

The Arc
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To: Chair & Members of the Planning
Committee

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Tuesday, 1st July 2025

Dear Councillor,

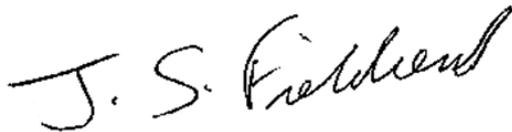
PLANNING COMMITTEE

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, 9th July, 2025 at 14:00 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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- **Phone:** [01246 242424](tel:01246242424)
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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, 9th July, 2025 at 14:00 hours taking place in the Council Chamber, The Arc,
Clowne***

Item No.		Page No.(s)
1.	Apologies For Absence	
2.	Urgent Items of Business	
	To note any urgent items of business which the Chairman has consented to being considered under the provisions of Section 100(B) 4(b) of the Local Government Act 1972.	
3.	Declarations of Interest	
	Members should declare the existence and nature of any Disclosable Pecuniary Interest and Non Statutory Interest as defined by the Members' Code of Conduct in respect of:	
	a) any business on the agenda	
	b) any urgent additional items to be considered	
	c) any matters arising out of those items	
	and if appropriate, withdraw from the meeting at the relevant time.	
4.	Minutes	5 - 13
	To consider the minutes of the last meeting held on 11 th June 2025.	
	<u>APPLICATIONS TO BE DETERMINED UNDER THE TOWN & COUNTRY PLANNING ACTS</u>	
5.	Application no. 21/00331/FUL - Open Space East of Dahlia Avenue, South Normanton	14 - 69
6.	Application no. 24/00503/FUL - The Stables, Featherbed Lane, Bolsover, Chesterfield	70 - 82
7.	Application no. 25/00162/FUL - Station Yard, Chesterfield Road, Pleasley, Mansfield	83 - 125
8.	Application no. 25/00235/OTHER - Rear Of 16 To 124 And South West Of 124 And Between Brickyard Farm And Barlborough Links, Chesterfield Road, Barlborough	126 - 139

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

9. **Five-Year Housing Land Supply - Annual Position Statement
(2025/26 - 2029/30)** 140 - 154

**REPORTS OF THE DEVELOPMENT MANAGEMENT AND LAND
CHARGES MANAGER**

10. **Government Consultation on the Reform of Planning Committees** 155 - 174
11. **Appeal Decisions Report: January 2025 - June 2025** 175 - 186
12. **6 Monthly Enforcement Report: January 2025 - June 2025** 187 - 194

PLANNING COMMITTEE

Minutes of a meeting of the Planning Committee of the Bolsover District Council held in the Council Chamber on Wednesday, 11th June 2025 at 10:00 hours.

PRESENT:-

Members:-

Councillor John Ritchie in the Chair

Councillors Catherine Tite (Vice-Chair), Steve Fritchley, Chris Kane, Tom Munro, Sally Renshaw, Phil Smith, Janet Tait and Deborah Watson.

Officers:- Sarah Kay (Assistant Director of Planning and Planning Policy), Chris Whitmore (Development Management and Land Charges Manager), Jim Fieldsend (Director of Governance and Legal Services & Monitoring Officer), Chris McKinney (Senior Devolution Lead for Planning Policy, Strategic Growth and Housing), Julie-Anne Middleditch (Principal Planning Policy Officer), Matt Connley (Leisure Facilities Planning & Development Manager), Dan Oakley (Community Arts Development Officer) and Matthew Kerry (Governance and Civic Officer).

PL1-25/26 APOLOGIES FOR ABSENCE

An apology for absence was received on behalf of Councillor Rob Hiney-Saunders.

PL2-25/26 URGENT ITEMS OF BUSINESS

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

PL3-25/26 DECLARATIONS OF INTEREST

Minute No.	Member	Level of Interest
PL5-25/26	Councillor John Ritchie	As a Member of the Planning Committee, Councillor Ritchie declared an interest in Item 5 due to involvement in the previous application related to the same site / applicant in September 2024.

PL4-25/26 MINUTES

Moved by Councillor Tom Munro and seconded by Councillor Phil Smith

RESOLVED that the minutes of a meeting of the Planning Committee held on 14th May 2025 be approved as a true and correct record.

Councillor John Ritchie left the meeting at 10:03 hours having previously declared an interest in the following item.

PLANNING COMMITTEE

Councillor Catherine Tite in the Chair

PL5-25/26 APPLICATION NO. 25/00084/FUL - THE OLD DAIRY BATLEY LANE, PLEASLEY, MANSFIELD

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 the incorporation of land into garden space, the erection of an outbuilding for domestic storage, the retention of a pergola and gates, the removal of sheds and a green house, and the installation of a boundary fence.

It was noted that Councillors Catherine Tite, Tom Munro and Phil Smith had attended the site visit on 6th June 2025.

At 15:19 hours on the 9th June, the Council had received further correspondence from the occupant of a neighbouring property who had already made representations on the application that were referenced and considered in the officer's report. In the further representations received the neighbour had emphasised that care was taken when converting the range of former farm buildings to protect and enhance the countryside and these principles should not just be in a 'one off' but in perpetuity.

They had advised that garages were specifically excluded, and areas of hardstanding were detailed for vehicles at each property and boundary fences kept at a height and nature that deer can jump. It was considered that the revised proposal far exceeded the original submission, and, in the way they had been presented (whether intended or not), if accepted would aid further changes in the future – with particular reference to the proposed garage being suitable for conversion.

Andrew Clarke spoke in favour of the application (the applicant).

A Member sought further guidance regarding Biodiversity Net Gain (BNG). The Development Management and Land Charges Manager informed the application was exempt from the 10% BNG requirement. The garage was to be built on an existing area of hardstanding. The use of the paddock as garden and new planting would ensure no net biodiversity loss to satisfy development plan policy.

To a statement on the existing buildings, the Development Management and Land Charges Manager referred the Committee to Condition 5 which stated that within 90 days from the date of permission being granted the existing greenhouse and shed structures on the land (shown in the report within the blue line on the approved block plan) had to be permanently removed from the site.

To a question on a concern from the objector, the Development Management and Land Charges Manager explained that the area of land to be used as garden had been reduced so as to not extend beyond existing development to the south and that the garage building had been purposely designed to be a simple utilitarian building that would be closely associated with the main dwelling. The policy relating to changes of use of buildings and land in the countryside was also referred to.

A Member thanked officers for their response.

PLANNING COMMITTEE

Moved by Councillor Tom Munro and seconded by Councillor Phil Smith

RESOLVED that application no. 25/00084/FUL 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 reenacting 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.

PLANNING COMMITTEE

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 secure the removal of unauthorised domestic structures in the countryside to comply with policy SC8 of the Local Plan for Bolsover District.
6. To protect and prevent unacceptable encroachment in the countryside 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.

Councillor John Ritchie returned to the meeting at 10:21 hours.

Councillor John Ritchie in the Chair

PLANNING COMMITTEE

PL6-25/26

APPLICATION NO. 25/00153/FUL - THE CROFT OLD SCHOOL LANE, PLEASLEY, MANSFIELD

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 the erection of single front and side extensions.

This planning application had been referred to the Committee as the occupier of the dwelling (and applicant of the proposal) was a Member of the Council. This was to ensure that any decision taken was fully transparent.

It was noted that Councillors Catherine Tite, Tom Munro and Phil Smith had attended the site visit on 6th June 2025.

A Member noted this was a straightforward application. A Member agreed, stating this was not a Planning concern.

To a question on the established biodiversity on site with regards the intended erection of a 2 metre high fence, the Development Management and Land Charges Manager noted some existing hedge and young trees / shrubs could be affected by the proposal and the Committee could encourage the retention of existing vegetation within an informative.

Moved by Councillor Phil Smith and seconded by Councillor Tom Munro

RESOLVED that application no. 25/00153/FUL be **APPROVED** subject to the following conditions:

1. The development shall be begun before the expiration of three years from the date of this permission.
2. The development must be carried out in accordance with revised drawings received by the council on 7th 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.

PLANNING COMMITTEE

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.

PLANNING COMMITTEE

PL7-25/26 QUARTERLY UPDATE ON SECTION 106 AGREEMENT MONITORING

The Principal Planning Policy Officer presented the report to the Committee to inform Members on the progress of the spending of Section 106 contributions for financial Quarter 4 2024/25 and enable Members to assess the effectiveness of the Council's spending and monitoring activities.

In addition to the updates from the Principal Planning Policy Officer, the Community Arts Development Officer and Leisure Facilities Planning & Development Manager were present to provide additional information and answer questions.

A Member thanked officers for the report.

Members raised questions on the spending of the sums relating to Art from the Spa Croft, Tibshelf site and to Outdoor Sport from the Creswell Road, Clowne site within time, the requirement of planning permission (if required), and sought additional information on some of the projects listed.

Reassurances were sought from relevant spending officers that the S.106 monies would be spent within time. The Community Arts Development Officer shared confidence that the sums of several of the items discussed within his remit would be spent within time.

With regards Item 20 and the Land at Thornhill Drive, South Normanton, the Principal Planning Policy Officer informed that an urgent meeting had been requested with the Integrated Care Board (ICB), including Councillor Phil Smith, to discuss the spending of sums on the GP Surgery within the allotted time.

Due to the nature of small developments outside the main urban areas of the District, sums provided tended to be small and fragmented (when compared to a major development). A Member informed the Committee these small funds were not ideal when renovating or building existing / new facilities for residents.

It was proposed that if sums could not be spent on large improvements such as facilities, future S.106 agreement sums in smaller, less urban areas could be used for other essentials such as equipment. This could be investigated.

The Chair thanked the officers for the report and answering all questions of the Committee.

Moved by Councillor Tom Munro and seconded by Councillor Phil Smith

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

PLANNING COMMITTEE

PL8-25/26

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

The Assistant Director of Planning & Planning Policy presented the report to the Committee to inform on the outcome of the 4 week public consultation exercise on the proposed introduction of a Pre-Application (Planning) Charging Schedule / Service.

The report presented at the Committee's meeting in April 2025 had sought approval to open a public consultation exercise on the proposed introduction of a Pre-Application (Planning) Charging Schedule / Service. Accompanying that report (and the public consultation that subsequently followed) had been a draft schedule of charges. This draft was attached at Appendix 1.

The public consultation exercise had run from 22nd April 2025 to the 21st May 2025 (4 weeks) – 11 representations had been received in that time, summarised at Table 1 of the report.

While engagement was low, the comments received had produced balanced opinions to the proposal.

In analysing the comments received, the most outstanding contributed theme was the opposition to the introduction of a fee for householder / domestic types of planning enquiry.

Furthermore, the themes raised related to challenges levying a fee for areas affected by Article 4's (which would be predominantly householder / domestic types properties), properties that were listed buildings, and smaller scale commercial / single properties.

Three neutral contributors were noted in the report, along with two overall supporting contributors.

In a challenging economic climate, the Council had to explore alternatives to maintain the current level of services offered – cost recovery of discretionary services was one of those avenues.

The Planning Team was fully resourced and able to offer a discretionary service without any detriment to delivery of statutory planning services. However, it was well known that there was a national resourcing crisis that could affect the service in the future.

On that basis, future proofing the service should be considered.

A balanced recommendation arising from the initial market research and outcome of the public consultation exercise was that a charge be introduced for the Pre-Application (Planning) service, but that charge exclude the development types affecting householder / domestic properties.

The revised draft of the Pre-Application (Planning) Charging Schedule / Service guidance note had been prepared and was attached at Appendix 2.

PLANNING COMMITTEE

A question was raised on the previous quoted incomes in the April 2025 report (from charging for all services being £20,000 per annum) and the June 2025 report (for charging only for larger applications / complex case services being £30,000 per annum). The Assistant Director of Planning & Planning Policy informed in the April 2025 report the quoted income had been a rough estimate. However, on closer inspection charging for larger applications / complex cases only would bring in the higher quoted figure in the report (based on the number of applications received in the previous year).

To a question on the utilisation of Artificial Intelligence (AI) for assisting officers in their work and providing answers to enquiring applicants, the Assistant Director of Planning & Planning Policy informed the use of AI had been trialled in consultation but proved it was still in the development stage – while a possible option in the future, it was not yet ready for providing quality assistance / advice.

The Committee was informed AI could successfully answer basic enquiries, but for complex case advice / support, the use of AI was not (currently) a viable option.

A Member stated, with the recent changes to apprenticeship funding, Pre-Application (Planning) Charging could help support the Council with regards continued inhouse training and officer development.

A Member added it appeared to be common practice for other local authorities to charge for such services. The Council's Planning Team were also known outside the organisation to provide high quality services – Pre-Application (Planning) Charging would ensure this continued.

Moved by Councillor Phil Smith and seconded by Councillor Tom Munro

RESOLVED that the Committee: 1) note the outcome of the public consultation exercise undertaken on the proposed introduction of a pre-application (planning) advice charging schedule;

- 1) agree to the proposed amendment to the draft pre-application (planning) advice charging schedule / service to exclude householder / domestic developments; and,
- 2) recommend to Full Council that the draft pre-application (planning) advice charging schedule / service be accepted, with targeted implementation on the 1st September 2025.

In favour of the recommendation: 7

Against the recommendation: 1

The meeting concluded at 11:09 hours.

PARISH South Normanton Parish

APPLICATION Full Planning Application for Residential Development
LOCATION Open Space East of Dahlia Avenue South Normanton
APPLICANT Dukeries Homes
APPLICATION NO. 21/00331/FUL **FILE NO.** PP-09874542
CASE OFFICER Mr Peter Sawdon
DATE RECEIVED 3rd June 2021

BACKGROUND AND SUMMARY

This application for 100% social housing has previously been reported to Planning Committee on the 10th of April 2024 and the 4th September 2024. On both occasions it was resolved to grant planning permission subject to the completion of a S106 Planning Obligation; the S106 agreement is not yet finalised. The September 2024 report is included as Appendix 1; n.b. this includes relevant appendices relating to the earlier 10th April 2024 report and recommendations.

This application is being re-reported to the Planning Committee to consider proposed layout amendments; these have been necessitated as site investigations carried out after the previous Committee resolutions revealed that a public sewer crossing the site is in a different location to that shown on the public sewer record, meaning that the originally designed scheme cannot be developed in the manner envisaged.

The Council's scheme of delegation requires applications that propose significant changes to the size, scale or nature of proposals previously approved by planning committee that are more than non-material, to be determined by the Planning Committee and not under delegation to officers.

This application was initially referred to the Planning Committee due to financial viability issues, meaning normal S106 contributions are not able to be offered.

The application, as revised, is again recommended for a conditional approval, subject to the completion of a S106 Planning Obligation to deal with biodiversity mitigation.

REVISIONS

This is a full application proposal that, following the latest revisions, is now for 19 dwellings that are all proposed as social housing for rent.

As stated above, the revisions have resulted from the recent discovery that the public sewer that crosses the proposed development site is in a significantly different position to that which was shown on the Public Sewer records. Those records indicate that the public sewer only affects the north west corner of the site, whereas the actual location runs the entire length of the site on a north/south axis, which means that the approved layout could not be delivered in its approved form; whilst in theory a public sewer can be diverted, this would not have been cost effective in this case that is known to be marginal in financial terms, as has been demonstrated to the Council through earlier viability work.

The location of the sewer means that much more of the site is affected by the line of the sewer itself, as well as the maintenance margins that must legally be left to either side of it; this means that the available developable area is more limited and opportunities for landscaping are constrained by the need to retain easements to the sewer, within which certain forms of landscaping, including tree planting cannot be undertaken. This has resulted in a reduction in the number of dwellings proposed, down from 21 to 17 plots. To minimise the impacts, the design incorporates the proposed new road along the line of that public sewer. As tree planting cannot be undertaken within the easement area, trees are proposed along the edge of that easement where opportunity exists.

Proposed revised layout showing the line of the public sewer on the line of the proposed new road: -



Previous scheme that Planning Committee resolved to grant planning permission: -



CONSULTATION RESPONSES IN REPSECT OF REVISED DETAILS:

Bolsover District Council Environmental Health Officer

11/06/2024 - that our previous consultation response and updated comments in regards the 2024 updated layout changes still apply.

Bolsover District Council Urban Design

02/06/2025 - It is regrettable that the scheme has had to be amended again due to the discovery of a different alignment of the Severn Trent sewer line. This has also resulted in constraining the negotiated scheme becoming impossible to be realised on site. The newly discussed layout is less dense and works with the existing topography of the site, resulting in a greater offset from the boundary to the M1, with a greater level of buffer planting. The new alignment of the access road is curved with Street trees outside of the alignment of the sewer easement which follows the road. Parking provides a mix of side parking and courtyard parking with some parallel parking along the main access road. The house styles have been improved to provide a more contemporary style which improved the overall quality of the scheme.

I consider the layout is now well balanced and acceptable, providing a reasonable mix, density, parking, and privacy, along with a suitably well landscaped scheme.

Derbyshire County Council as the Lead Local Flood Authority (LLFA)

13/06/2025 - The changes do not affect the previously reviewed surface water drainage proposals. The LLFA has no objection subject to recommended conditions. N.B. these conditions update and amend that Authority's previously recommended conditions and removes on of the previously recommended conditions.

Derbyshire County Council as Local Highway Authority (LHA)

18/06/2025 – There would not be there would not be an unacceptable impact on Highway Safety.

The latest revised internal layout is not considered to be significantly different to the previous layouts and, assuming that the site is to remain private, as commented on in previous comments, the revised site layout is considered suitable to serve the development site.

Should the applicant want to offer the site to be adopted as publicly maintainable highway, it would be worthwhile for the applicant to discuss the layout with the LHA to ensure that the highway layout meets DCC's adoption standards.

Considering that the scale of the development site has reduced in scale and that the internal layout has significantly changed, it is considered that the previous LHA comments to the application and recommended conditions remain.

Derbyshire Wildlife Trust

18/06/2025 - Whilst the re-design of the proposed development does appear to allow for greater habitat retention and habitat creation on-site the change in the baseline habitats used in the 2025 metric as compared to the 2024 metric are not in accordance with best practice when calculating impacts using the metric.

A medium distinctiveness habitat (bramble scrub) has been cleared and replaced with lower value ruderal/ephemeral vegetation and this vegetation type has subsequently been used in the new metric. All previous metric assessments used the original baseline habitats prior to vegetation clearance. Broadleaved woodland does not appear in the latest metric which could be because it was cleared or possibly it has been re-interpreted as urban trees in the new metric.

I advise the Council to request an amended biodiversity metric that uses the original baseline as per the 2024 metric subject to any minor differences in habitat interpretation. The bramble scrub and broadleaved woodland should both be re-instated unless there is a clear rationale and justification for using a different habitat type.

Once the metric is corrected to reflect the original baseline habitat types it should be possible to understand the impact of the redesigned development and the need for any off-site habitat units.

Force Designing Out Crime Officer

12/06/2025 - Detailed comments relating to crime prevention measures and is seeking controls as previously recommended, to secure appropriate mitigation measures to improve crime prevention measures.

NHS (Chesterfield Royal Hospital)

16/06/2025 - Section 106 impact on health to be considered. Initial modelling suggests that the impact of this development is up to £28k

National Highways

03/06/2025 – Recommendations remain unchanged as a result of the amended layout, including a request for a condition requiring approval of a glint and glare controls to ensure that potential impacts to highway safety for users of the M1 can be maintained.

PUBLICITY

The revisions were advertised by site notice and neighbour letters, including letters to those that had previously made comments in respect of the proposal.

Whilst this publicity didn't result in any further representations, one additional letter of representation had been received between the last Planning Committee resolution and the submission of the revisions that are currently being considered. This states that the writer does not object to the development but rather raises concerns about the condition of the land that has already been cleared, fenced off, cabins delivered and now is unfenced and starting to look like a builder's scrap yard. Additionally, following the removal of spoil from the site, this has raised the incidence of noise from the adjacent motorway.

POLICY

Development Plan for Bolsover District ("the Development Plan")

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

- SS1: Sustainable Development.
- SS3: Spatial Strategy and Scale of Development.
- LC1: Housing Allocations.
- LC2: Affordable Housing Through Market Housing.
- LC3: Type and Mix of Housing.
- WC4: Rough Close Works, South Normanton.
- SC1: Development within the Development Envelope.
- SC2: Sustainable Design and Construction.
- SC3: High Quality Development.
- SC7: Flood Risk.
- SC8: Landscape Character.
- SC9: Biodiversity and Geodiversity.
- SC10: Trees, Woodland, and Hedgerows.
- SC11: Environmental Quality (Amenity).
- SC12: Air Quality.
- SC13: Water Quality.
- SC14: Contaminated and Unstable Land
- SC15: Hazardous Installations
- ITCR5: Green Space and Play Provision.
- ITCR10: Supporting Sustainable Transport Patterns.
- ITCR11: Parking Provision.

- II1 Plan Delivery and the Role of Developer Contributions.
- II2: Employment and Skills England and how these should be applied.

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 85 - 87: Building a strong, competitive economy.
- Paragraphs 96 - 108: Promoting healthy and safe communities.
- Paragraphs 109 - 118: Promoting sustainable transport.
- Paragraphs 124 - 128: Making effective use of land.
- Paragraphs 131 – 141: Achieving well-designed places.
- Paragraph 161, 163, 164, and 166: Meeting the challenge of climate change.
- Paragraph 170 - 182: Planning and Flood Risk.
- Paragraphs 187, 193 and 195: Conserving and enhancing the natural environment.
- Paragraphs 196 - 201: Ground conditions and pollution.

Supplementary Planning Documents

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

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

Local Parking Standards:

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

ASSESSMENT

Key issues

Given there have been no material changes to planning policy that affect the earlier consideration of this development since the previous resolution to grant planning permission, many of the issues considered in reaching the earlier resolutions by Planning Committee to grant planning permission relating to the principle of the development, affordable housing, drainage and flood risk, ground conditions, noise, air quality, and hazardous installations are unaffected by these amendments, and attention is drawn to the appendices to this report for the earlier committee report containing that assessment.

The above is subject to amended wording for previously recommended conditions to reflect the revised details and comments received from consultees in respect of drainage and flood risk.

In view of this the key issues that require re-consideration due to the revised layout drawings are: -

- Access and Highway Safety
- Landscape and Visual Impacts
- Design, layout, and residential amenity
- Biodiversity & Trees
- S106 & Viability

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

Access and Highway Safety

Despite the amended layout, which includes a revised internal road layout, the Highway Authority (Derbyshire County Council) has confirmed that this raises no new issues relating to highway safety considerations, subject to the previously recommended conditions.

National Highways have re-iterated their point from the earlier considerations that a condition to require control over glint and glare impacts to ensure that there would be no harm to users of the adjacent M1.

Landscape and Visual Impacts

Although a revised layout will affect the overall appearance of the site in its wider landscape setting, the revisions do not materially alter the considerations in this respect given the proposal continues to represent a small addition to the existing settlement on a visually contained site bounded primarily by existing houses, the M1 and a mounded area of land to its north, such that that the revised layout proposals will not have any adverse impacts on the existing landscape.

Design, layout, and residential amenity

As noted by the Urban Design Officer, it is regrettable that the scheme has had to be amended again due to the discovery of a different alignment of the Severn Trent sewer line.

This has resulted in constraining the previously negotiated scheme meaning that it is no longer possible to deliver this on site. Additionally, the existence of the sewer line also constrains landscaping opportunities alongside the proposed road as curtail types of planting, including trees, cannot be contained within the easement line to either side of the sewer, along which the proposed road alignment is now proposed to follow (The layout plan included earlier in this report, shows the line of the sewer generally to the eastern edge of the new highway through the site, with the associated easement line edged with a red dashed line) .

Given the more constrained site, the applicant has sought to work closely with officers to resolve some initial concerns with earlier draft layouts. These amendments have resulting in a layout that is less dense than previously accepted, and works with the existing topography of the site, resulting in a greater offset from the boundary to the M1, with a greater level of buffer planting. The new alignment of the access road is curved, and provision has been

made to provide street trees outside of the alignment of the sewer easement which follows the road. Parking is proposed with a mix of side parking and courtyard parking with some parallel parking along the main access road, which makes good use of design opportunities to minimise the prominence of car parking within the proposed layout.

The house styles have been improved to provide a more contemporary style which improved the overall quality of the scheme. Privacy and amenity levels in terms of offset distances between existing and proposed dwellings and the provision of private amenity spaces for new residents are in line with the Council's published design guidance; as a revised site levels plan to reflect the new layout has not been provided, a further condition requiring the submission and approval of such details to ensure appropriate finished levels is recommended.

Given the above, it is considered that the layout is well balanced and acceptable, providing a reasonable mix, density, parking, and privacy, along with a suitably well landscaping proposal.

Of note in respect of design is that the crime prevention officer is generally happy with the revised layout, subject to revised conditions to cover the new layout covering the same issues as raised before in respect of means of enclosure, and lighting to the proposed parking court, that will continue to be controlled through recommended conditions.

Whilst noting the issue that has been raised relating to noise from the M1 by a local resident, as with earlier iterations for the proposed residential development of this site, the Environmental Health Officer is content with the proposals, subject to a condition for noise controls to be imposed to secure the amenities of future residents of the proposed dwellings. An amended condition requiring a new noise assessment to be submitted to reflect the amended layout is recommended. Additionally, once developed, the new dwellings will act as a buffer between the existing houses and the M1 motorway.

Considering the above, subject to conditions to control details of the development, the revised layout is considered to be acceptable and in accordance with adopted policies of the Local Plan.

Biodiversity & Trees

To satisfy the requirements of Local Plan Policies SC9 (Biodiversity and Geodiversity) and SC10 (Trees, Woodland and Hedgerows), the earlier resolutions required a combination of on-site and off-site habitat creation and enhancement measures to ensure that biodiversity harm was appropriately mitigated.

As on-site landscaping has had to change to facilitate the amended layout, a revised biodiversity metric was requested, but this has incorrectly re-evaluated the baseline position for the assessment to a point after initial site clearance works had been undertaken, contrary to best practice for such evaluations; this has been raised with the agent who has verbally agreed the need to re-assess the proposals based on the already established baseline that reflected the condition of the site prior to any development having taken place. Given the nature of the development, it is highly unlikely that this will materially alter the earlier conclusions regarding the need for the combined on and off-site mitigation works with the off-site works to be provided on Council land at Pinxton to be secured via a financial contribution

to be secured via a S106 Planning Obligation.

At the time of drafting this report, it is understood that the submission of the revised metric is imminent and an updated position on this issue will be provided to that committee.

S106 & Viability

It has been accepted through earlier viability work that, given the proposal is for 100% affordable housing to rent that no additional S106 contributions would be sought, other than the biodiversity contribution already discussed. This was as the provision of 100% social housing, for which there is an identified need for this type of property in the district, such that this scheme will contribute to the Council's efforts to meet identified local housing need, was considered to be a significant factor that weighed in favour of the proposal without those additional requirements.

Whilst viability hasn't been specifically re-visited due to the re-plan of the layout, a reduction in the number of dwellings will weaken the financial position of the development proposals, such that additional funds to deliver S106 requirements will not be available as a result of the re-plan, such that the earlier recommendations in respect of S106 requirements remain unchanged.

CONCLUSION

The proposal is acceptable in principle given that the site is in the development envelope. The revised residential designs proposed remain appropriate and compliant with Successful Places design guide. The provision of additional affordable housing is welcome and there are no significant amenity impacts likely that cannot be dealt with by condition.

The biodiversity impacts are likely to continue to be resolved through a combination of conditions and the previously agreed S106 Planning Obligation for off-site mitigation and an update on this will be provided to the Committee meeting; no other environmental impacts have been identified that would warrant the refusal of planning permission. The proposed development therefore accords with the policies of the local plan as well as the National Planning Policy Framework.

It is acknowledged that the policy requirement for infrastructure contributions is not being met for financial viability reasons, but nevertheless, the benefits of this proposal, from the delivery of 100% affordable dwellings for which there is a demonstrable need, is considered to outweigh the normal requirements for the contributions that would otherwise be sought from a housing scheme of this scale.

The planning balance in this case is therefore considered, based on the submitted revisions, to remain appropriate in terms of the ability to grant permission for the development as proposed, subject to the completion of a S106 regarding the provision of a financial contribution to off site biodiversity mitigation and on-going management and maintenance costs for this for a minimum 30 year period, along with suitable conditions to otherwise ensure compliance with adopted policy.

RECOMMENDATION

Subject to confirmation of the outstanding biodiversity mitigation issue (update to be provided later that will necessitate limited revisions to the recommended conditions below), that the

application be APPROVED subject to prior entry into a s.106 legal agreement containing the following planning obligations:

- A. Limitation over the occupation of the dwellings to affordable housing.
- B. A contribution of £81,000 to be used by the Council for the provision for off-site biodiversity mitigation measures, including mechanisms for initial investigations, provision, and long-term management and maintenance.

AND subject to the following conditions: -

1. The development shall be begun before the expiration of three years from the date of this permission.

[REASON: To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.]

2. The development hereby permitted must be carried out in accordance with the following approved drawings and documents, unless otherwise required and/or approved under other conditions of this planning permission.

Documents submitted 21/05/2025: -

- 24-964-01C - Revised Layout
- 24-964-02 - A Type Floor Plans and Elevations
- 24-964-03 - A Type Floor Plans and Elevations
- 24-964-04 - B Type Floor Plans and Elevations
- 24-964-05 – F C Type Floor Plans and Elevations
- 24-964-06 – C F Type Floor Plans and Elevations
- 24-964-07 – D E Type Floor Plans and Elevations
- 24-964-50 – Garden Areas Plan

[REASON: To clarify the extent of the planning permission in the light of guidance set out in "Greater Flexibility for planning permissions" by the Department for Communities and Local Government, November 2009 and for the avoidance of doubt having regard to the amended and additional documents that have been submitted.]

3. Prior to the commencement of development, a Site Levels and Sections plan must be submitted to and approved in writing by the Local Planning Authority showing existing and proposed land levels and proposed finished floor levels for the proposed dwellings. The development must be built in accordance with any plan approved under this condition.

[REASON: In the interests of the character and appearance of the development and to ensure that satisfactory levels of privacy and amenity are provided or maintained for occupants of existing and proposed dwellings, in compliance with Policies SS1(h), SC1(a and c), SC2(i) and SC3(a, b, e, l and n) of the adopted Local Plan for Bolsover District.]

4. No development comprising the erection of any external walls shall take place until samples of the materials to be used in the construction of the external surfaces of the development, including the roof, have been submitted to and approved in writing by the Local Planning Authority. The Development must be carried out in accordance with the approved details. The materials to be used throughout the development must be consistent in terms of colour, size, and texture with the approved details.

[REASON: To ensure a satisfactory standard of external appearance and in compliance with Policies SS1(h), SC1(a and e), SC2(g and i), and SC3(a, b and e) of the adopted Local Plan for Bolsover District.]

5. No development shall take place until full details of both hard and soft landscape work with an associated implementation plan, have been submitted to and approved in writing by the Local Planning Authority. The hard landscape details must include means of enclosure, hard surfacing materials and street furniture, where relevant. The soft landscaping works must include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants and trees, noting species, plant/tree sizes and proposed numbers/densities and the implementation programme.

All planting must be implemented in accordance with the approved details in the first available planting season following the completion of the development, or such longer period which has previously been approved in writing by the Local Planning Authority and shall be maintained for a period of 5 years from the agreed date of planting. Any trees or plants which die, become diseased, or are removed during the maintenance period must be replaced with specimens of an equivalent species and size.

[REASON: To ensure that satisfactory landscaping is provided within a reasonable period, in the interests of visual amenity, public safety and biodiversity interests, and in compliance with Policies SS1(h and i), SC1(a and c), SC2(a, d and i), SC3(a, b, e, f, i, l and n), Policy SC9, SC10 and SC11 of the adopted Local Plan for Bolsover District.]

6. Prior to the commencement of any development hereby approved, a scheme in the form of a Construction Management Plan (CMP) must be submitted to and approved in writing by the Local Planning Authority. The submitted plan must include, but is not 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);
 - 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;
- details for the methods to be employed to control and monitor noise, dust, and vibration impacts
- Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses; and
- timescales for the implementation of the scheme.

The approved scheme must be implemented and adhered to in full accordance with the scheme as approved under this condition.

[REASON: In the interests of safe operation of the adopted highway in the lead into development both during the demolition and construction phase of the development and in the interests of highway safety and in accordance with the requirements of Policy SC3(e) of the adopted Local Plan for Bolsover District.]

7. Before the commencement of the development hereby approved

- i. a contamination site investigation must be carried out by a competent person in accordance with the current U.K. requirements for sampling and analysis and a report of the site investigation must have been submitted to, and approved in writing by, the Local Planning Authority.
- ii. Only where the site investigation required by 6i above 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, must have been submitted to and approved in writing by the Local Planning Authority. The submitted scheme must have regard to CLR 11 and other relevant current guidance. The approved scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The developer must give at least 14 days' notice to the Local Planning Authority (Environmental Health Division) prior to commencing works in connection with the remediation scheme.

[REASON: To protect future occupiers of the development, buildings, structures/services, ecosystems and controlled waters, including deep and shallow ground water and in compliance with Policies SS1(m&n), SC1(e), SC2(d,m,n&o), SC13 and SC14 of the adopted Local Plan for Bolsover District.]

8. No dwelling hereby approved will be occupied until:

- a) Any approved remediation works required by 6 above have been carried out in full in compliance with the approved methodology and best practice in respect of that dwelling and its plot.
- 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 must 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 must be notified as soon as is reasonably practicable of the discovery of any suspected areas of contamination. The suspect material must be re-evaluated through the process described in 6 above and satisfy 7a above.
- c) Upon completion of the remediation works required by 6 and 7a above, a validation report prepared by a competent person must be submitted to and approved in writing by the local planning authority. The validation report must include details of the remediation works and Quality Assurance/Quality Control results to show that the works have been carried out in full and in accordance with the approved methodology. Details of any validation sampling and analysis to show the site has achieved the approved remediation standard, together with the necessary waste management documentation must be included.

[REASON: To protect future occupiers of the development, buildings, structures/services, ecosystems and controlled waters, including deep and shallow ground water and in compliance with Policies SS1(m&n), SC1(e), SC2(d,m,n&o), SC13 and SC14 of the adopted Local Plan for Bolsover District.]

9. 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 shallow 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 must be carried out in accordance with authoritative UK guidance.

[REASON: The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information

pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with Policies SC2(m&o), SC3(l) and SC14 of the adopted Local Plan for Bolsover District and paragraphs 178 and 179 of the National Planning Policy Framework.]

10. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development must be submitted to the Local Planning Authority for approval in writing. This document must confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

[REASON: The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with Policies SC2(m&o), SC3(l) and SC14 of the adopted Local Plan for Bolsover District and paragraphs 178 and 179 of the National Planning Policy Framework.]

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

- a. ASC, Ltd. (Oct 2022), Flood Risk Assessment and Drainage Strategy Report, ref: SC128/FRA, including any subsequent amendments or updates as approved by the Flood Risk Management Team.
- b. Vista Architecture, March 2025, Dahlia Avenue South Normanton-Garden Areas Plan.
- c. 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.

[REASON: To ensure that the proposed development does not increase flood risk and that the principles of sustainable drainage are incorporated into this proposal, and sufficient detail of the construction, operation and maintenance/management of the sustainable drainage systems are agreed prior to their installation on site and in accordance with the requirements of Policies SS1(l and n), SC2(b, c, d, e, and f), SC3(i), and SC7 of the adopted Local Plan for Bolsover District.]

12. No development will take place until a detailed assessment has been provided to and approved in writing by the Local Planning Authority, to demonstrate that the proposed destination for surface water accords with the drainage hierarchy as set out in paragraph 56 Reference ID: 7-056-20220825 of the planning practice guidance.

[REASON: To ensure that surface water from the development is directed towards the most appropriate waterbody in terms of flood risk and practicality by utilising the highest possible priority destination on the hierarchy of drainage options. The assessment should demonstrate with appropriate evidence that surface water runoff is discharged as high up as reasonably practicable in the following hierarchy:

- I. into the ground (infiltration);
- II. to a surface water body;
- III. to a surface water sewer, highway drain, or another drainage system;
- IV. to a combined sewer.

And in accordance with the requirements of Policies SS1(l and n), SC2(b, c, d, e, and f), SC3(i), and SC7 of the adopted Local Plan for Bolsover District.]

13. Prior to commencement of the development, details indicating how additional surface water run-off from the site will be avoided during the construction phase must have been submitted to and approved in writing by Local Planning Authority. The applicant may be required to provide collection, balancing and/or settlement systems for these flows. The approved system must be operating to the satisfaction of the Local Planning Authority, before the commencement of any works, which would lead to increased surface water run-off from site during the construction phase.

[REASON: To ensure surface water is managed appropriately during the construction phase of the development, so as not to increase the flood risk to adjacent land/properties or occupied properties within the development and in accordance with the requirements of Policies SS1(l and n), SC2(b, c, d, e, and f), SC3(i), and SC7 of the adopted Local Plan for Bolsover District.]

14. No part of the development hereby permitted shall commence until an assessment of the risk to motorists using the M1 motorway as a result of glint and glare emitting from vehicle movements within the development or the proposed street lighting layout, has been carried out and any necessary mitigation scheme identified and has been approved in writing by the Local Planning Authority in consultation with Highways England. The approved mitigation scheme must thereafter be constructed in accordance with the approved plans prior to first occupation of the development and maintained in perpetuity.

[REASON: To ensure that the M1 motorway continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10(2) of the Highways Act 1980, in the interests of road safety and in accordance with the requirements of Policies SS1(m) and SC3(e) of the adopted Local Plan for Bolsover District.]

15. Prior to the occupation of any dwellings, street lighting and lighting for the proposed shared parking court serving plots 10 to 16, must have been provided and be made operational in accordance with details that must have previously been submitted to and approved in writing by the Local Planning Authority, that must be maintained and operational, as approved, at all times thereafter.

[REASON: In the interests of visual amenity, public safety and biodiversity interests, and in compliance with Policies SS1(h and i), SC1(a and c), SC2(d and i), SC3(a, b, e, f, i, l and n), Policy SC9, SC10 and SC11 of the adopted Local Plan for Bolsover District.]

16. An updated acoustic assessment must be submitted to the Local Planning Authority for approval in writing prior to the commencement of the development. A scheme of mitigation, as necessary in light of the results of the assessment, [covering façade, glazing and ventilation specifications] must achieve levels not exceeding 30dB LAeq (night) and 45dB LAmax (measured with F time weighting) for bedrooms, 35dB LAeq (day) for other habitable rooms, with window shut and other means of ventilation provided. External amenity areas must be designed to meet the requirements of BS8233:2014. Once approved the mitigation must be installed fully in accordance with the approved scheme and permanently maintained thereafter.

[REASON: To protect the aural amenity of future occupiers of the proposed dwellings and in compliance with Policies SS1(h), SC1(a and c), SC2(a and d), SC3(a, l and n), and SC11 of the adopted Local Plan for Bolsover District.]

17. The development hereby approved must not be occupied until the access, parking and turning facilities have been provided as shown on drawing 24-964-01C.

[REASON: To ensure conformity with submitted details and in the interests of highway safety and in accordance with the requirements of Policy SC3(e) of the adopted Local Plan for Bolsover District.]

18. The development hereby approved shall not be occupied until sheltered, secure and accessible bicycle parking has been provided in accordance with details which must first be submitted to and approved in writing by the Local Planning Authority. The storage area must be maintained for this purpose thereafter.

[REASON: To ensure that adequate provision is made for cycle parking in the interests of the sustainability of the development and in accordance with the requirements of

policies of SC2 and ITCR11 of the adopted Local Plan for Bolsover.]

19. Prior to the commencement of development, including preparatory site clearance, a detailed badger survey for any recently excavated badger setts on the site or within 30 metres of the site boundary should be undertaken. The results and any appropriate mitigation/licensing requirements must be submitted to the Local Planning Authority for approval. Such approved measures must be implemented in full.

[REASON: To mitigate the biodiversity impacts of the development and in accordance with Policies SS1(i), SC2(d), SC3(i) and SC9 of the adopted Local Plan for Bolsover District.]

20. Due to the presence of Japanese knotweed on adjacent land, prior to the commencement of the development, including preparatory site clearance, a survey for any recent establishment of this species within the site or along the site boundary should be undertaken. The results and any appropriate mitigation requirements must be submitted to the Local Planning Authority for approval. Such approved measures must be implemented in full.

[REASON: To mitigate the biodiversity impacts of the development and in accordance with Policies SS1(i), SC2(d), SC3(i) and SC9 of the adopted Local Plan for Bolsover District.]

21. No development shall take place (including demolition, ground works, vegetation clearance and movement of plant, machinery and materials) until a Biodiversity Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) must 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 on protected species and sensitive habitats 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.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP (Biodiversity) must 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.

[REASON: To mitigate the biodiversity impacts of the development and in accordance with Policies SS1(i), SC2(d), SC3(i) and SC9 of the adopted Local Plan for Bolsover District.]

22. Prior to building works commencing above foundation level, a Species Enhancement Plan must be submitted to and approved in writing by the Local Planning Authority. Approved measures must be implemented in full and maintained thereafter. The Plan must clearly show positions, specifications and numbers of features, which will include (but are not limited to) the following:
- 21 integrated swift bricks (universal nest box) at ratio of 1:1, in line with British Standard 42021:2022. Bricks should be integrated into the fabric of the dwellings.
 - 3 external or internal bat boxes
 - fencing gaps 130 mm x 130 mm to maintain connectivity for hedgehogs in all gardens.

[REASON: To mitigate the biodiversity impacts of the development and in accordance with Policies SS1(i), SC2(d), SC3(i) and SC9 of the adopted Local Plan for Bolsover District.]

