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To: Chair & Members of the Planning  
Committee

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Tuesday, 3<sup>rd</sup> June 2025

Dear Councillor,

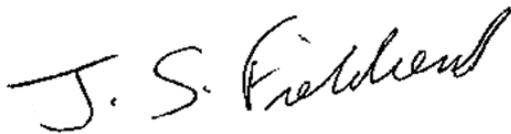
**PLANNING COMMITTEE**

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, 11<sup>th</sup> June, 2025 at 10:00 hours.

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

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

Yours faithfully,



Solicitor to the Council & Monitoring Officer

## **Equalities Statement**

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

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

### **Access for All statement**

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- 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, 11<sup>th</sup> June, 2025 at 10:00 hours taking place in the Council Chamber, The Arc,  
Clowne***

<b>Item No.</b>		<b>Page No.(s)</b>
1.	<b>Apologies For Absence</b>	
2.	<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.	
3.	<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.	
4.	<b>Minutes</b>	4 - 39
	To consider the minutes of the last meeting held on 14 <sup>th</sup> May 2025.	
	<b><u>APPLICATIONS TO BE DETERMINED UNDER THE TOWN &amp; COUNTRY PLANNING ACTS</u></b>	
5.	<b>Application no. 25/00084/FUL - The Old Dairy Batley Lane, Pleasley, Mansfield</b>	40 - 57
6.	<b>Application no. 25/00153/FUL - The Croft Old School Lane, Pleasley, Mansfield</b>	58 - 67
	<b><u>REPORTS OF THE ASSISTANT DIRECTOR OF PLANNING AND PLANNING POLICY</u></b>	
7.	<b>Quarterly Update On Section 106 Agreement Monitoring</b>	68 - 77
8.	<b>Outcome Of The Public Consultation On The Proposed Implementation Of A Pre-Application (Planning) Advice Charging Schedule / Service; And Recommendation To Council On The Adoption And Introduction Of A Charging Schedule For Pre-Application (Planning) Advice</b>	78 - 102

## PLANNING COMMITTEE

Minutes of a meeting of the Planning Committee of the Bolsover District Council held in the Council Chamber on Wednesday, 14<sup>th</sup> May 2025 at 10:00 hours.

### **PRESENT:-**

Members:-

Councillor Tom Munro in the Chair

Councillors Rob Hiney-Saunders, John Ritchie and Phil Smith.

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

Also in attendance at the meeting, observing, were Councillors David Bennett and Cathy Jeffery (from minute no. PL166-24/25).

### **PL163-24/25      APOLOGIES FOR ABSENCE**

Apologies for absence were received on behalf of Councillors Chris Kane, Duncan McGregor, Janet Tait, Deborah Watson and Carol Wood.

### **PL164-24/25      URGENT ITEMS OF BUSINESS**

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

### **PL165-24/25      DECLARATIONS OF INTEREST**

Members were requested to declare the existence and nature of any disclosable pecuniary interests and/or other interests, not already on their register of interests, in any item on the agenda and withdraw from the meeting at the appropriate time.

There were no declarations made at the meeting.

### **PL166-24/25      MINUTES**

Moved by Councillor Phil Smith and seconded by Councillor John Ritchie

**RESOLVED** that the minutes of a meeting of the Planning Committee held on 16<sup>th</sup> April 2025 be approved as a true and correct record.

## PLANNING COMMITTEE

**PL167-24/25      UPDATE REPORT FOLLOWING RESOLUTION TO APPROVE APPLICATION CODE REF. 17/00640/OUT - LAND NORTH OF CLOWNE, INCLUDING SECTION OF TOWN CENTRE, HICKINWOOD LANE, CLOWNE**

The Development Management and Land Charges Manager presented the report to update the Committee on events that had taken place since the resolution to approve planning application code ref. 17/00640/OUT on 17<sup>th</sup> September 2024.

Attention was brought to the supplementary document containing a response from the Bolsover Governance & Planning Association which sought reassurances regarding the application.

The report and supplementary document sought to detail the progress made on residual matters relating to the S.106 agreement and provide an update on the materiality of the changes to the National Planning Policy Framework (NPPF) made in December 2024 on the decision that was taken, the validity of the viability appraisal work that was undertaken in August 2024, and the duty under Regulation 30 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 to inform the public and the secretary of state of the final decision.

The intention of the report was to inform the Committee of the progress made – it was not to propose changes or deviation from the 17<sup>th</sup> September 2024 resolution.

The S.106 legal agreement contained planning obligations including:

Infrastructure Type	Contribution
Highways	<ul style="list-style-type: none"> <li>• The delivery of Treble Bob Roundabout Scheme</li> <li>• The delivery of the M1 Jct 30 Interim and Full Schemes</li> <li>• Active Travel &amp; Passenger Transport Strategy</li> <li>• Travel Plan</li> </ul>
Affordable Housing	<ul style="list-style-type: none"> <li>• 10% Provision and Tenure Type</li> </ul>
Education	<ul style="list-style-type: none"> <li>• The transfer of serviced and accessible land to Derbyshire Country Council (DCC) Education</li> <li>• The delivery of a new primary school by the applicant or a full contribution of £9,500,000 to Derbyshire Council Education for the delivery a new Primary School</li> <li>• Secondary School Contribution of £8,258,879</li> </ul>
Health Care	<ul style="list-style-type: none"> <li>• £1,800,000 contribution towards to the Integrated Care Board to improve health care facilities.</li> </ul>

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Open Space	<ul style="list-style-type: none"> <li>• Open Space Management Provisions</li> </ul>
Ecology	<ul style="list-style-type: none"> <li>• Provision for delivery of Skylark mitigation</li> </ul>
Viability	<ul style="list-style-type: none"> <li>• Viability Reappraisal to establish the amount (if any) which is available for calculation of the Deferred Contributions.</li> </ul>
Deferred Contributions	<ul style="list-style-type: none"> <li>• SEND Contribution: Payment of £1,463,597 towards the provision of Special Educational Needs and Disability (SEND)</li> <li>• Library Contribution: Payment of £126,840.00 towards local library stocks and measures to increase capacity.</li> </ul>

Significant progress had been made on drafting the obligations within a S.106 agreement in favour of both the Council and DCC to secure contributions as listed above. The latest draft of the agreement was attached at Appendix 1.

The triggers within the agreement had been drafted to reflect the assumptions that fed into the viability review modelling work undertaken on behalf of the Council, including:

- Treble Bob Improvement: £5,293,907 – trigger point was prior to occupation of any phase of development;
- M1 Jct. 30: £535,764 – trigger point was prior to occupation of any phase of development;
- Healthcare Contribution: £1,800,000 – trigger point proposed was the occupation of the 600<sup>th</sup> unit for the entire contribution;
- Travel Plan: £50,000 – divided into the ten instalments triggered on year 6 of the development;
- Primary School: £9,500,000 – divided into 3 instalments on occupation of the 375<sup>th</sup>, 600<sup>th</sup> and 800<sup>th</sup> dwelling; and,
- Secondary School: £8,258,679 divided into 3 instalments on occupation of the 375<sup>th</sup>, 600<sup>th</sup> and 800<sup>th</sup> dwelling instead of 10 equal payments from the occupation of 1,030 dwellings.

As there was a possibility that external funding could be secured to deliver the Treble Bob and M1 junction improvement works, it was important that this was appropriately captured in the eighth schedule (Basis of Viability Review).

The applicant had advised that the development would come forward in phases and could include some on site provision in the earlier phases. Derbyshire Wildlife Trust (DWT) had expressed that such provision would need to be controlled by condition / legal agreement.

It was envisaged that an agreement would have been reached between parties on a final draft towards the end of May 2025. Following agreement to the content, there would be a

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short delay distributing the final agreement to all signatories for engrossment. Following resolution of the above matters, and engrossment of the agreement, it was recommended that the Council, as the Local Planning Authority, would proceed to issue the decision.

Despite the changes to the NPPF in December 2024, in the case of application 17/00640/OUT the development plan was not considered to be out of date. The site and proposed development were allocated in the Local Plan (dated 2020), and it remained that the development was considered acceptable when considered against the policies contained within the report and all other material considerations.

The assessment of project viability had concluded in August 2024, with the Council's viability expert's latest report dated 2<sup>nd</sup> August 2024.

The findings / conclusions within viability reports usually remained valid for 6 months. It was therefore considered appropriate to consider whether economic conditions had changed since February 2025 in a manner that would be favourable to the Council to justify a further review of project viability. Worsening viability had not been raised by the applicant since the resolution.

The Council had sought advice from its viability expert and they had advised there was some flexibility on the 6 month 'shelf-life' which had been aided by recent (November 2024 and February 2025) cuts in the Bank of England's base rate. Build cost inflation also remained.

However, as the global economic picture remained currently uncertain, this undermined any positive gains that could favour the Council – the maintenance of the status quo was appropriate.

Taking the above into consideration, if an agreed position was reached on the S.106 obligations by the end of May 2025 or soon after and ahead of circulation to the landowners for engrossment, the Council's viability expert had advised that the findings in the 2<sup>nd</sup> August 2024 assessment could be safely relied upon.

However, it would still be some time before development commenced on site and the S.106 agreement contained provisions for viability to be reviewed at five year intervals or prior to the occupation of the 800<sup>th</sup> dwelling, which would enable the Council to establish whether the project had been profitable enough at that stage for the deferred contributions to be made.

Under regulation 30 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, there was a duty to inform the public and the Secretary of State of final decisions.

Given the time that had passed since the resolution to approve application 17/00640/OUT in September 2024, the recommendation was to enable Members to review the latest draft of the S.106 agreement, note the progress made and residual concerns to be addressed, to be satisfied that any final decision taken would remain within the scope of the original resolution, and to consider and comment on the changes to the NPPF and the validity of the viability appraisal work in terms of whether this had any bearing on the resolution.

The recommendation also enabled the Committee to consider / review the statement of

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decision on the environmental effects and the publicity arrangements for notifying the Secretary of State, the public, and the developer and consultation bodies on the final decision prior to being issued by the Council.

To a question on SEND contributions in comparison with other education contributions for application 17/00640/OUT, the Monitoring Officer informed S.149 of the Equality Act 2010 stated that parties needed to consider equality to eliminate discrimination.

SEND contributions would provide education provision to persons with protected characteristics and had been given due regard – an assessment had been completed and the Council had considered all options.

Therefore, the application presented in September 2024 did take into consideration SEND and it had satisfied the Council's statutory responsibilities.

To a question on viability, as well as responding to the representations received from an interested party, the Development Management and Land Charges Manager reiterated the Council's viability expert had advised that the findings in the 2<sup>nd</sup> August 2024 assessment could be safely relied upon.

It would be a number of years before development on the proposed site would take place and economic conditions would inevitably change. The viability review mechanism in the draft agreement would allow project viability to be reviewed at five year intervals.

To a question on the viability assessment period concluding at the end of May 2025, the Development Management and Land Charges Manager reiterated that through the viability consultation, if negotiations concluded in the next few months the August 2024 assessment would remain reliable and safe for all parties to proceed to complete the agreement.

A Member sought clarification on the viability assessment and the intervals of future review. The Development Management and Land Charges Manager informed viability reassessment would take place at five year intervals.

Moved by Councillor Tom Munro and seconded by Councillor John Ritchie

**RESOLVED** that: 1) approval is given to the general provisions contained within the draft S.106 agreement provided at Appendix 1, with delegated authority being given to the Assistant Director of Planning or the Development Management and Land Charges Manager to make any minor amendments to address the residual matters set out in this report and agree any management provisions in relation to farmland birds and proceed to complete the agreement;

2. Members note the changes to the National Planning Policy Framework and validity of the viability appraisal work that was undertaken and endorse that this does not materially impact on the resolution to grant planning permission at Planning Committee on the 17<sup>th</sup> September 2024; and,
3. Members approve the statement of decision at Appendix 3 on the environmental effects and the publicity arrangements to be followed as set out at Section 5 of this report.

In favour of the recommendation:

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Councillor Tom Munro  
Councillor John Ritchie  
Councillor Phil Smith

Against the recommendation:  
Councillor Rob Hiney-Saunders

### **PL168-24/25      APPLICATION NO. 23/00439/FUL - LAND AT THE REAR OF THE WHITE SWAN MARKET PLACE, BOLSOVER**

Committee considered a 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 2 three-storey buildings and 1 two-storey building that would deliver 9 one-bedroom flats at the ground floor and 9 two-bedroom two-storey flats, that would be delivered on the second and third floors of the building.

The application had been deferred from the Committee's 16<sup>th</sup> April 2025 meeting to allow officers to negotiate further contributions if viability increased.

Stephen K. Haslam spoke in favour of the application (on behalf of Mitchell Proctor Architects, the agent).

To a question on the enforcement of contributions following any increased viability, the Development Management and Land Charges Manager noted this was a complex area as assumptions were prescriptive regarding viability and were included in the agreement – any profit margin above 20% was seen as reasonable and would result in a 70% / 30% split of shared additional profit, with the Council prioritised.

This protocol would also entice all developers to seek additional profits above 20%.

A Member stated the current site was not attractive and the proposed development was desirable, but shared reservations on the 20% profit threshold before additional contributions would be sought.

Moved by Councillor John Ritchie and seconded by Councillor Rob Hiney-Saunders

**RESOLVED** that application no. 23/00439/FUL be **APPROVED** upon no objections being received from the Lead Local Flood Authority (LLFA), subject to the following conditions, any other conditions recommended by the LLFA, and upon completion of a S.106 agreement to secure a viability review mechanism at a suitable stage in the build out of the site, to enable the education, open space and playing pitch developer contributions to be made in circumstances where the development proves to be more profitable than envisaged in the viability appraisal:

#### 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:

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- Revised Location Plan (received 17<sup>th</sup> January 2025);
  - Site Plan and Ground Floor Plan Plots 1-6 (Drawing no. 23 946 2 Rev. B, received 17<sup>th</sup> January 2025);
  - Ground Floor Plots 7-9 and First Floor Plots 10-15 (Drawing no. 23 946 3 Rev. A, received 28<sup>th</sup> March 2025);
  - Rooms in Roof Plots 10-15 and First Floor Plots 16-18 (Drawing no. 23 946 4 Rev. A, received 28<sup>th</sup> March 2025);
  - Elevations (Drawing no. 23 946 5 Rev. C, received 28<sup>th</sup> March 2025);
  - Sections (Drawing no. 23 946 6 Rev. A, received 28<sup>th</sup> March 2025);
  - Hard and Soft Landscaping (Drawing no. 23 946 7 Rev. D, received 17<sup>th</sup> 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 LAm<sub>ax</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.

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- 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

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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;

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- 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 1<sup>st</sup> March and 31<sup>st</sup> 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<sup>st</sup> 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

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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:-

- a) evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical;
- b) evidence of existing positive drainage to public sewer and the current points of connection; and
- c) 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/roadtraffic/roadworks/roadworks.aspx](http://www.derbyshire.gov.uk/transport-roads/roadtraffic/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.

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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-controlarea-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-controlarea-rules>.

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[controlarea-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.

### **PL169-24/25      APPLICATION NO. 23/00180/OUT - BOLSOVER BUSINESS PARK, WOODHOUSE LANE, BOLSOVER**

Committee considered a 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 mixed-use development comprising of up to 6,500 sqm of employment units, retention of existing 2,270 sqm offices, 2 retail units (total gross area up to 3,200 sqm, one being for discount food retail), and a drive-thru takeout unit including associated parking, infrastructure and access.

The Committee was adjourned at 10:41 hours to allow reading of the supplementary document which included formally submitted to and approved in writing representations made by Mr. Turner and Cllr. Donna Hales, as well as a further consultation response

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received from the Derbyshire Wildlife Trust.

The meeting was reconvened at 10:44 hours.

The Development Management and Land Charges Manager informed the recommended condition 29 of the supplementary document had an omission of phasing and it was requested, if approved by Committee, figure 29 would be amended to read: *“29. Before the development hereby approved commences on an approved phase of the development, an employment scheme to enhance and maximise employment and training opportunities during the construction of that phase shall be formally submitted to and approved in writing by the Local Planning Authority. The approved Scheme shall then be implemented in full unless in accordance with any such subsequent variations as shall have been formally submitted to and approved in writing by the Local Planning Authority”*.

Bob Woollard spoke in favour of the application (the agent).

To a question regarding Mr. Turner’s representation in the supplementary document, the agent informed current tenants would have their accommodation prioritised and their transition to a new unit would not occur instantaneously.

The new units would also prove highly efficient, reducing future tenants’ energy usage and costs.

It was stated the applicant’s intentions was not to prioritise short-term profit, but to promote and support local businesses and local communities throughout the long-term.

In response to the representations in the supplementary document, a Member stated the view of the site from Bolsover Castle would likely improve from its current appearance.

To a question on the application’s effect on the Council’s Local Plan, the Senior Devolution Lead for Planning Policy, Strategic Growth and Housing informed the Council maintained its evaluation of its Local Plan and would keep under review the strategy and impact of the size and benefit of the application on Bolsover Town.

The Chair agreed with the previous statement the development would likely improve the current appearance of the site from Bolsover Castle. It was added, due to other local developments in the District and in North East Derbyshire District, the development would provide additional incentive to make use of existing businesses and services in Bolsover Town and not detract from them.

