact Assessment. All heritage assets include Conservation Areas, Scheduled Monuments, Listed Buildings, Registered Parks and Gardens, as well as non-designated heritage assets. There should be enough detail to assess what the harm to significance will be, including to the assets setting and how the application will avoid/minimize any harm to heritage assets.

Design and Access Statements accompanying applications for listed building consent must also explain if relevant how issues relating to access to the building have been dealt with. They must explain the applicant's approach to access, including what alternative means of access have been considered, and how relevant Local Plan policies have been taken into account. Statements must also explain how the applicant's approach to access takes account of matters (a)-(c) above.

Design and Access Statements accompanying applications for listed building consent must provide information on any consultation undertaken, and how the outcome of this consultation has informed the proposed works. Statements must also explain how any specific issues which might affect access to the building have been addressed.

## **7. Access point for all outline applications**

Under article 5(3) of the Development Management Procedure Order 2015, an application for outline planning permission must indicate the area or areas where access points to the development will be situated, even if access has been reserved.

## **8. Biodiversity Net Gain Information:**

(Required for development where the applicant believes that planning permission if granted would be subject to the biodiversity gain condition)

- A completed biodiversity metric calculation tool or tools (as the case may be) showing the calculation of the biodiversity value of the onsite habitat on:
  - (aa) the date of the application, or
  - (bb) an earlier date proposed by the applicant, and
  - (cc) in either case, the date immediately before any activities of the type mentioned in paragraph 6 (carrying out of activities other than in accordance with planning permission on or after 30 January 2020) or 6A (implementation of a planning permission on or after the 25 August 2023) of Schedule 7A to the 1990 Act have been carried out on the land which have resulted in a lower biodiversity value;
- the biodiversity value or values
- the publication date of the biodiversity metric calculation tool or tools (as the case may be) used to calculate the values (if an earlier date is proposed by the applicant under paragraph (i)(bb), the reasons why that earlier date is proposed)
- if any activities of the type mentioned in paragraph 6 or 6A of Schedule 7A to the 1990 Act have been carried out on the land—
  - (aa)a statement that such activities have been carried out,
  - (bb)confirmation of the date immediately before those activities were so carried out, and
  - (cc)any available supporting evidence for the date referred to in sub-paragraph (bb) and for the value referred to in paragraph (i)(cc).
- a description of any irreplaceable habitat, corresponding to the descriptions in Table 1 or in column 1 of Table 2 of the Schedule to the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024, that—
  - (aa)is on the land to which the application relates, and



- (bb)exists on the date referred to in paragraph);
- (vii)a plan showing the location, on the date referred to in paragraph (i)(aa) or (bb) (as applicable), of—
- (aa)the onsite habitat included in the calculations referred to in paragraph (i), and
- (bb)any irreplaceable habitat.

The information requirements were introduced by The Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024. They amend the general requirements in the Development Management Procedure Order 2015.

## **9. Fire Statement**

Multi-occupied residential buildings of 18 metres or more in height, or 7 or more storeys, must be accompanied by a Fire Statement completed by an expert.

Article 9A of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (“the 2015 Order”). Introduced by article 4 of the Town and Country Planning (Development Management Procedure and Section 62A Applications) (England) (Amendment) Order 2021).

# Local Validation List Requirements – Part 2

Part 2 of this validation checklist has been prepared to clarify the information required to be submitted with a planning application to Bolsover District Council. In addition to helping to facilitate good decision making, submitting an appropriate level of information with a planning application can help avoid delays and increase the chances of it being approved by the Local Planning Authority.

The National Planning Policy Framework (NPPF) advises that Local Planning Authorities should publish a local list of their information requirements for planning applications. Local lists should clarify what information is usually required for applications of a particular type, scale or location.

Although applicants are encouraged to discuss proposals in advance of the formal submission of a planning application to ensure that an appropriate amount of information is provided with each application, the Local Planning Authority has prepared the following local list to assist them, reduce the likelihood of applications being refused on lack of information grounds and to assist with timely decision making. There may be certain application types which are not covered by this guidance, such as high hedge complaints, prior notification applications, applications or notice to carry out works to trees, environmental impact assessment development, hedgerow removal and others. You are recommended to contact the planning department at [dev.control@bolsover.gov.uk](mailto:dev.control@bolsover.gov.uk) to discuss specific validation requirements for these types of applications.

The local list has been prepared having regard to the statutory tests set out in section 62 (4A) of the Town and Country Planning Act 1990 (inserted by the Growth and Infrastructure Act) and article 11(3) (c) of the Town and Country Planning (Development Management Procedure) (England) (Order) 2015, namely:

- *reasonable having regard, in particular, to the nature and scale of the proposed development; and*
- *about a matter which it is reasonable to think will be a material consideration in the determination of the application.*

To assist with understanding when local information requirements will generally be required, the following key has been adopted to represent the different application types. The key and description will appear against each local validation requirement.

	<b>Householder Application</b> - Proposals to alter or enlarge a single house, including works within the garden of a house).
	<b>Minor Applications</b> - Residential development of between one and nine dwellings, Development where the floorspace is less than 1,000 sq m, Development on sites less than one hectare and Gypsy and traveller sites – up to nine pitches.
	<b>Other Applications</b> - Changes of use, Applications for Advertisement Consent and Listed building consent.
	<b>Major Planning Application</b> - Development of 10 or more dwellinghouses or on a site area of 0.5 ha or more and the number of dwellinghouses is unknown, Development involving floorspace of 1,000 sq m or more or Development on sites over 1 ha or more.
	<b>Large Scale Major Application</b> - More than 150 dwellings or >2ha site area.

## 1. Indicative Post Development Biodiversity Gain Plan

Where the applicant believes that planning permission, if granted, would be subject to the biodiversity gain condition and where it effects more than 5 units of habitat or any amount of habitat of medium – high distinctiveness, the following should be submitted:

- Fully completed metric, even if based on draft post-development plan and subject to change. The metric should be in the interactive Excel format.
- Indicative Biodiversity Gain Plan, to include proposals for achieving at least 10% net gain. This shall specify what onsite gains are feasible and any requirement for offsite gains. It shall identify where legal agreements are necessary to secure gains and set out the provisions for future management and monitoring.

The Indicative Biodiversity Gain Plan shall demonstrate consideration of the the mitigation hierarchy (avoid-mitigate-compensate) and the BNG hierarchy (onsite gains>offsite gains>statutory credits).

Applicable application types:

	<b>Minor Applications</b> - Residential development of between one and nine dwellings, Development where the floorspace is less than 1,000 sq m, Development on sites less than one hectare and Gypsy and traveller sites – up to nine pitches.
	<b>Other Applications</b> - Changes of use, Applications for Advertisement Consent and Listed building consent.
	<b>Major Planning Application</b> - Development of 10 or more dwellinghouses or on a site area of 0.5ha or more and the number of dwellinghouses is unknown, Development involving floorspace of 1,000 sq m or more or Development on sites over 1 ha or more.
	<b>Large Scale Major Application</b> - More than 150 dwellings or >2ha site area.

### POLICY DRIVER:

This will be necessary for the LPA to be satisfied that a development can deliver a 10 % biodiversity gain, on or off-site or a combination of both.

This is supported by national planning policy and guidance, which seeks to deliver net gains for biodiversity, the requirements of the Environment Act 2021 and Policies SS1 SC3 and SC9 of the Local Plan for Bolsover District (2020).

## 2. Bat Survey and Assessment

Bat survey(s) should be undertaken if a development proposal is likely to negatively affect bats or their:

- roost habitats
- foraging habitats
- commuting habitats

A survey is needed if one or more of the following applies:

- distribution and historical records suggest bats may be present – you can search the National Biodiversity Network Atlas by species and location
- the development site includes buildings or other built structures, underground structures or trees that could provide roosting opportunities for bats
- the proposals include flood lighting of buildings, menages or green space close to habitats that bats tend to use

- the proposals are close to water bodies, quarries or natural cliff faces
- it is a wind farm proposal close to a site designated for bats or close to habitats that bats use for commuting and foraging
- there will be a loss of existing foraging habitats, such as fields, hedgerows, scrub or woodland e.g. for a major housing development
- there will be severance of commuting features, such as extensive hedgerow networks or woodland

The likelihood of bats roosting in buildings is increased if they meet the following criteria:

- has little or no disturbance from artificial lighting
- is close to woodland or water
- has uneven roof tiles and large roof timbers
- has cracks, crevices and small openings
- has a roof that warms in the sun with a large roof space for flying
- has hanging tiles or timber cladding on south-facing walls and has not been used for several years.

The above lists are not exhaustive and a professional ecologist should be contacted for advice on the type and number of surveys required, dependent on proposals.

Applicable application types:

	<b>Minor Applications</b> - Residential development of between one and nine dwellings, Development where the floorspace is less than 1,000 sq m, Development on sites less than one hectare and Gypsy and traveller sites – up to nine pitches.
	<b>Other Applications</b> - Changes of use, Applications for Advertisement Consent and Listed building consent.
	<b>Major Planning Application</b> - Development of 10 or more dwellinghouses or on a site area of 0.5ha or more and the number of dwellinghouses is unknown, Development involving floorspace of 1,000 sq m or more or Development on sites over 1 ha or more.
	<b>Large Scale Major Application</b> - More than 150 dwellings or >2ha site area.

#### POLICY DRIVER:

Bats: advice for making planning decisions note on the gov.uk website.

Wildlife and Countryside Act 1981.

Planning Practice Guidance on the Natural Environment

Policies SS1, SC3 and SC9 of the Local Plan for Bolsover District (2020).

### 3. Preliminary Ecological Appraisal (PEA) or Ecological Impact Assessment (EcIA)

A site survey by a suitably qualified ecologist is required for:

- Proposals affecting woodland, or field hedgerows and/or lines of trees with obvious connectivity to woodland or water bodies.
- Major proposals within 500m of a pond or Minor proposals within 250m of pond.
- Proposals affecting or within 30m of rivers, streams, canals, lakes, or other aquatic habitats.
- Proposals affecting 'derelict' land (brownfield sites), allotments and railway land.
- Development on previously undeveloped (Greenfield) land.
- Proposed development on, adjacent to or otherwise affecting internationally, nationally or locally designated biodiversity or geodiversity sites.
- Proposed development affecting any buildings, structures, feature or locations where protected, or priority species or habitats are known to be present.

The Preliminary Ecological Appraisal (PEA) report should identify the need for further surveys and, unless impacts are very low, it should be developed into an Ecological Impact Assessment (EcIA). Ecological information that will be required is as follows:

- the habitats on site (UKHabs),
- the suitability of the site for protected species and/or species of conservation concern or species listed in the Derbyshire Local Nature Recovery Strategy
- the results of all further species surveys as recommended by the PEA
- an assessment of the impact of the development details of measures needed to address impacts including avoidance, mitigation and compensation measures.

Applicable application types:

	<b>Minor Applications</b> - Residential development of between one and nine dwellings, Development where the floorspace is less than 1,000 sq m, Development on sites less than one hectare and Gypsy and traveller sites – up to nine pitches.
	<b>Other Applications</b> - Changes of use, Applications for Advertisement Consent and Listed building consent.
	<b>Major Planning Application</b> - Development of 10 or more dwellinghouses or on a site area of 0.5ha or more and the number of dwellinghouses is unknown, Development involving floorspace of 1,000 sq m or more or Development on sites over 1 ha or more.
	<b>Large Scale Major Application</b> - More than 150 dwellings or >2ha site area.

## POLICY DRIVER:

The local planning authority has a statutory duty to consider the conservation, protection and enhancement of biodiversity when determining a planning application. The presence of European Protected Species, UK Protected Species, internationally, nationally or locally designated sites and priority habitats and species on or adjacent to a development site are material considerations within the planning process.

The Conservation of Species and Habitats Regulations 2010 (as amended)

The Wildlife and Countryside Act 1981

The Protection of Badgers Act 1992

The Natural Environment and Rural Communities Act 2006

The Countryside and Rights of Way Act 2000

Planning Practice Guidance Natural Environment

Policies SS1, SC3 and SC9 of the Local Plan for Bolsover District Adopted Bolsover Local Plan (2020).

Environmental Act (2021)

## 4. A Site-Specific Flood Risk Assessment

A site-specific flood Risk Assessment will be required for all development proposed:

- in flood zones 2, 3 or 3b
- within flood zone 1 with a site area of 1 hectare or more
- in areas with critical drainage problems
- within flood zone 1 where the LPA's strategic flood risk assessment (SFRA) shows it will be at increased risk of flooding during its lifetime
- that increases the vulnerability classification and may be subject to sources of flooding other than rivers or sea

Applicable application types:

	<b>Householder Application</b> - Proposals to alter or enlarge a single house, including works within the garden of a house).
	<b>Minor Applications</b> - Residential development of between one and nine dwellings, Development where the floorspace is less than 1,000 sq m, Development on sites less than one hectare and Gypsy and traveller sites – up to nine pitches.
	<b>Other Applications</b> - Changes of use, Applications for Advertisement Consent and Listed building consent.
	<b>Major Planning Application</b> - Development of 10 or more dwellinghouses or on a site area of 0.5ha or more and the number of dwellinghouses is unknown, Development involving floorspace of 1,000 sq m or more or Development on sites over 1 ha or more.
	<b>Large Scale Major Application</b> - More than 150 dwellings or >2ha site area.

Where applicable, evidence that a proposal can pass the Sequential Test should be submitted as part of the Flood Risk Assessment.

The Sequential Test should compare the site you're proposing to develop with other available sites to find out which has the lowest flood risk.

If there are other available alternative sites at a lower probability of flooding that could accommodate the proposed development, then the Sequential Test will be failed and a Flood Risk Assessment would be irrelevant.

If the Sequential Test, shows that it is not possible to use an alternative site, an Exception Test is then required if the development's flood risk vulnerability classification is:

- 'Highly vulnerable' in flood zone 2
- 'Essential infrastructure' in flood zone 3a and 3b
- 'More vulnerable' in flood zone 3a

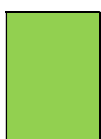
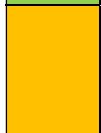
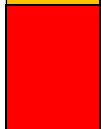
#### **POLICY DRIVER:**

This is advocated by the national planning policy and guidance and Policy SC7 of the Local Plan for Bolsover District (2020).

### **5. Sustainable Drainage Strategy**

A Sustainable Drainage Strategy will be required if the application is for major development with surface water drainage or development with surface water drainage in an area at risk of flooding such as flood zones 2 or 3, or at risk of surface water flooding.

Applicable application types:

	<b>Minor Applications</b> - Residential development of between one and nine dwellings, Development where the floorspace is less than 1,000 sq m, Development on sites less than one hectare and Gypsy and traveller sites – up to nine pitches.
	<b>Major Planning Application</b> - Development of 10 or more dwellinghouses or on a site area of 0.5ha or more and the number of dwellinghouses is unknown, Development involving floorspace of 1,000 sq m or more or Development on sites over 1 ha or more.
	<b>Large Scale Major Application</b> - More than 150 dwellings or >2ha site area.

#### **POLICY DRIVER:**

This is advocated by national planning policy, and guidance and Policy SC7 of the Local Plan for Bolsover District (2020).

### **6. Statement of Significance and Heritage Impact Assessment**

A Statement of Significance and Heritage Impact Assessment will be required for all development that affects a designated heritage asset.

The information should include a statement of the significance of the historic building/area, details of the proposed works (item by item) and how the proposed works will impact on the significance of the historic building/area.