23. A Landscape Enhancement and Management Plan (LEMP) shall be submitted to, and be approved in writing by, the LPA prior to the commencement of the development. The aim of the LEMP is to provide details for the creation, enhancement and management of habitats and species on the site post development. These should be in accordance with the proposals set out in the submitted Biodiversity Metric 4.0 prepared by Brindle and Green 2nd November 2023. The LEMP should combine both the ecology and landscape disciplines and must be suitable to provide to the management body responsible for the site. It must 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, 5, 10, 15, 20 and 30 years.
- h) Monitoring reports to be sent to the Council at each of the intervals above
- i) A set of remedial measures to be applied if conservation aims and objectives of the plan are not being met.
- j) Requirement for a statement of compliance upon completion of planting and enhancement works.

The LEMP must 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.

[REASON: To mitigate the biodiversity impacts of the development and in accordance with Policies SS1(i), SC2(d), SC3(i) and SC9 of the adopted Local Plan for Bolsover District.]

24. (NB this condition is likely to require later amendment)

A Biodiversity Habitat Enhancement and Management Plan (BHEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to the commencement of the development. The aim of the plan 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 Biodiversity Metric 4.0 prepared by Brindle and Green 2nd November 2023. The plan must be suitable to provide to the management body responsible for the site. It must include the following:

-

- a) Description and location of features to be retained, created, enhanced and managed, as per the approved biodiversity metric.
- b) Details for the enhancement of modified grassland to lowland calcareous grassland including the results of soil analysis.
- c) Aims and objectives of management, in line with desired habitat conditions detailed in the metric.
- d) Appropriate management methods and practices to achieve aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including a 30-year work plan capable of being rolled forward in perpetuity).
- g) Details of the body or organization responsible for implementation of the plan.
- h) A monitoring schedule to assess the success of the habitat creation and enhancement measures at intervals of 1, 2, 5, 10, 15, 20, 25 and 30 years.
- i) Monitoring reports to be sent to the Council at each of the intervals above.
- j) A set of remedial measures to be applied if conservation aims and objectives of the plan are not being met.
- k) Requirement for a statement of compliance upon completion of planting and enhancement works.

The BHEMP must 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.

[REASON: To mitigate the biodiversity impacts of the development and in accordance with Policies SS1(i), SC2(d), SC3(i) and SC9 of the adopted Local Plan for Bolsover District.]

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

[REASON: To mitigate the biodiversity impacts of the development and in accordance with Policies SS1(i), SC2(d), SC3(i) and SC9 of the adopted Local Plan for Bolsover District.]

ADVISORY NOTES

1. National Highways has advised that the applicant should provide actual revised ground levels (see condition 3) so that they can be assured and confirm there is no additional risk from any change in levels alongside its boundary.
2. Subject to acceptance of the SuDS design by Derbyshire County Council (Lead Local Flood Authority), the developer must submit Operation and Maintenance Plan (in accordance with section 32 of the SuDS Manual) which provides details of the arrangements for the lifetime management and maintenance of the SuDS features together with contact details. (a copy to be kept by Bolsover District Council Engineering Services)
3. The sewer records show a public sewer within the area of the proposed work (plan available to view on the planning application record of the Council's website). 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 should be advised to contact Severn Trent Water in order to determine their responsibilities under the relevant legislation.

4. All proposals regarding drainage will need to comply with Part H of the Building Regulations 2010.
5. 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.
6. Any developer is requested to ensure that appropriate provision is made for NGA broadband infrastructure and services as part of the design of their development schemes at the outset. If it can be shown that this would not be possible, practical or economically viable, in such circumstances, suitable ducting should be provided within the site and to the property to facilitate future installation. Guidance on the characteristics of qualifying NGA technologies is available from The Department for Digital, Culture, Media and Sport.
7. Attention is drawn to the comments of the Force Designing Out Crime Officer included in his e-mail to this Council dated 12th June 2025, that provides advice regarding items that will need to be included with any discharge of conditions applications to support crime prevention in respect of means of enclosure, including gates to individual properties and lighting to public and private areas. Those comments can be viewed on the planning application pages of this Council's website.
8. The Highway Authority (Derbyshire County Council) has advised the following: -
 - 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 allowing sufficient time for the preparation and signing of the Agreement. You will be required to pay fees to cover the Councils costs in undertaking the following actions:
 - Drafting the Agreement
 - A Monitoring Fee
 - Approving the highway details
 - Inspecting the highway worksPlanning 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.
 - Drainage arrangements shall be provided to ensure that surface water from the development site does not discharge on to 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.

9. Early iterations of the layout assumed that the proposed highway would be privately owned and maintained given the layout would include features that Derbyshire County Council as the Local Highway Authority (LHA) would not adopt. Whilst this may still be the case, any developer may wish to note that the Highway Authority has adopted a new approach to highway design such that there may be the option to seek adoption of the highway by Derbyshire County Council and it may be worthwhile for any developer to discuss the approved layout with the LHA if an adoption by them would be desirable. It should be noted that this would be a decision of the LHA and this note in no way indicates that adoption would be forthcoming. In addition, should potential adoption include any amendments to the approved layout, details of this will have to be provided to consider the suitability of these in planning terms, and the necessary process that may need to be followed to facilitate this.

APPENDIX 1 – Report to Planning Committee 4th September 2024 (nb. this report contains its own appendices included as A, B and C)

PARISH South Normanton Parish

APPLICATION Full Planning Application for Residential Development
LOCATION Open Space East of Dahlia Avenue South Normanton
APPLICANT Dukeries Homes
APPLICATION NO. 21/00331/FUL **FILE NO.** PP-09874542
CASE OFFICER Mr Peter Sawdon
DATE RECEIVED 3rd June 2021

SUMMARY

This application is being re-reported to the Planning Committee to re-consider the proposal in light of proposed changes to the biodiversity mitigation measures as set out in the ecology and biodiversity considerations section of this report. The Council’s scheme of delegation requires applications that propose significant changes to the size, scale or nature of proposals previously approved by planning committee that are more than non-material to be determined by the Planning Committee and not under delegation to officers.

This application was initially referred to the Planning Committee due to financial viability issues, meaning normal S106 contributions are not able to be offered.

The application, as revised, is recommended for a conditional approval, subject to the completion of a S106 Planning Obligation.

BACKGROUND

This application was reported to Planning Committee on the 10th of April 2024, when it was resolved to grant planning permission subject to the completion of a S106 Planning Obligation; the S106 agreement is not yet complete due to the reconsideration of the issues discussed later in this report, and so the decision has not yet been issued.

The original report is included as Appendix A below, but excluding the initially recommended conditions, as these were amended by the supplementary update report, that is also included as Appendix B.

Of note is that it was resolved by the previous committee to further amend condition 16 from that shown in the supplementary report, due to additional information that was presented verbally to the Committee, and the revised condition 16 is included as Appendix C.

REVISIONS

A revised Biodiversity Metric has been submitted with a reduced predicted gain of 1.81% (originally 13.68%), along with a financial offer of £81,000 for the delivery and ongoing management and maintenance of those enhancements by the Council.

CONSULTATION RESPONSE

Derbyshire Wildlife Trust

13/08/2024 - The revised Biodiversity Metric has been reviewed and is considered to be accurate. The application is accompanied by sufficient information for the Council to proceed with its determination.

A biodiversity net gain is achievable using a combination of on-site and off-site habitat creation and enhancement measures; a revised approach to that proposed could be taken depending on the objectives of the Council in terms of what it wants to deliver, so care should be taken over the wording of any condition to permit flexibility. No further survey or assessment is required at this time.

The consultation response repeats the recommended conditions of the Trusts earlier consultation response but includes revised wording of (the previously approved) condition 23, to reflect the revised information that has been submitted.

Planning Policy

20/08/2024 - From an assessment of the proposed revisions, it is considered that the proposed revisions to the scheme to reduced predicted gain of 1.81% (originally 13.68%), along with a financial offer of £81,000 for the delivery and ongoing management and maintenance of those enhancements by the Council are acceptable in principle and compliant with policy SC9: Biodiversity and Geodiversity.

On this basis, it is considered that the application continues to be policy compliant and should be approved with the appropriate suite of conditions and a Section 106 Agreement that incorporates the agreed Heads of Terms.

ECOLOGY AND BIODIVERSITY CONSIDERATIONS

As noted in detail in the original report, the key Local Plan Policies relating to these issues are Policy SC9 and SC10.

In considering these issues, it was originally reported that “A biodiversity net gain of more than 10% is achievable using a combination of on-site and off-site habitat creation and enhancement measures, and no further surveys or assessments are required at this time”.

During the discussions to progress and complete the S106 planning obligation, further work has been undertaken to establish more detailed costings for the delivery and on-going management and maintenance of the revised off-site biodiversity enhancement measures that are proposed. This was necessary to ensure that any payment made to the Council for the Council’s delivery of the off-site biodiversity measures at Hilltop Recreation Ground in Pinxton, that would be provided in conjunction with the Derbyshire Wildlife Trust, would be sufficient to ensure that the biodiversity uplift can be delivered.

As was reported to the previous committee, the application is accompanied by an accepted financial viability assessment that demonstrates limitations to available resources to fund normal section 106 contributions, but that the biodiversity enhancement measures could be provided. Due to the additional costings work that has been undertaken since this application was originally considered, the applicant is not in a position to be able to afford to fund the originally predicted gains, such that to do so would have meant that this affordable housing scheme could not be delivered.

In view of this a reduced offer has been designed that would deliver a reduced net gain of 1.81%; this is accompanied by an associated offer of £81,000 for the Council to carry out the works and subsequent management and maintenance for a period of 30 years.

As this application was initially received in 2021, under the transitional arrangements it is not subject to the national mandatory biodiversity net gain conditions, where a minimum of 10% would now be legally required. In this respect the wording of the relevant Local Plan Policy SC9 that compensatory measure should be secured “to ensure no net loss of biodiversity and, where possible, provide a net gain” prevails and, given a gain would still be delivered, the revised details, whilst reduced, are still policy compliant.

Considering the wider planning balance relating to this proposal, the original recommendation was balanced in favour of the delivery of the provision of affordable housing for which there is an identified need, based on the independently produced viability study that demonstrated that the scheme could not be delivered with full contributions to infrastructure. Despite the reduction in the biodiversity net gain anticipated at the time of that earlier report, it considered that the resulting planning balance remains in favour of the delivery of the affordable housing, and that the amendments being put forward are a practical response to the viability issues already identified following the additional costing works that have been undertaken; this should ensure that the affordable homes scheme, with its associated benefits of providing homes where there is an identified need, can be delivered.

For this reason, it is considered that the revisions are acceptable.

RECOMMENDATION

The application be APPROVED subject to prior entry into a s.106 legal agreement containing the following planning obligations:

A. Limitation over the occupation of the dwellings to affordable housing.

B. A contribution of £81,000 to be used by the Council for the provision for off-site biodiversity mitigation measures, including mechanisms for initial investigations, provision, and long-term management and maintenance.

AND subject to the conditions listed in the supplementary report at Appendix B, except for: -

- **the amended 16 shown in Appendix C, as resolved at the earlier Committee meeting; and**
- **revised condition 23 to reflect the revised information submitted as follows: -**
 - 23. Off-site condition for management and Enhancement Plan (Condition 27)
A Biodiversity Habitat Enhancement and Management Plan (BHEMP) shall be submitted to, and be approved in writing by, the LPA prior to the commencement of the development. The aim of the plan is to provide details for the creation, enhancement and management of habitats and species off-site post development to provide a biodiversity net gain. The plan 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.
 - b) Details for the enhancement of modified grassland including the results of soil analysis.

- c) Aims and objectives of management, in line with desired habitat conditions for grassland types as per Defra's biodiversity metric.
- d) Appropriate management methods and practices to achieve aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including a 30-year work plan capable of being rolled forward in perpetuity).
- g) Details of the body or organization responsible for implementation of the plan.
- h) A monitoring schedule to assess the success of the habitat creation and enhancement measures at intervals of 1, 2, 3, 5, 10, 15, 20, and 30 years.
- i) Monitoring reports to be sent to the Council at each of the intervals above.
- j) A set of remedial measures to be applied if conservation aims and objectives of the plan are not being met.
- k) Requirement for a statement of compliance upon completion of planting and enhancement works.

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

APPENDIX A – Original report

PARISH South Normanton Parish

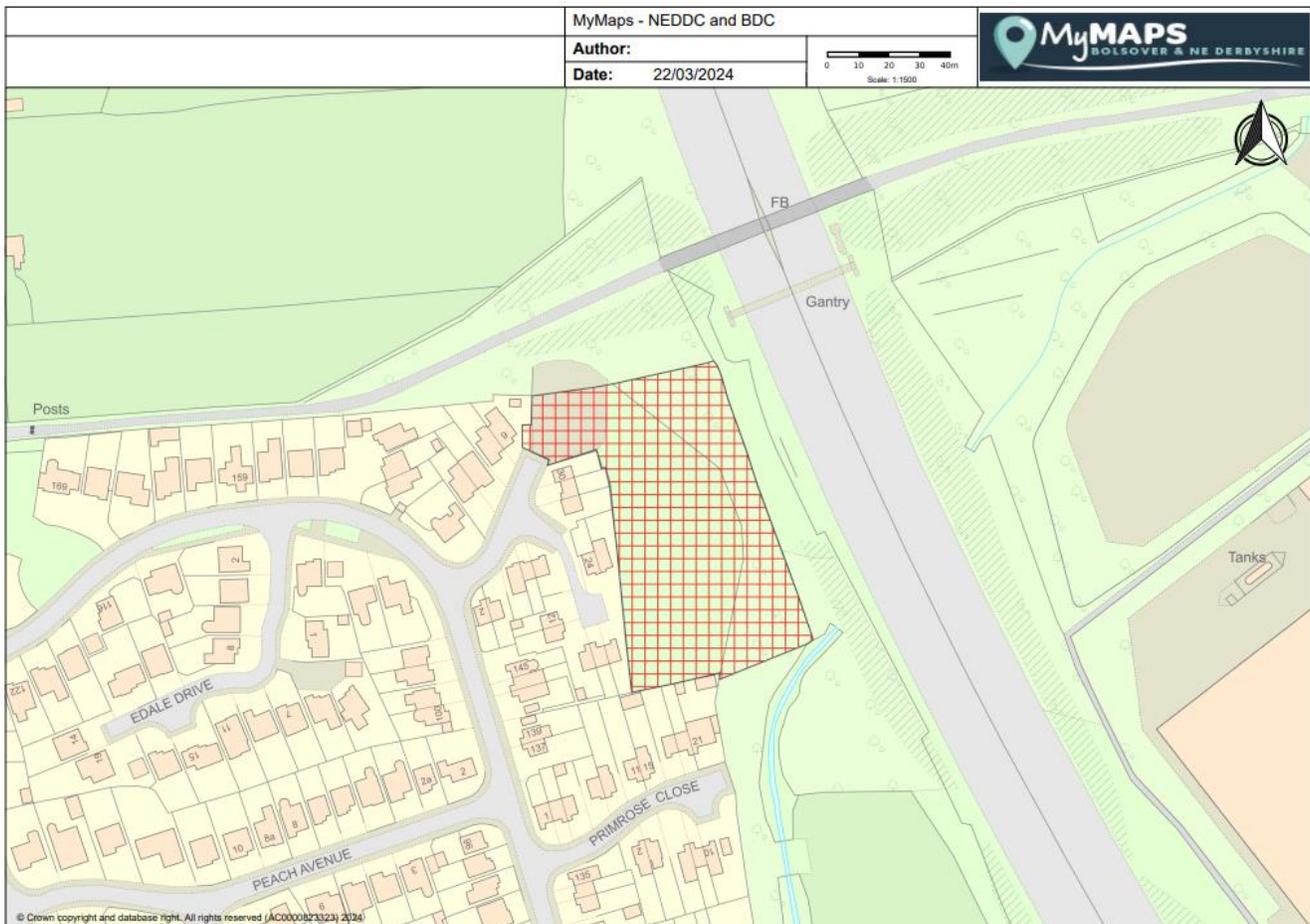
APPLICATION Full Planning Application for Residential Development
LOCATION Open Space East of Dahlia Avenue South Normanton
APPLICANT Dukeries Homes
APPLICATION NO. 21/00331/FUL **FILE NO.** PP-09874542
CASE OFFICER Mr Peter Sawdon
DATE RECEIVED 3rd June 2021

SUMMARY

This application has been referred to the Planning Committee due to financial viability issues, meaning normal S106 contributions are not able to be offered.

These will be discussed in more detail within the report.

SITE & SURROUNDINGS



The site is 0.56ha in size and is broadly rectangular in shape with access via Dahlia Avenue from the northwest corner of the site. The access has been gated and a hard standing has

been laid on the northwest part of the site.

The site is bounded to the east by the M1 motorway and its associated embankment and adjacent hedgerow. Woodland adjoins the northern and south-eastern edges. Dwellings on Dahlia Avenue are located to the west and dwellings on Primrose Close are located to the southwest.

At the time the application was made, a large mound of rubble and soil was piled in the centre of the site, but this has subsequently been removed.

PROPOSAL

This full planning application seeks planning permission for 21 new homes (reduced from 25 as proposed in the originally submitted scheme) with access extended from the adjacent cul-de-sac (Dahlia Avenue). The applicant states that the scheme will be for affordable homes, and the following is a tenure breakdown of the proposal:

- 10 x two storey (2 bed) properties (4 single story and 6 two storeys)
- 9 x two storey (3 bed) properties
- 2 x flats (1 bed) (in 1no. two storey unit)

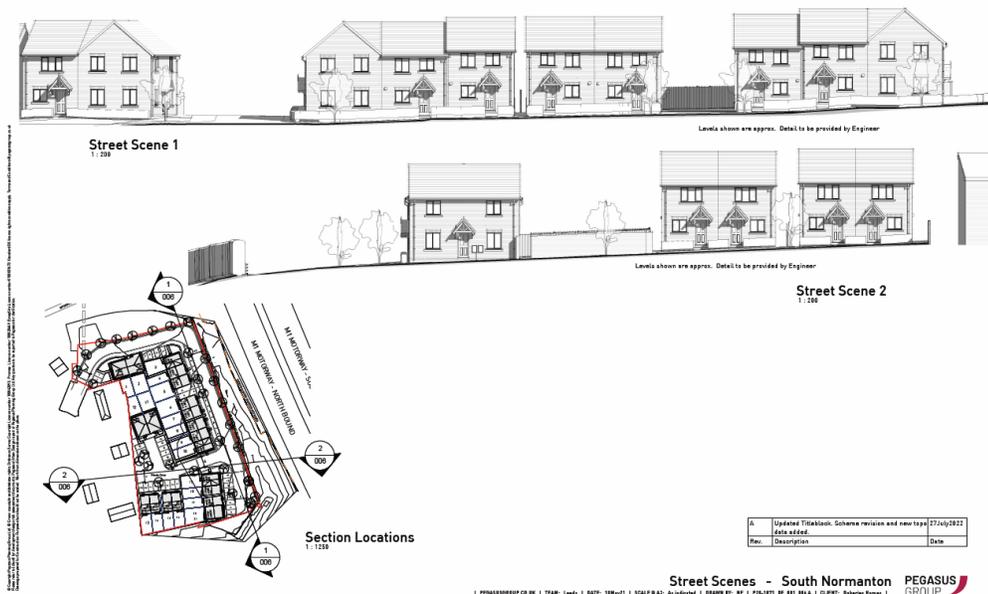
The submitted layout indicates a bund of approximately 6m in height and 2m in width along the site's eastern boundary. A further acoustic barrier (3m) would be included to the top of this bund that is adjacent to the M1. The following is the layout as proposed:



The soil piles on the site at the time the application was made appear to have been placed on the land at the time of earlier adjoining housing developments. Whilst this planning application proposes the removal of those soil piles, these have already been removed from the site, such that retrospective approval for their removal also needs to be considered in the determination of this planning application.

This unauthorised work to remove the soil piles was reported to the Council at the time it was being undertaken and was investigated by the Council’s Enforcement Officer. In considering this matter, given any remedial action to rectify the unauthorised works would be to re-instate the removed mounds, that would result in additional vehicle movements which in turn had the potential to impact amenities, it was not considered expedient to take any further action against that part of the development at that time, given the planning merits of that work can be considered in detail as part of the determination of this application (this issue will be discussed in respect of highway safety, appearance and residential amenities later in the report).

The following are images of the proposed street scenes and house types that shows the proposed housing levels following the removal of the soil piles referred to above:



Supporting Documents

- Planning Statement
- Design & Access Statement
- Arboricultural Impact Assessment
- Transport Statement
- Biodiversity Net Gain Assessment
- Flood Risk Assessment & Drainage Strategy
- Air Quality Assessment
- Noise Assessment
- Land Contamination Assessment
- Preliminary Ecological Appraisal

AMENDMENTS

17/11/2022 – Revised scheme:

- P20-1071.01G - Revised Layout
- P20-1071.07A - Garden Sizes
- SC128/100A/P - Proposed Drainage

- Flood Risk Assessment and Drainage Strategy Report
- BG20.315.1 - Arboricultural Impact Assessment Report - Rev1
- P20-1071.08 - Baseline Biodiversity Impact Assessment - V1
- Biodiversity Metric
- Transport Statement Nov 2022

06/02/2023 – Response to issues raised by the Lead Local Flood Authority (Derbyshire County Council) and National Highways.

07/03/2023 – Revised drawings:

- P20-1071.01H - Revised Layout
- P20-1071.07B - Garden Sizes

28/03/2023 – Revised drawings:

- P20-1071.04A - Site Levels and Sections
- P20-1071.06A - Street Scenes

29/03/2023 – Consultant response to Flood Authority comments

25/08/2023 – Viability Assessment (publicly accessible redacted version available from 01/02/2024)

25/01/2024 – Suite of finalised documents (some re-submitted and some new/replacement documents):

- P20-1071.01H - Revised Layout
- P20-1071.04A - Site Levels and Sections
- P20-1071.06A - Street Scenes
- P20-1071.07B - Garden Sizes
- P20-1071.08 - 3D Site Renders
- P20-1071.020 - TYPE B-TYPE B – SEMI
- P20-1071.021 - TYPE B-TYPE D – SEMI
- P20-1071.022 - TYPE C-TYPE C - SEMI
- P20-1071.023 - TYPE D-TYPE C-TYPE C - 3 TERRACE (Sheet 1)
- P20-1071.024 - TYPE D-TYPE C-TYPE C - 3 TERRACE (Sheet 2)
- P20-1071.025 - TYPE C-TYPE C-TYPE D - 3 TERRACE (Sheet 1)
- P20-1071.026 - TYPE C-TYPE C-TYPE D - 3 TERRACE (Sheet 2)
- P20-1071.027 - TYPE F-TYPE B – SEMI
- P20-1071.028 - BUNGALOW 1 – SEMI
- P20-1071.029 - BUNGALOW 2 - SEMI

29/01/2024 –

- Baseline Biodiversity Impact Assessment Rev. 1
- Revised Ecological Impact Assessment
- Revised Biodiversity Metric

EIA SCREENING OPINION

The proposals that are the subject of this application are not Schedule 1 development, but

they are an urban development project as described in criteria 10b of Schedule 2 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

However, the proposals are not in a sensitive location as defined by Regulation 2 and by virtue of their size and scale, they do not exceed the threshold for EIA development set out in Schedule 2.

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

HISTORY

- BOL/579/245 – Outline planning permission for residential development Granted Conditionally on 24.07.1979.
- BOL/1183/523 – Renewal of outline planning permission for residential development Granted Conditionally on 16.02.1984.
- BOL/592/208 – Full planning permission for estate road and sewers granted condition planning permission on 25.06.1993.
- BOL/992/354 – existing houses on Dahlia Avenue were granted full planning permission on 16th August 1993.

CONSULTATIONS

Bolsover District Council Drainage Engineer

02/07/21 - Records show that a public sewer is located within the area of the proposed works. Proposals for drainage need to:

- Make provision for the lifetime management and maintenance of any SuDS schemes.
- Comply with Part H of the Building Regulations 2010.
- 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.
- Ensure any temporary drainage arrangements during construction gives due consideration to the prevention of surface water runoff onto the public highway and neighbouring properties.

Bolsover District Council Head of Regeneration

No comments received.

Bolsover District Council (Leisure)

20/07/2021 - Contribution of £21,750 (25 dwellings x £870 per dwelling) sought towards improvement of existing nearby green spaces (Policy ITCR5) and £26,500 (25 dwellings x £1060 per dwelling) towards improvement to existing built and outdoor sports facilities (Policy ITCR7). Further comment is also made about the prospect of formalising the link path through the site to the Blackwell Trail

N.B. The figures quoted in the Leisure Officer consultation response above relates to sums calculated in 2021 based on the contribution fee at that time for the originally proposed 25 houses. The reduction in numbers does not alter the policy position on this issue, but if sought, the sums would need to be updated for 21 houses based on inflated 2024 sums as follows: -

- £23,436 (21 dwellings x £1116 per dwelling) for improvement of existing nearby green spaces (Policy ITCR5).

- £28,560 (21 dwellings x £1360 per dwelling) for improving existing built and outdoor sports facilities (Policy ITCR7).

Bolsover District Council (Strategic Housing)

01/07/21 - The proposal to provide 25 affordable homes for rent and affordable home ownership will help to meet the affordable housing need, although the provision of more 3 bed houses would help meet identified demand.

Coal Authority

16/07/21 - Following the submission of a Coal Mining Risk Assessment in response to an initial objection from the Coal Authority on the 22/06/21, that organisation now recommends the inclusion of conditions to require further intrusive investigations and were shown to be necessary, appropriate mitigation to deal with the Coal Mining Legacy relating to the site.

Derbyshire County Council (Highways)

19/07/21 - Further information required.

15/12/2022 - Parking and swept path analysis are now acceptable. Further alterations required in terms of highway design, maintenance margins, and location of plots within the public highway and position of street trees.

24/11/2023 - Re-iterate comments about the desire to see connections to a nearby footpath (acknowledging that this would involve crossing third party land outside of the control of the applicant), but otherwise, based on the revised site layout plan, it is considered that the proposed development will have no detrimental highway impact. Conditions and advisory notes recommended.

22/02/2024 - Acknowledge limitations to providing improved links to the adjoining footpath, including ownership and viability issues, and confirm no further challenges to the scheme in this respect. Previous comments on other issues and previously recommended conditions still apply.

Derbyshire County Council (Flood Risk Management)

22/06/2021 - Further information is needed to inform the consideration of surface water drainage.

19/12/2022 - Further information is still needed to inform the consideration of surface water drainage.

28/03/2023 - Concerned over the potential flood risk to properties in the proposed development and requests further information.

28/07/2023 - No objections subject to conditions (based on additional submitted information).

Derbyshire County Council (Strategic Planning)

06/07/21 - Sufficient capacity exists at local schools to accommodate the projected additional pupils generated by this development and so no financial contributions are sought. The inclusion of an advisory note relating to high-speed broadband is recommended. Additional comments are made, but without any specific requests, in respect of waste disposal and

employment and skills.

26/03/2024 – Further comment provided to confirm that capacity still exists in local schools and no contributions are therefore sought.

Derbyshire Swift Conservation *(NB this organisation is not a consultee, but their comments are included here as they relate to biodiversity considerations also addressed by the comments of the Derbyshire Wildlife Trust that are included below)*

14/03/2024 – request a condition requiring up to 25 internal nest bricks (i.e., 1 brick per dwelling) designed for Swifts as a universal biodiversity enhancement for urban bird species and that photographic evidence of installation is made available upon completion.

Note that best practice indicates that integrated swift boxes are more appropriate than other types of bird box, given these are suitable for multiple bird species and addresses the specific need to address issues relating Swifts. Reference to NPPF requirements to promote and enhance biodiversity and geodiversity.

Derbyshire Wildlife Trust

15/07/2021 - Preliminary Ecological Appraisal shows that numerous protected species surveys are recommended, but these have not been done and need to be before the application can be progressed. Also concerns regarding habitat loss and that the scheme will result in a net biodiversity net loss; advise that a Biodiversity Net Gain assessment also needs to be submitted to enable this issue to be considered further.

25/01/2023 - Recommended additional ecology assessments have not been undertaken and are still needed. Submitted biodiversity metric has not been completed correctly and demonstrates a net loss, so needs amending and mitigation for the losses need to be proposed. At present scheme does not comply with local or national planning policies and guidance.

22/02/2024 - Have reviewed additional documents dated November 2023. The application is accompanied by sufficient information for the Council to proceed with its determination. A biodiversity net gain is achievable using a combination of on-site and off-site habitat creation and enhancement measures. No further survey or assessment is required at this time. Conditions are recommended and a legal agreement is needed to secure the provision and long-term management and maintenance of off-site biodiversity measures.

Environmental Health

14/06/21 and 14/07/21 - No objections in principle subject to conditions requiring the identification of any potential contamination and mitigation for such contamination where found, along with a requirement to implement the scheme of sound mitigation.

Force Designing Out Crime Officer

29/06/21 - Alterations suggested to better deal with crime prevention.

06/12/2022 - Comments regarding:

- control over boundary treatments, including the introduction of gates and management of proposed hedges;
- ensuring that the portion of a footpath link to Sporton Lane (if provided or retained)

- within the site is left with an open aspect;
- inclusion of lighting to the parking court (Solar powered columns will be acceptable).

Health and Safety Executive

18/06/2021 - No comment to make on the planning application provided that the development is not a vulnerable building.

National Highways (formerly Highways England)

08/06/21 and 14/06/2023 - More information requested regarding cross sections (to demonstrate existing and proposed noise bunds), drainage and lighting details; re-iterated those comments 20/09/2021, 13/12/2021, 10/03/2022, 14/06/2022.

04/04/2023 - Satisfied that the proposal will not adversely impact the adjacent highway assets and recommend that conditions should be attached to any planning permission that may be granted.

NHS / Clinical Commissioning Group

CCG - No contributions are sought as the size of the development is below their threshold for contribution requests. 16/06/21.

08/07/2021 - Chesterfield Royal Hospital - Section 106 impact on health to be considered. Please advise of the appropriate process to follow. Further request received 12/03/2024.

Urban Design

Amendments to the scheme are needed to make it acceptable in design terms and to comply with the Council's adopted housing design guidance. 09/07/21.

Whilst further written response was not provided the former Urban Design Officer had verbally confirmed that the revised scheme is acceptable and had appropriately responded to his earlier comments.

The above is a summary of consultations; all consultation responses are available to view in full on the Council's website.

PUBLICITY

The application was initially advertised in the local press, site notices were posted, and 20 neighbouring properties were consulted. This resulted in the receipt of eight representations.

Further publicity (by site notices and neighbour letters) was carried out in February 2022, to notify of amendments to the scheme. No additional representations were received from residents as a result of this.

The representations received raised (in summary) the following issues: -

Principle

- Concerns over the density of the development with around 80 people living in this small area; will cause environmental problems.
- The Council should consider local factors and residents' concerns in conjunction with planning applications and not just policies and targets.

- New houses will further stretch amenities in the area; schools are already stretched with most over-subscribed.
- Already large number of properties in the area and there are other plans to build elsewhere in South Normanton.

Highway Safety

- Increased traffic and parked cars will be present (both during and after construction), which will cause increased risk to pedestrians and road users alike and make it more difficult for emergency service vehicles to have necessary access.
- Existing issues at the junction of Sporton Lane and Church Street due to parked cars; increased traffic will increase the hazard.
- Church Street is used as a rat run so emerging from Sporton Lane will be impacted leading to tailbacks.
- Parking on local roads has gotten worse over the years.
- Traffic speeds on local roads is a concern.
- Damage to highway from construction works.

Amenity

- Concern at previous land clearance; lack of notification for the works and increase in noise and light pollution as a result.
- Loss of this land as a buffer between existing dwellings and the M1.
- Inconvenience during the construction period.
- Proposed properties are too near to the M1; existing houses are less than 300 yards from it.
- Can't see how another proposed new sound fence will help the situation, there's already one in place on the motorway.
- Risk to new residents of pollution from the adjacent motorway.
- Hope there will be some protection for new dwellings from the motorway barrier.
- New build houses unfortunately have very thin walls.
- Impact on privacy with proximity of new houses to gardens.

Biodiversity

- Impacts on biodiversity from clearance works that have already been carried out that will remain if the development is carried out.
- A wildlife survey was not carried out before trees were felled.

Other

- Impact on property values.
Officer comment: - It should be noted that potential impacts to the value of existing properties because of development is not a material planning consideration, and therefore, will not be considered any further in this report.

POLICY

Development Plan for Bolsover District ("the Development Plan")

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

- SS1: Sustainable Development.
- SS3: Spatial Strategy and Scale of Development.
- LC1: Housing Allocations.
- LC2: Affordable Housing Through Market Housing.
- LC3: Type and Mix of Housing.
- WC4: Rough Close Works, South Normanton.
- SC1: Development within the Development Envelope.
- SC2: Sustainable Design and Construction.
- SC3: High Quality Development.
- SC7: Flood Risk.
- SC8: Landscape Character.
- SC9: Biodiversity and Geodiversity.
- SC10: Trees, Woodland, and Hedgerows.
- SC11: Environmental Quality (Amenity).
- SC12: Air Quality.
- SC13: Water Quality.
- SC14: Contaminated and Unstable Land
- SC15: Hazardous Installations
- ITCR5: Green Space and Play Provision.
- ITCR10: Supporting Sustainable Transport Patterns.
- ITCR11: Parking Provision.
- II1 Plan Delivery and the Role of Developer Contributions.
- II2: Employment and Skills England and how these should be applied.

National Planning Policy Framework (“the Framework”)

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

- Chapter 2: - Achieving sustainable development.
- Paragraphs 7 - 10: Achieving sustainable development.
- Paragraphs 47 - 50: Determining applications.
- Paragraphs 55 - 58: Planning conditions and obligations.
- Paragraphs 96 - 107: Promoting healthy and safe communities.
- Paragraphs 108 - 117: Promoting sustainable transport.
- Paragraphs 123 - 127: Making effective use of land.
- Paragraphs 131 – 136: Achieving well-designed and beautiful places.
- Paragraph 157, 159 and 162: Meeting the challenge of climate change.
- Paragraph 165 - 175: Planning and Flood Risk.
- Paragraphs 180, 186 and 188: Conserving and enhancing the natural environment.
- Paragraphs 189 - 194: Ground conditions and pollution.

Supplementary Planning Documents

- Successful Places: A Guide to Sustainable Housing Layout and Design - adopted Interim Supplementary Planning Document
- Parking Standards - Consultation Draft Supplementary Planning Document

ASSESSMENT

Key issues

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

- Principle of Development
- Affordable Housing
- Access and Highway Safety
- Landscape and Visual Impacts
- Design, layout, and residential amenity
- Biodiversity & Trees
- Drainage & Flood Risk
- Ground Conditions
- Noise
- Air Quality
- Hazardous Installations
- S106 & Viability

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

Principle of Development

The land is designated in the Development Plan as being within the defined Development Envelope boundary for South Normanton. The principle of development is accepted for proposals that are situated within the Development Envelope Boundary.

South Normanton is identified as an 'Emerging Town' in the Development Plan. Development Plan Policy SS2 (Spatial Strategy and Distribution of Development) states that the settlement can accommodate up to 380 dwellings over the current plan period. Development Plan Policy SS2 also states that provision of development will be directed to small towns and emerging towns in the first instance. Based on the above, it is concluded that the principle of residential development is acceptable to the site.

Response to representations

For the reasons set out above the principle of residential development is acceptable when assessed against the relevant policies in the Development Plan. Whilst there are strategic sites that are allocated for residential development in the Development Plan, the NPPF at paragraph 69 also states that medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built out relatively quickly. Overall, these types of developments do contribute to the Council maintaining a healthy housing land supply position.

Affordable Housing

Development Plan Policy LC2 relates to affordable housing and states that the Council will require applications for residential development comprising 25 or more dwellings (or which form part of a larger development site with a potential capacity of 25 or more dwellings) to provide 10% as affordable housing on site.

Given this development is for 21 houses, the application does not trigger any requirement under policy LC2.

Notwithstanding this, the proposed development is for 100% affordable housing, and the latest evidence base identifies a need for additional affordable housing in the district, which is material to the consideration of this case.

For this reason the development exceeds the zero requirements set out in Development Plan Policy LC2, and this weighs in favour of the development in the planning balance given the identified need for affordable dwellings.

Access and Highway Safety

Development Plan Policy ITCR10 states in summary that development proposals which are likely to have significant amounts of movements will need to be supported by a Transport Statement or Transport Assessment to understand their impact on existing transport networks. Development Plan Policy ITCR 11 relates to parking and states that planning permission will be granted where there is appropriate provision for vehicle and cycle parking as set out within the parking standards at Appendix 8.2 of the Development Plan.

Development Plan Policy SC3 (part K) states that development should create conditions for active travel choices through provision of connected places that are easy to move around, integrated with their surroundings and which facilitate access through sustainable forms of transport including walking, cycling, and bus and rail public transport.

The applicant has submitted a Transport Statement (“TS”), which was undertaken by Armstrong Stokes & Clayton Ltd. The TS has been reviewed by Derbyshire County Council Highways (“DCC Highways”) and no objections have been raised to the information submitted. DCC Highways conclude that the level of trips that would be generated by the development can be accommodated comfortably on the existing highway network. Therefore, it is not considered that the proposal would result in significant adverse impacts to the existing highway network.

It should be noted that the proposed highway within the scheme does not satisfy Derbyshire County Council’s usual adoption criteria and so will become a privately owned and maintained highway.

The Highway Authority has recommended conditions and advisory notes.

Whilst that Authority noted a desire to improve connectivity through the site for pedestrians and cyclists onto an adjoining footpath to the north of the site, that Authority has acknowledged that: -

- this would entail crossing third party land not under the ownership or control of the applicant,
- significant engineering operations would be needed to cross the intervening embankment that would result in loss of existing mature landscaping further harming biodiversity interests, and
- the costs of any works would impact further on the viability and therefore, deliverability of the development.

In view of the above the Highway Authority accepted that such a footpath link would not be deliverable in respect of this development.

Given the location of the development alongside the M1 motorway, National Highways (“NH”) have been consulted. NH do not object to the scheme and are satisfied that the proposed development will not adversely impact the M1. NH recommend a condition that seeks to minimise any potential glint and glare from vehicle movements and street lighting on to the M1 from the development site. This condition is considered necessary in the interests of the safety of users of the motorway.

Overall, for the reasons set out above, it is considered that the development complies with Development Plan Policies ICTR10, 11 and SC3, and no objections are raised on highways grounds. The compliance with the above policies in relation to highway matters would be neutral in the planning balance.

Response to representations

Concerns have been raised in relation to increased traffic during construction, which will cause dangers to both car users and pedestrians, this includes the works to remove the existing soil mounds that have already been undertaken.

Given the soil mounds have already been removed, this work is already completed and so no additional impacts from this element of the development proposal will arise.

The construction phase of the remainder of the development can be effectively controlled through the submission of a Construction Traffic Management Plan. Such a condition has been recommended by the Highway Authority and is proposed for inclusion.

Increased levels of traffic and parking have also been raised as a potential issue with this development. As stated above, the applicant has submitted a Transport Statement, which considers what the potential impacts of the development would be on the existing highway network, and this has been assessed by the Highway Authority who has raised no objections.

In view of the above, there is no reasonable basis to refuse the application on highway safety grounds.

Landscape and Visual Impact

Development Plan Policy SC8 relates to landscape character and states that proposals for new development will only be permitted where they would not cause significant harm to the character, quality, distinctiveness, or sensitivity of the landscape, or to important features or views, or other perceptual qualities such as tranquillity unless the benefits of the development clearly outweigh the impacts.

There would not be any unacceptable landscape or visual impacts from the development. The development represents an urban extension to the existing built development that surrounds the site. The site is visually contained to the north and south by heavy tree growth. To east is the M1 motorway, which sits lower than the site, but again the site is heavily screened from the motorway by tree growth and a large bund. Given the urban nature of the site and surroundings, and its visual containment, it is not considered that the development will have any adverse impacts on the existing landscape.

Whilst noting the removal of the existing soil mounds, the mounds themselves were unauthorised but would have become lawful in planning terms due to the passage of time; their physical form was clearly at odds with their surroundings such that their removal has returned land levels to those similar to the original ground levels of the site prior to the deposit of the soils, which in turn relates better to adjacent dwellings.

On that basis, the development is considered to comply with Development Plan Policy SC8. This is considered to be neutral in the planning balance.

Design, Layout & Residential Amenity

Development Plan Policy SC3 states that development will be required to achieve a high quality of design in terms of place making, building, and landscaping. Proposals for development will be permitted provided they (in summary): create good quality, attractive, durable places through good design, respond positively to the local context in terms of height, scale, massing, density layout and materials, protect important views, promote a vibrant mixture of proposals that supports communities, provides a sense of place.

The proposals comprise an appropriate mix of dwelling types to ensure that varying requirements for housing of differing sizes can be met and is acceptable.

The development will comprise one and two storey dwellings of a traditional appearance that are in keeping with the overall character and appearance of the area. Appropriate designs of dwellings on corner plots have been incorporated to ensure that the dwellings on these plots appropriately deal with both frontages to these properties to improve natural surveillance and to enhance the character and appearance that will be created by the development.

The proposed dwellings would be constructed in brick and tile; final details of the exact materials to be used have not been submitted, but these can be controlled by condition to ensure materials are used that are appropriate to the character and appearance of the area.

Car parking is sensitively designed, with large parts of the parking located either alongside dwellings or sensitively integrated parallel to the proposed streets, between intervening street trees and other landscaped areas. Where larger areas of shared parking are proposed, the appearance of these is also softened by trees and additional landscaping.