Moved by Councillor Tom Munro and seconded by Councillor Rob Hiney-Saunders

**RESOLVED** that application no. 23/00180/OUT be **APPROVED** with the below conditions following the prior entry into S.106 agreement to secure the travel plan monitoring contribution:

1. Application for approval of all reserved matters must be made not later than the expiration of three years from the date of this permission. The development hereby permitted must be begun not later than the expiration of two years from the final approval of the reserved matters, or in the case of approval of such matters on different dates, the date of the final approval of the last such matter to be approved.

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2. An application for details of the following matters (hereafter referred to as the “reserved matters”) shall be submitted to and approved in writing by the Local Planning Authority before the commencement of any works:-
- a) the scale of the development;
  - b) the layout of the development;
  - c) the external appearance of the development, and;
  - d) the landscaping of the site.

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

3. The development hereby permitted shall be carried out in accordance with the approved drawings and documents unless specifically stated otherwise in the conditions below:

- Location Plan (Rayner Davies Architects, 20<sup>th</sup> February 2023), reference: 1989(02)001 Rev.B
- Site Layout (CPMG, 06<sup>th</sup> March 2025), reference: 9586-CPMG-01-00-D-A-0003 Rev.P2
- Design and Access Statement (P&DG, received 02<sup>nd</sup> May 2023) insofar as it relates to the approved site layout
- Landscape and Visual Appraisal (DSA, 07<sup>th</sup> March 2023) insofar as it relates to the approved site layout
- Heritage Impact Assessment (Marrons, March 2023), reference: 22-039 insofar as it relates to the approved site layout
- Flood Risk Assessment & Drainage Strategy (bsp Consulting, 22<sup>nd</sup> April 2025), reference: BBPD-BSP-XX-XX-T-W-0001-P06\_Flood\_Risk\_Assessment
- Surface Water Drainage Strategy Plan (bsp Consulting, 22<sup>nd</sup> April 2025), reference: BBPD-BSP-XX-XX-DR-W-0001 Rev.P06
- Phase 1 Geotechnical & Geo-environmental Site Investigation (Eastwood, 07 March 2023), reference: 47985-ECE-XX-XX-RP-C-0001
- Transport Assessment (M-EC Consulting, December 2024), reference: 21227-TRAN-0801 Rev B
- Transport Assessment Addendum (M-EC Consulting, April 2025), reference: 21227-TRAN-0803
- Travel Plan (M-EC Consulting, December 2024), reference: 21227-TRAN-0802 Rev B
- Proposed Access Design and Vehicle Tracking (M-EC Consulting), reference: 21227\_08\_020\_04 Rev.F
- Supporting Planning & Retail Statement (P&DG, March 2023)
- Business Retention & Economic Strategy (P&DG, May 2024)
- Supplementary Retail Statement (Lichfields, May 2024)
- Retail Addendum Briefing Note (Lichfields, 18<sup>th</sup> November 2024), reference: 67394/01
- Further Retail Addendum (Lichfields, 06 March 2025), reference: 67394/01
- BNG Metric (received 04<sup>th</sup> April 2025)
- Ecological Appraisal (Rachel Hacking Ecology, June 2023)
- Bat Survey Report (RammSanderson, February 2025) reference, and;

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RSE\_8359\_R1\_V2.

- Prior to the commencement of any development, a Phasing Plan for the implementation of the approved development shall be submitted to and approved in writing by the Local Planning Authority. The Phasing Plan shall include details of the timing and order of all development phases, including the delivery of highway works, drainage infrastructure, open space, landscaping, and all buildings. The development shall thereafter be carried out in accordance with the approved Phasing Plan unless otherwise agreed in writing by the Local Planning Authority.

### Use and General Restrictions

- The development shall include the retention of the Former Colliery Headquarters building and be in accordance with the mix of new uses set out on Site Layout Plan dated 6<sup>th</sup> March 2025, numbered 9586-CPMG-01-00-D-A-0003 Rev P2. The units and/or floorspaces for each use shall not exceed the following:

Use	Maximum Floorspace
Convenience (Food Store) Retail	1 no. unit with a maximum gross internal area of 1,886 sq. m and maximum net sales area of 1,320 sq. m
Comparison (Bulky Goods) Retail	1 no. unit with a maximum gross internal floorspace of 1,150 sq. m and maximum net sales area of 805 sq. m.
Employment E(g) (i), (ii) and (iii), B2 and B8	6,500 sq. m
Drive Thru (Sui Generis)	85 sq. m

- Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 and the Town and Country Planning (General Permitted Development) (England) Order (2015) (as amended) or any Order revoking, re-enacting, or modifying those Orders, the 1 no. comparison retail unit shall be used for the retail sale of DIY goods, garden goods, furniture, carpets and floor coverings, electrical goods, camping, boating and caravanning goods, motor and cycle goods only and used for no other purposes, including any other activity within the same class of the schedule to the Use Classes Order.
- Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no sub-division, addition, extension or enlargement of the 2 no. retail units hereby approved.
- Notwithstanding the provisions of the Town and Country Planning (Uses Classes) Order 1987 and the Town and Country Planning (General Permitted Development) (England) Order (2015) (as amended) or any Order revoking, re-enacting, or modifying those Orders the new employment floorspace shall be used for E(g) (i),

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(ii) and (iii), B2 and B8 use only and for no other purposes, including in the case of use class E (g) (i), (ii) and (iii) any other activity within the same class of the schedule to that Order.

### Highways

9. No phase of the development shall be brought into use/occupied until the access, parking and turning facilities for that phase have been provided in accordance with drawing 21227-08-020-04 Rev F or details agreed in respect of a subsequent approval of reserved matters application.
10. The Travel Plan (TP Rev B) hereby approved, dated December 2024 shall be implemented and monitored in accordance with the regime contained within the Travel Plan and phasing plan. In the event of failing to meet the targets within the Plan a revised Plan shall be submitted to and approved in writing by the Local Planning Authority to address any shortfalls, and where necessary make provision for and promote improved sustainable forms of access to and from the site. The Plan thereafter shall be implemented and updated in agreement with the Local Planning Authority and thereafter implemented as amended.
11. Prior to commencement of any phase of the development hereby permitted details of a Construction Management Plan (CMP), for that phase, 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 vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
  - Advisory routes for construction traffic;
  - Any temporary access to the site;
  - Locations for loading/unloading and storage of plant, waste and construction materials;
  - Method of preventing mud and dust being carried onto the highway;
  - Arrangements for turning vehicles;
  - Arrangements to receive abnormal loads or unusually large vehicles;
  - Highway Condition survey;
  - Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

### Contamination and Air Quality

12. Before the commencement of the development hereby approved:

The site investigation strategy, for that phase, as identified in the Desk Study report Ref 47985-XX-XX-CO-C-0001 submitted with the application shall be undertaken by a competent person in accordance with the current UK requirements for sampling and analysis.

Where the site investigation identifies unacceptable levels of contamination, a detailed remediation scheme to bring the phase to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other

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property and the natural and historical environment shall be submitted to and approved in writing by the local planning authority. The submitted scheme shall have regard to relevant current guidance. The approved scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria and site management procedures. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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

13. No development hereby approved shall be occupied until:

- a) The approved remediation works, for the relevant phase, required by condition 12 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, 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 the Phase I contaminated land assessment (desk-study) ref 47985-XX- XX-CO-C-0001 submitted with the application and through the process described in condition 11 above.
- c) Upon completion of the remediation works required by condition 12 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.

14. Before the commencement of construction works, on any phase, 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, for that phase, shall be submitted to and approved in writing by the Local Planning Authority. The construction shall be undertaken in accordance with the approved scheme.

### Drainage

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

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- a) Additional information in response to LLFA comments, Tom Hall, 17/04/2025, Revised Site Layout, NG, Revision P2, 06/03/2025, Surface Water Drainage Strategy Plan, Tony Goddard, Revision P06, 22/04/2025, Flood Risk Assessment & Drainage Strategy, Tom Hall, Revision P06, 22/04/2025.
  - 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.
16. No development shall take place, in any phase, until a detailed assessment has been provided to and approved in writing by the Local Planning Authority, to demonstrate that the proposed destination for surface water, for that phase, accords with the drainage hierarchy as set out in paragraph 56 Reference ID: 7-056-20220825 of the planning practice guidance.
17. Prior to commencement of the development, in any phase, the applicant shall submit for approval to the Local Planning Authority details indicating how additional surface water run-off from the site, for that phase, will be avoided during the construction phase. The applicant may be required to provide collection, balancing and/or settlement systems for these flows. The approved system shall be operating to the satisfaction of the LPA, before the commencement of any works, which would lead to increased surface water run-off from site during the construction phase.
18. The site shall be developed with separate systems of drainage for foul and surface water on and off site.
19. No development shall take place, in any phase, until details of the proposed means of disposal of foul water drainage for the relevant phase, 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. 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.
20. No construction works shall commence, in any phase, until measures to protect the public sewerage infrastructure that is laid within the site boundary have been implemented in full accordance with details that have been submitted to and approved by the Local Planning Authority. The details shall include but not be exclusive to the means of ensuring that access to the pipe for the purposes of repair and maintenance by the statutory undertaker is retained at all times.

### Heritage and Archaeology

21. No excavation of land outside of the developed part existing employment site shall take place until a Written Statement of Investigation (WSI) has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include an assessment of the significance and research questions; and
- a) The programme and methodology of site investigation and recording.
  - b) The programme for post investigation assessment.
  - c) Provision to be made for analysis of the site investigation and recording.

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- d) Provision to be made for the publication and dissemination of the analysis and records of the site investigation.
- e) Provision to be made for archive deposition of the analysis and records of the site investigation.
- f) Nomination of a suitably qualified, competent and experienced archaeological contractor or organisation to undertake the works set out within the Written Statement of Investigation.

No demolition works shall be undertaken other than in accordance with the Written Scheme of Investigation as approved by the Local Planning Authority.

The development shall not be operational/brought into use until the site investigation and post investigation assessment has been completed in accordance with the programme set out within the approved Written Scheme of Investigation and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

Any historic or archaeological features not previously identified which are revealed when carrying out the works hereby permitted shall be retained in-situ and reported to the Local Planning Authority in writing within 2 working days. Works shall cease in the area/part of the building affected until provision has been made for the retention and/or recording in accordance with details submitted to and approved in writing by, the Local Planning Authority.

### CEMP

22. No development shall commence, in any phase, including any works of demolition, until a detailed Construction and Environmental Management Plan (CEMP), for that phase, has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include, but not be limited to, the following details (where appropriate):
- i. a construction programme including a 24-hour emergency contact number;
  - ii. complaints procedures, including complaint response procedures;
  - iii. air quality mitigation measures, including dust suppression;
  - iv. 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);
  - v. arrangements to demonstrate how any concurrent construction with HS2 works shall not impede the construction of the HS2 works;
  - vi. arrangements to minimise the potential for noise and vibration disturbance;
  - vii. locations for loading/unloading and storage of plant and materials used in constructing the development;
  - viii. details showing the siting, design and maintenance of security hoardings;
  - ix. wheel washing facilities and measures to control the emission of dust and dirt during construction;
  - x. site lighting details;
  - xi. site drainage control measures;
  - xii. tree protection measures in accordance with BS 5837:2012;
  - xiii. details of ecological mitigation measures including an operational lighting scheme for bats;

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- xiv. details of specific mitigation in relation to breeding or foraging black redstart;
- xv. details of biodiversity and arboricultural mitigation measures including a pre-commencement check by an ecological clerk of works (ECoW) to determine whether nesting birds are present;
- xvi. a scheme for recycling/disposing of waste resulting from demolition and construction works in accordance with the waste hierarchy and circular economy principles;
- xvii. An Unexploded Ordnance assessment to be undertaken;
- xviii. Membership of the Considerate Constructors Scheme.

The phase of development, including any works of demolition, shall only be carried out in accordance with the approved CEMP for that phase.

23. No development shall commence, in any phase, including any works of demolition, until a detailed Construction Logistics Plan (CLP), for that phase, has been submitted to and approved in writing by the Local Planning Authority. The CLP shall include information on:

- i. forecast programme and construction trips generated;
- ii. booking systems;
- iii. consolidated or re-timed trips; and
- iv. secure off-street loading and drop off facilities;
- v. use of logistics and consolidation centres;
- vi. re-use of materials on-site;
- vii. collaboration with other sites in the area;
- viii. use of rail and water for freight; and
- ix. implementation of a staff travel plan
- x. any areas for the 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).

The development, including any works of demolition, shall only be carried out in accordance with the approved CLP.

### Biodiversity and Ecology

24. The installation of insulation within the roof void of Building D shall not commence until a Precautionary Method of Works (PMW) has been submitted to the LPA for approval to safeguard the known bat roosts in the building. The PMW shall include the requirement for a toolbox talk and pre-works inspection of the roof void by a suitably qualified ecologist. It shall also specify details of the timings and method of installation to avoid disturbance and prevent any obstruction to the existing roosts. The works shall proceed strictly in accordance with the agreed PMW. If any requirement for licensing is identified during the pre-works check, works shall be delayed until an appropriate licence has been granted by Natural England.

25. Prior to the installation of lighting fixtures, a detailed lighting strategy shall be submitted to and approved in writing by the LPA, to safeguard known onsite bat roosts and avoid lightspill to areas of green space. This should provide details of the chosen luminaires, their locations and any mitigating features such as

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dimmers, PIR sensors and timers. Dependent on the scale of proposed lighting, a lux contour plan may be required to demonstrate acceptable levels of lightspill to any sensitive ecological zones/features. The Strategy should refer to Guidance Note 08/23 – Bats and Artificial Lighting at Night (BCT and ILP, 2023) and explain how proposals have been designed in compliance with this document. Such approved measures will be implemented in full.

26. No development shall take place in any phase (including demolition, ground works, vegetation clearance and movement of plant, machinery and materials) until a Biodiversity Construction Environmental Management Plan (CEMP: Biodiversity), for that phase, has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall be produced by an ecologist and shall include the following:

- a) Risk assessment of potentially damaging construction activities;
- b) Identification of “biodiversity protection zones”, including the southern open space and specific features of value previously recorded on site, including orchids and other notable plants in both the south and west of the site, and bat roosts in Building D;
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction, to include precautionary working measures for reptiles and amphibians and nesting birds;
- d) The location and timing of sensitive works to avoid harm to biodiversity features;
- e) Measures to prevent spread and remove Japanese knotweed from the site;
- f) The times during construction when specialist ecologists need to be present on site to oversee works;
- g) Responsible persons and lines of communication;
- h) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
- i) Use of protective fences, exclusion barriers and warning signs.

The approved Biodiversity 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

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

- a) Description and location of features to be retained, created, enhanced and managed, to meet, as a minimum, the post development habitat units set out in the BNG Metric received 4th March 2025;
- b) Aims and objectives of management, in line with desired habitat conditions detailed in the metric;

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- c) Prescriptions for management actions, using appropriate management methods to achieve aims and objectives;
- d) Preparation of a work schedule (including a 30-year work plan capable of being rolled forward in perpetuity);
- e) Details of the body or organization responsible for implementation of the plan;
- f) A monitoring schedule to assess the success of the habitat creation and enhancement measures at intervals of 1, 3, 5, 10, 20 and 30 years;
- g) Monitoring reports to be sent to the Council at each of the intervals above;
- h) A set of remedial measures to be applied if conservation aims and objectives of the plan are not being met;
- i) Requirement for a statement of compliance upon completion of planting and enhancement works;
- j) Detailed habitat enhancements for wildlife, in line with British Standard BS 42021:2022:
  - a. universal nest boxes and/or swift boxes on buildings;
  - b. integrated and/or external bat boxes on buildings and mature trees;
  - c. insect bricks and / or towers in public open space;
  - d. fencing gaps 130 mm x 130 mm to maintain connectivity for hedgehogs

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

### Other

28. An appropriate programme of building recording (including architectural/historical analysis) shall be carried out in respect of the former colliery buildings, including the pithead baths, goods sheds and former manager's house prior to their demolition. This record shall be carried out by an archaeologist/building recorder or an organisation with acknowledged experience in the recording of standing buildings which is acceptable to the Local Planning Authority. The recording shall be carried out in accordance with a written specification, and presented in a form and to a timetable, which has first been agreed in writing by the Local Planning Authority.
29. Before the development hereby approved commences on an approved phase of the development, an employment scheme to enhance and maximise employment and training opportunities during the construction of that phase shall be formally submitted to and approved in writing by the Local Planning Authority. The approved Scheme shall then be implemented in full unless in accordance with any such subsequent variations as shall have been formally submitted to and approved in writing by the Local Planning Authority.
30. Within 6 weeks prior to any new employment unit falling within Use Class E(g) (i) (ii) (iii), B2 and B8 hereby approved being brought into first use, an Employment Scheme to enhance and maximise employment and training opportunities at the premises, including a timetable for implementation, shall be submitted to and approved in writing by the Local Planning Authority. The approved Scheme shall then be implemented in full in accordance with the approved timetable.

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31. The development hereby approved shall not exceed 2 storeys in height and, other than the surface water drainage infrastructure, no development shall take place on the undeveloped fields to the southeast of the existing employment site and north of the A632.
32. Any future approval of reserved matters application shall seek to maximise connectivity to footpath and cycle infrastructure, including existing and proposed multi-user trails, to facilitate travel to the site by means other than the private motor vehicle.
33. Prior to works commencing on the superstructure of the retail and employment buildings hereby approved a scheme setting out the measures to be incorporated into construction of the units to help address and adapt to climate change shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

### INFORMATIVES:

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: [www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority).

