

The Arc  
High Street  
Clowne  
S43 4JY

To: Chair & Members of the Planning  
Committee

Contact: Angelika Kaufhold  
Telephone: 01246 242529

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

Friday, 22<sup>nd</sup> August 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, 3<sup>rd</sup> September, 2025 at 10:00 hours.

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

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

Yours faithfully,



Solicitor to the Council & Monitoring Officer

### **Equalities Statement**

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

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

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

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

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



**PLANNING COMMITTEE  
AGENDA**

***Wednesday, 3<sup>rd</sup> September, 2025 at 10:00 hours taking place in the Council Chamber, The  
Arc, Clowne***

<b>Item No.</b>		<b>Page No.(s)</b>
<b>1.</b>	<b>Apologies For Absence</b>	
<b>2.</b>	<b>Urgent Items of Business</b>	
	To note any urgent items of business which the Chairman has consented to being considered under the provisions of Section 100(B) 4(b) of the Local Government Act 1972.	
<b>3.</b>	<b>Declarations of Interest</b>	
	Members should declare the existence and nature of any Disclosable Pecuniary Interest and Non Statutory Interest as defined by the Members' Code of Conduct in respect of:	
	a) any business on the agenda	
	b) any urgent additional items to be considered	
	c) any matters arising out of those items	
	and if appropriate, withdraw from the meeting at the relevant time.	
<b>4.</b>	<b>Minutes</b>	<b>5 - 28</b>
	To consider the minutes of the last meeting held on 9 <sup>th</sup> July 2025.	
	<b><u>APPLICATIONS TO BE DETERMINED UNDER THE TOWN &amp; COUNTRY PLANNING ACTS</u></b>	
<b>5.</b>	<b>Application no. 24/00503/FUL - The Stables, Featherbed Lane, Bolsover, Chesterfield</b>	<b>29 - 43</b>
<b>6.</b>	<b>Application no. 25/00179/FUL - New Middle Club, Welbeck Street, Whitwell</b>	<b>44 - 63</b>
	<b><u>REPORT OF THE DEVELOPMENT MANAGEMENT AND LAND CHARGES MANAGER</u></b>	
<b>7.</b>	<b>Local Enforcement Plan Update</b>	<b>64 - 95</b>
	<b><u>REPORTS OF THE SENIOR DEVOLUTION LEAD FOR PLANNING POLICY, STRATEGIC GROWTH AND HOUSING</u></b>	
<b>8.</b>	<b>Successful Healthy Places Supplementary Planning Document - Consultation Draft</b>	<b>96 - 243</b>



## PLANNING COMMITTEE

Minutes of a meeting of the Planning Committee of the Bolsover District Council held in the Council Chamber on Wednesday, 9<sup>th</sup> July 2025 at 14:00 hours.

### **PRESENT:-**

Members:-

Councillor John Ritchie in the Chair

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

Officers:- 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), Neil Oxby (Principal Planning Policy Officer), Angelika Kaufhold (Governance and Civic Manager) and Matthew Kerry (Governance and Civic Officer).

Also in attendance at the meeting, observing, was Councillor Cathy Jeffery (Junior Portfolio Holder for Health and Wellbeing).

### **PL9-25/26            APOLOGIES FOR ABSENCE**

Apologies for absence were received on behalf of Councillors Rob Hiney-Saunders and Deborah Watson, and Sarah Kay (Interim Director of Planning, Devolution & Corporate Policy).

### **PL10-25/26            URGENT ITEMS OF BUSINESS**

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

### **PL11-25/26            DECLARATIONS OF INTEREST**

There were no declarations made at the meeting.

### **PL12-25/26            MINUTES**

Moved by Councillor Steve Fritchley and seconded by Councillor Tom Munro

**RESOLVED** that the minutes of a meeting of the Planning Committee held on 11<sup>th</sup> June 2025 be approved as a true and correct record.

### **PL13-25/26            APPLICATION NO. 21/00331/FUL - OPEN SPACE EAST OF DAHLIA AVENUE, SOUTH NORMANTON**

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

## PLANNING COMMITTEE

planning application sought approval from the Committee for proposed layout amendments following site investigations which revealed a public sewer crossing the site was in a different location to that shown on the public sewer record – the originally designed scheme could not be developed in the manner envisaged.

Additional representations had been received and provided in the supplementary document.

To a question on any noise survey completed, the Development Management and Land Charges Manager confirmed that noise modelling had been undertaken and measures incorporated into the scheme (including mechanical ventilation to the dwellings and acoustic fencing to ensure that noise levels would be within acceptable limits from habitable rooms and outside amenity space).

Moved by Councillor Tom Munro and seconded by Councillor Phil Smith

**RESOLVED** that upon receiving confirmation from the Derbyshire Wildlife Trust and the arrangements listed in the supplementary document will ensure no net loss of biodiversity, delegated authority be given to the Development Management and Land Charges Manager or Principal Planners to approve application no. 21/00331/FUL subject to prior entry into a S.106 legal agreement containing the obligations included in the recommendation on page 23 of the main report, and subject to the conditions listed on pages 23 – 33 of that report, including any revised or amended conditions as may be recommended by the Derbyshire Wildlife Trust:

- 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.
- 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.

## **PLANNING COMMITTEE**

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.
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.
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.

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.

## **PLANNING COMMITTEE**

### **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.

### **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.

### **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,

## PLANNING COMMITTEE

- 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.

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.

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; and,
- 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.

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.

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.

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

## PLANNING COMMITTEE

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 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.
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 L<sub>Amax</sub> (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.
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.
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.
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.
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.
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";



## PLANNING COMMITTEE

- 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; and,
- 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.

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; and,
- 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 2<sup>nd</sup> 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;

## PLANNING COMMITTEE

- 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; and,
- 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.

24.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 2<sup>nd</sup> 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; and,
- 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.

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

## **PLANNING COMMITTEE**

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.

### **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 12<sup>th</sup> 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

## PLANNING COMMITTEE

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](mailto:development.implementation@derbyshire.gov.uk) allowing sufficient time for the preparation and signing of the Agreement. You will be required to pay fees to cover the Council's costs in undertaking the following actions:

- Drafting the Agreement;
- A Monitoring Fee;
- Approving the highway details; and
- Inspecting the highway works.

Planning permission is not permission to work in the highway. A Highway Agreement under Section 278 of the Highways Act 1980 must be completed, the bond secured and the Highway Authority's technical approval and inspection fees paid before any drawings will be considered and approved.

- 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.

**PL14-25/26      APPLICATION NO. 24/00503/FUL - THE STABLES, FEATHERBED LANE, BOLSOVER, CHESTERFIELD**

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 COMMITTEE

planning application sought approval for the extension of the adjacent traveller site to provide parking and manoeuvring space.

Concerns were raised on the surface condition and speed of some road traffic users on the private road and its impact on the Public Right of Way that it carried.

Moved by Councillor Tom Munro and seconded by Councillor Janet Tait

**RESOLVED** that application no. 24/00503/FUL be **DEFERRED** to allow officers to seek confirmation from the Rights of Way Team at the County Council that they have no concerns with the use of a longer section of the private lane, which carries a Public Right of Way, for vehicles and equipment associated with a 7 pitch Gypsy and Traveller site and that the surface of the lane is suitable for multi-use without the need for any modifications or improvements.

In favour of the deferral: 7

Against the deferral: 1

*Councillor Cathy Jeffery left the meeting at 14:25 hours.*

### **PL15-25/26      APPLICATION    NO.    25/00162/FUL    -    STATION    YARD, CHESTERFIELD ROAD, 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 for the material change of use of land to station 4 residential mobile home plots for travelling showpeople with the establishment of parking, turning and amenity areas within the site.

The Development Management and Land Charges Manager informed further consultation had been received from the Principal Environmental Health Officer that was provided in the supplementary document.

An additional representation had also been received – this was provided in the supplementary document and read out to the Committee.

Councillor Tom Kirkham raised concerns with aspects of the application.

Mr. Matt Williams spoke in favour of the application (the agent).

Questions were raised on the repair and maintenance of the road surface and the installation of a locked gate.

Moved by Councillor Phil Smith and seconded by Councillor Tom Munro

**RESOLVED** that application no. 25/00162/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.

## PLANNING COMMITTEE

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; and,
  - 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;

## PLANNING COMMITTEE

- 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; and,
- 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; and,
  - 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. Development other than that required to be carried out as part of an approved scheme of remediation must not commence until:

## PLANNING COMMITTEE

- 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 phase 2 site investigation shall be carried out by a competent person in accordance with the current U.K. requirements for sampling and analysis. A report of the site investigation shall be submitted to the local planning authority for approval.

15. Before the commencement of the development hereby approved, where the site investigation identifies unacceptable levels of contamination, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be submitted to and approved in writing by the local planning authority. The submitted scheme shall have regard to relevant current guidance. The approved scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria and site management procedures. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The developer shall give at least 14 days notice to the Local Planning Authority (Environmental Health Division) prior to commencing works in connection with the remediation scheme.

16. No dwelling unit hereby approved shall be occupied until:

- a) The approved remediation works required by 15 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



## **PLANNING COMMITTEE**

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.

17. 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; and,
- 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.

## **PLANNING COMMITTEE**

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.

## PLANNING COMMITTEE

### 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.

## **PLANNING COMMITTEE**

5. Following planning committee consideration on the 9<sup>th</sup> July 2025, the applicant is encouraged to erect lockable gates at the site entrance and to display contact details of a person(s) whom to contact in the event of an incident when the plots are not occupied

### **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:-

- it would have been otherwise necessary to refuse the whole permission; or
- are necessary to address issues that require information to show that the development will or can be made safe; or,
- 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.

## PLANNING COMMITTEE

PL16-25/26

### **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**

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 the modification of a Section 106 agreement dated 7<sup>th</sup> March 2011 and Deed of Variation (DOV) dated 13<sup>th</sup> December 2016 linked to an approved residential development off Chesterfield Road, Barlborough known as 'Hawthorne Meadows'.

An additional representation had been received and was provided in the supplementary document.

Mr. Chris Creighton spoke in favour of the application (the agent).

Mr. Nigel Griffiths was present to answer questions (the applicant), as was Mr. Richard Burns (the advisor).

Moved by Councillor Tom Munro and seconded by Councillor Phil Smith

**RESOLVED** that for application no. 25/00235/OTHER 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),

## **PLANNING COMMITTEE**

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.

### **PL17-25/26      FIVE-YEAR HOUSING LAND SUPPLY - ANNUAL POSITION STATEMENT (2025/26 - 2029/30)**

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

A planning authority's 5 year housing land supply looked forward and required analysis of planning data and engagement with developers and housebuilders to forecast when and how housing sites would be built-out.

The Council's Local Plan had been adopted on 4<sup>th</sup> March 2020, covered 2014 to 2033 for housing requirements, and identified the need to deliver land to meet a requirement of 272 dwellings per annum.

The Council was required to review its Local Plan every 5 years.

The Committee had considered the 5 year review at a meeting on 19<sup>th</sup> February 2025. Members had been informed the Local Plan had proven very successful in delivering development within the District. However, following changes to the National Planning Policy Framework (NPPF) and national planning guidance in December 2024, changes included national policy on the approach to the Green Belt and how local housing need would be calculated.

To calculate the current local housing need for the District, the Council had used the latest stock figure (May 2025) and the latest amended affordability factor (March 2025) in accordance with the revised standard method. This calculation had resulted in the need for 360 dwellings per annum.

The NPPF had also reintroduced the requirement for the supply to include a buffer (5% for the Council) – applying this buffer resulted in the need for 378 dwellings per annum.

Table 1 of the report had identified between 1<sup>st</sup> April 2014 and 31<sup>st</sup> March 2025 the number of housing completions had exceeded the annual requirement by 959 dwellings.

The trend of completions indicated that the District's housing market was performing strongly and in good health. It also reflected the Council had pursued a growth agenda in recent years, seeing additional housing through 'windfall' sites.

## PLANNING COMMITTEE

Table 2 of the report showed the requirements set against the deliverable housing supply over the 5 year period from 1<sup>st</sup> April 2025. The supply for housing delivery on minor sites was reflected over a 3 year period with the loss of dwellings being identified in the first year:

Year:	Housing Requirement Figure per annum	Anticipated Housing Supply Deliverable per annum	Cumulative Housing Requirement	Anticipated Cumulative Housing Supply Deliverable
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

This table showed that the potential deliverable supply exceeded the requirement throughout the 5 year period with 5.69 years of deliverable housing land supply for the period 2025/26 to 2029/30.

Attached at Appendix 1 was the Council's annual position statement of its 5 year supply. Attached at Appendix 2 was a full list of major development sites and their contribution to the 5 year supply.

Moved by Councillor Phil Smith and seconded by Councillor Janet Tait

**RESOLVED** that the 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 1;
- 3) Authorises the publication of the Annual Position Statement of Five-Year Housing Land Supply (Appendix 1) and List of Major Development Sites and their contribution to the Council's Five-Year Housing Land Supply (Appendix 2) 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.

**PL18-25/26**

### **GOVERNMENT CONSULTATION ON THE REFORM OF PLANNING COMMITTEES**

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

The UK Government's 'Reform of Planning Committees: Technical Consultation' had sought external 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 the mandatory training for members of planning committees.

*Councillor Tom Munro left the meeting at 15:25 hours.*

## PLANNING COMMITTEE

The UK Government was intent on speeding up the delivery of new homes, with 4 consultation and working papers published in May 2025:

Technical consultation on implementing measures to improve Build Out transparency (25 <sup>th</sup> May 2025).	Proposed to introduce a new statutory build out framework which required information to be submitted at different stages of the planning and development cycle, and the power to decline to determine applications.	Consultation closes 7 <sup>th</sup> July 2025.
Planning Reform Working Paper: Speeding Up Build Out (25 <sup>th</sup> May 2025).	Invited 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 7 <sup>th</sup> July 2025.
Planning Reform Working Paper: Reforming Site Thresholds (27 <sup>th</sup> May 2025).	Invited views on reforming site size thresholds in the planning system to better support housing delivery on different types of sites, including minor, medium and major development sites.	Closing date 9 <sup>th</sup> July 2025.
Reform of Planning Committees: Technical Consultation (27 <sup>th</sup> May 2025).	Proposals around the delegation of planning functions, the size and composition of planning committees, and mandatory training for members of planning committees.	Closing date 23 <sup>rd</sup> July 2025.

The proposed reforms followed changes made to the National Planning Policy Framework (NPPF) 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 could not be otherwise met.

The first three consultations and working papers were focused on the delivery of homes – a summary of the contents of these three consultations was attached at Appendix 1.

Due to the deadlines for these consultations, a response had been prepared in consultation with the Portfolio Member for Growth and the Chair of the Committee and this had been submitted on behalf of the Council in advance of the deadline.

The fourth of the Government consultations, the proposed Reform of Planning Committees: Technical Consultation, was the main focus of the report.

The questions from the UK Government had proposed responses, and Members were asked for their input.

The Chair noted the UK Government's intention to speed up the delivery of new builds likely did not take into consideration the installation / facilitation of gas, electricity and water supplies – it was not necessarily planning authorities and housing developers



## PLANNING COMMITTEE

causing delays.

Moved by Councillor John Ritchie and seconded by Councillor Sally Renshaw

**RESOLVED** that the Committee: 1) Considers the contents of the Government's 'Reform of Planning Committees: Technical Consultation' and the proposed Council response to this consultation; and,

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'.

### PL19-25/26      **APPEAL DECISIONS REPORT: JANUARY 2025 - JUNE 2025**

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

In November 2016 (updated December 2024), the Department for Communities and Local Government had produced guidance entitled, "Improving Planning Performance which included guidance on speed of Planning decisions and Quality of Planning Decisions.

The measure to be used was the percentage of the total number of decisions made by the authority on applications that were then subsequently overturned at appeal. This was set at 10%.

The latest monitoring period was January 2025 – June 2025, and the Council had received no appeals on major planning applications and 4 appeal decisions on nonmajor planning applications – all 4 appeals were dismissed. The Council had therefore successfully defended 100% of the decisions appealed within that period.

A full summary of the decisions made was attached at Appendix 1.

The lack of appeals generally against planning decisions taken indicated current decision making was sound and the Council's performance in successfully defending decisions at appeal was good.

A Member thanked the Planning Team for their sterling work, with the Committee performing excellently.

Moved by Councillor Phil Smith and seconded by Councillor Janet Tait

**RESOLVED** that: 1) This report be noted; and,

2. Recommend appeal decisions continue to be reported to planning committee every 6 months

## PLANNING COMMITTEE

PL20-25/26

### 6 MONTHLY ENFORCEMENT REPORT: JANUARY 2025 - JUNE 2025

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

The Local Enforcement Plan (the 'Plan') had been adopted by the Committee in 2019 (refreshed in May 2022) and set out the service standards that Planning Enforcement Officers would consider to be specific, measurable, achievable and realistic.

Graph 1 helped to visualise the high performance of the Enforcement Officer.

Graph 2 highlighted good progress had also been made to resolve historic cases.

During January 2025 – June 2025, 7 Enforcement Notices had been served. The details of these notices were set out in the provided Table 1 of the report. The results indicated a high performance in respect of formal planning enforcement action taken over the review period.

The Chair commended the excellent work achieved.

Moved by Councillor Phil Smith and seconded by Councillor Catherine Tite

**RESOLVED** that: 1) This report is noted; and,

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

The Chair thanked all for attending.

The meeting concluded at 15:34 hours.

**PARISH** Old Bolsover Parish

---

<b>APPLICATION</b>	Change of use from grazing land to parking and manoeuvring area for adjacent traveller site including new vehicular access		
<b>LOCATION</b>	The Stables Featherbed Lane Bolsover Chesterfield		
<b>APPLICANT</b>	Mr D McAlister The Stables Featherbed Lane Bolsover Derbyshire S44 6JY		
<b>APPLICATION NO.</b>	24/00503/FUL	<b>FILE NO.</b>	PP-13518340
<b>CASE OFFICER</b>	Mrs Karen Wake		
<b>DATE RECEIVED</b>	28th October 2024		

---

## BACKGROUND AND SUMMARY

This application was reported to Planning Committee on 9<sup>th</sup> July 2025. The planning application seeks retrospective planning permission to change the use of the land and to carry out associated operations to provide parking and manoeuvring space associated with the adjacent traveller site and includes a new vehicular access onto Featherbed Lane.

Committee considered a report in relation to the 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.

Concerns were raised with regard to the surface condition and speed of some road traffic users on the private road and its impact on the neighbouring public way footpath.

Committee resolved that the application be deferred to allow officers to seek confirmation from the Rights of Way Team at the County Council that they have no concerns with the use of a longer section of the private lane, which carries a Public Right of Way, for vehicles and equipment associated with a 7 pitch Gypsy and Traveller site and that the surface of the lane is suitable for multi-use without the need for any modifications or improvements.

The Public Rights of Way Officer has been re-consulted and made the following comments:

*As mentioned previously, DCC will only maintain the surface to a standard suitable for its status as a public footpath. This means that the damage likely to be caused to the surface by additional vehicles, permitted when 23/00609/FUL was approved, will likely impact private vehicular users of Featherbed Lane more than public users of the footpath. DCC PROW would therefore not require the applicants to improve the surface, as this would be more of a benefit to private vehicular users rather than pedestrians. If the applicants or other private vehicular users wish to improve the surface for their vehicular use, they could ask DCC PROW for approval to do this, at which point we would make our requirements clear to them.*

*Featherbed Lane is straight and visibility is quite good. There are also substantial verges for pedestrians to step onto to allow vehicles to pass. Therefore, so long as drivers are considerate and prioritise pedestrian safety as they should, the issue is less about safety and more about inconvenience. We expressed concerns about inconvenience caused to the public, and the potential damage to the surface in our response to the 23/00609/FUL*

*consultation, when the number of pitches / vehicle journeys was to more than double. As approval was still given in that instance, and this application apparently does not propose to increase vehicle journeys further, we will not be formally objecting to this application.*

## **RECOMMENDATION**

**Given that the Public Rights of Way Officer does not object to the proposal, there is no change to the recommendation made in the original report which is set out in appendix 1 below. It is recommended that the application be APPROVED subject to the conditions contained therein.**

## **APPENDIX 1- Report to Planning Committee 9<sup>th</sup> July 2025**

**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

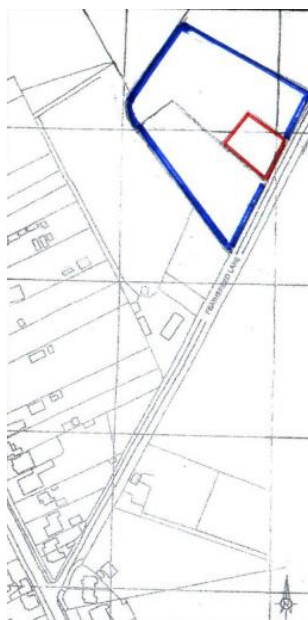
---

### **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**

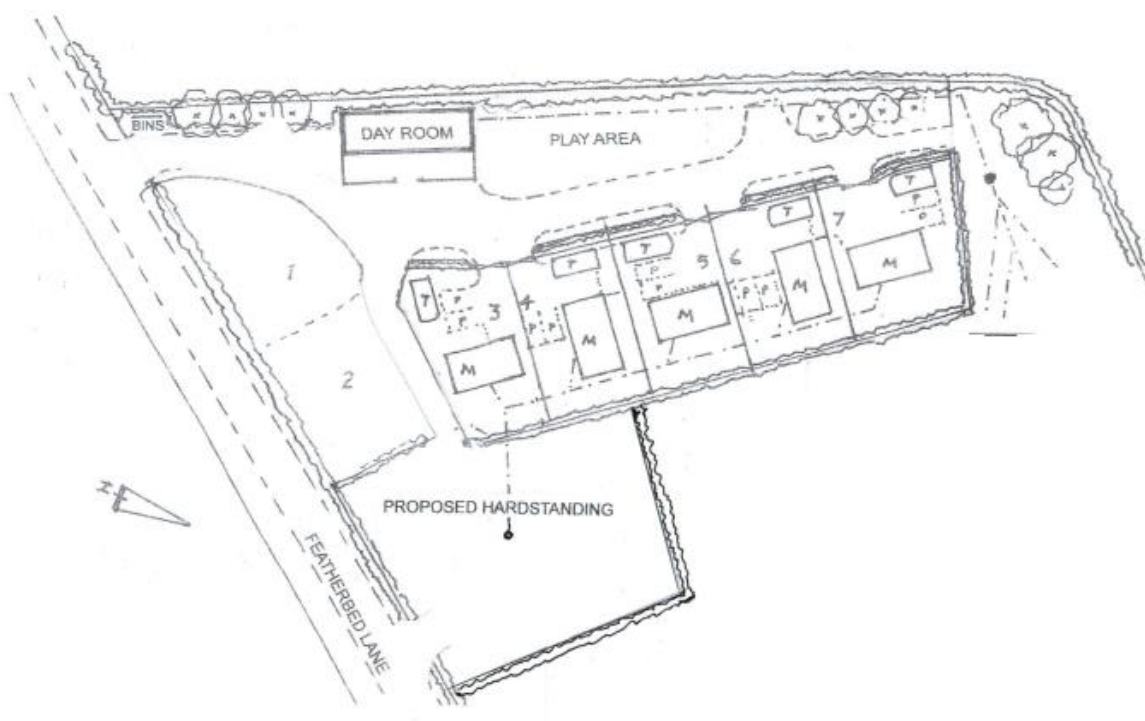
A stable block has previously been granted planning permission on the wider site, together with an extension to the stable block. The construction of the stable block was commenced but not completed. Instead, an amenity block was constructed.

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 and for an associated vehicular access onto Featherbed Lane.