Conditions to deal with other detailed matters, including boundary treatments and detailed landscaping specifications, are recommended for inclusion.

In terms of amenities for existing adjoining developments, as previously mentioned the removal of the soil mounds on site has returned site levels to those similar to those on adjoining land, enabling the proposed dwellings to be constructed at similar levels to those adjoining, which in planning terms is preferable to building on the former higher ground levels in respect of any resulting relationships between existing and proposed dwellings. So, whilst the removal of the soils previously on site was unauthorised, in respect of the wider planning considerations associated with this planning application, this is considered beneficial to delivering a final development that is better integrated with its surroundings.

The development accords with the Council's published guidelines in terms of separation distances from existing adjoining properties, such that a reasonable level of amenity for the

occupiers of existing dwellings can be maintained.

In terms of occupants of the proposed dwellings, appropriate garden provision is being made.

Noise reports have been submitted in view of the proximity of the development to the M1 and, subject to the inclusion of a condition to require the agreement of noise control measures based on the findings of the noise assessment, the Environmental Health Officer has raised no objections to the proposal.

Amendments have been included to address points raised by the Force Designing Out Crime Officer; lighting to the parking court can be required by conditions to address this issue that he has raised.

On balance, the design of the scheme is considered appropriate, subject to the inclusion of conditions to control details as discussed above.

Biodiversity & Trees

Development Plan Policy SC9 states that development proposals should seek to conserve and enhance the biodiversity and geodiversity of the district and to provide net gains where possible. Proposals for development must include adequate and proportionate information to enable a proper assessment of the implications for biodiversity and geodiversity.

Development Plan Policy SC10 states that Trees, woodlands, and hedgerows are important visual and ecological assets. To help retain local distinctiveness, trees, woodland, and hedgerows will be protected from damage and retained, unless it can be demonstrated that removal is necessary and appropriate mitigation can be achieved. Potential long-term conflict between retained trees, hedgerows, and buildings should be designed out at the planning stage.

Following the submission of additional biodiversity information to address issues raised by the Derbyshire Wildlife Trust, the Trust has confirmed that the application is accompanied by sufficient information for the Council to proceed with its determination. A biodiversity net gain of more than 10% is achievable using a combination of on-site and off-site habitat creation and enhancement measures, and no further surveys or assessments are required at this time. It has been identified through discussions with the Planning Policy offer, as part of ongoing nature recovery work, that land is available to undertake offsite biodiversity improvements on Council owned land at Pinxton. In view of this, in order to secure the provision and long-term management and maintenance of the proposed biodiversity measures, conditions are recommended for the on-site elements, and a legal agreement is proposed to secure the off-site biodiversity measures; the agreement would need to include either the direct provision of the works by the developer or a contribution to the Council to carry out the works, along with suitable measures to secure the long term management of that provision, that may necessitate an appropriate financial sum if necessary.

The comments of Derbyshire Swift Conservation organisation are noted and these make reference to best practice for mitigation measures. In this respect, in line with the advice of the Derbyshire Wildlife Trust, a condition is recommended for inclusion that would secure a Biodiversity Habitat Enhancement and Management Plan. On submission of any scheme, in accordance with the Council's normal practice, the Derbyshire Wildlife Trust will advise on the

suitability of that document as part of the consideration and determination of the relevant application at that time.

Considering the above, the proposal is considered to meet the requirements of adopted Local Plan policies SC9 and 10.

Drainage and flood risk

Development Plan Policy SC7 states that all development proposals will be required to consider the effect of the proposed development on flood risk, both on-site and off-site, commensurate with the scale and impact of the development. All developments shall have regard to Environment Agency standing advice for flood risk assessment. This should be demonstrated through a Flood Risk Assessment (FRA). Part d of the policy also states that there should be no net increase in surface water runoff for the lifetime of the development on all new development. Run off rates for development on greenfield sites should not be exceeded, and where possible should be reduced from existing. Run off rates for development on previously developed land should be reduced from the current rate of surface water runoff where feasible. Surface water runoff should be managed at source wherever possible, avoiding disposal to combined sewers.

In terms of flood risk, the site is designated as being within Flood Zone 1, which is an area considered to be at the lowest risk of flooding. The applicant has submitted a Flood Risk Assessment ("FRA") with the application, which concludes that there is no evidence of flooding at the site from fluvial or groundwater flooding. However, the FRA also states that the site is vulnerable in part to surface water flooding from an unnamed watercourse to the south of the site and an open drainage channel associated with the embankment of the M1.

The FRA recommends that the open channels and culvert are inspected and cleaned, removing all debris and obstructions. A long-term maintenance plan should also be established by the applicant for these assets (for the areas the applicant can control)

In terms of the proposed drainage strategy for this site, a cellular crate is proposed on the eastern boundary of the site, with a hydro brake to control the runoff rate. DCC Flood Risk have reviewed the submission and do not object subject to the inclusion of appropriate conditions that are proposed for inclusion.

Ground Conditions

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

The applicant has submitted a Phase I Desk Study Report Geo Environmental Assessment. This document has been reviewed by Environmental Health ("EH"), and no objections have been raised in relation to contamination risks. EH have recommended planning conditions that set out a requirement to submit a remediation strategy that will need to be agreed. Therefore, subject to conditions, the development will comply with Development Plan Policy SC14.

Noise

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

The applicant has submitted a Noise Impact Assessment (“NIA”) with the application, which was undertaken by Environmental Noise Solutions Limited. The site itself already benefits from a 3m high acoustic barrier on the eastern boundary of the site facing the M1. The noise measurements taken for the NIA were taken with this barrier still in place. Following an assessment of the existing noise conditions, the NIA then sets out some mitigation measures. These include enhanced glazing and mechanical ventilation, and acoustic trickle vents that would need to be installed in the proposed homes that are situated up to 20m from the eastern site boundary. For the homes that would be set back further than 20m from the eastern boundary, standard rated glazing and acoustic trickle vents are recommended.

EH have reviewed the submitted Noise Impact Assessment, and are satisfied with the mitigation proposed, and do not have any objections to the development. EH have requested a condition, to ensure that the mitigation proposed is implemented and maintained at all times thereafter. On that basis, subject to condition, the development will comply with Development Plan Policy SC11.

Air Quality

Development Plan Policy SC12 is relevant to the assessment of air quality and states that the assessment of new development will include a consideration of the potential impact of new development and increased traffic on air quality, particularly in relation to development close to the M1, the existing Air Quality Management Areas (AQMA) and other major highways or transport corridors. Development that, on its own or cumulatively, would be likely to exacerbate air quality problems in existing and potential AQMAs will only be permitted if the potential adverse effects would be mitigated to an acceptable level by other environmental controls, or by measures included in the proposals.

The applicant has submitted an Air Quality Assessment (“AQA”) which was undertaken by Redmore Environmental. The report concluded that the development has the potential to cause air quality impacts through the construction phase of the development. The report states that good practice control measures would provide suitable mitigation for a development of the scale proposed. In addition, the report also concludes that there is the potential for future residents to be exposed to poor air quality due to the site’s proximity to the M1. To understand whether this would be the case, a dispersion modelling assessment was undertaken as part of the AQA. This assessment indicated that the predicted pollutant levels were below the relevant criteria, and on that basis, no mitigation was needed.

Environmental Health have reviewed the AQA and do not object to the findings and have no further comments to make. Therefore, based on the information submitted, it is concluded that the development meets Development Plan Policy SC12.

Hazardous Installations

The site is located within the outer Explosive Safeguarding Zone for Rough Close Works at South Normanton. Development Plan Policy WC4 permits development in this zone if it is within current Health and Safety Executive (“HSE”) land use planning guidance. Development Plan Policy SC15 also permits developments in such consultation zones provided that the risks arising from the hazardous substance are acceptable in relation to the nature of the proposal.

The HSE have been consulted, and do not object to the development, and have no comments to make providing that the development is not a ‘vulnerable Building’. The HSE defines a ‘Vulnerable building’ as follows:

- (a) a building of more than three storeys above ground or 12m in height constructed with continuous non-load bearing curtain walling with individual glazed or frangible panels larger than 1.5m² and extending over more than 50% or 120m² of the surface of any elevation;
- (b) a building of more than three storeys above ground or 12m in height with solid walls and individual glass panes or frangible panels larger than 1.5m² and extending over at least 50% of any elevation;
- (c) a building of more than 400m² plan area with continuous or individual glazing panes larger than 1.5m² extending over at least 50% or 120m² of the plan area; or
- (d) any other structure that, in consequence of an event such as an explosion, may be susceptible to disproportionate damage such as progressive collapse.

As the proposed development is for new homes of traditional construction that do not include any of the above characteristics, the proposal is not considered to represent a ‘Vulnerable Building’ as defined above. Therefore, the development is considered to comply with Development Plan Policies WC4 and SC15.

S106 Requirements & Viability

Affordable Housing

There is no requirement for the scheme to deliver affordable homes based on the thresholds set out in Development Plan Policy LC2. Notwithstanding this, the scheme delivers 21 new homes, and all of these will be affordable homes, which is a benefit in the planning balance.

Recreation and Leisure

Development Plan Policy ITCR5 expects residential developments of more than 10 units to make reasonable financial contributions either for new green spaces, or to improve green spaces, falling within specified walking distances of a site, with a view to achieving a 60% quality standard for green spaces. Policy ITCR7 also seeks contributions to existing playing pitches where improvements to them are needed from developments of 10 or more dwellings, to achieve an ‘average’ standard for playing pitches.

Green space

South Normanton has an under provision of open space, and 1.73ha of additional green space is required to meet the minimum standard. BDC’s Leisure Officer has reviewed the application, and states that provision of Formal Green Space and Semi natural Green Space should be provided.

A commuted sum contribution of £23,436 would normally be sought to improve local areas of

existing green space.

Notwithstanding this normal requirement, there is no proposal to make such provisions under ITCR5 due to the financial viability of the scheme, which is discussed later in this report.

In this respect it is noted that there are existing accessible play facilities approx. 170m to the west of the site that would provide recreation provision for occupants of this development should no provision be possible from this development due to viability.

Built & Outdoor Sports Facilities

New residential development of more than 10 dwellings will be expected to make financial contributions to the improvement of playing pitches and / or their ancillary facilities. The Playing Pitch strategy and assessment will be used to consider the most appropriate site for enhancements.

A commuted sum contribution of £28,560 would normally be sought to improve local playing pitches and their ancillary facilities.

Notwithstanding this normal requirement, there is no proposal to make such provisions under ITCR7 due to the financial viability of the scheme, which is discussed later in this report.

Education

Derbyshire County Council advised that sufficient capacity exists at local schools to accommodate the projected additional pupils generated by this development, and so no financial contributions are sought.

Health

There has been no request from the Clinical Commissioning Group for any contributions towards local health care provision as the size of the scheme is below its threshold where it would seek contributions.

Chesterfield Royal Hospital (CRH) has commented that Section 106 impact on health [should] be considered, stating that initial modelling suggests that the impact of this development is £32,995.

In respect of the CRH request, policy II1 states that "...planning obligations will be sought where ...development would create a need for additional or improved infrastructure...on a case-by-case basis...guided by the latest version of the Council's Infrastructure Study and Delivery Plan."

Whilst the policy does provide for 'necessary and relevant' contributions to both primary and secondary healthcare, the Planning Policy team is in ongoing discussions to establish whether the requests made by CRH meet the necessary legal tests for contributions, including the opportunity for the CRH to provide additional evidence to support its requests. The current opinion on this based on the work done to date is that the requests may not meet those tests and that current evidence and information provided to date is not considered to be sufficient to show that it directly relates to the development or is fairly and reasonably related in scale and kind to it.

Whilst additional contributions are not being offered in any event for viability reasons to be discussed below, for the reasons stated, the requested contribution for the CRH is unlikely to have been sought.

Viability

As highlighted in the above report, there are policy requirements for S106 contributions. In response to this a viability assessment has been commissioned by the Council that demonstrates that the scheme would be unable to afford additional contributions.

National Planning Policy Guidance states that where there is an up-to-date Local Plan, developments would normally be expected to meet Local Plan S106 requirements, given that these policy requirements will have been viability tested on a plan wide basis. Nevertheless, it does note that there may be some exceptions to this, and specifically mentions build to rent schemes as one, due to this type of development differing from the standard financial model of dwellings for sale.

The submitted viability assessment has been produced in accordance with the requirements of the PPG and demonstrates that the scheme is unable to afford the requested additional S106 contributions and demonstrates that there is no identifiable surplus to finance any contributions, this would also relate to any additional contributions that may be received due to recent re-consultations.

In view of this, the proposal is unable to demonstrate full compliance with the relevant policies relating to those contributions and it will be necessary to consider whether any other material planning considerations outweigh this.

In this respect, an important consideration is the fact that this scheme is for 100% social housing for which there is an identified need for this type of property in the district, such that this scheme will contribute to the Council's efforts to meet identified local housing need. This is considered to be a significant weighting factor.

Whilst these additional dwellings will increase demands on local facilities, the number of dwellings proposed is relatively small when considered against the settlement as a whole, such that the impacts of there being no additional financial contributions is not expected to significantly impact on the ability for existing facilities in the area to cope with the limited increased demand.

In view of the above, on balance it is considered that the public benefit of providing this 100% affordable housing scheme outweighs the limited policy conflict that would arise from there being no financial contribution to respond to the identified contributions sought or needed.

On this basis, it is recommended that no additional financial contributions are sought from this development, other than those identified to cover the provision of off-site Biodiversity features and its on-going management.

Given that the justification for not requiring contributions is the delivery of the affordable housing scheme, it will be necessary to also cover this delivery as part of the proposed S106 planning obligation to provide and maintain that identified public benefit.

CONCLUSION

The proposal is acceptable in principle given that the site is located in the development envelope. The residential designs proposed are considered to be good and compliant with Successful Places design guide. The provision of additional affordable housing is welcome and there are no significant amenity impacts likely that cannot be dealt with by condition. No other environmental impacts have been identified that would warrant the refusal of planning permission. The proposed development therefore accords with the policies of the local plan as well as the National Planning Policy Framework.

It is acknowledged that the policy requirement for infrastructure contributions is not being met for financial viability reasons, but nevertheless, the benefits of this proposal, from the delivery of 100% affordable dwellings for which there is a demonstrable need, is considered to outweigh the normal requirements for the contributions that would otherwise be sought from a housing scheme of this scale. The planning balance in this case is therefore considered to be appropriate in terms of the ability to grant permission for the development as proposed, subject to the completion of a S106 regarding the future management and maintenance of the proposed open space and play equipment and the inclusion of suitable conditions to otherwise ensure compliance with adopted policy.

RECOMMENDATION

The application be APPROVED subject to prior entry into a s.106 legal agreement containing the following planning obligations:

- A. Limitation over the occupation of the dwellings to affordable housing.**
- B. Provision for off-site biodiversity mitigation measures, including mechanisms for initial provision as well as on-going long-term management and maintenance.**

AND subject to the following conditions:

Conditions as included in appendix B below

APPENDIX B – Extract from Committee update report

COMMITTEE UPDATE SHEET

SUPPLEMENTARY REPORT OF THE PLANNING MANAGER

This sheet is to be read in conjunction with the main report.

Applications to be determined under the Town & Country Planning Acts

Planning Site Visits held on 5th April 2024 commencing at 10:00 hours.

PRESENT: -

Cllr Tom Munro, Cllr John Ritchie, Cllr Rob Hiney Saunders and Councillor Phil Smith.
Apologies were received from Cllr Carol Wood.

Officers: Chris Whitmore, Peter Sawdon

SITE VISITED

1. 21/00331/FUL, Dahlia Avenue, South Normanton

The meeting concluded at 11:15 hrs.

AGENDA ITEM 5 – 21/00331/FUL: Open Space East of Dahlia Avenue South Normanton

In ongoing discussions with the applicant, we have been requested to consider an amendment to the recommended conditions to: -

- Merge the requirements of conditions 5 and 21 as a single condition, given the similar nature of these two conditions to control construction management; and
- Merge the requirements of conditions 6 and 7 to create a new two-part condition, given these both deal with the identification and treatment of any contamination, should any be identified.

The suggested amendments are considered a minor re-drafting of the originally drafted conditions that maintain the controls sought through them, such that there are no objections to these suggested alterations.

Additionally, it has been noted that the draft conditions include the following drafting errors that require correction: -

- Condition 16 is a duplication of condition 8 that has been included in error and so condition 16 is proposed to be deleted as it is unnecessary; and
- Condition 8 is incorrectly cross-referenced to other conditions and so amendments to the condition are also proposed (following re-numbering this will become condition 7).

Recommendation

That the recommended conditions in the original report be amended as follows: -

1. The development shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved drawings and documents, unless otherwise required and/or approved under other conditions of this planning permission.

Documents submitted 25/01/2024: -

- P20-1071.01H - Revised Layout
 - P20-1071.04A - Site Levels and Sections
 - P20-1071.06A - Street Scenes
 - P20-1071.07B - Garden Sizes
 - P20-1071.08 - 3D Site Renders
 - P20-1071.020 - TYPE B-TYPE B – SEMI
 - P20-1071.021 - TYPE B-TYPE D – SEMI
 - P20-1071.022 - TYPE C-TYPE C - SEMI
 - P20-1071.023 - TYPE D-TYPE C-TYPE C - 3 TERRACE (Sheet 1)
 - P20-1071.024 - TYPE D-TYPE C-TYPE C - 3 TERRACE (Sheet 2)
 - P20-1071.025 - TYPE C-TYPE C-TYPE D - 3 TERRACE (Sheet 1)
 - P20-1071.026 - TYPE C-TYPE C-TYPE D - 3 TERRACE (Sheet 2)
 - P20-1071.027 - TYPE F-TYPE B – SEMI
 - P20-1071.028 - BUNGALOW 1 – SEMI
 - P20-1071.029 - BUNGALOW 2 - SEMI
3. No development comprising the erection of any external walls shall take place until samples of the materials to be used in the construction of the external surfaces of the development, including the roof, have been submitted to and approved in writing by the Local Planning Authority. The Development shall be carried out in accordance with the approved details. The materials to be used throughout the development shall be consistent in terms of colour, size, and texture with the approved details.
 4. No development shall take place until full details of both hard and soft landscape work with an associated implementation plan, have been submitted to and approved in writing by the Local Planning Authority. The hard landscape details shall include proposed finished levels or contours; means of enclosure; hard surfacing materials and street furniture, where relevant. The soft landscaping works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants and trees, noting species, plant/tree sizes and proposed numbers/densities and the implementation programme.

All planting shall be implemented in accordance with the approved details in the first available planting season following the completion of the development, or such longer period which has previously been approved in writing by the Local Planning Authority and shall be maintained for a period of 5 years from the agreed date of planting. Any trees or plants which die, become diseased, or are removed during the maintenance period shall be replaced with specimens of an equivalent species and size.

5. Prior to the commencement of any development hereby approved, a scheme in the form of a Construction Management Plan (CMP) must be submitted to and approved in writing by the Local Planning Authority. The submitted plan must include, but is not 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);
 - 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;
 - details for the methods to be employed to control and monitor noise, dust, and vibration impacts
 - Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses; and
 - timescales for the implementation of the scheme.

The approved scheme shall be implemented and adhered to in full accordance with the scheme as approved under this condition.

6. Before the commencement of the development hereby approved
- iii. a site investigation must be carried out by a competent person in accordance with the current U.K. requirements for sampling and analysis and a report of the site investigation must have been submitted to, and approved in writing by, the Local Planning Authority.
 - iv. Only where the site investigation required by 6i above 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, must have been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall have regard to CLR 11 and other relevant current guidance. The approved scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria and site management procedures. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The developer shall give at least 14 days' notice to the Local Planning Authority (Environmental Health Division) prior to commencing works in connection with the remediation scheme.
7. No dwelling hereby approved will be occupied until:
- a) Any approved remediation works required by 6 above have been carried out in full in compliance with the approved methodology and best practice in respect of that dwelling and its plot.

b) If during the construction and/or demolition works associated with the development hereby approved any suspected areas of contamination are discovered, which have not previously been identified, then all works shall be suspended until the nature and extent of the contamination is assessed and a report submitted and approved in writing by the local planning authority and the local planning authority shall be notified as soon as is reasonably practicable of the discovery of any suspected areas of contamination. The suspect material shall be re-evaluated through the process described in 6 above and satisfy 7a above.

c) Upon completion of the remediation works required by 6 and 7a 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.

8. No development shall commence until:

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

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

9. 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.

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

- d. ASC, Ltd. (Oct 2022), Flood Risk Assessment and Drainage Strategy Report, ref: SC128/FRA, including any subsequent amendments or updates as approved by the Flood Risk Management Team; and
- e. 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.

11. No development will take place until a detailed assessment has been provided to and approved in writing by the Local Planning Authority, to demonstrate that the proposed destination for surface water accords with the drainage hierarchy as set out in paragraph 80 reference ID: 7-080-20150323 of the planning practice guidance.
12. Prior to commencement of the development, details indicating how additional surface water run-off from the site will be avoided during the construction phase must have been submitted to and approved in writing by Local Planning Authority. The applicant may be required to provide collection, balancing and/or settlement systems for these flows. The approved system shall be operating to the satisfaction of the Local Planning Authority, before the commencement of any works, which would lead to increased surface water run-off from site during the construction phase.
13. Prior to the first occupation of any dwelling hereby approved, a verification report carried out by a qualified drainage engineer must have been submitted to and approved in writing by the Local Planning Authority. This must demonstrate that the drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company, and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls).
14. No part of the development hereby permitted shall commence until an assessment of the risk to motorists using the M1 motorway as a result of glint and glare emitting from vehicle movements within the development or the proposed street lighting layout, has been carried out and any necessary mitigation scheme identified and has been approved in writing by the Local Planning Authority in consultation with Highways England. The approved mitigation scheme shall thereafter be constructed in accordance with the approved plans prior to first occupation of the development and maintained in perpetuity.
15. Prior to the occupation of any dwellings, street lighting and lighting for the proposed shared parking court serving plots 8 to 16, must have been provided and be made operational in accordance with details that must have previously been submitted to and approved in writing by the Local Planning Authority, that shall be maintained and operational, as approved, at all times thereafter.
16. The scheme of sound mitigation included in the submitted Noise Impact Assessment dated 4th February 2021, carried out by Environmental Noise Solutions must have been implemented as part of this development prior to the occupation of any dwelling and must be retained, as approved, at all times thereafter.
17. The development hereby approved shall not be occupied until the access, parking and turning facilities have been provided as shown on drawing P20- 1071 – DE_001_01 G.
18. The development hereby approved shall not 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.

19. Prior to the commencement of development, including preparatory site clearance, a detailed badger survey for any recently excavated badger setts on the site or within 30 metres of the site boundary should be undertaken. The results and any appropriate mitigation/licensing requirements shall be submitted to the Local Planning Authority for approval. Such approved measures must be implemented in full.
20. Due to the presence of Japanese knotweed on adjacent land, prior to the commencement of the development, including preparatory site clearance, a survey for any recent establishment of this species within the site or along the site boundary should be undertaken. The results and any appropriate mitigation requirements shall be submitted to the Local Planning Authority for approval. Such approved measures must be implemented in full.
21. No development shall take place (including demolition, ground works, vegetation clearance and movement of plant, machinery and materials) until a Biodiversity Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:
 - i) Risk assessment of potentially damaging construction activities.
 - j) Identification of "biodiversity protection zones".
 - k) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts on protected species and sensitive habitats during construction.
 - l) The location and timing of sensitive works to avoid harm to biodiversity features.
 - m) The times during construction when specialist ecologists need to be present on site to oversee works.
 - n) Responsible persons and lines of communication.
 - o) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
 - p) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP (Biodiversity) 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.

22. Prior to building works commencing above foundation level, a Species Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority. Approved measures shall be implemented in full and maintained thereafter. The Plan shall clearly show positions, specifications and numbers of features, which will include (but are not limited to) the following:
 - 21 integrated swift bricks (universal nest box) at ratio of 1:1, in line with British Standard 42021:2022. Bricks should be integrated into the fabric of the dwellings.
 - 3 external or internal bat boxes
 - fencing gaps 130 mm x 130 mm to maintain connectivity for hedgehogs in all gardens.

23. A Landscape Enhancement and Management Plan (LEMP) shall be submitted to, and be approved in writing by, the LPA prior to the commencement of the development. The aim of the LEMP is to provide details for the creation, enhancement and management of habitats and species on the site post development. These should be in accordance with the proposals set out in the submitted Biodiversity Metric 4.0 prepared by Brindle and Green 2nd November 2023. The LEMP 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: -

- k) Description and location of features to be retained, created, enhanced and managed, as per the approved biodiversity metric.
- l) Aims and objectives of management, in line with desired habitat conditions detailed in the metric.
- m) Appropriate management methods and practices to achieve aims and objectives.
- n) Prescriptions for management actions.
- o) Preparation of a work schedule (including a 30-year work plan capable of being rolled forward in perpetuity).
- p) Details of the body or organization responsible for implementation of the plan.
- q) A monitoring schedule to assess the success of the habitat creation and enhancement measures at intervals of 1, 2, 5, 10, 15, 20 and 30 years.
- r) Monitoring reports to be sent to the Council at each of the intervals above
- s) A set of remedial measures to be applied if conservation aims and objectives of the plan are not being met.
- t) Requirement for a statement of compliance upon completion of planting and enhancement works.

The LEMP 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.

24. A Biodiversity Habitat Enhancement and Management Plan (BHEMP) shall be submitted to, and be approved in writing by, the LPA prior to the commencement of the development. The aim of the plan 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 Biodiversity Metric 4.0 prepared by Brindle and Green 2nd November 2023. The plan shall be suitable to provide to the management body responsible for the site. It shall include the following: -

- l) Description and location of features to be retained, created, enhanced and managed, as per the approved biodiversity metric.
- m) Details for the enhancement of modified grassland to lowland calcareous grassland including the results of soil analysis.
- n) Aims and objectives of management, in line with desired habitat conditions detailed in the metric.
- o) Appropriate management methods and practices to achieve aims and objectives.
- p) Prescriptions for management actions.

- q) Preparation of a work schedule (including a 30-year work plan capable of being rolled forward in perpetuity).
- r) Details of the body or organization responsible for implementation of the plan.
- s) A monitoring schedule to assess the success of the habitat creation and enhancement measures at intervals of 1, 2, 5, 10, 15, 20, 25 and 30 years.
- t) Monitoring reports to be sent to the Council at each of the intervals above.
- u) A set of remedial measures to be applied if conservation aims and objectives of the plan are not being met.
- v) 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.

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

APPENDIX C – Revised condition 16

16. The scheme of sound mitigation included in the submitted Noise Impact Assessment dated 4th February 2021, carried out by Environmental Noise Solutions must have been implemented as part of this development prior to the occupation of any dwelling and must be retained, as approved, at all times thereafter.

PARISH Old Bolsover Parish

APPLICATION Change of use from grazing land to parking and manoeuvring area for adjacent traveller site including new vehicular access

LOCATION The Stables Featherbed Lane Bolsover Chesterfield

APPLICANT Mr D McAlister The Stables Featherbed Lane Bolsover Derbyshire S44 6JY

APPLICATION NO. 24/00503/FUL **FILE NO.** PP-13518340

CASE OFFICER Mrs Karen Wake

DATE RECEIVED 28th October 2024

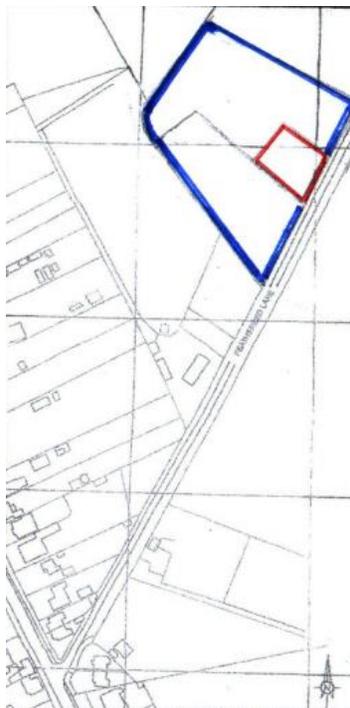
SUMMARY

This application has been referred to the Planning Committee by the Development Management and Land Charges Manager as the original application for the traveller site was determined by Committee.

In summary, the application is recommended for approval. The application is for the extension of the adjacent traveller site to provide parking and manoeuvring space.

The proposal is outside the development envelope within an area of open countryside. The proposed use is not compliant with Policy SS9 (Development in the Countryside) but contributes towards meeting an identified need for traveller sites within the district in compliance with Policy LC5 (Applications for Gypsies, Travellers and Travelling Show People.)

Site Location Plan



OFFICER REPORT ON APPLICATION NO. 24/00503/FUL

SITE & SURROUNDINGS

The site is a small area of land which forms part of a larger grassed field. The site has been hard surfaced and the land level raised in parts to create a level surface. On the southeast boundary of the site is a hedge approximately 3m high with two points of access into the site. Beyond that hedge is the access lane with fields beyond that. On the southwest boundary there is a hedge approximately 2m in height and mature trees with a bungalow and garden beyond. The remainder of the field, of which the site forms part, has mature hedges and trees around the boundaries with fields beyond. The site includes a new access onto

BACKGROUND

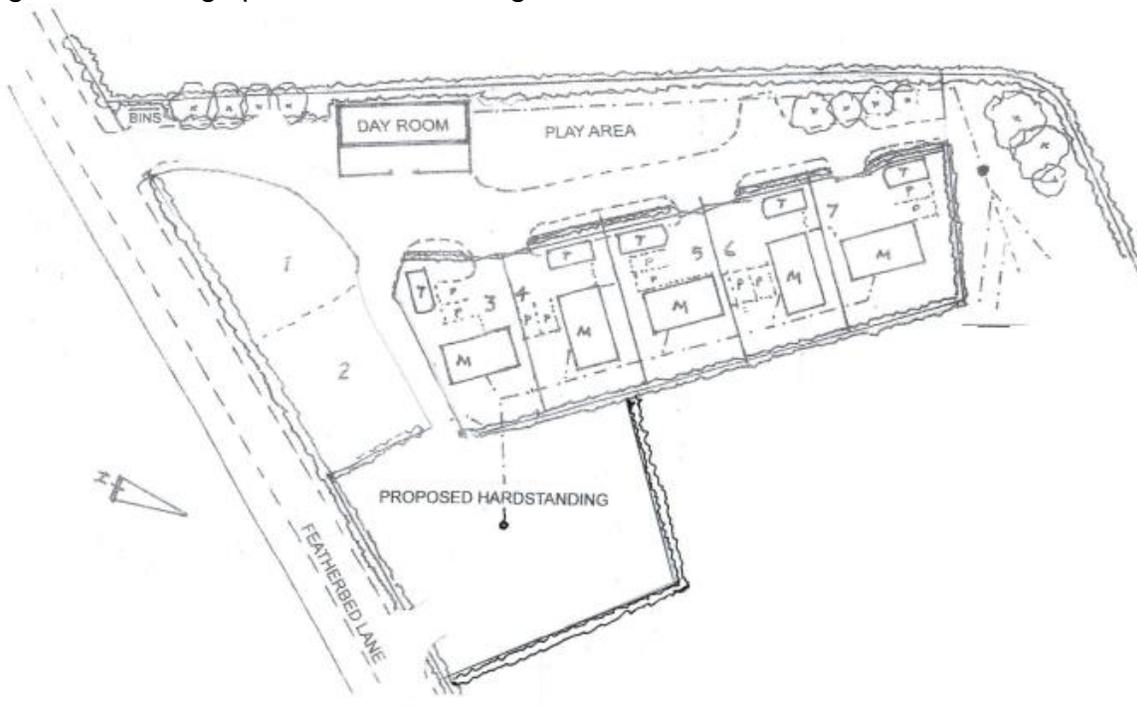
A stable block has previously been granted planning permission on the wider site, together with an extension to the stable block. The construction of the stable block was commenced but not completed. Instead, an amenity block was constructed.

A traveller site for seven pitches each of which may contain a mobile home, one touring caravan and two parking spaces has also been approved. These pitches are immediately to the southwest of this site.

The applicant has moved a mobile home and a touring caravan onto the site and is currently living there but the pitches have not yet been laid out in accordance with the approved plan. The access to the site and the site itself have been re-surfaced and utilities installed along the access lane.

PROPOSAL

The application is for the retention of the extended hard standing to provide additional parking/manoeuvring space for the existing traveller site.



AMENDMENTS

The block plan which shows the wider site has been amended to be in accordance with the previously approved plan.

Additional information provided relating to the intended use of the hardstanding which resulted in a change in the description of the application from storage to parking/manoeuvring area in connection with the existing traveller site.

EIA SCREENING OPINION

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

HISTORY

13/00276/FUL	Granted Conditionally	Erection of stables and hard standing
15/00052/FUL	Granted Conditionally	Erection of stable and tack room building including site entrance details, fence details, parking and turning area details, removal of hardcore and change of use to keeping of horses (application site area as clarified in e-mail dated 27th January 2015)
16/00472/FUL	Refused, allowed on appeal	Extension to stable building to provide ancillary facilities
22/00389/FUL	Granted Conditionally	Extension to Stable Building to Provide Ancillary Facilities
22/00425/FUL	Granted Conditionally	Traveller site with 3 pitches
23/00357/DISCON	Partially discharged	Discharge of Condition 6 (Septic tank & soakaway), 7 (Landscape and Biodiversity Enhancement and Management Plan), 8 (Boundary Treatment), 11 (Bin storage) of Planning Permission 22/00425/FUL
23/00526/FUL	Granted Conditionally	Retention of amenity building
23/00609/FUL	Granted Conditionally	Extension to Traveller site to create 4 additional pitches and revision of layout to Plot 3 of previously approved planning application 22/00425/FUL
24/00200/VAR	Refused	Removal/variation of condition 2 (full details of the septic tank and soakaway) of application 23/00526/FUL
24/00308/FUL	Refused	Erection of walls to site entrance

CONSULTATIONS

Parish Council:

No comments received.

Coal Authority:

No comments to make.

Environmental Health Officer:

No comments to make.

Derbyshire County Council Highway Authority:

On the basis that the proposal is ancillary to the adjacent Traveller site, it is not considered that the proposed parking and storage area will have a detrimental highway impact or any impact on the adjacent public footpath on Featherbed Lane. Based on the analysis of the information submitted and a review of Local and National policy the Highway Authority concludes that there would not be an unacceptable impact on Highway Safety or a severe impact on congestion. There are no justifiable grounds on which an objection could be maintained.

Derbyshire County Council Public Rights of Way:

No comments received.

Derbyshire County Council Gypsy Liaison Group:

No comments received.

Derbyshire Wildlife Trust:

If the Local Planning Authority are satisfied that the proposal is exempt from the statutory 10% net gain for biodiversity, then the main points would be to make sure that the perimeter hedgerow is retained and that any new lighting is reasonable. Suggests a lighting condition, if lighting is proposed as part of the proposal.

Planning Policy:

The proposal does not meet policies SS9 or SC5 of the Local Plan for Bolsover District. However, it is considered that the decision in this case centres on whether the proposal would contribute to the 'provision of suitable accommodation' and whether the proposal would respect the form scale and character of the landscape through careful location, design and use of materials. In determining this detailed matter, the criteria within policy LC5: Applications for Gypsies, Travellers and Travelling Showpeople relating to an acceptable living environment and adequate provision for parking and servicing and the now withdrawn Good Practice Guidance: Designing Gypsy and Traveller Sites may prove helpful. If it is proposed to grant permission as an extension to the gypsy site, policy LC5 identifies that there should be a condition or agreement that ensures the future use of the site shall only be to meet the needs of the gypsy and traveller community.

PUBLICITY

Site notice and 13 neighbours notified. No comments received.

POLICY

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:

- SS9 Development in the Countryside
- LC5 Applications for Gypsies, Travellers and Travelling Showpeople
- SC2 Sustainable Design and Construction
- SC3 High Quality Development
- SC9 Biodiversity and Geodiversity
- SC11 Environmental Quality (Amenity)
- SC13 Water Quality
- SC14 Contaminated and Unstable Land

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 61-63 & 82: Delivering a sufficient supply of homes
- Paragraphs 187, 193 and 195: Conserving and enhancing the natural environment.
- Paragraphs 196 - 201: Ground conditions and pollution.

The NPPF at paragraph 3 identifies that the NPPF should be read as a whole including its footnotes and annexes.

Other

Planning Policy for Traveller Sites 2024

Gypsy and Traveller Accommodation Assessment 2023

Designing Gypsy and Traveller Sites Good Practice Guide

ASSESSMENT

Key issues

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

- The principle of the development
- The impact on the character of the countryside and the local area
- The impact on residential amenity
- Whether the development would be provided with a safe and suitable access
- Biodiversity
- Land stability

- Drainage

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

Principle

The starting point for decision-making is the policies set out in the development plan.

The spatial strategy for Bolsover is set out in Policy SS3: Spatial Strategy and Distribution of Development. It provides a hierarchy of settlements which have a development envelope defined on the Policies Map, within which urban forms of development will generally be acceptable in principle. The application site is not in any of these locations but is identified as being in the countryside.

Policy SS9: Development in the Countryside is a strategic policy that seeks to restrict urban forms of development in the countryside where these would not be appropriate or sustainable and not in accordance with the Local Plan's Spatial Strategy. It provides that development proposals in the countryside outside development envelopes will only be granted planning permission where it can be demonstrated that they fall within a number of specified categories. The proposal is not considered to fall within any of these categories. The Policy also emphasises that "in all cases, where a development is considered acceptable it will be required to respect the form scale and character of the landscape through careful location, design and use of materials."

Policy SC5: Change of Use and Conversion in the Countryside enables changes of use within the countryside provide they comply with the criteria set out in the Policy. The majority of these categories apply to buildings but criteria b provides for a change of use of land if it is in keeping with the original character of the land. The supporting text in paragraph 7.27 refers to an example of a change of use from agricultural land to a recreation ground or garden, which can affect the appearance and character of the area. It is considered that the hard surfacing of the land from what was previously an agricultural field would not be in keeping with the original character of the land.

Policies SS1 i), SC2 h) and SC3 j) set out a planning requirement for the consideration of the effect the proposed development has on the character and surrounding landscape. This approach is reflective of national policy which emphasises that all development should recognise the intrinsic character and beauty of the countryside. In this context, a determination is required as to whether the proposal would have a significant impact on the on the local countryside and landscape.

Planning application code ref. 23/00609/FUL granted permission for 4 additional pitches and revision of layout to Plot 3 of the previously approved planning application 22/00425/FUL. Policy LC5 Applications for Gypsies, Travellers and Travelling Showpeople identifies that proposals for new sites should be within the development envelopes or on other suitable development land as provided for within the Plan unless it can be shown to meet a need identified in an independent assessment. It was acknowledged in relation to application 23/00609/FUL that there was an unmet need against the Gypsy and Traveller Accommodation Assessment. Consequently, Policy LC5 provided a justification for looking at a countryside location under these circumstances (LC5 a). The monitoring of the development identifies that planning permissions 22/00425/FUL and 23/00609/FUL have been

implemented. The current application is not for additional plots and the evidence identifies that the Council has a five year supply of sites. However, Policy LC5 is a criteria based policy that considers applications for gypsies, and travellers. It includes that “applications for new sites and refurbishment of existing sites should meet the design guidelines as detailed in National Guidance, where possible and relevant.” The implication is that policy LC5 is also a consideration in relation to refurbishment of existing sites and not simply new sites. The amended description to a “parking and manoeuvring area for adjacent traveller site including new vehicular access” indicates that there may be issues in relation to the existing site which has planning permission. In this context, Policy LC5 identifies that in considering sites the development should result in an acceptable living environment for its residents (b) and has safe highway access with adequate provision for parking and servicing (e). The application extends beyond the existing site but would need to be assessed in this context.

Planning Policy for Traveller Sites (PPTS) sets out the Government's aims in this matter. This includes ensuring 'fair and equal treatment for travellers, in a way that facilitates the traditional nomadic way of life of travellers while respecting the interests of the settled community' and 'provision of suitable accommodation'. (Paragraph 4). What is meant by “suitable accommodation” is not defined within the PPTS, but the implication of the application is that there is insufficient parking space for the seven plots identified on the site. There isn't any specific current design guidance in relation to gypsy, travellers and showpeople. A Good Practice Guidance: Designing Gypsy and Traveller Sites was issued in 2008, but this was withdrawn by the Government on 1st September 2015. However, it appears that this remains the only design guidance specific to gypsy and traveller sites and, as such, it may be considered reasonable for this to provide information on whether there are issues in relation to the layout of the existing site.

PPTS Policy F: Mixed planning use traveller sites (paragraph 19) identifies that local planning authorities should consider, wherever possible, including traveller sites suitable for mixed for mixed residential and business uses, having regard to the safety and amenity of the occupants and neighbouring residents. However, the existing permission for the seven traveller's plots has a condition preventing business use of the site. This reflects that Featherbed Lane is an un-adopted road / track which also forms a public right of way (Footpath 44 Bolsover) and use of the site should be limited to a residential use as a trade or business operating from the site may be detrimental to highway / pedestrian safety.

Whilst the proposal would not be strictly in-keeping with the original character of the land, the 'provision of suitable accommodation' and whether the proposal would respect the form scale and character of the landscape through careful location, design and use of materials is a key consideration. In determining this matter, the criteria within policy LC5: Applications for Gypsies, Travellers and Travelling Showpeople relating to an acceptable living environment and adequate provision for parking and servicing and the now withdrawn Good Practice Guidance: Designing Gypsy and Traveller Sites need to be considered.