The applicant is advised that construction work and deliveries associated with such activity 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 construction work or deliveries associated with such activity to the site on Sundays or public holidays.

The applicant is advised that the application site is located partially within land that may be required to construct and/or operate Phase 2b of a high-speed rail line from the West Midlands to Leeds, known as High Speed Two. Powers to construct and operate High Speed Two are to be sought by promoting a hybrid Bill in Parliament. More information can be found at: <https://www.hs2.org.uk/in-your-area/local-community-webpages/eastern-leg/>.

The development hereby approved includes the construction of new highway. To be considered for adoption and ongoing maintenance at the public expense it must be constructed to the Highway Authority's standards and terms for the phasing of the development. You are advised that you must enter into a highway agreement under Section 38 of the Highways Act 1980. The development will be bound by Sections 219 to 225 (the Advance Payments Code) of the Highways Act 1980. Contact the Highway Authority's Implementation Team at [development.implementation@derbyshire.gov.uk](mailto:development.implementation@derbyshire.gov.uk). You will be required to pay fees to cover the Council's costs in undertaking the following actions:

- Drafting the Agreement
- Set up costs
- Approving the highway details
- Inspecting the highway works.

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You should enter into discussions with statutory undertakers as soon as possible to coordinate the laying of services under any new highways to be adopted by the Highway Authority. The Highway Authority's technical approval inspection fees must be paid before any drawings will be considered and approved. Once technical approval has been granted a Highway Agreement under Section 38 of the Highways Act 1980 must be completed and the bond secured.

The development hereby approved includes the carrying out of work on the adopted highway. You are advised that before undertaking work on the adopted highway you must enter into a highway agreement under Section 278 of the Highways Act 1980 with the County Council, which would specify the works and the terms and conditions under which they are to be carried out. Contact the Highway Authority's Implementation team at [development.implementation@derbyshire.gov.uk](mailto:development.implementation@derbyshire.gov.uk) allowing sufficient time for the preparation and signing of the Agreement. You will be required to pay fees to cover the Council's costs in undertaking the following actions: Drafting the Agreement A Monitoring Fee Approving the highway details Inspecting the highway works Planning permission is not permission to work in the highway. A Highway Agreement under Section 278 of the Highways Act 1980 must be completed, the bond secured, and the Highway Authority's technical approval and inspection fees paid before any drawings will be considered and approved.

The construction of a new access may require a footway crossing from the carriageway under the Highways Act 1980 - Section 184 and the Applicant is required to obtain the permission of Derbyshire Highways details can be found at [www.derbyshire.gov.uk/transport-roads/roadtraffic/licences-enforcements/vehicularaccess/vehicle-accesses-crossovers-and-droppedkerbs.aspx](http://www.derbyshire.gov.uk/transport-roads/roadtraffic/licences-enforcements/vehicularaccess/vehicle-accesses-crossovers-and-droppedkerbs.aspx) or email [highways.hub@derbyshire.gov.uk](mailto:highways.hub@derbyshire.gov.uk) before commencing any works on the highway.

Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.

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 a. Informing, respecting and showing courtesy to those affected by the work; b. Minimising the impact of deliveries, parking and work on the public highway; c. Contributing to and supporting the local community and economy; and d. Working to create a positive and enduring impression, and promoting the Code. The CMP 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. 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. This does not offer any relief to obligations under existing Legislation.

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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/transportroads/roadtraffic/roadworks/roadworks.aspx](http://www.derbyshire.gov.uk/transportroads/roadtraffic/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.

All new streets must be tree lined as required in the National Planning Policy Framework. All proposed street trees must be suitable for transport corridors as defined by Trees and Design Action Group (TDAG). Details should be provided of what management systems are to be included, this includes root protections, watering and ongoing management. Street trees are likely to be subject to a commuted sum.

In respect of surface water drainage matters, the applicant's attention is drawn to the detailed informative set out in the consultation comments received from the Lead Local Flood Authority dated 25<sup>th</sup> April 2025.

Severn Trent Water have advised that any surface water run-off from hardstanding (equal to or greater than 800 square metres) and/or communal car parking area(s) of more than 50 spaces must pass through an oil, petrol and grit interceptor/separator of adequate design prior to any discharge to an existing or prospectively adoptable sewer.

This planning permission shall be read in conjunction with the accompanying legal agreement under Section 106 of the Town and Country Planning Act 1990 dated .....

### **Statement of Decision Process**

The Local Planning Authority have worked positively and proactively with the applicant to secure amendments to the proposals and additional information which have overcome concerns with regard to the impact of the development on the landscape, heritage, viability of Bolsover Town Centre and ecology.

### **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.

## PLANNING COMMITTEE

### 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.

### **PL170-24/25      APPLICATION NO. 23/00562/OUT - LAND TO THE WEST OF CARTWRIGHT LANE ALONGSIDE THE MANSFIELD ROAD, SOUTH NORMANTON**

Committee considered a 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 mixed-use development comprising of up to 6,500 sqm of employment units, retention of existing 2,270 sqm offices, 2 retail units (total gross area up to 3,200 sqm, one being for discount food retail), and a drive-thru takeout unit including associated parking, infrastructure and access.

Chris Quinsee spoke in favour of the application (the agent, on behalf of Marcus Jolly – Limes Development, the applicant).

To a question on the process if the Committee approved the officer's recommendation and Ashfield District Council's Planning Committee did not, the agent informed it was not common developments like this straddled two districts, but that if one Local Planning Authority authorised development and the other did not, the applicant would seek to challenge the refused decision.

A Member noted part of the site had been allocated to HS2 before the East Midlands' line was cancelled – while open countryside, it had been marked for development. The agent stated the application would have been brought forward earlier had it not been for HS2.

To a question on the current vacancy of a neighbouring unit, the agent stated a tenant would be confirmed in the near future for the empty unit, and that there was demand for additional units that the proposed development would accommodate.

Moved by Councillor Phil Smith and seconded by Councillor John Ritchie

**RESOLVED** that application no. 23/00562/OUT be **APPROVED** following no objections being received from the Lead Local Flood Authority (LLFA), subject to the following conditions and any other conditions recommended by the LLFA:

1. Approval of the details of the appearance and landscaping (hereinafter called "the

## PLANNING COMMITTEE

reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development to which this permission relates shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
3. 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:
  - Proposed Masterplan Drawing Ref 22688-300-P-02;
  - Proposed Site Sections Drawing Ref 22688-301-P-00;
  - Proposed Masterplan B2 Drawing Ref 22688-302-P-02;
  - Highways General Arrangement Drawing Ref SNE-BWB-HGW-OO-DR-TR-101;
  - HGV Tracking Drawing Ref SNE-BWB-HGW-OO-DR-TR-110;
  - Large Car Tracking Unit 1 Drawing Ref SNE-BWB-HGW-OO-DR-TR-111;
  - Large Car Tracking Unit 2 Drawing Ref SNE-BWB-HGW-OO-DR-TR-112;
  - Design and Access Statement Corstorphine + Wright July 2023;
  - Planning Statement Q+A Planning Ltd October 2023;
  - Transport Assessment BWB Consulting October 2023;
  - Framework Travel Plan BWB Consulting October 2023;
  - Air Quality Assessment BWB Consulting October 2023;
  - Flood Risk Assessment BWB Consulting October 2023;
  - Sustainable Drainage Statement BWB Consulting October 2023;
  - Phase 1 Geo-Environmental Assessment BWB Consulting October 2023;
  - Coal Mining Risk Assessment BWB Consulting October 2023;
  - Ecological Appraisal BSG Ecology October 2023;
  - Biodiversity Metric Calculation BSG Ecology October 2023;
  - Arboricultural Report Wharnccliffe October 2023;
  - Geophysical Survey Report Magnitude Surveys February 2024;
  - Noise Impact Assessment BWB Consulting March 2024;
  - Archaeological Assessment BWB Consulting July 2024;
  - Archaeological Assessment Heritage Appendices BWB Consulting June 2024;
  - Economic Benefits Statement Q+A Planning October 2024.
4. No development shall take place until a Written Scheme of Investigation for archaeological work has been submitted to and approved by the local planning authority in writing, and until any pre-start element of the approved scheme has been completed to the written satisfaction of the local planning authority. The scheme shall include an assessment of significance and research questions; and
  - a) The programme and methodology of site investigation and recording
  - b) The programme for post investigation assessment
  - c) Provision to be made for analysis of the site investigation and recording

## PLANNING COMMITTEE

- d) Provision to be made for publication and dissemination of the analysis and records of the site investigation
  - e) Provision to be made for archive deposition of the analysis and records of the site investigation
  - f) Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation
5. No development shall take place other than in accordance with the archaeological Written Scheme of Investigation approved under condition 4.
  6. 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 4 and the provision to be made for publication and dissemination of results and archive deposition has been secured.
  7. Before the commencement of the development hereby approved:

The site investigation strategy as identified in the Desk Study report Ref SNE-BWBEGT-XX-RP-LE-0004\_Ph1 submitted with the application shall be undertaken by a competent person in accordance with the current UK requirements for sampling and analysis.

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

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

8. No buildings 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, 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 the Phase I contaminated land assessment (desk-study) ref SNEBWB-EGT-XX-RP-LE-0004\_Ph1 submitted with the application and through the process described in 7

## PLANNING COMMITTEE

above.

- c) Upon completion of the remediation works required by 7 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. 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 the construction phases, shall be submitted to and approved in writing by the Local Planning Authority and include a dust risk assessment. The construction shall be undertaken in accordance with the approved scheme.
  10. No vegetation clearance shall take place between 1<sup>st</sup> March and 31<sup>st</sup> August inclusive, unless preceded by a nesting bird survey undertaken by a competent ecologist no more than 48 hours prior to clearance. This includes site strip of the two main onsite fields. If nesting birds are recorded, an appropriate exclusion zone will be implemented and monitored until the chicks have fledged. No works shall be undertaken within exclusion zones whilst nesting birds are present. If ground nesting birds are recorded, suitable mitigation and compensation shall be agreed with the LPA.
  11. Prior to commencement of works on site (including vegetation clearance), a statement shall be submitted to the LPA confirming the approach to safeguarding great crested newts during development. If this includes licensing, confirmation of the licence being granted by Natural England / a signed Impact Assessment and Conservation Payment Certificate (IACPC) shall also be submitted. All works shall proceed strictly in accordance with the approved strategy / licence.
  12. No development shall take place (including demolition, ground works, vegetation clearance and movement of plant, machinery and materials) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall be based on recommendations made in the Ecological Appraisal (BSG, October 2023) and include the following:
    - a) Risk assessment of potentially damaging construction activities.
    - b) Identification of "biodiversity protection zones".
    - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction.
    - d) The location and timing of sensitive works to avoid harm to biodiversity features.
    - e) The times during construction when specialist ecologists need to be present on site to oversee works.
    - f) Responsible persons and lines of communication.
    - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.

## PLANNING COMMITTEE

- h) Use of protective fences, exclusion barriers and warning signs.

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

13. A Landscape and Biodiversity Enhancement and Management Plan (LBEMP) shall be submitted to, and be approved in writing by, the LPA prior to the commencement of the development. The aim of the LBEMP is to provide details for the creation, enhancement and management of habitats and species on the site post development, in accordance with the proposals set out in the submitted Biodiversity Metric (BSG, October 2023). The LBEMP should combine both the ecology and landscape disciplines and shall be suitable to provide to the management body responsible for the site. It shall include the following:-

- a) Description and location of features to be retained, created, enhanced and managed, as per the approved biodiversity metric.
- b) Aims and objectives of management, in line with desired habitat conditions detailed in the metric.
- c) Appropriate management methods and practices to achieve aims and objectives.
- d) Prescriptions for management actions.
- e) Preparation of a work schedule (including a 30-year work plan capable of being rolled forward in perpetuity).
- f) Details of the body or organization responsible for implementation of the plan.
- g) A monitoring schedule to assess the success of the habitat creation and enhancement measures at intervals of 1, 2, 3, 5, 10, 15, 20, 25 and 30 years.
- h) Monitoring reports to be sent to the Council at each of the intervals above.
- i) A set of remedial measures to be applied if conservation aims and objectives of the plan are not being met.
- j) Detailed habitat enhancements for wildlife, in line with British Standard BS 42021:2022.
- k) Details of offset gullies and drop kerbs in the road network to safeguard amphibians.
- l) Detailed specifications for open water habitats to provide biodiversity benefits.
- m) Requirement for a statement of compliance upon completion of planting and enhancement works.

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

14. Prior to either of the units hereby approved being brought into use for Class B2 purposes, the access, parking provision and turning facilities for that unit shall have been fully implemented in accordance with drawing Ref. 22688-302 Rev P-02 and be free from impediment to its intended use as a parking area. Otherwise, the parking provision shall have been implemented in accordance with drawing Ref. 22688-300 Rev. P-02 and free from impediment to its intended use prior to

## PLANNING COMMITTEE

the first use of the units hereby approved.

15. 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 vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- Advisory routes for construction traffic;
- 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;
- Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

16. An electric vehicle infrastructure strategy and implementation plan shall be submitted to and approved in writing by the Local Planning Authority prior to the first use of any building hereby permitted. The plan shall contain details of the number and location of all electric vehicle charging points shall comply with BS EN 62196 Mode 3 or 4 charging and BS EN 61851, and Derbyshire Highway Design Guide. Buildings and parking spaces that are to be provided with charging points shall not be brought into use until associated charging points are installed in strict accordance with approved details and are operational. The charging point installed shall be retained thereafter unless replaced or upgraded to an equal or higher specification.

17. The Development hereby approved shall not be brought into use until the submitted Travel Plan that promotes sustainable forms of travel to the development site has been approved in writing by the Local Planning Authority in consultation with the Local Highway Authority. The submitted details shall use Modeshift STARS Business to carry out this process and 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.

18. No development shall commence until;

- a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past coal mining activity; and,
- b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in

## PLANNING COMMITTEE

accordance with authoritative UK guidance.

19. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.
20. Subject to acceptance of the SuDS design by the Lead Local Flood Authority at Derbyshire County Council and prior to commencement of development, 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, must be submitted to and approved in writing by the Local Planning Authority.
21. Before the development hereby approved commences, an Employment Scheme to enhance and maximise employment and training opportunities during the construction phase of the project shall be submitted to and approved in writing by the Local Planning Authority. The approved Scheme shall then be implemented in full unless in accordance with any such subsequent variations as shall have been formally submitted to and approved in writing by the Local Planning Authority.
22. Within 6 weeks prior to the approved development being first brought into operation, an Employment Scheme to enhance and maximise employment and training opportunities during first occupation, including a timetable for implementation, shall be submitted to and approved in writing by the Local Planning Authority. The approved Scheme shall then be implemented in full in accordance with the approved timetable unless in accordance with any such subsequent variations as shall have been formally submitted to and approved in writing by the Local Planning Authority.
23. Before occupation of the development hereby approved an external lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be designed to reduce light spill and shall have regard to the "Guidance Note 01/21, The Reduction of Obtrusive Light" produced by the Institution of Lighting Professionals. The approved lighting scheme shall be implemented in full before the lighting is first used and shall be retained thereafter.
24. A scheme for the details of footpath diversion and enhancement through the site, including cycleway provision where possible, shall be submitted to and approved by the Local Planning Authority. The scheme shall include details of a suitable bound material and details of connection onto Export Drive. The approved scheme shall be implemented in full prior to first occupation of either of the units hereby approved.
25. The development hereby approved shall be designed and constructed to a BREEAM rating of 'Very Good' or higher. Confirmation of this achievement shall be submitted to the Local Planning Authority within two months of the final rating being awarded.

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### Informatives:

1. Cadent own and operate an Intermediate pressure gas pipeline running in the south and east boundary of the application site. Cadent hold a deed of grant for an easement on this gas pipeline and no development including alterations of ground levels is permitted inside the easement without Cadent written permission. There are building proximity distances that must be adhered to from the Intermediate pressure gas pipeline. Cadent must be contacted and liaised with before any construction commences as there will be restrictions required for the siting of the units and construction processes in the vicinity of the easement.
2. The applicant is advised that part of the application site falls within land that is currently safeguarded for construction and/or operation of HS2 Phase 2b (Crewe to Manchester and Birmingham to Leeds). Although the Government have announced the cancellation of this section of high-speed rail line, Safeguarding Directions are still in place. However, in line with the commitments made in the accompanying Network North Command Paper, safeguarding is to be amended for HS2 Phase 2b by summer 2024 to allow for any safeguarding needed for Network North schemes.

As such, the applicant is advised to closely follow ongoing progress of the Network North programme for any updates at: <https://www.gov.uk/government/publications/network-north>.

3. Drainage arrangements shall be provided to ensure that surface water from the site does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.
4. The applicant should note that Permission is required from the Mining Remediation Authority's Permitting & Licensing Team before undertaking any activity, such as ground investigation and ground works, which may disturb Mining Remediation Authority property. Any comments that the Mining Remediation Authority may have made in a Planning context are without prejudice to the outcomes of a Permit application. 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 Mining Remediation 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 Mining Remediation Authority permission and further guidance can be obtained from the Mining Remediation Authority's website at: [www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property](http://www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property).
5. Where SuDS are proposed as part of the development scheme consideration will need to be given to the implications of this in relation to the stability and public safety risks posed by coal mining legacy. The developer should seek their own advice from a technically competent person to ensure that a proper assessment has been made of the potential interaction between hydrology, the proposed

## **PLANNING COMMITTEE**

drainage system and ground stability, including the implications this may have for any mine workings which may be present beneath the site.