As a minimum, applicants should check: the Local Development Plan; the main local and national records (including the relevant Historic Environment Record (HER); statutory and local lists; the National Monuments Record (NMR), the Heritage Gateway and other relevant sources of information that would contribute towards an understanding of the history of the place (building/site), and the value the asset holds for society.

Applicable application types:

	<b>Householder Application</b> - Proposals to alter or enlarge a single house, including works within the garden of a house).
	<b>Minor Applications</b> - Residential development of between one and nine dwellings, Development where the floorspace is less than 1,000 sq m, Development on sites less than one hectare and Gypsy and traveller sites – up to nine pitches.
	<b>Other Applications</b> - Changes of use, Applications for Advertisement Consent and Listed building consent.
	<b>Major Planning Application</b> - Development of 10 or more dwellinghouses or on a site area of 0.5ha or more and the number of dwellinghouses is unknown, Development involving floorspace of 1,000 sq m or more or Development on sites over 1 ha or more.
	<b>Large Scale Major Application</b> - More than 150 dwellings or >2ha site area.

#### POLICY DRIVER:

National planning policy and guidance states that Local Planning Authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting.

Policies SC16, 17, 18, 19 and 20, 21 of the Local Plan for Bolsover District (2020).

## 7. Archaeological Information

Archaeological heritage assets include below-ground remains, earthworks and sometimes built heritage. Many archaeological sites are known and mapped on the Derbyshire Historic Environment Record (HER). Other sites with no known archaeology may be judged to have 'archaeological potential' – this means that there is a strong likelihood that archaeological remains are present below ground – for example within the core of a historic medieval town, or adjacent to sites with known archaeological remains.

Within Bolsover District the historic centre of Bolsover itself is of particular archaeological importance with its planned medieval settlement associated with the 12th century Bolsover Castle and set within the 'Intrenchment' earthworks. The centres of other historic settlements such as Clowne also have known medieval archaeology, and the Magnesian Limestone gorges and plateau have important prehistoric cave and lithics sites – the most recognised of these being Creswell Crags.



When making a planning application you must provide sufficient information to establish the significance of any archaeological remains within your site.

Government planning guidance anticipates that only 3% of planning applications will need some form of archaeological assessment (Historic environment - GOV.UK para 041)

If your proposals will lead to significant archaeological impacts then the local planning authority may attach planning conditions requiring you to arrange an appropriate form of archaeological investigation and recording to satisfy national planning policy. Alternatively you may wish to avoid or minimise impacts by design. In very rare cases archaeological remains can be a reason for refusal, usually where harms to nationally important remains would arise.

We use a system of 'tiers' to rank sites in order of archaeological importance and to target those sites which need formal archaeological input within the planning process. You can use the following checklist to identify potential archaeological interest, and the check against the tables on the following pages to see whether you might to submit archaeological information. Be aware that larger sites may have archaeological potential even when no previous archaeological discoveries have been made on site (see tiers list).

The following checks and information sources can help to identify a known or potential archaeological interest.:

- Heritage designations: nationally designated sites (Scheduled Monuments, Listed Buildings, Registered Parks and Gardens) can be checked via the National Heritage List for England, where there is a map search option: Search the List - [Search the List - Find listed buildings, monuments, battlefields and more | Historic England](#)
- Bolsover District Council has an adopted Area of Archaeological Interest corresponding to the historic core of Bolsover town <https://committees.bolsover.gov.uk/documents/s5326/Appendix%20B-1%20-%20Policies%20Map%20Central%20Area.pdf> (brown boundary and stippling), where there is potential for archaeological remains of medieval date.
- Bolsover District Council also defines other historic settlement cores with potential for medieval archaeology in Barlborough, Blackwell, Clowne, Elmtun, Glapwell, Palterton, Scarcliffe, Shirebrook, South Normanton, Tibshelf and Whitwell. These can be found in the Council's Historic Environment Supplementary Planning Document (maps at p41 ff): <https://www.bolsover.gov.uk/component/edocman/12032-historic-environment-spd-2/download>
- Derbyshire Historic Environment Record (HER) maps both designated and undesignated heritage and archaeological sites across the county. These can be searched via the Derbyshire HER website, where a map search is available <https://her.derbyshire.gov.uk/>. Check whether you have HER records on or near your site, and if so check the description and date (period) for each HER record.
- Having done these checks if you are not sure whether archaeology might be an issue then please contact Derbyshire County Council's archaeology team Archaeology - [Archaeology and planning - Derbyshire County Council](#), who provide archaeological advice to Bolsover District Council.

### Which 'tier' is my site in?

We use a system of 'tiers' to rank sites in order of archaeological importance and to target those sites which need formal archaeological input within the planning process. Once you have run the checks above you should be able to confirm which tier your site is in using the following table:

#### Tier 1

Scheduled Monument on or immediately adjacent to the site.

#### Tier 2

- Derbyshire HER: known archaeology of medieval or earlier date on the site (excluding ridge and furrow earthworks and findspot records).
- Scheduled Monument <100m from the site boundary.
- Bolsover Town Area of Archaeological Interest, area of potential for medieval archaeology in Clowne.
- Includes or immediately adjacent to Grade I/Grade II\* Listed Building.
- In Grade I/Grade II\* Registered Park/Garden.

### Tier 3

- Derbyshire HER: known archaeology of post-medieval or later date, or medieval ridge and furrow earthworks on the site. Undesignated built heritage. Early findspot records (medieval or earlier).
- Area of potential for medieval archaeology in Barlborough, Blackwell, Elmtun, Glapwell, Palterton, Scarcliffe, Shirebrook, South Normanton, Tibshelf and Whitwell.
- Tier 2 archaeology <100m from the site boundary.
- Includes or immediately adjacent to Grade II Listed Building (pre-1700).
- In Grade II Registered Park/Garden.

### Tier 4

Previously undeveloped site (greenfield) with no known archaeological or heritage assets within or adjacent (Derbyshire HER), or with HER entries that are no longer extant (such as ploughed-out ridge and furrow).

### Tier 5

Previous development involving ground-level reduction (e.g. quarrying, landfill, opencast extraction) has removed all archaeological potential. Developed urban areas (particularly 20th century housing development) with no assets in higher tiers.

#### What archaeological information do I need to submit with my planning application?

Once you've worked out which tier your site is in, check the table below to see whether you need to submit archaeological information with your planning application. The types of report are explained below.

	Householder	Minor development <i>with new build or extended floor space &gt; 100m<sup>2</sup> (otherwise treat as householder)</i>	Major development	Large Major
<b>Tier 1</b>	Professional heritage impact assessment. May require evaluation trenching or test pitting where there is a new build element.	DBA and field evaluation.	DBA and field evaluation	DBA and field evaluation.
<b>Tier 2</b>		DBA. Some cases may require evaluation trenching	DBA and field evaluation	DBA and field evaluation
<b>Tier 3</b>			DBA  Built heritage appraisal for undesignated buildings	DBA and geophysics. Some cases may require evaluation trenching.
<b>Tier 4</b>				DBA/geophysics for very large majors over 5ha

<b>Tier 5</b>				
---------------	--	--	--	--

Archaeological potential varies on a case by case basis. The above table is intended as a best-fit guide but may not identify every site where an archaeological input is needed. If you need further advice on your planning application please contact Derbyshire County Council's archaeology team Archaeology - Derbyshire County Council who provide archaeological advice to Bolsover District Council.

### **Archaeological inputs: pre-determination**

Heritage reports should be prepared by suitably accredited and experienced heritage professionals (ClfA for archaeology and IHBC for historic buildings).

Heritage impact assessment or 'heritage statement': for smaller scale works (householder and similar scale) it is often not necessary to submit a formal archaeological survey to accompany a planning application, although if the application is on or adjacent to a designated heritage asset (Scheduled Monument, Listed Building etc) a brief and targeted professional archaeological assessment might be required.

Note that direct impacts to a Scheduled Monument with a few exceptions (class consents) require Scheduled Monument Consent. This is a separate consents regime administered via Historic England (Scheduled Monument Consent | Historic England).

Archaeological desk-based assessment (DBA): archaeological desk-based assessment is a formal assessment of archaeological potential, looking at all existing strands of evidence for the site and a buffer area around it, which usually includes Derbyshire Historic Environment Record, historic mapping, aerial and satellite photography, LiDAR, Portable Antiquities Scheme, palaeochannel mapping, cropmark plots, Portable Antiquities Scheme, archive sources (Derbyshire Record Office and other sources including trade directories), bibliographic search, and a walkover of the site with photography. This information is used to assess archaeological potential within the site. For sites with built heritage the DBA should include a built heritage appraisal with internal/external photography, interpretation and a statement of significance.

Archaeological field evaluation: field evaluation is the initial phase of on-site archaeological data-gathering for a site. Non-intrusive evaluation might involve geophysical techniques and/or fieldwalking for artefacts. Intrusive evaluation usually involves excavation of trial trenches to test the presence/absence, character and significance of archaeological remains on the site.

### **Archaeological inputs: post-consent**

The local planning authority may attach planning conditions requiring archaeological work to mitigate the impacts of a development, to satisfy national planning policy. In some cases – particularly for smaller scale developments – a condition may be attached post-consent instead of requiring archaeological work before determination.

Post-consent archaeological work can vary enormously in scope and cost, from a one person 'watching brief' (a single archaeologist monitoring groundworks), through built heritage recording, to larger schemes involving trial trenching, area strips and open area excavations. Post consent requirements will always be proportionate to the development impact.

Post-consent work is always defined by a Written Scheme of Investigation (WSI), a method statement for archaeological work which is produced by the archaeological contractor on behalf of the planning applicant, and submitted to the local planning authority for approval.

For further information and site-specific guidance please contact Derbyshire County Council's archaeology team Archaeology - <https://www.derbyshire.gov.uk/environment/conservation/archaeology/archaeology-and-planning.aspx>

Applicable application types:

	<b>Householder Application</b> - Proposals to alter or enlarge a single house, including works within the garden of a house).
	<b>Minor Applications</b> - Residential development of between one and nine dwellings, Development where the floorspace is less than 1,000 sq m, Development on sites less than one hectare and Gypsy and traveller sites – up to nine pitches.
	<b>Major Planning Application</b> - Development of 10 or more dwellinghouses or on a site area of 0.5ha or more and the number of dwellinghouses is unknown, Development involving floorspace of 1,000 sq m or more or Development on sites over 1 ha or more.
	<b>Large Scale Major Application</b> - More than 150 dwellings or >2ha site area.

#### POLICY DRIVER:

National planning policy and guidance and Policies SC18 and 19 of the Local Plan for Bolsover District (2020).

## 8. Structural Survey

A structural survey should be carried out by a competent building surveyor for all applications involving the change of use and conversion of buildings in the countryside and the demolition of listed structures or buildings in conservation areas.

Applicable application types:

	<b>Minor Applications</b> - Residential development of between one and nine dwellings, Development where the floorspace is less than 1,000 sq m, Development on sites less than one hectare and Gypsy and traveller sites – up to nine pitches.
	<b>Other Applications</b> - Changes of use, Applications for Advertisement Consent and Listed building consent.
	<b>Major Planning Application</b> - Development of 10 or more dwellinghouses or on a site area of 0.5ha or more and the number of dwellinghouses is unknown, Development involving floorspace of 1,000 sq m or more or Development on sites over 1 ha or more.
	<b>Large Scale Major Application</b> - More than 150 dwellings or >2ha site area.

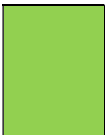
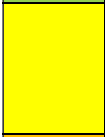
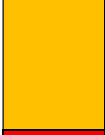
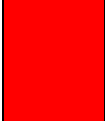
#### POLICY DRIVER:

Policies SC5, SC16, 17, and 21 of the Local Plan for Bolsover District (2020).

## 9. Land Contamination Assessment

Applications proposing built development on sites known or suspected to be contaminated (for example, which have been previously in use for industrial processes, or includes developing on made ground that has previously been developed) will need to be accompanied by a “Phase 1” Desk Top Study.

Applicable application types:

	<b>Minor Applications</b> - Residential development of between one and nine dwellings, Development where the floorspace is less than 1,000 sq m, Development on sites less than one hectare and Gypsy and traveller sites – up to nine pitches.
	<b>Other Applications</b> - Changes of use, Applications for Advertisement Consent and Listed building consent.
	<b>Major Planning Application</b> - Development of 10 or more dwellinghouses or on a site area of 0.5ha or more and the number of dwellinghouses is unknown, Development involving floorspace of 1,000 sq m or more or Development on sites over 1 ha or more.
	<b>Large Scale Major Application</b> - More than 150 dwellings or >2ha site area.

### POLICY DRIVER:

National planning policy and guidance and Policies SC2 and SC14 of the Local Plan for Bolsover District (2020).

## 10. Coal Mining Risk Assessment Report

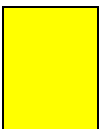
All applications for development that involves ground excavations (excluding householder applications) in “Coal Mining Development High Risk Areas”.

The Coal Mining Risk Assessment (CMRA) should follow the guidance and format of the advice in the Planning Practice Guidance Land Stability and should:

1. Contain site specific coal mining information (including past/present/future underground mining, shallow coal workings, mine entries (shafts or adits), mine gas, within an area which has a current license to extract coal, geographical features, any recorded surface hazards or within a former or present surface mining (old opencast) area);
2. Identify what risks these coal mining issues, including cumulative effects, pose to the proposed development, and;
3. Identify how coal mining issues have influenced the proposed development and whether any other mitigation measures are required to manage those issues and/or whether any changes have been incorporated into the development.

N.B: Any development that involves intrusive activities which intersect, disturb or enter any coal seams, coal mining workings or mine entries will require the prior written permission of the Mining Remediation Authority (previously known as the Coal Authority).

Applicable application types:

	<b>Other Applications</b> - Changes of use, Applications for Advertisement Consent and Listed building consent.
---	---

	<b>Major Planning Application</b> - Development of 10 or more dwellinghouses or on a site area of 0.5ha or more and the number of dwellinghouses is unknown, Development involving floorspace of 1,000 sq m or more or Development on sites over 1 ha or more.
	<b>Large Scale Major Application</b> - More than 150 dwellings or >2ha site area.

#### POLICY DRIVER:

National planning policy and guidance and Policies SS1, SC2 and SC14 of the Local Plan for Bolsover District (2020).

### 11. Ground Conditions and Land Stability Report

All development within Zones 1 – 2 and dwellings or buildings of a similar size in Zones 3 – 4 of the Landslide Hazard Survey Main Report by Eastwood and Partners (September 1998). The report can be found [here](#).

Applicable application types:

	<b>Householder Application</b> - Proposals to alter or enlarge a single house, including works within the garden of a house).
	<b>Minor Applications</b> - Residential development of between one and nine dwellings, Development where the floorspace is less than 1,000 sq m, Development on sites less than one hectare and Gypsy and traveller sites – up to nine pitches.
	<b>Major Planning Application</b> - Development of 10 or more dwellinghouses or on a site area of 0.5ha or more and the number of dwellinghouses is unknown, Development involving floorspace of 1,000 sq m or more or Development on sites over 1 ha or more.
	<b>Large Scale Major Application</b> - More than 150 dwellings or >2ha site area.

#### POLICY DRIVER:

National planning policy and guidance and Policy SC14 of the Local Plan for Bolsover District (2020).

### 12. Noise / Nuisance Impact Assessment

(To be carried out by suitably qualified acousticians). This should outline the existing noise environment, the potential noise sources from the development or the noise sources likely to affect the development, together with any mitigation measures.