The approved pitches are relatively small. Although each pitch can accommodate 2 car parking spaces and a touring caravan. Travellers often need space for a pick-up truck, and/or trailer and these need more space and additional manoeuvring area. Also, there is no space for visitor parking within the approved Traveller site. Furthermore, the approved septic tank is located in this area and a hard-surface is required to enable access to the tank and manoeuvring space, clear of the highway, for servicing this by a relatively large vehicle. The

site is not a site for general open storage but is designed to provide additional parking and turning area for the existing traveller site and to ensure that there is no likelihood of vehicles blocking Featherbed Lane. On this basis, the proposal is considered to represent a re-furbishment/improvement to the existing site which is designed to provide more suitable accommodation for the occupiers of the site in accordance with policy LC5 of the adopted local plan, subject to a condition requiring no trade or business be undertaken from the site and that the area is only used in connection with the existing traveller site, to ensure the future use of the site shall only be to meet the needs of the gypsy and traveller community it serves. Without such conditions the proposal would be considered unacceptable in principle. With the inclusion of such conditions Policy LC5 provides a justification for the development in the countryside which means that the proposal may be considered acceptable in principle subject to its impact on the rural character of the area, residential amenity, highway safety and biodiversity.

The impact on the character of the countryside and the local area

The site is within an area of open countryside but is adjacent to residential development and existing equestrian developments in the form of stables and barns along Featherbed Lane. The proposed hardsurfacing to provide an additional parking/turning area is set at a lower level than the existing traveller pitches. The proposal will extend the amount of built development on site, but the area of land is modest, the proposal is well related to the main site and any vehicles parked on site will be seen against the existing use of the site and contained by existing landscape features. The overall development is of a scale which is not considered to materially harm the character of the area, given that this site is adjacent to the edge of the development envelope and forms a slight addition to the adjacent built form. In addition, the proposal is not considered to harm the services and infrastructure provided by the adjacent settlement in accordance with part f) of Policy LC5.

The proposal utilises the existing access and provides an additional access onto the lane. Other than at the point of access, the site is partially screened from general views by the hedgerow to the site frontage and around the wider field within which the site sits. The proposal is therefore not considered to significantly detract from the character of the area and can be sufficiently enclosed by appropriate boundary treatment to prevent encroachment into adjoining land and this can be required by condition.

There is an amenity block on site which has already been constructed but this is the subject of a separate planning application. There are no permanent buildings proposed as part of this application and if subsequent permanent structures are proposed at a later date they will need to be considered by further planning applications which would be considered on their individual merits. It is however considered necessary to restrict the use of the parking area to be ancillary to the existing traveller site to minimise the impact on the rural character of the area.

It is also considered necessary to require some form of boundary treatment to be provided to prevent the proposed use spreading into the wider field. Subject to such conditions, the proposal is considered to meet the requirements of part e) of Policy LC5 of the Local Plan for Bolsover District and is not considered that there will be undue harm to the rural character of the area.

Residential Amenity

The site is set away from adjacent dwellings with partial screening from the hedgerows around the site. The applicant's agent has advised that the size of the pitches previously approved are too small to accommodate the needs of the occupiers whilst allowing space for visitors, truck and trailer manoeuvring etc on site. The approval of the enlarged parking/manoeuvring area on site is therefore considered to facilitate the amenity needs of the travellers who will occupy the site without causing harm to the privacy and amenity of adjacent residents. The proposal is likely to have resulted in some increase in noise and disturbance for residents of adjacent dwellings during the construction phase of the development when the hard surfacing was being laid etc. but once this was completed the proposal is considered to be a use which is compatible with the existing residential uses adjacent to the site. It is however considered necessary to restrict the use of the site to purposes that are ancillary to the approved traveller pitches. This is to prevent separate occupation of the site for parking/vehicle storage independent of the traveller site which would potentially result in additional noise and disturbance for residents of adjacent dwellings, the impact of which would not have been considered as part of this application.

It is also considered reasonable to restrict the use of the site to prevent any trade or business being carried out from the site as this may also result in noise and disturbance for residents of adjacent dwellings over and above what would be reasonable expected adjacent to a residential area. Subject to the suggested conditions the proposal is considered to meet the requirements of criteria b) and g) of Policy LC5 as well as Policies SC3 and SC11 in terms of its impact on the amenity of existing and future occupiers.

Access/Highways

The site utilises an existing access to the field which is served off Featherbed Lane and includes an additional access which has been provided further to the north of the existing access, also onto Featherbed Lane.

Featherbed Lane is an un-adopted road/track which also makes up part of a public right of way (Footpath 44 Bolsover). Featherbed Lane is served by an existing vehicular access off Shuttlewood Road. The proposal is to provide additional parking and manoeuvring for the existing traveller site and will allow vehicles to park and turn clear of Featherbed Lane. Subject to a condition requiring the use of the site to be ancillary to the existing traveller site use and no trade or business being carried out on the site, the proposal is not considered to result in a material increase in vehicle movements to and from the site.

A public footpath runs along Featherbed Lane (Bolsover Footpath No. 44). The DCC Right of Way Officer has not objected to the proposal.

The Highway Authority have confirmed that, subject to the above condition they have no objections to the proposal in highway safety terms and on this basis the proposal is not considered to be detrimental to highway or pedestrian safety in accordance with Policies SC3 and ITCR3 of the Local Plan for Bolsover District.

Ecology and Biodiversity Considerations

The proposal results in a larger area of hardstanding than previously approved on an area which has previously been part of a grass field. The proposal also includes the retention of an

additional access which resulted in the removal of a section of hedgerow. The proposal has therefore impacted on habitats and biodiversity.

The application is retrospective and is therefore exempt from the statutory 10% biodiversity net gain requirement. However, Local Plan Policy SC9 requires developments to result in no net loss for biodiversity. A biodiversity net gain assessment was provided as part of the previous application on the site. An additional assessment hasn't been provided as part of this application and the current proposal includes additional hard surfacing of the field than was proposed in the original application. However, the report previously submitted assessed the onsite grassland to be 'modified' grassland and not of any significant botanical interest. The small sites metric submitted with the original application predicted a small net gain of 0.01 habitat unit (4.33%) and 0.12 hedgerow units (18.81%), which was to be delivered through sowing a flower-rich seed mix in the adjacent field to create 'other neutral grassland' and a species-rich native hedge along the northern boundary of the application area. The proposed flower-rich seed mix sowed area previously approved is unaffected by this proposal but the proposed hedge cannot be provided in full if the current application is approved. The hedge could be extended around the area of hardstanding which forms part of this application, and this could be required by such a condition. Subject to such a condition, the biodiversity enhancement measures previously approved could be provided (albeit on an amended line) and the loss of the hedgerow where the new access has been provided could be off set. Subject to such a condition, the proposal is not considered to result in a net loss for biodiversity and complies with the requirements of Policy SC9 of the Local Plan for Bolsover District.

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

Land Stability (Mining Legacy)

Part of the site falls within the defined Development High Risk Area. The Coal Authority records indicate that within that part of the application site and surrounding area there are coal mining features and hazards, which should be considered as part of development proposals. The Coal Authority's general approach where development is proposed within the Development High Risk Area is to require the submission of a Coal Mining Risk Assessment to support the planning application.

However, in this case, the specific part of the site this development relates to falls outside the defined Development High Risk Area. Therefore, the Coal Authority did not consider that a Coal Mining Risk Assessment was necessary for this proposal and did not object to the application.

On this basis, a note advising the applicant that the site lies within a coal mining area which may contain unrecorded coal mining related hazards and if any coal mining feature is encountered during development it should be reported immediately to the Coal Authority is considered sufficient. Subject to such a note the proposal is not considered to result in issues for stability on or adjacent to the site and is considered to meet the requirements of Policy SC14 of the Local Plan for Bolsover District.

Drainage

The site is within Flood Zone 1, which has a low probability of flooding. The application forms states that the surface water would be disposed of via a soakaway and there is no foul proposed as this has already been approved as part of the earlier planning application for the pitches on the site. On this basis, the proposal is considered to meet the requirements of Policy SC13 of the Local Plan for Bolsover District.

CONCLUSION / PLANNING BALANCE

While the development does not comply with Policy SC5 of the Local Plan in terms of the use being in keeping with the original character of the land, in view of the requirement of Policy LC5 to provide an acceptable living environment for its residents (b) to have safe highway access with adequate provision for parking and servicing (e) it is considered that Paragraph 63 of the Framework and Policy LC5 of the Local Plan provides justification for approving the development in this countryside location.

The proposal meets the criteria set out in Policy LC5 and the proposal is not considered to be materially harmful to the rural character of the area or to residential amenity or highway safety, subject to the conditions suggested in the above assessment.

RECOMMENDATION

The current application be APPROVED subject to the following conditions:

1. The development hereby approved shall be used for parking and manoeuvring of vehicles and equipment associated with the occupation of the adjacent traveller pitches identified in blue on the location plan submitted with the application only. There shall be no trade or business carried out from the site and it shall not be used as a separate traveller pitch.
2. Before the parking/manoeuvring area hereby approved is first brought into use full details of a hedge to be planted around the edge of the site, must be submitted to and approved in writing by the Local Planning Authority. The hedge must be planted in accordance with the approved details in the first available planting season after the details are approved and must be maintained as such thereafter.
3. Notwithstanding the provisions of Classes A and B of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no new accesses or boundary treatments must be installed on site unless authorised by an express grant of planning permission.
4. Notwithstanding the provisions of Article 3(1) of the Town and Country Planning (General Permitted Development) Order 2015, (or any Order revoking and re-enacting that Order) no development otherwise permitted by Part 5 Class B of the Order must be erected/constructed/undertaken without first obtaining planning permission.
5. There must be no external lighting installed on the site without the prior submission of a detailed lighting strategy for the site having been first submitted to and approved in writing by the Local Planning Authority.

Advisory notes

1. Public Right of Way, Bolsover Footpath No.44, as shown on the Derbyshire Definitive Map, must remain open, unobstructed and on its legal alignment at all times. There should be no disturbance to the surface of the route without prior authorisation from the Rights of Way Inspector for the area. Consideration should be given to members of the public using the route at all times. A temporary closure of the route may be granted to facilitate public safety subject to certain conditions. Further information may be obtained by contacting the Rights of Way Section – ETE.PROW@derbyshire.gov.uk. If a structure is to be erected adjacent to the right of way, it should be installed within the site boundary so that the width of the right of way is not encroached upon.
2. The applicant is advised that the site lies within a coal mining area which may contain unrecorded coal mining related hazards and if any coal mining feature is encountered during development it should be reported immediately to the Coal Authority

Statement of Decision Process

Officers have worked positively and pro-actively with the applicant to address issues raised during the consideration of the application. The proposal has been considered against the

policies and guidelines adopted by the Council and the decision has been taken in accordance with the guidelines of the Framework.

Equalities Statement

Section 149 of the Equality Act 2010 places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it (i.e. “the Public Sector Equality Duty”).

In this case, there is no evidence to suggest that the development proposals would have any direct or indirect negative impacts on any person with a protected characteristic or any group of people with a shared protected characteristic.

However, if these protected characteristics were not taken into account and adequate standard of accommodation wasn't required in accordance with Policy LC5 of the Local Plan for Bolsover District then it may be considered that such regard had not been exercised.

Human Rights Statement

The specific Articles of the European Commission on Human Rights ('the ECHR') relevant to planning include Article 6 (Right to a fair and public trial within a reasonable time), Article 8 (Right to respect for private and family life, home and correspondence), Article 14 (Prohibition of discrimination) and Article 1 of Protocol 1 (Right to peaceful enjoyment of possessions and protection of property).

It is considered that assessing the effects that a proposal will have on individuals and weighing these against the wider public interest in determining whether development should be allowed to proceed is an inherent part of the decision-making process. In carrying out this 'balancing exercise' in the above report, officers are satisfied that the potential for these proposals to affect any individual's (or any group of individuals') human rights has been addressed proportionately and in accordance with the requirements of the ECHR.

PARISH Pleasley Parish

APPLICATION Change of use of land to enable the stationing of 4 residential mobile home plots for travelling showpeople to occupy with associated access and landscaping.

LOCATION Station Yard Chesterfield Road Pleasley Mansfield

APPLICANT Messrs Marshall & Allen c/o Brimble Lea Unit 3, Kingsmead Business Park Shaftesbury Road Gillingham SP8 5FB

APPLICATION NO. 25/00162/FUL **FILE NO.** PP-13874315

CASE OFFICER Mr Mark Penford

DATE RECEIVED 27th March 2025

SUMMARY

This is a full planning application for the material change of use of land known as Station Yard, Pleasley (formerly Pleasley West Railway Station) to station 4 residential mobile home plots for travelling showpeople with the establishment of parking, turning and amenity areas within the site. The application has been referred to the Planning Committee for determination because of a significant level of public opposition to the development (more than 20 objections from individual households).

The District Council has an unmet need for sites to accommodate travelling showpeople. Policy LC5 of the Adopted Local Plan supports new sites to be granted for this accommodation which meets criteria (a) to (h) of the policy. The application has demonstrated compliance with all criteria, which releases the countryside site for housing. A significant material planning consideration is that a large part of the site has planning permission for a single caravan for travelling showpeople and equipment, which has established a significant section of the site as previously developed land.

The application raises no concerns regarding impacts on the rural character of the environment, design and character, residential amenity, biodiversity, land contamination and stability, flooding and drainage. The application has demonstrated a sustainable form of development which meets the three objectives of sustainability set out under paragraph 8 of the framework. It is therefore recommended that the application is conditionally approved.

SITE LOCATION PLAN



SITE & SURROUNDINGS

The site is an established travelling showpeople's yard, which is currently vacant and surrounded by trees and vegetation. The site is accessed by an unadopted driveway in private ownership that serves nine dwellings off Chesterfield Road known as 'Midland Cottages'. The site is designated as countryside within the adopted Local Plan, just outside the development envelope of Pleasley Village. The private drive slopes uphill from Chesterfield Road. Within the development area the land levels are relatively flat. The site area measures 0.42 hectares. There are residential dwellings to the south-east. The Pleasley Pit Country Park and Nature Reserve is to the north-west. Chesterfield Road and residential dwellings are to the north-east.



The site in April 2025



BACKGROUND

BOL/1988/0192

Planning Permission was granted in 1988 for the use of the site for storage, maintenance and repair of showman's plant and equipment together with winter living quarters to comprise 1 showman's caravan under office code BOL/1988/0192. The development was implemented and has established the site's use for travelling showpeople's accommodation for one winter caravan and equipment as acceptable in principle. As such, a mobile home could be stationed on the site for occupation by travelling showpeople in accordance with the 1988 consent at any time.



The 1988 planning consent application site area, which is previously developed land.

22/00137/FUL

A full planning application for 13 proposed dwellings on the site was registered under office code 22/00137/FUL. The case officer was of the view that the residential development was acceptable in principle subject to all material planning considerations because the site comprised previously developed land. However, there was outstanding information relating to impacts on protected species and clarification was required on rights of access. This led to the applicant withdrawing the application in September 2022.

23/00460/VAR

An application under Section 73 of the Town and Country Planning Act registered under office code 23/00460/VAR to remove the personal occupancy condition of the 1988 consent was approved on 31st October 2023. The case officer's report considered whether the condition was necessary, explaining that planning permission should run with the land, not the person, and so Government advice to local planning authorities is that it is rarely appropriate to use personal consent conditions. Personal permissions should only be used in exceptional circumstances such as conditions limiting benefits to a particular class of people, such as new residential accommodation in the open countryside for agricultural or forestry workers, may be justified on the grounds that an applicant has successfully demonstrated an exceptional need.

Regarding the particular class of people (as referred to in the NPPG) the title of the planning permission made it clear that the 1988 permission is for the storage of showman's equipment and a showman's caravan and so a condition to that effect of a personal permission was not considered to be necessary. It should be noted that the application currently under consideration similarly defines the application is for travelling showpeople's accommodation

within the description and therefore a personal permission is not considered to meet the six tests of planning conditions.

23/00583/OUT

An outline planning application for the use of the land to station 2 no residential homes for travelling showpeople, construction of an access road, plot bases and drainage was then registered under office code 23/00583/OUT. Similar to the 2022 application the case officer considered the principle of development to be acceptable although further information was required in relation to the site layout and access. The applicant decided to withdraw the application in June 2024.

24/00277/LAWEX

An application for a Certificate of Lawfulness for the existing use of the site for the stationing of 2 mobile homes for permanent use by travelling showpeople was registered under office code 24/00277/LAWEX and withdrawn in October 2024. Council Officers were concerned that insufficient evidence had been submitted to confirm that the site had been used on a permanent all year-round basis for the stationing of two mobile homes for an uninterrupted period of at least ten years. The planning merits of the proposal and the development plan policies were not engaged. The purpose was to establish if the proposed use of land for stationing two caravans was lawful in planning terms by virtue of being in continuous use/occupation for 10 years.

PROPOSAL

The application is to establish four residential mobile home plots that would be occupied by travelling showpeople. Each plot would consist of a mobile home, parking for two vehicles and amenity space. The application is proposing a material change of use of the land and there is no known operational development associated with the mobile homes. As such it is the change of use of the land to residential which requires planning permission and the individual design of the mobile homes on site does not require planning permission. In this situation elevations and floor plans of the mobile homes are not required.

The vehicular access to the site is proposed from the established existing access at the end of the private access road that serves Midland Cottages. Within the site a turning area is provided so that occupants can enter and exit in a forward gear. The application is proposing the accommodation to be for 12 months of the year on a permanent basis. Although the 1988 consent has established the use of the site for storage of travelling showpeoples equipment associated with one mobile home for winters accommodation, the applicants do not propose to store equipment on this site as it is stated that the applicant has storage arrangements elsewhere.

The private road between Chesterfield Road and the site proposed to accommodate the four mobile homes is owned between various residents in the area and individual occupiers have access rights over each part of the private road owned by individual residents. As planning practice guidance advises planning application sites provide access to a public road, the application site red line reaches the adopted highway of Chesterfield Road and the applicant has completed Certificate B and served notice on the individual land owners of the private access road.

Procedurally in terms of land ownership procedures the application is correct. The application

advises that the applicants have an unfettered legal right over the privately owned access road and that the notice served is correct. Any dispute which may arise between local residents' owners and the applicant regarding site access rights, or any works to the private road to facilitate the development, are a private legal matter and not within the remit of planning.

The definition of travelling showpeople is set out in the Governments Planning Policy for Travellers Sites is set out in Annex 1 Glossary, point 2:

“Members of a group organised for the purposes of holding fairs, circuses or shows (whether or not travelling together as such). This includes such persons who on the grounds of their own or their family’s or dependants’ more localised pattern of trading, educational or health needs or old age have ceased to travel temporarily or permanently, but excludes Gypsies and Travellers as defined above.”

The PPTS Annex 1 Glossary point 4 identifies:

For the purposes of this planning policy, “pitch” means a pitch on a “gypsy and traveller” site and “plot” means a pitch on a “travelling showpeople” site (often called a “yard”). This terminology differentiates between residential pitches for “gypsies and travellers” and mixed-use plots for “travelling showpeople”, which may / will need to incorporate space or to be split to allow for the storage of equipment.



Proposed Site Layout

Supporting Documents

- Planning Statement prepared by Brimble Lea Chartered Planning and Architecture dated 26th March 2025.
- Preliminary Ecological Appraisal and Biodiversity Net Gain Feasibility Report prepared by Oak Ecology dated 27th February 2025.
- Statutory Biodiversity Metric Calculation prepared by Oak Ecology.

AMENDMENTS

None received.

PLANNING HISTORY

BOL/1988/0192	Granted	For use of land for storage maintenance and repair of showmen's plant and equipment, together with winter living quarters (1 showman's caravan) (BOL 488/192)
23/00460/VAR	Granted	Removal of Condition 3 of planning permission BOL.488/192 To remove the named personal consent restriction
23/00583/OUT	Withdrawn	Use of land for the stationing of 2no residential mobile homes and construction of access road, plot bases and drainage.
24/00277/LAWEX	Withdrawn	Lawful Development Certificate for the existing use of the site for the stationing of 2no mobile homes for permanent use by Travelling Showmen

CONSULTATIONS

Bolsover District Council - Environmental Health

10.04.2025

Further information is required regarding foul drainage provision. Environmental Health's standard ground contamination conditions will also be necessary to ensure the site is developed free from unacceptable levels of land contamination.

30.04.2025.

A pre-commencement condition is recommended to secure a Phase 1 Contaminated Land Assessment to identify the likely contaminative risks associated with the site and risks to human health. A further condition is recommended to require a detailed scheme of remediation (where the site investigation identifies unacceptable levels of contamination). A condition is recommended to ensure no dwelling is occupied until any necessary remediation works are carried out in full, and verification of the installed remediation will be necessary. A final planning condition is recommended to secure and agree a foul drainage scheme prior to the commencement of development.

08/05/2025

Re-affirms no objection to a conditioned approach to agreeing a foul drainage scheme for this development.

Bolsover District Council – Planning Policy

The Planning Policy for Travellers Sites December 2024 (PPTS) requires Local Authority's to identify and update annually, a supply of specific deliverable sites sufficient to provide 5

years' worth of sites for travelling showpeople against their locally set targets. The site is outside, but on the edge of Pleasley and in the countryside where Policy SS9 supports development of previously developed land. It is understood the site is a brownfield site provided it meet the definition of the term in the NPPF and the development respects the form, scale and character of the landscape.

The PPTS requires LPA's to attach weight to the effective use of previously developed land, untidy or derelict land. The Local Plan provides locally specific guidance for travelling show people provision in policy LC5, which advises new sites for travelling showpeople will be granted which meets the criteria set out in the policy.

The Local Plan for Bolsover District sets out the need for Gypsy and Traveller Accommodation sites as identified within the Gypsy and Traveller Accommodation Assessment (GTAA) (September 2015) and seeks to make provision to meet this need through site allocations. Since the adoption of the Local Plan, a new independent assessment in the Derby, Derbyshire, Peak District National Park Authority and East Staffordshire Gypsy and Traveller Accommodation Assessment Update 2023, has been completed covering the period from 2020 to 2040. It supersedes the previous evidence. The Table below sets out the requirement over periods of five years.

Period	Plots
Total 2020-25	8
Total 2025-30	6
Total 2030-35	6
Total 2035-40	7
Overall Total 2020-40	27

The PPTS requires that local planning authorities identify and update annually, a supply of specific deliverable sites sufficient to provide 5 years' worth of sites against their locally set targets. It also requires local planning authorities to prepare and maintain an up-to-date understanding of the likely accommodation needs of their areas over the lifespan of the development plan. (Paragraph 7 b). Including the allocation identified in the Local Plan under Policy LC4, the Council currently has a five-year supply of showpeople plots. However, the Local Plan does not identify sufficient sites to meet the need to 2033, when the Local Plan period expires, as the allocation is anticipated to meet the needs up to 2030.

Consequently, there is an outstanding need identified by an independent assessment as set out in criteria a) of Policy LC5 to 2033.

A site is allocated in the Local Plan under Policy LC4 but, as yet, the site has not been brought forward for development. However, the allocation does not provide sufficient plots to meet the need identified under the latest GTAA (2023) to when the Local Plan period expires in 2033. Consequently, under Policy LC5: Applications for Gypsies, Travellers and Travelling Showpeople, criteria a, as there is an identified need to the end of the Local Plan period set out by an updated independent assessment, there is a justification for considering a countryside location outside the development envelope.

If the proposals are acceptable a condition is necessary ensuring future use of the site is

available to meet the identified needs of travelling showpeople. Consideration should be given to impacts of the development on the Local Wildlife Site and the need to provide 10% biodiversity net-gain.

Bolsover District Council – Senior Engineer

No objection raised. Confirms the sewer records do not show any public sewers within the curtilage of the site, however the applicant should be aware of unmapped sewers, the need to comply with Part H of the Building Regulations, the need to agree proposals for disposal of foul and surface water, to give consideration to SUDS and their future maintenance; and to ensure any work does not detrimentally alter the structure or surface of the ground and increase or alter water flow to cause flooding.

Bolsover District Council – Waste and Recycling Manager

Raises no objection regarding refuse collection for the site and advises that the Council's refuse bins can enter the private access road and collect bins from a presentation point towards the end of the private road. Confirms the refuse team would not be able to enter the site. This is consistent with the response provided to application 23/00583/OUT, which raised no objection to refuse collection for two proposed dwellings on the site.

Derbyshire County Council Archaeologist

Confirms the proposed works do not threaten any known or suspected archaeological interest and there are no archaeological requirements to be placed on the applicant.

Derbyshire County Council Local Highway Authority

Confirms no objection to the application. Notes the two previous applications for 13 dwellings and two mobile homes, neither of which received an objection from the Highway Authority. The site is close to the highway network with good access to the local footway network and local bus stops are in walking distance. The site is accessed via a private access road serving nine dwellings. Emerging visibility from the private road to Chesterfield Road is appropriate when considering the development and that the development is not expected to generate a significant number of vehicles trips over those that could be generated by the existing dwellings.

Advises that the internal access road of a 5.2m width is of a suitable width to accommodate two-way vehicle movements and the turning head is also sufficient to allow larger delivery type vehicles to enter and exit the site in a forward gear. It is not clear if refuse vehicles will enter the site and swept path analysis may be necessary if BDC's waste management team agree to enter the site. Based on the analysis of the information provided and a review of local and national policy there would not be an unacceptable impact on highway safety or a severe impact on congestion and there are no justifiable grounds on which to raise a highway objection.

Derbyshire County Council – Countryside Services and Land Reclamation

1st response

The development information as currently provided indicates that the proposal may be unacceptable due to the history and potential instability of the slopes associated with the Pleasley pit country park reclamation, disused colliery waste tip embankments and railway embankments that abut the site to the south-east or south-west side, unless Bolsover District Council (BDC) can be satisfied upon investigation that such slope instability could be rectified

by the developer before the main built development proceeded. To enable BDC to consider these concerns before it determines the application, it is suggested that the applicant is requested by BDC to commission a suitable geotechnical professional to carry out a full slope stability investigation and submit the results of the investigation and a slope stability assessment report, including proposed remediation of the site, if required.

2nd response

Confirms the County Council is happy with a pre-commencement condition to address the stability of the slopes and requests that the County Council's Land Reclamation team is consulted on the land stability investigation report when received, in addition to any necessary remediation to make the site safe and stable for the development proposed.

Derbyshire County Council Planning Policy and Monitoring

Response not received.

Derbyshire Wildlife Trust

Has reviewed the submitted Preliminary Ecological Appraisal (PEA) and Biodiversity Net Gain (BNG) Feasibility Report and Metric (Oak Ecology, February 2025). The current application appears to allow for the retention of the existing woodland priority habitat around the site and also avoid direct impacts on Pleasley Local Nature Reserve (LNR) and the adjacent Local Wildlife Site (LWS) due to the smaller footprint of development. No evidence of protected species was identified during the PEA. No further survey works relating to roosting bats is therefore required to inform the application.

Recommends the following conditions:

- Securement of a construction environmental management plan for biodiversity provide details on how ecologically important features and protected species will be avoided and protected during site works.
- Securement of a badger survey and any necessary mitigation.
- Prior to installation of any lighting, securement of a lighting strategy to safeguard bats and other wildlife.
- Securement of a Landscape Plan and Management Schedule to secure the biodiversity net gains.
- Securement of a Biodiversity Enhancement Plan before works commence to secure features such as bat and bird boxes, insect bricks/towers.

In terms of 10% Biodiversity Net Gain, the proposals will clear -0.28ha of artificial unvegetated surface. The development results in a +0.39 gain in habitat units, equating to +64.33% with the trading rules satisfied. Given the onsite gains will be minor and restricted to private gardens a Habitat Management and Monitoring Plan is considered disproportionate.

Pleasley Parish Council

Concerns raised over how it can be guaranteed the development will stay for four mobile homes and there won't be more on the site. There is also a site on Common Lane for travellers. It has been requested that the application is rejected on behalf of the residents of Pleasley. There is already a campsite for caravans at the Black Rock development. Historic complaints have been made in the past about this notorious site. It has even been used for modern day slavery. The area sought for development is next to a field of rare orchids. The residents are totally against the idea for various reasons. The Parish Council agrees the area

needs to be protected from being spoilt for future residents, flora and fauna. A member of the public has concern about development of this green space.

Severn Trent Water Ltd

Response not received.

PUBLICITY

Site Notice posted 08.04.2025. Comments required by 29.04.2025.

Press Notice published 16.04.2025. Comments required by 01.05.2025.

Individual residents notified by letter 22.04.2025. Comments required 24.04.2025.

REPRESENTATIONS

Councillor Tom Kirkham

Objects to the development. As a local councillor, issues regarding land contamination have been raised in the past. It is a concern that any development will increase contamination to the local area. In addition, there is also a local concern around access to the site along the unadopted road and the boundary of the site encroaching onto the County Council's land.

In response to Cllr Kirkham's land ownership query the planning agent has provided land registry title extents for the applicant's land. The site includes the private access road with notices served on individual owners of the private road accordingly and goes up to the public highway in accordance with a road record plan. As such the applicant has demonstrated that the application site does not encroach onto County Council owned land. Land contamination is discussed in the land contamination section of this report and can be appropriately addressed by the use of planning conditions.

Resident Representations

Forty-six letters of representation have been received.

Comments are summarised by topic area, as follows:

Principle of Development and Sustainability

- Not within the development envelope of Pleasley.
- Object to safeguard the economic, social and environmental well-being of Pleasley.
- Pleasley is defined under Policy SS3 as a rural village and treated as within the countryside.
- There are no exceptional circumstances to justify approval in the countryside.
- An updated GTAA was published in 2023 identifying a need for 14 plots for travelling showpeople. When published in 2023 the Pleasley Common Lane caravan site was not open but is now open and accommodates those numbers easily.
- Pleasley already has an over-adequate protected caravan site.
- Other villages have no caravan sites and should be looked at first.
- The owners are not contributing to the local economy and concerns for cost of repairs by the County Council.
- The application is for travelling showpeople but the submitted statement supports a

different use.

- It is hoped the planning council look for alternative sites, if required.
- The applicant has caused a great environmental, social and financial cost to Derbyshire.

Impacts on the Countryside and landscape features

- The site will be visible from the walking trail on the country park.
- The application makes reference to damaged trees. How were trees damaged in the first place?
- The size of the site is large and 4 mobile caravans will just be the start.
- The development is not materially different to previous requests and should be refused.
- Total disregard for trees.
- The area is now conveniently covered by topsoil to make it appear more presentable at first glance.

Design and Character

- Mobile homes are not in keeping with surrounding buildings.
- A radical change in character and identity.

Residential Amenity

- The original planners back in 1988 pre-empted this problem by putting measures in place to protect residents' rights and amenities.
- This is a peaceful rural environment we don't want that to change.
- If planning permission was to be granted the interests of residents would not be protected as per the 1988 consent.
- Concerns for future expansion.
- There have been environmental air incidents due to fires.
- Total disregard for human health.
- Concerns for commercialisation that will not protect amenity.
- There appears to be a complete disregard and lack of consideration to the current residents of Midland Cottages and surrounding area.

Highway Safety

- Chesterfield Road is used as a walking route to school and amenities.
- Any additional traffic may prove hazardous.
- The access road is not a suitable width and construction type.
- Greatly increased traffic of the access road (Midland Cottages).
- Two to three bed caravans will introduce and will profoundly create a hazard
- There is no guarantee refuse and recycling would be serviceable by BDC.
- An unacceptable increase in traffic from 1 caravan limited to winter accommodation to 4 caravans all year round.
- Midland Cottages is barely adequate for the number of vehicles already occupying the lane.
- The mobile homes will accommodate potentially 8 cars not considering visitors, deliveries, waste collection.

- Removing travelling equipment from the site won't remove a hazard because of the number of mobile homes proposed.

Ecology

- The site is adjacent to a nature reserve with nesting birds and wildlife dependent on trees and hedgerows.
- The applicant has damaged the nature reserve, how can it work that they want to develop land they don't own.
- The development has significantly damaged the nature reserve to enlarge the site.
- Total disregard for wildlife.

Contamination and Land Stability

- A visual appraisal in 2022 was carried out before the site was cleared and embankment dug out. A more up to date site visit is advised.
- Presence of asbestos concerns.
- Destabilisation of the nature reserve has been done to make the site bigger.
- Harmful materials are left in the ground.

Flooding and Drainage

- The end of Chesterfield Road below the site floods regularly.
- If the site is developed flooding will get worse.
- There are no serves to Station Yard so where will foul drainage be connected?
- If the foul connection is to Midland Cottages foul connection the system will not cope with additional demand.
- Severn Trent Water are aware the foul system does not cope currently and are called out twice a year to unblock the system.
- The applicant wants to add to the drainage system at Midland Cottages this would require permission from two landowners to cross their properties.
- The site itself does not flood but the risk that is created by the site before it even constructs hardstanding.
- Every time it rains there is a deluge running down Midland Cottages.
- The end of Chesterfield Road gets flooded because it is overwhelmed by surface water.
- The applicant does not have rights to dig on Midland Cottages to connect to the foul system.
- Residents have to put sandbags out to protect property.
- It is unclear where the foul connection will take place.

Other Matters

- Pleasley already has a large mobile home/travellers site less than a mile away on Common Lane and another is not needed.
- The neighbouring properties will take a valuation hit.
- Who wants this type of development on their doorstep?
- Mortgage lenders wont be happy with the reduction in value of assets they have a financial interest in.
- Damage to the nature reserve makes the area unsafe for the public and will cost the public a substantial amount of money to rectify.

- Serious concerns about my property safety.
- Contradictions in the agents planning statement.
- The Wynn's sought consent to use the land in 1988 and were granted consent for that use only. Their protected characteristics does not change the classification of the land and should remain unchanged or withdrawn if the use is no longer required.
- There was fairground equipment moved on and off the site and residents were given prior notice.
- The applicants are using their protected characteristics to circumvent the planning process.
- Currently we give permission for each resident travelling over our part of the access road to access their property and this includes 1 no over winter caravan for 1 family.
- The applicant intends occupants and successors to have an unfettered legal right of access over the private road.
- The use of the right of way would be exceeded by exceeding the nature, purpose and amount of use
- If the owners of Station Yard infringe on our right as set out in our deeds they will face legal ramifications.
- A previous statement made by the previous planner is misleading and damaged public trust.
- There is no trust in the developer of Bolsover District Council.
- Station Yard owners tried to include DCC land in their application.
- Station Yard owners tried to include private land not belonging to them in their application.
- Station Yard owners stopped residents of Midland Cottages using part of the access road for many months when they have no legal right to obstruct.
- False statements have been provided to Bolsover District Council in an effort to obtain a Lawful Development Certificate.
- The landowner informed Bolsover District Council he is a showman but has not provided any evidence of the fairground they owns/works on.
- Land registry document state 30,000 was paid for station yard now advertised as an astronomical amount more.
- Residents make it clear they won't allow their part of Midland Cottages road to be dug up to provide access to services.
- It will be impossible for BDC to police who occupied Station Yard and to protect the nature reserve from damage or to prevent station yard from becoming something different from what it has planning permission for as provided when the site turned into a dump and despite locals complaining all records disappeared from BDC records.
- Damage caused to the Midland Cottages road, increase to wear and tear, and increase in costs of maintenance and repair to residents.

POLICY

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

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

- SS1: Sustainable Development.
- SS3: Spatial Strategy and Distribution of Housing

- SS9: Development in the Countryside.
- LC4: Site Allocations for Gypsies, Travellers and Travelling Showpeople
- LC5: Applications for Gypsies, Travellers and Travelling Showpeople.
- SC2: Sustainable Design and Construction.
- SC3 High Quality Development.
- SC5: Changes of Use and Conversions in the Countryside
- SC9: Biodiversity and Geodiversity.
- SC11: Environmental Quality (Amenity).
- SC14: Contaminated and Unstable Land.
- ITCR11: Parking Provision (Appendix 8.2)

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 85 - 87: Building a strong, competitive economy.
- Paragraphs 96 - 108: Promoting healthy and safe communities.
- Paragraphs 109 - 118: Promoting sustainable transport.
- Paragraphs 124 - 128: Making effective use of land.
- Paragraphs 131 – 141: Achieving well-designed places.
- Paragraph 170 - 182: Planning and Flood Risk.
- Paragraphs 187, 193 and 195: Conserving and enhancing the natural environment.
- Paragraphs 196 - 201: Ground conditions and pollution.

National Planning Practice Guidance

Planning Policy for Traveller Sites (PPTS) (December 2014):

The Government’s planning policy for traveller sites should be read in conjunction with the framework and is a material planning consideration for planning applications.

Supplementary Planning Guidance

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).

Supplementary Advice Note

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

- Principle of Development
- Impacts on the Countryside and Landscape Features
- Design and Character
- Residential Amenity
- Highway Safety
- Biodiversity
- Contamination and Land Stability
- Flooding and Drainage
- Sustainability Considerations
- Other Matters

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

Principle of Development

The District Council has a five-year supply of showpeople plots. In this situation the policies of the Adopted Local Plan may be given full weight and the tilted balance as set out in paragraph 11 d of the framework is not engaged.

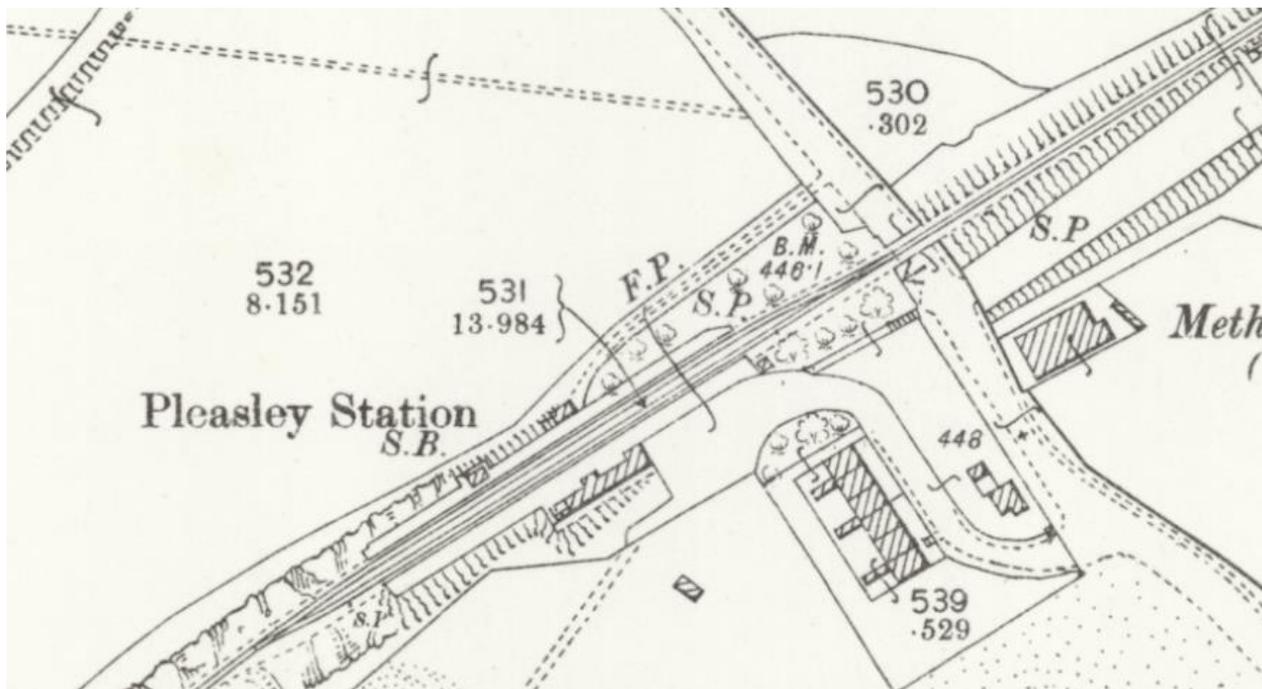
The application site development area is located outside, but on the edge, of the development envelope of Pleasley defined by Policy SC1 of the Adopted Local Plan where new development is acceptable which meets the criteria of the policy. The site is therefore within the countryside where policy SS9 of the Adopted Local Plan is engaged. Policy SS9: 'Development in the Countryside' is the adopted Local Plan's strategic policy.

The Policy seeks to limit urban forms of development in the countryside where these would not be appropriate or sustainable and not in accordance with the Local Plan's Spatial Strategy. As such, Policy SS9 states that development proposals in the countryside outside development envelopes will only be granted planning permission where it can be demonstrated that they fall within one or more of seven categories set out in the Policy. The criteria are as follows:

- a) Involve a change of use or the re-use of previously developed land, provided the

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

In relation to criteria (a) the effect of implementation of the 1988 planning permission for a single caravan for winters accommodation and storage of showpeople's equipment is that a significant section of the site is established as previously developed land in planning terms.



The site from historic OS maps 1892-1914 showing the station, demonstrating a considerable section of the site has been previously developed.

The framework's updated definition of previously developed land excludes land "that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape". The site has been cleared of all structures and debris and is partially greened over but remnants of hard surfacing could be seen at the time of the case officer's site visit. As of 2023 the site was in a derelict and untidy condition with a static caravan and a tourer caravan on site together with numerous derelict vehicles and built-up waste. It is not considered that in this time the site could be reasonably viewed as having fully blended into the landscape and to have reverted to a greenfield site. As such, the 1988 planning consent area is previously developed land and is appropriate for new housing development in principle, subject to all material planning considerations.

The PPTS is a material planning consideration for this application. Paragraph 27 requires that in considering applications, local planning authorities should attach weight to sites which include a) “effective use of previously developed (brownfield), untidy or derelict land.”