6. In areas where shallow coal seams are present caution should be taken when carrying out any on site burning or heat focused activities.
7. The sewer records do not show any public sewers within the curtilage of the site. However, the applicant should be made aware of the possibility of unmapped public sewers which are not shown on the records but may cross the site of the proposed works. These could be shared pipes which were previously classed as private sewers and were transferred to the ownership of the Water Authorities in October 2011. If any part of the proposed works involves connection to / diversion of / building over / building near to any public sewer the applicant will need to contact Severn Trent Water in order to determine their responsibilities under the relevant legislation.
8. All proposals regarding drainage will need to comply with Part H of the Building Regulations 2010.
9. 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.

### **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).

## **PLANNING COMMITTEE**

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.

The Chair thanked all Members and officers for their work in 2024/25.

The meeting concluded at 11:23 hours.

**PARISH** Ault Hucknall Parish

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**APPLICATION** Incorporation of land into garden, the erection of an outbuilding for domestic storage, retention of pergola and gates, removal of sheds and green house and installation of boundary fence

**LOCATION** The Old Dairy Batley Lane Pleasley Mansfield

**APPLICANT** Andrew Clarke The Old Dairy Batley Lane Pleasley Mansfield NG19 7QL

**APPLICATION NO.** 25/00084/FUL                      **FILE NO.** PP-13789059

**CASE OFFICER** Jack Clayton

**DATE RECEIVED** 18th February 2025

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## SUMMARY

This application follows the refusal of application code ref. 24/00183/FUL at planning committee on the 4<sup>th</sup> of September 2024, for the following reasons:

- 1. The application represents the change of use of previously undeveloped land to residential garden and development outside of the dwelling's defined garden curtilage contrary to Policy SS9 of the Adopted 2020 Local Plan for Bolsover District, which sets out a number of criteria where development within the countryside, outside of the defined development envelopes within the district, will be supported in principle.*
- 2. The proposals, by virtue of representing a significant intrusion of residential garden of a scale and footprint which is excessive and disproportionate to that required for the dwelling; a proposed double garage of a domestic form and appearance wholly out of scale and character with The Old Dairy; together with associated outbuildings extending into the countryside, outside of the defined garden curtilage of the barn conversion, are considered to harm the form, character and appearance of the rural landscape setting to the dwelling and the countryside, contrary to Policy SS9 of the Adopted 2020 Local Plan for Bolsover District. The change of use would cause an inherent residential character and loss of agricultural setting, which is an important component of this historic farmstead, failing to enhance the rural character of the building and landscape character generally; contrary to Policy SC5 (a) and (b) of the Adopted Local Plan; and contrary to Policy SC8 of the Adopted Local Plan by causing significant harm to the character, quality and distinctiveness of the landscape. The proposal is considered contrary Policy SS1 (i) of the Adopted Local Plan by failing to protect the character and quality of the landscape and the wider countryside; and to Policy SC3 (j) of the Adopted Local Plan which requires development proposals to accord with and respond to the established character and local distinctiveness of the surrounding landscape. The proposal is contrary to Paragraphs 180 (a) and (b) of the National Planning Policy Framework by failing to protect a valued landscape in the context of the setting of a non-designated heritage asset; and by failing to recognise the intrinsic character and beauty of the countryside. The development represents an environmentally unsustainable form of development contrary to Paragraph 8 of the National Planning Policy Framework.*

Despite resolving that the application be refused, members requested that officers worked with the applicant to overcome the above concerns. The applicant has positively engaged with the Local Planning Authority and has reduced the amount of land to be included as garden and changed the size, design and style of the outbuilding.



*Front elevation of The Old Dairy*



*Rear elevation of The Old Dairy*

In its revised form, the development is considered to respect the character of the countryside and the setting of the adjacent buildings which are non-designated local heritage assets. The development would satisfy the relevant policies of the development plan and national planning policy in this respect. The development would not result in unacceptable residential amenity effects or be unacceptable in biodiversity or below ground archaeology terms. A recommendation of approval is put forward on this basis.

**Site Location Plan**



*The red outline shows the extent of land to be included as garden and the blue line the extent of land owned / controlled by the applicant.*

## SITE & SURROUNDINGS

The Old Dairy is a stone barn residential conversion. The barn conversion is located within an open relatively isolated rural landscape within designated countryside. In addition to The Old Dairy is a separate two storey barn conversion and the original farmhouse to the south. The vehicular access is via Batley Lane, which is a single width lane bordered by hedgerows. The barn conversion is set back from the highway with a driveway which leads around the property frontage to the rear of the building via its side gable. The dwelling also benefits from a soft landscaped garden area forward of the principal elevation. To the rear of the site is the approved garden curtilage and a paddock. To the rear are two historic areas which once accommodated agricultural buildings. These areas are now being used by the applicant for outdoor seating and includes a garden pergola, seating, and planting areas. The paddock is proposed to be used as garden curtilage. Post and rail fencing has been erected to the perimeter of the paddock.



*The paddock and area of hard surfacing upon which a pergola has been erected to the north of the site.*

## BACKGROUND

Planning Permission was granted to convert the former barn under application code ref. 13/00310/FUL on 16/09/2013. This included the conversion of two barns to form two separate dwellinghouses. These were the conversion of the 'L' shaped mainly stone range of barns to one four-bed dwelling, and the conversion of the brick cart shed to a two-bed dwelling without the need for any extensions or major reconstruction work.

The case officer's report explains that the barns subject to the application were the barns/outbuildings to Batley Farmhouse, in a situation of open countryside between Pleasley and Rowthorne. The layout submitted with the application clearly showed the garden and parking for the dwelling, deliberately excluding a paddock area to the rear from the garden curtilages. This was in the interests of preserving the heritage interests of the site and countryside character.



***The approved site layout drawing no 011 Rev C defining the approved garden curtilages of each dwelling in light green and excluding the paddock and farm buildings from garden in dark green to the north-east.***

Planning Permission was refused to extend the garden of the property under planning application code ref. 24/00183/FUL. The site area subject to the change of use was 1375 square metres. The application looked to regularise areas of planting, boundary fencing, gates, and a pergola structure. A double garage was also proposed to the rear of the barn conversion, forward of the outdoor seating area and pergola and was the only element of the

application that did not seek retrospective permission at that time. The application was refused on the basis that it did not comply with any of the criteria set out in policy SS9 of the Local Plan for Bolsover District and that it represented a significant intrusion of residential garden of a scale and footprint which was excessive and disproportionate to that required for the dwelling. It was also considered that the proposed double garage was wholly out of scale and character with The Old Dairy; this paired with the associated outbuildings extending into the countryside were considered to harm the form, character and appearance of the rural landscape setting to the dwelling and the countryside, contrary to policies, SS9, SC5, SC8, SC1, SC3 of the Local Plan for Bolsover District.

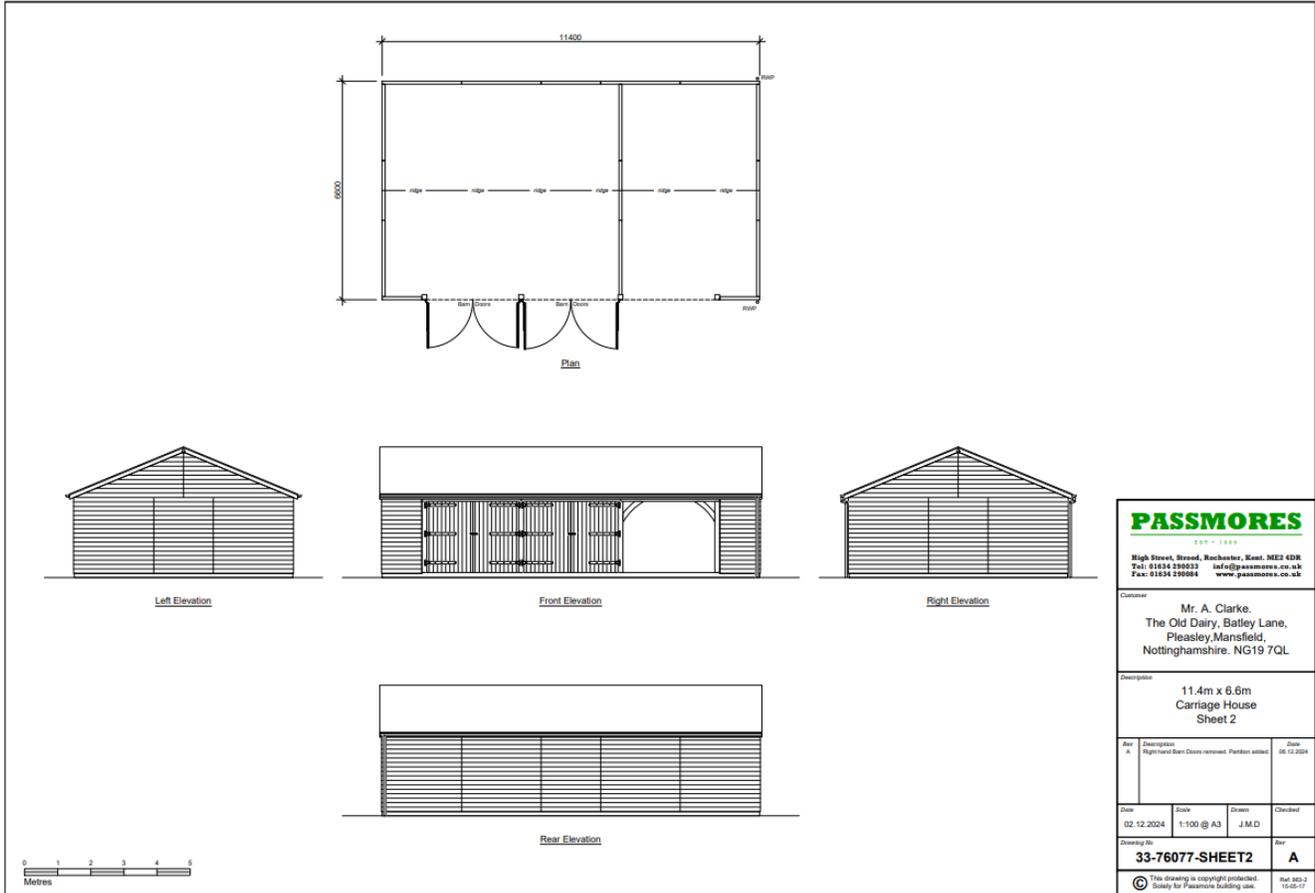


*The proposed site layout identifying the two seating areas which once accommodated agricultural buildings and the paddock in between them.*

## PROPOSAL

This revised application seeks a change of use of part of the paddock area to the east of The Old Dairy to a garden. The area of land to be included as garden extends to approximately 508 square metres. The applicant states that the site has been used as a private garden for several years and they seek to formalise this use through a retrospective planning application.

The application also seeks to regularise the erection of boundary fencing and gates to the south and a pergola structure to the north. A three-bay outbuilding for use as a garage and store is proposed to the rear of the property on an existing concrete apron and immediately to the west of the pergola structure. A new boundary is proposed to the east of enlarged garden area to separate it from the applicant's wider land holding.



*The proposed double garage (not constructed), situated outside the approved garden curtilage to the rear of The Old Dairy.*

**AMENDMENTS - None**

**HISTORY**

13/00310/FUL	Granted Conditionally	Conversion of existing agricultural buildings to form two new dwellings (as amended by the revised layout plan 011 Rev C showing the derelict dutch barn demolished, the revised repairs schedul00310/fe and drawing 015 Rev A showing extent of rebuilding of the stonework, and Drawing 012 Rev C showing the proposed roof lights located on the rear east elevation of the barn roof)
14/00552/DISCON	Discharge of Conditions	Discharge of conditions 2 and 3 (recommendations set out in ecology report) 4 (contamination), 5 (safety and stability scheme), 7 (materials), 8 (sample of pointing), 10 (Structural and construction details), 11 (window detail) and 12 (rooflights) of application 13/00310/FUL

24/00183/FUL          Refused          Change of use from paddock to garden area (inclusive of boundary gate, outbuildings & planting) & erection of double garage

## **CONSULTATIONS**

Ault Hucknall Parish Council – No response received.

Bolsover District Council – Heritage & Conservation Manager –

When considering the original application the barns were regarded as non-designated heritage assets. On balance, the simplified design of the garage and positioning on the site of a former agricultural outbuilding, together with re-instatement of large part of the orchard and removal of a number of domestic structures will reduce the impact and harm caused to the wider setting of the former barn (non-designated heritage asset). Overall, there is not considered to be any significant harm or loss and the significance of the heritage asset.

Derbyshire County Council – Archaeologist –

The proposal will have no substantive below ground impact and therefore there is no objection.

Derbyshire County Council – Highway Authority –

It is considered that the application will have no detrimental highway impact and on that basis there are no highway authority objections to the application.

Severn Trent Water Ltd – No response Received.

The National Trust – 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 a site notice and letters sent to two adjacent residential properties – one representation has been received, objecting to the application for the following reasons:

*The outbuilding that is proposed is larger in order of magnitude compared with the garage that was previously proposed by the applicant on application (24/00183/FUL) with the objector claiming the new design is larger than the average bungalow based off internet research and has a larger footprint than Batley House. The garage does not address any of the reasons of previous refusal aside from changing the material from stone to wood.*

*In original plans for the property 13/00310/FUL there was detailed hardstanding for vehicular parking, located within the designated garden areas. If granting permission for a garage it undermines the overarching aim of protecting the countryside. The proposed development does not aim to achieve the goal of protecting the countryside.*

*The objector can find no evidence that a building was ever situated on the 'concrete slab' and*

*claims that it is a 'new concrete slab'. The objector also claims it is unclear if the Biodiversity Net Gain Requirement is applicable for this application and states that a section 106 agreement may even be required for the application.*

*The objector claims that various changes have been made since the applicant acquired the property in 2017.*

*The objector has questioned the planning process in which the 24/00183/FUL application went to a committee and is unhappy that two members of the planning team, one of which being the planning manager undertook a site visit to see if a resolution could be found and therefore requests that the application goes to a committee instead of a delegated decision.*

*The objector states the definition of a 'carriage house' combines a garage with a living space, and are built with plumbing, cooling and heating systems. The objector also questions why the 'special foundations' are required for the garage.*

*The objector's understanding is that it is not permissible to have any building on a paddock unless it is for agricultural purposes.*

*The objector claims that the laurel hedge is to be removed.*

## **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:

- Policy SS1 – Sustainable Development
- Policy SS3 – Spatial Strategy and Distribution of Development
- Policy SS9 – Development within the Countryside
- Policy SC2 – Sustainable Design and Construction
- Policy SC3 – High Quality Development
- Policy SC5 – Changes of Use and Conversions in the Countryside
- Policy SC8 – Landscape Character
- Policy SC9 – Biodiversity and Geodiversity
- Policy SC10 – Trees, Woodland and Hedgerows
- Policy SC11 – Environmental Quality
- Policy SC18 – Archaeology
- Policy SC21 – Non-Designated Heritage Assets.
- ITCR11 – Parking Provision

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

The National Planning Policy Framework sets out the Government's planning policies for England and how these should be applied. The Framework is therefore a material consideration in the determination of this application and policies in the Framework most

relevant to this application include:

- Chapter 2 (paras. 7 – 14): - Achieving sustainable development.
- Paragraphs 48 - 51: Determining applications.
- Paragraphs 56 - 59: Planning conditions and obligations.
- Paragraphs 124 - 128: Making effective use of land.
- Paragraphs 131 – 141: Achieving well-designed places.
- Paragraphs 187, 193 and 195: Conserving and enhancing the natural environment.

### Supplementary Planning Documents

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

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

**Local Parking Standards:**

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

**Biodiversity Net Gain Design Note:**

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

**Historic Environment:**

The Historic Environment Supplementary Planning Document was adopted in March 2006 to provide further clarity and interpretation for policies in the Bolsover District Local Plan (of the time) in relation to listed buildings, conservation areas, conversion of historic agricultural buildings and archaeology.