Required for:

- Potentially noise generating developments (such as pubs, clubs, industrial units, children's homes) in the vicinity of existing noise sensitive developments (such as housing).
- Noise sensitive uses in the vicinity of existing noise generating uses (such as major roads and railways).
- Mixed use applications proposing both noise generating and noise sensitive

developments.

- Commercial applications including extractor or cooling units in the vicinity of noise sensitive development.

For applications involving the creation of children's homes outside of a C3 class use and/or that have more than 5 bedrooms will require a statement of purpose and management plan, which sets out how any noise nuisance will be minimised and how complaints will be processed and dealt with will need to be submitted alongside any assessment.

Applicable application types:

	<b>Minor Applications</b> - Residential development of between one and nine dwellings, Development where the floorspace is less than 1,000 sq m, Development on sites less than one hectare and Gypsy and traveller sites – up to nine pitches.
	<b>Other Applications</b> - Changes of use, Applications for Advertisement Consent and Listed building consent.
	<b>Major Planning Application</b> - Development of 10 or more dwellinghouses or on a site area of 0.5ha or more and the number of dwellinghouses is unknown, Development involving floorspace of 1,000 sq m or more or Development on sites over 1 ha or more.
	<b>Large Scale Major Application</b> - More than 150 dwellings or >2ha site area.

#### **POLICY DRIVER:**

National planning policy and guidance and Policies SC3 and SC11 of the Local Plan for Bolsover District (2020).

### **13. Affordable Housing and Developer Contributions Statement**

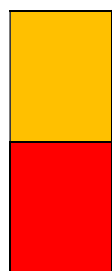
All applications for residential development of 10 units or more. The statement should include provision for contributions towards education, health, library, improvements to sports facilities on and off-site and any other infrastructure requirements arising from the development and the mechanisms for delivery.

In addition to the aforementioned requirements, all applications for residential development of 25 units or more will also be required to make provisions for the following:

- Affordable Housing (Local Plan Policy LC2)
- New Green Space & play provision (Local Plan Policy ITCR5).

Infrastructure requirements arising in relation to other forms of development should be considered in relation to the nature of the development and the requirements set out in Policy II1.

Applicable application types:



**Major Planning Application** - Development of 10 or more dwellinghouses or on a site area of 0.5ha or more and the number of dwellinghouses is unknown, Development involving floorspace of 1,000 sq m or more or Development on sites over 1 ha or more.

**Large Scale Major Application** - More than 150 dwellings or >2ha site area.

#### **POLICY DRIVER:**

National planning policy and guidance and Policies II1, ITCR5, ITCR7 and LC2 of the Local Plan for Bolsover District (2020).

### **14. Transport Assessment**

All applications that exceed the following adopted 6 C's Design Guidance Thresholds:

- Retail 800m<sup>2</sup>
- Offices and R&D > 1500m<sup>2</sup>
- Hotels > 75 Bedrooms
- Non-residential institutions > 500m<sup>2</sup>
- Financial & Professional Services > 1000m<sup>2</sup>
- General Industry > 2500m<sup>2</sup>
- Residential institutions > 30 Bedrooms
- Leisure > 500m<sup>2</sup>
- Cafes/Restaurants > 300m<sup>2</sup>
- Warehousing > 3000m<sup>2</sup>
- Dwellings > 50 dwellings
- Drinking establishments > 300m<sup>2</sup>
- Hot food takeaways > 250m<sup>2</sup>

The Transport Assessment should evaluate the potential transport impacts of a development proposal and should look to encourage sustainable travel; lessen traffic generation and its detrimental impacts, reduce carbon emissions and climate impacts, create accessible, connected, inclusive communities; improve health outcomes and quality of life; improve road safety; and reduce the need for new development to increase existing road capacity or provide new roads.



Applicable application types:

	<b>Minor Applications</b> - Residential development of between one and nine dwellings, Development where the floorspace is less than 1,000 sq m, Development on sites less than one hectare and Gypsy and traveller sites – up to nine pitches.
	<b>Other Applications</b> - Changes of use
	<b>Major Planning Application</b> - Development of 10 or more dwellinghouses or on a site area of 0.5ha or more and the number of dwellinghouses is unknown, Development involving floorspace of 1,000 sq m or more or Development on sites over 1 ha or more.
	<b>Large Scale Major Application</b> - More than 150 dwellings or >2ha site area.

#### POLICY DRIVER:

National planning policy and guidance, Manual for Streets and Policies SS1 and ITCR10 of the Local Plan for Bolsover District (2020).

### 15. Climate Change Statement

Required for all major development. The statement should set out the measures that the scheme will incorporate to help mitigate the effects of and adapt to climate change.

Applicable application types:

	<b>Major Planning Application</b> - Development of 10 or more dwellinghouses or on a site area of 0.5ha or more and the number of dwellinghouses is unknown, Development involving floorspace of 1,000 sq m or more or Development on sites over 1 ha or more.
	<b>Large Scale Major Application</b> - More than 150 dwellings or >2ha site area.

#### POLICY DRIVER:

National planning policy and Policies SS1 and SC2 of the Local Plan for Bolsover District (2020).

### 16. Self and Custom Build Housing Proforma

All developments comprising of one or more self and custom build dwellings shall be accompanied by the Self and Custom Build Housing Proforma Form which can be found [here](#) duly completed which confirms that the development will meet the legal definition of Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016 and Levelling Up and Regeneration Act 2023), namely:

“self-build and custom housebuilding” means the building or completion by-

- a) individuals,
- b) associations of individuals, or
- c) persons working with or for individuals or associations of individuals, of houses to be occupied as homes by those individuals.

(A2) But it does not include the building of a house on a plot acquired from a person who builds the house wholly or mainly to plans or specifications decided or offered by that person”

If the initial occupant will not have a primary input into the design and layout of the home prior to the submission of the planning application, an outline application is recommended.

Applicable application types:

	<b>Minor Applications</b> - Residential development of between one and nine dwellings, Development where the floorspace is less than 1,000 sq m, Development on sites less than one hectare and Gypsy and traveller sites – up to nine pitches.
	<b>Major Planning Application</b> - Development of 10 or more dwellinghouses or on a site area of 0.5ha or more and the number of dwellinghouses is unknown, Development involving floorspace of 1,000 sq m or more or Development on sites over 1 ha or more.
	<b>Large Scale Major Application</b> - More than 150 dwellings or >2ha site area.

#### POLICY DRIVER:

The Town and Country Planning (Development Management Procedure (Order) 2015 (as amended) in respect of Biodiversity Net Gain Plan requirements and national planning policy and guidance.

## 17. Masterplan and Design Statement

Required for all sites of 2ha or more or 150 dwellings or more. The Design Statement should assess the development against the criteria contained within the National Design Guide and shall have considered measures for designing out crime. Design Codes in line with the National Model Design Codes will be requested for all strategic site allocations in the development plan for the area.

Applicable application types:

	<b>Large Scale Major Application</b> - More than 150 dwellings or >2ha site area.
--	---

#### POLICY DRIVER:

National Planning Policy and Policy SC3 of the Local Plan for Bolsover District (2020).

## 18.Tree Survey/Arboricultural Impact Assessment

Required where application sites include or are located adjacent to trees protected by Tree Preservation Orders (TPOs) or within a conservation area. All surveys / assessments should be carried out by a competent professional in accordance with British Standard BS5837:2012 and should include (where applicable):

- A survey of all trees which are likely to be impacted upon by the proposed development, with details and categorisation results provided in `an appropriate schedule (a per BS5837:2012 sections 4.4 - 4.6)
- Trees clearly identified as either retained or removed (including trees on land adjacent to the site with canopies or RPAs which encroach onto the site).
- Clear specifications for all proposed management works to retained trees.
- A realistic assessment of the probable impacts between the trees and development (as per BS5837:2012 section 5.3.4)
- Root protection areas (RPA) and construction exclusion zones.
- Exclusion zone protective barriers (giving precise locations and specification).
- The position of all new underground services in relation to RPAs.
- Detailed specification and installation method statement for any proposed new structure, hardstanding, underground service or works access into RPAs.
- Method statements for all other construction operations which impact on trees.
- Positions and specification (following BS8545:2014 'Trees: from nursery to independence in the landscape - Recommendations' as appropriate) for all new tree planting.
- Reinstatement and ground preparation for new tree planting and areas of soft landscaping.

### Applicable Application Types:

	<b>Householder Application</b> - Proposals to alter or enlarge a single house, including works within the garden of a house).
	<b>Minor Applications</b> - Residential development of between one and nine dwellings, Development where the floorspace is less than 1,000 sq m, Development on sites less than one hectare and Gypsy and traveller sites – up to nine pitches.
	<b>Other Applications</b> - Changes of use, Applications for Advertisement Consent and Listed building consent.
	<b>Major Planning Application</b> - Development of 10 or more dwellinghouses or on a site area of 0.5ha or more and the number of dwellinghouses is unknown, Development involving floorspace of 1,000 sq m or more or Development on sites over 1 ha or more.
	<b>Large Scale Major Application</b> - More than 150 dwellings or >2ha site area.

### POLICY DRIVER:

National Planning policy – Conserving and enhancing the natural environment and Policies SS1, SC3 and SC10 of the Local Plan for Bolsover District (2020).

## 19. Playing Field Impact Assessment

All applications that involve the loss of, or development likely to prejudice a playing field(s) including school 'playing fields' shall be accompanied by the following information:

- A plan showing the development in relation to the affected playing field;
- A statement setting out how the development will impact on an existing playing field and any mitigation required so as to not prejudice its ongoing use; and,
- A ball strike assessment where development would be located adjacent to a sports field/facility.

Developments involving the loss of a playing field and/or a sports facility should be accompanied by the following information:

- Details of the field/facility to be lost in terms of dimensions, condition, and size;
- Justification as to why the facility is no longer required;
- If the application involves the provision of alternative facilities to compensate for this loss a statement setting out how the development will be of benefits to sports.

Application Types:

	<b>Minor Applications</b> - Residential development of between one and nine dwellings, Development where the floorspace is less than 1,000 sq m, Development on sites less than one hectare and Gypsy and traveller sites – up to nine pitches.
	<b>Other Applications</b> - Changes of use
	<b>Major Planning Application</b> - Development of 10 or more dwellinghouses or on a site area of 0.5ha or more and the number of dwellinghouses is unknown, Development involving floorspace of 1,000 sq m or more or Development on sites over 1 ha or more.
	<b>Large Scale Major Application</b> - More than 150 dwellings or >2ha site area.

### POLICY DRIVER:

National planning policy – Promoting Healthy and Safe Communities and Policies ITCR5, ITCR7, and ITCR8 of the Local Plan for Bolsover District (2020).

## 20. Sequential Test and Retail or Leisure Impact Assessment

Applications for retail and leisure development in edge-of-centre or out-of-centre locations which include:

- a) Over 200m<sup>2</sup> of net retail or leisure floorspace within 500m of local centres
- b) Over 280m<sup>2</sup> of net retail or leisure floorspace within 500 metres of the town centre boundaries, and
- c) Over 500m<sup>2</sup> of net retail and leisure floorspace across the remainder of the district.

The assessment should be prepared in accordance with national guidance and look at the availability of sites within the main town centres and other centres identified within the local plan. Only then should edge of centre and out of centre sites be considered. Details of the availability of other sites closer to a centre will be required together with reasons these sites were discounted. Evidence should be provided to show that there are no sequentially preferable sites.

Applicable application types:

	<b>Minor Applications</b> - Residential development of between one and nine dwellings, Development where the floorspace is less than 1,000 sq m, Development on sites less than one hectare and Gypsy and traveller sites – up to nine pitches.
	<b>Other Applications</b> - Changes of use
	<b>Major Planning Application</b> - Development of 10 or more dwellinghouses or on a site area of 0.5ha or more and the number of dwellinghouses is unknown, Development involving floorspace of 1,000 sq m or more or Development on sites over 1 ha or more.
	<b>Large Scale Major Application</b> - More than 150 dwellings or >2ha site area.

#### **POLICY DRIVER:**

National planning policy and guidance and Policy WC5 of the Local Plan for Bolsover District (2020).

Please note that the above local list is not exhaustive and does not include certain application types (including high hedge complaints, prior notification applications, applications or notice to carry out works to trees and hedgerow removal applications) or the information requirements for development covered under The Town & Country Planning (Environmental Impact Assessment) Regulations, which may need to be accompanied by an Environmental Statement. The need for and scope of any Environmental Statement should be established at the screening and scoping stages of the EIA regime.

The Council will continue to be able to request further information during the determination process and the application could still be refused on the grounds of inadequate information even if it meets these validation criteria.

## Meeting the Information Requirements and Appeals

All applications for planning permission must include National validation information requirements (Part 1) as well as the relevant local information requirements (Part 2).

<https://www.gov.uk/guidance/making-an-application>

If your application does not contain the required information as set out in these requirements it will not be registered as a valid application. You will be informed in writing of the requirements necessary to validate it. No further action will be taken until the necessary information is received. If you do not provide the information (or agree a date for its submission with the Council) within 56 days of being told that your application is invalid it will be returned to you. A reminder for the information requested will be sent after 28 days.

Pre-application discussions can be a useful way for an applicant and local planning authority to agree what information is required before an application is submitted. This can help avoid disputes over the information necessary to validate an application and reduce associated delays.

There is a procedure in the Development Management Procedure Order to resolve such disputes. An applicant must first send the local planning authority a notice under article 12 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (an 'article 12 notice'). This must set out the reasons why the applicant considers that the information requested by the local planning authority, in refusing to validate the planning application, does not meet the statutory tests.

When the local planning authority receives an article 12 notice, it will consider the merits of the applicant's case as to why the information requested does not meet the statutory tests. The local planning authority will then either issue a 'validation notice', stating that it no longer requires the information specified in the article 12 notice, or a 'non-validation notice' stating that it still requires the applicant to provide the information requested.

A local planning authority must respond to an article 12 notice within the statutory time period for determining the application in question. Depending on the type of application, this would be 8, 13 or 16 weeks after the day the application is received, or an extended period agreed in writing between the applicant and local planning authority. Where possible, local planning authorities are encouraged to respond to such notices as soon as possible to facilitate further negotiations between the parties. If the statutory time period has already passed or will pass in 7 working days or less, the local planning authority must respond to the article 12 notice within 7 working days.

If the local planning authority fails to respond to an article 12 notice or determine the application within the relevant time periods, the applicant has a right of appeal to the Planning Inspectorate against non-determination.