The site in in a derelict and untidy condition - 2023



The site in 2022

The PPTS requires Local Planning Authority’s (LPA’s) to identify and update annually, a supply of specific deliverable sites sufficient to provide 5 years’ worth of sites against their locally set targets. Paragraph 25 of the PPTS states LPA’s should consider the following issues amongst other relevant matters when considering planning applications for travellers sites:

- a) the existing level of local provision and need for sites
- b) the availability (or lack) of alternative accommodation for the applicants
- c) other personal circumstances of the applicant
- d) that the locally specific criteria used to guide the allocation of sites in plans, or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites
- e) that they should determine applications for sites from any travellers and not just

Paragraph 26 states LPAs should very strictly limit new traveller sites development in open countryside that is away from existing settlements or outside area allocated in the development plan. Sites in rural areas should respect the scale and to not dominate the nearest community and avoid placing an undue pressure on local infrastructure.

The application is not seeking storage of showpeoples equipment as it is stated that this would be stored elsewhere. However, the need to provide storage is not a requirement of the PPTS, which states plots for travelling showpeople are mixed use and that they may need to incorporate the storage of equipment. Thus, as worded, the absence of space to provide storage of equipment does not conflict with the PPTS. As such, it is not considered reasonable to insist that the applicants provide details of the stated alternative storage site when the PPTS recognises that storage is not always a necessity.

The Adopted Local Plan for Bolsover District sets out the need for Gypsy and Traveller Accommodation sites as identified within the Gypsy and Traveller Accommodation Assessment (GTAA) (September 2015) and seeks to make provision to meet this need through site allocations. Since the adoption of the Local Plan, a new independent assessment in the Derby, Derbyshire, Peak District National Park Authority and East Staffordshire Gypsy and Traveller Accommodation Assessment Update 2023, has been completed covering the period from 2020 to 2040. It supersedes the previous evidence. The Table below sets out the requirement over periods of five years.

Period	Plots
Total 2020-25	8
Total 2025-30	6
Total 2030-35	6
Total 2035-40	7
Overall Total 2020-40	27

Table 1: Travelling showpeople plot needs 2020-40.

Source: Derby, Derbyshire, Peak District National Park Authority and East Staffordshire Gypsy and Traveller Accommodation Assessment Update 2023

The PPTS also requires local planning authorities to prepare and maintain an up-to-date understanding of the likely accommodation needs of their areas over the lifespan of the development plan. (Paragraph 7 b). Including the allocation for travelling showpeople identified in the Local Plan under Policy LC4 (14 plots at Beaufit Lane, Pinxton), the Council currently has a five-year supply of showpeople plots.

However, District Council's Local Plans team confirms that the adopted Local Plan does not identify sufficient sites to meet the need to 2033, when the Local Plan period expires, as the allocation is anticipated to meet the needs up to 2030. Consequently, there is an outstanding need for sites to provide residential accommodation for travelling showpeople within the district, as identified by an independent assessment.

The Adopted Local Plan provides locally specific guidance for travelling showpeople provision under Policy LC5. Local Plan Policy LC5 is considered to be in conformity with the PPTS with the Examiner's Local Plan Report identifying that the criteria-based policy LC5 would enable further sites to come forward as and when needed.

Policy LC5 advises that planning permission for new sites for Gypsies, Travellers and Travelling Showpeople will be granted if the proposed development meets the criteria of the policy. Each criterion is considered as follows:

a) Proposals should be within development envelopes or on other suitable development land as provided for within the Plan unless they can be shown to meet a need identified in an independent assessment

As set out above, there is an identified unmet need for sites for travelling showpeople, a countryside location is justified and the application complies with criteria (a).

b) Will result in an acceptable living environment for its residents

It is not considered the development would harm the local character of the environment in which current residents live, or their residential amenity. These considerations are discussed in the residential amenity section of this report. Criteria (b) is met.

c) Is located within one kilometre of a convenience food store, a primary school, and a doctor's surgery, or of access to public transport

Ruby's Food & Wine Convenience Store in New Houghton is approximately 0.5km from the site.

Standon Convenience Store in New Houghton is approximately 0.6km from the site.

Antony Bek Primary School in New Houghton is approximately 0.2km from the site.

Pleasley Surgery within Pleasley village is approximately 0.2km from the site.

It should be noted the criteria does not require full access to the above amenities if there is access to public transport. In this case there is excellent access to public transport with nearby bus stops on the A617 within walking distance. Further consideration is given to the site's access to amenities and services in the sustainability section of this report.

This demonstrates full compliance with criteria (c).

d) Has safe highway access with adequate provision for parking and servicing; and in the case of sites for travelling showpeople has good access to the strategic highway network

The Highway Authority has not objected to this application. The site access is therefore considered to be safe and adequate parking is provided within the site and defined for each mobile home. The site has good access to the strategic highway network being very close to the A617 and 4 miles from junction 29 of the M1. Criteria (d) is met. These considerations are discussed in more detail within the highway safety section of this report.

e) Is so located, designed and landscaped that its use will not significantly detract from the character of the area or from the amenity of adjoining or nearby land and so enclosed as to prevent encroachment onto adjoining land

The site is surrounded by tree cover that provides sufficient screening of the development from the wider landscape and neighbouring properties and is therefore enclosed to prevent encroachment onto neighbouring land. These considerations are discussed in the countryside and amenity sections of this report. Criteria (e) is met.

f) Is appropriate to the scale of the nearest settlement, its local services and infrastructure

This is a minor planning application. Four residential plots are considered an inconsequential scale of development in relation to Pleasley's population size, services and infrastructure. Criteria (f) is met.

g) Will not cause unacceptable nuisance to existing neighbours by virtue of noise and other disturbance caused by on-site activity and/or movement of vehicles to and from the site

The District Council's Principal Environmental Health Officer has raised no concerns regarding noise and disturbance. As stated above there is the absence of showground equipment on the site, removing on-site activity associated with such storage. Impacts on residential amenity are discussed in the amenity section of this report. Criteria (g) is met.

h) Is not within the green belt, or in areas at high risk of flooding

The site is not within the Green Belt or in an area at high risk of flooding. The site is in flood zone 1 defined by the Environment Agency as at low risk of flooding. Criteria (h) is met.

The planning application has therefore demonstrated full compliance with Policy LC5.

A large proportion of the site is previously developed land which needs to be given significant weight in the overall planning balance in accordance with Policy SS9 (a) of the Adopted Local Plan, which supports development on previously developed sites in countryside locations subject to all material planning considerations. As there is an identified unmet need for sites for housing for travelling showpeople, Policy LC5 releases countryside sites for housing to meet the identified need.

The District Council's Local Plans team has stated the Council needs to be satisfied that the applicant meets the definition of travelling showpeople as defined in Annex 1 of the PPTS. Officers have made a request for this information and where the applicants currently store their equipment however the information has not been provided. In the planning agents view, this is akin to securing a personal planning permission where a personal permission is granted based on an applicant's personal circumstances.

In this case the description of the development is clearly for 4 mobile home plots for travelling showpeople, which defines the occupancy characteristics. In addition, a planning condition is attached to this recommendation which restricts future occupancy of the site to occupiers who meet the definition of travelling showpeople in the PPTS only.

A significant material planning consideration is appeal decision APP/R3650/W/24/3340254 (19/12/2024) for change of use of land to establish a gypsy pitch within the district of Waverley Borough Council. In refusing the application the Council's position was that, as there was no evidence of gypsy status or personal circumstances submitted for the proposal, the Council considered the proposal against the general housing policies rather than its Gypsy and Traveller Policy.

However, the Inspector stated in the appeal decision that whilst no information was put forward in relation to the gypsy status of future occupants, the description of the development referred to the provision of a gypsy pitch. The Inspector was satisfied that, even though there was no identified occupant, if the appeal was to be allowed, a condition would have been attached to restrict occupancy to meet the definition of Gypsies and Travellers. In that situation the Inspector considered the appeal against the Council's Gypsy and Traveller policy without evidence that occupants would meet the definition of Gypsies and Travellers.

It should be noted the wording of Policy LC5 does not require planning applications to demonstrate how individuals fall within the definition of Gypsies, Travellers or Travelling Showpeople. As such, it is considered unreasonable to insist that the applicants provide evidence of how they fall within the definition of travelling showpeople (also noting the Council removed the personal occupancy condition from the site in 2023). This application should therefore be processed in accordance with Bolsover District Council's policy for Gypsies, Travellers and Travelling Showpeople (LC5) with the attachment of a condition restricting occupancy to travelling showpeople. Whilst it is appreciated the PPTS states that Local Planning Authority's should consider the lack of alternative provision for applicants and their personal circumstances, as there is an identified unmet need for sites, this is not considered necessary or reasonable.

In relation to the occupancy period, the 1988 consent description for one caravan limited this to winter living quarters. The precise winter period was not defined by planning condition. It is appreciated this application seeks occupancy 12 months of the year. The definition of travelling showpeople includes those "*who on the grounds of their own or their family's or dependants' more localised pattern of trading, educational or health needs or old age have ceased to travel temporarily or permanently*". As such, in the Council's current position of an unmet need, it is considered unreasonable to impose winter quarters accommodation for this development. Clearly travelling showpeople may need to retire on health or old age grounds or to care for family, in which case a permanent place of accommodation would be required.

Conclusion on Principle of Development

The District Council's Local Plan's team has confirmed there is an unmet need for sites for travelling showpeople in the district. Policy LC5 supports new sites for travelling showpeople, including countryside locations, where all of its criteria are met, as demonstrated above. The development meets all of the criteria to Policy LC5.

A significant material planning consideration is that a significant section of the site is previously developed land under the 1988 consent and residential development is acceptable on that part of the site under criteria (a) of Policy SS9. The application has not identified any conflict with the PPTS. The application has demonstrated the proposed use is acceptable in principle, subject to all material planning considerations.

Impacts on the Countryside and Landscape Features

In all cases Policy SS9 requires development to be considered acceptable it will be required to respect the form, scale and character of the landscape, through careful location, design and use of materials.

The site borders greenspace (Pleasley Pit Country Park) protected by Policy ITCR6 of the Adopted Local Plan, however the application site does not encroach onto the greenspace and there is no conflict with Policy ITCR6 and the development would not cause harm to the greenspace.

Policy SC5 of the Adopted Local Plan supports the change of use of land in countryside locations provided they comply with all the following criteria:

- a) The building is worthy of retention, structurally sound and capable of conversion without substantial reconstruction
- b) 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
- c) The number of units and/or density of development is appropriate to the building's location
- d) The building would have an existing curtilage or a curtilage can be created which does not adversely affect the landscape character type, the building itself or any adjacent structure
- e) Utilities can be provided and the building has adequate access to a metalled road without creating traffic hazards and without involving road improvements incompatible with the character of the area
- f) The development proposed does not add to flood risk concerns.

Policy SC8 of the Adopted Local Plan states proposals for new development will only be permitted where they would not cause significant harm to the character, quality, distinctiveness or sensitivity of the landscape, or to important features or views, or other perceptual qualities such as tranquillity unless the benefits of the development clearly outweigh the impacts.

Policy SC10 of the Adopted Local Plan states trees, woodlands and hedgerows are important visual and ecological assets. In order to help retain local distinctiveness, trees, woodland and hedgerows will be protected from damage and retained, unless it can be demonstrated that removal is necessary and appropriate mitigation can be achieved.

The framework seeks to protect and enhance valued landscapes and to recognise the intrinsic character and beauty of the countryside (paragraph 187).

The application site is visually contained by trees and vegetation that surround it, which are

proposed for retention. As such the development would be screened by the vegetation and not cause any harm to the rural character of the environment. Although details of the precise mobile homes are unknown, they will be low lying and within the landscape ensuring the development is not prominent. They are sufficiently distanced from the perimeter of the site to prevent harm to the trees to be retained.

In addition, no equipment is proposed for storage on the site, which will further protect the rural character of the area. A single mobile home could be sited on the 1988 consent area at any time in accordance with the 1988 consent. Although four mobile homes are now sought for consent, the site's character as a caravan site is established in part by the 1988 permission. Large areas of the site will be soft landscaped and remain absent of development, demonstrating the site is capable of accommodating four no mobile homes without resulting in a cramped and contrived form of development.

Residents have stated there has been some deliberate damage to trees. If this is the case that is regrettable, however the trees are not subject to a Tree Preservation Order and the applicant is entitled to remove trees within their control without the benefit of planning permission. It should be noted trees are within the control of the County Council, which has confirmed that it would not give consent to remove trees surrounding the site. An advisory note is recommended to make the applicant/future occupants aware.

It is appreciated local residents fear future expansion due to the application site area, however the application is required to be considered on its own merits. The application raises no issues in respect of its countryside or landscape impacts and is considered in accordance with the above policies that protect the rural environment.

Design and Character

Policy SC3 of the Adopted Local Plan requires development to create good quality, attractive, durable and connected places through well designed locally distinctive development that will integrate into its setting; and to respond positively to the context and contributes to local identity and heritage in terms of height, scale massing, density, layout and materials.

The framework requires development to function well, add to the overall quality of the area, be sympathetic to local character and be visually attractive as a result of good architecture (paragraph 135).

The proposed site plan shows the site layout of the development. The site would have a private access road leading to a turning head towards to the southwest. Two mobile homes would be site to the south of the access road and two mobile homes would be sited to the north of the access site. The site has been in a derelict and untidy condition for a considerable period before being cleared more recently.

A mobile home site would be of a different character to the residential area, which consists of residential dwellings of different house types. However, it would still be of a residential character and not of a significant scale to dominate the existing neighbourhood. Whilst it is appreciated this development does not include the establishment of space to store equipment, and therefore establish the traditional character of individual yards, this is not technically required by the PPTS, which recognises storage may only be required.

The tree and vegetation screening will also enclose the site and not cause any change in character to the existing residential area of Pleasley. A significant section of the site will be soft landscaped (to be agreed by planning condition) in accordance with paragraph 27 of the PPTS which encourages sites to be well planned and soft landscaped in a way to positively enhance the environment.

In the interests of securing a high-quality development planning conditions are recommended to agree a hard and soft landscaping scheme for the site and a form of boundary treatment. The development is considered in accordance with Policy SC3 of the Adopted Local Plan and Paragraph 135 of the framework.

Residential Amenity

Policy SC3 (n) of the Adopted Local Plan requires development to ensure 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.

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

Paragraph 135 (f) of the framework requires planning decisions to create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Paragraph 14 of the PPTS states when assessing the suitability of sites in rural or semi-rural settings, local planning authorities should ensure that the scale of such sites does not dominate the nearest settled community.

The nearest dwelling to mobile home plot 4 is distanced 18m away to the south-east. The proposed siting of the mobile homes is therefore sufficiently distanced to not result in the loss of privacy for existing residents or cause any massing or overshadowing issues.

Some residents have public safety concerns. The planning system does not discriminate against any future occupants of residential accommodation regardless of their protected characteristics and way of life. As such any public safety concerns that might be caused by the applicants protected characteristics is not a material planning consideration. As stated above the scale of the development would not dominate the local residential community in accordance with paragraph 26 of the PPTS.

It is recommended that a precise garden curtilage is agreed for each mobile home by planning condition. The application site will provide large areas of soft landscaping to provide a healthy lifestyle and play areas for any children, in accordance with paragraph 27 (c) of the PPTS. Future occupants would be provided with a good level of outlook and natural light from

each mobile home and a good standard of residential amenity.

From the outset this application has sought planning consent without the need for storage. Whilst the 1988 consent did include the storage of travelling showpeople's equipment, this was in relation to one caravan. The intensification in use of the site will increase to four caravans, and there would also be an intensification of storage if sought by the applicants. As such the applicant has agreed to a planning condition to prevent storage of travelling showpeoples equipment on the site, which is considered to be reasonable and necessary to protect residential amenity (the Environmental Health Officer and Highway Authority has considered the application on the basis of no storage).

The application raises no amenity concerns in accordance with policy SC3 (n) and SC11 of the Adopted Local Plan.

Highway Safety and Refuse Collection

The vehicular access to the site is via the unadopted vehicular access serving Midland Cottages over which the applicant has access rights. The site layout includes a turning head to enable vehicles to enter and exit the site in a forward gear and two car parking spaces per dwelling.

The Highway Authority has raised no objection to the development noting that no highway objection was raised to the planning application for 13 dwellings on the site or to the planning application for two residential mobile homes.



The extent of the public highway

The Highway Authority comments that the site is close to the existing highway network and has good access to the local footway network. Bus stops are within the County Council’s recommended walking distances. Emerging visibility from the private road onto Chesterfield Road is confirmed to be appropriate to the Highway Authority, which considers that the development would not generate a significant number of vehicle trips. The internal access road is 5.2m wide which the Highway Authority confirms is sufficient for two-way vehicle movements and the turning head is also sufficient for larger delivery type vehicles, such as supermarket deliveries, to enter and exit the site in a forward gear. The Highway Authority concludes that there would not be an unacceptable impact on highway safety or a severe impact on congestion.

The District Council’s Waste and Recycling Manager has confirmed that the District Council’s refuse vehicles could access the private road for bin collection purposes. Future occupants would present their bins towards outside the entrance of the site to the north of 6 Midland Cottages. The application has demonstrated the site is serviceable and internal swept path analysis of the site is not necessary. The precise bin presentation/collection scheme is recommended to be defined on a plan and agreed by planning condition in consultation with the District Council’s Waste and Recycling Manager.

The District Council’s Adopted SPD ‘Successful Places’ advises 2 car park spaces are provided for 2-3 bed dwellings and 3 car park spaces for 4 and above bed dwellings. The application is proposed two car park spaces per mobile home on hard surfacing capable of accommodating at least two vehicles with the hard surfacing for each mobile home exceeding

the 5m x 2.6m for each vehicle, in accordance with that required by Appendix 8.2 to Policy ITCR11.



The vehicular access to the site.

The number of bedrooms within each mobile home is unknown, however most mobile homes have two to three bedrooms and therefore it is considered that 2 spaces per mobile home is appropriate and acceptable. The Highway Authority recommends a planning condition to ensure the parking per mobile home is provided prior to occupation, which is attached to this recommendation. The site is within good access to the strategic highway network being 0.3km from the A617 and 4 miles from junction 29 of the M1.

Although local residents have highway safety concerns, in the absence of an objection from the Highway Authority, Waste and Recycling Manager there are no planning grounds on which to recommend refusal. The application is considered in accordance with Policy SC3 (e) of the Adopted Local Plan by providing a safe form of development in highways terms and with Paragraph 115 of the framework by not having unacceptable impacts on highway safety.

Biodiversity

Policy SC9 of the Adopted Local Plan states 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 187 (d) of the framework states planning decisions should minimise impacts on and provide net gains for biodiversity.

Protected Species

In relation to protected species, the application is submitted with a Preliminary Ecological Appraisal prepared by Oak Ecology dated February 2025. Derbyshire Wildlife Trust comments the application allows for the existing woodland priority habitat to be retained around the site and this avoids direct impacts on the Pleasley Local Nature Reserve site and the adjacent Local Wildlife Site due to the smaller footprint of development.

No evidence of protected species was identified during the Preliminary Ecological Appraisal,

however the nature of the habitats on site makes it suitable to support protected/notable species such as bats, badger, nesting birds, hedgehogs and herptiles. There are also roosting opportunities within the damaged trees along the perimeter of the site, but no further survey work is required because the trees are to be retained. Due to the presence of priority habitat and potential for protected species a number of planning conditions are recommended by Derbyshire Wildlife Trust to prevent harm to species including:

1. Prior to commencement of development, submission of a Construction Environmental Management Plan to provide details on how the ecologically important features on the site together with protected species will be protected during the construction phase.
2. Prior to the installation of any external lighting, a detailed lighting strategy shall be submitted and approved in order to safeguard bats and other nocturnal wildlife.
3. Prior to commencement of development, submission of a badger survey together with provision of mitigation, if necessary.
4. Prior to building works commencing, submission of a Biodiversity Enhancement Plan to include bird and bat boxes, insect bricks, habitat piles for hedgehogs and ecologically beneficial landscaping.

The above conditions are attached to this recommendation.

Biodiversity Net Gain

It is now mandatory for planning applications to secure a 10% net-gain for biodiversity, unless falling within one of the exemptions approved by the Government. The application is submitted with a Biodiversity Net Gain Feasibility Report and Metric prepared by Oak Ecology dated February 2025.

The proposals seek to clear -0.28ha of artificial unvegetated, unsealed surface to facilitate the development. The development results in a +0.39 gain in habitat units, which equates to +64.33% with trading rules satisfied. Derbyshire Wildlife Trust confirms that given the on-site gains will be to provide vegetated gardens of 0.28ha (0.39 units) and restricted to private gardens, a Habitat Management and Monitoring Plan is considered disproportionate.

Derbyshire Wildlife Trust has advised that the Local Planning Authority secures a landscape plan and management schedule by condition with encouragement to provide native planting such as small trees and pollinator-friendly shrubs, where possible. The condition is attached to this recommendation.

The development site has a baseline habitat units of 0.60m, post development of 0.99 units, resulting in a 64.33% net change to deliver onsite Biodiversity Net Gain. The assessment was based on the retention of the woodland and the land surrounding the four mobile homes to be changed into vegetated gardens with typical amenity species associated with residential gardens.

Key Biodiversity Information			
If Biodiversity Gain Plan Condition Applies			
Biodiversity Metric Used	Statutory Biodiversity Metric		
Overall Net Unit Change	Habitat Units	Hedgerow	River Units

		Units	
	0.60	0	0
	Total % change	Total % change	Total % change
	64.33%	0%	0%

The application has demonstrated acceptable impacts on protected species and other wildlife and will deliver the mandatory 10% biodiversity net gain in accordance with Policy SC9 of the Adopted Local Plan and paragraph 187 (d) of the framework.

Contamination and Land Stability

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

Contamination

In order to appropriately consider contamination of the site, the District Council’s Principal Environmental Health Officer has recommended planning conditions to secure a Phase 1 Contaminated Land Assessment (desk study) prior to commencement of development. The contaminated land assessment shall include a desk study which details the history of the site and the likely presence of potentially hazardous materials and substances on the site including an assessment of the risks to human health. If contamination is identified, a site investigation strategy shall be required, and a report of the site investigation submitted to the Local Planning Authority for approval.

Where the site investigation identifies unacceptable levels of land contamination, the conditions will require the applicant to provide a remediation scheme to bring the site to a suitable condition for the intended use, by removing unacceptable risks to human health, buildings and other property and the natural and historic environment. A final planning condition is required which requires any approved remediation scheme to be carried out in full and to ensure the applicant/developer provides a validation report to evidence that the remediation works have been carried out in full. These conditions would appropriately ensure that the site can be developed free from unacceptable levels of land contamination by providing remediation, if necessary, in accordance with Policy SC14.

Land Stability

The County Council’s presently owns, and its Countryside Services team is responsible for the management of the Pleasley Pit Country Park. The Countryside Services team commented on planning applications 22/00137/FUL and 23/00583/FUL concerning the application site. In all of its comments the service identified the need to further examine the disused colliery waste tips and embankments that abut the site to the south-east or south-west side.

The site is bordered by Pleasley Pit Country Park on its north-west, south-west and south-east sides. The Country Park was created in the late 1990s by a project to reclaim the derelict former Pleasley Colliery Site and the nearby railway land. The Countryside Service Managers have identified the necessity for further examination of the disused colliery waste tips and the railway embankments that abut the site. To the north-west of are the remains of a disused colliery waste tip, which was inspected by the County Council between 1986 and 1998. Much of this tip was reprofiled during the reclamation works and is now a gently sloping area dominated by open limestone grassland bordered by deciduous tree belts.

The slope which borders the site to its south-east appears to have been originally formed sometime between 1900 and 1920. This is the highest elevated slope and the earliest to be developed. The slope which borders the site to its south-west site appears to have been formed at a later date following the closure and decommissioning of the railway.

The County Council undertook a visual appraisal of the slopes on 7th April 2022. Although there were limitations in the extent of the available area to inspect (due to access constraints and vegetation cover), a general appraisal was able to be carried out. No appreciable tell-tale signs were observed to suggest that a significant risk of instability was apparent. However, that slope appears to be stable is no guarantee that it will remain this way. The County Council is therefore concerned that certain influences may be operating, or developed to do so, which may have a destabilising effect. These may be concealed from view, may occur intermittently or be of a size or rate of development that they are largely imperceptible.

The County Council is unclear where the exact boundaries of the site are in relation to the locations of the slopes, in particular their toe areas. It is unclear whether the development proposals may impinge upon the footprint of any of the slopes. Regardless, the County Council advises the type of the slopes are not modified.

It has been advised that the District Council should be satisfied that slope instability may be rectified before the development proceeds and is approved. To determine this, it is advised that the applicant commissions a slope stability investigation and to submit the results of the slope stability investigation. The study should consider:

- Any development avoid disturbance to the slopes, which may impact stability. There is evidence to suggest the toe of the slope has been removed in certain places of the site.
- Proposed excavations made in the ground in front of the toe of the slopes should incorporate temporary/permanent works and/or control measures to minimise the risk of them becoming unstable.
- Consider the potential construction phase impacts including the management of surface water run-off to prevent it reaching or accumulating within or alongside the slopes.

It should be noted that paragraph 4.3 of the submitted planning statement recognises the applicants have a responsibility to ensure the accommodation is safe for future occupants of the plots.

Although the County Council initially requested that the slope stability investigation be undertaken prior to determination of the application, the County Council has been reminded of

the Adopted Local Plan's land stability policy, which states "*Where necessary, the developer will be required to carry out further investigations and undertake any necessary remedial measures to ensure that contaminated or unstable land issues are addressed prior to the commencement of the development*".

It is therefore Officer's opinion that this matter needs to be considered through a pre-commencement of development condition rather than before determination of the application.

The County Council has been made aware of Officer's recommendations for a condition which requires this land stability report to be submitted prior to commencement of development. In response the County Council confirms agreement to this approach, which is in line with adopted Local Plan policy as set out above. The pre-commencement condition is attached to this recommendation and will ensure full compliance with Policy SC14 of the Adopted Local Plan and land stability considerations.

Flooding and Drainage

Policy SC7 of the Adopted Local Plan states all development proposals will be required to consider the effect of the proposed development on flood risk, both on-site and off-site, commensurate with the scale and impact of the development.

Paragraph 181 of the framework states when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere.

This is a minor planning application with a site area less than 1ha. Therefore, in accordance with the framework a site-specific flood risk assessment is not necessary. The Lead Local Flood Authority at the County Council is not a statutory consultee.

Some local residents have stated that whilst the site doesn't flood, the neighbouring area has flooded and there are concerns the development might increase flooding elsewhere following the establishment of hard surfacing. During periods of heavy rainfall, it is stated there is a deluge of surface water that runs down Midland Cottages.

The site is within flood zone 1, which is an area defined by the Environment Agency as being as lowest risk of flooding. The site is not identified as being at risk of flooding from surface water. As the site is not susceptible to flooding there are no concerns in relation to impacts of flooding/surface water on any future occupants. In relation to the impacts on the surrounding residents, it is recommended that a planning condition is attached to agree a surface water disposal scheme for the site.

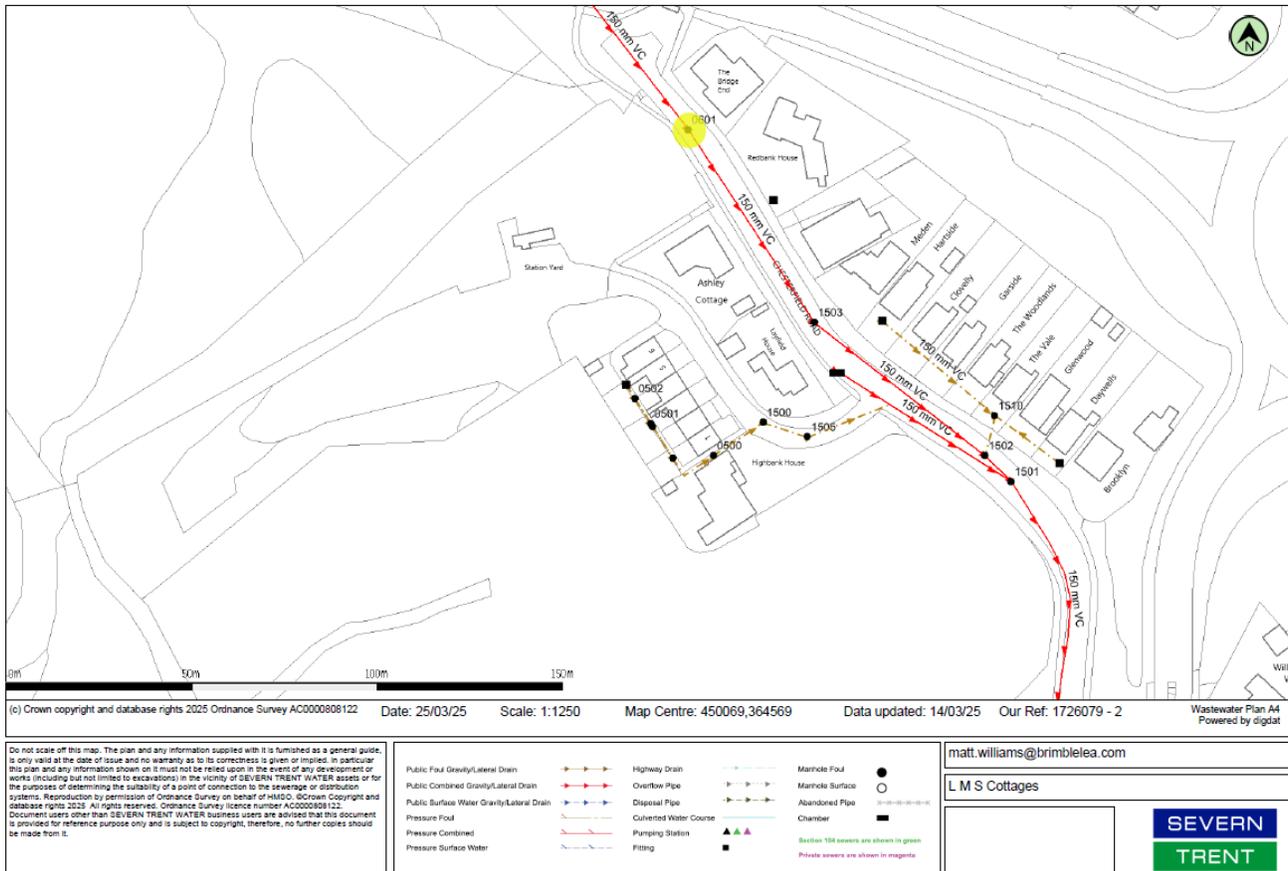
This should demonstrate how the site can be appropriately drained during periods of heavy rainfall and provide sufficient permeability within the site to prevent large areas of hard surfacing that might increase water run-off elsewhere. It should be noted large parts of the site will be soft landscaped and allow natural soakaway of surface water. The District Council's Senior Engineer has raised no objections to the development in terms of surface water disposal. Although residents have concerns regarding large volumes of water run-off, as the site is within flood zone 1 without any known critical drainage problems there are no planning grounds on which to recommend refusal of the application due to any impact on surface water flooding within the area.

In relation to the disposal of foul waste, local residents are also concerned about how the development could adequately connect to the foul waste system. Residents have stated the system is at full capacity and unable to serve additional dwellings. It has also been stated that Severn Trent Water has been called out to unblock the sewers at times. Any connection to the foul system requires separate consent from Severn Trent Water Ltd under Sections 106 to 109 of the Water Industry Act 1991. Therefore, this is a separate regime to planning within the full control of Severn Trent Water Ltd. If Severn Trent Water will not give consent to connect to the foul drainage system (whether that be because of capacity issues or another technicality) the applicant may propose an alternative disposal method, to be agreed by condition.

Severn Trent Water Ltd has been consulted on this planning application, however a response has not been secured. The District Council's Principal Environmental Health Officer has raised no objection on the grounds of foul waste disposal and agrees to a planning condition to agree the precise foul waste disposal scheme.

The individual owners of the private road serving Midland Cottages have a foul connection on the private road via a manhole (marked 1500 on Severn Trent Water's plan below). It is stated by residents the applicant might have access rights over the road, but not to provide a connection to the foul system to serve the development. As the manhole is in private ownership it is unlikely occupants, who object to the application, would give consent to the applicants to connect to manhole 1500, although this is a private matter.

For the avoidance of doubt the applicants land bounds the public highway of Chesterfield Road without requiring third party land to connect to the foul system at manhole 1500. The applicant intends to connect to the connection point marked 1601 on the public highway (marked yellow) on the plan below, subject to the appropriate consent from Severn Trent Water Ltd and the Highway Authority (for works on the public highway), as is the case for the majority of planning applications. Due to the land level changes, where the site is elevated above Chesterfield Road, this may require a pumped system, but the precise detail would be agreed as part of the required foul drainage design scheme by condition.



Proposed foul drainage connection point (yellow) on Chesterfield Road without the use of third-party private land.

As such it appears the applicant has direct access to the public highway in order to make a foul waste disposal connection without using third party land. The application is considered in accordance with Policy SC7 of the Adopted Local Plan.

Sustainability Considerations

Policy SS1 of the development plan aligns with paragraph 11 of the framework which states that planning decisions should apply a presumption in favour of sustainable development. However, the titled balance as set out at paragraph 11 d of the framework, which requires developments to be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, is not engaged. The policies of the Adopted Local Plan carry full weight because at the time of this recommendation the District Council can demonstrate a five-year housing land supply.

Notwithstanding the above, the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 of the framework states achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives). The three objectives, and how this development complies with those objectives, is set out as follows:

a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

Purchasing the mobile homes and layout of the necessary access road and soft landscape provision will benefit the local economy/construction companies. Future occupants would spend in the local economy, benefitting the local shops and other amenities/services. In providing accommodation for travelling showpeople, the site will enable occupants to continue to provide their services across the country, enabling a means of income for future occupants. The economic objective is met.

b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

The application will make a contribution to an identified unmet need of sites for accommodation for travelling showpeople. The site has good access to local amenities and services, including those set out under Policy LC5. This includes walking distance to convenience stores (Lucy's), primary school (Antony Bek) and a doctors surgery (Pleasley Surgery). The site is also within walking distance to public houses such as The White Swan and Nags Head within Pleasley village and New Houghton Social Club. St Michael's Church in Pleasley is accessible by foot, as are other recreational amenities at Pleasley Pit Country Park and Pleasley Vale.

Bus services would take future occupants into larger towns such as Chesterfield, Bolsover town or Mansfield, which have an excellent supply of amenities and services without the need to rely on a private motor vehicle. Although some existing residents fear for public safety, the application is for residential plots adjacent to an existing residential area and the individual occupants' behaviours are not a material planning consideration. The scale of development would not dominate the community or adversely impact their health, social or cultural well-being. The social objective is met.

c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy

The site is within an area of countryside; however, the site is well enclosed by trees and vegetation which is to remain and the site adjoins the development envelope of Pleasley. As such no harm is identified to the countryside and rural character of the area. The site makes the effective use of a brownfield site by partly utilising the brownfield site established by the 1988 planning permission for one caravan. Although a countryside site would be released for plots, Policy LC5 permits this as there is an unmet need for sites for travelling showpeople in the district. The development has secured 10% biodiversity net gain, has demonstrated how the site is serviceable for waste and recycling collection, and the District Council's Principal

Environmental Health Officer raises no concerns regarding pollution. There are no policies in the adopted Local Plan which makes the applicants make a contribution towards a low carbon economy through renewable energies. The environmental objective is met.

Other Matters

Resident concerns raised about future expansion are not a material planning consideration. The application is required to be considered on its own merits.

Any contravention of the access rights of the private road or whether the nature of the access exceeds those rights as permitted within title deeds is a private legal matter between the local residents and the applicants. If there was any infringement of access rights to occur, the owners of Station Yard could seek legal advice, outside of the planning system as could the existing residents.

Any additional wear and tear caused to the private access road and implications on cost of maintenance would similarly be a private matter to be resolved between the local residents and the applicants.

The devaluation of neighbouring property, the valuation of the application site and how the development may affect property mortgages is not a material planning consideration.

The comments raised from the Parish Council about the site being used for modern day slavery (and any possible concern about this happening in the future) is not a planning matter and would be for the police to deal with.

CONCLUSION

The District Council has an unmet need for sites to accommodate travelling showpeople. Policy LC5 of the Adopted Local Plan supports new sites to be granted for this accommodation which meets criteria (a) to (h) of the policy. The application has demonstrated compliance with all criteria, which releases the countryside site for housing. A significant material planning consideration is that a large part of the site has planning permission for a single caravan for travelling showpeople and equipment, which has established a significant section of the site as previously developed land.

The application raises no concerns regarding impacts on the rural character of the environment, design and character, residential amenity, biodiversity, land contamination and stability, flooding and drainage. The application has demonstrated a sustainable form of development which meets the three objectives of sustainability set out under paragraph 8 of the framework. It is therefore recommended that the application is conditionally approved.

RECOMMENDATION

That the application be APPROVED subject to the following conditions:

Conditions

1. The development shall be begun before the expiration of three years from the date of this permission.

2. The site shall not be occupied by any persons other than travelling showpeople as defined in Annex 1: of the Planning Policy for Traveller Sites Guidance December 2024 (or its equivalent in replacement in national policy).
3. There shall be no more than four plots on the site. Each plot shall comprise no more than one caravan, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 as amended, stationed on it at any time.
4. 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:

Site Location Plan - drawing 25019-2 dated 25/03/2025

Proposed Site Plan - drawing 25019-1 Rev A dated 18/02/2025

5. No commercial or industrial activities shall be carried out and there shall be no storage of travelling showpeople's fairground or circus equipment on site.
6. Prior to the commencement of the development hereby permitted, a scheme of foul drainage and surface water disposal must be submitted and approved by the local planning authority. Prior to the occupation of the development the approved drainage schemes must be implemented fully accordance with the agreed scheme and be maintained thereafter.
7. Prior to the commencement of development, including preparatory site clearance, a detailed badger survey for any recently excavated badger setts on the site must be undertaken. The results and any appropriate mitigation must be submitted to the Local Planning Authority for approval and any mitigation measures implemented prior to first occupation of the mobile homes.
8. Prior to the installation of any lighting fixtures, a detailed lighting strategy must be submitted to and approved in writing by the Local Planning Authority to safeguard bats and other nocturnal wildlife. This must provide details of the chosen luminaires, their locations and any mitigating features such as dimmers, PIR sensors and timers. Once agreed the lighting scheme must be implemented fully in accordance with the agreed details and be maintained thereafter.
9. No development shall take place (including demolition, ground works, vegetation clearance and movement of plant, machinery and materials) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) must 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.
 - h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP must be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

10. No dwelling must be occupied until full details of both hard and soft landscape works with an associated implementation plan, management schedule and monitoring, that includes defining the garden curtilage of each dwelling has been submitted to and approved in writing by the Local Planning Authority. The hard landscaping details must include the proposed hard surfaced materials. The soft landscape works must include a planting plan; schedules of any plants and trees, noting species, plant/tree sizes and proposed numbers/densities to demonstrate how the 10% biodiversity net gain will be provided in accordance with the submitted metric. All planting must be implemented in accordance with the approved details in the first available planting season. The created and/or enhanced habitat specified must be managed and maintained fully in accordance with the agreed landscaping plan.
11. Prior to first occupation of the hereby approved development:
- a) A Biodiversity Enhancement Plan must be submitted to and approved in writing by the Local Planning Authority. The Plan must clearly show positions, specifications and numbers of features, which will include (but are not limited to) the following:
 - external bird boxes
 - external bat boxes.
 - insect bricks / towers.
 - habitat piles for hedgehogs and herptiles.
 - ecologically beneficial landscaping

Once agreed the approved measures shall be implemented fully in accordance with the agreed details and be maintained thereafter.

- b) A statement of good practice including photographs must be submitted to the local planning authority to fully discharge this condition, demonstrating that the enhancements have been selected and installed fully in accordance with the approved Plan.
12. The hereby approved plots shall not be occupied for residential use until the off-road parking is provided in full. Once provided the parking shall be maintained free from obstruction thereafter.
13. Prior to the first occupation of the site, a detailed scheme of boundary treatment for the site must be installed fully in accordance with a scheme which has first been submitted to and approved in writing by the Local Planning Authority. The agreed boundary treatment scheme shall then be maintained thereafter.

14. Prior to first occupation precise details of a bin presentation and collection point must be defined on a plan and submitted to and approved in writing by the Local Planning Authority. Once approved the bin collection point shall be implemented and maintained thereafter.
15. Development other than that required to be carried out as part of an approved scheme of remediation must not commence until:
 - a) A Phase I contaminated land assessment (desk-study) shall be undertaken and approved in writing by the local planning authority.
 - b) The contaminated land assessment shall include a desk-study with details of the history of the site use including:
 - the likely presence of potentially hazardous materials and substances,
 - their likely nature, extent and scale,
 - whether or not they originated from the site,
 - a conceptual model of pollutant-receptor linkages,
 - an assessment of the potential risks to human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments,
 - details of a site investigation strategy (if potential contamination is identified) to effectively characterise the site based on the relevant information discovered by the desk study and justification for the use or not of appropriate guidance. The site investigation strategy shall, where necessary, include relevant soil, ground gas, surface and groundwater sampling/monitoring as identified by the desk-study strategy

The site investigation must 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.

16. 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 must 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.
17. No plot hereby approved shall be occupied for residential use until:
 - a) The approved remediation works required by 16 above have been carried out in

full in compliance with the approved methodology and best practice.