## **ASSESSMENT**

### ***Key issues***

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

- The Principle of the Development
- Impacts on the Openness of the Countryside
- Heritage Impacts
- Residential Amenity
- Archaeology
- Biodiversity
- Highway Safety

- Sustainable Considerations

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

### **Principle**

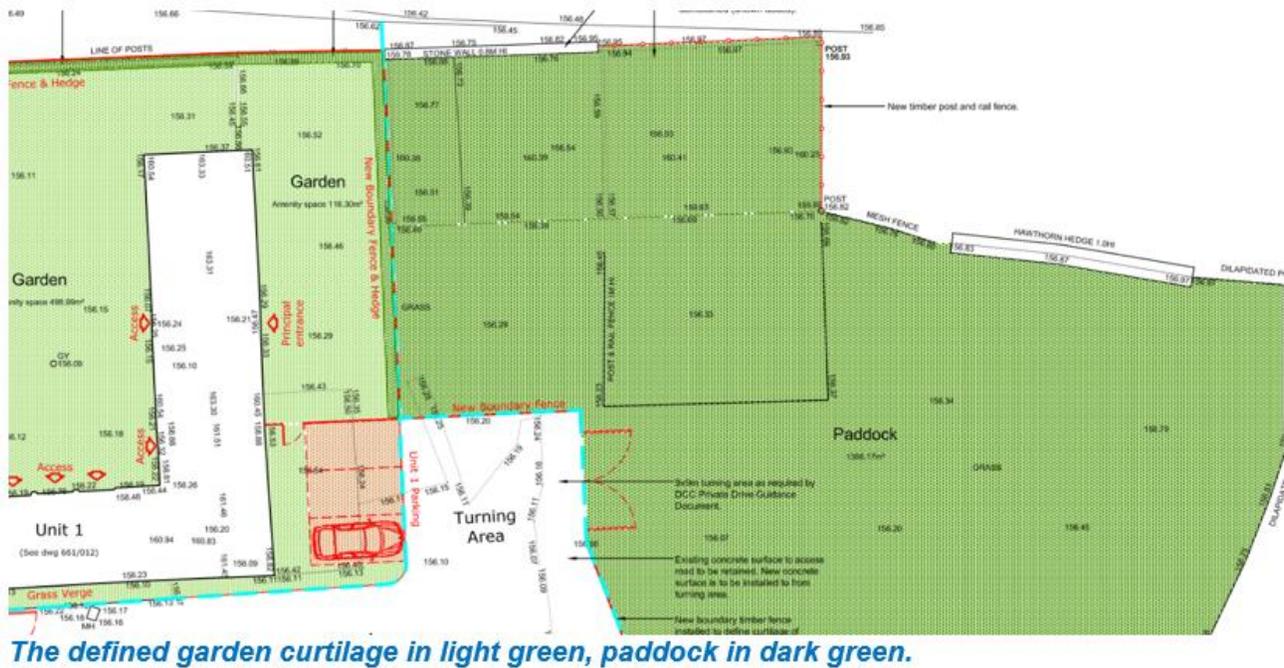
The application site is located outside of the defined development envelopes of the towns and villages within the district and is therefore within the countryside. Within the countryside, the Local Plan sets out that urban forms of development would not be appropriate or sustainable and not in accordance with the Spatial Strategy. The restraint on the amount of land removed from the countryside from development also contributes to the delivery of the Local Plan's vision and objectives regarding conserving and enhancing the quality and character of the countryside. Objective C of the Local Plan sets out an intention to conserve and enhance the quality and character of the countryside, its landscapes and wildlife.

For the principle of development to be acceptable, the proposal must fall within one or more of the categories of development set out under Policy SS9 of the Adopted Local Plan. This policy 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 one or more of the following categories:

- a) Involve a change of use or the re-use of previously developed land, provided the proposed use is sustainable and appropriate to the location*
- b) Are necessary for the efficient or viable operation of agriculture, horticulture, forestry or other appropriate land-based businesses, including the diversification of activities on an existing farm unit*
- c) Are small scale employment uses related to local farming, forestry, recreation or tourism*
- d) Secure the retention and / or enhancement of a community facility*
- e) Secure the retention and / or enhancement of a vacant or redundant building that makes a positive contribution to the character or appearance of the area and can be converted without complete or substantial reconstruction*
- f) Are in accordance with a made Neighbourhood Development Plan*
- g) The building is of exceptional quality or innovative design*

Notwithstanding any possible compliance with one of the above categories of appropriate development within the countryside, in all cases, where development is considered acceptable in principle, it will be required to respect the form, scale and character of the landscape, through careful location, design and use of materials.

When planning permission was granted the application clearly defined the garden curtilage of the barn subject to this application and that of the neighbouring two storey barn conversion to the south. Drawing number 011 Rev C excluded land within the site as a paddock together with the two areas of the site which formerly accommodated agricultural buildings from the defined garden curtilages. The site plan shows that a boundary fence and hedge was required to be provided at the end of the garden curtilage, to define the curtilage and amenity space for plot 1.



The development does not meet criteria (b to (g) of Policy SS9. In relation to criteria (a), for the principle of development to be acceptable, the development would need to demonstrate that the change of use was sustainable and appropriate to its location. Policy SC5 allows for the change of use of land in the countryside where it is in keeping with the original character of the land and enhances the fabric and character of any adjacent buildings or the landscape character type generally and the overarching requirement of Policy SS9 is that development respects the form, scale and character of the landscape, through careful location, design and use of materials. Subject to compliance with these requirements, the development could be deemed to be acceptable in principle.

Impacts on the Openness of the Countryside

Policy SS1 (i) states that, in order to achieve sustainable development, development proposals should seek to protect, create and/or enhance the character, quality and diversity of the district’s green infrastructure and local landscapes, the wider countryside and ecological and biodiversity assets amongst other considerations.

Policy SS9 requires all developments within the countryside to respect the form, scale and character of the landscape, through careful location, design and use of materials.

Policy SC3 (j) requires development proposals to accord with and respond to the established character and local distinctiveness of the surrounding landscape.

Policy SC5 of the Adopted Local Plan states where planning permission is required, proposals for the conversion of an existing building or structure, or the change of use of land, to a new use, will be permitted provided the conversion or change of use, is in keeping with the original character of the building or land and enhances the fabric and character of any adjacent buildings, or the landscape character type generally.



The proposed outbuilding is a lightweight timber structure with a plain tile roof. It is of a similar form and appearance to the storage building that once stood on the land. The design and materials of construction of the building are considered to reflect the rural setting and there is a precedent for this type of structure in countryside settings. The pergola, although domestic in character, is a lightweight structure which is partially screened by the existing hedge and, will be viewed against the backdrop of the proposed outbuilding, such that its impact on the character and appearance of the countryside is considered to be minimal.

The proposed garden extension is currently well-maintained grassland with post and rail fencing on its border with the countryside. The proposal will introduce a hedgerow along the southern boundary to contain the proposed curtilage extension. Hedgerows are considered typical of a countryside landscape, and therefore will contribute to the overall setting of the adjacent areas. Furthermore, the proposal will re-instate a large part of the paddock, returning it to a more open and natural landscape setting.

The extent of enlarged garden would terminate, where the current hardstanding ends to the north of the site and existing hard surfacing serving an adjacent dwelling to the south. The development would not constitute an incursion into the countryside in this respect and the erection of an outbuilding, which reflects the form and scale of an agricultural building that once stood on the site would preserve the fabric and character of the former farm grouping and its wider landscaped setting. It is considered that the development would, on balance, comply with the requirements of the aforementioned development plan policies in this respect.

Permitted development rights can be removed regarding the erection of any additional incidental/ancillary buildings within the proposed garden curtilage to ensure control remains over the character and appearance of the open countryside. It is considered that the erection of an appropriate physical / planted barrier (which would need to be controlled by condition) would sufficiently mitigate against any harm caused by the use of the wider site as garden, and the accompanying residential activities which come with that. The outbuilding would also accommodate the storage met by existing unauthorised sheds and greenhouses on the eastern most area of existing hardstanding. A condition can be imposed to secure the removal of these structures to preserve the character and appearance of the countryside and the wider landscape.

The remaining size of the paddock is of sufficient size to allow a small group of animals to graze, which would help retain the agricultural setting and character of the former agricultural building successfully. Alternatively, the site could be maintained as a paddock or orchard.

Overall, it is considered that the proposal satisfies policies SS9, SC1, SC3, SC5, and SC8 of the adopted Local Plan for Bolsover District and Paragraph 180 of the NPPF as the change of use and erection of the timber garage is in keeping with the with the original agricultural character of the land.

### Heritage Impacts

Given the nature of this application the District Council's Heritage & Conservation Manager (H&CM) has been consulted on this application. The H&CM was involved with the original planning permission for the conversion of the barns to residential (ref: 13/00310/FUL) where it

was considered that there was sufficient evidence to support the view that the former agricultural buildings on site met the definition of a non-designated heritage asset of architectural and historic significance as set out in the NPPF and as such this should be taken into consideration when determining this application. As a result, this application should be judged against the requirements set out in Policy SC21 and para 216 of the NPPF.

Policy SC21 of the Adopted Local Plan states development proposals which positively sustain or enhance the significance of any local heritage asset, and its setting will be permitted. Alterations, additions and changes of use should respect the character, appearance and setting of the local heritage asset in terms of the design, materials, form, scale, size, height and massing of the proposal. Proposals involving full or partial demolition of a local heritage asset will be resisted unless sufficient justification is provided on the proposed scheme and its public benefits to outweigh the harm caused by the loss of the asset.

Paragraph 216 of the framework states the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss caused and the significance of the heritage asset.

The original planning application (13/00310/FUL) was submitted with a Heritage Impact Assessment which identified the following:

*“The NPPF defines the setting of a heritage asset as ‘the surroundings in which (it) is experienced’ and the English Heritage guidance considers traditional farm buildings to be an essential contributor to local character and distinctiveness in the countryside.”*

The District Council’s Historic Environment SPD was adopted in March 2006. Paragraph 3.19 recognises the importance of the setting of farm groups in the landscape stating that the setting of farm groups is important. The formation of new curtilages to create gardens will require careful consideration. The SPD also recognises that whilst enclosed spaces within farm complexes are often hard landscaping, the land surrounding farm groups is invariably open fields.

In order to protect the setting of farm groups in the landscape, the SPD advises the District Council will normally remove Permitted Development Rights. Page 26 of the SPD recommends that private amenity space for domestic outdoor equipment should be marked on proposal plans and located away from principal elevations.

The proposed outbuilding is a functional structure with a plain tile roof, constructed on an existing hard surface which originally hosted a building of similar form and appearance. It is considered that the design and materials of construction of the building are in keeping with the rural setting and there is precedent for this type of structure in the countryside. In the past Bolsover District Council has permitted similar buildings/ open cart sheds located in countryside settings adjacent to barn conversions, albeit some of the previous schemes have been contained within defined domestic curtilages. As set out above, the pergola is a lightweight structure which is partially screened by the existing hedge and will be viewed against the backdrop of the proposed outbuilding. In its location and immediate context, it is not considered to harm the setting of the adjacent non-designated heritage assets.

The extension of the private garden area into the paddock is not considered to constitute harmful encroachment into the countryside provided permitted development rights are removed to ensure that the character of the site is preserved.

On balance, the simplified design of the outbuilding and its positioning on the site of a former agricultural outbuilding and pergola, together with the reduction in the extent of land to be included as garden will not result in harm to the setting of the former barn (non-designated heritage asset). The pergola will result in very minor harm to the setting of the former farm grouping. The use of

As a result, the proposal is considered to meet the requirements set out in Policy SC21 and NPPF para 216 which requires a balanced judgement to be taken having regard to the scale of any harm or loss and the significance of the heritage asset.

### Residential Amenity

Policy SC3 (n) of the Adopted Local Plan of the Adopted Local Plan requires a good standard of amenity is maintained 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. Paragraph 135 (f) of the framework states planning decisions should provide a high standard of amenity for existing and future users of land and buildings.

The proposed curtilage extension covers an area of 530 square metres. Whilst it is accepted that there is some intrusion into the countryside it is considered a logical garden curtilage which does not protrude any more east than the garden of the adjacent property to the south. The proposed change of use is not considered harmful to the privacy or amenity of residents of adjacent dwellings and the objection received does not raise objections on amenity grounds. The proposal is therefore considered in accordance with Policy SC3 (n) of the Local Plan and Paragraph 135 (f) of the framework.

### Archaeology

Policy SC18 of the Adopted Local Plan states that proposals will be supported where the significance of scheduled monuments or archaeological sites, including their setting, is sustained and enhanced. Any development that adversely impacts a scheduled monument, physically and/or in terms of setting, will not be permitted except where the harm is demonstrably outweighed by public benefits.

The County Council's Archaeologist does not raise any objection to the application, as it is not considered that the proposed change of use and construction of a building on an existing hard surface would have any meaningful archaeological impact. The development therefore meets the requirements of Policy SC18 of the Local Plan.

### Highway Safety

The Highway Authority has confirmed no objections to the development confirming that the application will have no detrimental impact on the highway network. The Old Dairy was approved with four bedrooms and three parking spaces to the rear, in accordance with the Council's adopted minimum parking standards set out under Appendix 8.2 of Policy ITCR11.

There is also capacity to park vehicles within the front garden curtilage of the dwelling. The development does not result in the loss of any existing parking and is considered in accordance Policy ITCR11 of the Adopted Local Plan and Paragraph 115 of the framework, as the development would not have an unacceptable impact on highway safety.

### Ecology and Biodiversity Considerations

Policy SC9 of the Adopted Local Plan 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.

Paragraph 180 (d) of the framework states that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity.

Since 2nd April 2024 it has become mandatory for small sites to provide a 10% net-gain for biodiversity. This is to ensure developments result in more or better-quality natural habitat compared to what was there before the development.

The Government has set out exemptions where 10% biodiversity net gain is not required. These include development impacts a priority habitat less than 25sqm. In addition, applications for retrospective consent are also exempt under Section 73a of The Town and Country Planning Act.

This application meets the exemption because it is mostly retrospective in nature and the proposed outbuilding would be on an existing hard surfacing and therefore does not impact on any habitat.

### **CONCLUSION**

In its revised form, the development is considered to respect the character of the countryside and the setting of the adjacent buildings which are non-designated local heritage assets. The development would satisfy the relevant policies of the development plan and national planning policy in this respect. There are no technical reasons to refuse planning permission, and a recommendation of approval is put forward on this basis.

### **RECOMMENDATION**

The application be APPROVED subject to the following conditions:

- (1) The construction of the outbuilding hereby approved must be begun before the expiration of three years from the date of this permission.
- (2) The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans to which this decision notice relates, namely:

- Drawing numbered: 33-76077-SHEET2 Rev A received by the Council on the 17th of March 2025
  - Block Plan received by the Council on the 7th of April 2025 showing the extent of land to be included as garden.
- (3) Before the construction of the outbuilding hereby approved commences on site, details of the external wall and roof materials, including the finish of the wall cladding, must be submitted to and approved in writing by the Local Planning Authority. The outbuilding must be constructed in the approved materials with the approved finish to the cladding and must be maintained as such thereafter.
  - (4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or in any Statutory Instrument revoking or re-enacting that Order with or without modification) no buildings, structures, extensions, fences, gates, walls or other means of enclosure shall be erected within the extended garden area hereby approved without the prior written approval of the Local Planning Authority upon an application submitted to it.
  - (5) Within 90 days of the date of this permission the existing greenhouse and shed structures on the land within the blue line on the approved block plan must be permanently removed from the site and the use of the land within the blue line on the approved block plan as garden must cease.
  - (6) Notwithstanding the submitted details, within the first planting and seeding season following the date of this permission a physical/planted barrier must be formed along the boundary between the land within the red and blue lines on the approved block plan, details of which must have first received written approval from the local planning authority beforehand. The approved barrier must be retained on site thereafter.

Reasons:

- (1) To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- (2) To define the terms of this permission and for the avoidance of doubt, and to ensure a satisfactory standard of external appearance in compliance with policies SS1, SC2 and SC3 of the Local Plan for Bolsover District.
- (3) To ensure a satisfactory external appearance to comply with policies SS1, SC2 and SC3 of the Local Plan for Bolsover District.
- (4) To enable the Local Planning Authority to retain control over future development in accordance with policy SC8 of the Local Plan for Bolsover District.
- (5) To retain a satisfactory standard of landscaping to comply with policy SC8 of the Local Plan for Bolsover District.
- (6) To ensure a satisfactory external appearance to comply with policies SS1, SC1, SC2 and SC3 of the Local Plan for Bolsover District.

### **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** Pleasley Parish

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**APPLICATION LOCATION APPLICANT** Erection of single front and side extensions  
The Croft Old School Lane Pleasley Mansfield  
Mr and Mrs Kirkham The Croft Old School Lane Pleasley Mansfield  
NG19 7PW

**APPLICATION NO.** 25/00153/FUL      **FILE NO.**

**CASE OFFICER** Jack Clayton

**DATE RECEIVED** 21st March 2025

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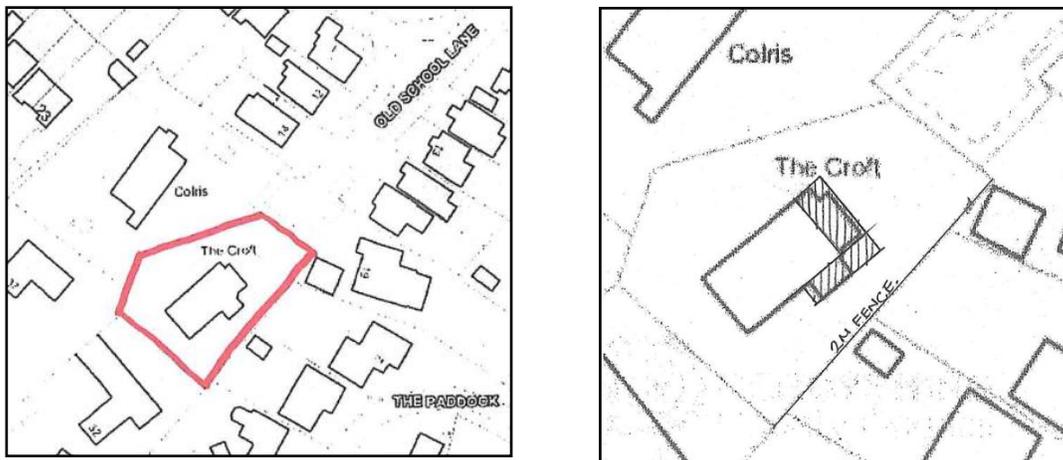
**SUMMARY**

This is a householder application seeking planning permission for a single storey ‘wraparound’ ‘L-shaped’ rear/side extension at ‘The Croft’, Old School Lane, Pleasley. The development will take place on the northern side elevation and eastern rear elevation which will facilitate an increase in living space for the occupiers of the dwelling. The key issues to address in this report are the visual impacts of the proposed development on the street scene and if any of the residential amenity impacts constitute as significant enough to negatively affect the enhancement and enjoyment of adjacent properties.