**Appendix 1 - Possible information requirements based on application type – national and local (subject to meeting the specified criteria)**

Application Type	Possible Information Requirement
<i>Householder Application</i>	<ul style="list-style-type: none"> <li>• Application Form</li> <li>• Ownership Certificate</li> <li>• Location Plan</li> <li>• Fee</li> <li>• Scale Drawings and Information Necessary to Describe the Development</li> <li>• A Site-Specific Flood Risk Assessment</li> <li>• Statement of Significance and Heritage Impact</li> <li>• Archaeological Information (Tier 1)</li> <li>• Ground Conditions and Stability Report</li> <li>• Tree Survey/Arboricultural Impact Assessment</li> </ul>
<i>Minor Applications</i>	<ul style="list-style-type: none"> <li>• Application Form</li> <li>• Ownership Certificate</li> <li>• Location Plan</li> <li>• Fee</li> <li>• Scale Drawings and Information Necessary to Describe the Development</li> <li>• Design and Access Statement</li> <li>• Access Point for Outline Applications</li> <li>• Biodiversity Net Gain Information</li> <li>• Indicative Post Development Biodiversity Gain Plan</li> <li>• Bat Survey and Assessment</li> <li>• Preliminary Ecological Appraisal (PEA) or Ecological Impact Assessment (EcIA)</li> <li>• A Site-Specific Flood Risk Assessment</li> <li>• Sustainable Drainage Strategy</li> <li>• Statement of Significance and Heritage Impact</li> <li>• Archaeological Information (Tiers 1 and 2)</li> <li>• Structural Survey</li> <li>• Land Contamination Survey</li> <li>• Coal Mining Risk Assessment Report</li> <li>• Ground Conditions and Stability Report</li> <li>• Noise / Nuisance Impact Assessment</li> <li>• Transport Assessment</li> <li>• Self and Custom Build Housing Proforma</li> <li>• Tree Survey/Arboricultural Impact Assessment</li> <li>• Playing Field Impact Assessment</li> <li>• Sequential Test and Retail or Leisure Impact Assessment</li> </ul>
<i>Other Applications</i>	<ul style="list-style-type: none"> <li>• Application Form</li> <li>• Ownership Certificate</li> <li>• Location Plan</li> <li>• Fee</li> </ul>

	<ul style="list-style-type: none"> <li>• Scale Drawings and Information Necessary to Describe the Development</li> <li>• Design and Access Statement</li> <li>• Biodiversity Net Gain Information</li> <li>• Indicative Post Development Biodiversity Gain Plan</li> <li>• Bat Survey and Assessment</li> <li>• Preliminary Ecological Appraisal (PEA) or Ecological Impact Assessment (EclA)</li> <li>• A Site-Specific Flood Risk Assessment</li> <li>• Statement of Significance and Heritage Impact</li> <li>• Structural Survey</li> <li>• Land Contamination Survey</li> <li>• Noise / Nuisance Impact Assessment</li> <li>• Transport Assessment</li> <li>• Tree Survey/Arboricultural Impact Assessment</li> <li>• Playing Field Impact Assessment</li> <li>• Sequential Test and Retail or Leisure Impact Assessment</li> </ul>
<i>Major Application</i>	<ul style="list-style-type: none"> <li>• Application Form</li> <li>• Ownership Certificate</li> <li>• Location Plan</li> <li>• Fee</li> <li>• Scale Drawings and Information Necessary to Describe the Development</li> <li>• Design and Access Statement</li> <li>• Access Point for Outline Applications</li> <li>• Biodiversity Net Gain Information</li> <li>• Fire Statement</li> <li>• Indicative Post Development Biodiversity Gain Plan</li> <li>• Bat Survey and Assessment</li> <li>• Preliminary Ecological Appraisal (PEA) or Ecological Impact Assessment (EclA)</li> <li>• A Site-Specific Flood Risk Assessment</li> <li>• Sustainable Drainage Strategy</li> <li>• Statement of Significance and Heritage Impact</li> <li>• Archaeological Information (Tiers 1, 2 and 3)</li> <li>• Structural Survey</li> <li>• Land Contamination Survey</li> <li>• Coal Mining Risk Assessment Report</li> <li>• Ground Conditions and Stability Report</li> <li>• Noise / Nuisance Impact Assessment</li> <li>• Affordable Housing and Developer Contributions Statement</li> <li>• Transport Assessment</li> <li>• Climate Change Statement</li> <li>• Self and Custom Build Housing Proforma</li> <li>• Tree Survey/Arboricultural Impact Assessment</li> <li>• Playing Field Impact Assessment</li> </ul>



	<ul style="list-style-type: none"> <li>• Sequential Test and Retail or Leisure Impact Assessment</li> </ul>
<p><i>Large Scale Major Application (More than 150 dwellings or &gt;2ha site area.)</i></p>	<ul style="list-style-type: none"> <li>• Application Form</li> <li>• Ownership Certificate</li> <li>• Location Plan</li> <li>• Fee</li> <li>• Scale Drawings and Information Necessary to Describe the Development</li> <li>• Design and Access Statement</li> <li>• Access Point for Outline Applications</li> <li>• Biodiversity Net Gain Information</li> <li>• Fire Statement</li> <li>• Indicative Post Development Biodiversity Gain Plan</li> <li>• Bat Survey and Assessment</li> <li>• Preliminary Ecological Appraisal (PEA) or Ecological Impact Assessment (EclA)</li> <li>• A Site-Specific Flood Risk Assessment</li> <li>• Sustainable Drainage Strategy</li> <li>• Statement of Significance and Heritage Impact</li> <li>• Archaeological Information (Tiers 1, 2, 3 and 4)</li> <li>• Structural Survey</li> <li>• Land Contamination Survey</li> <li>• Coal Mining Risk Assessment Report</li> <li>• Ground Conditions and Stability Report</li> <li>• Noise / Nuisance Impact Assessment</li> <li>• Affordable Housing and Developer Contributions Statement</li> <li>• Transport Assessment</li> <li>• Climate Change Statement</li> <li>• Self and Custom Build Housing Proforma</li> <li>• Masterplan and Design Statement</li> <li>• Tree Survey/Arboricultural Impact Assessment</li> <li>• Playing Field Impact Assessment</li> <li>• Sequential Test and Retail or Leisure Impact Assessment</li> </ul>

## Equality Impact Assessment Form

### Responsibility and Ownership

Name of policy, practice, service or function: Local Validation Checklist (Local List) – Planning Applications

Responsible department: Development Management

Service area: Planning Services

Lead Officer: Chris Whitmore, Development Management and Land Charges Manager

Date of assessment:

### Other members of assessment team

Name	Position	Area of expertise
None.		

### Assessment Background

#### Scope

1	What are the main aims/objectives or purpose of the policy, strategy, practice, service or function?	<p>The Local Validation Checklist sets the local information requirements for the validation and registration of planning applications. These checklists ensure that the Council's Development Management section has the right level of information submitted with planning applications at the start of the process to determine them in a timely manner and to reduce the likelihood of planning applications being refused on lack of information grounds.</p> <p>The document helps to achieve the corporate plan objective of delivering excellent services.</p>
---	--	--

2	<b>Are there any external factors we need to consider such as new legislation or legislation changes?</b>	The National Planning Policy Framework (NPPF) advises that LPAs should publish a local list of their information requirements and keep them updated at least every 2 years. The statutory tests for local lists are set out in section 62 (4A) of the Town and Country Planning Act 1990 (inserted by the Growth and Infrastructure Act) and article 11(3)(c) of the Town and Country Planning (Development Management Procedure) (England) (Order) 2015.
3	<b>Who is responsible for implementing the policy, strategy, practice, service or function?</b>	The Development Management team.
4	<b>Who is affected by the policy, strategy, practice, service or function? E.g. businesses, customers, voluntary sector?</b>	The primary group that these changes affect, are those engaged in the planning system; specifically, applicants submitting proposals for development but more widely, those individuals and communities affected by development. Therefore, the extensive nature of this group inevitably includes people with protected characteristics. The validation checklist requires specific information to be submitted by applicants in order that officers may fully understand proposals and their impacts. Therefore, the validation checklist itself is unlikely to have a direct impact on those with protected characteristics and is directly related to ensuring that adopted policies, already subject to EqlA, are able to be complied with successfully.
5	<b>What outcomes are we looking to achieve, why and for whom?</b>	<p>Ensuring that planning applications are supported by enough information is crucial to ensure effective service delivery. It also provides certainty for applicants, the Local Planning Authority, consultees and other interested parties and speeds up the decision-making process.</p> <p>Local validation checklists for planning applications are aimed at improving the quality of planning submissions, the Council's ability to successfully understand the impacts of development and</p>

		<p>therefore officer's ability to determine whether proposals are acceptable or not. The provision of full information related to a range of policy matters helps the council determine whether harmful impacts could arise and whether those harmful impacts may affect individuals with protected characteristics. For example, the submission of a design statement can assist the Council to understand if and how a new space has been designed to be inclusive. The approach will help secure better and fuller information to enable the council to avoid:</p> <ul style="list-style-type: none"> <li>• unlawful discrimination, harassment, and victimisation</li> <li>• undermining equality of opportunity between people who share a protected characteristic and those who do not</li> <li>• undermining good relations between people who share a protected characteristic and those who do not</li> </ul>
6	<b>What existing information do you have on the impact of the policy, strategy, practice, service or function? E.g. consultation or satisfaction results?</b>	Most local planning authorities have a local list of validation requirements.
7	<b>How is existing information about the policy, practice, service or function publicised?</b>	<p>6-week consultation period (10/01/2025 – 21/02/2025) Targeted correspondence was sent to the 111 planning agents who either regularly submit planning applications to the District Council or who have expressed an interest in being notified of new policy documents within its planning area. Consultees on planning applications, staff within the planning team at Bolsover District Council, elected ward members and parish / town councils were also notified of the consultation and directed to the consultation draft of the Local Validation Checklist. A copy of the document was also made available for review and comment at the customer contact centres within the district and local libraries and a dedicated webpage created to advertise the consultation exercise.</p> <p>Dedicated page to be created on the planning pages of the Council's website following adoption.</p>

## Identifying Potential Equality Impacts

Consider any impacts on each of the protected characteristics set out below. Be mindful that some impacts may affect more than one characteristic e.g. disability/age. Indicate where the policy, practice, service or function could have a positive/negative impact for different groups and your reasons. Specify which data sources have informed your assessment. **The Council has an Equality Plan which provides a profile for the district which may be helpful.**

### Race

8	Identify any impacts of the policy or procedure on people who may be affected because of their race/ethnicity		
137	White	English / Welsh / Scottish / Northern Irish / British / Irish / Any other White background	<b>None anticipated</b> the Council has access to telephone interpretation and translation services where necessary.
	Asian/Asian British	Indian	There may be a potential language barrier if English is not the first language, however an interpreter can be commissioned. The document can be printed in a different language when requested; also the Council's website has the Google translate function.
		Pakistani	
		Bangladeshi	
		Chinese	
		Any other Asian background	
	Black	African	There may be a potential language barrier if English is not the first language, however an interpreter can be commissioned. The document can be printed in a different language when requested; also the Council's website has the Google translate function.
		Caribbean	
		Any other Black / African / Caribbean / Black British background	
	Any other ethnicity	Arab	There may be a potential language barrier if English is not the first language, however an interpreter can be commissioned. The document can be printed in a different language when requested; also the Council's website has the Google translate function.
		Any other ethnic group	

## Sex/Gender

9	Identify any impacts of the policy, practice, service/function on people who may be affected because of their gender	
	Female	None anticipated.
	Male	None anticipated.
	Transgender	None anticipated.

138

## Age

10	Identify any impacts of the policy, practice, service/function on people who may be affected because of their age	
	0-18 years	None anticipated.
	19-64 years	None anticipated.
	65 years and over	None anticipated.

## Disability

11	<b>Identify any impacts of the policy, practice, service/function on people who may be affected because of their disability/long-term ill health</b>	
	Physical/mobility impairment	None anticipated.
	Sensory: hearing/visual or speech	No anticipated negative impacts. This could be an issue but alternative formats of the document can be made available if necessary. British Sign Language (BSL) interpreters can be accessed where required.
	Mental health	None anticipated.
	Learning disabilities	No anticipated negative impacts. This may be an issue if the document cannot be read or understood in this current format but alternative formats could be provided.
139	Non-visible conditions, e.g. epilepsy/diabetes	None anticipated.

## Religion or Belief

12	<b>Identify any impacts of the policy, practice, service or function on people who may be affected because of their religion or belief, including non-belief</b>	
	None anticipated.	

## Sexual Orientation

13	<b>Identify any impacts of the policy, practice, service or function on people who may be affected because of their sexual orientation</b>	
	Heterosexual	None anticipated.
	Lesbian	None anticipated.
	Gay	None anticipated.

13	<b>Identify any impacts of the policy, practice, service or function on people who may be affected because of their sexual orientation</b>	
	Bisexual	None anticipated.

#### Other categories

14	<b>Identify any impacts of the policy, practice, service or function on people who may be affected because of other factors</b>	
	Rural / urban	None anticipated.
	Carers	None anticipated
	Travellers	None anticipated.
	Other	None anticipated.

#### Document the assessment evidence (where information is held)

Data or information	When and how was it collected?	Where is it from?	What does it tell you?	Gaps in information / Comments
Customer feedback and complaints	N/A			
Consultation and community involvement	The document has been subject to consultation between 10 <sup>th</sup> January and 21 <sup>st</sup> February 2025 was undertaken. Targeted correspondence was sent to the 111 planning agents who either regularly submit		No objections received to the introduction of the document.  Good engagement from consultees to introduce information requirements to help them make	



Data or information	When and how was it collected?	Where is it from?	What does it tell you?	Gaps in information / Comments
	<p>planning applications to the District Council or who have expressed an interest in being notified of new policy documents within its planning area. Consultees on planning applications, staff within the planning team at Bolsover District Council, elected ward members and parish / town councils were also notified of the consultation and directed to the consultation draft of the Local Validation Checklist. A copy of the document was also made available for review and comment at the Customer Contact Centres within the district and local libraries and a dedicated webpage created to advertise the consultation exercise.</p>		informed comments on a development proposal.	

Data or information	When and how was it collected?	Where is it from?	What does it tell you?	Gaps in information / Comments
Performance information	Average time taken to process a planning application based on the different application types.	Uniform data based.	Provides a benchmark to assess the success of the new document.	
Take up and usage data	n/a			
Comparative information or data where no local information available (benchmarking)	n/a – development constraints vary district/borough to district/borough			
Census, regional or national statistics	n/a			
Access audits or other disability assessments	n/a			
Workforce profile	n/a			
Where service delivered under procurement arrangements	n/a			

## Findings: Are any groups affected? If so, how?

Key points	Any groups affected?	Positive Impact/Negative Impact/No impact/Negative impact mitigated?
The document will provide clarity on the information needed to accompany planning applications to ensure that all issues to be assessed (as dictated by local and national policy) can be properly understood and addressed. This will directly impact on consultees, those that are affected by development proposals and applications / agents who submit applications to the District Council in terms of providing certainty on the level of information that is required, thereby increasing the likelihood of a successful application and the speed of decision making.	All groups	Positive

## Recommendations and Decisions

### Action by:

Amending the policy, strategy, practice, service or function	n/a
Find alternative means for achieving objectives	n/a
Develop equality objectives and targets for inclusion in the service plan	n/a
Initiate further research	n/a

Undertaking actions identified in the EIA	n/a
Any other method (please state)	n/a

### Equality Impact Assessment Improvement Plan Summary

Please list all actions, recommendations and/or decisions you plan to take as a result of the equality impact assessment:

Action Required	Responsible Officer	Target Date	Resources	Progress	Actual Outcome
None.					

Please send your completed assessment form to Kellie Bradford email: [kellie.bradford@bolsover.gov.uk](mailto:kellie.bradford@bolsover.gov.uk)

### Approval Process

Job role	Date	Comments
Improvement Officer Comments		
Information, Engagement & Performance Manager Comments (EIA Reviewer)		
Senior Manager (EIA Sign-off) Job title:		



## Proforma for schemes to determine whether self/custom-build

You must complete this form if your proposed development is self-build or custom housebuilding.

In simple terms, this form of housebuilding can be described as a process where “a home is built to the plans or specifications decided by the occupant”. When considering whether a home is a self-build or custom build home, the Council must be satisfied that the initial owner of the home will have primary input into its final design and layout.