## 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 refurbishment/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** Whitwell Parish

---

**APPLICATION LOCATION APPLICANT** Conversion of former club to 9 residential flats  
New Middle Club Welbeck Street Whitwell Worksop  
Simpatico Properties Ltd New Middle Club Welbeck Street Whitwell  
Derbyshire S80 4TQ

**APPLICATION NO.** 25/00179/FUL **FILE NO.** PP-13935129

**CASE OFFICER** Mr Mark Penford

**DATE RECEIVED** 11th April 2025

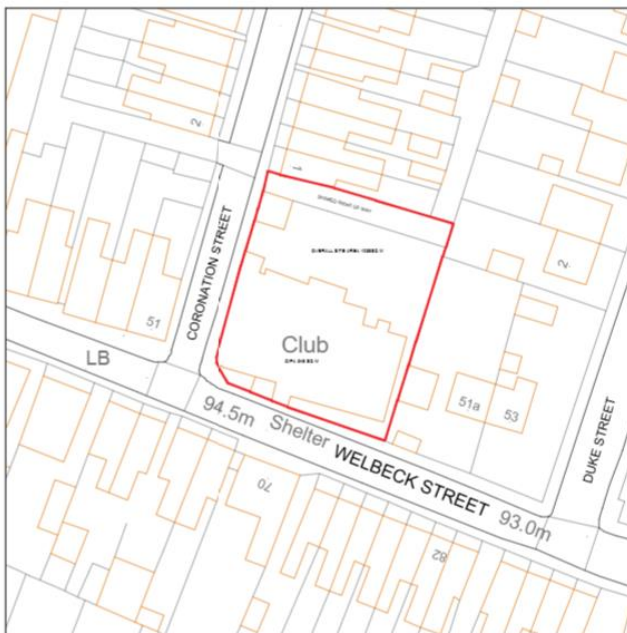
---

## SUMMARY

This is a full planning application for the material change of use of the vacant New Middle Club, Welbeck Street, Whitwell to 9 no residential flats. The application includes 10 off-road car parking spaces utilising the existing vehicular access from Coronation Street. Two of the flats are two-bed and the remaining seven flats are one bed/bedsit units.

Initially the application proposed to remove a brick wall on the northern boundary, beyond which is a shared drive. Amended drawings have been received during the course of processing the application to retain the brick wall as existing. The application has been called into Planning Committee for determination by Councillor Tom Munro due to concerns in respect of land ownership and the application site area, insufficient parking and inadequate public transport facilities. The application is recommended to be granted conditionally.

## Site Location Plan



## SITE & SURROUNDINGS

The former New Middle Club is a part two-storey, part single storey building located on Welbeck Street in Whitwell at its junction with Coronation Street. The club is presently closed

but operated as a public house/social club with a function room for many years. To the first floor is a 3-bedroom apartment. The site covers approximately 0.09 hectares with associated hardstanding to the rear that forms the car parking and servicing areas for the club.

The building features a traditional brick facade with a pitched slate roof and chimneys. Extensions to the original structure include sections with flat roofs. The primary access to the site's established parking facilities is from Coronation Street, leading to the car park. The surrounding area consists largely of traditional red brick and slate terraced houses, though some properties have been re-roofed with concrete tiles or rendered.

Additionally, there are examples of modern infill developments, and to the east, more recent semi-detached dwellings feature rendered walls and concrete tiled roofs, contributing to the varied architectural character of the area. Brick walls form the site's eastern, northern, and part of its western boundary, with the remaining elevations open to the surrounding street network.



***The New Middle Club***

## **BACKGROUND**

On 18<sup>th</sup> November 2025 outline planning permission was granted for the demolition of the New Middle Club and the erection of six dwellings under office code 15/00495/OUT. However, an application for approval of Reserved Matters was not submitted and the application time expired.

## **AMENDMENTS**

The following amended drawings were received to retain the existing brick wall along the northern boundary and to agree a revised car park layout.

Site Location and Block Plan – drg no AP/04 Rev cd dated 24/07/25.

Floor Plans as Proposed – drg no AP/02 Rev abc dated 16/07/25.

Floor Plans as Existing – drg no AP/01 Rev ab dated 16/07/25.

## **PLANNING HISTORY**

15/00495/OUT      Granted

Outline planning application for the erection of 6 units with associated car parking [As revised by indicative proposed site plan ref. 1930.PL02B and Visibility Splays

## **CONSULTATIONS**

### **Bolsover District Council – Environmental Health**

No objection raised. Planning conditions recommended to control construction work hours within the site and to ensure any encountered contamination is assessed and a report submitted to the Local Planning Authority for approval which assesses the risks identified.

### **Bolsover District Council - Waste and Recycling Manager**

#### 1<sup>st</sup> comments

Confirms the revised plans are acceptable from a refuse collection perspective. Residents must present their bins on the pavement on Coronation Street. The bins will not be collected from the bin storage area.

#### 2<sup>nd</sup> comments

Confirms there are problems occasionally collecting bins on Coronation Street but nothing out of the ordinary and that this is not considered to be a problem.

### **Derbyshire District Council - Highway Authority**

#### 1<sup>st</sup> response

Requests the application is deferred following submission of additional information for the following reasons:

- a) The site boundary includes the private access road to the north which also served a number of dwellings on Coronation Street.
- b) The site has its own access onto Coronation Street however it appears this access would be incorporated with the private access to the north to create a much wider access to continue to serve the existing dwelling and the proposed residential units.
- c) Does the applicant have the vehicular access rights over the private access to the north?
- d) The combined access would be 11m wide, but it is not clear why the residential units proposed need to be served by such a wide access.
- e) If the accesses are to be combined, there is a street sign and telegraph pole in the footway which would require relocating and a BT cover and water company stop tap in the footway would need reinforcing. The costs associated with this work would be at the applicant's expense and potentially prohibitively expensive.

#### 2<sup>nd</sup> response

The District Council's own parking standards require slightly more parking provision than DCC's parking guidance, but it is assumed the application will be assessed parking against BDC's standards. There are extensive waiting restrictions on Coronation Street and Welbeck Street and also a TRO restricting motorised traffic, except for access, on Coronation Street. The existing waiting restrictions control parking where it has been considered to be safe and maintains the passage of movements on the road. If there is an increase in the demand for roadside parking generated by the development, those requiring somewhere to park will need to park at a location on the network where it is appropriate and safe to do so.

From comments, it seems that there are existing on street parking issues, which may be exacerbated by a lack of parking within the development site, according to BDC's parking standards, but it is considered unlikely that a small shortfall in the on-site parking provision

would have a significant impact on the existing situation such that an objection on highway safety grounds i.e. the development would have an unacceptable impact on highway safety could be maintained.

The extant use of the application site should also be taken into consideration, which may have generated vehicle movements and parking requirements which, depending on the popularity of the club and if and when functions were, or could have been, laid on may also have resulted in overspill parking on surrounding roads. In addition, the application site has good access to bus stops and the train station as well as to local amenities e.g. shops and a school which may be a consideration of future occupiers who may not have access to a private vehicle. A reduction in parking provision in areas which have good access to public transport and services/facilities may lead to lower car ownership or usage and as such the site would be considered to be in a sustainable location. As with all on street parking, all motorists must park considerately and lawfully and where this does not occur, the police have the sole responsibility to take appropriate action.

### 3<sup>rd</sup> comments

Comments are provided based on the revised plans with retention of the wall and the existing vehicular access to remain unchanged and not widened as per the previous plans. The layout now indicates 10 car park spaces which replicate the existing car parking layout. It is assumed the parking will be assessed against the District Council's own parking standards; however, the parking provision does accord with DCCs parking guidance for the scale of development proposed. Based on the analysis of the information submitted and a review of local and national policy the Highway Authority concludes 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. A condition is recommended to ensure the parking and turning facilities are provided prior to occupation.

### **Derbyshire Wildlife Trust**

Requests confirmation of whether any works will be required to the eaves, in which case a preliminary bat roost assessment/swift survey will be required. If not there will be no requirement for the survey. The development is exempt from 10% Biodiversity Net Gain as no habitat is affected. A planning condition is recommended to secure a biodiversity enhancement plan.

### **Whitwell Parish Council**

Objects to the application due to inadequate parking provision and the impact on surrounding residents. The Parish Council strongly disagrees with the planners view on the number of vehicles for single occupancy residences. The stated access runs to the existing properties on Coronation Street, not to the former Middle Club. Requests that the application is called in for consideration by the Planning Committee.

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

### **PUBLICITY**

Site Notice posted 20.05.2025. Comments required by 10.06.2025.

Residents notified 15.05.2025. Comments required by 05.06.2025.

Residents notified of amended plans 28.07.2025. Comments required by 11.08.2025.

## REPRESENTATIONS

### Cllr Tom Munro

Cllr Munro has called in this application to the Planning Committee for determination on the following grounds:

1. Land ownership – there appears a discrepancy between the site map in the application and the Derbyshire Portal Map. It is believed the area of land adjacent 1 Coronation Street is part of the vehicular access to 1, 3, 5, 7, & 9 so why is it included as part of the development site?
2. Parking provision - The application is for 5 x 1-bedroom flats, 2 x 2-bedroom flats and 2 x studios which as a minimum will accommodate 11 adults. The allocation of 9 parking spaces is not compliant with the policy in the local Plan at Appendix 8.2 which would require a minimum of 15 parking spaces. In addition, there is no parking permitted on Welbeck Street or on Coronation Street where there is clear signage indicating that only resident's parking is permitted. There is already a parking shortage within the village in particular around Welbeck Street and the roads off that street.
3. Public Transport. The applicant's accompanying statement claims that the site is served by good public transport services. The 77-bus route is one per half hour in both directions, which is hardly adequate bus provision. The Robin Hood railway service currently operates an hourly service with many of the trains not stopping at Whitwell Station.

Twelve letters of resident objection have been received which are primarily parking/highway related. The comments are summarised as follows:

- Everyone parks on Coronation Street it should be Coronation Street residents only.
- Only once in a blue moon can I park on Coronation Street
- The village of Whitwell was constructed before personal vehicles were common and many of the existing housing do not have private parking.
- Even existing properties with one vehicle find it a challenge to park
- The road at the front of the property has double yellow lines, as does the lower part of Coronation Street, the rest is restricted to access rights.
- Coronation Street is relatively narrow.
- Parking close to the junction poses a safety hazard to road users and pedestrians.
- Difficulty for larger vehicles to access Coronation Street.
- Where does the developer expect the inevitable cars to park safely and legally?
- Disagrees with the developer's comments that Whitwell offers public transport options.
- Due to the nature of the bus route travelling takes much longer than by car
- Very few places of work are within reach without having to change buses.
- The train service only stops every two hours in the village.
- Any residents able to drive will do so and require personal transport such as a car.
- There has been a large increase in the number of works vehicles parked in the village caused by workplaces not providing adequate facilities.
- How many residents living in the flats will need to park vans as well as their cars?
- Does not meet parking planning requirements for residential properties.
- An unrealistic proposal for this location.
- A single extra parking space far from mitigates the car parking concerns raised by

multiple residents.

- It is common knowledge most households own two cars
- Public transport within Whitwell is not sufficient to be able to reliably travel out of the village for work.
- We already struggle due to residents of Welbeck Street parking on the road due to parking restrictions and no parking for their properties.
- The revised plans retain the access road to the back of properties on Coronation Street which is where residents access properties and our gardens.
- Why is the applicant trying to adopt the private access road. They don't need this within their boundary
- The Council's waste manager has stated refuse collection will take place from Coronation Street encouraging 8-18 bins to be left.
- Regularly bin lorry's cannot get up Coronation Street due to parking and our bins are not collected.
- Strongly advises those in charge of the decision on this application comes out to visit to experience the issues -not during the day when residents are at work.
- This is consciously choosing to worsen the lives of the residents of Coronation Street.
- The traffic situation will be intolerable for local residents.
- One car parking space per flat is not reasonable, taking into account deliveries.
- Flats would destroy the quietness of the area
- Parking issues are affecting my mental health.
- The New Middle Club should be demolished and the site turned into a car park for residents.
- 9 flats so 18 cars.
- Coronation Street residents would have a parking nightmare is the development proceeds.
- It would be very unfair for visitors to Coronation Street would face the parking nightmare.
- When I have lived here for so long, I should not have to consider relocating
- Our community would be in turmoil with the noise pollution and chaos caused by building.
- Our street is so small it could not cope with large vehicles.
- Objects to a development taking over Coronation Street and removing the wall.
- Impacts on disabled residents.
- We don't want the wall taking down – loss of privacy
- Residents don't want their vehicles to be blocked in.
- What is Coronation Street residents need access for emergency service vehicles?
- There is a sign on Coronation Street stating no unauthorised vehicles past this point.
- Loss of privacy
- Increase in noise
- An absolutely ridiculous idea.
- Object to the loss of another commercial building
- We are a village with few commercial buildings where local people can find employment or run a business from.
- The change of use would remove opportunities.
- The developer acknowledges they should provide 15 spaces but only propose 9 because they consider people living in flats won't have a car.

- We know from experience people living in flats do have cars.
- A single bedroom flat doesn't guarantee single person living.
- Whitwell already has a shortage of parking
- On any day you will find cars parked on junctions, double yellow lines, or wholly on pavements.
- Refuse lorries and emergency services cannot access properties.
- The developers are living in a fantasy land if they think some form of private transport is not a necessity to live in Whitwell without significant time and financial penalties of using public transport.
- There are very few jobs in Whitwell.
- This is an idea dreamt up by someone who has not visited the area for any period of time.
- The previous development of six dwellings was far more suited, though not without its own problems.
- The nearest supermarket is 3 miles away which is a 40-minute bus journey.
- We only have 26 houses on Coronation Street but more cars than residents.
- I'm a disabled driver and if I don't get home by 5pm there's no chance of me parking on my street.
- I have approached the Council to turn Coronation Street into residents only, but it fell on deaf ears.
- The building needs repurposing but 9 flats raise concerns for logistics of parking.

## **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 – Sustainability
- SS3 – Spatial Strategy and Distribution of Development
- SC1 – Development within the Development Envelope
- SC2 – Sustainable Design and Construction
- SC3 – High Quality Development
- SC9 – Biodiversity and Geodiversity
- SC11 – Environmental Quality (Amenity)
- SC14 – Contamination and Land Stability
- ITCR4 – Local Shops and Community Facilities
- ITCR11 – Parking Provision

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

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

- Chapter 2 (paras. 7 – 14): - Achieving sustainable development.
- Paragraphs 48 - 51: Determining applications.
- Paragraphs 56 - 59: Planning conditions.



- Paragraphs 96 - 108: Promoting healthy and safe communities.
- Paragraphs 109 - 118: Promoting sustainable transport.
- Paragraphs 124 - 128: Making effective use of land.
- Paragraphs 131 – 141: Achieving well-designed places.
- Paragraphs 187, 193 and 195: Conserving and enhancing the natural environment.
- Paragraphs 196 - 201: Ground conditions and pollution.

#### Supplementary Planning Documents and Advice Notes

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

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

##### *Local Parking Standards:*

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

##### *Biodiversity Net Gain Design Note:*

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

## **ASSESSMENT**

### **Key issues**

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

- The Principle of Development
- Design and Character
- Residential Amenity
- Land Contamination
- Biodiversity
- Highway Safety, Parking Provision and Refuse Collection
- Other Matters
- Conclusion and Planning Balance

These considerations are taken in turn, as follows:

## **Principle of Development**

The application site is located within the development envelope of Whitwell defined under Policy SC1 of the Adopted Local Plan where new housing is acceptable. The Adopted Local Plan sets out a Spatial Strategy to guide the distribution of new housing according to a settlement hierarchy based on principles of sustainability. Firstly, development is referred to the four main towns of the district followed by the defined larger villages. Whitwell is defined under Policy SS3 as a larger village in recognition of its amenities and services that make it a sustainable settlement and capable of accommodating additional development, subject to all material planning considerations. This residential development is therefore in accordance with the adopted Spatial Strategy.

The public house/social club is a community facility and Policy ITCR4 of the Adopted Local Plan is engaged. This policy states that planning permission for development that involves the loss of local convenience shops which serve the daily needs of the local community, or community facilities including community / village halls, post offices, schools, nurseries, places of worship, health services, care homes, libraries, leisure centres, youth centres, cultural facilities and public houses will be granted only where it can be demonstrated that one of the following criteria are met:

- a) The loss of the specific facility would not create, or add to, a shortfall in the provision or quality of such facilities within the locality\*
- b) Appropriate replacement facilities are provided in a suitable alternative location
- c) The facility is no longer viable and this can be proven through adequate marketing of the premises for its current use which has failed to produce a viable offer\*\*
- d) The facility can be enhanced or reinstated as part of any redevelopment of the building or site

\*400m radius around the proposal - based on an approximate ten minute walking time

\*\* Marketing should be through an appropriate agent as well as through the council's regeneration service facility. The applicant should agree the marketing strategy, including any marketing period (with a rent or sale price for the existing use of the facility), with the Local Planning Authority in advance. Evidence of the results of the sustained marketing strategy will need to be submitted with any planning application. Marketing should not be restricted to the buildings last use but also other potential community uses.

The planning statement states that the loss of the former New Middle Club will not create or add to a shortfall in social and community facilities within Whitwell, as alternative facilities, including the Holmefield Arms, Whitwell Social Club, Whitwell Community Centre and Half Moon remain available within the locality for community use. It is noted by the agent in particular that the Holmefield Arms has a large function room and advertises a variety of regular events. The signboard on the premises advertises a large function room, stage and dance floor and a licensed bar, demonstrating that the premises have been marketed.

Consideration has been given to the alternative public houses/social venues within Whitwell, as follows:

The Holmefield Arms is approximately 235m away.  
Whitwell Social Club is approximately 298m away.

Whitwell Community Centre is approximately 402m away.

There are therefore presently open alternative public houses/social clubs within a 400m radius of the site providing alternative social venues for the local community and as such the development is in accordance with Policy ITCR4 criteria (a). The loss of the social club is justified in planning terms without the need for any marketing or viability assessment.

The principle of development for the proposed residential use is therefore acceptable subject to application of all relevant planning policy, the National Planning Policy Framework and any other material planning considerations.

### **Design and Character**

Parts of the building are of an attractive traditional design character, particularly the two-storey element at the junction of Welbeck Street and Coronation Street. No changes are proposed to the south and west facing elevations that face the public highways and the impacts on the character of the street scene will be minimal.

To the rear new French doors are to be inserted at ground floor level to serve the ground floor flats, which are set back behind proposed 10 no. off-road car parking spaces. New skylight windows are being proposed to the subservient part of the building to provide additional sunlight to some flats.



### **Proposed Elevations**

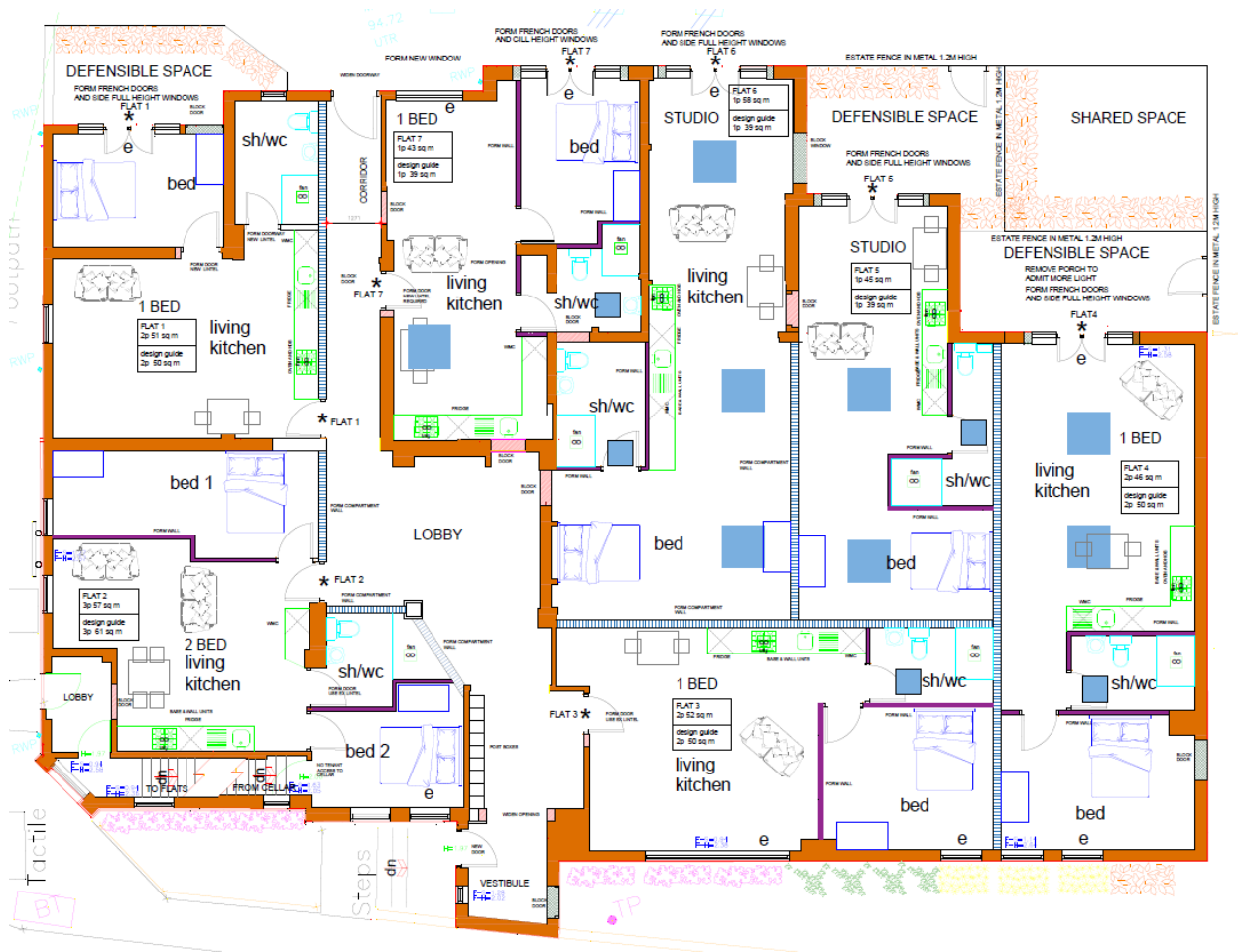
To the rear of the building is a red brick stone wall which divides the rear curtilage of the club from what is described as a shared right of way. This leads from Coronation Street to provide rear access to dwellings on Coronation Street. The application initially proposed to reconfigure the access arrangements by removing the red brick wall. However, amended drawings proposed to retain the brick wall, retaining access rights of existing residents and creating an enclosed car parking space for future occupants.

Overall, the design character of the building and its curtilage is unharmed, and the development is considered in accordance with Policy SC3 of the Local Plan, which requires developments to create good quality, attractive places which respond positively to local context; and with Paragraph 135 of the framework, which seeks to ensure developments are

attractive as a result of good architecture.

## Residential Amenity

The application is proposing 2 no. 2 bed flats and 7 no. 1 bed flats. Two of the 1 bed flats are open plan studios. All of the habitable rooms (kitchens, bedrooms and living rooms) are served by fenestration that provides a good level of natural light and outlook. The studios are provided with additional skylight windows to provide additional natural light to areas of the accommodation set back further into the building, which is considered acceptable for future occupants.