This planning application has been referred to Planning Committee as the occupier of the dwelling is Cllr Tom Kirkham. This is to ensure transparency of the planning process and to demonstrate that there is no bias from a delegated decision due to the applicant being a Councillor.

The application is recommended for approval, with conditions.

**Site Location Plan**



The extract on the left is a site location plan, and on the right is a block plan illustrating the position of the proposed extension

## OFFICER REPORT ON APPLICATION NO. 25/00153/FUL

### SITE & SURROUNDINGS

The subject site is a detached bungalow located to the southwest of Old School Lane, Pleasley. The dwelling is fronted by a mix of boundary treatments consisting of a circa 2m high hedgerow and a circa 1m high wooden gated fence. The principal elevation is orientated to the west and fronted by a large asphalt driveway which can accommodate at least six vehicular parking spaces. The rear elevation is orientated to the east, and beyond this is a landscaped garden, which contains a numerous hedgerows and mature trees, this continues beyond the northern side elevation and leads to a topographically level grassed area which is used for leisure and recreation activities.

The site sits within an established residential estate within the development envelope for Pleasley. The adjacent properties vary in size, style and design.



Looking West from the site entrance



The Principal Elevation



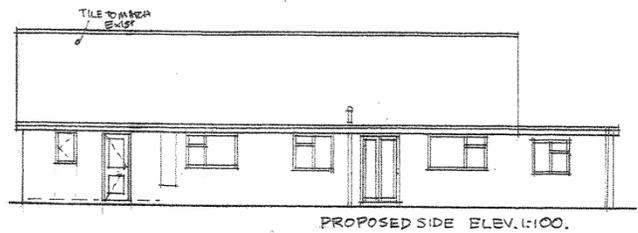
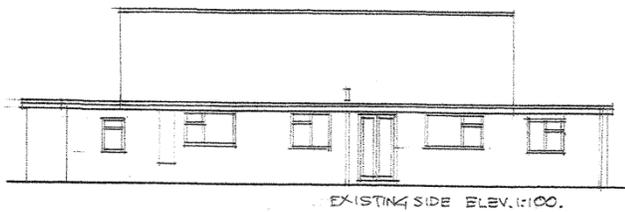
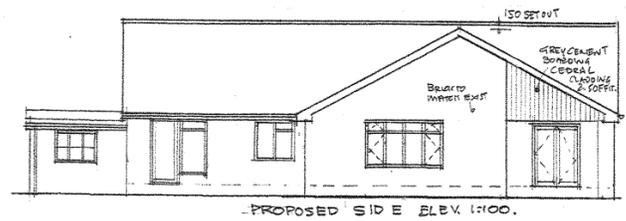
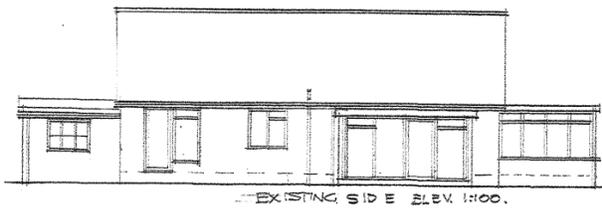
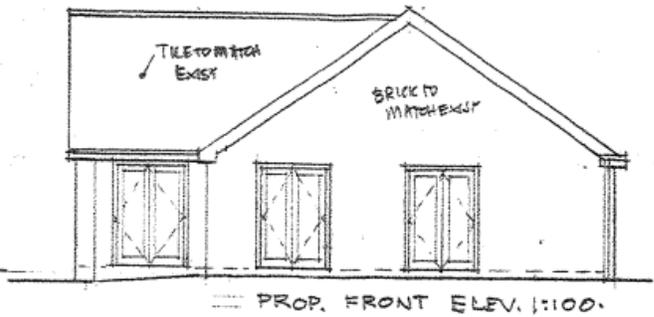
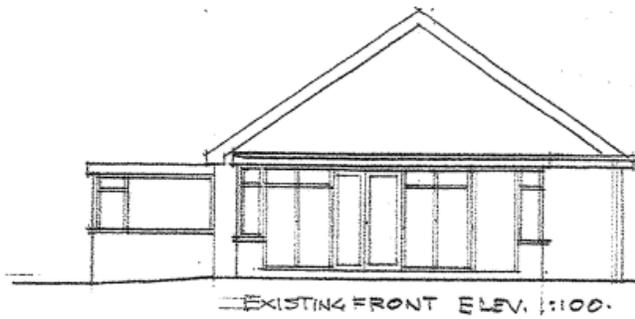
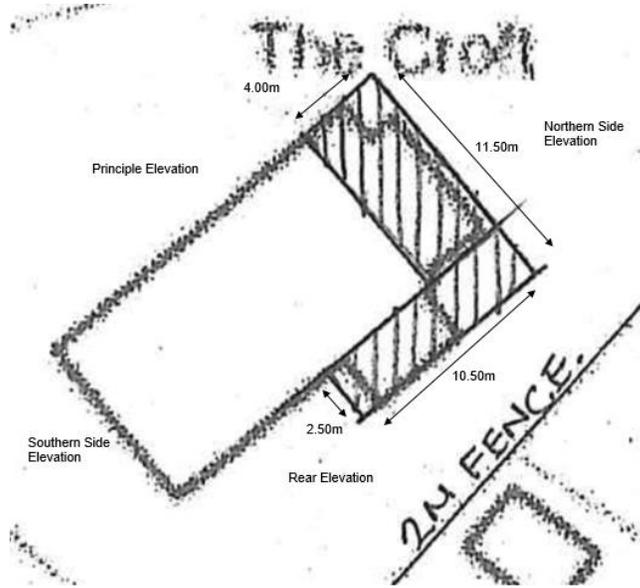
The northern side elevation / rear elevation where the proposed extension is situated.

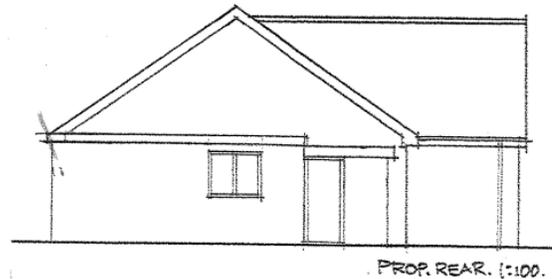
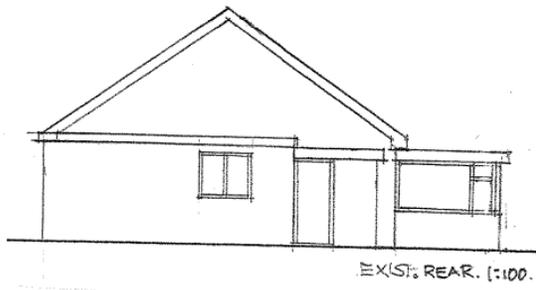
## PROPOSAL

The application is for a single storey wrap around extension which will be facilitated by the demolition of the current conservatory and lounge extension. The 'wrap around extension' will be a side and rear 'L' shaped extension that will start from the side elevation of the existing dwellinghouse and extend beyond the rear elevation by 2.70m. At the rear, it will create a 'L' shape extending from the side elevation by 4.00m. The extension will have a total height of 5.30m and an eaves height of 2.40m.

The proposal will introduce three sets of French doors on the northern side elevation, and a set of windows and French doors on the rear elevation. The proposal will create a larger lounge, creation of a dining room and a utility room.

The application also proposes a 2m high fence along the eastern boundary.





**Supporting Documents** – None submitted.

### **EIA SCREENING OPINION**

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

**AMENDMENTS** - None

**HISTORY** – None

### **CONSULTATIONS**

Statutory consultees were invited to consider the application on 02/04/2025 requiring comments to be provided by 28/04/2025.

Pleasley Parish Council – No comments received.

Derbyshire County Council Highway Authority – Standing Advice.

Engineers –

**15/04/2025** - Recommend inclusion of three standard drainage advisory notes.

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

### **PUBLICITY**

The application has been publicised by way of a site notice and letters sent to six adjacent residential properties.

- The site notice was posted on 07.04.2025 and required comments by 28.04.2025.
- Neighbour notification letters were posted on 02.04.2025 and required comments by 24.04.2025

*No representations have been received*

### **POLICY**

Local Plan for Bolsover District (“the adopted Local Plan”)

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

- SS1 Sustainable Development

- SC1 Development within the Development Envelope
- SC2 Sustainable Design and Construction
- SC3 High Quality Development
- SC11 Environmental Quality (Amenity)
- ITCR11 Parking Provision

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

The National Planning Policy Framework sets out the Government’s planning policies for England and how these should be applied. The Framework is therefore a material consideration in the determination of this application and policies in the Framework most relevant to this application include:

- Chapter 2 (paras. 7 – 14): - Achieving sustainable development.
- Paragraphs 48 - 51: Determining applications.
- Paragraphs 56 - 59: Planning conditions and obligations.
- Paragraphs 124 - 128: Making effective use of land.
- Paragraphs 131 – 141: Achieving well-designed places.

### Supplementary Planning Documents

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

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

#### *Local Parking Standards:*

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

#### *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.
- Visual impact of the proposed development

- Residential amenity.
- Whether the development would be provided with a safe and suitable access and impacts on highway safety.
- Ecology and biodiversity considerations

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

### Principle

Section 38 (6) of the Planning & Compulsory Purchase Act 2004 requires planning applications to be made in accordance with the Development Plan, unless material planning considerations indicate otherwise.

The application site is located within the settlement development envelope of Bolsover where Policy SC1 of the Adopted Local Plan supports the development subject to criteria (a) to (e).

### Landscape and visual impact of the proposed development

Policy SC3 of the Adopted Local Plan requires developments to achieve good quality, attractive, durable, and connected places through well designed locally distinctive development that will integrate into its setting. Paragraph 130 of the National Planning Policy Framework also requires high quality design which is visually attractive as a result of good architecture, and which respects local character and history.

Given the matching materials of the proposed extension compared with the main dwelling, the development is complimentary in design and finish. The location of the extension on the side elevation facing a highway will increase its prominence in the street scene, which is relatively uniform in scale, design and finish. The properties along Old School Lane vary in design, size and style and therefore the proposed development will not appear out of place.

Supplementary to this, the dwelling is set back over 10m from the highway and is screened by a large hedgerow meaning that it heavily reduces the visual impact on the street scene.

The timber fence is also screened from the highway due to the hedgerow and land level change and therefore has no visual impact on the street scene.

Overall, the proposal is considered to be compliant with the provisions of SC2 (Sustainable Design and Construction) and SC3 (High Quality Development) of the local plan and the 'Achieving well designed places' section of the framework (Paragraph 131-141).

### Residential Amenity

The proposal is considered to improve the living accommodation for occupiers of the property and maintains sufficient outdoor amenity space in line with Bolsover Council's adopted supplementary planning document 'Successful Places'.

The proposed development introduces three new openings on the northern side elevation and two openings on the rear elevation, however, these windows do not introduce any new views. Furthermore, there are a mix of boundary treatments present consisting of mature trees and hedgerows which restrict any views into and out of the property, this will be reinforced by the 2.00m high fence which is to be erected along the eastern boundary. Consequently, it is deemed that the proposed development does not negatively impact privacy for occupiers of

the dwelling and adjacent neighbouring properties.

The proposed extension will be visible to neighbouring properties however, it does not result in any significant overbearing impacts due to its limited size and the sites topographical gradient which means the dwelling sits at a lower elevation than some of the surrounding properties. Supplementary to this, the proposed development does not impact solar gain to any adjacent neighbouring properties. Moreover, the fence along the eastern boundary is no higher than the mature trees present and will therefore present no worse impacts than the existing development.

Overall, the impact of the proposal on the amenity of the surrounding neighbouring properties is considered minimal and acceptable, and the development accords with the provisions of policy SC3 (High Quality Development) and SC11 (Environmental Quality (Amenity)) of the Local Plan and the Successful Places guidance.

### Highways

The development is for a domestic extension and therefore the standing advice of the local highway authority has been considered.

Given the location of the development and fencing it will have no impact on safety and access to the highway.

Supplementary to this, the extension will not introduce any additional bedrooms to the property so there are no requirements for additional parking. As such, the proposal is considered to comply with the provisions of Local Plan policy ITCR11.

### Ecology and Biodiversity Considerations

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

The application is for a domestic extension and is therefore exempt from the mandatory 10% biodiversity net gain requirement.

### **CONCLUSION / PLANNING BALANCE**

In conclusion, the proposal is considered to be a suitable scheme which benefits the site by providing additional living space for current and future occupiers of the dwellings, without compromising available outdoor amenity space. The extension is considered to compliment the context and appearance of the application site and has an acceptable amenity impact on the surrounding residential properties. Consequently, a recommendation for approval has been put forward.

## **RECOMMENDATION**

### **The current application be APPROVED subject to the following planning Conditions:**

1. The development shall be begun before the expiration of three years from the date of this permission.
2. The development must be carried out in accordance with revised drawings received by the council on 7<sup>th</sup> April 2025.
3. The external wall and roof materials used in the development must be of the same type, texture, and colour as those used in the existing building unless otherwise approved in writing by the local authority.

### **Reasons for Conditions:**

1. To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To define the terms of this permission and for the avoidance of doubt, and to ensure a satisfactory standard of external appearance in compliance with policies SS1, SC1, SC2 and SC3 of the Local Plan for Bolsover District.
3. To ensure a satisfactory standard of external appearance in compliance with policies SS1, SC1, SC2 and SC3 of the Local Plan for Bolsover District.

### **Notes to the Applicant:**

1. The sewer records do not show any public sewers within the curtilage of the site. However, the applicant should be made aware of the possibility of unmapped public sewers which are not shown on the records but may cross the site of the proposed works. These could be shared pipes which were previously classed as private sewers and were transferred to the ownership of the Water Authorities in October 2011. If any part of the proposed works involves connection to / diversion of / building over / building near to any public sewer the applicant will need to contact Severn Trent Water in order to determine their responsibilities under the relevant legislation.
2. All proposals regarding drainage will need to comply with Part H of the Building Regulations 2010. In addition, any connections or alterations to a watercourse will need prior approval from the Derbyshire County Council Flood Team, who are the Lead Local Flood Authority.
3. This application is considered to be one which will not require the approval of a biodiversity gain plan before development is begun, because one or more of the statutory exemptions or transitional arrangements are considered to apply. However, you are still required to observe the statutory requirements of the Biodiversity Net Gain Plan Advice Note provided below.

### **Statement of Decision Process**

The proposal complies with the adopted policies and guidance documents of Bolsover District Council. The decision has been taken in accordance with those documents and the objectives 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 11th June 2025**

**QUARTERLY UPDATE ON SECTION 106 AGREEMENT MONITORING**

**Report of the Assistant Director: Planning & Planning Policy**

<b>Classification</b>	This report is Public
<b>Report By</b>	Julie-Anne Middleditch Principal Planning Policy Officer

**PURPOSE / SUMMARY OF REPORT**

- To provide a progress report on the spending of S106 contributions.

**REPORT DETAILS**

**1. Background**

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

- 1.5 Following the quarterly Section 106 Monitoring Group meetings, officers provide a progress report to the Planning Committee in respect of the monitoring of Section 106 Agreements. In line with the approved Procedure the progress report is required to highlight any sums at risk of clawback that need spending within 24 months, as well as a summary of the sums being held by infrastructure type that are in years three, four and five.
- 1.6 Accordingly, this report is the quarterly progress report following the meeting of the Section 106 Monitoring Group held on 29<sup>th</sup> April 2025.

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

- 2.1 The Council's Section 106 Agreement Monitoring Procedure requires sums within 24 months of their deadline to be highlighted for Member's attention.
- 2.2 Members will recall that in the report provided to Planning Committee in February, seven remaining sums were identified as being within their 24-month deadline as of the January Monitoring Group meeting.
- 2.3 As reported to the Monitoring Group meeting on 29<sup>th</sup> April 2025 there were six remaining sums within their 24-month deadlines (details below).

### **Spend Date within 12 months (by 29<sup>th</sup> April 2026)**

<b>Action Plan</b>	<b>Finance Spreadsheet</b>	<b>Site</b>	<b>Infrastructure and amount</b>	<b>Amount remaining</b>	<b>Date</b>
Item 4	Line 84	Spa Croft, Tibshelf	Art £10,176.20	£10,176.20  <b>No change</b>	31.3.26
Item 21	Line 71	Creswell Road, Clowne	Outdoor Sport £26,207	£26,207  <b>No change</b>	3.3.26

- 2.4 Since last reported to Planning Committee two sums, for Art and for Outdoor Sport have come within the one year spending timeframe. There has been no spend to date against these sums.