For self-build or custom housebuilding, the Council will require a condition on your planning permission and/or the entry into a legal agreement to secure the development for self-build or custom housebuilding

Please ensure that you answer all the questions providing as much detail as possible to facilitate the determination process. Please ensure that all the information you submit is accurate and correct and does not include personal or sensitive information.

If you require any further clarification, please contact Bolsover District Council on either **01246 242424** or email: [dev.control@bolsover.gov.uk](mailto:dev.control@bolsover.gov.uk)

Please note that copies of this form will be made available to the public and cannot be treated as confidential, however, all personal data will be processed and held in accordance with the **Data Protection Act 2018**.

Planning Application Number (*for official use*):

---

### Section 1: Personal Information and Scheme Details

1. Name of person filling out form?
2. Email Address:
3. Contact details
Mobile:

Telephone:
Email:
4. Are you the landowner, agent, or developer?
5. Scheme Address:
6. Will the dwelling(s) be the above occupants' sole or main residence?
7. Name of occupant(s) of the dwelling(s):
8. Summary of the scheme proposal, including number of dwellings and site area in hectares (ha):

## Section 2: How does your scheme meet the definition of self/custom build?

The [Self-build and Custom Housebuilding Act 2015](#) (as amended) defines self-build and custom housebuilding as follows:

(A1) In this Act “self-build and custom housebuilding” means the building or completion by –

- (a) Individuals,
- (b) Associations of individuals, or
- (c) Persons working with or for individuals or associations of individuals, of houses to be occupied as homes by those individuals.

(A2) But it does not include the building of a house on a plot acquired from a person who builds the house wholly or mainly to plans or specifications decided or offered by that person.

It goes on to state:

In this section –

- “home”, in relation to an individual, means the individual’s sole or main residence.

The [NPPF](#) includes this definition:

Self-build and custom-build housing: Housing built by an individual, a group of individuals, or persons working with or for them, to be occupied by that individual. Such housing can be either market or affordable housing. A legal definition, for the purpose of applying the Self-build and Custom Housebuilding Act 2015 (as amended), is contained in section 1 (A1) and (A2) of that Act.

The Right to Build Task Force states:

Self-build typically involves the construction of single (usually detached) homes, including conversion projects and extensive renovations (usually demolition or rebuild). Where individuals work as a group or association, it can also include the construction of higher density homes in the form of terraced housing or apartments if those homes are commissioned or built by those individuals.

Custom build involves the construction of homes, of all types and sizes, on serviced multiplot sites. With custom build, an enabling developer, which can be a local authority, community group, housing association or commercial developer, works with individuals or groups to specify the details of appearance and internal layouts of their homes. This may involve an element of DIY build or self-finish or can be full construction and finish of the home as specified by the home buyer.

### Biodiversity Net Gain exemptions for self-build and custom housebuilding

With regards to advice on Biodiversity Net Gain exemptions for self and custom build homes on small sites the [Right to Build Task Force](#) states:

Based on the wording of the Act it can be said that

- second homes and holiday homes do not qualify
- caravans and pitches do not qualify
- extensions and refurbishments do not qualify (not building a new home)
- and homes designed to be sold off plan do not qualify.

9. What type of self/custom build is proposed?

Please mark any relevant boxes in the table below:

a) Self-build – a plot of land for the initial occupant to design their own home. The initial occupant will be in control of how their home is designed and constructed and can undertake some, all or none of the construction work themselves.	
b) Custom-build – The initial occupant will choose their house design from customisable house designs offered by a developer (this does not include choices limited to colours/materials/fittings). The initial occupant will usually not undertake any of the construction work themselves.	
c) Group custom and self-build – The initial occupant will join an intentional community to collectively design and deliver, or commission professionals to design and deliver, housing in which they will live. This can involve an element of communal living, such as for example a communal building within the housing development and/or communal amenity space shared by all residents.	
d) Self-finish/shell homes – The home is built as a watertight shell by a developer, the internal layout of which is then designed and finished by the initial occupant.	
e) None of these – please provide more details below	

10. How do you intend to deliver the home(s) as self/custom build housing?

*Example responses:*

- *I am going to build the home myself and live in it.*
- *I'm going to service the plots and sell them with outline planning permission.*

11. Will you/the initial owner(s) of the home have primary input into the final design and layout?

Yes - please provide more details as to how this will be done

No



12. How many self/custom build houses are proposed?

--

13. Does the proposal description of development on your planning application form refer to self/custom housebuilding and do you specify the number of self/custom build homes in the 'residential/dwelling units' section of your planning application form?

<p>The description of development refers to custom and self-build housing    Yes / No</p> <p>If your response is 'No' please explain why it does not meet the description of development or the numbers in 'residential units'.</p>
---

14. As you have filled out this form saying that your scheme is self-build, we may need to amend the description of the planning application relevant to this Statement to specify that it is for self/custom build.

Please tick this box to acknowledge this.	
---	--

15. If affordable custom and self-build housing is proposed please set out how the custom and self-build housing will be brought forward. (Affordable Housing is defined in the NPPF 2023, Glossary).

--

16. Would you be willing to accept a condition on your planning permission and/or enter into a legal agreement to secure the development for self/custom housebuilding?

Yes

No – please explain why

---

As you have filled out this form expressing that your scheme is a self-build, we will need to amend the description of the planning application relevant to this proforma to state that it is for a self/custom-build.

Please tick this box to acknowledge this:

☐

**N.B** If Bolsover District Council do not consider the scheme meets the definition of the self/custom-build, including the first occupation of the property by a person or persons who had a primary input into the design and layout of the unit and who intends to live in the it for at least 3 years, the requirement to provide the mandatory 10% biodiversity net gain will apply.

---

### Section 3: Signature and Date

Signed (please note this will be redacted when uploaded to the website):

Date:

**BOLSOVER DISTRICT COUNCIL**

**MEETING OF THE PLANNING COMMITTEE ON 16<sup>TH</sup> APRIL 2025**

**CONSULTATION ON THE PROPOSED IMPLEMENTATION OF A PRE-APPLICATION (PLANNING) ADVICE CHARGING SCHEDULE / SERVICE**

**REPORT OF THE ASSISTANT DIRECTOR: PLANNING & PLANNING POLICY**

<b>Classification</b>	This report is Public
<b>Contact Officer</b>	Sarah Kay Assistant Director of Planning & Planning Policy

**PURPOSE/SUMMARY OF REPORT**

To seek approval from Planning Committee to prepare a final draft and undertake a 4 week public consultation exercise on the proposed introduction of a Pre-Application (Planning) Charging Schedule / Service.

The outcome of the consultation exercise is to be reported back to Planning Committee, alongside the associated Equality Impact Assessment, and final adoption draft of the document to enable Planning Committee to make a final recommendation to Council whether to introduce a charging schedule for pre-application (planning) advice.

---

**REPORT DETAILS**

**1. Background**

- 1.1 The development industry widely accept that a charge to access to pre-application (planning) advice is necessary, and many rely on access to professional officer advice to inform and support their planning application submissions. Currently all users of this service at Bolsover access it for free.
- 1.2 The National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG) actively encourage pre-application (planning) engagement.

*Pre-application engagement by prospective applicants offers significant potential to improve both the efficiency and effectiveness of the planning application system and improve the quality of planning applications and their likelihood of success. This can be achieved by:*

- *providing an understanding of the relevant planning policies and other material considerations associated with a proposed development*
- *working collaboratively and openly with interested parties at an early stage to identify, understand and seek to resolve issues associated with a proposed*

*development, including, where relevant, the need to deliver improvements in infrastructure and affordable housing*

- *discussing the possible mitigation of the impact of a proposed development, including any planning conditions*
- *identifying the information required to accompany a formal planning application, thus reducing the likelihood of delays at the validation stage. The information requested must be reasonable (more information can be found in [Making an application](#)).*
- *putting in place a Planning Performance Agreement where this would help with managing the process and agreeing any dedicated resources for progressing the application*

*The approach to pre-application engagement needs to be tailored to the nature of the proposed development and the issues to be addressed.*

PPG - Paragraph: 001 Reference ID: 20-001-20190315

<https://www.gov.uk/guidance/before-submitting-an-application>

- 1.3 The provision of pre-application (planning) advice contributes to officer workload across the Planning Service, which is under pressure from rising costs associated with the administration of the whole Planning Service (inc. planning application publication, consultation, officer time, and access to professional expertise such as ecology, urban design, and conservation).
- 1.4 Section 93 of the Local Government Act 2003 gives authorities the power to charge for discretionary services, including the provision of pre-application (planning) advice, subject to the income from the charge levied not exceeding the cost of the service provision.

## **2. Details of Proposal or Information**

- 2.1 Based on current market conditions and market insight it is proposed that a discretionary charge is introduced by Bolsover District Council for the provision of their pre-application (planning) advice service.
- 2.2 Based on the information presented in table 1 below, Bolsover are now the only local planning authority in Derbyshire who do not have an approved charging schedule for the provision of pre-application (planning) advice.

Table 1: Derbyshire Authorities currently charging for pre-application (planning) advice

<b>Local Planning Authority</b>	<b>Do they charge for pre-application (planning) advice?</b>
Amber Valley Borough Council	*Unavailable
Bolsover District Council	No
Chesterfield Borough Council	Yes
Derby City Council	Yes
Derbyshire Dales District Council	Yes
Erewash Borough Council	Yes
High Peak Borough Council	Yes
North East Derbyshire District Council	Yes
Derbyshire County Council	Yes

*\* AVBC has currently paused offering any pre-application (planning) advice due to resourcing pressures, and therefore their previously approved pre-application service is currently unavailable.*

- 2.3 In addition a national pre-application (planning) advice service has recently been launched by the Planning Portal, who provide the national planning application submission portal frequently utilised by applicants / agents.

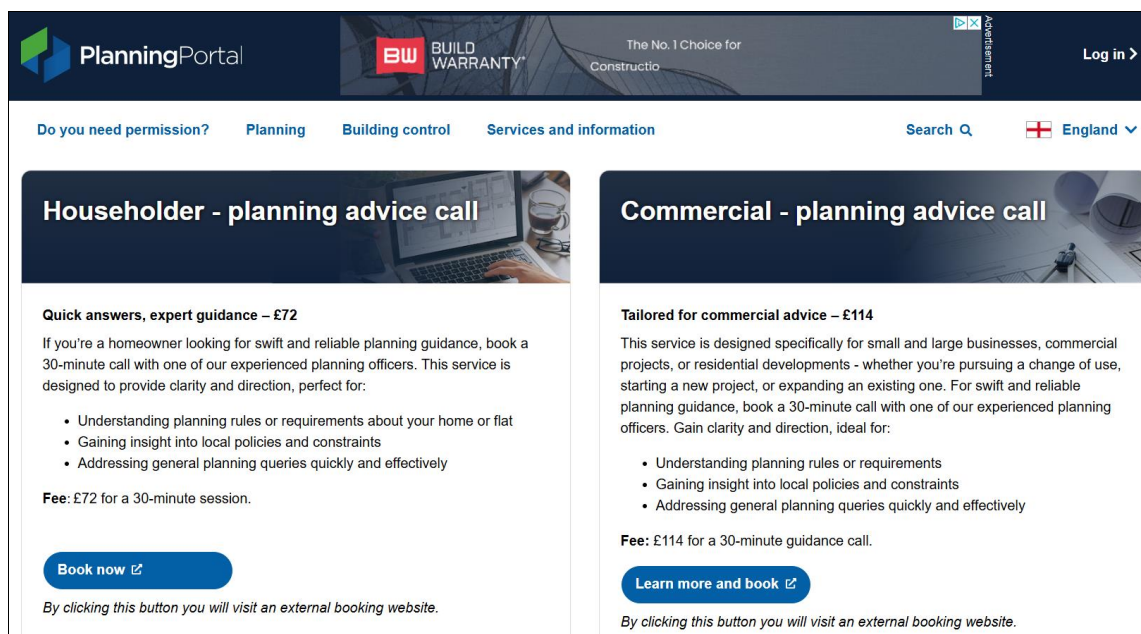


Fig 1: Website extract from Planning Portal – Planning Advice

<https://www.planningportal.co.uk/permission/planning-guidance-service>

- 2.4 The ability for an applicant / agent to ascertain pre-application (planning) advice is a valuable service, which can assist the applicant / agent making an informed decision whether to progress with a planning application submission. It can also give the applicant / agent an indication of the suitability of their development proposal, potentially avoiding the likelihood of planning permission being refused or amendments to their development proposal being necessary during their application process. Access to pre-application (planning) advice can help to speed up the planning process.
- 2.5 Notwithstanding the above, the pre-application (planning) enquiry service at Bolsover is currently provided free of charge and it is frequently utilised. A number of these enquiries relates to basic queries about site constraints (trees / conservation areas), the provision of dropped kerbs, and creation of vehicle access / hardstanding's, all of which can be easily answered through the provision of self service information some of which is already readily available on the Council and Derbyshire County Council's websites.
- 2.6 Table 2 below demonstrates the last 5 years of pre-application (planning) enquiries the Planning Service has registered and provided a written response to.

Table 2: Pre-Application (Planning) enquiries 2020-2024

	No. of Pre-App's Registered	<i>Dropped Kerb Enquiries</i>	<i>Vehicular Access/ Hardstanding Enquiries</i>	<i>TPO/ Cons Area Check (trees)</i>	<i>Total (Basic Enquiries)</i>	<b>Total (Less Basic Enquiries)</b>
<b>2020</b>	832	39	69	36	144	<b>688</b>
<b>2021</b>	980	48	112	38	198	<b>782</b>
<b>2022</b>	795	36	72	44	152	<b>643</b>
<b>2023</b>	832	33	66	47	146	<b>686</b>
<b>2024</b>	909	33	73	24	130	<b>779</b>

2.7 The provision of a written response to an average of 700 enquiries per year is currently a cost absorbed by the Planning Service. These responses vary in complexity and so are provided by Planners or Planning Technicians depending on the nature of the enquiry. All enquiries generate an associated administrative cost, alongside Officer time taken to review, consider, and respond to the enquiry.

2.8 Table 3 below includes a breakdown of the pre-application (planning) enquiries responded to in the last 5 years, based on the Officer role the enquiry was allocated to. The nature / complexity of the enquiry subject will likely increase based on Officer grade.

Table 3: Pre-Application (Planning) enquiries 2020-2024 by Officer role

		<b>Hourly Rate (24/25)</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>	<b>2024</b>
Technician	Grade 5	<b>£20.33</b>	220	283	274	142	137
Trainee Planner	Grade 4 or 6	<b>£18.20/ £22.68</b>	12	45	87	133	69
Planner	Grade 7	<b>£25.15</b>	209	293	167	278	211
Senior Planner	Grade 8	<b>£29.33</b>	0	0	0	0	203
Principal Planner	Grade 9	<b>£33.28</b>	57	81	82	89	130
			<b>498</b>	<b>702</b>	<b>610</b>	<b>642</b>	<b>750</b>

2.9 The figure total in table 2 and 3 show that there are still some abnormal enquiries unaccounted for, which explain the difference between the total (less basic enquiries) in table 2, versus the totals per year in table 3. These anomalies are likely to be bespoke service requests not falling into an ordinary development category, which were still recorded. In 2020 and early 2021 enquiries numbers were also elevated due to the pandemic, and more enquiries being registered on the system to manage 'remote' workstreams.