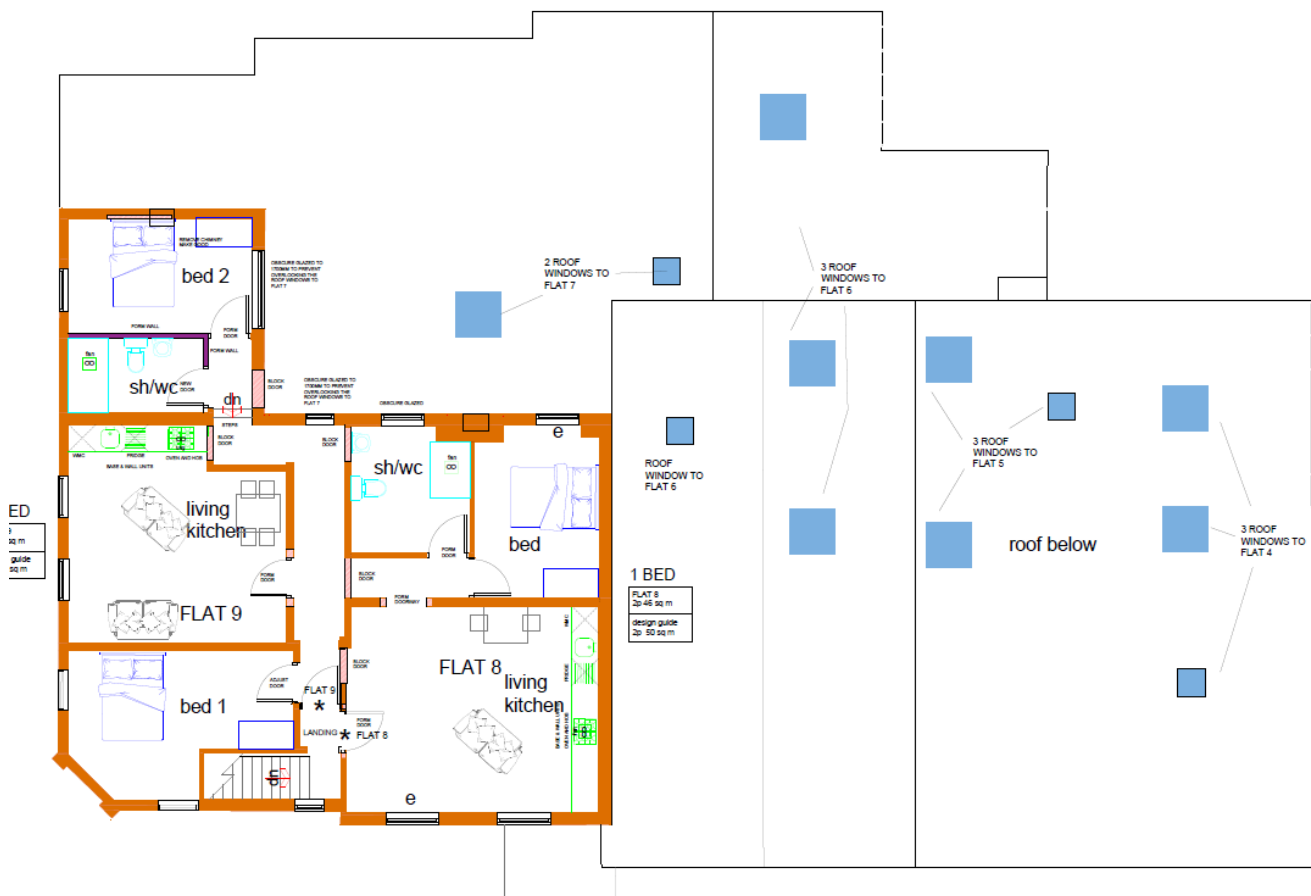
**Proposed ground floor layout**

The adopted SPD Successful Places advises 25sqm of amenity space is provided per flat, which may be on a shared basis. The development does not provide any outdoor private amenity space for future occupants. However, the SPD is clear that the guidance does not need to be rigidly applied, and planning applications should take into account individual circumstances. In this case the application is for the conversion of the existing building and must therefore work with the site's constraints and deliver a viable scheme based on the number of units proposed. Flats 1, 4 and 5 benefit from some defensible space to the ground floor for use by those occupants.

Twenty square metres of shared outdoor space is provided, which would be sufficient for use during periods of pleasant weather and to dry clothes, when necessary. The ER11 recreation

ground is a short walk away for future occupant use and the site also within walking distance to open countryside for outdoor recreational purposes. As such, whilst it is regrettable that the applicant has not provided more outdoor amenity space, it is not considered that there are any planning grounds on which to recommend refusal of the application on this basis.

For the most part the existing window openings would be utilised to serve the flats. The ground floor windows overlook the highways of Coronation Street/Welbeck Street or onto the rear car parking area. This does not raise any issues in relation to loss of privacy/overlooking. The new French doors to the rear are at ground floor level only. The three no. 1<sup>st</sup> floor rear residential windows are already in situ and as such outlook would not be materially any different towards the north – the upper floor is already authorised for residential occupancy. In any case 1 Coronation Street has a blank side elevation and future occupiers would not compromise the privacy of occupants of the adjacent dwelling to the north.



**Proposed first floor layout – flats 8 and 9**

The application does not raise any residential amenity concerns through massing, overshadowing or overlooking and is considered in accordance with Policy SC3 (n) of the Adopted Local Plan and Paragraph 135 (f) of the framework, both of which seek to protect the residential amenity of existing and future occupants of land and buildings.

In respect of noise, the District Council's Environmental Health Officer raises no objection to the development subject to a condition to control construction works and deliveries to between the hours of 7.30am to 6pm Monday to Friday and 7.30am to 1pm on Saturday. The

condition is attached to this recommendation and on this basis is in accordance with Policy SC11 of the Adopted Local Plan, which seeks to protect residential amenity from adverse noise impacts.

### **Land Contamination**

The District Council's Environmental Health Officer has been consulted in respect of land contamination and pollution matters. Further information has been requested regarding any posed soft landscape provision within the site. The agent confirms the applicant's intention is to plant up the areas between the front of the building and the road. In response the Environmental Health Officer has recommended a condition which requires any encountered contamination to be assessed, and a report provided to the District Council which addresses any risk identified. If unacceptable risk is identified, remediation will be necessary to make the site safe for future occupants. The planning agent confirms no objection to the condition, which is attached to this recommendation. The development is considered in accordance with Policy SC14 of the Local Plan, as the application will appropriately address any potentially identified contaminated land and ensure the site is suitable for its proposed use.

### **Biodiversity**

The application is exempt from 10% biodiversity net gain because due to the prominence of hard standing the development meets the de minimis exemption. Derbyshire Wildlife Trust has been consulted in respect of impacts on protected species. Clarification has been sought on whether any works are necessary to the eaves, as this would require a Preliminary Bat Roost Assessment and a Swift Survey to be submitted before determination. In response the planning agent confirms no works to the eaves will be required. There is as such no concern regarding impacts on protected species and surveys in relation to bats and swifts are not required. If any roof alterations become a necessity at a later date, the applicant would be required to comply with separate legislation relating to protected species.

In line with Policy SC9 of the Adopted Local Plan and Paragraph 187 (d) of the framework, biodiversity enhancements should still be provided, wherever possible. Derbyshire Wildlife Trust recommends a condition to secure enhancements in the form of a swift box, 2 bat boxes and any ecologically beneficial landscaping, which may be provided in front landscaping to the building's frontage and within the defensible areas to the rear. The condition is attached to this recommendation, which complies with Policy SC9 and Paragraph 187 (d) of the framework.

Key Biodiversity Information	
Reason if exempt from the biodiversity gain plan condition	Subject to the de minimis exemption

### **Highway Safety, Parking Provision and Refuse Collection**

The application is proposing 10 no off-road car park spaces each measuring 2.6m x 5m. Whilst the measurements of each space are fully in accordance with Appendix 8.2 to Policy ITCR11 of the Adopted Local Plan, the number of spaces are sub-standard.

Appendix 8.2 advises that 1 bed residences are provided with 1 space per unit plus 1 space per 2 units for visitors. Two bed residences are advised to be provided with 2 spaces per unit. Therefore, to comply with Adopted Local Plan standards the development should provide 15 spaces (11 spaces plus 4 spaces for visitors). Appendix 8.2 to ITCR11 acknowledges there may be a number of exceptional circumstances where a departure from the parking standards

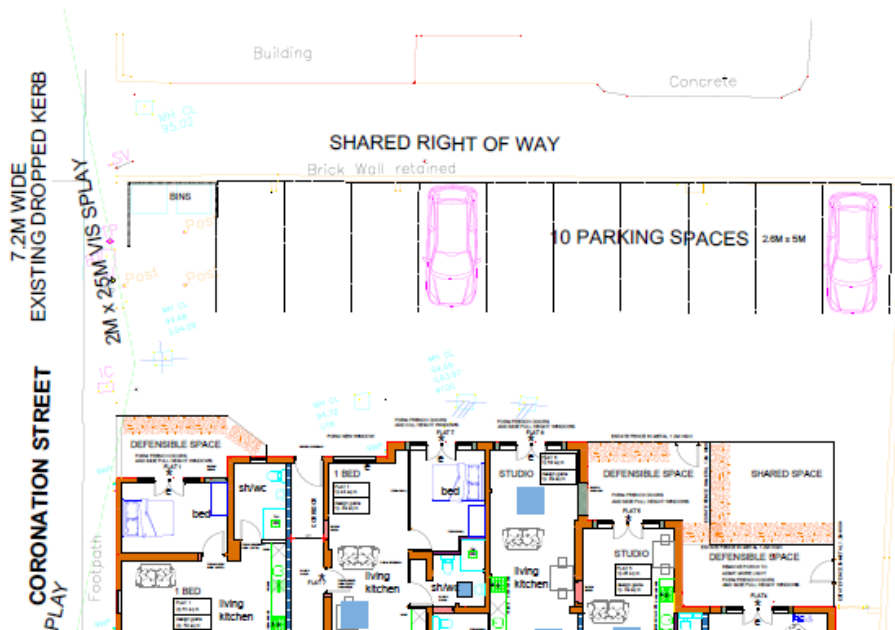


may be acceptable, however the departure must be fully justified and not lead to negative impacts on health and safety or unacceptably impact upon amenity.



**View looking up Coronation Street, a no through road, from Welbeck Street**

As set out above the application has generated resident objection with concerns over a distinct lack of parking, congestion, and poor means of access on Coronation Street. The majority of dwellings on Coronation Street do not benefit from off-road parking and there are parking restrictions in the area. Residents have stated vehicles become blocked and that there is poor access for refuse and emergency vehicles in the area.



**Proposed vehicular access from Coronation Street, a bin storage area and 10 car park spaces measuring 2.6m x 5m.**

The Highway Authority has commented on this application on three occasions, including the revised plans which increase the number of parking spaces from 9 to 10 and consistently confirms no objection finding that there are no highway safety issues to the development using the existing established vehicular access from Coronation Street; to the level of parking

provided and turning, or the impacts of the development on the local highway network in safety terms. It is acknowledged the parking provision is sub-standard by 5 spaces. However, each apartment would be provided with a dedicated car parking space.

The parking situation that existing local residents find themselves in is understood. The nature of Coronation Street is such that it is a 'dead end' and due to parking restrictions, which extend up to the proposed vehicular access to the site, and a lack of off-road parking, there is a high demand for on-road parking that causes residents to find a space to park. The existing waiting restrictions control parking on Coronation Street, where it has been considered by the local Highway Authority to be safe and to maintain the passage of movements on the road.

It is understood that there is an on-road parking shortage in the area and that some residents likely have to park elsewhere and walk back to their homes. If any motorists park unlawfully or dangerously, it would be a matter for the police. In highways terms there is a difference between inconvenience and safety and no safety issue has been identified in this instance.

Coming and goings of vehicles associated with the building operating as a social club would be removed, which could have a significant impact on local on-road parking provision if the building was to be brought back into use for this purpose. This is a material planning consideration in the overall planning balance.

In terms of refuse collection, the application proposes a bin storage area adjacent to Coronation Street, just by the vehicular access to the site. The District Council's Waste and Recycling Manager confirms no objection to the development and that future occupants bins would be collected. Future occupants would place their bins on Coronation Street for collection and then return them to the bin storage area after collection. The Waste and Recycling Manager has been made aware of resident comments in relation to bins not being emptied on Coronation Street and it has been clarified that this has not been a particular problem for the refuse team.

Local residents disagree that the settlement is sustainable due its good access to public transport, local amenities and services. Residents also disagree that the one bed units would attract occupants without or with fewer vehicles. However, this is not the view of the local Highway Authority, which considers the site location to be sustainable.



***Proposed parking area utilising current***



***Vehicular access to the site to remain unchanged***



### **car park layout**



**View from Coronation Street towards Welbeck Street**



**Shared drive. Brick wall to the right to be retained.**

Whitwell Train Station is approximately 432m from the site, meaning it is within walking distance. A bus service operates along Welbeck Street, with a bus stop directly outside the New Middle Club. In addition, Whitwell benefits from a local primary school, community centre, convenience stores, public houses, hot food takeaways, local church and a tea room amongst others, which make a contribution towards the sustainability of this settlement. Future occupants would not have to rely on the use of a private motor vehicle to leave the settlement for employment purposes.

Based on the level of parking provision provided, the means of alternative transport and the absence of objection from the Highway Authority, there are no highways/parking grounds on which to recommend refusal of this application because exceptional circumstances are demonstrated (and permitted by Policy ITCR11) where a departure from the parking standards is acceptable. These circumstances are evidenced because no health, safety or amenity issues are identified by the absence of 5 car parking spaces necessary to fully meet the parking standards.

The application is acceptable in highways and parking terms in accordance with Policy SC3 (e) of the Adopted Local Plan, which requires proposals to provide safe forms of development; and with paragraph 115 of the NPPF, which requires developments to not have unacceptable impacts on highway safety.

### **Other Matters**

The application site red line includes the shared driveway which leads to residential property and provides access to rear gardens on Coronation Street. Councillor Munro and local residents question why this land is included within the application site. The applicant Simpatico Properties Ltd has completed Certificate A to confirm the company owns the private drive. During the course of processing the application the planning agent has reconfirmed the applicant owns the entirety of the application site red line. Although no development is proposed on the private drive, and the brick wall is to remain in situ, there is no requirement for the applicant to remove the shared drive from the planning application site red line.

### **Conclusion and Planning Balance.**

The application site is inside the development envelope of Whitwell defined under Policy SC1 of the Adopted Local Plan where new development is supported. This development is in line with the Adopted Local Plan's Spatial Strategy which defines Whitwell as a larger village capable of accommodating further development within its development envelope. The loss of the community facility is justified in accordance with Policy ITCR4(a) of the Adopted Local Plan through existing alternative facilities within a 400m radius of the site.

The application raises no visual amenity/design concerns and has acceptable impacts on residential amenity. Although the application provides limited outdoor amenity space for future occupants; and has a shortfall of 5 off-road car parking spaces, in the overall planning balance this application will bring an empty and redundant building back into use to provide much needed housing and using a previously developed vacant site. If the building were to be left in its empty form, it could become derelict, detract from the visual amenity of the residential neighbourhood and attract anti-social behaviour. The lack of current on-road parking available for existing residents, and this development's impact upon that provision, has been confirmed by the Highway Authority to not be of detriment to highway safety.

### **RECOMMENDATION**

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

Revised Site Layout and Proposed Floor Plans - drawing number AP/02 dated 16/07/2025.

Revised Site Location Plan and Proposed Block Plan - drawing number AP/04 dated 24/07/2025.

Proposed Elevations and Roof Plan - drawing number AP/04 dated 09/05/2025.

3. Construction works on the site and deliveries to the site must be undertaken only between the hours of 07.30am to 6pm Monday to Friday and 7.30am to 1pm on Saturday. There shall be no work undertaken on site or deliveries to the site on Sundays or public holidays.
4. If during the construction and/or demolition works associated with the development hereby approved, any suspected areas of contamination are discovered, then all works shall be suspended until the nature and extent of the contamination is assessed and a report is submitted and approved in writing by the Local Planning Authority which addresses the risk identified. The Local Planning Authority shall be notified as soon as is reasonably practicable of the discovery of any suspected areas of contamination.

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

Upon completion of the remediation works 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.

5. Prior to the first occupation of the hereby approved development, 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 the following features:

- 10 No. swift bricks or boxes.
- 2 No. bat bricks or boxes.
- Summary of any ecologically beneficial landscaping

A statement of good practice including photographs of the provided features must be submitted to the local planning authority to fully discharge this condition, demonstrating that the enhancements have been selected and installed in accordance with the approved Plan.

6. No dwelling shall be occupied until the access, parking and turning facilities have been provided in full, as shown on drawing number AP/02 dated 16/07/2025. Once provided the car parking and turning spaces shall be retained for the life of the development free from any impediment to their parking and turning purposes.

7. Prior to the first occupation of the hereby approved development, a detailed scheme of boundary treatment 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 in perpetuity for the lifetime of the development.

8. Prior to any works taking place to the external elevations and roof of the development, the precise external materials to be used in the construction of the external elevations and roof shall be first submitted to and approved in writing by the Local Planning Authority. The development shall then proceed fully in accordance with the agreed external materials and be maintained thereafter.

### **Reasons for Conditions**

1. To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

2. For the avoidance of doubt and in order to define the planning permission.

3. In the interests of protecting residential amenity throughout the construction phase in

accordance with Policy SC11 of the Adopted 2020 Local Plan for Bolsover District.

4. To protect future occupiers of the development from unacceptable levels of land contamination in accordance with Policy SC14 of the Adopted 2020 Local Plan for Bolsover District.

5. To provide a form of biodiversity enhancement in accordance with Policy SC9 of the Adopted Local Plan 2020 for Bolsover District.

6. In the interests of ensuring off-road parking is provided and retained for the development in the best interests of highway safety in accordance with Policy SC3 (e) of the Adopted 2020 Local Plan for Bolsover District.

7. In the interests of protecting the visual amenity of the locality and residential amenity of adjacent residents in accordance with Policy SC3 of the Adopted Local Plan 2020 for Bolsover District.

8. In the interests of protecting the visual amenity of the locality in accordance with Policy SC3 of the Adopted Local Plan 2020 for Bolsover District.

### **Statement of Decision Process**

1. Officers have worked positively and pro-actively with the applicant to address issues raised during the consideration of the application. The proposal has been considered against the policies and guidelines adopted by the Council and the decision has been taken in accordance with the guidelines of the Framework.

### **Note**

1. 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.

### **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 3<sup>rd</sup> September 2025**

#### **SEPTEMBER 2025 LOCAL ENFORCEMENT PLAN (PLANNING) REVIEW**

#### **Report of the Development Management and Land Charges Planning Manager**

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

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

- To provide a review of the effectiveness of the Local Enforcement Plan (“The Plan”) which was first adopted in March 2019 and reviewed in May 2022, consider future monitoring requirements and to consider the need for updates, having regard to changes to legislation and working practices.
- To seek approval to adopt the changes to The Plan set out at Appendix 1 of this report.

---

#### **REPORT DETAILS**

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

- 1.1 Paragraph 60 of the National Planning Policy Framework (2024) states that:  
*‘Effective enforcement is important to maintain public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. They should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where appropriate.’*
- 1.2 In March 2019 Bolsover District Council Planning Committee adopted the Local Enforcement Plan (Planning), which set out:

- how the Council will prioritise suspected breaches of planning controls;
- how to report a suspected breach of planning controls;
- how the Council will deal with suspected breaches of planning controls;
- who is responsible for implementing these policies; and
- how the Council will monitor planning enforcement.

1.3 In May 2022 a review of The Plan was undertaken. At that time, it was considered that there was little reason to amend or change the targets within The Plan and there were no changes to legislation to report. Members resolved that the same targets and priorities were maintained, alongside the 6 monthly report of performance to planning committee. It was, however, agreed that The Plan's appearance was refreshed to reflect Bolsover District Council branding and that it was prepared in an accessible format.

1.4 Since the 2022 update, there has been legislative changes and changes to staffing and practices that have procedural implications and impact on the implementation of The Plan. These are considered, in addition to service performance, in the Details of the Proposal section of this report.

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

2.1 Providing excellent and accessible services is one of the four main corporate aims of the District Council. To make the best use of the available resources it is necessary to prioritise planning enforcement enquiries received to ensure the delivery of an efficient and effective service.

2.2 The Development Management and Land Charges Manager continues to report performance against the standards set out in The Plan in respect of the time taken to investigate suspected breaches of planning control based on the priority system adopted, namely:

- 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.

- 2.3 The twice-yearly update reports to planning committee have consistently presented details in respect of the number of planning enforcement cases received, closed and pending and performance against site visit targets for all low, medium and high priority case since 2019.
- 2.4 Such reporting has demonstrated that, with the exception of a few cases, all high priority cases have been visited within the target set in The Plan and more than 95% of low and medium priority cases have been visited within existing target periods.
- 2.5 Having such performance measures enables the Council to monitor how effective / responsive the department is to reports of breaches of planning control being received by the planning department and helps highlight any capacity / resourcing issues, to continue to provide an excellent service. It is recommended that the measures remain for these reasons. It is not considered that the timeframes set for investigating breaches of planning control should be reduced as the department's resources are limited, with the Council's only dedicated Planning Enforcement Officer visiting the vast majority of sites. If timeframes were to be reduced, greater resilience and investment in the service would be required.
- 2.6 No ombudsman complaints have been received since the adoption of the original Local Enforcement Plan (Planning) in 2019. Having clearly defined service standards is considered to be a contributory factor in this indicator of customer satisfaction.

### ***Staffing and legislative changes***

- 2.7 Following the resignation of the Principal Planning Enforcement Officer on the 18th April 2024 and difficulties recruiting into this position, a decision was taken to recycle this post and recruit an additional Principal Planner who, with the other Principal Planners within the Development Management Team and the District Council's Enforcement Officer lead on planning enforcement cases requiring formal action to be taken. This mini restructure has yielded high performance in terms of the amount of formal enforcement action taken post this decision, provided a renewed focus on service delivery and introduced greater resilience.
- 2.8 The abovementioned changes effect who is responsible for implementation of The Plan. The Assistant Director of Planning, Development Management and Land Charges Manager and the Principal Planners currently have overall responsibility for implementing the plan.
- 2.9 The Principal Planners, Enforcement and Planning Officers, where appropriate, will be responsible for investigating suspected breaches of planning control, and monitoring large housing sites.



- 2.10 The Assistant Director of Planning, Development Management and Land Charges Manager and the Principal Planners will decide what action should be taken when an investigation into a suspected breach of planning control has been completed.
- 2.11 It is not necessary to consult the Council's Solicitors on all cases where formal planning enforcement action is to be commenced, as such decisions rely on planning judgement. Qualified and experienced lead officers will set out the reasons for taking such action in a delegated enforcement report, which will be held of the case file and explain the Council's reasoning for taking such action. Formal notices will be served in accordance with the Council's scheme of delegation in its constitution. Solicitor input may be required for more complex cases and consultation with legal services will be carried out before any legal action is taken by the District Council.
- 2.12 The above changes have been made to The Plan, as set out at Appendix 1.
- 2.13 The Planning Act 2008 (Commencement No. 8) and Levelling-up and Regeneration Act 2023 (Commencement No. 4 and Transitional Provisions) Regulations 2024 were made on 2 April 2024. These brought the enforcement package set out in LURA into force, and subject to transitional provisions, came into force on 25 April 2024.
- 2.14 The four-year time limit for bringing enforcement action against building or engineering operations and changes of use to a single dwelling-house was removed. In most cases, no enforcement action may now be taken after the end of the following periods:
- 10 years beginning with the date of substantial completion of works (operational development) where substantial completion took place on or after 25th April 2024.
  - 10 years beginning with the date of an unauthorised change of use to a single dwellinghouse, where the change of use commenced on or after 25th April 2024.
  - 4 years beginning with the date of substantial completion of works (operational development) where substantial completion took place before 25th April 2024.
  - 4 years beginning with the date of an unauthorised change of use to a single dwellinghouse, where the change of use commenced before 25th April 2024.
  - 10 years beginning with the date of any other breach of planning control, including other changes of use and breaches of planning conditions.
- 2.15 The Plan has been amended to cover the new enforcement immunity periods.
- 2.16 Other legislative changes that effect The Plan include the extension to the expiration of a temporary stop notice. Such notices now expire 56 days after the display of the notice on site (or any shorter period specified). Where a temporary stop notice was issued before 25 April 2024, the expiry time limit was 28 days. This is reflected in the tracked changes to The Plan set out at Appendix 1.