- b) If during the construction and/or demolition works associated with the development hereby approved any suspected areas of contamination are discovered, which have not previously been identified, then all works shall be suspended until the nature and extent of the contamination is assessed and a report submitted and approved in writing by the local planning authority and the local planning authority shall be notified as soon as is reasonably practicable of the discovery of any suspected areas of contamination. The suspect material shall be re-evaluated through the process described in 14b to 2 above and satisfy 16a above.
 - c) Upon completion of the remediation works required by 16 and 16a 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.
18. Prior to the commencement of development a geotechnical professional must carry out a slope stability assessment report of the slopes which surround the application site, which must demonstrate that the site is safe and stable for the development proposed and provide remediation, if necessary. The assessment must give consideration to the following:
- a) Avoiding disturbance to the slopes that might impact stability, including to the toe of the slope, which may have been removed in certain places on the site.
 - b) Any proposed excavations made in the ground in front of the toe of the slopes to incorporate appropriate temporary/permanent works and/or control measures to minimise the risks of them becoming unstable.
 - c) Consider the impacts of the construction phase including the management of surface water run-off to prevent it reaching or accumulating within or alongside the slopes.

Once approved the development must proceed fully in accordance with the agreed slope stability assessment and any approved remediation must be implemented prior to the first occupation of the site.

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 ensure future occupants are associated with the use for which the development is acceptable in planning terms in accordance with Policy LC5 of the Adopted Local Plan for Bolsover District.
3. To define the terms of this permission as proposed, and to prevent adverse impacts on

residential amenity through intensification in use of the site, in accordance with Policy SC3 of the Adopted Local Plan for Bolsover District.

4. In the interests of protecting residential amenity in accordance with Policy SC3 of the Adopted Local Plan for Bolsover District.
5. To define the terms of this permission as proposed, and to prevent adverse impacts on residential amenity through intensification in use of the site, in accordance with Policy SC3 of the Adopted Local Plan for Bolsover District.
6. This is a pre-commencement of development condition which is necessary in the interests of preventing unsatisfactory surface water run-off and enabling an adequate means of foul disposal in accordance with Policy SC7 and SC11 of the Adopted Local Plan for Bolsover District.
7. This is a pre-commencement of development condition necessary in the interests of preventing harm to protected species in accordance with Policy SC9 of the Adopted Local Plan for Bolsover District.
8. In the interests of safeguarding bats and other protected species in accordance with Policy SC7 of the Adopted Local Plan for Bolsover District.
9. This is a pre-commencement of development condition necessary to prevent harm to protected species during the construction phase in accordance with Policy SC9 of the Adopted Local Plan for Bolsover District.
10. In the interests of securing 10% biodiversity net-gain in accordance with Policy SC9 of the Adopted Local Plan for Bolsover District.
11. In the interests of securing sufficient biodiversity enhancement on site in accordance with Policy SC9 of the Adopted Local Plan for Bolsover District.
12. In the interests of securing sufficient off-road parking in the best interests of highway safety in accordance with Policy ITCR11 of the Adopted Local Plan for Bolsover District.
13. In the interests of protecting the rural character of the area and the privacy of existing and future occupants in accordance with Policy SC3 of the Adopted Local Plan for Bolsover District.
14. In the interests of defining an acceptable bin collection point in the best interests of highway safety in accordance with Policy SC3 of the Adopted Local Plan for Bolsover District.
15. This is a pre-commencement of development condition necessary to ensure the site is developed free from unacceptable levels of land contamination in accordance with Policy SC14 of the Adopted Local Plan for Bolsover District.
16. To ensure the site is developed free from unacceptable levels of land contamination in

accordance with Policy SC14 of the Adopted Local Plan for Bolsover District.

17. To ensure the site is developed free from unacceptable levels of land contamination in accordance with Policy SC14 of the Adopted Local Plan for Bolsover District.
18. This is a pre-commencement of development condition necessary to ensure the site is made safe and stable for future occupants in accordance with Policy SC14 of the Adopted Local Plan for Bolsover District.

Notes

1. Bolsover District Council's Senior Engineer advises as follows:
 - a) 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.
 - b) 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.
 - c) The developer should provide detailed proposals of the disposal of foul and surface water from the site and give due consideration to the use of SUDS, which should be employed whenever possible.
 - d) Where SuDS features are incorporated into the drainage design it is strongly recommended that the developer provides the new owners of these features with sufficient details for their future maintenance.
 - e) 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.
2. This application will require the approval of a biodiversity gain plan before development commences, and as such you must adhere to the statutory requirements of the Biodiversity Gain Plan Advice Note provided below.
3. In relation to Condition 7, Derbyshire Wildlife Trust advises dependent on the scale of proposed lighting, a lux contour plan may be required to demonstrate acceptable levels of light spill to any sensitive ecological zones/features. Guidelines can be found in Guidance Note 08/23 - Bats and Artificial Lighting at Night (BCT and ILP, 2023). Such approved measures will be implemented in full.
4. The applicants/developer are made aware that the County Council does not wish for any structural assets such as retaining walls or similar to be built upon County Council land as the County Council would not assume any maintenance responsibilities or liabilities

associated with their function. The development site is surrounded on three sides by the Country Park. The Country Park is at a higher level to the development and the existing tree cover may prompt future requests by potential occupants to remove tree and vegetation growth. Occupants should be aware that the tree cover surrounding the properties cannot be removed at any point in the future regardless of claims to any impact on the house structure and/or the residential use of that dwelling, other than for health and safety reasons.

Statement of Decision Process

1. Officers have worked positively and pro-actively with the applicant 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.

The decision contains several pre-commencement conditions which are so fundamental to the development permitted that:

- o it would have been otherwise necessary to refuse the whole permission; or
- o are necessary to address issues that require information to show that the development will or can be made safe, or
- o address other impacts which need to be assessed to make the development acceptable to minimise and mitigate adverse impacts from the development.

The planning agent has agreed in writing to all of the planning conditions attached to this recommendation.

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 Barlborough Parish

APPLICATION S106A application to modify obligations contained within legal agreement relating to application code ref. 09/00370/OUTMAJ dated 07.03.2011 and deed of variation dated 13.12.2016 relating to affordable housing to allow for the delivery of 12 no. 20% discount sale affordable units with cascade provisions to allow for an equivalent financial contribution to be made if not sold within 6 months of marketing, and payment of a financial contribution of £98,548 in lieu of secured provision

LOCATION Rear Of 16 To 124 And South West Of 124 And Between Brickyard Farm And Barlborough Links Chesterfield Road Barlborough

APPLICANT Arba Ground Trading Company Unit D, Xenon Park Worcester Avenue Doncaster, DN2 4NB

APPLICATION NO. 25/00235/OTHER **FILE NO.**

CASE OFFICER Mr Chris Whitmore

DATE RECEIVED 22nd May 2025

SUMMARY

This application is made under s106A of the Town and Country Planning Act (1990) and seeks the modification of a s106 agreement dated 07.03.2011 and Deed of Variation (DOV) dated 13.12.2016 linked to an approved residential development off Chesterfield Road, Barlborough known as 'Hawthorne Meadows'. As it relates to variations to obligations imposed on a permission granted by Planning Committee, in accordance with the District Council's scheme of officer delegation it requires Planning Committee consideration.

The application concerns the provisions relating to the delivery of affordable housing on site and follows an application by Bolsover District Council to the High Court for an Injunction, to prevent the applicant from continuing to build out the development without the consent of the Council and until the obligations within the abovementioned legal agreements had been fulfilled. An interim Injunction was issued on the 24th September 2024 and remains effective until 31st December 2025.

At the time of the Injunction application 126 dwellings had been built out and 119 of those had been occupied, with a further dwelling permitted to be exchanged due to the advanced stage that it had reached in the conveyancing process.

All obligations within the s106 and DOV remain outstanding in respect of financial contributions towards off-site sport, education, highway improvement works and the delivery of affordable housing and on-site amenity space despite the triggers having been met some time ago.

The trigger to deliver 10% of the dwellings as affordable units, was at 60% occupation of individual completed dwellings approved under a Reserved Matters Application. Under the terms of the original outline and approval of reserved matters application, the applicant can build out a total of 154 dwellings (with various amendments made), however, they have

secured separate permission for a standalone development of 9 dwellings in lieu of 28 apartments and have confirmed that it is this scheme that they intend to build out, resulting in 135 dwellings in total. The trigger has therefore been met in both scenarios.

The s106 agreement dated 07.03.2011 and Deed of Variation (DOV) dated 13.12.2016 requires the delivery of 14 affordable units for affordable rent (based on a development of 135 dwellings).

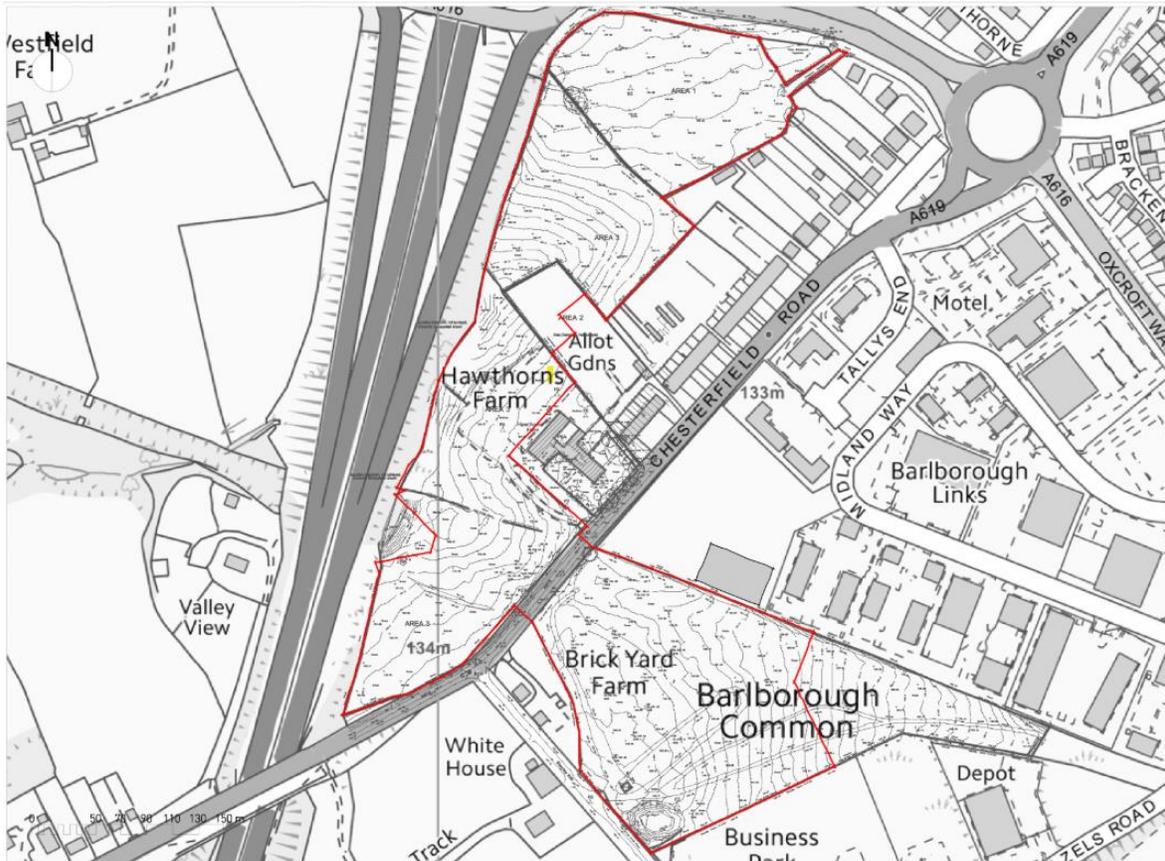
To demonstrate that the modifications would serve the purposes of the abovementioned agreements equally well, the applicant has offered up the 9 dwellings (forming phase 4) to be included as part of the affordable housing offer onsite alongside 3 of the remaining unoccupied units, providing 12 units in total. A commuted sum is offered up in respect of 2 units to make provision equivalent to at least 10% of the total number of dwellings to be provided on site.

The applicant has presented marketing information to demonstrate that there was no interest in the units built out on site for affordable housing by a registered providers with the application.

While it is regrettable that the development has reached an advanced stage without any of the obligations contained within the legal agreements dated 07.03.2011 and deed of variation dated 13.12.2016 having been met, the proposed modification offers a route to delivering the policy requirement for 10% affordable housing through market housing to satisfy policy LC2. Although this would not be in the form of social rented units, no interest was shown from 8 registered providers when approached in 2021/22 and 10 providers in January of 2025.

The proposal offers a mechanism to extract value from the remaining development to provide all outstanding financial contributions to the District and County Councils, totalling £1,036,871.67 (index linked to 2025), to cover off-site sports provision, education, highways and on-site public open space and to deliver a form and amount of affordable housing that would meet the policy requirement (in terms of percentage). On payment of the above sum and completion of any Deed of Variation, the process of lifting the Interim Injunction can commence and the development can then proceed to completion with contributions towards the infrastructure and affordable housing necessary to deliver sustainable development. It is considered that the proposed changes to the obligations would serve the purpose of the original agreements equally well in this respect and enable the completion of the development. It is recommended that a Deed of Variation be entered into on this basis.

Site Location Plan



OFFICER REPORT ON APPLICATION NO. 25/00235/OTHER

SITE & SURROUNDINGS

The application comprises approximately 12ha of land either side of Chesterfield Road, to the south west of Barlborough, which has been partly built out for housing and employment development. The housing element, 'Hawthorne Meadows' has been delivered on the land to the west of Chesterfield Road. The application relates specifically to the affordable housing obligations associated with this part of the development. Bordering the site to the west is the M1 motorway. To the north of the site is junction 28 of the M1 motorway and the A616 and to the north east is existing residential development off Chesterfield Road and Barlborough Links Business Park.

BACKGROUND

Planning permission was issued on the 23rd March 2011 for residential and commercial development (business, industrial and warehousing, Class B1, B2 and B8) including new roundabout and associated roads at the site under planning application code ref. 09/00370/OUTMAJ, with a legal agreement dated 7th March 2011 under s106 of the Planning Act 1990, which secured the following contributions:

District Council:

- Off-site sports contribution: £765/dwelling - half at 50% dwellings occupied, half at 75% occupation (+indexation applying the BCIS All in Tender Price Index).
- On-site amenity open space and on-site children's play area plus notice of maintenance and payment of maintenance fee + indexation if to be offered up for adoption - triggered by 33% of dwellings occupied.
- Affordable Housing 33% at 60% occupation of dwellings.

County Council:

- Education £2,255/dwelling on occupation of 75 dwellings + indexation.
- Highways improvement works, in the form of a roundabout.

A Deed of Variation was then entered into on the 13th December 2016 under s106A of the Act which reduced the amount of affordable housing to be provided from 33% to 10% of the total number of dwellings to be constructed on site.

On the 5th October 2020 a separate standalone full application was made to substitute 28 flats approved under previously approved applications 09/00370/OUTMAJ and 16/00187/REM with 9 houses under planning application code ref. 20/0425/FUL reducing the total amount of development to be delivered on site to 135 dwellings, with other variations made. This application was granted planning permission by the Local Planning Authority on the 19th December 2022.

On the 24th July 2023 an application was made to vary the section 106 legal agreements, based on an appraisal of the projects viability, to reduce the amount of local infrastructure obligations currently required for schools, highways, affordable housing, recreation and play facilities under s106A of the Act. The application was considered under application code ref. 23/00367/OTHER and refused in a decision notice dated 22nd February 2024 following independent assessment of the project by a viability expert appointed by the District Council. Following this decision, the District Council pursued an application to the High Court for an Injunction to prevent further construction and occupation of the dwellings, given the advanced stage that the applicant had reached in building out the development without meeting any of the obligations in the agreements relating to financial contributions and affordable housing.

The applicant lodged an appeal to the Planning Inspectorate two days before the deadline for lodging an appeal against this decision on the 20th August 2024. This was after they had received a letter before action letter threatening a claim for an Injunction from the District Council. In granting the Interim Injunction a period of time up to the 31st December 2025 was given to allow the appeal to be heard and a decision be issued.

In a decision letter dated 10th December 2024, the Planning Inspectorate dismissed the appeal against the decision to modify the planning obligations to reduce the level of developer contributions sought. The applicant had sought to show that if they were to deliver the contributions as drafted, they would make a nominal profit (6.36% of GDV) that was below what would be accepted as reasonable for viability testing purposes.

In dismissing the appeal the appointed inspector recognised that if they were to pay the

contributions as currently required, then they would still realise a profit. While this would not deliver a level of profit within the range preferred by the appellant it was stated that this is the risk inherent in development.

The inspector confirmed that planning guidance is clear in that the level of profit modelled at plan-making stage is not guaranteed for the lifetime of the project and it is not appropriate to seek to amend obligations in order to protect returns. It was confirmed that it is not the purpose of the planning system or planning obligations to remove any and all financial risk from development.

The obligations were considered to continue to serve a useful purpose and would not serve their useful purpose equally well if they had effect subject to the modifications proposed as part of application code ref. 23/00367/OTHER.

Following this decision the applicant has sought to engage the Local Planning Authority in reaching agreement on how they can modify the agreements so that they are able to meet the obligations contained within them, that they serve their useful purpose equally well and to facilitate the completion of the development. Failure to reach any agreement and/or to meet the obligations in the s106 agreements would require further applications to the courts to resurrect proceedings and presents risks in terms of the completion of the development and delivery of developer contributions to achieve high quality, sustainable development.

PROPOSAL

The application is made under S106a of the Town and Country Planning Act 1990 and seeks to modify obligations contained within legal agreement relating to application code ref. 09/00370/OUTMAJ dated 07.03.2011 and deed of variation dated 13.12.2016 relating to affordable housing to allow for the delivery of 12 no. 20% discount sale units with cascade provisions to allow for an equivalent financial contribution to be made if not sold within 6 months of marketing, and payment of a financial contribution of £98,548 in lieu of secured provision.

The applicant proposes payment of all outstanding financial contributions to the District and County Councils, totalling £1,036,871.67 (index linked to 2025), to cover off-site sports provision, education, highways and on-site public open space and payment of the Councils' legal costs up to £5,000.

It also requires on payment of the above sums and completion of any revised S106 that the Council withdraw the interim injunction.

Supporting Documents

The application is accompanied by an application form, covering letter, location plan, Heads of Terms for a Draft Deed of Variation document and draft s106 agreements.

AMENDMENTS

n/a

EIA SCREENING OPINION

The application relates to an approved development that was not considered to constitute EIA development. The proposed modifications to the agreement would not materially change the environmental effects to warrant screening or to revisit the decision in respect of the associated planning applications.

HISTORY

09/00370/OUTMAJ	GC	Residential and commercial development (business, industrial and warehousing, Class B1, B2 and B8) including new roundabout and associated roads
13/00002/VARMAJ	GC	Variation of condition 8 of 09/00370/OUTMAJ to allow for repositioning of flood alleviation pond
14/00622/OTHER	GU	Variation of Section 106 agreement relating to 09/00370/OUTMAJ to reduce affordable housing to 10%
16/00187/REM	GC	Approval of reserved matters for erection of 157 dwellings and 5 B1 office units and 4 B2/B8 industrial units with provision of open space and access to the site via A619
17/00298/VAR	GC	Removal of condition 17 and variation of conditions 18 & 20 (all highways issues) of 13/00002/VAR (which varied outline permission 09/00370/OUTMAJ)
17/00642/MINAM	GU	Minor amendment to previously approved 16/00187/REM - revised layout
19/00256/VAR	GC	Variation of Condition 8 (Flood Attenuation Pond), 9 (Surface water drainage details), 20 (new access junction replacing roundabout) of Planning Permission 17/00298/VAR
19/00258/VAR	GC	Variation of Condition 3 (Treatment of Hard Surfaces), Condition 4 (Hard and Soft Landscaping) of Planning Permission 16/00187/REM

20/00120/MINAM	GU	Minor amendment to planning permission 16/00187/REM - Housetype (T53) to Plots 46-48 to reduce the overall scale of the dwellings
20/00425/FUL	GC	Full Planning Application for the Erection of Nine Dwellings and associated works
22/00217/VAR	GC	Application for variation of conditions 2 (landscaping), 6 (parking layout) and 13 (list of approved plans) of Reserved Matters Permission 19/00258/VAR to facilitate house type substitutions, layout amendments and revision to affordable housing provision.
22/00247/MINAM	GU	Minor amendment to reserved matters planning permission 19/00258/VAR to add a condition to list the approved plans.
23/00247/MINAM	GC	Minor amendment to planning application 22/00217/VAR - Substitute House Types on Plots 153 & 154 substituting 2 dwellings for 1 larger house Plot 153 (1 Detached 2 storey dwelling).
23/00367/OTHER	REF	Application for variation of section 106 legal agreement, based on latest viability assessment, to reduce the amount of local infrastructure obligations currently required for schools, highways, affordable housing, recreation and play facilities.

CONSULTATIONS

Bolsover District Council (Planning Policy and Housing Strategy) – The proposal to substitute the provision of 10% of the built units as affordable housing for rent with the proposed delivery of 12 no. 20% discount sale affordable units on site with cascade provisions to allow for an equivalent financial contribution to be made if not sold within 6 months of marketing, and payment of a financial contribution of £98,548 in lieu of provision of the 2 properties already sold that should have been sold as Affordable Housing, is considered to be a less desirable outcome. However, it is noted that the applicant states that they have been unable to dispose of the required affordable housing provision to a Registered Provider. Furthermore, it is noted that this case has required the Council to apply to the High Court for an Injunction to prevent the applicant from continuing to build out the development without the consent of the Council and until the S106 obligations had been fulfilled. In light of this situation, whilst the new proposal is less desirable it appears to be best outcome possible.

Derbyshire County Council (Strategic Planning) – I confirm that the Strategic Planning team do not have any comments with regards to the Deed of Variation.

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

PUBLICITY

The Town and Country Planning (Modification and Discharge of Planning Obligations) Regulations 1992 sets out the publication requirements in respect of applications to modify agreements under s106A of the Town and Country Planning Act (1990).

Regulation 5 (1) advises that when a local planning authority receive an application for the modification or discharge of a planning obligation they shall publicise the application by–

(a)posting notice of the application on or near the land to which the planning obligation relates for not less than 21 days; or

(b)serving notice of the application on the owners and occupiers of land adjoining that land; or

(c)publishing notice of the application in a local newspaper circulating in the locality in which that land is situated.

Bolsover District Council in its capacity as the Local Planning Authority posted a site notice on this site on the 3rd June 2025.

This has resulted in the receipt of two representations from residents of the existing housing estate / development objecting to the application on the following grounds:

- Concerns over sale of existing phase 3 units on this development for a 20% discount. It is considered that this will have a knock on house prices to the rest of development as the houses are no different and were previously sold for a higher price.
- The development site has not been completed in terms of the approved landscaping and at the entrance to the site the undeveloped part has been used as an area to dump excavated materials, which the developer has had to fence off.
- Questions are raised as to how the public open space will be completed if the District Council were to receive money instead of the applicant fulfilling their duties.
- We will be directly impacted by the planning of 12 new properties at the front of our estate. This was not on the original site plan, in fact this area is meant to stay a green area for residents of the estate to use as a communal site. We regularly have families use it for games of football, picnics, or walking their dogs. This is our only large, shared green area on the site, even though there is a much larger green area to the left of the site as you enter. This area has had nothing done to it apart from let it become unkempt and overgrown. This was meant to be a tree lined 'woodland' area for the estate on the original site plan.
- If we are to lose our only large, shared green area to 12 houses, there should be plans to convert the largest, now overgrown, green area for use by the residents of the estate.
- Our roads and paths have recently been completed. This is after years of uneven,

unsafe and unfinished paths and roads that could, and may, have led to serious injury to residents of the estate. To plan 12 new houses at the front of the estate and turn our only entrance point into another building site, with uneven road and path layouts, would immeasurably impact the quality of life and wellbeing of the existing residents.

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
- LC2: Affordable Housing through Market Housing
- SC4: Comprehensive Development
- II1: Plan Delivery of the Role of Developer Contributions

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.

ASSESSMENT

- 1.1 Where an application is made to an authority under subsection (3) of s106A of the Planning Act 1990, S106(6)(a) states that the authority may determine:-
 - (a) that the planning obligation shall continue to have effect without modification;
 - (b) if the obligation no longer serves a useful purpose, that it shall be discharged; or
 - (c) if the obligation continues to serve a useful purpose, but would serve that purpose equally well if it had effect subject to the modifications specified in the application, that it shall have effect subject to those modifications.
- 1.2 The courts have established that there are four questions which must be resolved to reach a decision under s.106A(6) as per Richards J in *Garden and Leisure Group Ltd v North Somerset Council* [2003] EWHC 1605 (Admin) at [28], namely: what is the current obligation? what purpose does it fulfil? is it a useful purpose? and if so, would the obligation serve that purpose equally well if it had effect subject to the proposed modifications? Section 106A involves a precise and specific statutory test and does not bring in the full range of planning considerations involved, for example in an ordinary decision on the grant or refusal of planning permission.

- 1.3 In considering the purpose of obligations and whether they are useful, there is a requirement to consider the relevant provisions of the development plan and any other material considerations. The development plan for the purposes of the Act is the Local Plan for Bolsover District (2020).
- 1.4 Policy SS1 of the Local Plan for Bolsover District (2020) deals broadly with sustainable development and requires that new development to contribute to reducing social disadvantages and inequalities, deliver an appropriate mix of development and to support the provision of key infrastructure amongst other considerations.
- 1.5 Policy LC2 'Affordable Housing' "The Council will require applications for residential development comprising 25 or more dwellings (or which form part of a larger development site with a potential capacity of 25 or more dwellings) to provide 10% as affordable housing on site. This should be in the form of affordable housing for rent.
- 1.6 Policy SC4 'Comprehensive Development' states that unless viability indicates otherwise, proposals to revise an existing planning permission, or which vary the Council's plans for a particular allocated site, will be permitted provided that they maintain or enhance:
 - a) The required levels of necessary infrastructure and facilities
 - b) The balance of uses, where applicable

It goes on to state that proposals will be supported where they do not prejudice the comprehensive delivery of development sites and assist in the provision of any necessary physical, social or environmental infrastructure.

- 1.7 Policy II1 sets out the Council's policy on the role of developer contributions. It states to aid plan delivery, planning obligations will be sought where the implementation of a development would create a need to provide additional or improved infrastructure, amenities or facilities or would exacerbate an existing deficiency. It advises that alongside infrastructure delivery, planning obligations will also be sought where the implementation of a development would necessitate the delivery of other policy objectives, such as the provision of starter homes and/or affordable housing and lifetime homes.
- 1.8 The National Planning Policy Framework was updated in December 2024 and is a material consideration in respect of this application. The policies contained within the development plan are considered to align with national policy.
- 1.9 Para 58 states that planning obligations must only be sought where they meet all of the following tests:
 - a) Necessary to make the development acceptable in planning terms;
 - b) Directly related to the development; and
 - c) Fairly and reasonably related in scale and kind to the development.
- 1.10 The case put forward by the applicant in respect of application code ref.

23/00367/OTHER was that the development, with all of the secured contributions did not return a sufficient profit to be a viable proposition. It was proposed that the profit was well below the 15-20% range (at 6.36%) supported by planning practice guidance. It was advanced at that time that if planning obligations were not reduced and no affordable housing was provided, the development will not be completed and the site will not provide the full number of planned new homes, nor will the site be able to be completed in terms of road infrastructure.

- 1.11 In this context, viability policy contained within the NPPF and practice guidance is relevant. Paragraph 59 of the Framework states where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. All viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available.
- 1.12 Planning Practice Guidance provides useful guidance on considering viability in decision making. Viability Para. 018 states that potential risk is accounted for in the assumed return for developers at the plan making stage.
- 1.13 In dismissing the appeal the appointed inspector noted that challenging market conditions, as set out in the appeal (covid and high inflation) had affected the country as a whole, not just the applicant, and there was no compelling evidence that the public should, in effect, suffer twice. Once directly, and once indirectly in order to protect the return to the developer on their capital employed in delivering the development. Development carries risk and it is not the purpose of the planning system or planning obligations to remove the financial risk from development.
- 1.14 It was established that the development would still return a profit with all of the developer contributions secured, and that delivering no affordable housing (as proposed at that time) would clearly conflict with local and national planning policy. The proposed obligations in their modified form were not considered to serve their useful purpose equally well in this respect.
- 1.15 This application relates to the affordable housing provisions only. The obligations contained within the s106 dated 07.03.2011 and deed of variation dated 13.12.2016 required the delivery of 10% of the dwellings permitted under a Reserved Matters Application to comprise social rented and intermediate affordable dwellings. They required the owners to not occupy more than 60% of the individual completed dwellings until the affordable housing had been completed and transferred to a housing association.
- 1.16 The purpose which the obligations fulfil is to ensure that the development delivers policy compliant levels of affordable housing. This purpose is clearly a useful one

having regard to national and local plan policy. A key consideration is therefore whether the modifications to obligations proposed as part of this application serve that purpose equally well.

- 1.17 Given the advanced stage that the development has reached, the obligations contained within the original agreement and deed of variation can no longer be met. The applicant has appended evidence to their covering letter, which sets out the level of interest in the units delivered site as affordable dwellings, following marketing in 2018 and 2025. This demonstrates that there was very little interest in the delivery of social rent and intermediate housing by a housing association / registered provider. In such circumstances and whilst less desirable, it is considered reasonable to consider other affordable housing products. As set out in the Annex 2 of the NPPF, affordable housing can include 'discounted market sale housing' sold at a discount of at least 20% below market value, subject to local eligibility criteria and in perpetuity.
- 1.18 The applicant has offered up the provision of 12 discount sale properties (with a 20% discount) and a commuted sum for 2 units based on a 20% discount on the blended gross development value of the remaining units on site, to deliver what the applicant believes to be a viable development. This will enable them to complete the project and provide the other developer contributions in full (with indexation). This will require linking the standalone permission for 9 dwellings to the terms of the original agreement dated 07.03.2011 and deed of variation dated 13.12.2016. Although a less desirable product, the proposals would facilitate the delivery of affordable housing on site at a percentage that would meet the requirements of Policy LC2 of the Local Plan for Bolsover District. The modifications with the linking of the development approved under application code ref. 20/00425/FUL (which expires 19/12/2025) would, it is considered serve the purposes of the original agreement equally well, reflecting on the evidence on demand for social rented and intermediate housing on site.
- 1.19 If planning committee was minded to approve the application and agree to the modifications, the remaining obligations contained within the original agreement dated 07.03.2011 and subsequent Deeds of Variation dated 13.12.2016 and 29.01.2020 would remain in effect and the interim Injunction in place until the financial contributions owing have been paid to the District and County Council's and any Deed of Variation has completed. The District Council would reserve the right to proceed with further court action should insufficient progress be made on payment of the outstanding contributions or completion of any deed. It is recommended that the application be approved on this basis. Points 1) and 5) of the Heads of Terms set out in the covering letter, which accompanies the application (payment of outstanding contributions and withdrawal of the Interim Injunction) are matters that whilst related, fall outside of the scope of this application.

Other Matters

- 1.20 In the representations received, concerns has been expressed that the delivery of discount sale properties on site would undermine the sales values of other private dwellings. Notwithstanding the draft s106 agreements that have been submitted with the application, within any Deed of Variation it would be expected that provisions are included that limit the occupancy of the dwellings to those in housing need and which

have a local connection to the area and that those provisions remain in effect in perpetuity. While the impact of development on house prices is not a material planning consideration, this would ensure no interference or distortion of the housing market.

- 1.21 Concern has been expressed with regard to the payment of a sum of money to the Council in lieu of open space provision on site. This application concerns obligations relating to affordable housing only. The applicant is required to deliver the open space and on-site children's play area and to then either to elect to maintain the said spaces in perpetuity or offer the spaces to the Council for adoption subject to meeting the requirements of 4.1 – 4.5 of Part B of the Second Schedule of the original agreement dated 07.03.2011. It remains that the approved open space will need to be provided to an acceptable standard before the Council (District or Parish) would agree to take on maintenance.
- 1.21 The development approved under applications 09/00370/OUTMAJ and 16/00187/REM showed two apartment blocks (28 flats in total) and a parking courtyard. A separate standalone full application was made to substitute the 28 with 12 houses. This application does not propose to introduce new development. It relates to the delivery planning obligations in respect of consented development. The modifications to the obligations do not result in the loss of any green space in this respect. With regard to the impacts of further construction, this sits outside of the scope of consideration in respect of this application.

CONCLUSION / PLANNING BALANCE

Whilst it is unfortunate that the development has reached an advanced stage without any of the obligations contained within the legal agreements dated 07.03.2011 and deed of variation dated 13.12.2016 having been met, the proposed modification offers a route to delivering the policy requirement for 10% affordable housing through market housing (albeit providing a less desirable product) to satisfy policy LC2. The proposed modifications, with the linking of the development approved under application code ref. 20/00425/FUL (which expires 19/12/2025) would, it is considered serve the purposes of the original agreement equally well, reflecting on the evidence on demand for social rented and intermediate housing on site.

The proposal offers a mechanism to extract value from the remaining development approved under the original outline and approval of reserved matters application and linked application for 9 dwelling, to provide all outstanding financial contributions to the District and County Councils, totalling £1,036,871.67 (index linked to 2025), to cover off-site sports provision, education, highways and on-site public open space and to deliver a form and amount of affordable housing that would meet the policy requirement (in terms of percentage). On payment of the above sum and completion of any Deed of Variation, the process of lifting the Interim Injunction can commence and the development can then proceed to completion with contributions towards the infrastructure and affordable housing necessary to deliver sustainable development.

It is recommended a Deed of Variation as set out in the description of the application be entered into on this basis.

RECOMMENDATION

That a Deed of Variation be entered into which allows for the delivery of 12 no. 20% discount sale affordable units on site with cascade provisions to allow for an equivalent financial contribution to be made if not sold within 6 months of marketing, and payment of a financial contribution of £98,548 in lieu of provision secured in respect of agreements relating to the Chesterfield Road, Barlborough site dated 07.03.2011 and deed of variation dated 13.12.2016.

Statement of Decision Process

Officers have worked positively and pro-actively with the applicant to secure the developer contributions required to deliver sustainable development. This has resulted in the submission of this application to modify the obligations dated 07.03.2011 and deed of variation dated 13.12.2016 in the manner proposed.

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 9th July 2025

Five-Year Housing Land Supply – Annual Position Statement (2025/26-2029/30)

Report of the Portfolio Holder for Growth

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

PURPOSE/SUMMARY OF REPORT

To update Members on housing land supply and to approve the publication of the Council’s Annual Position Statement on the Five-Year Housing Land Supply as at 1st April 2025 for the period 2025/26 to 2029/30.

REPORT DETAILS

1. Background

- 1.1 A council’s five-year housing land supply essentially looks forward, requiring an analysing of planning data and engagement with developers & housebuilders to forecasting when and how housing sites will be built-out.
- 1.2 The Local Plan for Bolsover District was adopted on 4th March 2020 covering a period of 2014 to 2033 for housing requirements and identifying a need to delivering land to meet a requirement of 272 dwellings per annum (dpa). Under Regulation 10A of the of the Town and Country Planning (Local Planning) (England) Regulations 2012, as amended, the Council is required to complete a review of its local plan every five years, starting from the date of adoption of the Local Plan.
- 1.3 The Planning Committee at its meeting of 19th February 2025 considered the Five-Year Review of the Council’s adopted Local Plan for Bolsover District (LPR). The Local Plan has been very successful in delivering development within the district, however, changes were introduced by the National Planning Policy Framework (NPPF) and national planning guidance in December 2024. These changes included amendments to how local housing need was calculated, with a significant increase in the housing requirement for Bolsover and substantial changes were made to national policy on the approach to the Green Belt. Given these changes, it was concluded through the LPR that an update of the Local Plan was required. Subsequently the Planning Committee of 14th April 2025 approved a revised Local Development Scheme for the Council which set out the

timetable for an updated / new Local Plan to come forward, with work formally commencing in June 2027.

- 1.4 It is a requirement of the NPPF that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies or against their local housing need where the strategic policies are more than five years old (unless these strategic policies have been reviewed and found not to require updating). Following the conclusions of the LPR the five year supply has to be considered against the local housing need set out under national planning policy and guidance.
- 1.5 Members will be aware that where a Council cannot demonstrate a Five-Year Housing Land Supply, under paragraph 11 of the NPPF planning applications for housing fall to be considered in the context of 'the presumption in favour of sustainable development' as relevant local plan policies for the supply of housing may not be considered up to date. Whilst the absence of a Five-Year Housing Land Supply is not conclusive in favour of the grant of planning permission, the Secretary of State and their Inspectors place significant to great weight on the need to demonstrate a Five-Year Housing Land Supply when considering appeals against the refusal of planning applications for housing developments.
- 1.6 In addition, councils are also subject to the Housing Delivery Test undertaken by the Government. The Test measures net homes delivered in a local authority area against the homes required and considers past delivery of housing by a local planning authority and informs whether a buffer is required in relation to the local housing need.

2. Details of Proposal or Information

- 2.1 The Annual Statement has been prepared covering the position for period the 1st April 2025 to 31st March 2030.
- 2.2 The core components of a Council's Five-Year Housing Land Supply calculation are the number of homes needed per annum, the amount of any historic shortfall and the amount of future deliverable housing supply. These components are discussed below.

Local housing need

- 2.3 The NPPF sets out that *"To determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning practice guidance."* The standard method determines the minimum number of homes needed as a starting point to establish a housing requirement for the District. As the Local Plan is more than five year old and the LPR identified the need for the Plan to be updated, the Council is required to use the standard method in calculating the local housing need. This reflects a formula set out by the Government in Planning Practice Guidance Housing and Economic Needs Assessment (PPG) which was amended in December 2024.

- 2.4 The amended PPG is based on:
- a) the housing stock for a district rather than demographics available from government statistics release in May of each year, and
 - b) an amended affordability factor which is averaged over a five-year period, available from government statistics available in March of each year
- 2.5 To calculate the current local housing need for Bolsover District, the Council has used the latest stock figure (May 2025) and the latest amended affordability factor (March 2025) in accordance with the revised standard method. This calculation leads to the current local housing need being 360 dpa.
- 2.6 Whilst the base date for the five-year supply is 1st April 2025, we have used the stock figure release on 22nd May 2025. This is considered to have a limited impact on the calculation as the difference between the May 2024 and May 2025 figures is an increase of 3 dpa, therefore resulting in an increase in the local housing need figure of 15 dwellings over the five-year period.
- 2.7 In addition to the local housing need, the NPPF paragraph 78, has reintroduced the requirement for the supply of deliverable sites to include a buffer, which for the Council would be 5%. This is identified in the NPPF as “*ensure choice and competition in the market for land.*”
- 2.8 Therefore, applying a 5% buffer to the local housing need figure of 360 dpa results in a housing requirement for Bolsover District of 378 dpa.

Housing delivery

- 2.9 The Local Plan for Bolsover District has a base date of 2014 for housing delivery and, as a result, any shortfall in housing delivery against the 272 annual housing requirement from this date to 31st March 2025 need to be identified and addressed going forward. In future years this will need to be reviewed against the local housing need plus the relevant buffer.
- 2.10 Table 1 identifies that between the 1st April 2014 and the 31st March 2025, the number of housing completions, i.e. those that have reached the ‘ready for occupation’ stage, has exceeded the annual requirement by 959 dwellings.

Table 1: Housing completions (net) against the Local Plan annual requirement to 31st March 2025.

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

2023/24	272	359	+87
2024/25	272	404	+132
Total	2,992	4,083	+1,091

* Note: Due to the Covid-19 national lockdown measures, the annual site survey to determine the number of completions was carried out in mid-July 2020 rather than at the beginning of April as in normal years. The recorded figure has not been adjusted in recognition that a large number of housing sites experienced either shutdowns in construction or slower rates of building during the period April to July 2020. However, whilst it may include dwellings completed after April 2020 which otherwise would have been recorded in the period 2020/21, the uplift in the number of completions is principally considered to reflect the greater number of sites currently under construction across the District than in previous years.

- 2.11 This trend of completions being greater than the annual requirement over most years of this period indicates that the District’s housing market is performing strongly and is in good health. It also reflects the fact that the Council has pursued a growth agenda in recent years and this has seen additional housing coming forward through ‘windfall’ sites alongside the Local Plan for Bolsover District’s planned housing site allocations. In addition, this trend should also have the intended effect of depressing any growing unaffordability in house prices as supply is on the face of it outstripping demand, albeit recent increases in the rate of inflation and interest rates are likely to lead to a downward trend in the number of new houses built in the short-term.
- 2.12 The Housing Delivery Test is a further annual measurement used by the government to assess how well local planning authorities are meeting their housing requirements. It considers housing delivered over a three year period against the housing requirement for the same period. Where there has been significant under delivery of housing the NPPF requires that the supply of specific deliverable sites should include a buffer of 20%. The Council has no record of under delivery¹ over the monitoring period and has passed the Housing Delivery Test each year since its introduction in 2018. Consequently, there is no actions for Bolsover DC arising from the Test.

Housing supply

- 2.13 Paragraph 78 of the NPPF requires the Council to only include ‘deliverable’ sites within its Five-Year Housing Land Supply. Deliverable is defined in Annex 2 of the NPPF as follows:

“To be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years. In particular:

- a) sites which do not involve major development and have planning permission, and all sites with detailed planning permission, should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within five years (for example because they are no longer viable, there is no longer as demand for the types of units or sites have long term phasing plans);

¹ Housing Delivery Test: 2023 measurement released 12th December 2024 identified a 260% measure for Bolsover DC (The trigger for action is a measure of 95% or less.

b) where a site has outline planning permission for major development, has been allocated in a development plan, has a grant of permission in principle, or is identified on a brownfield register, it should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years.”

2.14 In determining whether sites within the housing supply are deliverable or not, the above NPPF definition and guidance set out in Planning Practice Guidance has been followed. This has included surveying the promoters of major sites with both detailed and outline planning permission and sites allocated in the Local Plan to understand where possible their intentions for the site and to seek clear evidence on whether housing completions will begin on site within five years. The Council has taken a robust approach in relation to considering what elements of our housing land supply can be considered to be deliverable over the next five years.