2.10 In consultation with the Development Management team (who handle the majority of pre-application (planning) enquiries), the following categories of enquiry subject have been drawn up that reflect the most common pre-application enquiry types. These also reflect the categories of the enquiry types for which charges are levied for across other Derbyshire authorities (which are set out for comparative purposes in appendix 1).

1. Do I need Planning Permission?
2. Householder / Domestic Extension.
3. Works to a Listed Building (Householder)
4. Works to a Listed Building (Other)
5. Advertisement
6. Change of Use (not residential)
7. Dwellings 1-4
8. Dwellings 5-9
9. Dwellings 10-19
10. Dwellings 20-49
11. Dwellings 50-149
12. Dwellings 150+
13. Buildings / Other 0-499sqm
14. Buildings / Other 500-999sqm
15. Buildings / Other 1000sqm+
16. Enquiries re: S96a (a) minor / b) major)
17. Enquiries re: S73 / S106A (a) minor / b) major)

- 2.11 Based on a calculation of cost recovery, table 4 sets out the estimated Officer / Administration cost for each of these types of enquiries. It then calculates an appropriate charge on that basis (inc. mileage costs for site visits where applicable).

**Table 4: Cost recovery calculation based on enquiry type and Officer role**

	Administration Time (Hrs)	Administration Cost at Grade 5 (£20.33)	Officer Time (Hrs)	Officer Grade	Commensurate Grade	Cost at Commensurate Grade	Mileage Expenses (17mile at £0.6) average)	Total Cost	Rounded to nearest £1
1. Do I need Planning Permission?	0.5	£10.17	0.5	4 or 5	£19.27	£9.63	£0.00	£19.80	£20
2. Householder / Domestic Extension.	0.5	£10.17	2	4 or 5	£19.27	£38.53	£0.00	£48.70	£49
3. Works to a Listed Building (Householder)	0.5	£10.17	2	7, 8, or 9	£29.25	£58.51	£0.00	£68.67	£69
4. Works to a Listed Building (Other)	0.5	£10.17	2	7, 8, or 9	£29.25	£58.51	£0.00	£68.67	£69
5. Advertisement	0.5	£10.17	1	4, 5 or 6	£20.40	£20.40	£0.00	£30.57	£31
6. Change of Use (not residential)	0.5	£10.17	3	6, 7 or 8	£25.72	£77.16	£10.20	£97.53	£98
7. Dwellings 1-4	0.5	£10.17	3	7, 8, or 9	£29.25	£87.76	£10.20	£108.13	£108
8. Dwellings 5-9	0.5	£10.17	3.5	7, 8, or 9	£29.25	£102.39	£10.20	£122.75	£123
9. Dwellings 10-19	2	£40.66	7	7, 8, or 9	£29.25	£204.77	£10.20	£255.63	£256
10. Dwellings 20-49	2	£40.66	14	8 or 9	£31.31	£438.27	£10.20	£489.13	£489
11. Dwellings 50-149	2	£40.66	21	9 or 10	£34.53	£725.13	£10.20	£775.99	£776
12. Dwellings 150+	2	£40.66	28	9 or 10	£34.53	£966.84	£10.20	£1,017.70	£1,018
13. Buildings / Other 0-499sqm	0.5	£10.17	3	7, 8, or 9	£29.25	£87.76	£10.20	£108.13	£108
14. Buildings / Other 500-999sqm	0.5	£10.17	4	7, 8, or 9	£29.25	£117.01	£10.20	£137.38	£137
15. Buildings / Other 1000sqm+	2	£40.66	7	9 or 10	£34.53	£241.71	£10.20	£292.57	£293
16. Enquiries re: S96a (minor)	0.5	£10.17	1	6 or 7	£23.92	£23.92	£0.00	£34.08	£34
16. Enquiries re: S96a (major)	0.5	£10.17	1	8 or 9	£31.31	£31.31	£0.00	£41.47	£41
17. Enquiries re: S73 / S106A (minor)	0.5	£10.17	3	6 or 7	£23.92	£71.75	£0.00	£81.91	£82
17. Enquiries re: S73 / S106A (major)	0.5	£10.17	3	8 or 9	£31.31	£93.92	£0.00	£104.08	£104

- 2.12 It is therefore proposed that the figures contained in table 4 are those which will form the draft 2025/26 pre-application (planning) charging schedule (see appendix 2). On the basis of the figures presented it is estimated that the introduction of a pre-application (planning) charging schedule will potentially generate an income between £20,000-£30,000 per annum. That income will be re-invested in the Planning Service to continue to support the availability of Officers to provide pre-application (planning) advice.

- 2.13 As a discretionary service it is also proposed that the schedule of charges levied for the provision of pre-application (planning) advice are concessioned for the following service users / enquiry types (who would ordinarily benefit from a similar concession being applied to a payable planning application fee).

1. *An application solely for the alteration or extension of an existing dwellinghouse; or works in the curtilage of an existing dwellinghouse (other than the erection of a dwellinghouse) for the purpose of providing:*
  - a. *Means of access to or within it for a disabled person who is resident in it, or is proposing to take up residence in it; or*
  - b. *Facilities designed to secure that person's greater safety, health or comfort.*
2. *An application solely for the carrying out of the operations for the purpose of providing a means of access for disabled persons to or within a building or premises to which members of the public are admitted.*
3. *If the application is being made on behalf of a parish or community council then the fee is 50%.*

### Public Consultation

- 2.14 Following the preparation of a draft 2025/26 pre-application (planning) charging schedule (see appendix 1) it will be necessary to conduct a period of public consultation. There are no specific regulations relating to consultation in respect of the adoption of a charge for a discretionary service.
- 2.15 To empower the local community and developers in the form of applicants / agents it is important that they are given a meaningful opportunity to have their say on any new working practices. In this respect, the public consultation recommendations have regard to the Council's Statement of Community Involvement (December 2022).
- 2.16 It is recommended that a 4 week public consultation exercise is undertaken as per the schedule set out below, with targeted emails to agents operating in the area and those registered on our online local plan database. The consultation will also be promoted on the Council's website, with an associated press release on the Council's social media platforms.

<b>Consultation Period (4 Weeks)</b>	Tues 22 <sup>nd</sup> April 2025 – Wed 21 May 2025	
<b>Host Stakeholder Consultation Events</b>	<b>Agents (1)</b>	<b>Members (2)</b>
	Wed 30 <sup>th</sup> April 2025 The Arc – CR1 / Teams (2pm-5pm)	Wed 7 <sup>th</sup> May 2025 The Arc – CR1 / Teams (2pm-5pm)
<b>Report consultation back to Planning Committee</b>	Wed 11 <sup>th</sup> June 2025 – 10am	

- 2.17 The outcome of the consultation exercise will be reported back to Planning Committee, with any necessary updates to the draft 2025/26 pre-application (planning) charging schedule. This will enable Planning Committee to make a recommendation to Full Council on Wednesday 30<sup>th</sup> July 2025 whether to support and adopt the charging schedule. Implementation of the service would be targeted for the 1<sup>st</sup> September 2025.

### **3. Reasons for Recommendation**



- 3.1 Member support for the preparation of a draft pre-application (planning) charging schedule / service is needed in advance of committing resources to the preparation and undertaking of a 4 week public consultation exercise.

#### **4 Alternative Options and Reasons for Rejection**

- 4.1 An alternative option for the Planning Committee / Council would be to not progress the introduction of charges for access to pre-application (planning) advice, and continue to offer the service free of charge at a continued cost to the Council. This could disadvantage the Council as it continues to subsidise the service, without recovering the service cost provision.

---

#### **RECOMMENDATION(S)**

1. **To approve the preparation of a final draft charging schedule and undertake a 4 week public consultation exercise on the proposed introduction of a Pre-Application (Planning) Charging Schedule / Service.**
2. **Give delegated authority to the Assistant Director of Planning & Planning Policy, in consultation with the Chair / Vice Chair of Planning Committee to finalise the text of the draft consultation documents prior to commencing the programme public consultation exercise.**
3. **To receive a further outcome report of the public consultation exercise in due course, to enable Planning Committee to make a final recommendation to Council on the introduction of a Pre-Application (Planning) Charging Schedule / Service.**

Approved by Councillor Tom Munro, Portfolio Holder for Growth

---

#### **IMPLICATIONS:**

<b><u>Finance and Risk</u></b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		
Details: The provision of a structured discretionary service will ensure that the demands placed upon the Planning Service by service users can be adequately resourced, and the costs of providing the service are recovered through individual service users rather than by the Council as a whole.		
On behalf of the Section 151 Officer		
<b><u>Legal (including Data Protection)</u></b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		
Details: There are no specific legal implications arising from this report, however the Planning Service will need to have regard to service standards / customer expectations when receiving payment for a discretionary service. The draft Pre-Application (Planning) Charging Schedule / Service will set out targeted response times for specific enquiries. Service users will also be made		

**aware that any planning advice accessed through this service will be offered on a without prejudice basis.**

On behalf of the Solicitor to the Council

**Staffing**      Yes ☒      No ☐

**Details:** There are no specific staffing matters arising from this report. The current provision of the discretionary service free of charge is absorbed by existing staff within the Planning Service and there are no staffing changes proposed as a result of these recommendations. Additional income generated from the proposed charging Schedule may allow for additional resource to be appointed in the future to meet arising demands.

On behalf of the Head of Paid Service

**Equality and Diversity Impact and Consultation**      Yes ☒      No ☐

**Details:** The public consultation and draft Schedule will be subject to and associated Equality Impact Assessment.

On behalf of the Information, Engagement and Performance Manager

**Environment**      Yes ☐      No ☒

Please identify (if applicable) how this proposal/report will help the Authority meet its carbon neutral target or enhance the environment.

**Details:** There are no environmental implications.

## **DECISION INFORMATION:**

<input checked="" type="checkbox"/> <b>Please indicate which threshold applies:</b>	
<b>Is the decision a Key Decision?</b> 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 <input type="checkbox"/> No <input checked="" type="checkbox"/>
<b>Revenue (a)</b> Results in the Council making Revenue Savings of £75,000 or more or <b>(b)</b> Results in the Council incurring Revenue Expenditure of £75,000 or more.	(a) <input type="checkbox"/> (b) <input checked="" type="checkbox"/>
<b>Capital (a)</b> Results in the Council making Capital Income of £150,000 or more or <b>(b)</b> Results in the Council incurring Capital Expenditure of £150,000 or more.	(a) <input type="checkbox"/> (b) <input checked="" type="checkbox"/>
<b>District Wards Significantly Affected:</b> <i>(to be significant in terms of its effects on communities living or working in an area comprising two or more wards in the District)</i>	All <input checked="" type="checkbox"/>
<b>Is the decision subject to Call-In?</b> <i>(Only Key Decisions are subject to Call-In)</i>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If No, is the call-in period to be waived in respect of the decision(s) proposed within this report? <b><i>(decisions may only be classified as exempt from call-in with the agreement of the Monitoring Officer)</i></b>	Yes <input type="checkbox"/> No <input type="checkbox"/>
<b>Consultation carried out:</b> <i>(this is any consultation carried out prior to the report being presented for approval)</i>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<b>Leader</b> <input checked="" type="checkbox"/> <b>Deputy Leader</b> <input checked="" type="checkbox"/> <b>Executive</b> <input type="checkbox"/> <b>SLT</b> <input checked="" type="checkbox"/> <b>Relevant Service Manager</b> <input type="checkbox"/> <b>Members</b> <input type="checkbox"/> <b>Public</b> <input type="checkbox"/> <b>Other</b> <input type="checkbox"/>	

### **Links to Council Ambition: Customers, Economy, Environment, Housing**

**Customers, Economy, Environment, and Housing:**  
 The provision of a structured and resourced discretionary service which is reactionary to arising demands of the service user whilst supporting our economy, environment, and housing.

## DOCUMENT INFORMATION:

Appendix No	Title
1	Other Derbyshire Local Planning Authorities Pre-Application Charges
2	Proposed Draft 2025/26 Schedule of Charges for Bolsover District Council's Pre-Application (Planning) Service

Background Papers
N/A

## Appendix 1 - Other Derbyshire Local Planning Authorities Pre-Application Charges

	Chesterfield	Chesterfield (inc. SV)	Derby City	Derbyshire Dales	Derbyshire Dales (inc. SV)	Erewash	High Peak	North East Derbyshire	South Derbyshire
Do I need Planning Permission?	-	-	-	£33.00	N/A	-	-	£0.00	£75.00
Householder	£58.76	-	£100.00	£65.00	£131.00	£120.00	-	£60.00	£100.00
Works to Listed Building (Householder)	£137.50	£181.57	£600.00	£65.00	£196.00	-	-	£160.00	£145.00
Works to Listed Building (Commercial)	£137.50	£184.57	£600.00	£131.00	£261.00	-	-	£100.00	£220.00
Advertisement	£58.76	-	£100.00	£65.00	N/A	-	-	£150.00	£116.00
Change of use (not inc. dwelling, major, eng works)	£58.76	-	£250.00	£131.00	N/A	-	-	£300.00	£200.00
All other uses/ buildings (0-499 sqm)	-	-	£1,560.00	£131.00	£196.00	-	£302.00	£350.00	-
All other uses/ buildings (500-999sqm / 1 dwellings/ outline <0.5ha)	£334.88	£378.94	£1,560.00	£196.00	£457.00	£240.00	£302.00	£350.00	£385.00
All other uses/ buildings (500-999sqm / 2-3 dwellings/ outline <0.5ha)	£334.88	£378.94	£1,560.00	£196.00	£457.00	£480.00	£302.00	£350.00	£385.00
All other uses/ buildings (1000-9999sqm / 4-9 dwellings/ outline <0.5ha)	£334.88	£378.94	£1,560.00	£392.00	£653.00	£1,200.00	£302.00	£1,000.00	£695.00
10-19 dwellings/ outline 0.5-1.99ha	£706.22	£794.35	£3,000.00	£653.00	£979.00	£1,200.00	£450.00	£1,000.00	£2,496.00
20-50 dwellings/ outline 0.5-1.99ha	£706.22	£794.35	£3,000.00	£653.00	£979.00	£3,000.00	£450.00	£1,000.00	£2,496.00
51-99 dwellings	£706.22	£794.35	£3,000.00	£653.00	£979.00	£3,000.00	£600.00	£1,500.00	£8,740.00
100-149 dwellings/ outline 2-3.99ha	£706.22	£794.35	£3,000.00	£848.00	£1,145.00	£3,000.00	£600.00	£1,500.00	£14,976.00
150-199 dwellings/ outline 2-3.99ha	£706.22	£794.35	£3,000.00	£848.00	£1,145.00	£3,000.00	£600.00	£3,915.00	£14,976.00
All other 200+ dwellings/ >1000sqm / >4ha	£947.00	£1,123.26	£3,600.00	£979.00	£1,305.00	£3,000.00	£600.00	£3,915.00	£24,960.00
Enquiries re: discharge of conditions (householder)	-	-	-	£26.00	N/A	-	-	-	-
Enquiries re: discharge of conditions (commercial)	-	-	-	£65.00	£98.00	-	-	-	-
Enquiries re: S96a/ S73/ S106A	-	-	-	£65.00	N/A	-	-	-	£90.00

**Appendix 2 - Proposed Draft 2025/26 Schedule of Charges for Bolsover District Council's Pre-Application (Planning) Service**

		<b>Proposed Charge (£)</b>	<b>Target Response Time</b>
1.	Do I need Planning Permission?	£20	10 working days
2.	Householder / Domestic Extension.	£49	10 working days
3.	Works to a Listed Building (Householder)	£69	20 working days
4.	Works to a Listed Building (Other)	£69	20 working days
5.	Advertisement	£31	10 working days
6.	Change of Use (not residential)	£98	20 working days
7.	Dwellings 1-4	£108	20 working days
8.	Dwellings 5-9	£123	20 working days
9.	Dwellings 10-19	£256	20 working days
10.	Dwellings 20-49	£489	20 working days
11.	Dwellings 50-149	£776	20 working days
12.	Dwellings 150+	£1018	20 working days
13.	Buildings / Other 0-499sqm	£108	20 working days
14.	Buildings / Other 500-999sqm	£137	20 working days
15.	Buildings / Other 1000sqm+	£293	20 working days
16.	Enquiries re: S96a (a) minor	£34	10 working days
16.a	Enquiries re: S96a (b) major	£41	20 working days
17.	Enquiries re: S73 / S106A (a) minor	£82	10 working days
17.a.	Enquiries re: S73 / S106A (a) major	£104	20 working days

## **Bolsover District Council**

### **Meeting of the Planning Committee on 16<sup>th</sup> April 2025**

#### **CRESWELL GROWTH PLAN UPDATE**

#### **Report of the Assistant Director: Planning & Planning Policy**

<b>Classification</b>	This report is Public
<b>Report By</b>	Chris McKinney Senior Devolution Lead for Planning Policy, Strategic Growth and Housing
<b>Contact Details</b>	01246 242292 <a href="mailto:chris.mckinney@bolsover.gov.uk">chris.mckinney@bolsover.gov.uk</a>

#### **PURPOSE / SUMMARY OF REPORT**

- To update Members on the preparation of the Creswell Growth Plan and to seek approval for the next steps of the preparation process.