- 2.17 The Government has also introduced provisions which allow the Local Planning Authority to serve an enforcement warning notice. Under section 172ZA of the Town and Country Planning Act 1990, where a local planning authority considers that unauthorised development has a reasonable prospect of being acceptable in planning terms, it can issue an enforcement warning notice. The notice will set out the matters that appear to be a breach of planning control and state that, unless an application is made by a specified date, further enforcement action may be taken. The issue of an enforcement warning notice constitutes taking enforcement action for the purposes of section 171B of the Town and Country Planning Act 1990 and stops the clock with regard to any claim of immunity from formal enforcement action.
- 2.18 Development completion notices were also introduced by the Levelling Up and Regeneration Act 2023. These will allow the Local Planning Authority to state that a permission will cease to have effect at a specified time, where the Council is of the opinion that a development that was commenced before the expiry of the permission will not be completed within a reasonable period. This relates to the package of measures that the Government is seeking to introduce to speed up build out. Although not yet effective, this is listed at section 5.0 of The Plan as one of the types of formal enforcement action that the Council can take. For completeness, other missing types of action have been referred to, including, planning enforcement orders, repair notices, listed building notices, discontinuance notices and tree replacement notices.
- 2.19 Other changes of note include how District Councillors will be involved. The Plan currently advises that Ward Councillors will normally be informed before officers take formal action in respects of any suspected breach of planning control in their local area where the case is sensitive or contentious. This usually involves the lead case officer circulating a copy of the delegated enforcement report to Ward Councillors for information / comment.
- 2.20 There are, however, instances where immediate action is required to prevent irreversible harm to the environment or to deal with high priority cases. In such instances efforts will be made to contact Ward Councillors by telephone to inform them of intended action before it is taken.
- 2.21 In addition to monitoring of performance in respect of visiting sites, it is also considered that providing details of the registerable formal notices served and sharing the outcome of any enforcement appeal decisions received over the 6-month reporting period is incorporated into The Plan to allow planning committee members monitor the effectiveness of the service.

## **5 Reasons for Recommendation**

- 5.1 The Local Enforcement Plan includes provisions that it will be reviewed if there are any substantial changes to relevant legislation, national policy or national guidance or within three years after publication depending on whichever is the sooner. Three years have passed since the last review of The Plan and there has been new legislation introduced and changes to service provision that should be reflected in The Plan so that it remains fit for purpose and relevant.

5.2 Effective planning enforcement is important to:

- tackle breaches of planning control that have an unacceptable adverse impact on the character and appearance of the local area, or have an unacceptable adverse impact on the living conditions of local residents;
- maintain the integrity of the decision-making process by tackling unauthorised development that would not normally get planning permission; and
- maintain public confidence in the Council's decision-making processes by ensuring conditions and planning obligations needed to make development acceptable in planning terms are complied with.

5.3 The preparation and adoption of an up to date local enforcement plan is equally important because it:

- allows engagement in the process of defining objectives and priorities which are tailored to local circumstances;
- sets out the priorities for enforcement action, which will inform decisions about when to take enforcement action;
- provides greater transparency and accountability about how the Council will decide if it is expedient to exercise its discretionary powers;
- provides greater certainty for all parties engaged in the development process.

5.4 Consequently, it is considered that the review and further adoption of a Local Enforcement Plan (Planning) is not only best practice from a planning perspective it is also closely aligned with the Council's priorities in terms of delivering excellent and accessible customer services and protecting the quality of life for residents and businesses.

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

6.1 The alternative option for the Council to choose not to review or adopt a new Local Enforcement Plan (Planning) would provide no, or out-date-information relating to current working practices and legislation to inform the public of how to report and what they can expect when reporting breaches of planning control to the District Council. This would be contrary to national planning policy and government guidance, which encourages local planning authority to adopt local enforcement plans to manage planning enforcement proactively. It would also conflict with corporate aims to provide excellent and accessible customer services and to protect the quality of life for residents and businesses, through making the best use of the resources it has.

---

## **RECOMMENDATION(S)**

1. That Planning Committee resolve to adopt a September 2025 update of the Local Enforcement Plan (Planning), which incorporates the track changes set out at Appendix 1.

## **IMPLICATIONS:**

**Finance and Risk:**            Yes ☐            No ☒

**Details:** There are no specific finance or risk issues arising from this report. Setting performance standards helps manage expectations and provides a clear framework to assess any complaints against in respect of service delivery.

On behalf of the Section 151 Officer

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

**Details:** There are no legal implications. The plan sets out working practices to be followed and does constitute policy or guidance that would influence decision making and be vulnerable to challenge.

On behalf of the Solicitor to the Council

**Environment:**            Yes ☒            No ☐

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

The performance standards will help protect the quality of life for residents and businesses, through prioritising breaches of planning control, making the best use of the resources it has and monitoring working practices to ensure that the service is as proactive and responsive as it can be when breaches of planning control are reported to the District Council.

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

**Staffing:**            Yes ☐            No ☒

**Details:** The proposed changes to The Plan seek to utilise and make best use of existing resources within the team.

On behalf of the Head of Paid Service

## **DECISION INFORMATION**

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

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

<b>Links to Council Ambition: Customers, Economy, Environment and Housing.</b>
<ul style="list-style-type: none"> <li>Customers, Environment and Housing – Delivering excellent customer services, protecting the quality of life for residents and businesses and delivering housing (having regard to the ability to serve completion notices, once secondary legislation is introduced).</li> </ul>

<b>DOCUMENT INFORMATION</b>	
<b>Appendix No</b>	<b>Title</b>
1	September 2025 tracked changes to the Local Enforcement Plan (Planning).
<b>Background Papers</b>	
<i>(These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Executive you must provide copies of the background papers).</i>	

# LOCAL ENFORCEMENT PLAN (Planning)

Formatted: English (United Kingdom)

~~May 2022~~September 2025

# Contents

1.0 Introduction	3	Formatted: English (United Kingdom)
2.0 Priorities	5	Formatted: English (United Kingdom)
3.0 Reporting a suspected breach of Planning Control	7	Formatted: English (United Kingdom)
4.0 Investigating suspected breaches of Planning Control	11	Formatted: English (United Kingdom)
5.0 Formal Enforcement Action	15	Formatted: English (United Kingdom)
6.0 Implementation and Monitoring	20	Formatted: English (United Kingdom)

# 1.0 Introduction

## What is a local enforcement plan?

A local enforcement plan should provide information on how the Council will respond to suspected breaches of planning control, tackle unauthorised developments, and monitor the implementation of planning permissions.

## What is a breach of planning control?

There are many different types of breaches of planning control, including:

- the development of a building without the correct planning permission;
- changes to the external appearance of a building without the correct planning permission;
- changes of the use of the land or buildings without the correct planning permission;
- engineering operations that change the existing levels of land or create new land forms that are carried out without the correct planning permission; and
- the demolition of a non-listed building within a Conservation Area.

We normally refer to these types of breaches of planning control as 'unauthorised development' because they are dealt with under powers in the Town and Country Planning Act 1990, as amended ('the 1990 Act').

The 1990 Act also covers other breaches of planning control, including:

- non-compliance with conditions attached to a planning permission, which is normally referred to as a 'breach of condition';
- non-compliance with a planning obligation contained in a S106 legal agreement attached to a planning permission; and

- untidy land or buildings that has an unacceptable impact on the character and appearance of the local area.

In addition to unauthorised developments, there are other types of breaches of planning control that are normally dealt with under powers in different legislation, including:

- unauthorised alterations to a listed building or demolition of a listed building;
- unauthorised works to trees in a designated Conservation Area (with a trunk diameter of 75mm or more, measured at a height of 1.5 metres from ground level);
- unauthorised works to or removal of a tree protected by a Tree Preservation Order, ~~or trees located in a conservation area;~~ and
- unauthorised removal of important hedgerows.

## Why is a local enforcement plan important?

The National Planning Policy Framework (NPPF) states that the Council should act in a proportionate way when tackling breaches of planning control and formal enforcement action should be used as a last resort. In addition, in most circumstances it is not a criminal offence to carry out unauthorised development (unless an Enforcement Notice is in place), and there are many different ways that the Council can tackle unauthorised development and other breaches of planning control. This means the Council cannot normally justify taking formal enforcement action against minor breaches of planning control and may decide not to take formal action against some cases.

Therefore, in some cases, the Council may seek a retrospective planning application to resolve a breach of planning control instead of taking action whilst in others the Council might determine not to take any further action because the works that have been carried out do not cause any harm.

Formatted: English (United Kingdom)



However, in other cases the Council may take formal enforcement action to resolve a breach of planning control and it is important that we can show how we decide when we will take formal enforcement action.

The Council also has to prioritise cases to ensure there are sufficient resources to make sure serious breaches of planning control are dealt with urgently and to ensure other cases are dealt with effectively and efficiently. This means that whilst we will take a consistent approach to planning enforcement, different cases may well be dealt with differently depending on the individual circumstances of the case. In these respects, it is important that we can show how we decide to deal with some issues urgently and how long we will normally need to deal with less urgent cases.

Therefore, the preparation and adoption of a local enforcement plan is important because it:

- allows engagement in the process of defining objectives and priorities which are tailored to local circumstances;
- sets out the priorities for enforcement action, which will inform decisions about when to take enforcement action;
- provides greater transparency and accountability about how the local planning authority will decide if it is expedient to exercise its discretionary powers; and
- provides greater certainty for all parties engaged in the development process.

### **What is the scope of this Local Enforcement Plan?**

The following sections of this document will set out:

- how we will prioritise suspected breaches of planning control;
- how to report a suspected breach of planning control;
- how we will investigate suspected breaches of planning control;
- how we will take formal enforcement action against breaches of planning control; and
- who is responsible for implementing and monitoring these policies.

## 2.0 Priorities

### How will the Council prioritise planning enforcement?

For planning enforcement to work effectively and efficiently it is important to prioritise cases so we have sufficient resources available to tackle the most serious cases quickly. It is also important that we have sufficient resources to properly investigate suspected breaches of planning control to make sure we take the most appropriate action in the most reasonable amount of time.

To make sure planning enforcement is carried out effectively within the District the first thing we will normally do when we identify a breach of planning control is decide whether the case is classed as a high, medium or low priority.

### Why is effective planning enforcement important?

Effective planning enforcement is important to:

- tackle breaches of planning control that have an unacceptable adverse impact on the character and appearance of the local area, or have an unacceptable adverse impact on the living conditions of local residents;
- maintain the integrity of the decision-making process by tackling unauthorised development that would not normally be granted planning approval; and
- maintain public confidence in the Council's decision-making processes by ensuring planning conditions and planning obligations needed to make development acceptable in planning terms are complied with.

### What is a high priority case?

High priority cases are cases where there is an immediate and serious risk of harm or irreparable damage resulting from

the unauthorised works that might be taking place. We will aim to investigate these cases on the same day that they are reported to the Council. We will then decide what further action to take, if any, within 24 hours. Examples of high priority cases are as follows:

- Demolition in a Conservation Area;
- Destruction of an important hedgerow;
- Hazardous substances;
- Unauthorised works to protected trees;
- Unauthorised works to listed buildings; and
- Unauthorised development in Green Belt

### What is a medium priority case?

Medium priority cases will not normally require immediate action to prevent serious harm. They will include suspected breaches of planning control that would not normally get planning permission because they are contrary to local planning policies and/or have a harmful impact on the amenity of the area.

We will aim to start investigating cases that are likely to be a medium priority by visiting the site within two weeks of receiving a complaint. We will then decide what further action to take, if any, within four weeks of the site visit. Examples of medium priority cases are as follows:

- Unauthorised development that contravenes local planning policy;
- Unauthorised development that significantly impacts on local amenity and public safety;
- Unauthorised development that results in harm to the character of a Conservation Area; and
- Unauthorised development that results in harm to the setting of a listed building.

### What is a low priority case?

Low priority cases will be minor breaches of planning control. We will aim to start investigating cases that are likely to be a low priority by visiting the site within six weeks of receiving a complaint. We will then decide what further action to take, if any, within six weeks of the site visit. Examples of low priority cases are as follows:

- Running a small business from a residential property;
- Unauthorised advertisements;
- Unauthorised fences and walls;
- Unauthorised householder developments; and
- Untidy land and buildings.

### How will we monitor implementation of planning permissions?

The Council does not have sufficient resources to monitor every planning permission that is implemented across the District. Some ad-hoc monitoring of

development by case officers may take place but we will normally need to rely on reports of suspected breaches of planning conditions to be able to identify problems.

When we receive a report of a suspected breach of planning conditions or we identify a breach of planning conditions on a development site, we will approach the case in the same way as other breaches of planning control depending on whether the breach of condition is considered to be a high, medium or low priority case.

However, we will monitor sites where permission has been granted subject to a S106 legal agreement. Typically, these types of legal agreements will have a 'trigger point' when payments are required to be made or when affordable housing or other infrastructure should be delivered.

In many cases, a trigger point will be related to the number of new houses that have been built and/or occupied. Planning officers are responsible for monitoring the trigger points for obligations including payments of commuted sums.

# 3.0 Reporting a suspected breach of Planning Control

## How should a suspected breach of planning control be reported?

We publish a form on the Council's website that asks for all the information we need to allow us to investigate a suspected breach of planning control. This form is available via the 'Self Service' section of the Council's website.

[I Want to Report a Planning Enforcement Issue - Details - Section 1 - Self Service \(bolsover.gov.uk\)](#)

You can also report a suspected breach of planning control by sending an email to [dev.control@bolsover.gov.uk](mailto:dev.control@bolsover.gov.uk) or by post to the Planning Department at Bolsover District Council, The Arc, High Street, Clowne S43 4JY.

We do not normally need photographs to be submitted with a completed form because we cannot use these photographs as evidence. However, we do need the address of the person reporting a suspected breach of planning control and that person's contact details. We do not accept anonymous complaints and we may need to discuss the case with the person who has reported it as part of our investigations.

Once we have received details of a complaint we will send an acknowledgement. At the conclusion of our investigations we will let the person who has reported a suspected breach know what action we have taken.

We will not normally provide any other routine updates on our investigations but we will aim to work to the timescales we have set out in Section 2 of this document for high, medium and low priority cases. We will, however, usually respond to individual requests for updates if received from a complainant during the course of an investigation, as we appreciate that some cases can take longer to resolve and this can be frustrating for interested parties.

## How will we use personal data included on a completed form?

We will only share the address and private contact details of a person reporting a suspected breach of planning control with officers dealing with the case, unless the case involves a matter that cannot be dealt with by planning enforcement.

If a case should be dealt with by another department in the Council, we will share the details of the case with relevant officers in that department so they can take appropriate action. However, the Council will not share personal contact details with any external third parties without that person's consent.

We do not publish your personal contact details and we treat these details in confidence because we recognise many people will not have the confidence to report a suspected breach of planning control if their identity were to be made public.

For these reasons, the Council would not normally provide information about the details of a person who has reported a suspected breach of planning control if we receive a request for this information made under the freedom of information act or the environmental information regulations.

However, we may have to share your personal details with the police or the courts if, in very exceptional circumstances, the suspected breach of planning control actually amounted to a criminal offence subject to prosecution.

## What types of complaints cannot be dealt with by planning enforcement?

Before reporting a suspected breach of planning control, it is important to check that the matter is for the Council's Planning Department to deal with so we can avoid any

- Formatted: English (United Kingdom)
- Formatted: English (United Kingdom)
- Formatted: English (United Kingdom)
- Formatted: English (United Kingdom)
- Formatted: English (United Kingdom)
- Formatted: English (United Kingdom)
- Formatted: English (United Kingdom)
- Formatted: English (United Kingdom)

unnecessary work or delay in taking the most appropriate action. The most common issues that are incorrectly reported to the Council's Planning Department are listed below:

### Approved development or works

In some cases, we receive reports of suspected breaches of planning control about development or works that have been granted planning permission. We publish details of most planning applications on the Council's website including details of approved plans, planning conditions and planning obligations.

If it is found that works or a development has already got consent and is being carried out in accordance with the permission, then we will not take planning enforcement action. However, a complaint can still be made to the Council's Complaints Department about the way we dealt with an application for planning permission but not about the decision itself.

### Boundary disputes

The Planning Department cannot deal with boundary disputes. These types of problems should normally be dealt with as a private matter by the individuals concerned, which may involve instructing a solicitor or other suitably qualified professional to deal with the matter. We may be able to provide extracts from plans or details of application site boundaries on request but these details will also normally be available on the Council's website.

### Damage to private property

Similar to the above, the Planning Department cannot deal with reports about damage to private property. These types of problems should normally be dealt with as a private matter by the individuals concerned, which may involve instructing a solicitor or other suitably qualified professional to deal with the matter or the matter may need to be reported to the police.

### Dangerous Structures

The Planning Department cannot deal with reports of dangerous structures, which should be reported to Derbyshire Building Control Partnership who can be contacted on 0333 880 2000 or by email at [info@dbcp.co.uk](mailto:info@dbcp.co.uk).

### Empty Properties

The Planning Department cannot deal with empty properties, which should normally be reported to the Council's Empty Property Officer by telephoning 01246 242424.

### Fly-tipping

The Planning Department cannot deal with reports of fly-tipping, which should be reported to the Council's Environmental Health Department by telephoning 01246 242424 or by emailing [EnvironmentalHealthAdmin@ne-derbyshire.gov.uk](mailto:EnvironmentalHealthAdmin@ne-derbyshire.gov.uk).

### Fracking

All issues related to fracking should be discussed with Derbyshire County Council who can be contacted on 01629 580000.

### Highways Land

The Planning Department cannot deal with complaints about any structures, advertisements, A-boards or any other operations, such as cars sales for example, that have taken place on land within the boundaries of a highway, which will normally include grass verges, footpaths and pavements and other highway infrastructure like barriers, lampposts and bridges, as well as the road itself.

Complaints about activities taking place on highways land that is connected to the local road network should be reported to the Highways Department at Derbyshire County Council by telephoning 01629 580000. Complaints about activities taking place on highways land connected to the strategic road network should be reported to National Highways by telephoning 0300 123 5000.

Formatted: English (United Kingdom)

Formatted: English (United Kingdom)

Invasive non-native plants and harmful weeds

Unless a breach of a planning condition has been identified, complaints about non-native invasive species or harmful weeds cannot be dealt with by the Planning Department and should be reported to the Council's Streetscene Department on 01246 242424 if the land belongs to the Council. In all other cases, complaints about non-native invasive species or harmful weeds should be referred to the Environment Agency and more information can be found on their website at [www.gov.uk/government/organisations/environment-agency](http://www.gov.uk/government/organisations/environment-agency).

Light Pollution

Unless a breach of a planning condition has been identified, complaints about light pollution cannot be dealt with by the Planning Department and should be reported to the Council's Environmental Health Department by telephoning 01246 242424 or by emailing [EnvironmentalHealthAdmin@ne-derbyshire.gov.uk](mailto:EnvironmentalHealthAdmin@ne-derbyshire.gov.uk)

Noise Nuisance

Unless a breach of a planning condition has been identified, complaints about noise nuisance cannot be dealt with by the Planning Department and should be reported to the Council's Environmental Health Department by telephoning 01246 242424 or by emailing [EnvironmentalHealthAdmin@ne-derbyshire.gov.uk](mailto:EnvironmentalHealthAdmin@ne-derbyshire.gov.uk)

Odour Nuisance

Unless a breach of a planning condition has been identified, complaints about odour nuisance cannot be dealt with by the Planning Department and should be reported to the Council's Environmental Health Department by telephoning 01246 242424 or by emailing [EnvironmentalHealthAdmin@ne-derbyshire.gov.uk](mailto:EnvironmentalHealthAdmin@ne-derbyshire.gov.uk)

Parking Restrictions & On-Street Parking

Derbyshire County Council Civil Parking Enforcement (CPE) are responsible for the enforcement of parking restrictions in Derbyshire. Civil Enforcement Officers

Formatted: English (United Kingdom)

Formatted: English (United Kingdom)

Formatted: English (United Kingdom)

Formatted: English (United Kingdom)

(CEOs) have replaced traditional traffic wardens and enforce a range of restrictions. Further information can be found on Derbyshire County Council's Website via the following link:

<https://www.derbyshire.gov.uk/transport-roads/roads-traffic/parking/parking-enforcement/civil-parking-enforcement-cpe.aspx>

CEOs are responsible for enforcing:

- limited waiting bays
- double/single yellow lines
- on street pay and display bays
- residents' parking zones
- Blue Badge bays
- loading bays
- bus stops
- taxi bays
- school keep clears
- clearways
- dropped kerb access (also police)
- double parking (also police)
- pedestrian crossings (also police)
- car parks (with orders).

The police are responsible for enforcing:

- double white lines
- obstruction – for example, pavements with no parking restrictions
- dangerous parking where there are no restrictions in place, for example, on bends, brows of hills and junctions
- dropped kerb access (also CEOs)
- double parking (also CEOs)
- one-way traffic
- box junctions
- access only
- white-hatched areas
- pedestrian crossings (also CEOs).

In summary, problems about contravention of parking restrictions should normally be reported to Derbyshire County Council on 01629 533190 or email: [contactcentre@derbyshire.gov.uk](mailto:contactcentre@derbyshire.gov.uk)

For police related offences, please call 101 or 999 in an emergency.

### Quarry Sites and active Mineral Extraction

All issues related to quarrying or mineral extraction should be discussed with Derbyshire County Council who can be contacted on 01629 580000.

### Trespass

Reports about private individuals trespassing cannot be dealt with by the Planning Department and these types of problems should normally be dealt with as a private matter by the individuals concerned, which may involve instructing a solicitor or other suitably qualified professional to deal with the matter or reporting the matter to the police.

### Vermin

The Planning Department cannot deal with reports of vermin or other types of infestation, which should be reported to the Council's Environmental Health Department by telephoning 01246 242424 or by emailing [EnvironmentalHealthAdmin@ne-derbyshire.gov.uk](mailto:EnvironmentalHealthAdmin@ne-derbyshire.gov.uk)

### Waste sites

Any complaints about the operation of a waste transfer site including public amenity waste disposal sites and scrapyards should be directed to Derbyshire County Council who can be contacted on 01629 580000.

Formatted: English (United Kingdom)

Formatted: English (United Kingdom)

Formatted: English (United Kingdom)

Formatted: English (United Kingdom)

Formatted: English (United Kingdom)

Formatted: English (United Kingdom)

Formatted: English (United Kingdom)

Formatted: English (United Kingdom)

Formatted: English (United Kingdom)

Formatted: English (United Kingdom)

Formatted: English (United Kingdom)

## 4.0 Investigating suspected breaches of Planning Control

### How will we investigate suspected breaches of planning control?

Effective enforcement action relies on the Council having accurate information about a suspected breach of planning control. This means that the first part of our investigation is arranging a site visit. This can often involve contacting the owner of the land where the suspected breach of planning control has taken place and/or the person that appears to be responsible for the breach to arrange a site meeting.

We prefer to organise a site meeting because this gives us the opportunity to discuss the case with the people involved and it will help us with our investigations if we have a better understanding of what has happened and why. In addition, a breach of planning control may be the result of a genuine mistake where, once the breach is identified, the person responsible may take immediate action to remedy it.

However, we will not delay starting our investigations if we are not able to arrange a site meeting or are refused entry to a site. If we are unable to arrange a site visit or are refused entry to the site then we will consider using our rights of entry. If we use our rights of entry, we will inform anybody on site who we are and the purpose of our visit. Our officers will also be carrying their staff cards as proof of identity.

#### Rights of Entry

The Council can authorise named officers to enter land specifically for enforcement purposes (sections 196A, 196B and 196C of the Town and Country Planning 1990 Act). This right of entry is limited to what is regarded as essential, in the particular circumstances, for effective enforcement of planning control. The Act specifies the purposes for which

entry to land may be authorised (section 196A (1) of the 1990 Act), namely:

- to ascertain whether there is or has been any breach of planning control on the land or any other land;
- to determine whether any of the local planning authority's enforcement powers should be exercised in relation to the land, or any other land;
- to determine how any such power should be exercised; and
- to ascertain whether there has been compliance with any requirement arising from earlier enforcement action in relation to the land, or any other land.