Assessment of the Five-Year Housing Land Supply

2.15 The Council has consistently followed the Sedgefield method when assessing its Five-Year Housing Land Supply and so has always planned to meet any shortfall within 5 years rather than across the whole of the Plan period (the Liverpool method).

2.16 Table 2 below shows the Local Plan requirements set against the deliverable housing supply over a five-year period from 1st April 2025. The supply for housing delivery on minor sites is reflected over a three year period with the loss of dwellings being identified in the first year.

Table 2: Deliverable supply set against the housing requirement.

Year	Housing Requirement Figure pa.	Anticipated Housing Supply Deliverable pa.	Cumulative Housing Requirement	Anticipated Cumulative Housing Supply Deliverable	Anticipated Delivery over Local Plan requirements
2025/26	378	608	378	608	
2026/27	378	445	756	1,053	
2027/28	378	418	1,134	1,471	
2028/29	378	342	1,512	1,813	
2029/30	378	338	1,890	2,151	261 dwellings

2.17 This table shows that the potential deliverable supply exceeds the requirement throughout the five-year period. The Council anticipates that 2,151 deliverable dwellings will come forward, with 261 dwellings in excess of the Local Plan requirements meaning the Council can demonstrate that it has in excess of a 5-year deliverable supply.

- 2.18 To calculate the extent of the Council's deliverable supply, it is necessary to divide the cumulative deliverable supply (2,151 dwellings) by our annual requirement (378 dwellings pa). The Council can show 5.69 years of deliverable housing land supply for the period 2025/26 to 2029/30.
- 2.19 Appendix A sets out the Council's annual position statement of its Five-Year Housing Land Supply. Appendix B sets out a full list of major development sites and their contribution to the Council's Five-Year Housing Land Supply.

3. Reasons for Recommendation

- 3.1 The Council's Five-Year Housing Land Supply is a consideration of the amount of housing that is deliverable on housing sites within the District at the 1st April 2025 for a period of the next five years.
- 3.2 The assessment of the Five-Year Housing Land Supply is a technical exercise. Based on the above assessment the Council can still demonstrate that it has a Five-Year Housing Land Supply.
- 3.3 Following the meeting of the Planning Committee, the Annual Position Statement will be published on the Council's website.

4 Alternative Options and Reasons for Rejection

- 4.1 Not to update the Five Year Housing Land Supply Report approved at the Planning Committee of 22nd January 2025. However, this would not conform to national planning policy requirements and fails to provide the Council with a up-to-date position with regard to its Five-Year Housing Land Supply, which informs planning determination by the Council and, where it arise, at appeal.

RECOMMENDATION(S)

That the Planning Committee:

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

Approved by Councillor Tom Munro, Portfolio Holder for Growth

IMPLICATIONS:

<p><u>Finance and Risk</u> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>Details: The assessment of the Council’s Five-Year Housing Land Supply is part of its annual monitoring work. As such it can be funded from existing budgets. However, it is important that this budget is maintained in future years.</p> <p style="text-align: right;">On behalf of the Section 151 Officer</p>	
<p><u>Legal (including Data Protection)</u> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>Details: The Council has a statutory duty to keep under review the matters which may be expected to affect the development of their area. The development of land for housing is a key issue that affects the growth of the district. There are no specific legal or data protection issues arising from this report.</p> <p style="text-align: right;">On behalf of the Solicitor to the Council</p>	
<p><u>Staffing</u> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>Details: There are no human resources implications arising from this report.</p> <p style="text-align: right;">On behalf of the Head of Paid Service</p>	
<p><u>Equality and Diversity, and Consultation</u> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>Details: There are no specific direct or indirect negative impacts on any person with a protected characteristic or any group of people with a shared protected characteristic arising from this report.</p>	
<p><u>Environment</u> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>Details: Housing development is brought forward under the policies set out in the Local Plan, which seeks to support sustainable growth and the prudent use of resources, to mitigate against and adapt to the impacts of climate change and to enhance biodiversity.</p>	

DECISION INFORMATION:

<p><input checked="" type="checkbox"/> <i>Please indicate which threshold applies:</i></p>	
<p>Is the decision a Key Decision? A Key Decision is an Executive decision which has a significant impact on two or more wards in the District or which results in income or expenditure to the Council above the following thresholds:</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>
<p>Revenue (a) Results in the Council making Revenue Savings of £75,000 or more or (b) Results in the Council incurring Revenue Expenditure of £75,000 or more.</p>	<p>(a) <input type="checkbox"/> (b) <input checked="" type="checkbox"/></p>
<p>Capital (a) Results in the Council making Capital Income of £150,000 or more or (b) Results in the Council incurring Capital Expenditure of £150,000 or more.</p>	<p>(a) <input type="checkbox"/> (b) <input checked="" type="checkbox"/></p>

District Wards Significantly Affected: <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 All if all wards are affected:	All <input checked="" type="checkbox"/>
---	--

Is the decision subject to Call-In? <i>(Only Key Decisions are subject to Call-In)</i> If No, is the call-in period to be waived in respect of the decision(s) proposed within this report? <i>(decisions may only be classified as exempt from call-in with the agreement of the Monitoring Officer)</i> Consultation carried out: <i>(this is any consultation carried out prior to the report being presented for approval)</i> 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"/>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Portfolio Member for Growth
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Links to Council Ambition: Customers, Economy, Environment, Housing
<u>Environment</u> <ul style="list-style-type: none"> Ensuring all area, neighbourhoods and streets in the district, irrespective of housing tenure or type, are places where people want to live, feel safe, and are proud to live. <u>Housing</u> <ul style="list-style-type: none"> Enabling housing growth by increasing the supply, quality, and range of housing to meet the needs of the growing population.

DOCUMENT INFORMATION:

Appendix No	Title
A	Annual Position Statement of Five-Year Housing Land Supply (2025-2030)
B	List of Major Development Sites and their contribution to the Council's Five-Year Housing Land Supply

Background Papers <i>(These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Executive, you must provide copies of the background papers).</i>
<ul style="list-style-type: none"> Monitoring of the completions of major and minor housing sites. Evidence regarding deliverability of major sites.

APPENDIX A

Bolsover District Council

Annual Position Statement of Five-Year Housing Land Supply on 1st April 2025 for the period 1st April 2025 to 31st March 2030

A. The Annual Position Statement

1. The Council has a Five-Year Housing Land Supply.
2. The Council's Five-Year Housing Land Supply position was reviewed and updated in June, based on data available for the year ended 31st March 2025.
3. Summary of Five-Year supply of deliverable housing sites.

Table 1: Deliverable supply set against the housing requirement

Year	Housing Requirement Figure pa.	Anticipated Housing Supply Deliverable pa.	Cumulative Housing Requirement	Anticipated Cumulative Housing Supply Deliverable	Anticipated Delivery over Local Plan requirements
2025/26	378	608	378	608	
2026/27	378	445	756	1,053	
2027/28	378	418	1,134	1,471	
2028/29	378	342	1,512	1,813	
2029/30	378	338	1,890	2,151	261 dwellings

4. Based on this assessment, the Council currently has a greater cumulative deliverable supply than the cumulative housing requirement. In 2029/30 we will exceed the requirement by 261 dwellings.
5. To calculate the extent of the Council's deliverable supply, it is necessary to divide the cumulative deliverable supply (2,151 dwellings) by our annual requirement (378 dwellings pa.). The Council can show 5.69 years of deliverable supply for the period 2025/26 to 2029/30.

B. Background to the Annual Position Statement (2025)

Housing Requirement Figure

6. The First Review of the Local Plan for Bolsover District (LPR) concluded that an update of the Local Plan was required. Under the provisions of the National Planning Policy Framework (NPPF) paragraph 78, local planning authorities should identify and

update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies or against their local housing need where the strategic policies are more than five years old (unless these strategic policies have been reviewed and found not to require updating). Following the conclusions of the LPR, the five-year supply has to be considered against the local housing need set out under national planning policy and guidance.

7. Planning Practice Guidance Housing and Economic Needs Assessment (PPG) sets out the standard method for assessing local housing need. The amended PPG is based on:
 - a) the housing stock for a district rather than demographics available from government statistics release in May of each year, and
 - b) an amended affordability factor which is averaged over a five-year period, available from government statistics available in March of each year

Whilst the base date for the five-year supply is 1st April 2025, we have used the stock figure release on 22nd May 2025. This is considered to have a limited impact on the calculation as the difference between the May 2024 and May 2025 figures is an increase of 3 dpa, therefore resulting in an increase in the local housing need figure of 15 dwellings over the five-year period

NPPF Buffer Requirement

8. The National Planning Policy Framework (NPPF) Paragraph 78 requires a supply of specific deliverable sites should in addition include a buffer of
 - a) 5% to ensure choice and competition in the market for land; or
 - b) 20% where there has been significant under delivery (measured against the Housing Delivery Test) of housing over the previous three years, to improve the prospect of achieving the planned supply;

To determine whether a buffer is required, it is necessary to consider an authority's past performance in terms of housing delivery against its housing requirement.

9. To understand the Council's past performance in terms of housing delivery against its housing requirement, the following information is available:
 - a) housing completions measured against the Housing Requirement Figure since the base date of the Local Plan for Bolsover District, i.e. 1st April 2014 (see Table 2 below);
 - b) housing completions measured under the Housing Delivery Test 2023 published on 12th December 2024, see Table 3 below.

Table 2: Housing completions against the Local Plan annual requirement of 272 new homes a year to 31st March 2025.

Year	Annual Requirement	Completions (Net)	Variance
2014/15	272	253	-19
2015/16	272	325	+53
2016/17	272	290	+18
2017/18	272	248	-24
2018/19	272	291	+19
2019/20	272	439	+167
2020/21	272	446	+174
2021/22	272	537	+265
2022/23	272	491	+219
2023/24	272	359	+87
2024/25	272	404	+132
Total	2,992	4,083	+1,091

Table 3: Housing completions measured under the Housing Delivery Test 2023 Measurement issued on 12th December 2024

Monitoring Year	Homes Required	Completions (net)	Over/under delivery
2020/21	149	467	+318
2021/22	209	537	+328
2022/23	216	491	+275
Total	574	1,495	+921

Note: The 2020/21 completion figure has been adjusted upwards from the Housing Delivery Test Measure 2022, which identified a figure of 446 for the number of homes delivered.

10. Based on the information in Tables 2 and 3, the Council's past performance in terms of housing delivery against its housing requirement is positive, with surpluses being achieved whichever method of assessment is used. There is no significant under delivery over the previous 3 years or since the base date of the Local Plan for Bolsover District. Therefore, in accordance with the NPPF, the Council is required to apply a buffer of 5%. Applying a 5% buffer to the local housing need results in a housing requirement for Bolsover of 378 dpa.

Supply of Deliverable Housing Sites

11. The amount of deliverable supply is based on:
- a) a record of all live outline and detailed planning permissions on sites within Bolsover District at the 1st April 2025;
 - b) an assessment of the deliverability of these live permissions in accordance with the definition of 'deliverable' contained in Annex 2: Glossary of the National Planning Policy Framework (December 2023), " To be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years. In particular:

- i. sites which do not involve major development and have planning permission, and all sites with detailed planning permission, should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within five years (for example because they are no longer viable, there is no longer a demand for the type of units or sites have long term phasing plans).
- ii. where a site has outline planning permission for major development, has been allocated in a development plan, has a grant of permission in principle, or is identified on a brownfield register, it should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years

Note: In accordance with paragraph 007 of the guidance on Housing Supply and Delivery in the Planning Practice Guidance (Reference ID: 68-007-20190722), the assessment of whether clear evidence exists draws upon the following:

- current planning status – for example, on larger scale sites with outline or hybrid permission how much progress has been made towards approving reserved matters, or whether these link to a planning performance agreement that sets out the timescale for approval of reserved matters applications and discharge of conditions;
- firm progress being made towards the submission of an application – for example, a written agreement between the local planning authority and the site developer(s) which confirms the developers’ delivery intentions and anticipated start and build-out rates;
- firm progress with site assessment work; or
- clear relevant information about site viability, ownership constraints or infrastructure provision, such as successful participation in bids for large-scale infrastructure funding or other similar projects.

General

12. Annual net housing completions are determined by a survey of housing completions and demolitions on each site with a live planning permission carried out as soon as possible after 31 March each year. The Council considers a house to be completed once it has reached the ‘ready for occupation’ stage or is clearly occupied at the time of the survey.
13. The Annual Position Statement of Five-Year Housing Land Supply will be available on the Council’s website alongside the List of Major Development Sites and their contribution to the supply.
14. The assessment, assumptions and process may be revised as necessary to take account of new Government guidance, case law, best practice and valid stakeholder comments, by the Assistant Director of Planning and Planning Policy in consultation with the Chair of the Council’s Planning Committee.

Appendix B

List of Major Development Sites and their contribution to the Council's Five-Year Housing Land Supply

Site	Permission Reference	Address	Status	Commitments & LP Allocations at 1st April 2025	5 year assessment period					Not deliverable within 5 years
					2025/26	2026/27	2027/28	2028/29	2029/30	
Bolsover										
B2192	18/00481/REM	Land off Blind Lane	U/C	63	47	16	-	-	-	0
LPfBD	Allocation Application 22/00478/Ful (Pending)	Land off Langwith Road and Mooracre Lane (phase 2)	Alloc	218	0	30	40	40	40	68
B2387	18/00403/REM & 20/00238/FUL	Land between Shuttlewood Road & Oxcroft Lane (phase 1)	U/C	27	22	5	-	-	-	0
LPfBD	Allocation Application 22/00402/Ful (Pending)	Land between Shuttlewood Road & Oxcroft Lane (phase 2)	Alloc	74	0	12	25	26	11	0
B2400	14/00080/OUTEA & 19/00005/REM	Land between Welbeck Road and Oxcroft Lane (phase 1)	U/C	52	52	-	-	-	-	0
B2400	14/00080/OUT & 23/00238/REM	Land between Welbeck Road and Oxcroft Lane	U/C	13	13	-	-	-	-	0
LPfBD	14/00080/OUTEA	Land between Welbeck Road and Oxcroft Lane (later phases)	Alloc	691	0	60	90	90	90	361
B2679	21/00640/FUL	Land South of 69 Oxcroft Lane	U/C	1	1	-	-	-	-	0
B2695	21/00306/FUL	Former Direct Services Depot Unit 2, Mill Lane	N/S	32	0	12	20	-	-	0
B2652	21/464/TDC	Former Bolsover Hospital Site, Welbeck Road	U/C	58	38	20	-	-	-	0
B2816	22/00402/FUL	Land South West of Brockley Wood, Oxcroft Lane	N/S	161	0	40	40	40	41	0
Totals				1,390	173	195	215	196	182	429
Shirebrook										
B2322	22/00283/REM	Land at Brookvale (phase 1c)	U/C	214	140	74	-	-	-	0
Totals				214	140	74	-	-	-	0
South Normanton										
B2656	20/00259/FUL	5, Leamington Drive	U/C	11	0	11	-	-	-	0
LPfBD	22/00485/FUL	Land to the Rear of 1 to 35 Red Lane	U/C	52	52	-	-	-	-	0
Totals				63	52	11	-	-	-	0
Clowne										
B2389	16/00623 & 18/00569/FUL	Hotel Van Dyk and Land South of Plantation on North side of Worksop Road	U/C	1	1	-	-	-	-	0
B2705	21/00078/FUL	Sacred Heart and Our Lady of Victors Church, Creswell Road	U/C	10	5	5	-	-	-	0
LPfBD	Allocation	Clowne Garden Village	Alloc	1,500	0	0	0	60	90	1,350
Totals				1,511	6	5	0	60	90	1,350

Site	Permission Reference	Address	Status	Commitments & LP Allocations at 1st April 2025	5 year assessment period					Not deliverable within 5 years
					2025/26	2026/27	2027/28	2028/29	2029/30	
Barlborough										
B2155	16/00187/REM	Land north of Chesterfield Road	U/C	10	0	10	-	-	-	0
Totals				10	0	10	-	-	-	0
Creswell										
B2590	18/00087/OUT	Land to the south of Model Village	N/S	297	36	36	36	36	36	117
Totals				297	36	36	36	36	36	117
Pinxton										
B2545	17/00396/OUT & 21/00395/REM	Land to the rear of 17 to 95, Alfreton Road	U/C	28	28	-	-	-	-	0
				28	28	-	-	-	-	0
Tibshelf										
B2641	22/00485/FUL	King Edward Public House, High Street	U/C	12	0	0	12	-	-	0
Totals				12	0	0	12	-	-	0
Whitwell										
B2528	17/00104/FUL	Land along railway north east of Southfield Lane	U/C	19	10	9	-	-	-	0
B2713	18/00452/OUT	Former Whitwell Colliery site	N/S	450	0	0	20	30	30	370
Totals				469	10	9	20	30	30	370
Blackwell										
B2786	22/00229/FUL	Amberleigh Manor, Primrose Hill, Blackwell	N/S	12	0	0	12	-	-	0
B2738	22/00380/FUL	Woburn Close, Blackwell +	N/S	43	32	11	-	-	-	0
Totals				55	32	11	12	-	-	0
Glapwell										
B1947	17/00598/OUT 21/00273/REM	Glapwell Nurseries site, Glapwell Lane	U/C	26	26	-	-	-	-	0
B2608	19/00583/OUT 23/00086/REM	Land off Blacksmiths Close and Park Avenue to the rear of 7 Mansfield Road	N/S	50	0	0	30	20	-	0
Totals				76	26	0	30	20	-	0
Hodthorpe										
B2612	19/00455/FUL	Land at Queens Road Allotments	N/S	43	43	-	-	-	-	0
B2385	19/00113/REM	Land north-west of Broad Lane	U/C	1	0	1	-	-	-	0
Totals				44	43	1	-	-	-	0
Langwith										
B280	21/00051/FUL	Builders Yard, Pit Hill, Whaley Thorns	U/C	18	18	-	-	-	-	0
Totals				18	18	-	-	-	-	0

Major subtotals (Gross)				4,187	564	352	325	342	338	2,266
All Settlements – Minor with full/outline permission or U/C (Gross)				279	93	93	93	-	-	
Permitted development				1	1	0	0	-	-	
C2				12	12	0	0	-	-	
Gross dwellings				4,479	670	445	418	342	338	2,266
Less										
Demolitions, changes to other uses etc				62	62	-	-	-	-	
Final Totals (Net)				4,417	608	445	418	342	338	2,266

Deliverable total for the full 5 years from 2025/26 to 2029/30 = 2,151 (estimated)



BOLSOVER DISTRICT COUNCIL

Meeting of the Planning Committee on 9th July 2025

Government Consultation on the Reform of Planning Committees

Report of the Portfolio Holder for Growth

Classification	This report is Public.
Contact Officer	Neil Oxby & Christopher Whitmore. Principal Planning Policy Officer & Development Management and Land Charges Manager.

PURPOSE / SUMMARY OF REPORT

To outline the contents of the Government’s ‘Reform of Planning Committees: Technical Consultation’ which seeks views on their proposals to modernise planning committees, including the introduction of national rules for the delegation of planning functions, the size and composition of planning committees and mandatory training for members of planning committees, and to set out the Council’s proposed response to this consultation.

REPORT DETAILS

1. Background

1.1 Members will be aware that the Government is intent on speeding up the delivery of new homes. In this context, the Government issued four consultation and working papers in late May, namely:

Technical consultation on implementing measures to improve Build Out transparency (25 May)	Proposes to introduce a new statutory build out framework which requires information to be submitted at different stages of the planning and development cycle, and the power to decline to determine applications.	Consultation closes 7 th July 2025
Planning Reform Working Paper: Speeding Up Build Out (25 May)	Invites views on incentives and options the government could pursue to encourage and incentivise development, particularly new homes, and the Delayed Homes Penalty.	Closing date 11:59pm on Monday 7 th July.
Planning Reform Working Paper: Reforming Site Thresholds (27 May)	Invites views on reforming site size thresholds in the planning system to better support housing	Closing date 9 th July.

	delivery on different types of sites, including minor, medium and major development sites.	
Reform of Planning Committees: Technical Consultation (27 May)	Proposals around the delegation of planning functions, the size and composition of planning committees and mandatory training for members of planning committees.	Closing date Wednesday 23 rd July 2025

- 1.2 These proposed reforms follow the changes made to the National Planning Policy Framework in December 2024, which reintroduced mandatory targets for new homes through the revised standard method of assessing local housing need and enabling development on low quality 'grey belt' land where housing need cannot otherwise be met.
- 1.3 The first three consultations and working papers are focused on the delivery of homes. Developers are expected to build out sites in a timely manner and with potential penalties for those developers with stalled sites or who do not meet the development timeframe without sufficient reasons for any delays. If all the proposals are implemented in full, it is anticipated this will change the emphasis of planning policy from the number of houses being granted permission to how and when housing permissions are delivered.
- 1.4 For local planning authorities there is anticipated to be an increased workload as there will be further information to analyse in relation to planning applications, additional monitoring of the delivery of housing and the question whether and how to take action against a developer if a site is stalled or not delivering as anticipated. For developers, particularly of larger sites, there will also be an increased workload in provide additional information on delivery of homes both at the application stage and on an annual basis. They may have to consider changes to their financial approach to development and, with the emphasis on delivery, a potential loss of commercial flexibility of when homes are brought forward.
- 1.5 A summary of the contents of these three consultation is attached as Appendix 1. However, due to the deadlines for these consultations, a response has been prepared in consultation with the Portfolio Member for Growth and the Chair of the Planning Committee and this has been submitted on behalf of the Council in advance of the deadline.
- 1.6 As a consequence, the main focus of this report is on the fourth of the Government consultations, namely the proposed Reform of Planning Committees: Technical Consultation, and this is discussed in full below.

2. Details of Proposal or Information

- 2.1 The government set out¹ that:

¹ Planning Reform Working Paper - Modernising Planning Committees

“We want to encourage better quality development that is aligned with local development plans, facilitates the speedy delivery of the quality homes and places that our communities need, and gives applicants the reassurance that in more instances their application will be considered by professional officers and determined in a timely manner. This will allow committees and the elected representatives that sit on them to focus their resources on those applications where local democratic oversight is required.”

- 2.2 This has been taken forward through The Planning and Infrastructure Bill. The Bill including the following:
- a new power for the Secretary of State to set out which planning functions should be delegated to planning officers for a decision and which should instead go to a planning committee or sub-committee;
 - a new power for the Secretary of State to control the size and composition of planning committees; and
 - a new requirement for members of planning committees to be trained, and certified, in key elements of planning.
- 2.3 The measures in the Bill are enabling powers. The consultation on the Reform of Planning Committees relates to the detailed provisions that will come forward through regulations after the Bill has passed through Parliament and received Royal Assent.
- 2.4 The consultation document identifies that the objectives of the reforms are to encourage developers to submit good quality applications and allow planning committees to focus their resources on complex or contentious development. It also aims to ensure that planning committee members get the training and support they need to fulfil their role effectively and empower planning professionals to make sound planning decisions on those cases aligned with the development plan.
- 2.5 The consultation runs until 23 July 2025 with the consultation document being available at: [Reform of planning committees: technical consultation - GOV.UK](#)

Delegation of planning functions

- 2.6 The current position is that each local planning authority has their own scheme of delegation. The government has set out that some planning committees unnecessarily consider large numbers of applications consisting of largely minor and technical details. The government’s intention is to introduce a national scheme of delegation which will enable planning committees to focus on those applications for complex or contentious development where local democratic oversight is required.
- 2.7 The national scheme of delegation proposes a two tier approach:
- Tier A which would include types of applications which must be delegated to officers in all cases (see Question 2); and

- Tier B which would include types of applications which must be delegated to officers unless the Chief Planner (for Bolsover DC the Assistant Director Planning and Planning Policy) and Chair of the Planning Committee agree it should go to Committee based on a gateway test. (See Question 7 for the applications identified in Tier B).

2.8 **Question 1: Do you agree with the principle of having a two tier structure for the national scheme of delegation?**

Proposed Response
<p><u>Disagree</u></p> <p>The Council takes its planning functions seriously and has a long-established scheme of delegation in order to ensure that its decision making on planning applications is timely and efficient.</p> <p>While acknowledging the government’s emphasis on speeding up planning decisions to facilitate growth, this has to be balanced against a transparent and accountable system which engages with local communities and stakeholders. In our case, only 20 applications out of a total of 664 decisions (3%) taken were determined at planning committee over the 24/25 financial year. This would indicate that our scheme of delegation is fit for purpose, in terms of the speed of decision making and delivering a transparent and accountable planning service.</p> <p>From the consultation, it would appear that the proposals target authorities where they have been unnecessarily considering large numbers of applications consisting of largely minor and technical details. It is considered that in Bolsover, the operation of the planning system, including the consideration of applications by the planning committee, has reflect an efficient and fair system of development management. There is a balance to be achieved between speed and quality of decision making and the democratically elected planning committee has a key role to play as a transparent means of taking planning decisions. Consequently, having rigid system where all decisions are made by planning officers (Tier A) is considered to be inappropriate. Local councillors have an important role in planning decision making within the framework of national planning policy and guidance which may, on occasions, require the planning committee to considering applications which fall within Tier A.</p> <p>In terms of the speed of decision making it is not anticipated that a national scheme of delegation will result in any significant time saving as a decision going to the planning committee will only add a few weeks. Taking decisions away from the planning committee entails the risk that both councillors and the local community will feel less engaged with the planning system.</p>

Tier A Applications

- 2.9 The types of applications that are proposed to be in Tier A are either technical matters or about minor developments. The applications within Tier A are set out in Question 2.

2.10 **Question 2: Do you agree the following application types should fall within Tier A?**

- **applications for planning permission for:**
 - **Householder development;**
 - **Minor commercial development;**
 - **Minor residential development.**
- **applications for reserved matter approvals.**
- **applications for non-material amendments to planning permissions.**
- **applications for the approval of conditions including Schedule 5 mineral planning conditions.**
- **applications for approval of the BNG Plan.**
- **applications for approval of prior approval (for permitted development rights).**
- **applications for lawful development certificates.**
- **applications for a Certificate of Appropriate Alternative Development.**

Proposed Response
<p><u>Disagree</u></p> <p>The Council considers that an application for the approval for reserve matters linked to major development should not be included in Tier A. Such applications have the potential to generate significant public interest, as such should be determined by the planning committee.</p> <p>As set out in the response to Question 1, it is considered that there should not be a Tier which through legislation is limited to officers making all decisions. Subject to the Council's response to Question 5, whereby the system would allow for an application to go to the planning committee in exceptional circumstances, the Council would agree that the applications identified in Question 2 (with the exception set out above) should substantially be determined by officers.</p>

2.11 The government are proposing that an additional category of medium residential development 10 to 50 dwellings² will be introduced. In broad terms this means that instead of minor application (less than 10 dwellings) and Majors (10 or more dwellings) there will be:

- Minor residential application (less than 10 dwellings).
- Medium residential application (10 to 49 dwellings).
- Major residential application (50 or more dwellings).

2.12 The government is seeking views of certain circumstances where medium residential development should be included within Tier A.

2.13 **Question 3: Do you think, further to the working paper on revising development thresholds, we should consider including some applications for medium residential development (10-50 dwellings) within Tier A? If so, what types of application?**

² The Planning Reform Working Paper Reforming Site Thresholds, May 2025 identifies Medium Residential Development – between 10-49 homes/up to 1.0 ha

Proposed Response

No

Paragraph 22 of the Technical Consultation identifies that in “*For instance, given the scale and nature of residential development in large conurbations such as London, we could specify medium residential development in these conurbations should be included in Tier A (as well as minor residential development), while in other areas, only minor residential development would fall within Tier A.*”

While Bolsover District has four small towns, a significant portion of the district is characterised by a dispersed settlement pattern and rural areas. Therefore, applications identified in the Government’s consultations and working papers as medium residential development (10 to 49 dwellings as set out in The Planning Reform Working Paper Reforming Site Thresholds) have the potential to have a significant impact on the smaller settlements and the countryside including the Green Belt. In these circumstances, it is considered that for Bolsover any application for median residential development should within Tier B.

2.14 Question 4: Are there further types of application which should fall within Tier A?

Proposed Response

No

Additional applications are reflects in the response to Question 9.

2.15 Question 5: Do you think there should be a mechanism to bring a Tier A application to committee in exceptional circumstances? If so, what would those circumstances be and how would the mechanism operate?

Proposed Response

Yes

It is considered that it is a key aspect that there should be a mechanism to bring a Tier A application to committee in exceptional circumstances.

In relation to local democracy, councillors should have the ability to request that a planning application is considered by the planning committee when it is considered that there are planning grounds for such a request. This could be achieved through:

- A ward councillor requesting that an application is considered by the planning committee if the councillor can demonstrate there are planning grounds for the matter to be referred to committee rather than officers.

Alternatively:

- Any such request could be considered by an appropriate gateway mechanism as indicated for Tier B applications.

In addition, it is considered that any scheme should include a public interest criterion, similar to our current scheme of delegation, which sees in cases where more than 20 unresolved objections have been received that this should trigger a gateway assessment by the Chief Planner and Chair of the Planning Committee. This facilitates a democratic debate and ensures full transparency and accountability in the decision making process.

Tier B Applications

- 2.16 The starting point for Tier B is that all applications should be delegated to officers, subject to a “gateway test” through which a councils Chief Planner and the Chair of Planning Committee must mutually agree that an application should go to committee. The consultation identifies that large scale applications that would have a lasting impact on the community would benefit from democratic debate and scrutiny by way of committee.
- 2.17 The consultation also raises whether the government should set criteria by which decisions to take applications to committee should be considered. It identifies that the following options could apply:
- Where the application raises an economic, social or environmental issue of significance to the local area.
 - Where the application raises a significant planning matter having regard to the development plan
- 2.18 **Question 6: Do you think the gateway test which requires agreement between the chief planner and the chair of the planning committee is suitable? If not, what other mechanism would you suggest?**

Proposed Response

No

The Council considers that there are potential issues with the gateway test as it is set out in the consultation. For example, what happens if the Chief Planner and the Chair of the planning committee do not agree on whether an application should be submitted to the planning committee? Further, decisions made by the Chief Planner and Chair of the Planning Committee may potentially open up an area of challenge to the decision through judicial review.

An alternative approach could be where either of the Chief Planner or Chair of Planning Committee consider that the Tier B application would benefit from airing at planning committee, based on the suggested criteria and an additional criteria which recognises the level of public interest in the application would be more workable / less vulnerable to challenge.

If the system is implemented as set out in the consultation, it is considered that it would be helpful for guidance to be issued as it is currently unclear what "an issue of significance to the local area" or a "significant planning matter" mean. However, it is considered a local input should be retained in any gateway test. An example being from Bolsover DC Constitution of “applications that have been called in to be considered by the Planning Committee by a Ward

Councillor with reference to valid planning reasons for referral and where the outcome of the application is of particular significance to the environmental quality of the local area and / or the socio-economic well-being of the local community.”

It is noted from the Planning Reform Working Paper: Planning Committees that there is a strong emphasis on local plan allocation being considered by officers rather than the planning committee. The planning system in England is a discretionary system as decision should have regard to the development plan and all other material considerations. Consequently, it is considered that there should be the ability, if appropriate, for applications on local plan allocations to be determined by the planning committee. This is reflective of government objective in the Working Paper of “allow planning committees to focus their resources on complex or contentious development where local democratic oversight is required and a balanced planning judgement is made.”

2.19 Question 7: Do you agree that the following types of application should fall within Tier B?

a) Applications for planning permission aside from:

- **Householder applications**
- **Minor commercial applications**
- **Minor residential development applications**

b) notwithstanding a), any application for planning permission where the applicant is the local authority, a councillor or officer

c) applications for s73 applications to vary conditions/s73B applications to vary permissions

Proposed Response

Disagree

The Council would only agree with the proposal to include the above types of applications within Tier B if they were subject to the following:

- There being an exception in relation to Tier A applications which allow Tier A application to be potentially considered by the planning committee. (See response to Question 5) including that it is subject to the public interest criteria which would require gateway consideration set out in Question 5.
- Any s73 and s73B applications to vary permissions if the host permission is a Tier A application type. These applications should be determined by officers unless there are exceptional circumstances for the application to be considered by the planning committee.

2.20 Question 8: Are there further types of application which should fall within Tier B?

Proposed Response

No

Subject to Tier A applications being referable to the planning committee in the circumstances set out in Question 5.

Special control applications

- 2.21 These cover aspects such as tree preservation orders, listed building consent, advertisement control and raised whether they should fall within Tier A or Tier B
- 2.22 **Question 9: Do you consider that special control applications should be included in:**
- Tier A or
 - Tier B?

Proposed Response

Tier A

The Council considers that these could fall within Tier A providing there was an exceptional circumstances mechanism as set out in Question 5.

Section 106 agreements and planning enforcement

- 2.23 This section proposes that Section 106 decisions should follow the treatment of its associated planning applications (for example where the application is in Tier A, the exercise of judgement as to which section 106 obligations are require should be delegated to officers).
- 2.24 The consultation also raises that planning enforcement functions are in practice largely delegated to officers however there are some large scale, high profile and locally contentious enforcement cases which may warrant additional democratic oversight through the planning committee.
- 2.25 **Question 10: Do you think that all section 106 decisions should follow the treatment of the associated planning applications? For section 106 decisions not linked to a planning application should they be in Tier A or Tier B, or treated in some other way?**

Proposed Response

Yes

The Council considers that it is appropriate for Section 106 agreements to follow the treatment of the associated planning application.

All Section 106 decisions should be linked to planning applications (current or historic). Where historic, they should relate to the historic development type for the purposes of the national scheme of delegation.

Section 106 agreements not linked to planning applications should be in Tier B, where the emphasis is upon being determined by officers but should allow for flexibility in referring the agreement to the planning committee if appropriate.

The Council would emphasise that, in relation to speeding up planning decisions, resolving the issue around the timescale taken for Section 106 agreements to be signed by all parties would contribute substantially more to the speed of planning decision as opposed to changes to decision making by planning committees.

2.26 **Question 11: Do you think that enforcement decisions should be in Tier A or Tier B, or treated in some other way?**

Proposed Response

Tier A

The Council's approach to enforcement decisions sees the vast majority of enforcement decisions being taken under delegated powers in consultation with Ward Members.

As discretion is exercised when determining if it is expedient to take action, and as it is not always conclusive as to the extent of development undertaken, it is considered that enforcement decisions should sit outside of the national scheme of delegation. Good practice should be followed and guidance issued on consultation that should be undertaken before enforcement decisions are taken.

Bringing enforcement decisions into a national scheme of delegation outside of Tier A or with exceptions, would undermine an authority's ability to serve stop notices as it would delay such action.

Size and composition of committees

2.27 The consultation sets out that "Engagement and best practice indicate a committee of 8-11 members is optimal for informed debate on applications³". The government's proposal is to set a maximum of 11 members while identifying that smaller committees may work best locally.

2.28 **Question 12: Do you agree that the regulations should set a maximum for planning committees of 11 members?**

Proposed Response

Agree

Based on the Council's own experience, it is considered that a maximum planning committee of 11 members would still enable broad enough representation of the authority area, build up an expertise in planning matters and sufficient flexibility to ensure meetings remain quorate.

2.29 **Question 13: If you do not agree, what if any alternative size restrictions should be placed on committees?**

Proposed Response

No response is proposed to this question.

2.30 **Question 14: Do you think the regulations should additionally set a minimum size requirement?**

³ The Planning Advisory Service recently undertook a survey of planning committees, noting that majority of committees are between 9 and 12 members: Modernising Planning Committees National Survey 2025.

Proposed Response

No

The planning committee is subject to a quorum, which sets the minimum number of members required.

Mandatory training for planning committee members

2.31 A key aspect of the Planning and Infrastructure Bill is that members will need some form of training certification and they can only make committee decisions if they have been trained. The government has proposed two basic options:

- a national certification scheme which would be procured by MHCLG and involve an online test for certification; or
- a local based approach where the local planning authority provides certification

The government's preference is for a national certification scheme as it ensures independence and reduces the burden on individual local planning authorities, however, it is likely to mean that the certification is based on national content only.

2.32 **Question 15: Do you agree that certification of planning committee members, and of other relevant decisions makers, should be administered at a national level?**

Proposed Response

Agree

The Council considers that it is important that members of the Planning Committee and any substitutes should have a thorough understanding of planning issues through appropriate ongoing training. In line with this, the Council provides regular training for its Planning Committee members and ensures that only trained members are able to make decisions.

The Council considers that a national approach to training would be appropriate for consistency, but in addition there is a need to reflect on the local context to ensure informed decision making. Further it does not entail the risk of undermining local democratic control within the planning system.

Delegated decision making

2.33 The consultation identifies that the Government is committed to ensuring that delegated decision making is effective and as consistent as possible across the country. That is why they are taking steps to:

- Introduce an overhaul of the local plans system to ensure that each area has an up to date local plan in place, making them simpler to understand and use so that communities can more easily shape them and will allow for an easier application of local plans to decision making.

- Consult on a set of National Decision Making Policies and a revised National Planning Policy Framework that will create a clearer policy framework for decision making.
- To support skills and resourcing by empowering local planning authorities to set their own planning fees to cover costs of delivering a good planning applications service.

2.34 As part of their work to modernise the planning system the Government is considering to review the thresholds in the performance regime to support high quality decision making across both committee and officer decisions. With regard to the quality of decision, the Government sets out a measure of the Council's performance over a two-year period. It is measured by the proportion of total decisions, or non-determinations, that are allowed at appeal. The Government have set the maximum threshold that no local planning authority should exceed 10% of decisions overturned at appeal made during the assessment period.

2.35 The consultation proposes that the performance measure may be review from 10% to 5% of appeals being overturned.

2.36 **Question 16: Do you think we should consider reviewing the thresholds for quality of decision making in the performance regime to ensure the highest standards of decision making are maintained?**

Proposed Response
<p><u>Yes</u></p> <p>On minor applications and other applications (excluding majors), the Council considers that a lower threshold is a more accurate measure of the quality of decision making. Only a small proportion of decisions are appealed, with an even smaller proportion allowed against a decision to refuse planning permission. As a percentage of the total number of decisions made this is a small amount in percentage terms.</p>

2.37 **Question 17: For quality of decision making the current threshold is 10% for major and non-major applications. We are proposing that in the future the threshold could be lowered to 5% for both. Do you agree?**

Proposed Response
<p><u>Disagree</u></p> <p>For major applications, the proposal to lower the threshold to 5% is considered to be disproportionate. For smaller councils such as Bolsover, a 5% threshold could be met by very few decision being overturned on appeal. Particularly for major applications, there are complex issues that arise to which reasonably different weight can be given by the decision maker. Therefore, it is not unreasonable for a council to take a different view to an inspector unless costs are awarded against the council.</p>

2.38 Three further questions are set out in relation to the Public Equality Duty and Environmental Principles (se out under the Environmental Act 2021).

- 2.39 **Question 18: Do you have any views on the implications of the proposals in this consultation for you, or the group or business you represent, and on anyone with a relevant protected characteristic? If so, please explain who, which groups, including those with protected characteristics, or which businesses may be impacted and how.**

Proposed Response

It is not proposed to respond to this question.

- 2.40 **Question 19: Is there anything that could be done to mitigate any impact identified?**

Proposed Response

It is not proposed to respond to this question.

- 2.41 **Question 20: Do you have any views on the implications of these proposals for the considerations of the 5 environmental principles identified in the Environment Act 2021?**

Proposed Response

It is not proposed to respond to this question.

3. Reasons for Recommendation

- 3.1 To set out the Council's response to the government's Technical Consultation on Reform of Planning Committees.

4 Alternative Options and Reasons for Rejection

- 4.1 Not to respond to the consultation. However, given the nature of the consultation it is considered that the Council should set out its views on the government's proposals.

RECOMMENDATION(S)

That the Planning Committee:

1. Considers the contents of the Government's 'Reform of Planning Committees: Technical Consultation' and the proposed Council response to this consultation;
2. Gives delegated authority to the Assistant Director of Planning and Planning Policy, in consultation with the Chair of Planning Committee and Portfolio Member for Growth, to agree and submit the Council's response to the Government's 'Reform of Planning Committees: Technical Consultation'.

IMPLICATIONS:

<p><u>Finance and Risk</u> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>Details: The recommendations within this report do not have a significant financial implication for the Council, as they relate to seeking approval to submit a response to the Government’s consultation on proposed reforms to the planning system.</p> <p style="text-align: right;">On behalf of the Section 151 Officer</p>
<p><u>Legal (including Data Protection)</u> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>Details: No legal implications are anticipated to arise from this report as it is seeking approval to submit a response to the Government’s Reform of Planning Committees: Technical Consultation.</p> <p style="text-align: right;">On behalf of the Solicitor to the Council</p>
<p><u>Staffing</u> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>Details: There are no human resources implications arising from this report.</p> <p style="text-align: right;">On behalf of the Head of Paid Service</p>
<p><u>Equality and Diversity, and Consultation</u> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>Details: There are no specific direct or indirect negative impacts on any person with a protected characteristic or any group of people with a shared protected characteristic arising from this report.</p>
<p><u>Environment</u> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>Details: There are no specific environmental implications arising from this report.</p>

DECISION INFORMATION:

<p><input checked="" type="checkbox"/> <i>Please indicate which threshold applies:</i></p> <p>Is the decision a Key Decision? A Key Decision is an Executive decision which has a significant impact on two or more wards in the District or which results in income or expenditure to the Council above the following thresholds:</p> <p>Revenue (a) Results in the Council making Revenue Savings of £75,000 or more or (b) Results in the Council incurring Revenue Expenditure of £75,000 or more.</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>(a) <input type="checkbox"/> (b) <input checked="" type="checkbox"/></p>
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<p>Capital (a) Results in the Council making Capital Income of £150,000 or more or (b) Results in the Council incurring Capital Expenditure of £150,000 or more.</p> <p>District Wards Significantly Affected: <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 All if all wards are affected:</p> <p>As the report relates to a Government consultation no wards within the District will be affected at this time.</p>	<p>(a) <input type="checkbox"/> (b) <input checked="" type="checkbox"/></p> <p>All <input type="checkbox"/></p>
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<p>Is the decision subject to Call-In? <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? <i>(decisions may only be classified as exempt from call-in with the agreement of the Monitoring Officer)</i></p> <p>Consultation carried out: <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 checked="" type="checkbox"/> No <input type="checkbox"/></p> <p>Portfolio Holder for Growth</p>
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<p>Links to Council Ambition: Customers, Economy, Environment, Housing</p>
<p><u>Housing</u></p> <ul style="list-style-type: none"> Enabling housing growth by increasing the supply, quality, and range of housing to meet the needs of the growing population

DOCUMENT INFORMATION:

Appendix No	Title
1	Summary of the Proposals in Other Planning Consultation and Planning Working Papers issued by the Government in May 2025.