#### **REPORT DETAILS**

##### **1. Background**

- 1.1 As Members are aware, work commenced on the Creswell Growth Plan in April 2022 in accordance with the Council's Local Development Scheme and has been subject to three public consultations during its preparation.
- 1.2 At the meeting of the Local Plan Implementation and Advisory Group (LPIAG) on 5<sup>th</sup> February 2025, Members provided a steer that they recognised the need to plan for additional residential and employment growth in Creswell, but that this could not be supported until the new GP surgery had been built and opened and with the proviso that any additional growth meets and is accompanied by the necessary increase in infrastructure capacity; and delivers increased levels of affordable housing, i.e. greater than the Local Plan for Bolsover District policy requirement of 10% affordable housing provision.
- 1.3 Based on the latest information from Welbeck Estates about the delivery of the new GP surgery, it is understood that they have agreed to dispose of the planned GP surgery site to a specialist medical facility builder and that the Integrated Care Board would take a lease on the property. From this point, it is understood that this legal process should be complete by the end of May 2025, potentially

enabling a start on site in the summer and the facility being open to the public later this calendar year.

- 1.4 While the Council awaits the delivery of the new GP surgery, should the steer provided by LPIAG above be approved officers will pause work on writing up the preferred option for the final Creswell Growth Plan. Work will continue on the assessment of the sites promoted to the Council through the Land Availability Assessment (LAA) process and the consideration of infrastructure provision will also continue.
- 1.5 Related to the preparation of a Growth Plan for Creswell, the Council has also received a letter from the Creswell and Elmtun Residents Action Group dated 10<sup>th</sup> February 2025. This letter is attached as Appendix 1 to this report.
- 1.6 As Members can see, the letter from the Creswell and Elmtun Residents Action Group requests that Planning Committee take into account the substantial public consultation process feedback against further growth in Creswell and votes from residents when considering this matter and they have requested that Planning Committee recommends that no further action on any of the potential options within the Consultation Draft Creswell Growth Plan be taken forward.
- 1.7 This request essentially provides an alternative recommendation to that from the LPIAG on the next steps for the preparation of the Creswell Growth Plan work.

## **2. Details of Proposal or Information**

### **Next Steps**

- 2.1 Following the steer from the Local Plan Implementation and Advisory Group in February, approval is now sought from Planning Committee to pause work on the writing up of the preferred option for the final Creswell Growth Plan in order to ensure that the delivery of the new GP surgery in Creswell progresses before any additional growth may be supported by the Council.
- 2.2 This decision would see a future report come back to Planning Committee, potentially in December 2025, to seek approval for a preferred option for additional growth in Creswell after the new GP surgery had been built and opened.
- 2.3 However, in view of the letter from the Creswell and Elmtun Residents Action Group it is appropriate for Members to note the request from the Creswell and Elmtun Residents Action Group to take no further action on the preparation of a Growth Plan for Creswell and decide whether they wish to follow this alternative approach.
- 2.4 Should this alternative decision be taken, no further work will take place on the preparation of a Growth Plan for Creswell and the Council would need to omit this document from its planned Local Development Scheme as discussed elsewhere on this agenda.

### 3. **Reasons for Recommendation**

- 3.1 A decision is required from Planning Committee in order to progress this important stage in the growth plan process.

### 4 **Alternative Options and Reasons for Rejection**

- 4.1 As set out in the report, there are two alternative options available in relation to the next steps for the preparation of the Growth Plan for Creswell, namely to pause progress while important village infrastructure is delivered or to abandon the preparation entirely. Neither is rejected at this stage to allow Members to consider both options.

---

### **RECOMMENDATION(S)**

That the Planning Committee:

- 1) Notes the steer from the Local Plan Implementation Advisory Group on the next steps for the preparation of the Creswell Growth Plan as set out in the report;
- 2) Notes the request from the Creswell and Elmtun Residents Action Group to carry out no further action on any of the Creswell Growth Plan options as set out in Appendix 1;
- 3) Approve the next steps for the preparation of the Creswell Growth Plan.

**Approved by Councillor Munro, Portfolio Holder – Growth**

#### **IMPLICATIONS:**

**Finance and Risk:**            Yes ☐            No ☒

**Details:** There are no specific finance or risk issues arising from this report.  
On behalf of the Section 151 Officer

**Legal (including Data Protection):**            Yes ☐            No ☒

**Details:** There are no legal implications as this is a non-statutory planning process.  
On behalf of the Solicitor to the Council

**Environment:**            Yes ☒            No ☐

*Please identify (if applicable) how this proposal / report will help the Authority meet its carbon neutral target or enhance the environment.*

**Details:** In general, the Council's planning policy work plan will make a notable contribution to this subject.

**Staffing:**            Yes ☐            No ☒

**Details:** There are no human resources implications arising from this report. Decisions around staffing levels within the Planning Policy team will be raised in the report to the Employment and Personnel Committee.

On behalf of the Head of Paid Service



## DECISION INFORMATION

<b>Is the decision a Key Decision?</b> 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:  <b>Revenue - £75,000   <input type="checkbox"/>   Capital - £150,000   <input type="checkbox"/></b> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i>	No
<b>Is the decision subject to Call-In?</b> <i>(Only Key Decisions are subject to Call-In)</i>	No

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

<b>Links to Council Ambition: Customers, Economy, Environment and Housing.</b>	
<u>Economy</u> <ul style="list-style-type: none"> <li>Actively working with partners to support enterprise, innovation, jobs and skills.</li> <li>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.</li> </ul> <u>Environment</u> <ul style="list-style-type: none"> <li>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.</li> <li>Reducing our carbon footprint whilst supporting and encouraging residents and businesses to do the same.</li> <li>Enhancing biodiversity across the district.</li> <li>Working with stakeholders, strategic and local partnerships to deliver shared strategies and priorities that support the local environment.</li> </ul> <u>Housing</u> <ul style="list-style-type: none"> <li>Enabling housing growth by increasing the supply, quality, and range of housing to meet the needs of the growing population.</li> </ul>	

DOCUMENT INFORMATION	
Appendix No	Title
1	Letter from the Creswell and Elmtun Residents Action Group dated 10 <sup>th</sup> February 2025
<b>Background Papers</b>	
<i>(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).</i>	

# Appendix 1

7 Wollen Close  
Creswell, S80 4BD  
10/2/2025  
Email: [c.e.r.a1@outlook.com](mailto:c.e.r.a1@outlook.com)  
10<sup>th</sup> February 2025

Chief Planning Officer and Planning Committee Members  
Bolsover District Council  
The ARC, High Street  
Clowne  
Derbyshire  
S43 4JY

Dear Mr McKinney and Members of Bolsover District Council Planning Committee,

I am writing to you as the Chair of the Creswell and Elmtton Residents Action Group regarding the Creswell Growth Plan. As you know the Planning Department at Bolsover District Council carried out a consultation exercise in 2024 to seek views on the Growth Plan proposal and specifically the four options that were presented in the Consultation document and website.

I am sure you will all agree, the volume of responses from Elmtton with Creswell Parish Residents to the Consultation exercise was phenomenal. The response showed a **very high majority against the plan in its entirety from the almost 1,000 respondents** to the consultation. The residents have given their views and fully reject the Growth Plan with only **1.9% (18 of the 949)** respondents supporting Option C: to pursue additional housing and employment growth. **85% ( 807 of the 949) respondents rejected ALL of the options with a “None of the above” response. The remaining 13% (124 responses chose existing planned housing only with or without employment growth or no preference.**

There is now a significant opportunity for you as Chief Planning Officer and Planning Committee Members to show that you have fully listened to residents and drop the unwanted plan immediately.

In doing so we submit that this would not hinder the proper, statutory plan making process, as part of the council's planning responsibilities; indeed, the Creswell Growth Plan is an **entirely voluntary** planning venture by the District Council.

By dropping this very much unwanted Growth Plan, the District Council planning services and Planning Committee members can then concentrate on the more urgent and required documents and processes that form part of local plan making for the District Council.

Furthermore, taking this requested course of action would go some way to address the widespread views and beliefs in the area that those who represent the residents do not listen to them or take into consideration their views. I am sure you would agree that it would help build trust and confidence amongst the electorate in Elmtton with Creswell Parish, at a time when residents trust and confidence is at an all-time low with Council Members and the Council as a whole.

It is now yours and the Planning Committees' turn to make decisions on the preferred next steps for the Creswell Growth Plan and in doing so we do urge you take the substantial Consultation process views and votes from residents **fully into account and recommend no further action on any of the Creswell Growth Plan options.**

I look forward to your replies,

Yours Sincerely

Christine Hope, Chair of Creswell and Elmtton Residents Action Group

## **Bolsover District Council**

### **Meeting of the Planning Committee on 16<sup>th</sup> April 2025**

#### **PREPARATION OF A NEW LOCAL DEVELOPMENT SCHEME**

#### **Report of the Assistant Director: Planning & Planning Policy**

<b>Classification</b>	This report is Public
<b>Report By</b>	Chris McKinney Senior Devolution Lead for Planning Policy, Strategic Growth and Housing
<b>Contact Details</b>	01246 242292 <a href="mailto:chris.mckinney@bolsover.gov.uk">chris.mckinney@bolsover.gov.uk</a>

#### **PURPOSE / SUMMARY OF REPORT**

- To seek approval to adopt the new Local Development Scheme, that it should take effect on 17<sup>th</sup> April 2025, and that it should be publicised on the Council's website.

---

#### **REPORT DETAILS**

##### **1. Background**

- 1.1 The Local Development Scheme (LDS) is a timetable for the production of the Council's planning documents and it is intended that it will assist the community's understanding and involvement in the plan-making process and enable the development industry, infrastructure providers and other key stakeholders to coordinate their investment programmes.
- 1.2 The Council last published a LDS in February 2022. This was the seventh LDS that the Council had formally produced and the first one since the adoption of the Local Plan for Bolsover District in March 2020. As a consequence, this LDS set out a programme of work to cover the carrying out of a Local Plan Review and the preparation of Growth Plans for Shirebrook and Creswell and the preparation of Supplementary Planning Documents (SPDs). The document also outlined the timetable for the remaining stages of the preparation of the Tibshelf Neighbourhood Plan.
- 1.3 Since the publication of the seventh LDS, the Council has carried out several stages of preparation on the Shirebrook and Creswell Growth Plans, seen the

adoption of a new Local Parking Standards SPD and progress on preparing drafts of the updated Successful Places and the Historic Environment SPDs, together with progress on several Local Plan Implementation Projects and other statutory monitoring work. Crucially, the Council has completed the Local Plan Review work and this was reported to Planning Committee in February 2025.

- 1.4 Based on the outcome of the First Review of the Local Plan for Bolsover District, it was concluded that the Local Plan for Bolsover District has been very successful in delivering development within the District. Nevertheless, fundamental changes to national policy around increased Local Housing Need targets and the operation of Green Belt policy meant that it could not be concluded that the Council's strategic policies could be carried forward for a further five years. As reported at the February meeting, this means that an update to the Local Plan is necessary, although due to the Council's good supply of specific, deliverable sites the need for a new Local Plan is not immediate.
- 1.5 In accordance with the resolutions from the February meeting of Planning Committee, officers have prepared a new LDS to set out and take forward an updated timetable for the production of the Council's planning documents and this forms Appendix 1 to this report and is discussed in more detail below.

## **2. Details of Proposal or Information**

### Growth Plans

- 2.1 The Council is working on a number of non-statutory Growth Plan document that are intended to sit on top of the Local Plan for Bolsover District and identify where additional growth would be acceptable to the Council. These Growth Plans are intended to ultimately be adopted as material considerations in the planning processes.
- 2.2 This work has progressed through several stages of public consultation and it is planned that final documents will be published later this year, subject to engagement with infrastructure providers and landowners on how preferred Growth Plan options could be delivered or dependant on critical infrastructure being delivered. Based on this situation, the timetables for the remaining stages of these Growth Plans are as follows:

#### *Shirebrook Growth Plan*

- April 2025 – Engagement with infrastructure providers and landowners on how preferred Growth Plan option
- December 2025 – Adoption of Shirebrook Growth Plan

#### *Creswell Growth Plan*

- April 2025 – Pause awaiting progress on new Creswell GP surgery
- October 2025 – Review of progress on new Creswell GP surgery
- December 2025 – Potential adoption of Creswell Growth Plan

### Supplementary Planning Documents

- 2.3 The Local Plan for Bolsover District advises that the Council will prepare a number of SPDs. The remaining documents to be prepared are:
- Successful Places
  - Historic Environment
  - Section 106 Planning Contributions (covering affordable housing provision and green space and play provision)
- 2.4 Work has progressed on the first two of these documents and is due to start on the third in the summer. The next steps will be seeking authority to commence public consultation exercises on each of these documents and this will be reported to Planning Committee at future meetings.

### Timetable for an updated / new Local Plan

- 2.5 Based on the conclusions of the First Review of the Local Plan for Bolsover District, the Council has decided that it will not seek to update the Local Plan under the existing legislative framework before the Government's deadline of December 2026. Instead, it is planned to commence work on an updated / new Local Plan in mid-2027 under the provisions of the Government's intended new plan-making system as introduced by the Levelling-up and Regeneration Act 2023. At present, this new plan-making system is expected to be implemented later this year.
- 2.6 This approach is intended to bring forward an updated / new Local Plan when this is required and to also enable the Council to see how the new plan-making system is implemented and rolled out across the country.
- 2.7 One aspect of the new plan-making system is expected to be the need to have plans prepared and adopted within a 30-month timeframe, with gateway assessments to control progress through key stages such as commencement, mid-way points and prior to submission of a Local Plan to the Planning Inspectorate.
- 2.8 As a result, a 30-month timeframe for this plan-making work is outlined below. However, at this stage the dates post-submission can only be estimated as they will be set by the Planning Inspectorate at the point of submission.
- June 2027 – Commencement of plan-making work
  - October 2027 – Initial public consultation on Local Plan
  - October 2028 – Pre-submission public consultation on Local Plan
  - February 2029 – Submission of Local Plan for Examination
  - June & July 2029 – Potential dates for Examination Hearings
  - October 2029 – Potential date for receipt of Inspector's Report
  - December 2029 – Potential date for Adoption
- 2.9 Related to this timetable, it is intended that work will take place on updating the Council's Statement of Community Involvement in advance of commencing plan-making work as per the timetable set out above. As such, work on

updating the Statement of Community Involvement would start in March 2026 and be completed by November 2026.