The phrase "or any other land" means that, if necessary, neighbouring land can be entered, whether or not it is in the same ownership or is being occupied by the person whose land is being investigated.

Section 196A of the 1990 Act state there must be reasonable grounds for entering the land for the purpose in question. This is interpreted to mean that entering the land is the logical means of obtaining the information required by the local planning authority when investigating a suspected breach of planning control. It is also an offence to wilfully obstruct an authorised person acting in exercise of a right of entry under section 196C (2) of the 1990 Act.

Where there are reasonable grounds for entering land for enforcement purposes, and a right of entry is refused or is reasonably likely to be refused, or there is a need for urgency, then it is possible for a Justice of the Peace to issue a warrant to allow entry (section 196B (1) of the 1990 Act). However, entry to a building used as a dwelling house cannot be demanded as of right unless 24 hours advanced notice of intended entry has been given to the occupier.



## Assessing the Evidence

In many cases, we can collect enough relevant information from our historic records of the site, as well as information collected on a site visit and other publicly available information to be able to properly assess whether an actual breach of planning control has taken place and what further action we need to take.

On some occasions we might need to obtain further information to make an assessment of whether there are any legal grounds that mean we cannot take formal enforcement action. In these circumstances, a Planning Contravention Notice may be issued under section 171C of the 1990 Act and can be used to do the following:

- allow officers to request any information they need for enforcement purposes about any operations being carried out; any use of; or any activities being carried out on the land; and
- invite its recipient to provide officers with constructive suggestions about how any suspected breach of planning control may be remedied satisfactorily.

One proportionate way to tackle suspected breaches of planning control is to negotiate an acceptable solution with interested parties. Issuing a Planning Contravention Notice can be one way to achieve this, allowing officers to collect the information they need to help progress a case. However, it is an offence not to return a Planning Contravention Notice within the time specified for its return and it is an offence for a recipient to provide false information when completing a Planning Contravention Notice.

## When might the Council be unable to take formal enforcement action?

One reason the Council may not be able to take formal enforcement action is when an investigation of a suspected breach of planning control reveals that a breach of planning control has not actually taken place.

For example, we will not take any further action if we find that development or works taking place or completed on a site already has the appropriate planning permission and is being carried out or has been completed in accordance with the permission

We will also not take any further action if we find that development or works taking place or completed on a site benefits from 'deemed consent' because it is permitted development under the Town and Country (General Permitted Development)(England) Order 2015, as amended, or when we find that a sign or advertisement has 'deemed consent' under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

In addition, the 1990 Act and Town and Country Planning (Use Classes) Order 1987 (as amended) set out various activities and operations that cannot be considered to be development and does not require planning permission as a matter of law.

We will not take any further action if we find that a suspected breach of planning control falls within these statutory provisions and is not development that requires planning permission.

## Time limits for enforcement

### The Levelling-Up and Regeneration Act 2023

introduced changes which affect the time limits within which enforcement action may be taken by local planning authorities, against works (operational development) and material changes of use. In most cases, development becomes immune from enforcement if no action is taken. In most cases, no enforcement action may be taken after the end of the following periods:

- 10 years beginning with the date of substantial completion of works (operational development) where substantial completion took place on or after 25th April 2024, within 4 years of substantial completion for a breach of planning control consisting of operational development;
- 10 years beginning with the date of an unauthorised change of use to a single dwellinghouse, where the change of use commenced on or after 25<sup>th</sup> April 2024, within 4 years for an unauthorised change of use to a single dwellinghouse;
- 4 years beginning with the date of substantial completion of works (operational development) where substantial completion took place before 25th April 2024;
- 4 years beginning with the date of an unauthorised change of use to a single dwellinghouse, where the change of use commenced before 25th April 2024;
- 10 years beginning with the date of any other breach of planning control, including other changes of use and breaches of planning conditions;
- within 10 years for any other breach of planning control (essentially other changes of use or breaches).

There is no time limit for taking enforcement action in relation to works to listed buildings.

No enforcement action may be taken by the council in relation to alterations to listed properties where:

- Works (internal and external) were completed before the date of listing of the property.

These time limits are set out in section 171B of the 1990 Act and we will not normally take any further action if we find out that an unauthorised development is immune from enforcement because we are too late to take action.

Formatted: Font: Corbel

Formatted: Indent: Left: 0.25 cm, Tab stops: 0.25 cm, Left

Formatted: Indent: Left: 0.25 cm, Hanging: 0.5 cm

Formatted: Font: Corbel, 12 pt

Formatted

Formatted

Formatted: English (United Kingdom)

Formatted

Formatted: English (United Kingdom)

Formatted: English (United Kingdom)

Formatted

Formatted: English (United Kingdom)

Formatted

Formatted: English (United Kingdom)

Formatted

Formatted

Formatted: English (United Kingdom), Superscript

Formatted: English (United Kingdom)

Formatted

Formatted: English (United Kingdom)

Formatted: English (United Kingdom)

Formatted

Formatted: English (United Kingdom)

Formatted

Formatted: English (United Kingdom)

Formatted

Formatted: English (United Kingdom)

Formatted

Formatted: English (United Kingdom)

Formatted

Formatted: English (United Kingdom)

Formatted

Formatted: English (United Kingdom)

Formatted

Formatted: English (United Kingdom)

Formatted

Formatted: English (United Kingdom)

Formatted

Formatted: English (United Kingdom)

Formatted

Formatted: English (United Kingdom)

Formatted

Formatted: English (United Kingdom)

However, these statutory time limits do not prevent enforcement action after the relevant dates where there has been deliberate concealment of a breach of planning control.

Deliberate concealment may be considered to have occurred when deliberate attempts have been made to hide or disguise a breach of planning control to prevent its discovery, or deliberately misleading statements or information have been provided to the Council to prevent a breach of planning control being discovered.

In cases of deliberate concealment, officers may decide to proceed with formal enforcement action that would normally be considered 'out of time' or apply for a Planning Enforcement Order to gain more time to consider whether formal enforcement action should be taken.

### **When might formal enforcement action not be appropriate?**

Addressing breaches of planning control without formal enforcement action can often be the quickest and most cost effective way of achieving a satisfactory and lasting remedy. For example, a breach of planning control may be the result of a genuine mistake where, once the breach is identified, the person responsible will take immediate action to remedy it.

We will generally not take further formal enforcement action when action is taken to remedy a breach of planning control within 3-6 months of that action being agreed. The amount of time needed to put things right will depend on what actions are required to remedy the identified breach of planning control, but officers will not normally agree to a period longer than 6 months unless there are exceptional circumstances.

In deciding, in each case, what is the most appropriate way forward, the Council should also usually avoid taking formal enforcement action where:

- there is a minor or technical breach of planning control which causes no material harm or adverse impact on the amenity of the site or the surrounding area;
- development is acceptable on its planning merits and formal enforcement action would solely be to regularise the development;
- the submission of a formal retrospective planning application is the appropriate way forward to regularise the situation, for example where planning conditions may need to be imposed to make an unauthorised development acceptable in planning terms.

In most cases, only a minor breach of planning control will fall within the above criteria and these types of breaches will normally be low priority cases. However, if the Council decides not to take further action when it has completed its investigation of a low priority case this should not be taken as condoning a wilful breach of planning law.

A decision to take no further action will be a proportionate response when the retention of an unauthorised development or works will not result in any demonstrable harm. Nonetheless, it is in the landowner's own best interests to regularise unauthorised development by applying retrospectively for the relevant planning permission or consent even when the Council decides not to take any further action.

### **When do we invite retrospective planning applications?**

We will invite the submission of a retrospective application for low priority cases and other minor breaches of planning control where it is likely these types of applications will be granted permission.

Under section 172ZA of the Town and Country Planning Act 1990, where a local planning authority considers that unauthorised development has a reasonable prospect of being acceptable in planning terms, it can also issue an enforcement warning notice. The notice will set out the matters that appear to be a breach of planning control and state that, unless an application is made by a specified date, further enforcement action may be taken.

The issue of an enforcement warning notice constitutes taking enforcement action for the purposes of section 171B of the Town and Country Planning Act 1990 and stops the clock with regard to any claim of immunity from formal enforcement action.

The right planning permission will normally be needed by the landowner when it

comes to selling the property to reduce any conveyancing and legal issues.

We will also normally invite a retrospective planning application for some medium priority cases where planning conditions could be used to make the unauthorised development or works acceptable in planning terms and the person responsible for the breach of planning control has expressed a willingness to submit a retrospective application within 3 months of the breach being identified.

However, it is highly unlikely that we will invite an application if the breach of planning control we are investigating is significantly contrary to planning policies and/or has resulted in or continues to significantly detract from the living conditions of local residents or the character and appearance of the local area in a way that cannot be dealt with satisfactorily by planning conditions or amendments to the development.

In these circumstances, we will consider taking further action and this will normally involve commencing formal enforcement action to remedy unacceptable breaches of planning control.

## 5.0 Formal Enforcement Action

### When will we start formal enforcement action?

Formal enforcement action should only be taken where the Council is satisfied that there has been a breach of planning control and it is expedient to take enforcement action, taking into account the provisions of the development plan and any other material considerations. Formal enforcement action should only be taken as a last resort.

Therefore, we will normally only start formal enforcement proceedings when we have thoroughly investigated the suspected breach of planning control and explored and exhausted every opportunity to agree a timely resolution to a breach of planning control with the person responsible for that breach and/or the landowner if they are not the person who has carried out the breach of planning control.

However, we cannot defer enforcement action indefinitely and some breaches of planning control require immediate action. So, we will consider taking formal enforcement action without giving further notice when we are tackling the most serious breaches of planning control, when the time limits for enforcement are close to running out, when we cannot negotiate an acceptable solution or when the actions needed to remedy a breach of planning control have not been carried out in an agreed timescale.

It is therefore important that any person contacted by the Council about a suspected breach of planning control that they are responsible for, or that has been carried out on their land gets in contact with officers to discuss the case as a matter of urgency. It is also important that if a way to put things right has been agreed with officers to prevent further enforcement action being taken by the Council then it is important the actions needed to put things right are completed within the agreed timescale.

### What types of formal enforcement action can the Council take?

There is a range of ways of tackling breaches of planning control available to the Council through formal enforcement action. In each case, officers not only have to determine which of the options would be the most effective way of dealing with the breach but also which would be the most proportionate way of securing a resolution.

In these terms, in most high priority cases and in some medium priority cases, issuing an Enforcement Notice will normally be the right approach for officers to take when it appears to them that there has been a breach of planning control and it is expedient to take formal enforcement action when taking into account the provisions of the development plan and any other material considerations (including the guidance in this document).

#### Enforcement Notices

An Enforcement Notice should enable every person who receives a copy to know:

- exactly what, in the local planning authority's view, constitutes the breach of planning control; and
- what steps the local planning authority require to be taken, or what activities are required to cease to remedy the breach of planning control.

There is a right of appeal against an Enforcement Notice, however it is an offence not to comply with an Enforcement Notice once the period for compliance has lapsed.

Therefore, it is important that the recipient of an Enforcement Notice takes immediate action to lodge an appeal against the Notice if they think there are good grounds to do so or take immediate steps to comply with the Notice.

## Stop Notices

A Stop Notice can prohibit any or all of the activities which comprise the alleged breach(es) of planning control specified in a related Enforcement Notice, ahead of the deadline for compliance in that Enforcement Notice. Therefore, a Stop Notice might be issued shortly after an Enforcement Notice because it is important to prevent a development from continuing before the Enforcement Notice comes into effect.

There are very strict limitations on the use of a Stop Notice so it is unlikely officers will consider issuing a Stop Notice unless there are very serious risks of irreparable harm from on-going development. ~~For example, a Stop Notice may be considered where~~

~~an unauthorised development involves the demolition of an unlisted building in a designated Conservation Area and an agreement to stop demolition with immediate effect has not been reached. The local planning authority should ensure that a stop notice's requirements prohibit only what is essential to safeguard amenity or public safety in the neighbourhood; or to prevent serious or irreversible harm to the environment in the surrounding area.~~

## Temporary Stop Notices

A Temporary Stop Notice requires that an activity which is a breach of planning control should stop immediately. A Temporary Stop Notice must state the date the Temporary Stop Notice has been served, the activity that has to cease, and that any person contravening it may be prosecuted for an offence.

The Council does not need to have served an Enforcement Notice before it issues a Temporary Stop Notice and officers may consider issuing a Temporary Stop Notices in some high and medium priority cases when it is essential to take immediate action to safeguard amenity or public safety in the neighbourhood; or to prevent serious or irreversible harm to the environment in the surrounding area.

A Temporary Stop Notice expires after ~~28-56~~ days, so officers will consider what further action is required within this period if an alternative way of dealing with the breach which would overcome the objections to it in an environmentally and legally

acceptable way cannot be agreed with the recipient of the Temporary Stop Notice.

## Breach of Condition Notice

A Breach of Condition Notice is mainly intended as an alternative to an Enforcement Notice for remedying a breach of condition. Officers will consider issuing a Breach of Condition in addition to an Enforcement Notice, as an alternative to a Stop Notice, where officers consider it is expedient to stop the breach of conditions quickly and before any appeal against the Enforcement Notice is determined.

A Breach of Condition Notice is therefore most likely to be used in some high or medium priority cases when immediate action is required to stop a continuing breach of conditions in the interests of safeguarding amenity or public safety in the neighbourhood; or to prevent serious or irreversible harm to the environment in the surrounding area. There is no right of appeal to the Planning Inspectorate against a Breach of Condition Notice.

## Injunction

The Council can apply for an injunction whether or not it has exercised, or proposes to exercise, any of their other powers to enforce planning control. However, starting proceedings for an injunction is one of the most serious types of enforcement action that the Council can take because if a person fails to comply with an injunction (once it has been granted) they may be committed to prison for contempt of court. Additionally, once an injunction has been granted, it cannot be discharged except where there has been a significant change of circumstances since the order was made.

Therefore, officers will only consider applying for an injunction if there have been persistent breaches of planning control such as failure to comply with the requirements of an Enforcement Notice over a long period and/or other enforcement options have been, or would be, ineffective in the event of a serious breach of planning

Formatted: Right: 0.25 cm, Space Before: 7.9 pt

control that would cause substantial and/ or immediate harm to the local area.

Prosecution

When officers are dealing with high priority cases, many of the breaches of planning control may constitute a criminal offence subject to prosecution including unauthorised works to protected trees, removal of important hedgerows, unauthorised works to listed buildings and where hazardous substances are involved.

Officers will take further legal advice in these cases with a view to pursuing a prosecution in the event of a serious breach of planning control that has resulted in substantial harm to the local area. It is therefore important that a person that is contacted by officers about a high priority case makes every effort to stop any unauthorised works or activities on site immediately.

Officers will also take further legal advice with a view to pursuing a prosecution in the event of non-compliance with the requirements of an Enforcement Notice, Breach of Conditions Notice, Stop Notice, Temporary Stop Notice, Listed Building Notice, Community Protection Order or a Section 215 Notice.

Where a planning offence has occurred, and a successful prosecution has been secured against the offence, the council has powers to seek a confiscation order of any financial gains resulting from the planning offence.

Planning Enforcement Order

Where a person deliberately conceals unauthorised development, the deception may not come to light until after the time limits for taking enforcement action (section 171B of the Town and Country Planning Act 1990) have expired. A planning enforcement order enables an authority to take action in relation to an apparent breach of planning control notwithstanding that the time limits may have expired.

The application may be made within 6 months, starting with the date on which sufficient evidence of the apparent breach

came to the local planning authority's knowledge. The appropriate officer must sign a certificate on behalf of the authority which states the date on which that evidence came to the local planning authority's knowledge, and the certificate will be conclusive evidence of that fact. The application must be made to a magistrates' court.

Listed Building Enforcement Notice

Although broadly similar, there are a number of important differences between planning Enforcement Notices and Listed Building Enforcement Notices including the fact that there are no time limits for issuing listed Building Enforcement Notices.

Officers will consider issuing a Listed Building Enforcement Notice where works have been carried out without the necessary planning permission and/or Listed Building Consent, or a condition attached to that permission/consent has not been complied when such works materially detract from the historic or architectural significance of the building and there is no agreement to put those works right in any other way.

Repair Notices

This is a legal notice setting out the repairs needed for the proper preservation of a listed building.

Enforcement Warning Notice

A legal notice requiring the submission of a planning application where there has been a breach of planning control, but there is a reasonable prospect that permission would be granted. The issue of an enforcement warning notice constitutes taking enforcement action for the purposes of

Formatted: Indent: Left: 0.25 cm

Formatted: Indent: Left: 0.25 cm, Right: 1.01 cm

Formatted: English (United Kingdom)

Formatted: Font colour: Custom Colour (RGB(182,21,129)), English (United Kingdom)

Formatted: English (United Kingdom)

Formatted: Font colour: Custom Colour (RGB(182,21,129)), English (United Kingdom), Condensed by 0.1 pt

Formatted: Right: 1.26 cm

Formatted: English (United Kingdom)

Formatted: Indent: Left: 0 cm, Right: 1.26 cm

Formatted: Heading 3, Indent: Left: 0 cm, Right: 1.26 cm, Space Before: 5.9 pt, Line spacing: single

Formatted: Font: 12 pt, English (United Kingdom)

Formatted: Indent: Left: 0.25 cm, Right: 1.26 cm, Line spacing: Multiple 1.15 li

section 171B of the Town and Country Planning Act 1990. If a person does not comply with an enforcement warning notice (i.e. they do not submit a retrospective planning application by the specified deadline), the local planning authority may decide to take further enforcement action to rectify the breach of planning control.

Discontinuance Notices

The revocation powers, as set out in section 97 of the Town and Country Planning Act 1990, described below, can only be used before the development is complete. After that date, a local planning authority can use a power to order discontinuance under section 102 of the Town and Country Planning Act 1990.

Section 102 of the Town and Country Planning Act 1990 enables a notice to be issued ordering the discontinuing use, alteration or removal of buildings or works. The local planning authority can issue a notice that:

- requires the use of the land or building to be discontinued;
- imposes conditions on the land or building; or
- requires steps to be taken for the alteration or removal of the building or works

A local planning authority can issue a notice if, having regard to the development plan and to any other material considerations, they consider it is in the interests of the proper planning of their area, including being in the interests of amenity:

(a) that any use of land should be discontinued or that any conditions should be imposed on the continuance of a use of land; or

(b) that any buildings or works should be altered or removed.

-

Formatted: Right: 1.26 cm

Formatted: Indent: Left: 0.25 cm, Line spacing: Multiple 1.15 li

Formatted: Right: 1.01 cm

Formatted: Indent: Left: 0.25 cm, Right: 1.01 cm, Line spacing: Multiple 1.15 li

Formatted: Font colour: Custom Colour (RGB(182,21,129)), English (United Kingdom), Condensed by 0.1 pt

Formatted: English (United Kingdom)

Formatted: Right: 1.01 cm

Formatted: Right: 1.01 cm, Bulleted + Level: 1 + Aligned at: 0.89 cm + Indent at: 1.52 cm

Formatted: Right: 1.01 cm

Formatted: Right: 1.01 cm, Bulleted + Level: 1 + Aligned at: 0.89 cm + Indent at: 1.52 cm

Formatted: Right: 1.01 cm



Tree Replacement Notice

This is a legal notice requiring a replacement tree of a certain size and species to be planted in a particular location.

Development Completion Notice

This is a legal notice, introduced by the Levelling Up and Regeneration Act 2023 which will allow the Local Planning Authority to state that a permission will cease to have effect at a specified time, where the Council is of the opinion that a development that was commenced before the expiry of the permission will not be completed within a reasonable period. the requirements of an Enforcement Notice, Breach of Conditions Notice, Stop Notice, Temporary Stop Notice, Listed Building Notice, Community Protection Order or a

Section 215 Notice

Listed Building Enforcement Notice

Although broadly similar, there are a number of important differences between planning Enforcement Notices and Listed Building Enforcement Notices including the fact

that there are no time limits for issuing listed Building Enforcement Notices.

Officers will consider issuing a Listed Building Enforcement Notice where works have been carried out without the necessary planning permission and/or Listed Building Consent, or a condition attached to that permission/consent has not been complied with when such works materially detract from the historic or architectural significance of the building and there is no agreement to put those works right in any other way.

Formatted: Font: Corbel, 12 pt

Formatted: Heading 3, Indent: Left: 0 cm, Right: 1.26 cm, Space Before: 0 pt, Line spacing: single

Formatted: Font: Corbel, 12 pt

## Community Protection Notices

Officers have the power to issue a Community Protection Notice under the Anti-Social Behaviour, Crime and Policing Act 2014, and these Notices can be used to tackle a wide range of issues including:

- untidy land / buildings;
- unauthorised use of land; and
- unauthorised buildings / structures.

Where any of the above problems are causing a detrimental effect, or a persistent or continuing nature, on the quality of life of those in the locality, a Community Protection Notice can contain reasonable requirements:

- to stop doing specified things;
- to do specified things; or
- to take reasonable steps to achieve specified results.

Officers will consider issuing a Community Protection Notice if an earlier written warning that a Notice may be issued has been ignored and may be used as an alternative to a Section 215 Notice.

## Section 215 Notices

Section 215 of the 1990 Act provides the Council with the power, in certain circumstances, to take steps requiring land to be cleaned up when its condition adversely affects the amenity of the area. If it appears to officers that the public amenity of part of the District is being adversely affected by the condition of neighbouring land and buildings, they may consider serving a Section 215 Notice on the owner requiring that the situation be remedied.

These Notices will set out the steps that need to be taken, and the time within which they must be carried out. The Council also have powers under section 219 of the 1990 Act to undertake the clean-up works itself and to recover the costs from the landowner.

## Other default powers

The Council can prosecute for a failure to comply with an Enforcement Notice

but it can also consider using its default powers under section 178 of the 1990 Act to enter land the subject of an Enforcement Notice and carry out the requirements of the Notice itself.

It is an offence to wilfully obstruct anyone who is exercising those powers on the Council's behalf and Council can recover from the person who is then the owner of the land any expenses reasonably incurred by them in undertaking this work.

Officers will only consider using these default powers when all other methods to persuade the owner or occupier of land to carry out any steps required by an Enforcement Notice have failed.

## Advertisements and fly-posting

The Council will not take action against any adverts or fly-postings on the local road network, which would normally be dealt with by the local highway authority (Derbyshire County Council). Highways England would be expected to deal with adverts and fly-posting on the strategic road network.

In other cases, where signs, adverts or fly-posting are unauthorised and is damaging the character and appearance of the local area, officers will normally serve advance written notice to anyone who can be identified as the person responsible, that:

- in the Council's opinion the advert or sign is displayed illegally; and
- the Council intends to remove it after the expiry of a period specified in the Notice.

Officers can then remove the sign or adverts 2 clear days after the Notice was served.

However, the Council need not give any notice to remove fly-posters where a placard or poster does not give the address of the person displaying it and officers do not know that address and are unable to ascertain the relevant address after making reasonable enquiries.

## How will human rights be taken into account in planning enforcement?

The provisions of the European Convention on Human Rights such as Article 1 of the First Protocol, Article 8 and Article 14 are relevant when considering enforcement action.

There is a clear public interest in enforcing planning law and planning regulation in a proportionate way. In deciding whether enforcement action should be taken, officers, where relevant, will have regard to the potential impact on the health, housing needs and welfare of those affected by the proposed action, and those who are affected by a breach of planning control.

When considering commencing formal enforcement action, officers must be satisfied that there has been a breach of planning control and that the activity which amounts to the breach must be stopped within the time limits set for compliance or by action to be taken through the courts in the wider public interest. In compliance with Article 6 of the Human Rights Act 1998, a recipient of a formal Enforcement Notice will also have the right of appeal or the right to a fair trial in the event of non-compliance with a formal Enforcement Notice or on receipt of a summons.