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

APPENDIX 1 – SUMMARY OF THE PROPOSALS IN OTHER PLANNING CONSULTATION AND PLANNING WORKING PAPERS ISSUED BY THE GOVERNMENT IN MAY 2025.

Technical consultation on implementing measures to improve Build Out transparency (25th May 2025) - Closing Date: 7th July 2025.

[Technical consultation on implementing measures to improve Build Out transparency - GOV.UK](#)

Summary of the contents

In this consultation, the Government want to increase the rate at which planning permissions for residential development are built out. It is based on evidence from various studies¹ which identified that the primary determinant of build out rates is how many homes developers expect to sell without reducing prices – the ‘absorption rate’ (the rate at which houses can be sold without housebuilders needing to reduce their prices).

The Government proposes to bring into force various provisions contained in the Levelling-up and Regeneration Act 2023, namely:

- The requirement to submit a build out statement;
- To notify LPAs before development is commenced through a commencement notice;
- To report annually to LPAs on housing delivery via a development progress report;
- To give LPAs the power to decline to determine planning where an earlier planning permission for the development of land in the LPA’s area which has not been built out at a reasonable rate.

The measures will also provide more comprehensive / consistent data on developments.

¹ Letwin Review and the Competition and Markets Authority Housing Market Study

Planning Reform Working Paper: Speeding Up Build Out (25th May 2025) - Closing Date: 7th July 2025.

[Planning Reform Working Paper: Speeding Up Build Out - GOV.UK](#)

Summary of the contents

In this Working Paper, the Government invites views on further action the Government should take to speed up homes being built. It sits alongside the Government's technical consultation on requiring transparency and accountability measures for build out rates on housing sites.

The Paper advises that the Government is pursuing a five-part strategy to speed up build out rates, comprising the following elements:

- Reforms to the planning system;
- Sustainably supporting demand (looking to implement a comprehensive mortgage guarantee scheme for first time buyers);
- Support the growth of small and medium developers building small sites;
- Encouraging large, strategic sites to be built with greater tenure diversity; and
- Increasing the role for strategic master planning.

The Paper seeks views on the following possible measures:

- Implementing reforms to the operation of completion notices introduced under section 112 of the LURA. Completion notices require developers to complete their development within a certain period of time if the LPA considers it will not be completed in a reasonable time, otherwise the planning permission will cease – a form of “use it or lose it.”
- Bringing forward additional policies to support mixed tenure development, including a site size threshold above which sites must deliver on a mixed tenure basis. This threshold could be anywhere between 500 and 1,500 dwellings.
- Implementing a reform introduced by the Levelling-up and Regeneration Act 2023 to allow the conditional confirmation of CPOs. Currently, CPO's can only be confirmed, rejected or withdrawn. The conditional confirmation of CPOs could be used to ensure landowners progress their alternative proposals within certain timescales, which would be made clear when an individual CPO is conditionally confirmed. Where they fail to do so, CPO powers could then be switched on. Secondary legislation for this is promised by the end of the year.
- Exploring proposals for a Delayed Homes Penalty, which would allow LPAs in very specific circumstances to charge developers for homes which are delivered very significantly behind schedule without sufficient justification. This would not be implemented without further detailed consultation.

Planning Reform Working Paper Reforming Site Thresholds - Closing Date: 9th July 2025

[Planning Reform Working Paper: Reforming Site Thresholds - GOV.UK](#)

Summary of the contents

The Working Paper primarily explores the simplification of planning requirements for the smallest of sites and the introduction of a medium-sized site threshold within the planning system with an emphasis on help small and medium builders (SMEs) deliver the homes our communities need.

Development Categories – Current Position

Currently the planning system identifies two development categories:

- Major development for housing as development with 10 or more houses, or, if the number is not known, a site of over 0.5ha.
- Minor development is not formally defined but is taken to be anything below this threshold.

Two new categories of development are proposed which would have adjusted policy requirements so as to be proportionate to the scale of development:

- “very small sites” - those less than 0.1 hectare in size; and
- medium development” which would capture sites of between 10 and 49 homes and/or sites that are up to 1.0 hectare in size.

Development Categories – Proposed Position

Minor Residential Development – fewer than 10 homes /up to 0.5 hectare (ha)

The Working Paper proposes the following in relation to this category of development:

- streamlining requirements on Biodiversity Net Gain (BNG) including the option of a full exemption;
- Retaining the position that affordable housing contributions are not generally required on minor development;
- Retaining the position that sites are exempt from paying the proposed Building Safety Levy (BSL);
- Retaining the shorter statutory timeframe for determining minor development at 8 weeks;
- Reducing validation requirements;
- Requiring that all schemes of this size be delegated to officers and not put to planning committees as part of the National Scheme of Delegation;
- Reviewing requirements for schemes of this size for consultation with statutory consultees – instead, making use of proportionate guidance on relevant areas.

For very small site under 0.1ha

The Government will consult on a new rules-based approach to planning policy later this year. The Government is proposing to further support the delivery of very small sites through:

- providing template design codes that can be used locally for different site size threshold and typologies – which will take a rules-based approach to design to help identify opportunities and enable faster application processes;
- using digital tools to support site finding and checking compliance of design requirements on specific sites.

Medium Residential Development – between 10-49 homes/up to 1.0 ha

The Government proposes to introduce a medium category of between 10-49 homes/up to 1.0 ha. For medium developments, the working paper proposes:

- Simplifying BNG requirements;
- Exploring exempting medium sites from the proposed Building Safety Levy;
- Exempting medium sites from build out transparency proposals set out in the Technical Consultation on Build Out Transparency;
- Maintaining a 13-week statutory time period for determination;
- Including the delegation of some of these developments to officers as part of the National Scheme of Delegation;
- Ensuring referrals to statutory consultees are proportionate and rely on general guidance which is readily available on-line wherever possible;
- Uplifting the Permission in Principle threshold – (Presumably from 9 dwellings to 49 dwellings);
- Minimising validation and statutory information requirements.

Major Residential Development – 50 or more homes / 1 or more hectare

- The substantial changes is that major development would reflect 50 or more homes or 1 hectare or more of land.
- The Working Paper is seeking views on applying a threshold for mixed tenure requirements on larger sites. MHCLG is considering setting a threshold over which a development must be a mixed tenure development – including at 500 units.



BOLSOVER DISTRICT COUNCIL

Meeting of the Planning Committee on 9th July 2025

Appeal Decisions Report: January 2025 – June 2025

Report of the Development Management and Land Charges Planning Manager (Prepared by Karen Wake)

Classification	This report is Public
Contact Officer	Karen Wake/Chris Whitmore

PURPOSE/SUMMARY OF REPORT

- To report the Planning Service’s performance against the Government’s quality of decision making targets.
- To report any issues or lessons learnt from the appeal decisions.

REPORT DETAILS

1. Background

- 1.1 In November 2016 (updated December 2024) The Department for Communities and Local Government produced guidance entitled “Improving Planning Performance which included guidance on speed of Planning decisions and Quality of Planning Decisions. This report relates to the quality of decision making targets.
- 1.2 The measure to be used is the percentage of the total number of decisions made by the authority on applications that are then subsequently overturned at appeal.
- 1.3 The threshold or designation on applications for both major and non-major development, above which a local planning authority is eligible for designation, is **10 per cent** of an authority’s total number of decisions on applications made during the assessment period being overturned at appeal.
- 1.4 During the 6-month monitoring period Jan-June 2023 the council had no appeals on major planning applications determined. The council had three appeal decisions on non-major applications. Two appeals were allowed, and one was dismissed. The council therefore only successfully defended 33% of appeals determined within this period, however this only equated to 1.14% of the number of non-major applications determined within that period. During the July-Dec 2023 monitoring period the council had no appeals on major planning applications and three appeal decisions on non-major applications. Two of these appeals were dismissed and

one was allowed. However, this only equated to 0.57% of the number of non-major applications determined within that period. During the Jan-June 2024 monitoring period the council had no appeals on major planning applications and three appeal decisions on non-major planning applications. All three of these appeals were dismissed. The council therefore successfully defended 100% of the appeals determined within that period. During the July-December 2024 the council had no appeals on major planning applications and five appeal decisions on non-major planning applications. Two of these appeals were dismissed and three were allowed. However, this only equated to 1.66% of the number of non-major applications determined within that period.

- 1.5 Following the first report of appeal decisions to Planning Committee in January 2019 it was agreed that appeal decisions continue to be reported to Committee members every 6 months.

2. Details of Proposal or Information and Reasons for Recommendation

- 2.1 The latest monitoring period was January-June 2025. During this period the council had no appeals on major planning applications and four appeal decisions on non-major planning applications. All four of these appeals were dismissed. The council therefore successfully defended 100% of the decisions appealed within that period.
- 2.2 When/if appeals are not successfully defended, the reporting of decisions provides an opportunity to learn from these decisions. A full summary of the decisions made is provided at appendix 1.
- 2.3 The council had one appeal decision against the issue of an enforcement notice. The performance of local authorities in relation to the outcome of enforcement appeals is not currently measured in the same way as planning appeals. However, it is considered useful to report the enforcement appeals within the same time period to address any issues or lessons learnt from these appeal decisions.
- 2.4 The lack of appeals generally against planning decisions taken indicates current decision making is sound and the Council's performance in successfully defending decisions at appeal is good. It is recommended the appeals performance and this report be noted and that members continue to be briefed on appeal decisions and performance on an ongoing 6 monthly basis to learn from the decisions made and ensure quality of decision-making meets and exceeds government aspirations.

3 Alternative Options and Reasons for Rejection

- 3.1 An alternative option would be to not publish appeal decisions to members. It is however considered useful to report decisions due to the threat of intervention if the council does not meet the nationally set targets. Members of Planning Committee should understand the soundness of decision making and soundness of Planning Policies.
- 3.2 In the June 2021 internal audit, the process of reporting appeal decisions to Planning Committee and reflecting on decisions taken was reported. The process supported the Planning Department achieving 'substantial' reassurance in the latest internal audit of 'Planning Processes and Appeals'.

RECOMMENDATION(S)

1. This report be noted.
 2. Recommend appeal decisions continue to be reported to planning committee every 6 months.
-

IMPLICATIONS:

<u>Finance and Risk</u> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		
Details: Costs can be awarded against the council if an appeal is lost and the council has acted unreasonably The council can be put into special measures if it does not meet its targets		
<u>Legal (including Data Protection)</u> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		
Details: Appeal documents are publicly available to view online. Responsibility for data is PINS during the appeal process. Decisions are open to challenge but only on procedural matters.		
<u>Staffing</u> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		
Details: Factored into normal officer workload and if original application report is thorough it reduces the additional work created by a written representations appeal. Additional workload created if the appeal is a hearing or public enquiry.		
<u>Equality and Diversity, and Consultation</u> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		
Details: Consultations are carried out with each application and appeal. Consultations on this report of appeal decisions is not necessary. Appeal decisions do not need an equality impact assessment in their own right but by monitoring appeal decisions it allows us to check that equalities are considered correctly in every application. There have been no appeal decisions reporting equalities have been incorrectly addressed.		

Environment Yes No

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

Sound planning decision making helps to ensure the environmental impact of development is given due consideration to ensure that it is not offset/outweighed by other benefits

DECISION INFORMATION:

Please indicate which threshold applies:

Is the decision a Key Decision?

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

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

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

District Wards Significantly Affected:

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

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

Yes No

(a) (b)

(a) (b)

All

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

Links to Council Ambition: Customers, Economy, Environment, Housing
Providing excellent services and protecting the quality of life for residents and meeting environmental challenges.

DOCUMENT INFORMATION:

Appendix No 1	<u>Planning Appeal Decisions Period January 2025 – June 2025</u>
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Appeal Ref: APP/R1010/D/25/3358823 31 Sunnyside, Whitwell, Worksop Derbyshire S80 4SR

The planning application was for the creation of a raised patio area above an existing patio. The application was refused.

Main Issues

The main issue in this case was the effect of the development on the living conditions of occupiers of neighbouring dwellings, having particular regard to overlooking and privacy.

Conclusion

The property is a two storey, mid-terrace dwelling that has been extended to a depth of around 3.56 metres to the rear. Ground levels fall to the rear with steps from the rear of the extension down to a patio. The proposal was to create a raised deck area over the patio at the height of the rear of the extension. The decking area would extend some 3.64m beyond the back wall of the rear extension at the property. Neither of the adjacent properties have been extended. Consequently, the decking area would project some 7.2 metres beyond the rear elevations of those dwellings with the adjacent rear gardens at the lower level. The Inspector agreed with the council that this would result in the elevated decking area proposed having direct, elevated views into the adjacent gardens, with a consequent significant loss of privacy for occupiers.

The Inspector also agreed that this issue could not be overcome by erecting a screen fence around the decking as this would require a 1.8 metre high fence above the height of the elevated decking area, at least 3 metres above the height of the adjacent garden areas. The Inspector considered that would have an unacceptably overbearing, if not overwhelming, visual impact, dominating the outlook from the rear of adjacent dwellings and their rear gardens and that there would also be implications in terms of the loss of sunlight to the rear garden of No 33, which lies to the north of the appeal site.

The Inspector concluded that the harm to privacy and amenity caused by the development meant it was contrary to the requirements of policies SC3 and SC11 of the Local Plan for Bolsover District and the Council's published design guidance 'Successful Places' which, among other things, seek to ensure high quality design in new development in order to provide a good standard of amenity for existing residents in terms of their privacy, outlook and daylight/sunlight.

The Inspector also concluded the proposal would conflict with paragraph 135(f) of the National Planning Policy Framework, which seeks to ensure a high standard of amenity for existing residents. On balance, therefore, I conclude that the appeal should not succeed.

The appeal was dismissed.

Recommendations

None

The decision was made in accordance with Local plan policies. The Inspector agreed with the interpretation of these policies and that the Local Plan policies relating to residential amenity are in line with the National Planning Policy Framework.

Appeal Ref: APP/R1010/D/25/3354338: 31 Queens Road, Hodthorpe, Derbyshire, S80 4UW

The application was for the retention of a vehicular access. The application was refused.

Main Issues

The main issues were the effect of the development on highway safety and whether the appellant's personal circumstances and need for the proposed development outweighed any harm to highway safety to indicate a decision otherwise than in accordance with the development plan.

Conclusion

The appeal property is a dwelling on the corner of Queens Road and King Street. A driveway has already been laid and entrance gates installed. The proposed vehicular access would result in vehicles manoeuvring between the driveway and Queens Road, the main road through Hodthorpe.

The Inspector considered that a car accessing or exiting the driveway would potentially have to stop and possibly obstruct traffic on Queens Road temporarily while the gates are opened or closed. Furthermore, a vehicle using its indicator when approaching on Queens Road from either direction could be confusing for the driver of a vehicle exiting

King Street as it would be unclear whether the vehicle is indicating for King Street or the driveway. This could increase the risk of a collision.

The Inspector also considered that drivers on Queens Road, exiting King Street and pedestrians would have a reasonable view of the vehicle on the driveway at the appeal site but the new gates are slightly higher than the boundary wall and visibility for a driver exiting the driveway would be reduced when they are open and adjacent to the wall which could also increase the risk of a collision with another vehicle or a pedestrian.

The Inspector concluded that even if the proposal eased the on-street parking situation, the potential for obstructing traffic on Queens Road and the increased risk of collisions between vehicles and pedestrians would cause significant harm to highway safety. The proposal would therefore conflict with Policy SC3 of the Local Plan for Bolsover District (2020) (LP), insofar as it requires development to provide spaces which are safe.

The Inspector acknowledged that the provision of a vehicular access would improve accessibility for a disabled member of the appellant's family but that this must be balanced against the matter of highway safety that would be in the wider public interest. The Inspector concluded that the proposal would put road users, and those using the new access, at unacceptable risk and this would outweigh the accessibility benefits.

The appeal was dismissed.

Recommendation

None

The decision was made in accordance with Local plan policy SC3. The Inspector agreed with the interpretation of this policy and that the Local Plan policy relating to highway safety is in line with the National Planning Policy Framework.

Appeal Ref: APP/R1010/W/25/3359979: Birchwood House, Birchwood Lane, South Normanton, Derbyshire DE55 3DE

The application was in outline, with all matters reserved, for a self-build/custom build dwelling. The application was refused.

Main Issues

The main issues for consideration were whether the site would be suitably located with regard to its accessibility and the impact of the development on the character and appearance of the area.

Conclusion

The site was part of a field used for parking lorries. The applicant claimed this was previously developed land, but this was disputed by the council. The Inspector advised that the definition of previously developed land requires that it is land which has been lawfully developed. The Inspector considered that evidence provided was insufficient to establish the lawful status of the existing use but advised the lawful status of the site had not been determinative in the appeal decision.

The Inspector concluded that the site was outside the development envelope within an area of open countryside where policy SS9 would only accept development in certain circumstances. One of these circumstances is the re-use of previously developed land. The Inspector did not take a view on whether the site was considered to be previously

developed land because the policy also required development to be in a sustainable location. The Inspector considered the site to be in an unsustainable location and as such, regardless of whether the land was previously developed, its location meant the proposal would not comply with Policy SS9 of the adopted Local Plan.

The Inspector went on to say, the site's unsustainable location also meant the development was contrary to the requirements of Policies SS1, SS3, SS9 and ITCR10 and as such the development conflicted with the development plan when considered as a whole.

The Inspector considered that in the National Planning Policy Framework, there is support for self-build and custom build housing, particularly given the shortfall in provision accepted by the council and that The Framework offers some flexibility with regard to accessibility in these circumstances. However, overall, the Inspector concluded that the benefits of providing one custom self-build plot would not be sufficient to outweigh the locational concerns that would lead to a reliance on less sustainable transport options; and the harm to the countryside from the consolidation of development within it. The Inspector concluded that on balance, the proposal would also conflict with the overall objectives of the Framework.

The appeal was dismissed.

Recommendation

None. In this instance the Inspector agreed with the council's interpretation of Policies SS1, SS3, SS9 and ITCR10 of the Local Plan and the weight given to the benefits of providing one custom self-build plot in this location. The policies relating to the development are generally in line with the National Planning Policy Framework.

Appeal Ref: APP/R1010/W/24/3357033: Land north of 4 to 10 Meadow View, Clowne, S43 4GP

The application was for change of use of land for nature based woodland play area including erection of shelter building. The application was refused.

Main Issues

The main issue for consideration was whether the proposal would preserve or enhance the character or appearance of the conservation area; and whether this represented a suitable location for new development given its location within the countryside.

Conclusion

The Inspector considered that the proposal would have a number of public and other benefits. An active use would help to prevent the anti-social behaviour which had been a historic problem at this site and would allow some access to the area which was currently not available. He also considered the benefits of early years outdoor play and socialisation are not disputed and there would also be benefits for parents and carers who would similarly benefit from such interactions. The Inspector considered that, whilst this is a commercial enterprise, this does not diminish these benefits. The business activity and employment would also contribute to the economy.

The Inspector considered the activity levels would be relatively limited and did not consider noise levels or hours of use proposed would result in harm to neighbouring living conditions.

Access to the site is limited to pedestrian access. Users of the facility would need to park elsewhere if using a car and then use the public footpath network. The Inspector did not consider this to be a matter that weighed against the proposal, he considered the encouragement of such activity would be a benefit. He acknowledged that movement within the site would be over mown grass rather than made tracks and whilst this may not result in a high level of accessibility for some and may limit inclusivity, any more formal movement arrangements would detract from the character of the area. The Inspector considered the lack of infrastructure, other than the building, was a positive as it would retain, as far as practical, the existing character of the site and wider area.

The Inspector considered the main concern related to the proposed building. He considered views of the building would be limited however, the building would reduce the openness of this area and the openness is of importance to the setting of the nearby listed buildings and the conservation area in general. The Inspector concluded that the building would result in harm to the conservation area from the loss of openness and that the introduction of a formal structure within this open area would detract from the landscape of the Craggs and would not preserve or enhance the character or appearance of the conservation area. The Inspector considered the proposal would result in less than substantial harm as defined by the National Planning Policy Framework 2024. The Framework advises that great weight should be given to the asset's conservation. The Inspector was also mindful that the Planning (Listed Buildings and Conservation Areas) Act 1990, imposes a duty requiring that special attention be paid to the desirability of preserving or enhancing the character or appearance of conservation areas and that Policy SC16 of the Bolsover District Local Plan supports development in a conservation area only if it preserves or enhances the character and appearance of the area and its setting. The Inspector concluded the proposal would not gain support from this policy.

The Inspector concluded that The Framework requires that where a development leads to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. The Inspector felt there were a number of public benefits to the proposal which were afforded considerable weight but that overall, the public benefits of the proposal did not outweigh the harm that would result to the conservation area. The Inspector therefore concluded the proposal also conflicted with the heritage requirements of the Framework.

The Inspector considered the site to be outside the development envelopes within the countryside but that given the nature of the activity proposed and the benefits it would offer, it could be considered as a change of use that would be relatively sustainable and appropriate to the location and that the building would be beneficial for the efficient and viable operation of a land-based business. It would also represent a small-scale employment use relating to recreation. It would therefore fall within, to some degree, categories (a) – (c) of the policy. The policy also requires that development respect the form, scale and character of the landscape, through careful location, design and use of materials. The Inspector concluded that if the site was not within the conservation area, the design details and materials of the building would be suitable for a countryside setting although, in this location, it would result in some harm to the landscape of the Craggs, it would not conflict with policy SS9.

The Inspector also considered the proposal would comply with policy WC3 as it would provide rural employment in the countryside that would provide community facilities that meet a local need and it would allow a small business to diversify.

With regard to design quality, the Inspector felt the proposal would meet many of the objectives of policy SC3 as the low key structure would not impact on important views, it would help support the vitality of the area, reduce opportunities for crime, enhance biodiversity and watercourse management, allow for active travel choices, promote health and social well-being, encourage physical activity and maintain the amenity levels of neighbouring land users. It would limit the adverse impacts on the established character, local distinctiveness and on local heritage whilst going some way to integrate itself into its setting. The Inspector therefore concluded it would meet many of the requirements of the policy and the conflict with other elements would be relatively limited and given the benefits of the proposal, the concerns in this respect, aside from the heritage and character issues, would not weigh significantly against the proposal.

Local Plan policy SC5 relates to changes of use in the countryside. The Inspector considered that the proposal would not enhance the character of the area, but the design details had sought to limit its impact and the other matters within the policy, where relevant, could be adequately addressed.

Policy SS1 relates to sustainable development and the Inspector generally found support for the proposal with regard to many of the criteria set out but considered it would conflict with its requirement with regard to heritage assets. When considering the costs and benefits together, as required by the policy, the Inspector concluded the cost with regard to heritage assets would outweigh the other benefits.

The Inspector concluded that regard had been given to the potential ecological, recreational, educational, social, health and well-being benefits of the proposal and afforded them considerable weight. Although private land, he considered the proposed use would complement the other public open spaces uses and provide greater access to this additional area. He felt it would not be at odds with the Bolsover Regeneration Framework or Green Space Strategy as it would complement provisions within Clowne Linear Park. He also considered the economic activity and employment provision would similarly be a significant benefit and gain support from policy WC3.

The Inspector concluded that, generally, setting aside the conservation area concerns, this would be a low-key activity that could take place without significant harm, and it would make an efficient use of the site. It would not undermine the countryside protection policies and would provide a range of benefits. The Inspector did not share the council's concerns with regard to policy SS9 and considered that it gained support from policy WC3. He considered there would be some conflict with policies SS1 and SC5 but generally these concerns related to heritage and character issues only.

However, the Inspector concluded that the proposal would not preserve or enhance the character or appearance of the conservation area and would conflict with policy SC16 of the Local Plan. As the public benefits would not outweigh the harm to the conservation area, it would also conflict with the heritage requirements of the Framework. Given this conflict, it would not represent sustainable development, despite the numerous benefits in that regard. Whilst the Inspector had few concerns with regard to the proposed use, he considered the need for a new building within the conservation area would not preserve or enhance the character or appearance of the conservation area. It would

result in harm to the landscape of the Craggs and that harm would not be outweighed by the benefits of the proposal.

The appeal was dismissed.

Recommendation

None. In this instance the Inspector agreed with the council's interpretation of Policy SC16 but took a different view on the interpretation of policies WC3 and SS9 of the Local Plan. The policies relating to the development are generally in line with the National Planning Policy Framework.

Appendix No 2	<u>Enforcement Appeal Decisions Period January 2025 – June 2025</u>
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Appeal Ref: APP/R1010/C/24/3342204: Land south of Pasture Lane, Hilcote, Alfreton

An appeal was submitted against an enforcement notice issued by the council requiring the unauthorised use of land and buildings for residential use to cease within 6 months of the date of the notice.

Main Issues

The appeal was originally made on ground (a), however as the required fee was not paid, this ground of appeal lapsed. It was accepted that an appeal on ground (f) could be pursued instead.

An appeal under ground (f) is that the steps required by the enforcement notice to be taken, or the activities required by the enforcement notice to cease, exceed what is necessary to remedy any breach of planning control or, to remedy any injury to amenity which has been caused by any such breach.

The appellant did not explain why they consider the requirements of the enforcement notice were excessive. Neither did they suggest any lesser steps which, in their opinion, would overcome the breach.

Conclusions

The enforcement notice required the residential occupation of the land and buildings to cease. The purpose of the enforcement notice was to remedy the breach of planning control. The Inspector concluded there were no lesser steps that would achieve the enforcement notice's purpose and consequently, the steps required by the enforcement notice were not excessive to remedy the breach of planning control.

The wording of the enforcement notice was amended slightly but the otherwise the Inspector concluded that the appeal should not succeed, and the enforcement notice was upheld.

Recommendation

None

The requirements and time periods set out in the enforcement notice were considered reasonable and appropriate by the Inspector.

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



Bolsover District Council

Meeting of the Planning Committee on 9th July 2025

6 Monthly Enforcement Report: January 2025 – June 2025

Report of the Development Management and Land Charges Manager

Classification	This report is Public
Report By	Chris Whitmore Development Management and Land Charges Manager
Contact Details	01246 242294 chris.whitmore@bolsover.gov.uk

PURPOSE/SUMMARY OF REPORT

- To update the planning committee on the service targets set out in the Local Enforcement Plan (Planning) May 2022 from 1st January 2025 – 30th June 2025, as well as provide an update on ongoing historic cases.

REPORT DETAILS

1. Background

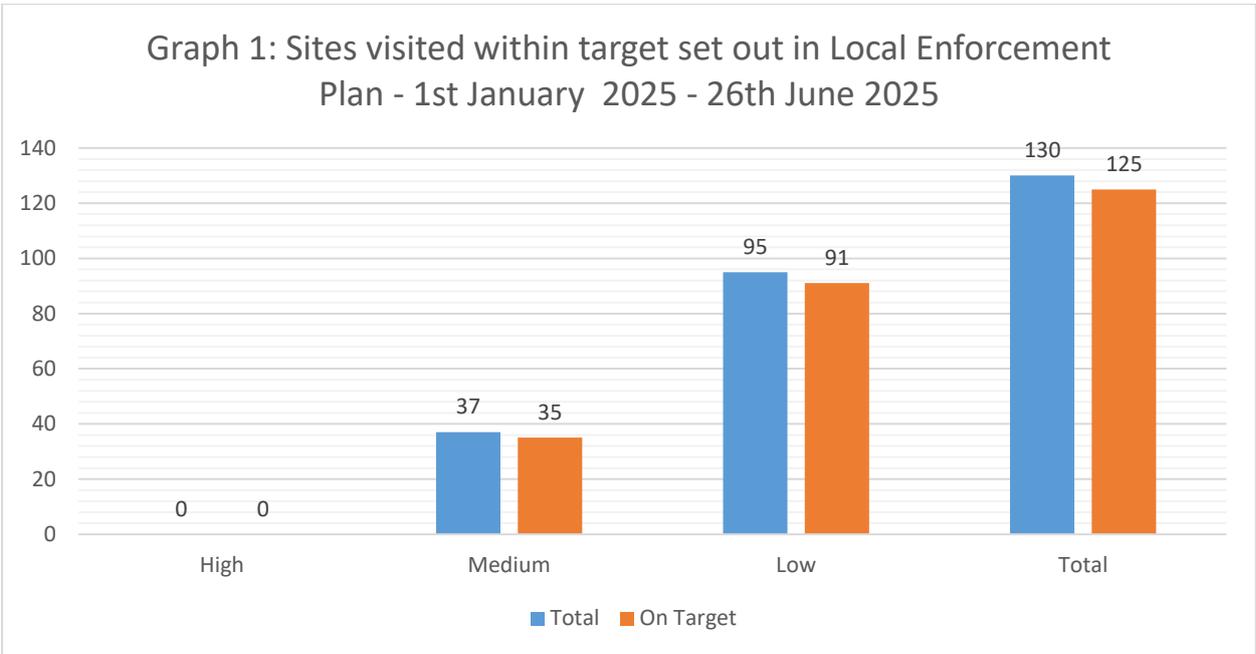
1.1 The Local Enforcement Plan was adopted by the Planning Committee in 2019 and refreshed in May 2022. The Plan sets out the following service standards that Planning Enforcement Officers consider are specific, measurable, achievable and realistic:

- The site of a high priority case will be visited on the same day the suspected breach of planning control has been identified wherever possible, but within one working day, and a decision on what further action is required will be taken within **24 hours** of that site visit. By way of example a high priority case includes unauthorised works to a listed building, arboriculture on protected trees or demolition in a Conservation Area.
- The site of a medium priority case will be visited within **two weeks** of identifying a suspected breach of planning control. A decision on what further action to take will be made within four weeks of that site visit. By way of example a medium priority case includes unauthorised development that contravenes planning policy, significantly impacts on local amenity or public safety, or results in harm to the character of a Conservation Area or setting of a listed building.

- The site of a low priority case will be visited within **six weeks** of identifying a suspected breach of planning control. A decision on what further action to take will be made within six weeks of that site visit. By way of example a low priority case includes unauthorised householder development, running small businesses from residential properties, unauthorised advertisements, and untidy land and buildings.
- 1.2 These service standards have been designed to facilitate prompt investigation of suspected breaches of planning control and timely decision making, making the best use of the resources available to the department.
 - 1.3 The purpose of this report is to update planning committee members on the enforcement enquiries that have been received and progressed during the period January 2025 – June 2025 and provide an update on historic cases and formal enforcement action taken.

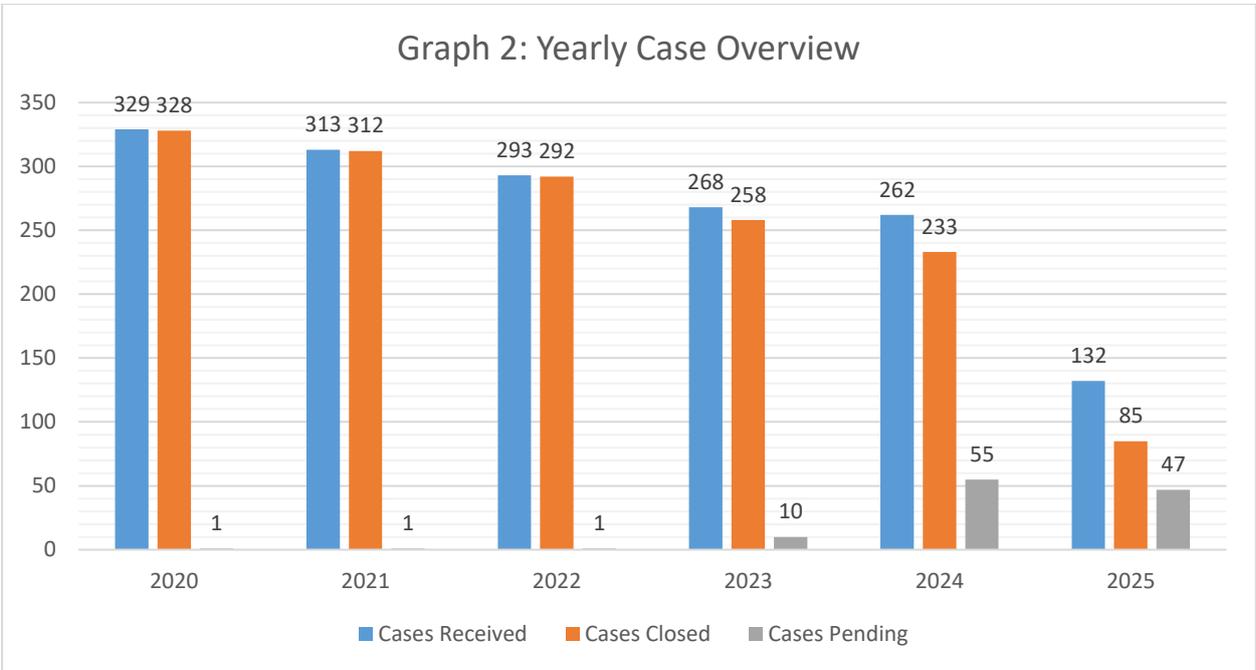
2. Detail of Information on Performance

- 2.1 During the period 1st January 2025 – 30th June 2025, 132 unauthorised activity enquiries were received; up 7% on the previous 6 months review period. None of these enquiries were high priority.
- 2.2 37 medium priority and 95 low priority cases were received. As a total, 96% of cases were visited within the target period set out in the Local Enforcement Plan. This includes recent cases received which have not yet been visited. This represents high performance and is consistent with the previous 6-month reporting period.
- 2.3 Of the 37 medium priority cases, 10 are currently pending consideration and 27 have been resolved / closed. Investigations began on 35 out of the 37 cases within two weeks (95%). Out of the 95 low priority cases, 37 are currently pending consideration and 58 have been resolved / closed. 91 out of the 95 low priority cases (92%) were visited within the six-week target set out in the adopted Local Enforcement Plan.
- 2.4 Graph 1 below shows the number of cases visited within the target based on priority:



2.5 The above statistics highlight very high performance from the services dedicated Enforcement Officer, who currently undertakes visits for all new enquiries received.

2.6 Good progress has also been made to resolve historic cases. Graph 2 below shows the number of cases still pending consideration broken down per year starting from 2020 (as no historic cases are pending consideration before this year).



- 2.7 Of the sole remaining cases open in the years 2020 and 2022 (E20/014 – Static Caravan, Site Of 11 Hyndley Road, Bolsover and E22/169 - Land South West Beaumont Cottage, Hilcote Lane, Hilcote) Enforcement Notices have been served and, in the case of E22/169, an appeal against the Enforcement Notice is pending consideration. The case in 2021 concerns a matter that has been the subject of a recent planning application that was refused planning permission. The Development Management Team will be looking to take action to regularise the unauthorised development relating to this case in the coming months.
- 2.8 During the review period (January – June 2025) 7 no. enforcement notices have been served. The details of these notices are set out in the table below:

Table 1: Enforcement Notices Served over the review period – January – June 2025

Reference	Location	Type and Date of Notice
E20/014 Low Priority	Static Caravan, Site Of 11 Hyndley Road, Bolsover	Enforcement Notice 07/03/2025
E24/019	69 Scarsdale Street, Carr Vale, Bolsover	Enforcement Notice 28/03/2025
E24/039 Low Priority	Bondhay Golf and Country Club, Bondhay Lane, Whitwell Common	Enforcement Notice 12/06/25
E24/130 Low Priority	6 - 8 King Edward Street, Shirebrook, Mansfield	Enforcement Notice 23/04/2025
E23/152 Medium Priority	22 Mill Street, Clowne	Enforcement Notice 18/06/25
E24/152 Medium Priority	3 Park Street, Barlborough	Enforcement Notice 15.01.2025
E24/179 Low Priority	Land North Of 14 To 36, Harvester Way, Clowne	Enforcement Notice 27/06/2025

- 2.9 The above table indicates high performance in respect of formal planning enforcement action taken over the review period.
- 2.10 Over the review period an appeal decision which upheld, with some minor modifications an Enforcement Notice issued in respect of case ref. E21/258 at land south of Pasture Lane, Hilcote, Alfreton has been received. This decision is reported in the 6 monthly appeal update report, which forms a separate item on this agenda.

3. Reasons for Recommendation

- 3.1 Officer's consider that the Local Enforcement Plan continues to be working well. As 3 years have passed since the last review of the plan, it will be necessary to conduct a further review to ensure that best practice is followed and reference is given to the most up to date legislation and enforcement powers introduced in The Levelling-up and Regeneration Act 2023 (LURA). The targets contained within the current document, insofar as they relate to the speed of investigation and resolution of enforcement enquiries are delivering an efficient and effective service.
- 3.2 The planning enforcement service has performed well against the standards set within the Local Enforcement Plan over the review period, with regard to both promptly visiting sites where planning breaches have been reported to the Council and resolving cases. The use of Enterprise tasks to manage workflow has provided a clear process and structure to this work and allows for the greater involvement of other officers to ensure that targets continue to be met.
- 3.3 As part of the continued transformation of the service, opportunities exist to make better use of templates, system automation and to enable more Enterprise tasks, which will lead to efficiency savings and ensure that officer time is used even more productively.
- 3.4 It is recommended that this report is noted and further monitoring reports continue to be submitted to the Planning Committee on a half-yearly basis to allow members to continue to have appropriate oversight of the effectiveness of the Council's planning enforcement function. It is also recommended that a review of the current Local Enforcement Plan is undertaken to ensure that it remains fit for purpose, with any update or new plan to be presented to Planning Committee before the next half yearly enforcement report.

4. Alternative Options and Reasons for Rejection

- 4.1 By not reporting on performance, members of the planning Committee would not have any understanding or oversight of the planning enforcement service and its effectiveness.
- 4.2 It could be determined that it is not necessary to update or review the Local Enforcement Plan, however, this would not allow a review of current and best practice and for the plan to reflect and respond to new enforcement powers and legislation.

RECOMMENDATION(S)

1. This report is noted.
2. The Planning department's performance against the service standards in the Local Enforcement Plan and updates on planning enforcement continue to be reported to Planning Committee on a half-yearly basis and that a review of the current Local Enforcement Plan is undertaken to ensure that it remains fit for

purpose, with any update or new plan to be presented to a future Planning Committee.

<u>Finance and Risk</u> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
Details:		
There are no significant cost implications involved with reporting performance against the Local Enforcement Plan but as noted below, this monitoring report may give rise to further consideration of the resources required by the enforcement team to work effectively.		
On behalf of the Section 151 Officer		
<u>Legal (including Data Protection)</u> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
Details:		
Producing this type of monitoring report is consistent with advice in the Local Enforcement Plan that says the Plan will be monitored and reviewed to ensure it remains consistent with case law and/or any subsequent changes in national guidance or legislation and continues to enable planning enforcement to be carried out effectively within the District. However, there is no legal requirement to produce a monitoring report.		
The above report does not contain any personal data.		
Where a case is still pending consideration, property addresses have not been provided to provide a reasonable amount of privacy for the landowners involved. Where the property is subject to formal action, the presence of an Enforcement Notice is a matter of public record, and that information is publicly available. Therefore, the way property addresses have been reported in the above report is considered to be consistent with the key principles in the GDPR.		
On behalf of the Solicitor to the Council		
<u>Staffing</u> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
Details:		
The adoption of and reporting on the targets set in the Local Enforcement Plan enables officers make the most efficient and effective use of resources by setting clear priorities and establishing a clear framework to work within. Performance is currently high, indicating that the service is appropriately resourced at this time.		
On behalf of the Head of Paid Service		
<u>Equality and Diversity, and Consultation</u> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
Details:		
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”).

The Local Enforcement Plan seeks to ensure the effective enforcement of breaches of planning control in the wider public interest. It does not discriminate against specific individuals, in terms of the targets set. The protected characteristics of a person(s) would be a relevant consideration when deciding what action should be taken on individual cases and any recipient of such action would be able to exercise their right to appeal. This does not form part of the monitoring requirements of the Local Enforcement Plan.

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:

Effective planning enforcement helps to ensure that the environmental impact of development is not set aside or given due consideration. The taking of enforcement action can remedy harm or ensure that it is offset / outweighed by other benefits. Effective service delivery helps to achieve this objective.

DECISION INFORMATION:

Please indicate which threshold applies:

Is the decision a Key Decision?

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

Yes No

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

(a) (b)

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

(a) (b)

District Wards Significantly Affected:

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

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

All

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

Links to Council Ambition: Customers, Economy, Environment, Housing
Providing excellent services and protecting the quality of life for residents and meeting environmental challenges.

DOCUMENT INFORMATION:

Appendix No	Title
n/a	

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