- 2.10 Members will be aware that in December 2024 the Government asked all local planning authorities to produce an updated LDS and to submit this to them no later than 6<sup>th</sup> March 2025. In accordance with this request, following consultation with the Portfolio Member for Growth this proposed LDS and work programme was submitted to the Government on 5<sup>th</sup> March 2025. Whilst this submission was acknowledged, no feedback on the contents and work programme was received.
- 2.11 Behind this formal timetable the Council will need to carry out further evidence base work to ensure that it would be able to meet the expected gateway assessment prior to commencement on a new Local Plan. At this stage, this evidence base work is going to focus on the assessment of all of the sites across the District promoted to the Council through the Land Availability Assessment (LAA) process for the full range of potential land uses. However, it is also clear that a new Green Belt Review piece of work will be required in the immediate term to help the Council respond to the changes to national planning policy. For completeness, a project plan to ensure that the Council would be ready for commencement in June 2027 will be prepared.
- 2.12 Beyond this, Members will be aware that the Planning Policy and Housing Strategy team undertakes a large number of statutory planning monitoring tasks for the Council, works to deliver the planning components of the Housing Strategy and leads on a range of Local Plan Implementation Projects. In addition, the demands on the team have increased recently as the team also leads on the Council's obligations under the Environment Act 2021.

### **3. Reasons for Recommendation**

- 3.1 The report seeks approval of the proposed new Local Development Scheme and for this to be published on the Council's website. It is intended that the new Local Development Scheme would take effect on 17<sup>th</sup> April 2025.

### **4. Alternative Options and Reasons for Rejection**

- 4.1 The Council is required to publish an LDS from time to time. Members could choose to not publish an LDS at this time but this would not aid the public understanding of its planned publication of Development Plan documents or for their review. If the Council chose to not publish an LDS at this time the Government may challenge this decision. For these reasons, this alternative option has been rejected.
-

## **RECOMMENDATION(S)**

That Planning Committee approve the adoption of the new Local Development Scheme (as attached at Appendix 1) so that it takes effect on 17<sup>th</sup> April 2025 and be publicised on the Council's website.

**Approved by Councillor Munro, Portfolio Holder – Growth**

### **IMPLICATIONS:**

**Finance and Risk:**            Yes ☐            No ☒

**Details:** There are no specific finance or risk issues arising from this report.  
On behalf of the Section 151 Officer

**Legal (including Data Protection):**            Yes ☐            No ☒

**Details:** There are no specific legal or data protection issues arising from this report.  
On behalf of the Solicitor to the Council

**Environment:**            Yes ☒            No ☐

*Please identify (if applicable) how this proposal / report will help the Authority meet its carbon neutral target or enhance the environment.*

**Details:** In general, the Council's planning policy work plan will make a notable contribution to this subject.

**Staffing:**            Yes ☐            No ☒

**Details:** There are no human resources implications arising from this report. However, decisions around staffing levels within the Planning Policy and Housing Strategy team are due to be raised in a forthcoming report to the Employment and Personnel Committee.

On behalf of the Head of Paid Service

## **DECISION INFORMATION**

<b>Is the decision a Key Decision?</b> 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:  <b>Revenue - £75,000   <input type="checkbox"/>   Capital - £150,000   <input type="checkbox"/></b> <b><input checked="" type="checkbox"/> Please indicate which threshold applies</b>	No
<b>Is the decision subject to Call-In?</b> (Only Key Decisions are subject to Call-In)	No

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



## **Links to Council Ambition: Customers, Economy, Environment and Housing.**

### Economy

- 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.

### Environment

- 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.

### Housing

- Enabling housing growth by increasing the supply, quality, and range of housing to meet the needs of the growing population.

## **DOCUMENT INFORMATION**

<b>Appendix No</b>	<b>Title</b>
1	Prepared Local Development Scheme

### **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).*

# **NEW LOCAL DEVELOPMENT SCHEME**

# Contents

Introduction .....	3
Current Development Plan .....	3
Planned planning policy Work .....	4
• Growth Plans	
• Supplementary Planning Documents	
• Statement of Community Involvement	
• Updated / new Local Plan	
Neighbourhood Plans .....	6
Appendices .....	7
• Appendix 1 – Map showing Geographical Area	
• Appendix 2 – Block chart of timetable showing key milestones	

# Introduction

- 1.1 This is the eighth Local Development Scheme that Bolsover District Council has formally produced and the second since the adoption of the Local Plan for Bolsover District in March 2020. This document will replace the seventh LDS that was approved in February 2022.
- 1.2 The Planning & Compulsory Purchase Act 2004 Act, as amended, requires the Council to prepare and maintain a Local Development Scheme. This provides a public statement of the Council's programme for producing Development Plan documents and for their review. Local planning authorities are also encouraged to include details of other documents being prepared that may guide development in their area.
- 1.3 The Localism Act 2012 and associated regulations made additional changes to the requirements for Local Plans. The National Planning Policy Framework (NPPF) and National Planning Practice Guidance also guide the preparation and implementation of Local Plans.
- 1.4 This Local Development Scheme will take / took effect on 17<sup>th</sup> April 2025.

## Current Development Plan

- 2.1 The current development plan for Bolsover District is comprised of the following documents:
  - Local Plan for Bolsover District (adopted March 2020);
  - saved policies of Derby & Derbyshire Waste Local Plan (March 2005);
  - saved policies of Derby & Derbyshire Minerals Local Plan (April 2000) (as altered in November 2002);
  - Tibshelf Neighbourhood Plan (May 2023).
- 2.2 The First Review of the Local Plan for Bolsover District that was required to establish whether the Local Plan for Bolsover District and its evidence base remain up-to-date needs was completed in February 2025.
- 2.3 The Review concluded that the Local Plan for Bolsover District has been very successful in delivering development within the District and that levels of housing delivery have met and exceeded the Government's new housing target and also locally derived employment land requirements. The Council also expects to still be able to demonstrate a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against the Government's new housing target for several more years to come.

- 2.4 However, due to the national changes to the setting of housing targets and Green Belt policy, the Council considers that some its strategic policies in relation to these policy areas cannot be carried forward for a further five years and so an update of the Local Plan for Bolsover District is necessary. The Council will bring forward a new development plan, however, this need is not immediate and the development plan stated above is still considered robust.

## Planned planning policy work

### Growth Plans

- 3.1 The Council is working on a number of non-statutory Growth Plan documents that are intended to sit on top of the Local Plan for Bolsover District and identify where additional growth would be acceptable to the Council. The Council plans to adopt prepared Growth Plans as material considerations in the planning processes.
- 3.2 This work has progressed through several stages of public consultation and final documents will be published later this year. The timetables for the remaining stages of these Growth Plans are as follows:

#### Shirebrook Growth Plan

- April 2025 – Engagement with infrastructure providers and landowners on preferred Shirebrook Growth Plan option
- December 2025 – Adoption of Shirebrook Growth Plan

#### Creswell Growth Plan

- April 2025 – Pause awaiting progress on new Creswell GP surgery
- October 2025 – Review of progress on new Creswell GP surgery
- December 2025 – Potential adoption of Creswell Growth Plan

### Supplementary Planning Documents

- 3.3 Supplementary Planning Documents add further detail to the policies in the Local Plan. They can be used to provide further guidance for development on specific sites, or on particular issues, such as design. Supplementary Planning Documents are capable of being a material consideration in planning decisions but are not part of the development plan.
- 3.4 The Local Plan for Bolsover District advises that the Council will prepare a number of Supplementary Planning Documents and one for Local Parking Standards was adopted by the Council in January 2024. The following three Supplementary Planning Documents are still required and these will be prepared between June 2025 and July 2026.
- Successful Places; **177**

- Historic Environment;
- Section 106 Planning Contributions (covering affordable housing provision and green space and play provision).

## Statement of Community Involvement

- 3.5 The Statement of Community Involvement sets out the Council's approach to involving the community in the preparation, alteration and review of planning policy documents and in the consideration of planning applications.
- 3.6 The Council's current Statement of Community Involvement was adopted in December 2022 and remains appropriate for the Council's work on the Growth Plans and Supplementary Planning Documents.
- 3.7 However, Statement of Community Involvement's need to be updated every five years. Given the need to commence work on an updated / new Local Plan during the timeframe covered by this Local Development Scheme, a review of the Statement of Community Involvement is planned during 2026 in advance of future plan-making work.

- March 2026 – Commencement of updating work
- May 2026 – Public consultation on draft Statement of Community Involvement
- November 2026 – Adoption

## Updated / new Local Plan

- 3.8 Based on the conclusions of the First Review of the Local Plan for Bolsover District, the Council has decided that it will not seek to update the Local Plan under the existing legislative framework before the Government's deadline of December 2026. Instead, the Council is planning on commencing work on an updated / new Local Plan in mid-2027 under the provisions of the Government's intended new plan-making system as introduced by the Levelling-up and Regeneration Act 2023. At present, this new plan-making system is expected to be implemented later this year.
- 3.9 This approach is intended to bring forward an updated / new Local Plan when this is required and to also enable the Council to see how the new plan-making system is implemented and rolled out across the country.
- 3.10 One aspect of the new plan-making system is expected to be the need to have plans prepared and adopted within a 30-month timeframe, with gateway assessments to control progress through key stages such as commencement, mid-way points and prior to submission of a Local Plan to the Planning Inspectorate.

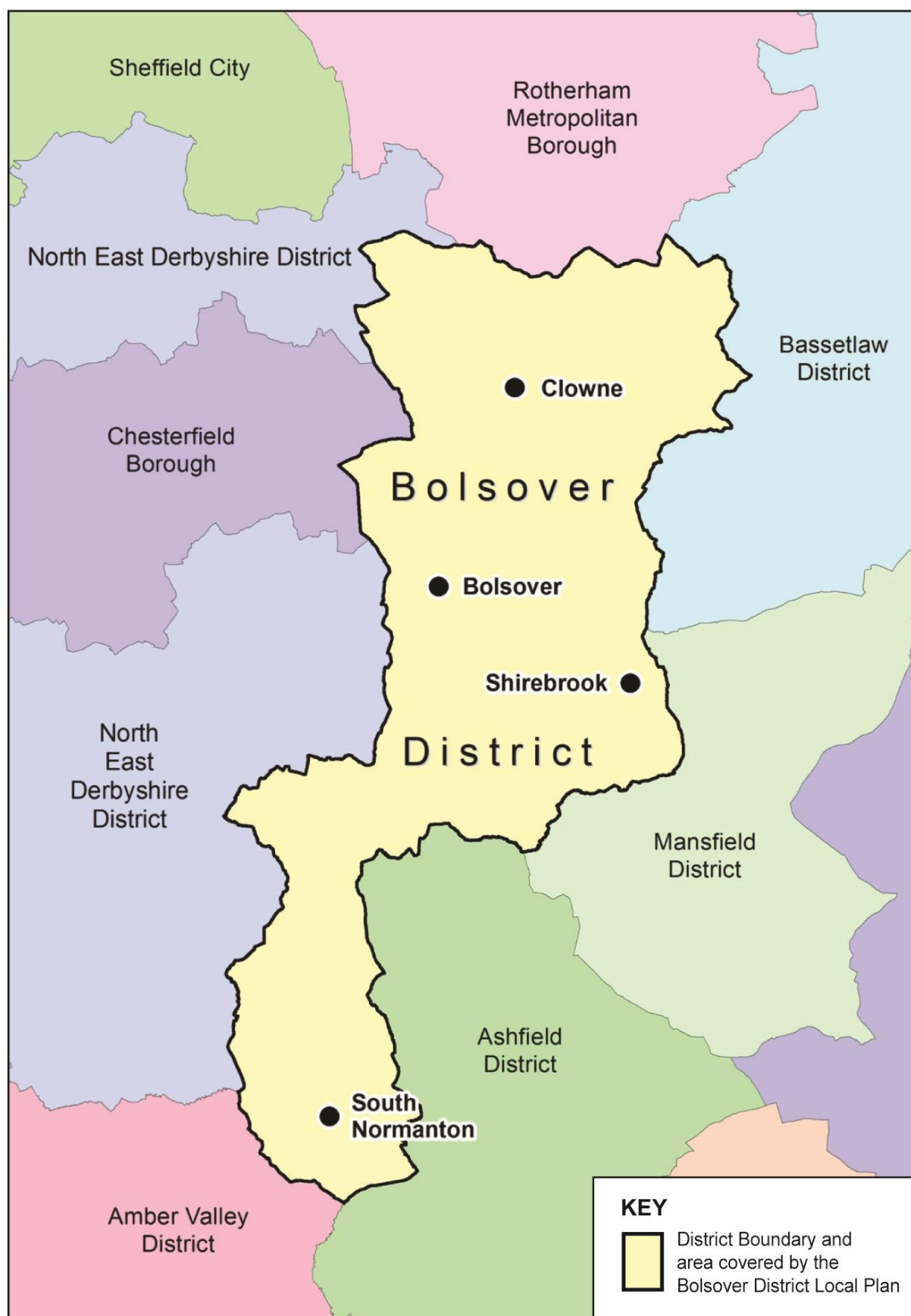
3.11 As a result, a 30-month timeframe for this plan-making work is outlined overleaf. However, at this stage the dates post-submission can only be estimated as they will be set by the Planning Inspectorate at the point of submission.

- June 2027 – Commencement of plan-making work
- October 2027 – Initial public consultation on Local Plan
- October 2028 – Pre-submission public consultation on Local Plan
- February 2029 – Submission of Local Plan for Examination
- June & July 2029 – Potential dates for Examination Hearings
- October 2029 – Potential date for receipt of Inspector's Report
- December 2029 – Potential date for Adoption

## Neighbourhood Plans

- 4.1 Neighbourhood Plans are plans prepared by a Parish or Town Council for a particular designated neighbourhood area. The timetable for the preparation of a Neighbourhood Plan is set by the relevant Parish or Town Council.
- 4.2 Neighbourhood Areas have been designated following requests from Tibshelf Parish Council, Whitwell Parish Council, Hodthorpe and Belp Parish Council, Ault Hucknall Parish Council and Glapwell Parish Council. At present, whilst the Tibshelf Neighbourhood Plan has been made as stated above, timetables are not known for Neighbourhood Plans for any of the other parishes and enquiries should be directed to the relevant Parish Councils.

## Appendix 1: Map Showing Geographical Area





## Appendix 2: Block Chart of Timetables Showing Key Milestones

[illegible][illegible][illegible][illegible]

Key

S - start, P - pause; R - review complete; C - consultation, A - adoption.

[illegible]

Key

*LPA part:* S - start, IC - Initial consultation, PS - Pre-submission consultation, S – Submission

*Examination part:* H - Hearings, I - Receipt of Inspectors Report; A - adoption