## How will the public sector equality duty be taken into account in planning enforcement?

In deciding whether enforcement action should be taken, officers, when the relevant information is publically available or has been made available to officers, will have regard to the potential impact on any person with a protected characteristic or group of persons that share a protected characteristic that are either likely to be affected by the proposed action or likely to be affected by a breach of planning control.

Officers will also make any reasonable adjustments that have been requested and in particular, will make the process of planning

enforcement as accessible as possible by ensuring all written communication is in plain English, can be produced in bigger text or different languages if appropriate, and where necessary, by visiting people at their home to discuss any breach of planning control that directly affects their living conditions or any action that will have a material effect on their quality of life.

## Unauthorised Encampments

An absence of authorised sites does not mean that the Council cannot take enforcement action against unauthorised encampments. There are also extensive powers available to help the Council deal with illegal and unauthorised sites.

However, officers will only proceed with action against unauthorised encampments following liaison with the Council's Corporate Enforcement Officer Group, the equalities officer and other interested parties including the police, particularly because of the need to balance the potential of taking urgent action to remedy a serious breach of planning control whilst dealing with sensitive issues around human rights and compliance with public sector equality policy.

## 6.0 Implementation and Monitoring

### Who will be responsible for implementing the Local Enforcement Plan?

The Assistant Director of ~~Development & Planning, the Planning Manager~~ Development Management and Land Charges Manager and the Principal ~~Enforcement Officer~~ Planners will be responsible for implementing the plan and ensuring the guidelines in this document are followed by officers.

The Principal ~~Enforcement Officer~~ Planners, Enforcement ~~Officers~~ and Planning Officers, where appropriate, will be responsible for a pro-active approach to reporting suspected breaches of planning control, investigating suspected breaches of planning control, and monitoring large housing sites.

The Assistant Director of ~~Development & Planning, Development Management and Land Charges Manager and the Principal Enforcement Officer~~ will assist, where appropriate, with ~~deciding~~ decide what action should be taken when an investigation into a suspected breach of planning control has been completed, ~~and the Council's solicitors will be consulted before any formal enforcement action is commenced.~~

The Council's solicitors will also be consulted before any legal action is commenced and the Council's solicitors will assist with any legal proceedings including instructing a QC to represent the Council in any court proceedings.

The ~~Planning Manager~~ Development Management and Land Charges Manager and/or the Principal ~~Enforcement Officer~~ Planners will normally be expected to prepare a statement of case and/or represent the Council at an informal hearing or public ~~enquiry~~ inquiry in the event of an appeal to the Planning Inspectorate where an Enforcement Notice has been served in particularly complex or high profile enforcement cases

The Development Management and Land Charges Manager and/or the Principal Planners, ~~Planning Manager and the Principal Enforcement Officer~~ will assist the Enforcement Officer or Planning Officers, where appropriate, to prepare a statement of case in other more straightforward cases.

The Council's Corporate Enforcement Officer Group will also have a role to play in planning enforcement if a case requires joint working across Council departments. Unauthorised encampments will therefore always be referred to this Group before any decisions are made on how to progress these cases.

### How will District Councillors be involved?

Ward Councillors will normally be informed before officers take formal action in respects of any suspected breach of planning control in their local area where the case is sensitive or contentious.

In circumstances where immediate action is required to prevent irreversible harm to the environment or to deal with high priority cases, efforts will be made to contact Ward Councillors by telephone. However, in such circumstances it may not be possible to give prior notice.

A half yearly report will also be produced, giving reference to performance standards associated with the varying case priority levels (see section 6.13).

### What service standards will be monitored?

The nature of planning enforcement means that it is not possible to target a timescale in which to close a case. For example, if an Enforcement Notice is served, officers have no control over how long the Planning Inspectorate will take to deal with any subsequent appeal against that Enforcement Notice and cannot guarantee the outcome of that appeal.

It is also not possible for officers to meaningfully control how many complaints the Planning Department receive about suspected breaches of planning control or how many breaches occur within the

District at any particular time, although it is hoped this document will help reduce both.

However, as previously highlighted, this document sets out the following service standards that officers consider are specific, measurable, achievable and realistic:

- The site of a high priority case will be visited in the same day the suspected breach of planning control has been clearly identified. Wherever possible, a decision on what further action is required will be taken within 24 hours of that site visit. Investigations will not take place over the weekends or Bank Holidays.
- A site visit will be undertaken within two weeks of identifying a suspected breach of planning control that is likely to be a medium priority case. A decision on what further action to take will be made within four weeks of that site visit.
- A site visit will be undertaken within six weeks of identifying a suspected breach of planning control that is likely to be a low priority case. A decision on what further action to take will be made within six weeks of that site visit.

We will monitor our performance against these standards and publish the results on a half-yearly basis. These results will be assessed to see whether this Plan is working or needs to be reviewed. Achieving a culture of compliance would be one key measure of whether the Plan has been successful. Details of the effectiveness of the service will also be reported by providing data on the number of cases opened and closed, providing details of the registerable formal notices served and sharing the outcome of any enforcement appeal decisions received over the reporting period.

The Local Enforcement Plan will also be reviewed if there are any substantial changes to relevant legislation, national policy or national guidance or within three years after publication depending on whichever is the sooner.

In addition, planning enforcement officers will attend regular training events to ensure that their continuing professional development is appropriate and that planning enforcement is carried out across the District with regard to the most up-to date guidance and in accordance with best practice.

Formatted: Right: 0.44 cm, Line spacing: Multiple 0.81 li

Formatted: English (United Kingdom), Condensed by 0.1 pt

Formatted: English (United Kingdom)

## **Bolsover District Council**

### **Meeting of the Planning Committee on 3<sup>rd</sup> September 2025**

## **SUCCESSFUL HEALTHY PLACES SPD – CONSULTATION DRAFT**

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

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

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

- To seek Member approval for public consultation on the update of the Successful Healthy Places Supplementary Planning Document [Consultation Draft – September 2025].

### **REPORT DETAILS**

#### **1. Background**

- 1.1 In accordance with the Council's approved Local Development Scheme (April 2024) and Regulations 11 to 16 of the Town and Country Planning (Local Planning) (England) Regulations 2012, work is ongoing on the preparation of a number of Supplementary Planning Documents (SPDs) to provide more detailed advice or guidance on policies of the Local Plan for Bolsover District (March 2020).
- 1.2 As part of the aim to provide more detailed advice or guidance on policies of the Local Plan for Bolsover District (March 2020) the Successful Places SPD (2013) has been updated. In revising the document, the aim is to support the residential design policy 'Policy SC3: High Quality Developments', by advising how new residential development can achieve the high quality of design in terms of placemaking, buildings and landscaping that the policy requires.
- 1.3 The key guidance document upon which the original SPD was based on was Building for Life 12 [2012]. This was revised in 2020 and was retitled Building for a Healthy Life. The reference to health reflects changes in legislation, notably the Environment Bill. The guidelines within the revised document were commissioned by NHS England and endorsed by Homes England. So, although the original 12-point structure and underlying principles within Building for Life remain, the new emphasis on health needs to be reflected in the Council's own document. Accordingly, along with revisions to the text, the proposed revised SPD is to be retitled Successful Healthy Places.

- 1.4 Since the SPD was first adopted in 2013, legislation and Government guidance has also changed and so the document has been updated to reflect the latest guidance in the National Planning Policy Framework (2024) and other areas of national policy and legislation, as well as the Council's own *Bolsover District The Future* and our Bolsover Place Programme.
- 1.5 Finally, the 2013 SPD was published as a joint document with the neighbouring Councils of Chesterfield, North East Derbyshire and Bassetlaw. The aim of the revised guidance is to foster well-designed places that are in harmony with local character i.e. Bolsover District. The revised guidance therefore focuses on providing advice on how new residential development can contribute to healthier lifestyles and neighbourhoods in Bolsover District.

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

- 2.1 On the initial updating of the SPD, key stakeholders and partners have been consulted to ensure that any necessary revisions to the proposed scope and contents of the SPD that they thought necessary were considered at an early stage. The consultees comprised:
- Bolsover District Council Officers across a range of services, including Development Management, Planning Policy, Conservation, Housing, Public Health, Environment Services, Climate Change and Sustainability;
  - Derbyshire County Council Officers across a range of services including Transportation, Flood Risk and Drainage;
  - Urban Design Officers from other Derbyshire Authorities;
  - Derbyshire Disability Partnership;
  - Derbyshire Wildlife Trust;
  - Derbyshire Police;
  - East Midlands Place Advocates Network.
- 2.2 In response to this initial consultation the structure and scope of the document was revised, and a number of refinements made to ensure that the revised guidance addresses the issues raised.
- 2.3 The guidance has been revised to improve readability, incorporate current images, and focus specifically on local context. It has been updated to reflect the changes in national and local policies since it was first published, including the National Design Guide (2019), Building for a Healthy Life (2023), and Secure by Design (2025). In this way there is a new emphasis on sustainability, health and wellbeing, climate change, biodiversity, and modern technology such as EV charging and heat pumps.
- 2.4 New sections in the document focus on local character, streets and trees, heritage and retrofit, residential extensions, and design criteria cross-referenced to the National Model Design Code. The guidance also includes a colour-coded framework reflecting the 10 placemaking qualities to be applied across the District cross-referenced to the guidance within the document.

- 2.5 Overall the document has introduced an increased emphasis on high quality design in placemaking, healthy lifestyles and wellbeing. As there is a greater emphasis nationally on the need to produce more homes, the revised document aims to ensure that this results in improved healthy living and more sustainable placemaking in a way that values the rural character of Bolsover District.

Proposed public consultation arrangements

- 2.6 The Town and Country Planning (Local Planning) (England) Regulations 2012 set out that before a local planning authority adopts a SPD it must carry out public consultation for at least 4 weeks and make the document publicly available in a number of ways.
- 2.7 In addition, the Council's Statement of Community Involvement [SCI] outlines how the Council will seek to consult and involve people in the preparation of Local Plans and other planning documents, such as SPDs.
- 2.8 The proposed consultation on the Successful Healthy Places SPD is to be carried out in line with the requirements of the Regulations and the principles of the adopted SCI.
- 2.9 Those that have registered an interest on the Council's planning policy consultation database that have stated a wish to be notified of forthcoming Policy documents will be contacted directly by email and letter. Parish Council's will be notified so that their pages can link to the consultation.
- 2.10 The consultation document will be made available for at least 4 weeks in the following ways:
- a digital copy of the Successful Healthy Places SPD and consultation questionnaire will be available to read and print off on the Council's Supplementary Planning Documents webpage;
  - a link on the webpage will direct people to a digital version of the consultation questionnaire that can be completed online;
  - the same questionnaire will also be on the Ask Derbyshire webpage as many residents use it as their 'go to' when finding out what consultations are live across the district.
  - paper copies of the Successful Healthy Places SPD and consultation questionnaire will be made available at the district's libraries and Contact Centres throughout the 8 weeks of the consultation period.
- 2.11 Two drop-in events have been arranged, one at the Assembly Rooms in Bolsover on 16<sup>th</sup> September and another at the Leisure Centre at Shirebrook on 18<sup>th</sup> September, the dates and times of which will be advertised in the local press and included in any direct mailing to interested parties. Prior to the event, posters advertising the events and including digital links to the Council's SPD webpage will be distributed to Parish Councils to place on their notice boards / websites.



- 2.12 The proposed consultation draft version of the SPD is included as an Appendix to this report for Member consideration and approval is sought to commence public consultation on the document.
- 2.13 The detailed arrangements for the final content of consultation material will be agreed by the Assistant Director: Planning, in consultation with the Chair and Vice Chair of Planning Committee.
- 2.14 The outcome of this consultation exercise will be considered and reported, together with an updated SPD in light of the consultation feedback, to Planning Committee later in the year.

### **3 Reasons for Recommendation**

- 3.1 The report updates Members on the preparation of the revised draft Successful Healthy Places SPD with the recommendation that Members approve the contents of the proposed draft document for the purposes of public consultation.

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

- 4.1 In view of the proposed recommendations, Members not being made aware of progress on this matter would be an alternative option but that would not be a reasonable approach.

---

## **RECOMMENDATION(S)**

That Planning Committee:

- 1) approve the contents of the proposed draft Successful Healthy Places Supplementary Planning Document as discussed in the report and attached as Appendix 1;
- 2) gives delegated authority to the Assistant Director of Planning and Planning Policy, in consultation with the Chair and Vice Chair of Planning Committee, to agree the final arrangements of the proposed consultation exercise on the Successful Healthy Places Supplementary Planning Document.

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

---

## **IMPLICATIONS:**

<b><u>Finance and Risk</u></b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
<b>Details:</b> The recommendations within this report do not have a significant financial implication for the Council. On behalf of the Section 151 Officer	
<b><u>Legal (including Data Protection)</u></b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
<b>Details:</b> No legal implications are anticipated to arise from this report. On behalf of the Solicitor to the Council	
<b><u>Staffing</u></b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
<b>Details:</b> There are no human resources implications arising from this report. On behalf of the Head of Paid Service	
<b><u>Equality and Diversity, and Consultation</u></b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
<b>Details:</b> 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.	
<b><u>Environment</u></b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
<b>Details:</b> There are no specific environmental implications arising from this report, albeit the Successful Healthy Places SPD will make a notable contribution to enhancing the built environment.	

## **DECISION INFORMATION:**

<input checked="" type="checkbox"/> <b>Please indicate which threshold applies:</b>	
<b>Is the decision a Key Decision?</b> A Key Decision is an Executive decision which has a significant impact on two or more wards in the District or which results in income or expenditure to the Council above the following thresholds:	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<b>Revenue (a)</b> Results in the Council making Revenue Savings of £75,000 or more or <b>(b)</b> Results in the Council incurring Revenue Expenditure of £75,000 or more.	(a) <input type="checkbox"/> (b) <input checked="" type="checkbox"/>
<b>Capital (a)</b> Results in the Council making Capital Income of £150,000 or more or <b>(b)</b> Results in the Council incurring Capital Expenditure of £150,000 or more.	(a) <input type="checkbox"/> (b) <input checked="" type="checkbox"/>

<b>District Wards Significantly Affected:</b> <i>(to be significant in terms of its effects on communities living or working in an area comprising two or more wards in the District)</i> Please state below which wards are affected or tick <b>All</b> if all wards are affected:  The design guidance contained within the Successful Healthy Places SPD will cover the whole District.	<b>All</b> <input checked="" type="checkbox"/>
--	--

<b>Is the decision subject to Call-In?</b> <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>  <b>Consultation carried out:</b> <i>(this is any consultation carried out prior to the report being presented for approval)</i>  <b>Leader</b> <input type="checkbox"/> <b>Deputy Leader</b> <input type="checkbox"/> <b>Executive</b> <input type="checkbox"/> <b>SLT</b> <input type="checkbox"/> <b>Relevant Service Manager</b> <input type="checkbox"/> <b>Members</b> <input type="checkbox"/> <b>Public</b> <input type="checkbox"/> <b>Other</b> <input checked="" type="checkbox"/>	<b>Yes</b> <input type="checkbox"/> <b>No</b> <input checked="" type="checkbox"/>  <b>Yes</b> <input type="checkbox"/> <b>No</b> <input checked="" type="checkbox"/>  <b>Yes</b> <input checked="" type="checkbox"/> <b>No</b> <input type="checkbox"/>  Portfolio Holder for Growth and internal stakeholders.
---	---

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

### DOCUMENT INFORMATION:

Appendix No	Title
1	Successful Healthy Places [Consultation Draft 2025]

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

DECEMBER 2024



# Successful Healthy Places

A Guide to Sustainable and Healthy Housing Layout and Design

Consultation Draft  
September 2025



## Equalities Statement

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

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

## Access for All statement

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

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

## OS Mapping:

All Ordnance Survey mapping reproduced in this document is under the Local Authority Licence

(c) Crown Copyright and database rights (2024). Ordnance Survey (AC0000819222).

## Copyright:

The reuse of drawings or images utilised within this document is not permitted without the written permission of the relevant copyright holders as follows:

- |                                 |                         |
|---------------------------------|-------------------------|
| • Bassetlaw District Council;   | • North East Derbyshire |
| • Bolsover District Council;    | District Council;       |
| • Chesterfield Borough Council; | • Context 4D.           |

Use of material provided by third parties is not permitted without the permission of the original copyright holder.

# Contents

<b>Preface</b>	<b>4</b>
<b>Foreword</b>	<b>5</b>
<b>1. Introduction</b>	<b>7</b>
1.1 Objectives	8
1.2 Applying the Guide	9
1.3 Policy Context	10
<b>2. Delivering Quality: The Design Process</b>	<b>11</b>
2.1 Good Design and Healthy Placemaking	13
2.2 Home of 2030	14
2.3 Context Appraisal (Step 1)	17
2.4 Bolsover Contextual Residential Character Images	18
2.5 Modern residential developments in Bolsover District	19
2.6 Landscape Character	21
2.7 Understanding the Place (Step 1) Site Plan and Contextual analysis	23
2.8 Benchmark and Review Process and Design Codes	25
<b>3. Place Making Principles Good Urban Design Practice</b>	<b>29</b>
3.1 Movement	30
3.2 How to achieve easy inclusive walking design within residential schemes	35
3.3 Green and Blue Infrastructure	37
3.4 Townscape	41
3.5 Character	43
3.6 Layout	48
3.7 Block Structure	54
3.8 Parking	57
3.9 Street Design	58
3.10 Street Trees	63
3.11 Public Realm Design	64
3.12 Amenity	70
3.13 Place Hierarchy	78
3.14 Design for Corners	82
3.15 Frontages	84
3.16 Enclosure	88
3.17 Building Design	92
3.18 Adaptability	98
3.19 Materials	106
3.20 Servicing	109
<b>4. Management and Maintenance: Good Urban Design Practice</b>	<b>119</b>
4.1 Adoption and Management	120
4.2 Street trees and planting	122
<b>Appendix</b>	<b>125</b>
Local Plan for Bolsover District (March 2020)	126
1. Delivering Quality (DQ)	130
2. Movement (M)	130
3. Green and Blue Infrastructure (BGI)	131
4. Townscape (T)	132
5. Public Spaces and Play Area (PS)	132
6. Character (C)	132
7. Layout (L)	133
8. Street Design & Parking (SD)	134
9. Public Realm and Street Trees (PR)	135
10. Amenity (A)	136
11. Place Hierarchy	137
12. Building Design	139
13. Materials	140
14. Servicing	140
15. Maintenance (Mn)	142

## Preface

National Planning Practice Guidance advises that Supplementary Planning Documents (SPDs) should build upon and provide more detailed advice or guidance on policies in an adopted local plan. As they do not form part of the development plan, they cannot introduce new planning policies into the development plan. They are however a material consideration in decision-making. They should not add unnecessarily to the financial burdens on development.

In accordance with this guidance, the Council is preparing a number of SPDs as outlined in its Local Development Scheme to provide guidance to developers, architects, agents and landowners considering submitting a planning application in relation to the following topics:

- Section 106 Planning Contributions (covering affordable housing provision and green space and play provision);
- Successful Healthy Places;
- Historic Environment;
- Local Parking Standards.

This SPD relates to achieving Successful Healthy Places and seeks to update the 2013 version of the Successful Places SPD. In doing so, it brings that document up to date and supplements Policy SC3: High Quality Development (and other relevant policies) of the Local Plan for Bolsover District (March 2020) by providing a guide to those promoting developments on how they can achieve the high quality of design in terms of place making, buildings and landscaping that the Council requires from new developments.

Finally, this SPD is being prepared in accordance with Regulations 11 to 16 of the Town and Country Planning (Local Planning) (England) Regulations 2012.



## Foreword

Our Council Plan – Bolsover District The Future 2023-2028 – places a strong focus on driving economic growth for the benefit of our local communities; increasing the supply, quality and range of housing to meet the needs of the growing population and housing crisis; and enhancing our built and natural environment that provides our great value living location.

Key to all of these areas of focus is achieving the high quality of design in terms of place making, buildings and landscaping within new developments, given this represents our legacy for future generations who must inherit what we design and build today.

It is for this reason we published our Successful Places design guide in 2013 to provide a manual of sorts to creating better designed places to live that feel part of and strengthen the local character of the places where they are built. This guide has influenced the emergence of new residential areas and new workplaces and commercial spaces.

National planning design guidance has evolved over the last decade and now we see a greater emphasis on trying to achieve places that encourage and enable healthy lifestyles and respond to the environmental challenges of the world today.

We feel that local identity and distinctiveness is something to celebrate and this forms part of our Bolsover Place Programme. There is renewed emphasis on making streets into places that provide easy access to good local services and infrastructure, incorporating sustainable drainage measures within developments to help manage the changing climate and weather patterns, encouraging active frontages and adding street trees and reducing the rigidity of highways regulations in how they impact on residential layout design.

We hope you agree with us about the importance of place-making and welcome your consideration of the contents of this consultation document and the sharing of your views on its objectives and content.

### Councillor Tom Munro

Portfolio Member for Growth,  
Bolsover District Council







# 1. Introduction

“Well-designed places can be achieved by taking a proactive and collaborative approach at all stages of the planning process, from policy and plan formulation through to the determination of planning applications and the post approval stage.”

**Gov.uk Guidance: Design: Process and Tools - Planning for Well Designed Places (Oct 2019)**

- 1.1 Objectives
- 1.2 Applying the Guide
- 1.3 Policy Context

## 1.1 Objectives

1.1.1 Fundamentally, the purpose of this guide is about creating sustainable places that deliver a good quality of life for the people that live there and preventing poor design that comes at a cost to the environment. This requires that our neighbourhoods are designed around the linked concepts of good place making and sustainability.

1.1.2 The built environment is responsible for 40% of the UK's carbon dioxide emissions. There are many facets to this. The design and layout of our settlements has a major influence on our patterns of behaviour, movement and transport choices. The design and construction of the buildings themselves, also has a direct impact on the environment, in terms of their energy efficiency, water consumption/management, health and well being. The right design choices at the outset can help create more sustainable successful and healthy places.

1.1.3 The Government places great importance on the design quality of the built environment, and believes that the planning system should promote good design that ensures attractive, usable and durable places and this is a key element in achieving sustainable development.

1.1.4 The following objectives complement the policy objectives set out in the National Planning Policy Framework (NPPF). The objectives embrace the principle of sustainable development, not as a separate 'add on' but as integral to this guidance.

**1. Design Quality:** To improve the quality of design and attractiveness of residential development.

**2. Low Impact:** To promote design that is adapted to climate change and contributes to reducing the impacts of construction, maintenance and running of residential buildings on both the immediate and wider environment and on climate change.

**3. Build inclusive communities:** An approach to providing for all of society, including the young and older people.

**4. Health and wellbeing:** Promote healthy lifestyles through design layouts and landscapes that promote active travel.

**5. Local Distinctiveness:** To ensure that the design of new residential development recognises and enhances the townscape, landscape character and local distinctiveness of the area including the setting of historic buildings and biodiversity.

**6. Context:** To ensure that new residential development is designed on the basis of an understanding of its context and the site conditions so as to enhance the quality of existing settlements and townscapes.

**7. Quality of Life:** To promote the design of residential development that provides a safe and secure environment and meets the practical and social needs of residents, creating places where people enjoy living.

**8. Accessibility:** To ensure that the design of residential development facilitates safe, sustainable and convenient access for all users, are well integrated with their surroundings with good access to local facilities and that layouts and buildings are easily navigated and accessible to all.

The built environment is one of our largest long term investments and amongst our most important assets.

On that basis there is no excuse for poor design.

Reference: Homes England Strategic Plan 2023 – 2028.

National Design Review Code of Conduct UCL June 2025.

110



The SPD should provide the platform for dialogue between developers and the local planning authority, supporting both applicants and decision makers in delivering successful places.

## 1.2 Applying the Guide

1.2.1 The council has prepared this guide as a tool to support developers, their design professionals and agents in preparing proposals for residential development or mixed use comprising both commercial uses and housing.