## Spend Date within 2 years (by 29<sup>th</sup> April 2027)

Action Plan	Finance Spreadsheet	Site	Infrastructure and amount	Amount remaining	Date
Item 17	Line 96	Land at Thornhill Drive, South Normanton	Art £10,757	£10,757.25 <b>No change</b>	24.6.26
Item 18	Line 97	Land at Thornhill Drive, South Normanton	Outdoor Sport £22,843	£5,272.24. <b>Reduced by £11,814.75</b>	24.6.26
Item 19	Line 98	Land at Thornhill Drive, South Normanton	Open Space £30,400	£30,400.07 <b>No change</b>	24.6.26
Item 20	Line 99	Land at Thornhill Drive, South Normanton	Health £11,784	£11,784.56 <b>No change</b>	24.6.26

- 2.5 Since the last Planning Committee, there has been further spend against the Outdoor Sport sum from the development of Land at Thornhill Drive, South Normanton. No further sums have come within the 2 years spend threshold.
- 2.6 The updates for the above items as discussed at the Section 106 Monitoring Group are set out below for Member's information.

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

Item	Development site, relevant S106 sum and spend by date	Responsible officer
4	<p><b>Spa Croft, Tibshelf – Art £10,176.20 (31.03.26)</b></p> <p><u>Action from previous quarterly meeting</u> Report to next meeting</p> <p><u>Update between January and April Meeting</u> Planning Committee update in February. Anticipated start date for the contract Monday 24<sup>th</sup> Feb 2025. The contract has a proposed final expenditure date of 30<sup>th</sup> Sept 2025.</p> <p><u>April meeting update</u> The contract has been signed. CADO met with the Community Group. The Contract end date has been confirmed as the end of October. Consultation has been undertaken with Development Management and DCC Highways. The Community Group are to submit the Planning Application.</p> <p><u>Agreed Action</u> Report to next meeting.</p>	<p>CADO</p> <p>PPPO</p> <p>CADO</p> <p>CADO</p> <p>CADO</p>
14	<p><b>Creswell Road, Clowne – Outdoor Sport (SP) Planning Ref: 14/00603/FUL £26,207 (3.3.26)</b></p> <p><u>Previous Action</u> Notify PPPO of intentions of Parish Council so that other potential options that are within the terms of the S106 can be discussed if the skatepark does not proceed.</p> <p><u>Update between January and April meeting</u> The Parish Council has confirmed that they are to proceed with the Skatepark. A contractor, Wheelscape Ltd has been selected.</p> <p><u>April meeting update</u> LSPDM meeting with the Parish on 30<sup>th</sup> April to agree a design.</p> <p><u>Agreed Action</u> It was thought that planning permission may be needed for the skatepark. The agreed action following the meeting reflected this position. Since that time, it has been confirmed that planning permission will not be needed.</p>	<p>LSPDM</p> <p>LSPDM</p> <p>LSPDM</p> <p>LSPDM</p>

	The revised agreed action on this item is therefore for an update to be reported to the next meeting.	LSPDM
<b>15</b>	<p><b>Land at Thornhill Drive, South Normanton – Art Planning Ref: 17/00148/OUT £10,757 (24.6.26)</b></p> <p><u>Previous Action</u> Report to next meeting.</p> <p><u>April meeting update</u> The Project will be underpinned by the soon to be published Community Arts Strategy with its aim of increasing involvement in participation for residents, with the overarching aim of promoting Arts as activity.</p> <p>CADO confirmed an agreement in principle from a youth and community artist to commit to a 1-year programme of delivery and creation of artworks and community led arts and has set out a Project timetable to start in April 2025 and complete in March 2026. Locations nearby are to be looked at.</p> <p><u>Agreed Action</u> Further thought to be given to the form of the artwork in consultation with the DMCO.</p>	<p>CADO</p> <p>CADO</p> <p>CADO</p> <p>CADO/LSPDM</p>
<b>16</b>	<p><b>Land at Thornhill Drive, South Normanton – Open Space Planning Ref: 17/00148/OUT £30,400 (24.6.26)</b></p> <p><u>Previous Action</u> Report to the next meeting</p> <p><u>April meeting update</u> The latest thinking from the Parish Council is to turn the old BMX track into a Pump Track. Additional funding will be needed to achieve this. There is potentially 80K available that includes 20K from Lees Lane site (as the terms of this S106 state that the spend is to be within the Parish). LSPDM to investigate further whether these funds can be used.</p> <p><u>Agreed Action</u> Report to the next meeting</p>	<p>LSPDM</p> <p>LSPDM</p> <p>LSPDM</p> <p>LSPDM</p>

<p><b>17</b></p>	<p><b>Land at Thornhill Drive, South Normanton – Outdoor Sport</b>  <b>Planning Ref: 17/00148/OUT</b>  <b>£17,086.99 remaining (24.6.26)</b></p> <p><u>Previous Action</u>  Report to next meeting.</p> <p><u>April meeting update</u>  Since the last meeting over £11,000 of the contribution has been spent on repairs to the Pavilion leaving just over £5,000 remaining.</p> <p><u>Agreed Action</u>  Report to next meeting</p>	<p>LSPDM</p> <p>LSPDM</p> <p>LSPDM</p> <p>LSPDM</p>
<p><b>20</b></p>	<p><b>Land at Thornhill Drive, South Normanton – Health</b>  <b>Planning Ref: 17/00148/OUT</b>  <b>£11,784.56 (24.6.26)</b></p> <p><u>Previous Action</u>  Contact the ICB for an update on potential projects.</p> <p><u>Update between January and April meeting</u>  The monies are to be used towards the enhancement of The Village Surgery at Pinxton and The Hub Surgery at South Normanton. Cllr Smith has visited the practice. The practice manager at Pinxton is struggling to come up with projects. A number of emails sent to the ICB suggesting that PPPO meet with the Practice(s) to move the project on.</p> <p>PPPO met with ICB in April. The background is that the Integrated Care Board have had a number of discussions with the Primary Care Network representative and also the doctors practice but that so far there has not been any progress with securing a scheme.</p> <p>The issue was raised by PPPO that as well as this sum, further sums of S106 funding have been received by BDC to be spent over the next 5 years across these surgeries amounting to <b>£76,257.21</b> in total.</p> <p><u>April meeting update</u>  Although both practices have capacity issues with regard to both accommodation and staffing, identified in the Infrastructure Study and Delivery</p>	<p>PPPO</p> <p>PPPO</p> <p>PPPO</p> <p>PPPO</p>

	<p>Plan [2025 update], there is an impasse with regard to the take up of funding by the practices.</p> <p><u>Agreed Action</u> PPPO to have further talks with the ICB to establish an agreed way forward as a matter of urgency.</p>	PPPO
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2.7 These updates demonstrate the monitoring carried out by Planning Officers and the progress being made by Spending Officers to ensure that S106 monies are spent in a timely manner alongside the build-out of the approved developments. However, in line with the Council's S106 Agreement Monitoring Procedure the relevant Spending Officers will attend the Committee to answer any questions to Members on the above Action Plan items.

2.8 In addition to these time sensitive items, the Procedure requires that Members are provided with summary information in relation to Section 106 Agreement monies held with deadlines beyond the 24-month period. Based on the position at the end of Quarter 4 (31<sup>st</sup> March 2025), the following 'summary of sums' can be provided for years three, four and five.

Infrastructure type	Amount in later years		
	Year 3	Year 4	Year 5 and beyond
Affordable Housing	£0	£0	£195,418.36
Art	£12,695.12 (no clawback)	£0	£99,328.11
Outdoor Sport	£48,637.23	£20,549.08	£319,448.93
Informal Open Space	£116,794.50	£109,359	£55,220.07
Health	£0	£0	£124,789.55
Highways	£0	£0	£569,000
Biodiversity	£0	£0	£8,029.96
	<b>£178,126.85</b>	<b>£129,908.08</b>	<b>£1,371,234.98</b>

2.9 Since the last quarter there have been no changes with regard to the profile of sums for years 3 and 4 across all infrastructure contributions. The new contributions received, included in year 5 and beyond, are from the development of land to the rear of 17-95 Alfreton Road, Pinxton. These two contributions comprise £33,580.30 for Health and £34,542.30 Outdoor Sport

### **3. Reasons for Recommendation**

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

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

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

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### **RECOMMENDATION(S)**

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

**Approved by Tom Munro, Portfolio Holder – Growth**

#### **IMPLICATIONS:**

**Finance and Risk:**            Yes             No

**Details:** If obligations required to make a development acceptable in planning terms aren't properly discharged then there is a risk of harm to the Council's reputation and public confidence in the Council's decision taking. If financial contributions are not spent within a defined period, then the money has to be returned to the developer and normally returned with interest. Therefore, there are finance and risk implications if procedures for recording and monitoring Section 106 Agreements are not sufficiently robust.

On behalf of the Section 151 Officer

**Legal (including Data Protection):**            Yes             No

**Details:** There are no data protection implications insofar as Section 106 Agreements are part of the statutory planning register and are therefore public documents. Section 106 of the Town and Country Planning Act 1990 provides the legal framework for the acceptance and discharge of the Section 106 Agreements and the Council's approved procedure addresses the key legislative provisions of this section of the 1990 Act.

On behalf of the Solicitor to the Council

**Environment:** Yes  No

**Details:** Section 106 Agreements cover a range of policy and infrastructure requirements, albeit they do not specifically contribute to this subject.

**Staffing:** Yes  No

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

On behalf of the Head of Paid Service

**DECISION INFORMATION:**

<p><input checked="" type="checkbox"/> <b>Please indicate which threshold applies:</b></p> <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 wards in the District or which results in income or expenditure to the Council above the following thresholds:</p> <p><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.</p> <p><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.</p> <p><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> Please state below which wards are affected or tick <b>All</b> if all wards are affected:</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>(a) <input type="checkbox"/> (b) <input checked="" type="checkbox"/></p> <p>(a) <input type="checkbox"/> (b) <input checked="" type="checkbox"/></p> <p>All <input checked="" type="checkbox"/></p>
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<p><b>Is the decision subject to Call-In?</b> <i>(Only Key Decisions are subject to Call-In)</i></p> <p>If No, is the call-in period to be waived in respect of the decision(s) proposed within this report? <b>(decisions may only be classified as exempt from call-in with the agreement of the Monitoring Officer)</b></p> <p><b>Consultation carried out:</b> <i>(this is any consultation carried out prior to the report being presented for approval)</i></p> <p>Leader <input type="checkbox"/> Deputy Leader <input type="checkbox"/> Executive <input type="checkbox"/> SLT <input type="checkbox"/> Relevant Service Manager <input type="checkbox"/> Members <input type="checkbox"/> Public <input type="checkbox"/> Other <input checked="" type="checkbox"/></p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>Portfolio Member for Growth</p>
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**Links to Council Ambition: Customers, Economy, Environment, Housing**

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.

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>

**Background Papers**

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

DECEMBER 2024



**BOLSOVER DISTRICT COUNCIL**

**MEETING OF THE PLANNING COMMITTEE ON 11<sup>TH</sup> JUNE 2025**

**OUTCOME OF THE PUBLIC CONSULTATION ON THE PROPOSED IMPLEMENTATION OF A PRE-APPLICATION (PLANNING) ADVICE CHARGING SCHEDULE / SERVICE; AND RECOMMENDATION TO COUNCIL ON THE ADOPTION AND INTRODUCTION OF A CHARGING SCHEDULE FOR PRE-APPLICATION (PLANNING) ADVICE.**

**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 report the outcome of the 4 week public consultation exercise on the proposed introduction of a Pre-Application (Planning) Charging Schedule / Service.

To resolve Planning Committee’s final recommendation whether to recommend to Council the adoption and introduction of a charging schedule for pre-application (planning) advice.

**REPORT DETAILS**

**1. Background**

1.1 On the 16<sup>th</sup> April 2025 Planning Committee received a report from the Assistant Director of Planning & Planning Policy seeking approval to open a public consultation exercise on the proposed introduction of a pre-application (planning) charging schedule / service. Accompanying that report (appendix 1) and the public consultation that subsequently followed was a draft schedule of charges (appendix 1).

1.2 The public consultation exercise undertaken ran for 4 weeks from Tues 22<sup>nd</sup> April 2025 – Wed 21<sup>st</sup> May 2025. It included targeted emails being sent to stakeholders and agents operating in the area, and those registered on our local plan database. The consultation was also promoted on the Council’s website, and a Member drop in session was organised on Wed 7<sup>th</sup> May 2025 1pm-5pm. The consultation documentation was also distributed to the Council’s local contact centres.

**2. Outcome of public consultation**

- 2.1 As a result of the public consultation exercise 11 no. representations were received, which are summarised in table 1 below:

Table 1: Summary of representations from public consultation

<p>1. J Clayton 22/04/2025</p>	<p>Where does dropped kerbs come into it? I personally have filled in a lot of pre-application regarding dropped kerbs.</p> <p>A lot of the time we have people emailing in and asking for a decision notice on whether planning permission is needed or not.</p> <p>I think that it needs to be made clear from the start of the process i.e. on a pre-application enquiry form that we are a separate body from Derbyshire County Council Highway Authority as I feel that people who are unaware how a council operates will feel as though it is our responsibility to contact the Highways Authority as they are paying for a service.</p> <p>I also feel as though this is the same with any other department i.e. Housing as if the kerb is owned by the Council, then they also require permission from Housing, again if we are charging I believe they will feel as though it is our responsibility to contact Housing as they are paying. Where it states 'More complicated enquiries may require additional meetings, which will be charged at £150 per additional meeting, I personally think we could charge more and have a tiered system, where we charge based on the most senior person that is in the meeting.</p> <p>For example, Principal Planning Officer - £150.00, Planning Manager – £175.00, Director – £200.00 a lot of private firms operate on a policy like this.</p> <p>Perhaps maybe a timeframe could be put on it as well there is a big difference between a meeting that may only last an hour, to one that may go on for three, with commuting we could be charging only £150.00 for over half a day's work.</p>
<p>2. M Coupe 22/04/2025</p>	<p>I would object to the imposition of pre-application fees.</p> <p>As a former Development Control Planner, I know from experience that giving pre-application advice is helpful not only to the applicant, but also to planning assistants. Apart from painting a good impression of the Council, it saves time when an application is submitted. With the more involved planning applications, if the applicant knows from</p>

	<p>the start what is expected of him/her, it saves much to-ing and fro-ing when an application is submitted blind.</p> <p>Planning legislation is not easy to understand by the general public and it is unreasonable for them to be expected to do so. Take for example the erection of a front porch. It takes only seconds to explain what can be built without Planning Permission. If I wanted to erect a porch, I would be mortified if I was asked to pay £20 before you would tell me the answer. Council staff are there to advise free of charge and they are trained to be able to do so. They know the answers. The man in the street doesn't.</p> <p>The planning function is already charged for in the Council Tax. To ask for further fees is a double charge on the planning function, especially if you are a resident of Bolsover District. There may be a case if an application is submitted by an agent, but that is the choice of the applicant.</p> <p>Once upon a time, Planning Applications could be submitted free of charge. The introduction of fees was required by Central Government. Pre-application advice is the decision of the Local Planning Authority, not Central Government. That's the difference.</p> <p>This is nothing to do with providing a good service. Its all about raising more revenue. Think again Bolsover. I hope you will do just that before the final decision is made, and I hope this consultation is not just a paper exercise just to give the impression of a democratic consultation.</p> <p>I look forward to sensibility prevailing on this subject.</p>
<p>3. Historic England</p> <p>22/04/2025</p>	<p>Thank you for your email in relation to the proposed charges for pre-application advice.</p> <p>I can confirm Historic England has no comments to make on the proposed schedule.</p>
<p>4. Whitwell Bowls Club</p> <p>22/04/2025</p>	<p>Should we require pre-application advice for a development on our rented facility we would expect to pay for this service either from a planning advisor or advisory company or from the local authority Planning Department.</p>
<p>5. Nottingham &amp; Nottinghamshire ICB</p> <p>23/04/2025</p>	<p>Thank you for consulting with the Nottingham and Nottinghamshire ICB.</p> <p>Please be advised we have no comment to make on the pre-application (planning) advice charging schedule/service.</p>

<p>6. Bolsover Community Safety</p> <p>23/04/2025</p>	<p>Ack. and referred to another colleague to respond.</p>
<p>7. Cllr C Wood</p> <p>24/04/2025</p>	<p>I am in favour of the fees proposed for the grey shaded items 6-15 but not for any fees for the other line items before and after these numbers, for private householders.</p>
<p>8. Cllr D Watson</p> <p>25/04/2025</p>	<p>Of course I look forward to a further debate in Planning Committee around the proposals for pre app advice, but for now please find attached my response to the consultation both as a Councillor and as a resident of the District of Bolsover.</p> <ol style="list-style-type: none"> <li>1. Charging residents for the answer to a reasonably straightforward question of whether or not they need planning permission seems rather ludicrous to me. I think people will simply opt for the assumption that they don't need it and test whether or not anyone finds out! This could ultimately end up creating more work in enforcing retrospective applications! Also adding into the mix the fact that it would no doubt take longer to administer the payment charges than to answer the question, again I feel it would be a somewhat pointless exercise.</li> <li>2. In light of the recent doubling of the charges for householder planning applications, I feel it is an unfair and unnecessary expense to inflict upon our residents. Anyone planning an extension or refurbishment to their property will be incurring high expenditures anyway and also are unlikely to be a cost burden to this Council in terms of their housing needs!</li> <li>3. The cost of housing in this District is low, meaning that any developers considering building here will be able to create much less profit than in other areas. As a Council we are endeavouring to encourage house building and economic growth and therefore the introduction of such a charge may have a detrimental effect on these plans.</li> <li>4. The planning department at Bolsover District Council has an extremely good reputation, but I believe that the introduction of charges may lead to an inferior quality of applications being submitted, ( as many people will not want to pay), which would ultimately incur further officer time in dealing with them. The result of this would be twofold, that some of the revenue from the charges would be eaten up an increase in the officer time to deal with applications, and subsequently this would have a detrimental effect upon the good reputation our planning department currently has!</li> </ol>