1.2.2 It is also intended for use by local authority officers, councillors and communities to facilitate and inform the design discussions and assist them in the delivery of high quality, sustainable places to live.

### 1.2.3 What type of development does this guidance apply to?

1.2.4 The guidance covers all forms of residential development including mixed use schemes that incorporate commercial activities and residential accommodation. There is an increasing need to produce mixed use scheme so people can walk to essential services.

1.2.5 Most residential development

will take place within or on the edge of an existing settlement and thereby the character of the settlement will form the context within which it must be considered.

The range of development scenarios likely within the area covered by this SPD are:

**Urban Centres** – proposals within or adjacent to existing town/district or village centres with potential for intensification or redevelopment of existing sites.

**Infill** – proposals for infilling gaps or redeveloping existing sites within existing urban or rural settlements.

**The Edge** – proposals for town or village expansions, whether large or small.

1.2.6 Part 02 of this guidance outlines the design process which is expected to be followed in order to demonstrate that the development proposal is based upon a clear appreciation of the site and its wider context

1.2.7 It also identifies a number of tools that will be used to assist in the assessment of residential proposals, including Design Review, Building for

a Healthy Life 2020. The NPPF and the National Design Guide set the higher level requirements.

1.2.8 Part 03 of this guidance sets out the place making principles that will be used for assessing proposals for residential development. Depending on the design issues the principles will apply at a range of scales. Some principles will only be relevant to larger scale schemes, while others are appropriate at all scales of development, including proposals of less than 10 dwellings. Whatever the scale of the proposal many of the principles will be applicable whether urban or rural.

1.2.9 Part 04 outlines issues in relation to management and maintenance to ensure that long term quality is maintained.

**NOTE:** The drawings in this guide have been prepared to support the design principles and illustrate how they can be implemented. They show generic built form and do not imply a standard stylistic preference

The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Para 131. National Planning Policy Framework (Dec 2024).

### Useful References

Living with Beauty: Building Better, Building Beautiful Commission. Jan 2020

National Design Guide 2021

National Model Design Code 2021 Parts 1 and 2

Planning Practice Guidance Design: process and tools (Oct 2019). Provides advice on the key points to take into account on design.

New Homes Fact Sheets 1-10. Fact sheet 6: The role of design and placemaking in new homes and communities. Homes England (Nov 2023).

Manual for Streets (March 2007), DoT and Manual for Streets 2 (Sept 2010), Institute of Civil Engineers

Safer Places: The Planning System and Crime Prevention (April 2004), ODPM/Home Office

## 1.3 Policy Context

1.3.1 The guide supplements the requirements of national and local planning policy with the aim of producing consistently high-quality outcomes.

1.3.2 The Planning Act 2008 (s.183) requires local authorities to have regard to the desirability of achieving good design. This SPD contributes to meeting the duty placed on local authorities by the Act.

1.3.3 The National Planning Policy Framework (NPPF) (2024). recognises the importance and value of good design. The core principles at its heart are sustainable development, strong and prosperous communities, and protecting and enhancing the natural environment. You can find more information about the NPPF (2024) on Ministry of Housing, Communities and Local Government website.

1.3.4 Bolsover – The Future 2024-2028 is a visioning strategy which provide a commitment to enable housing growth by increasing the supply, quality, and range of housing to meet the needs of the growing population.

**1.3.5 The SPD in the Local Policy Context** The Local Plan for Bolsover District was adopted in March 2020. This set out the strategy for the development of the District up until 2033.

In line with the Regeneration and Leveling Up Act 2023, the council will also be preparing Supplementary Plans and Design Codes for the district. This supplementary plan forms the baseline for the development of district wide design codes as shown in the Design Criteria section on Page 128.

1.3.6 The Bolsover District Local Plan 2020 has core objectives of Sustainability and Placemaking which are supported by a number of policies influencing the design of schemes.

1.3.7 The Local Plan's key design policy is Policy SC3 which specifically relates to the standard and quality of design expected. However, this policy is supplemented by a range of other key Local Plan objectives and policies and these are listed in Appendix 1.

1.3.8 The council has also several adopted Supplementary Planning Documents (SPD's) which provide more detailed guidance on issues that relate to design of housing layouts. These are:

Local Parking Standards SPD (Jan 2024) highlights the importance of carefully planned and integrated parking layouts within housing developments.

Historic Environment SPD 2006. Provides information regarding the built environment and heritage of the borough, highlighting vernacular and contextual architectural details associated with the area. This is useful for context and understanding of place.

Also, Planning Advice Note 1: Biodiversity Net Gain Consultation Draft. December 2023. Explains recent requirements to ensure enhanced natural and wildlife habitat creation within new residential development.

# 2. Delivering Quality: The Design Process

“Context is the character and setting of the area within which a projected scheme will sit... A thorough appreciation of the overall site context is the starting point for designing a distinctive place.”

**Urban Design Compendium 1 English Partnerships & The Housing Corporation**

- 2.1 Good Design and Healthy Placemaking
- 2.2 Home of 2030
- 2.3 Context Appraisal (Step 1)
- 2.4 Bolsover Contextual Residential Character Images
- 2.5 Modern residential developments in Bolsover District
- 2.6 Landscape Character
- 2.7 Understanding the Place (Step 1) Site Plan and Contextual analysis
- 2.8 Benchmarks and Review Processes





## 2.1 Good Design and Healthy Placemaking

2.1.1 Everything that is made is the product of having been through a process of design and the built environment is no exception. However, good design does not just happen by itself, it is the result of a creative process and involves not only good designers but a commitment from key decision makers to achieving it.

2.1.2 Good design also includes placemaking. Placemaking is the process of involving communities in establishing what good design means to them through consultation and engagement. Placemaking can empower communities to have a sense of belonging and pride in their local area as places change over time. (Home England Fact Sheet 6 Nov 2022).

2.1.3 Ultimately, it is about creating buildings and places that are well built, will work well and that look good. Working on these principles of good design will help deliver successful places and balancing these objectives does not need to add expense to the project (Cabe, Evaluating Housing Proposals Step by Step, 2008). Achieving good design should be the aim of all those involved in delivering residential development.

2.1.4 The Design Council's Healthy Placemaking Report 2018. explains that it is also about delivering places that are sustainable and support health and activity.

2.1.5 High quality places transcend subjective issues of personal taste, style or architectural fashion, with three fundamental principles at the core of design excellence.

2.1.6 **Well Designed:** Places that are visually pleasing or even delightful. Inspiring pride of place. Essentially places that look good.

2.1.7 **Enduring:** Places that are useful and that are fit for purpose, fit to last and easy to use, contributing to a balanced and good quality of life. Essentially places that work for everyone and are easy to maintain.

2.1.8 **Successful:** Places that stand the test of time, that support community and foster healthy lifestyles.

2.1.9 The National Design Guide 2021 breaks these down into ten characteristics:

- **Context** – enhances the surroundings.
- **Identity** – attractive and distinctive.
- **Built form** – a coherent pattern of development.
- **Movement** – accessible and easy to move around.
- **Nature** – enhanced and optimised.
- **Public spaces** – safe, social and inclusive.
- **Uses** – mixed and integrated.
- **Homes and buildings** – functional, healthy and sustainable.
- **Resources** – efficient and resilient.
- **Lifespan** – made to last.



These 10 individual characteristics work together to contribute to the character of a place. In turn, these ten characteristics help to nurture and sustain a sense of Community. They work to positively address environmental issues affecting climate. They all contribute towards the cross-cutting themes for good design set out in the National Planning Policy Framework

Part 2 of the National Design Guide outlines the characteristics in detail. The assessment of planning applications has regard to these 10 characteristics.



## Useful References:

New Homes Fact Sheets 1-10. Fact sheet 6: The role of design and placemaking in new homes and communities. Homes England (Nov 2023).

Planning Guidance on Housing: optional technical standards (March 2015).

Home Quality Mark: a successor to legacy Code for Sustainable Homes Requirements

Place Alliance: A Housing Design Audit for England 2020

In architecture it isn't enough to just have the right building that works well. It can also be beautiful. It can also be different. It can also create surprise. And surprise is the main thing in a work of art.

Oscar Neimeyer (Hustwit 2012)

## 2.2 Home of 2030

2.2.1 In response to the United Nations 2030 Sustainability Agenda, The Design Council have set about creating a vision for the Home of 2030. Through wide ranging public consultation they have identified the following key conceptual changes:

- Making new homes desirable to all demographics is key to the Home of 2030. Homes can adapt to changing needs and work for an ageing society, allowing people to live at home longer.
- A key factor was that people wanted more robust design quality so that they did not need to spend time fixing things. This is an issue regarding longevity of materials, renewable of materials and recycling.
- People want their homes to reflect the diversity of their experiences and needs.
- Drive innovation in the provision of affordable, efficient and healthy green homes for all.



2.2.2 In essence, the expectation is that future homes are to be visually pleasing, as well as being functional and with a respect for the context and place they are set in. They can be innovative and locally distinctive using sustainable materials and technics to enhance standards for future living.

### Principles for the Home of 2030:

- Being fit for purpose
- Giving people agency
- Addressing the climate crisis
- Connecting people and their communities
- Meeting the needs of every life stage
- Representing something different

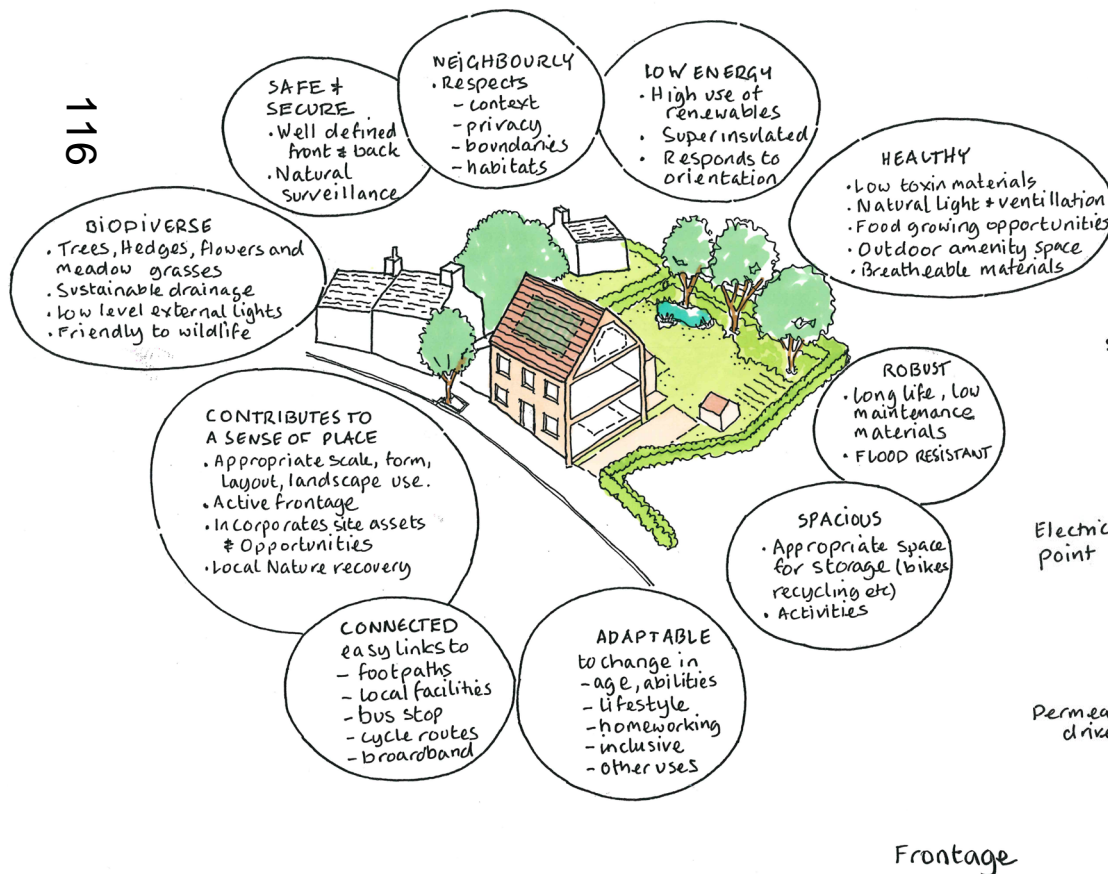




## What Does the home of 2030 look like?

2.2.3 The Home of 2030 in Bolsover will accommodate innovation to address the climate crisis with the use of new types of materials to be encouraged within new housing schemes. Where design solutions are required to specifically fit the social, economic, and environmental context of a particular community or location, these will be sensitive to the placemaking qualities of the area. Driving innovation will also mean considering retrofitting existing houses and the changing appearance of new houses.

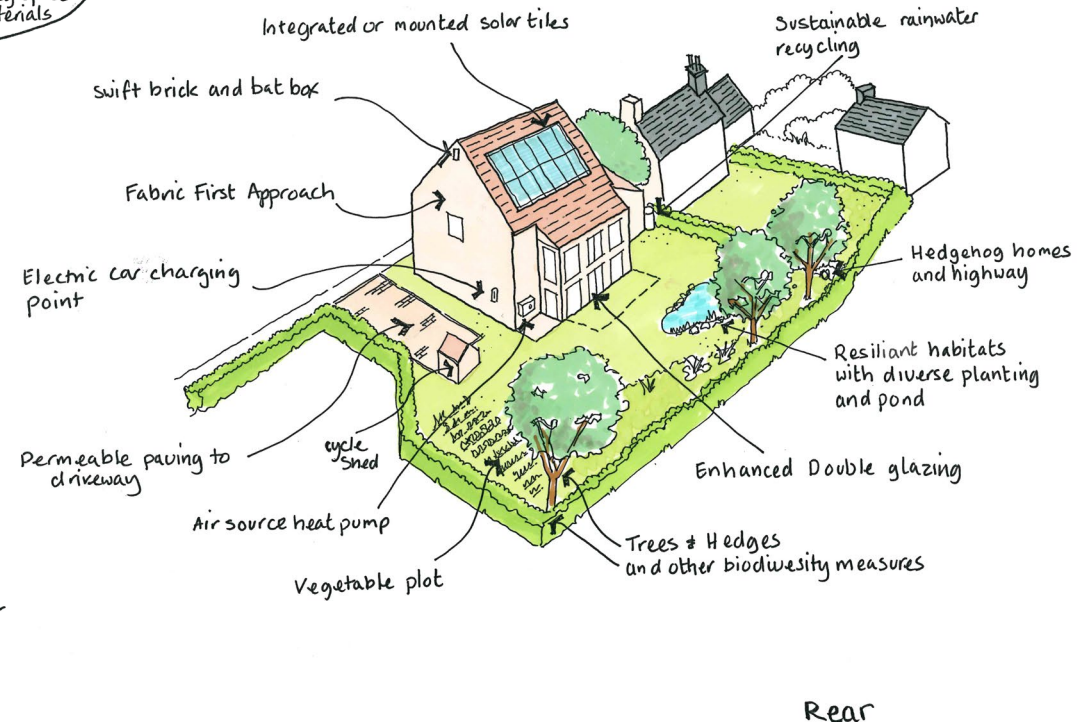
### THE 2030 HOUSE



2.2.4 The home of 2030 in Bolsover will be built with the potential to include more features to address climate change challenges. The use of new types of materials and creative ideas are to be encouraged in new housing projects. In situations where solutions need to be tailored to a specific location, they will be designed to consider the special qualities of the place.

New homes are now expected to enhance opportunities for environmental improvements that improve local drainage, increase habitat creation and provide more green space for climate mitigation by incorporating sustainable drainage, low level lighting, and native planting schemes.

### THE 2030 HOUSE



## Planning for net zero homes

2.2.5 Dealing with the climate emergency has resulted in the drive towards ending the use of fossil fuels. The Future Homes Standard (FHS) is set to be introduced in England from 2025, alongside the Future Buildings Standard for non-domestic buildings. The standard will be in line with upcoming regulations covering Part L (conservation of fuel and power), Part F (ventilation) and Part O (overheating). Its primary aim is to significantly enhance the energy efficiency of new homes and reduce carbon emissions.

LETI's Climate Emergency Retrofit Guide shows how to retrofit existing homes to make them fit for the future and support the UK's Net Zero targets. It defines energy use targets for existing homes and provide practical guidance on how to achieve them.

LETI's Climate Emergency Design Guide aimed at new buildings covers 5 key areas in the design and operation of buildings, particularly in the context of climate change and the drive towards net-zero carbon emissions: operational energy, embodied carbon, the future of heat, demand response and data disclosure. The methodology includes setting the requirements of four key building

archetypes including the small and medium house.



BREAAM certification assesses the whole life performance and sustainability of new housing projects.

It applies to a wide range of building types, including commercial offices, retail, industrial, education, healthcare, and residential. BREEAM assesses a building's environmental performance across various categories, such as energy, water, waste, health and wellbeing, pollution, transport, land use, ecology, and management. BREAAM certification is supported by the Council.

BRE's Home Quality Mark, (HQM) is a specific



*Bristol Passivhaus Plus Photo: Passivhaus Trust*



*Primrose Park, Plymouth Photo: Passivhaus Trust*

scheme tailored for new build residential developments, focusing on the quality and sustainability of homes. With Home Quality Mark (HQM) certification, developers and investors can show that their homes are sustainable and high-quality.

It's exclusively for new build homes, providing a benchmark for their design, construction, and performance. HQM assesses homes based on factors like running costs, environmental footprint, and the quality of living and amenity spaces.

As of April 16, 2025, HQM has been integrated into BREEAM and is now known as "BREEAM UK New Construction: Residential". This means that the assessment criteria and certification process for new build homes will now be part of the broader BREEAM framework.

Passivhaus is an international tool, a range of proven approaches to deliver new and existing buildings optimised for net zero. This effectively eliminates the 'performance gap', delivering excellent performance in-use. The 'performance gap' is the difference between the assumed energy performance of a building based on its design and the energy performance a building actually achieves. Passivhaus prioritises efficiency, of both energy and material resources.





## 2.3 Context Appraisal (Step 1)

2.3.1 To achieve development that is appropriate to its context first requires an examination and understanding of the wider area beyond the site boundary, as well as the site itself, by undertaking a context appraisal and site appraisal.

2.3.2 The appreciation of context, including historic context (where applicable) resulting from these appraisals should generate creative design ideas for the site, identify positive opportunities to help 'ground' the development to the place, as well as highlight constraints or issues for resolution at an early stage in the design process. Where available, local studies such as conservation character appraisals and landscape character assessments can be useful references to help inform this approach.

2.3.3 A summary of the key findings of the appraisals and evaluation should be evident in the Design and Access Statement. However, an appraisal is more than a simple description or photographic record of the surrounding area, it requires an evaluation and explanation of how they have informed and influenced the scheme. This is a critical stage that should not be overlooked.

2.3.4 A landscape appraisal should evaluate the intrinsic character and beauty of the natural landscape. Natural capital and ecosystems are essential to good design and should form the basis of contextuality of the proposed approach. Any new development should have regards to the character of the surrounding natural landscape and the intrinsic quality of its setting.



1. Historic High Street



2. 19th Century artisan terraces



3. Victorian semi-detached villas



4. Post-war estate housing



5. Farm Hamlet



6. River valley (including the site)



## 2.4 Bolsover Contextual Residential Character Images



Elmton



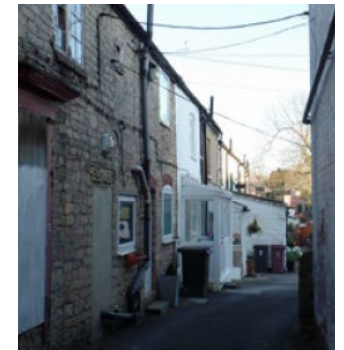
Bolsover



Barlborough



Clowne



2.4.1 Bolsover has a series of character appraisals for individual conservation areas that provide references to traditional building architecture and settlement forms found in the district. These are useful documents to provide visual clues and references to the style and patterns of development within the district. These appraisals can be found on the Council's website or by contacting the planning department.



## 2.5 Modern residential developments in Bolsover District



*Bennets Way Bolsover – an example of a good gateway into a scheme at Bolsover*



*Lawson Road, Bolsover – example of edge of countryside treatment*



*College Mews, Clowne – Contextual urban infill*



*Wheatsheaf Way – Good example of incorporation of SuDs and amenity space, with links to footpaths, central square and streetscene*



*Butt Hill Close – Good example of infill development*



*Old Green Close – creating streetscenes that reinforce the central character of the settlement.*





## Contemporary Housing Styles in Bolsover



Canyon Meadow, Creswell



Van Dykes, Clowne



Jacques Close, South Normanton



Highfields, Clowne

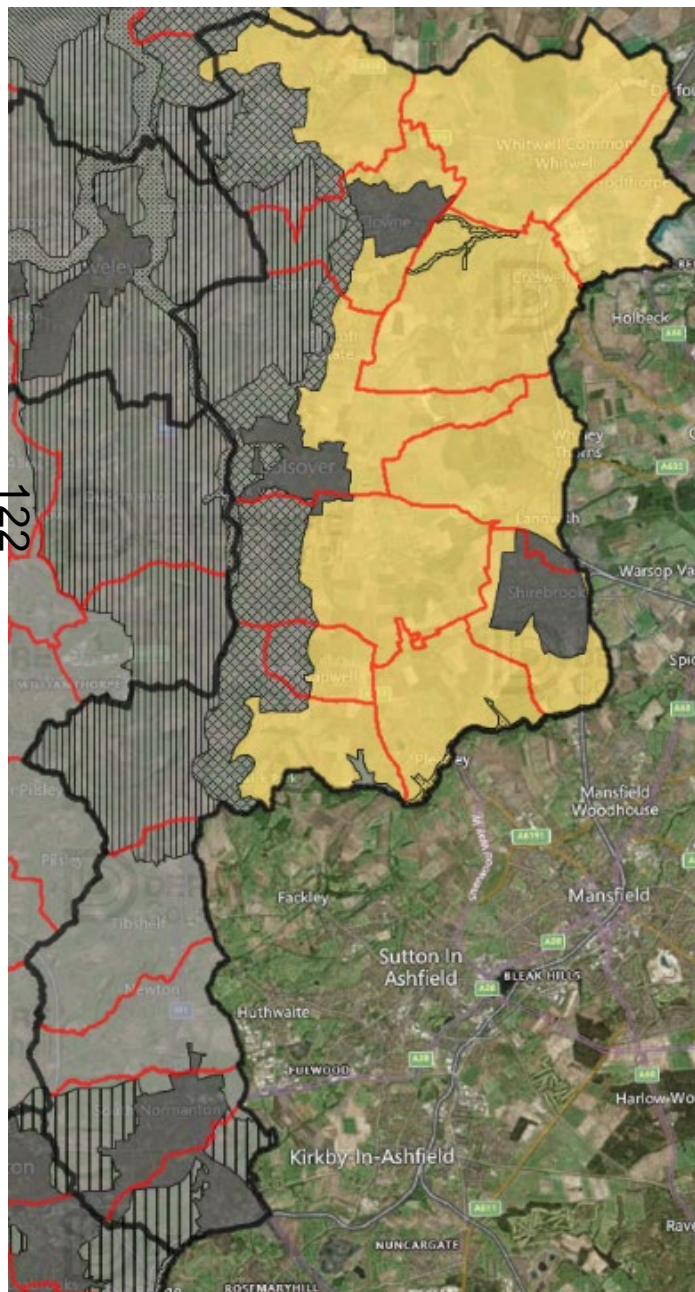


Skinner Street







## 2.6 Landscape Character



Ref: Landscape Character of Derbyshire – Derbyshire County Council 2014

### Southern Magnesium Limestone

-  Limestone Farmlands
-  Limestone Gorges

### S. Yorkshire, Notts & Derbyshire Coalfield

-  Wooded Farmlands
-  Estate Farmlands
-  Coalfield Estates
-  Coalfield Village Farmlands
-  Urban

### Landscape Character:

Bolsover's rural landscape combines with the built form to create the district's unique character. Bolsover's two landscape character areas: S. Yorkshire, Notts and Derbyshire Coalfields and Southern Magnesium Limestone provide contrasting identities. They both contain a set of distinguishable characteristics that give the landscape its identity.