	<p>5. Just because other local authorities charge for this service is not a reason for us to introduce it. In fact exactly the opposite - we should be rightly proud of standing out from the crowd and providing this service free of charge!</p> <p>6. In view of the proposed Local Government Reorganisation and the inevitable disappearance of Bolsover District Council, I fail utterly to see how we can warrant adding further charges to our residents to prop up a budget which ultimately may well be swallowed up by a new authority and those funds likely spent elsewhere!</p>
<p>9. BDC Conservation Officer  08/05/2025</p>	<p><b>Householder applications</b></p> <p><b>Properties covered by Article 4 Direction</b> – we have a lot of residential properties covered by Article 4 Directions including Creswell Model Village. Originally, when the Article 4's were designated, there was no charge for submitting an application required by virtue of the Article 4 but now they are subject to full householder planning application fees. We get a lot of applications requesting advice on whether permission is required for minor items such as replacement windows / doors etc. I think it is probably excessive to request payment for pre-app on these types of enquiries. One option would be excluding properties covered by Article 4 from the fee requirement or we could signpost applicants to the website and prepare a number of FAQ's and standard answers. We will need to ensure that the website is up to date, and the Article 4 Plans are on the website.</p> <p>The other category of enquiries (similar to Article 4's) relates to situations where we have removed permitted development rights for certain types of work by condition on a planning permission.</p> <p><b>Listed building advice</b> – In principle, I have no objection to charging for pre-app for this advice, but I feel that sometimes it is mutually beneficial to work with applicants at pre-app stage to provide guidance and advice and I fear that the introduction of charges may discourage some applicants from engaging (resulting in more work at application stage). There also tends to be a lot of ongoing discussions with listed buildings (does this mean that we charge each time we offer advice?). We also get a lot of general enquiries from private owners of properties at New Bolsover where a charge for advice may be excessive and again discourage engagement.</p> <p>I have no objections to the charges outlined in sections 5 – 17A</p>

	<b>Other departments</b> – I assume that we will not be charging for pre-app advice from other Council departments / Dragonfly just external applicants.
10. Blackwell Parish Council  19/05/2025	I am getting in touch on behalf of Blackwell Parish Council regarding Pre-Planning Application Advice.  The council expressed concern that being charged to get in touch with basic questions about a planning application (particularly from residents), might put people off making that initial contact which may in turn cause more issues further into an application.
11. Scarcliffe Parish Council  19/05/2025	Scarcliffe Parish Council recognises the need to ensure the best use of officers' time in supporting the planning process.  Councillors are concerned that if applicants are discouraged from seeking the advice of officers at an early stage in developing plans, there will be delays and extra work further on in applications due to more revisions being required. We believe that the quality of submitted planning applications will decline.  The scheme may possibly be applicable to well-funded commercial applications, but is likely to reduce the quality of service and support for small-scale local applicants.  In conclusion we oppose pre-planning charges to individuals on single property applications.

- 2.2 Despite a low level of engagement in the public consultation exercise overall, it is clear from the comments that have been received that the proposals have generated a balance of opinion.
- 2.3 In analysing the comments that have been received the most outstanding contribution theme is opposition to the introduction of a fee for householder / domestic types of planning enquiry (contributors 1, 2, 7, 8, 9, 10 and 11 – table 1). Further themes arising relate to challenges levying a fee for areas affected by article 4's (which will be predominantly householder / domestic types properties) and properties that are listed buildings (contributor 9 – table 1), and smaller scale commercial / single properties (contributors 6 and 11 – table 1). Three neutral contributors were noted (3, 5 and 6 – table 1), and two overall supporting contributors were also noted (1 and 4 – table 1).
- 2.4 Taking the consultation feedback into account, the volume of simple domestic / householder enquiries received over the past 5 years was on average a total of 39.7% of enquiries per annum. Discounting the volume of basic enquiries received (17.7% per annum), there would still be 42.6% of all pre-application enquiries received each year captured by the other development types set out in the draft schedule.

2.5 There is clear inclination from the feedback received that council tax payers (existing domestic householders) could perceive the levy of a pre-application fee to be them paying twice for their council services. In a more general sense the feedback acknowledges that developers of more larger scale proposals (new dwellings) or commercial enquiries would accept the need to pay for such advice.

### **3. Recommendation**

3.1 There is clear justification for the council considering the introduction of pre-application (planning) fees across the entire development spectrum, and simply because the council have never charged before that does not mean things should not change. In a challenging economic climate, the council must explore alternatives to maintain the level of services they are able to provide, and cost recovery of discretionary services is one of those avenues.

3.2 As it currently stands the planning department is fully resourced and able to offer a well-used and well-respected discretionary service without detriment to delivery of statutory planning services, however it is well known that there is a national resourcing crisis that could affect the planning service in the future. On that basis future proofing the service should be considered.

3.3 A balanced recommendation arising from the initial market research and outcome of the public consultation exercise is that a charge is introduced for the pre-application (planning) service but that charge will exclude the development types affecting householder / domestic properties. Such services would remain free of charge to those service users.

3.4 A revised draft of the Pre-Application (Planning) Charging Schedule / Service guidance note has been prepared to this effect and it attached at appendix 2.

### **4. Reasons for Recommendation**

4.1 The recommendation seeks to introduce a Pre-Application (Planning) Charging Schedule / Service, as per the revised draft advice note for all development types excluding householder / domestic proposals. Planning Committee ratification is sought to ensure full scrutiny of the proposed changes to discretionary service delivery, in advance of a Full Council decision.

### **5. Alternative Options and Reasons for Rejection**

5.1 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.

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## **RECOMMENDATION(S)**

1. To note the outcome of the public consultation exercise undertaken on the proposed introduction of a pre-application (planning) advice charging schedule.
2. To agree to the proposed amendment to the draft pre-application (planning) advice charging schedule / service to exclude householder / domestic developments.
3. To recommend to Full Council that the draft pre-application (planning) advice charging schedule / service be accepted, with targeted implementation on the 1<sup>st</sup> September 2025.

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"/>		
<p>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.</p>		
On behalf of the Section 151 Officer		
<b><u>Legal (including Data Protection)</u></b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		
<p>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.</p>		
On behalf of the Solicitor to the Council		
<b><u>Staffing</u></b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		
<p>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.</p>		
On behalf of the Head of Paid Service		
<b><u>Equality and Diversity Impact and Consultation</u></b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		

**Details: The public consultation and draft Schedule will be subject to an 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:**

<p><input checked="" type="checkbox"/> <b>Please indicate which threshold applies:</b></p>	
<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 wards in the District or which results in income or expenditure to the Council above the following thresholds:</p>	<p>Yes <input type="checkbox"/>      No <input checked="" type="checkbox"/></p>
<p><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.</p>	<p>(a) <input type="checkbox"/>      (b) <input checked="" type="checkbox"/></p>
<p><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.</p>	<p>(a) <input type="checkbox"/>      (b) <input checked="" type="checkbox"/></p>
<p><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></p>	<p>All <input checked="" type="checkbox"/></p>
<p><b>Is the decision subject to Call-In?</b> <i>(Only Key Decisions are subject to Call-In)</i></p>	<p>Yes <input type="checkbox"/>      No <input checked="" type="checkbox"/></p>
<p>If No, is the call-in period to be waived in respect of the decision(s) proposed within this report? <b>(decisions may only be classified as exempt from call-in with the agreement of the Monitoring Officer)</b></p>	<p>Yes <input type="checkbox"/>      No <input type="checkbox"/></p>
<p><b>Consultation carried out:</b> <i>(this is any consultation carried out prior to the report being presented for approval)</i></p>	<p>Yes <input checked="" type="checkbox"/>      No <input type="checkbox"/></p>
<p>Leader <input checked="" type="checkbox"/>    Deputy Leader <input checked="" type="checkbox"/>    Executive <input type="checkbox"/>    SLT <input checked="" type="checkbox"/>          Relevant Service Manager <input type="checkbox"/>    Members <input type="checkbox"/>    Public <input type="checkbox"/>          Other <input type="checkbox"/></p>	

**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:**

<b>Appendix No</b>	<b>Title</b>
1	Planning Committee Report 16 <sup>th</sup> April 2025 – inc. DRAFT note.
2	Pre-Application (Planning) Advice Note inc. draft Charging Schedule 2025/26 – REVISED DRAFT

**Background Papers**

**N/A**

**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.

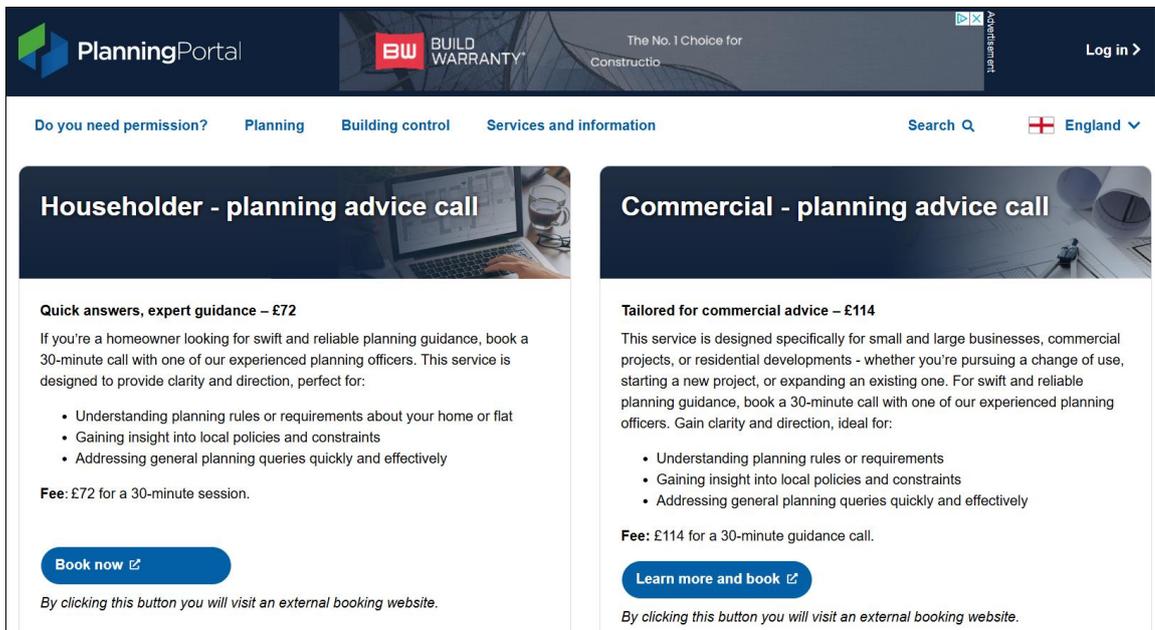


Fig 1: Website extract from Planning Portal – Planning Advice  
<https://www.planningportal.co.uk/permission/planning-guidance-service>

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

		Hourly Rate (24/25)	2020	2021	2022	2023	2024
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 (17/mile 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>		
<b>Yes</b> <input checked="" type="checkbox"/>	<b>No</b> <input type="checkbox"/>	
<b>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.</b>		
On behalf of the Section 151 Officer		
<b><u>Legal (including Data Protection)</u></b>		
<b>Yes</b> <input checked="" type="checkbox"/>	<b>No</b> <input type="checkbox"/>	
<b>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</b>		

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:**

<p><input checked="" type="checkbox"/> <b>Please indicate which threshold applies:</b></p> <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 wards in the District or which results in income or expenditure to the Council above the following thresholds:</p> <p><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.</p> <p><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.</p> <p><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></p> <p><b>Is the decision subject to Call-In?</b> <i>(Only Key Decisions are subject to Call-In)</i></p> <p>If No, is the call-in period to be waived in respect of the decision(s) proposed within this report? <b>(decisions may only be classified as exempt from call-in with the agreement of the Monitoring Officer)</b></p> <p><b>Consultation carried out:</b> <i>(this is any consultation carried out prior to the report being presented for approval)</i></p> <p>Leader <input checked="" type="checkbox"/> Deputy Leader <input checked="" type="checkbox"/> Executive <input type="checkbox"/> SLT <input checked="" type="checkbox"/>  Relevant Service Manager <input type="checkbox"/> Members <input type="checkbox"/> Public <input type="checkbox"/>  Other <input type="checkbox"/></p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>(a) <input type="checkbox"/> (b) <input checked="" type="checkbox"/></p> <p>(a) <input type="checkbox"/> (b) <input checked="" type="checkbox"/></p> <p>All <input checked="" type="checkbox"/></p> <p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>
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**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

		Proposed Charge (£)	Target Response Time
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
17a.	Enquiries re: S73 / S106A (a) major	£104	20 working days

Planning Services, The Arc, High Street, Clowne, S43 3JY

## **Pre-Application (Planning) Advice**

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### **Householder / domestic enquiries**

Bolsover District Council offer a free pre-application advice service to all residential householders, falling into the following categories:

Table 1:

1.	Do I need Planning Permission?
2.	Householder / Domestic Extension.
3.	Works to a Listed Building (Householder)

Such enquiries may include proposed extensions / alterations to your property, or new buildings, or alterations within your garden / driveway.

To submit an enquiry you should complete the self service form available [here](#), or send details of your enquiry directly to [dev.control@bolsover.gov.uk](mailto:dev.control@bolsover.gov.uk)

### **All other enquiries**

For enquiries falling in to the categories set out in table 2 below Bolsover District Council offers a paid for pre-application advice service and encourages those that wish to carry out development to engage in this service to receive guidance on the acceptability of development proposals and improve the quality of planning applications and their likelihood of success.

The charging schedule adopted by the District Council has been purposefully designed to cover all non-householder / domestic development types that require planning permission. The charges imposed do not exceed the cost to the Council of providing the service.

The Council's decision to charge for pre-application (planning) advice, which is a discretionary service, ensures that customers utilising the service are given certainty of the process and service that is available from officers.

The table below sets out our relative fees for pre-application (planning) advice for various development types.

The fees reflect the amount of time that an officer would typically spend assessing, and providing a written response to the different enquiry types. Enquiry types in the shaded boxes of the table below will include an officer site visit / meeting.

Table 2:

		<b>Fee (£)</b>	<b>Target Response Time</b>
4.	Works to a Listed Building (Not Householder)	£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
17a.	Enquiries re: S73 / S106A (a) major	£104	20 working days

More complicated enquiries may require additional meetings, which will be charged at £150 per additional meeting. All fees are inclusive of VAT.

*A proposal to undertake householder development to provide a means of access for a disabled person or to facilitate that person's greater safety, health or comfort is exempt from a fee. Enquiries relating to providing a means of access for disabled persons to a building or premises to which members of the public are admitted are also exempt from a fee.*

*If an enquiry is being made on behalf of a Parish, Town or Community Council for development connected to any public service administered by them, the fee is subject to a 50% concession.*

Please note that while you are strongly encouraged to seek pre-application advice, this is not mandatory. There is a wealth of information online including the interactive house, shop and flats on the Planning Portal for householder and limited commercial development, which can be viewed here [Interactive House – Planning Portal](#). The permitted development rights for householders: technical guidance on the .GOV.UK website also provides a useful tool.

The Local Planning Authority will look to engage with other Council departments where appropriate, however, will not carry out consultation with external consultees when providing advice, including with the Environment Agency and

Derbyshire County Council in their capacity as Local Highway Authority. Both organisations levy separate fees for providing pre-application planning advice. You are directed to their websites for further information.

#### What we need from you?

The Council will require sufficient information to enable us to process and respond to your enquiry. This should include:

A location plan showing the site marked.

A proposed site layout plan.

Details and photographs of the existing site.

Details and plans of the proposed development inc. elevations, floorplans, access, and parking.

All plans should be provided to a recognised scale, or at the very least have dimensions specified on them.

Supporting reports and statements where appropriate.

The level of information required will vary depending on the scale and nature of the proposed development. Prospective enquirers are encouraged to submit as much information as possible to allow the local planning authority to take an informed view on the development proposal.

#### What will you receive from us?

You will receive a detailed written pre-application (planning) response to your enquiry.

The table above sets out our targeted response time to each different type of enquiry. Should you enquiry generate a longer response time, the officer assigned to the enquiry will notify you of this and provide you with an updated estimated response date.

#### **Advisory Notes**

Any advice given at the pre-application (planning) stage does not constitute a formal response or planning decision of the district council. The advice will be offered without prejudice to the formal consideration of any follow up planning application, which will be subject to all statutory consultation requirements and the determination by the district council as the local planning authority.

A request for pre-application (planning) advice should be made by completing our online request form [available here](#).

The request should include all the relevant information set out in this guidance note.

You can also submit your enquiry using an electronic version of the pre-application advice form, [available here](#), and send this to us via:

Email:

[dev.control@bolsover.gov.uk](mailto:dev.control@bolsover.gov.uk)

Post:

**Planning Services, The Arc, High Street, Clowne, S43 3JY**

The pre-application (planning) advice fee will need to be paid at the time of submission. No request will be processed until the correct fee has been received.

Pre-application (planning) advice fees are non-refundable, and they do not contribute towards the cost of any subsequent planning application submission.

Payments can be made using debit or credit card, by cheque, or bank transfer. You can pay the fee by telephoning our Contact Centres on 01246 242424.

REVISED DRAFT