The landscape is defined beyond nature and appearance. It is important to explore the history of the landscape, and how it has developed to serve the area.

The topography and natural features of each landscape character area has influenced the form of settlements and the buildings within them. Landscape character also contributes to the framing of key views within the district and as well as comprising important habitats for flora and fauna to thrive.

### Landscape Character Areas:

This design guide should be read in conjunction with the Landscape Character of Derbyshire, 4th edition, 2014. This maps out landscape character types which share common characteristics. These are further subdivided into sub landscape types. Applicants should refer to these when designing for further guidance. The map can also be accessed on the Derbyshire Mapping Portal.

### Preservation of Landscape Character:

To maintain the distinctiveness of settlement form and the preservation of landscape character across the borough requires an understanding of the relationship between buildings and landscape, and the contribution buildings and human activity has on the character of that landscape.



## Relationship of Landscape and settlements:

Landscape character should be considered in conjunction with settlement characteristics gathered from site visits, mapping and appraisals. The contribution of settlements or buildings to landscape character by virtue of their topographical position is of importance when considering extensions to existing settlements.

For example, a linear settlement may be located along a valley and be hidden by nature of its form. Alternatively, the same linear settlement located at the top of a hill, or along valley contours creates a potential landmark within the landscape. Similarly, the sense of arrival

and relationship within the wider landscape is very different between the two locations topographically.

Once the form of the settlement and the settlement typology is understood, consideration of the topographical setting should be considered. Consideration should be given to the effect of a variety of topographical factors such as elevation, slope and aspect on the design of a development on the form of the settlement.

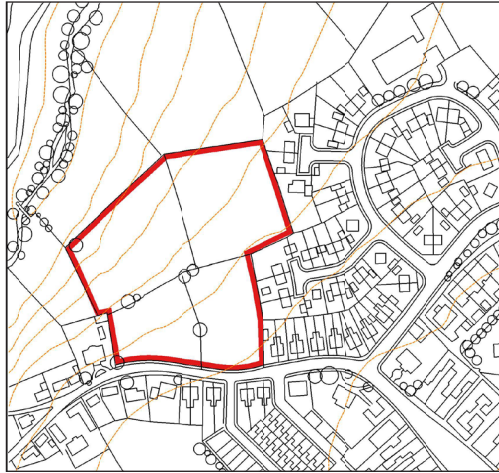
Understanding variations in landscape form includes identifying differences in micro-

climatic conditions. Different landscape forms may present different opportunities to respond to the climate emergency by orientating for maximum solar gain as well as structuring development to create the most walkable layout.

Each section of the Landscape Character of Derbyshire (2014) provides a list of native species relevant to the landscape typology, and a % mix in the landscape, either as occasional field trees, or hedgerows. This should be the starting point for any landscape setting of new housing schemes at the edge of settlements.



## 2.7 Understanding the Place (Step 1) Site Plan and Contextual analysis



Site Plan  
24

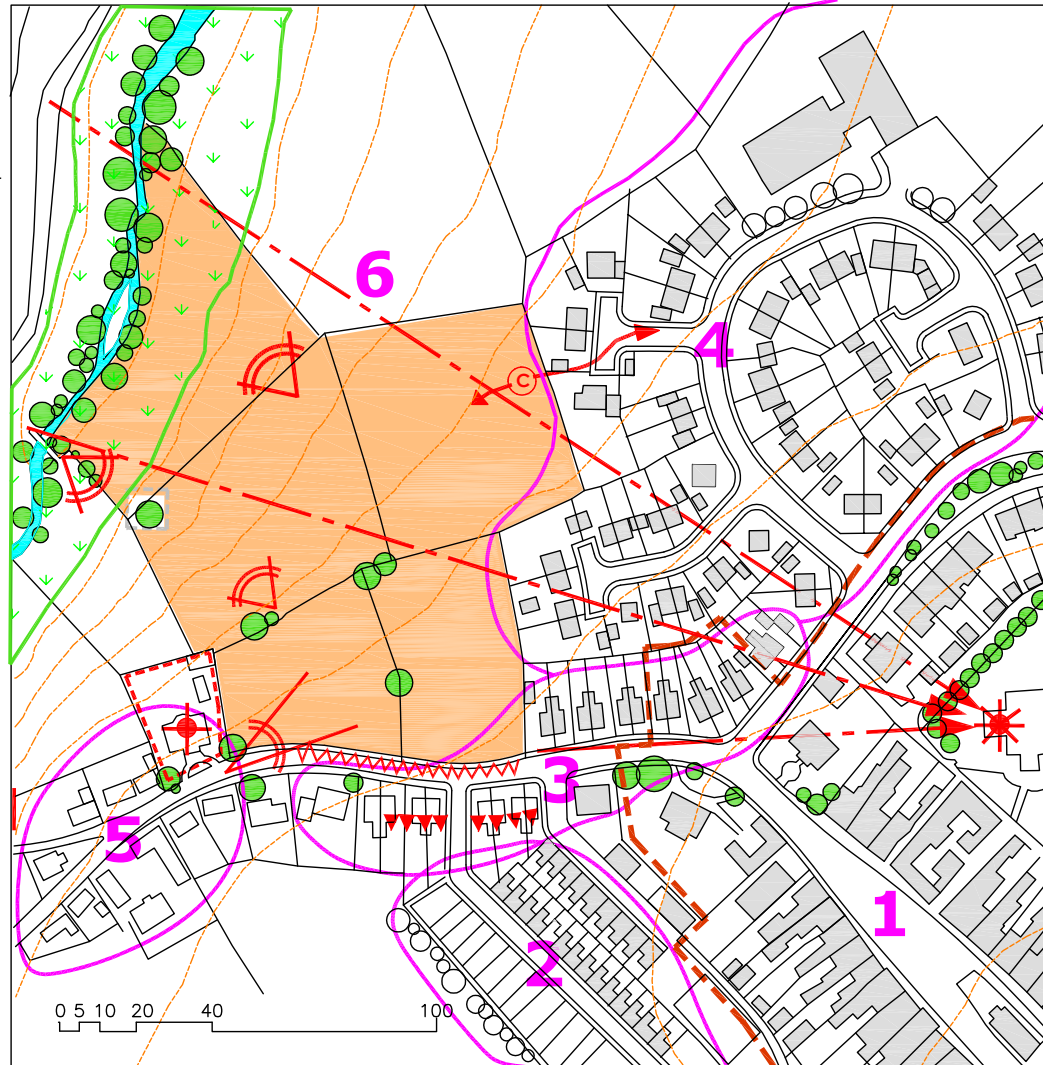
2.7.1 Developers need to demonstrate they have followed a rational design process. The NPPF (Dec 2024) seeks to reinforce local distinctiveness (Section 12, Paragraph 135). This means understanding the surrounding area, and how it functions. Inward looking proposals are less likely to make a positive contribution to the character of the area.

2.7.2 Undertaking a context and site appraisal involves considering the value and quality of the site, component elements and its surroundings, including areas of particular character, views, buildings, landscape and other features and how they contribute to the character of the place.

### CHARACTER AREAS

- 1** CONSERVATION AREA.  
Town centre.  
Mixed Uses: 2-3-5 storeys. Burgage plots 18<sup>th</sup>C-19<sup>th</sup>C
- 2** 19<sup>th</sup>C BYLAW ARTISAN TERRACES 2 STOREY 80dph narrow frontages
- 3** VICTORIAN SEMI-DETACHED VILLAS 2.5 storey 50dph steep pitched roofs
- 4** POST WAR(50-60'S) 2 Storey 28dph open frontages, road dominated
- 5** FARM & HAMLET 2 Storey + 3 storey Georgian House 18<sup>th</sup>C Vernacular stone cottages & farmhouse + barns
- 6** RIVER VALLEY incl site slope to NW, steep at western end of site. Pasture drystone walls wooded riverbank. Extensive flood plain. Hedgerows at lower levels.

'dph' = dwellings per hectare

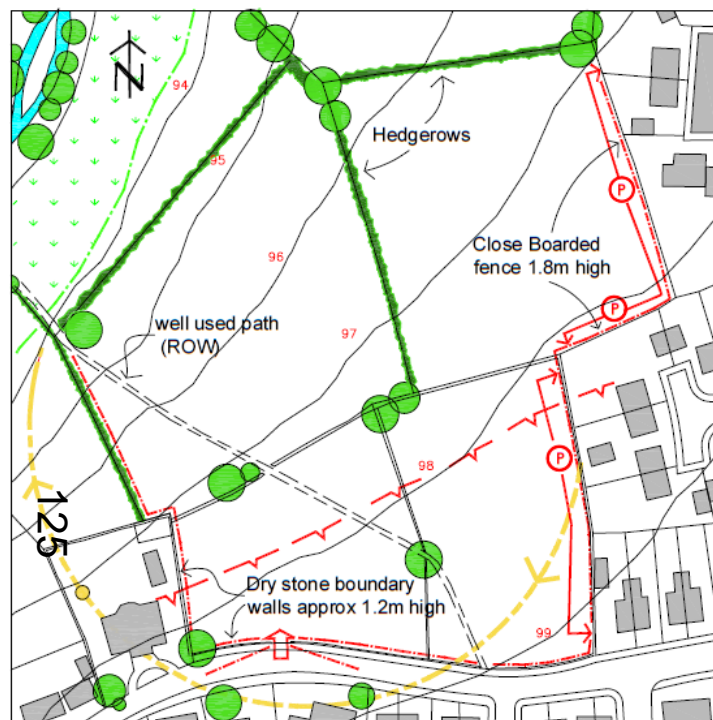


### DESIGN PROCESS STAGE 1 CONTEXT APPRAISAL

- EXG BUILT FORM SHOWN AS FIGURE GROUND TONE
- PANORAMIC VIEWS TO AND FROM SITE
- VIEW TO LANDMARK
- LANDMARK (CHURCH TOWER)
- LOCAL LANDMARKS (LISTED BUILDING)
- SKYLINE VISIBLE FROM RIVER VALLEY
- POTENTIAL PEDESTRIAN/CYCLE CONNECTIVITY
- LISTED BUILDINGS & ITS CURTLAGE
- TREE PRESEVATION ORDER
- NARROW BUSY MAIN ROAD



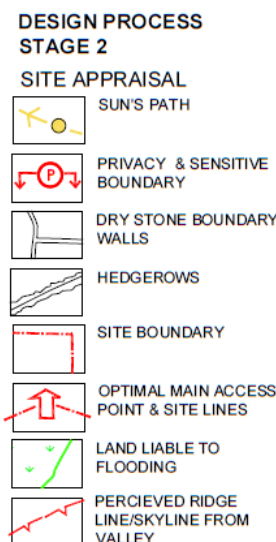
## Site Appraisal and Concept (Steps 2&3)



Site Appraisal Plan

The site appraisal should look in detail at the existing conditions. These include physical linkages to the wider area, entrances and desire lines, topography and levels, including the siting of existing buildings and landscape features. Site features such as watercourses, woodlands and hedgerows provide a natural framework. Boundary treatments and edge conditions inform relationships to adjoining sites.

Ground conditions, instability flooding and drainage issues require investigation. Orientation and microclimate should inform the siting of buildings.



Concept Plan



Heritage Assets and archaeology require specialist assessment.

Views into and out of the development, sensitive edges, and amenity issues. Any cultural references or local attachments should be noted.

The development concept establishes the design and sustainability principles: key buildings and frontages, focal points, views in and out, main routes and connections. A range of options with alternatives to allow the resolution of conflicting issues.

Such conflicts should be explained and justified in the Design and Access Statement. It is at this stage that it is appropriate to approach the Development Management Team to discuss the design approach, prior to the development of detailed layouts. Depending on the sensitivity of the scheme, community consultation may be advised at this stage before progressing to detailed design.

## 2.8 Benchmark and Review Process and Design Codes

2.8.1 In order to maximise the benefit of pre-application discussions, as part of the initial approach the developer will be expected to provide the following information:

### **A site appraisal plan:**

Identifying the location of the site within its wider setting, identifying existing areas of character, showing how it connects with and relates to adjoining parts of the settlement, character, local centres, transport, services, views, local geography etc. [Understanding the Place 2.7]

### **A site analysis plan:**

Showing an understanding of the site characteristics particularly constraints and assets [Site Appraisal and Concept 2.8] from this,

### **A concept sketch/diagram:**

To illustrate the abstract idea and communicate the key design principles by which the site is proposed to be developed [see also 2.8]

**(NOTE: this is not a detailed design layout at this stage)**

2.8.2 The design quality of proposals for residential development will be assessed using a number of methods. These may vary according to the nature of a particular development. However, the review processes will provide the benchmarks against which a scheme will be judged on design grounds. They will include:

2.8.3 **Design Consultation:** Where the service is available, the Urban Design Officer or equivalent, will be consulted on proposals for residential development and will provide a design consultation response. This will provide an opinion on the acceptability of the design aspects of the scheme. This may also be accompanied by, or in the form of a Building for a Healthy Life 2020 appraisal (see 2.9.9 below).

2.8.4 **Regional Design Panel:** Some schemes may be requested to be referred to the Design: Midlands, and independent Review Panel. Typically these may include large scale developments, or those of a strategic or particularly sensitive nature, although any scheme could potentially be referred if this is considered to be appropriate.

2.8.5 Applicants whose schemes are referred will normally be requested to attend a design meeting and to present their proposals to the review panel. The panel's comments will be used to inform the progression and refinement of the scheme.

2.8.6 Schemes may be referred to Design: Midlands at the pre-application stage and in many cases this will preferably be before the design of a proposal becomes too advanced or fixed. There is normally a charge for this service.

### **2.8.7 Local Review:**

The Senior Urban Design Officer will recommend referring selected proposals for residential development to an internal review group comprising a group of officers from the authority and consultees where required such as Highways, Leisure, Historic Environments, Police and Derbyshire Wildlife Trust.

2.8.8 **Design Code.** Where a Design Code exists for a site or where an applicant is requested to prepare a Design Code, this can form part of the Design and Access Statement or Design Guide accompanying the application.

2.8.9 **Building for a Healthy Life 2020:** When using BHL it is important that developers discuss with the planning department the 12 considerations at the very start of the design process, agreeing what is required to meet each consideration. (See pages 24 and 25.)

2.8.10 **A Design and Access Statement (DAS)** should be used to assist in the process. Design and Access statements are important to understanding key design decisions. It could be structured according to the BHL considerations. For large developments the design should also address the 10 placemaking considerations of the National Design Guide.

*Please Note that the Council has have an application Validation checklist with design requirements. A Masterplan and Design Statement should be provided for all sites of 5ha or more or 150 dwellings or more. The Design Statement should assess the development against the criteria in the National Design Guide.*



## Building for a Healthy Life 2020

BHL is a national standard for well-designed homes and neighbourhoods and is about creating good places to live. Proposals for residential development are expected to demonstrate they have met these considerations. Proposals will be assessed against 12 considerations under three headings:

- Integrated Neighbourhoods
- Distinctive Places
- Streets for All

The 12 considerations reflect a vision for what new housing developments should be; attractive, functional, sustainable places, as summarised below.

### Integrated Neighbourhoods

#### Natural Connections

Understand the wider context and 'stitch' a new development into a place.

#### Walking, cycling and public transport.

Improve connection with local pedestrian and cycle networks within the site and a 3m radius with routes through green spaces, including prioritised and projected routes. Ensure access to all. Links to public transport networks.

#### Facilities and Services

Locate community facilities in the best location for those walking, cycling and using public transport.



## Building for a Healthy Life

A Design Toolkit for neighbourhoods, streets, homes and public spaces



### Homes for Everyone

Provide a mix of housing types and tenures including first time buyer homes, family homes, homes for those downsizing and supported living. Maximise the opportunity offered for supported accommodation. Offer people access to private outdoor space for health and wellbeing.

### Distinctive Places

#### Making the Most of What's there

Agree opportunities and constraints and

explore how best to integrate existing assets such as hedgerows on and beyond the site. Use contours, water flows, natural lighting, cooling and ventilation. Draw all together in an Urban Design Framework (UDF) master plan, based ideally upon perimeter blocks to create continuous street frontages and public spaces that contribute to a sense of enclosure and safety.

### A Memorable Character

Create a place with a locally inspired or otherwise distinctive character. Review the

wider area for sources of inspiration. Delve deeper into architectural style and detail. Find inspiration in local history and culture and the essence of the distinctive character of settlements.

## **Well Defined Streets and Spaces**

Ensure principal facades and front doors face the street and public spaces. Use perimeter blocks with clearly defined fronts and backs and carefully considered street corners. Active frontages, doors, balconies, terraces, front gardens and bay windows to enliven and create interest. Use 3D models to understand spatial qualities.

## **Easy to find your way around**

Use legible features to help people find their way around a place. Street types, buildings, spaces, non-residential uses, landscape and water to help create a ‘mental map.’

## **Streets for All**

### **Healthy Streets**

Consider streets as part of the public realm. Create boulevards and streets with trees and active edges. Incorporate low speed streets and neighbourhoods with pedestrian and cycle priority. Create a balance between movement and place functions. Healthy Streets improve physical and mental health, encouraging walking, cycling, outdoor play and safety for young children and social interaction. Introduce priority for pedestrians and cyclists across junctions and accesses.

## **Cycle and Car Parking**

Well design developments will make it more attractive for people to choose to walk or cycle for short trips. Provide secure cycle storage close to people’s front doors. Integrate car parking into the street environment. Anticipate realistic parking demand. Differentiate Car ownership and car usage. Create solutions for attractive, convenient and safe cycle parking.

## **Green and Blue Infrastructure**

Creative surface water management such as rills, brooks and ponds enrich the public realm and help improve the sense of wellbeing and offer an interaction with nature. Introduce lost habitats and weave habitat creation throughout development. Plan movement corridors. Create food growing opportunities such as allotments and orchards on larger developments. Have a sustainable drainage system. Use a treatment train, use rail gardens, ponds, and swales.

## **Back of pavement, front of house**

Use of hedges to define public and private spaces. Front space has a significant impact on the quality of place encouraging people to personalise their homes. Integrate services, waste storage and utilities cabinets. Outdoor amenity space for apartment buildings such as balconies for relaxing or drying clothes.

2.8.11 Building for a Healthy Life is not an end in itself, but a tool for assessing how well schemes for residential development meet the requirements of local design policies. It forms a framework for design discussions between the stakeholders and provides a measure of the design performance of a scheme which can be used to assist in the decision-making process.

2.8.12 Where possible, the Design and Access Statement (DAS) should be used to assist in this process e.g. it could be structured according to the BHL12 questions (provided all the requirements of a DAS are addressed). Guidance on how to write, read and use DAS can be found on the Government website. The Design Council have also produced guidance, Design and Access Statements: how to write, read and use them (2006)





129

***College Mews, Clowne***



# 130 3. Place Making Principles Good Urban Design Practice

---

“The delivery of a well-designed environment, by which one might mean simply one that is sustainable, liveable and fulfilling, is dependent on getting the framework for the settlement right across all its scales.”

**Matthew Carmona Professor of Planning and Urban Design at the Bartlett School of Planning, UCL**

---

**3.1** Movement

**3.2** How to achieve easy inclusive walking design within residential schemes

**3.3** Green and Blue Infrastructure

**3.4** Townscape

**3.5** Character

**3.6** Layout

**3.7** Block Structure

**3.8** Parking

**3.9** Street Design

**3.10** Street Design

**3.11** Public Realm Design

**3.12** Amenity

**3.13** Place Hierarchy

**3.14** Design for Corners

**3.15** Frontages

**3.16** Enclosure

**3.17** Building Design

**3.18** Adaptability

**3.19** Materials

**3.20** Servicing



## Building for a Healthy Life 2020 Considerations

### Integrated Neighbourhoods

#### Natural Connections

Understand the wider context and ‘stitch’ a new development into a place.

#### Walking, cycling and public transport

Improve local pedestrian and cycle networks within the site and a 3 mile radius.

#### Facilities and Services

Locate community facilities in the best location for those walking, cycling and using public transport.

### Distinctive Places

#### Making the Most of What’s there

Explore how best to integrate existing assets on and beyond the site. Try to work with perimeter blocks

#### Easy to find your way around

Use legible features to help people find their way around a place to help create a ‘mental map.’

### Streets for All

#### Healthy Streets

Streets as public realm. Low speed streets and neighbourhoods with pedestrian and cycle priority.

## 3.1 Movement

### 3.1.1 A balanced approach to movement

**Cars are likely to be used less often where layouts promotes healthy ways of living. New developments should be planned so as to reduce the demand for road space and provide the community with sustainable and realistic alternative transport options.**

3.1.2 The movement network provides the skeletal framework around which the development can be formed. The early design choices are therefore critical to putting in place a well-reasoned and practical movement network that meets the needs of all its users. This means ensuring that one group’s requirements do not dominate to the extent that they constrain or are detrimental to needs of other groups.

3.1.3 Equitable access throughout a development means providing users with a real choice of movement, so they can choose their own route and mode of transport. Short local trips provide the best opportunities for journeys on foot or bicycle (active travel) so these routes should be more direct than those for cars.

3.1.4 Provide charging points for electric bikes and vehicles. Implement

low traffic neighbourhoods and allow for play streets.

### 3.1.5 Connected, integrated, permeable

**Proposals should comprise a layout of permeable streets that connect to and integrate with the surrounding network of streets and paths.**

3.1.6 Connecting developments with the surrounding streets and neighbourhoods allows them to physically integrate with and function as part of the established settlement, both socially and economically.

3.1.7 Developments with poor connections to adjoining areas and movement networks designed around the car result in insular, disconnected places that fail to integrate with the settlement and which reduce the inclination to walk, cycle or use public transport.

3.1.8 Conversely, integrated permeable movement networks are beneficial to both communities and help reduce car dependency. They encourage active travel by being easier to navigate and minimising walking distances to nearby facilities, which increases their pedestrian and cycle catchments.

*A safe footpath provides a broad, overlooked and convenient route connecting with the adjoining area.*

### Successful healthy places:

- Design for various essential users in a compatible way. Put the most vulnerable groups first: pedestrians first, followed by cyclists, horse riders and motorcyclists, before other vehicular traffic.
- Think about children, older adults and disabled people being more at risk. Give pedestrians a dense permeable network with priority at crossings.
- Encourage use of Shared Spaces. Respect the safety of people walking in these spaces.
- Provide movement networks that encourage walking and cycling and give easy access public transport.
- Locate bus stops within a reasonable walking distance (normally 400m), via safe routes and provide bus shelters to encourage their use.
- Provide for access by motor vehicles and accommodate the size and frequency of service vehicles without detracting from the quality of the environment.



## Sustainable?

How does the design influence how people choose to travel? Does it provide transport choices that reduce car dependence and encourage active travel?

Active journeys have many benefits:

- Reduced energy use and emissions from transport.
- Increased interaction fostering social networks and a sense of community.
- Health benefits; and

132 Making places feel safer – more people being out and about.

*“...it is an instinctive and continuous habit of the body to relate itself to the environment, this sense of position cannot be ignored” Gordon Cullen, Townscape*

## References:

Gear Change: A bold vision for cycling and walking 2020

The Plan for Drivers, Oct 2023

Manual for Streets (2007)

Planning Practice Guidance: Healthy and Safe Communities (as updated 7 Aug 2022)

Delivering Streets and Places 2017 6 C's Design Guide.

Derbyshire County Council: Standing Advice (Draft) June 2023

LTN 1/20 Cycle Infrastructure Design

## Successful healthy places:

- Have internal permeability with interconnected streets that allow people to choose the most convenient and attractive direct option for their journey.
- Make connections to the adjacent street and footpath network, including safe, direct green pedestrian/cycle links.
- Design the movement network to connect easily to local destinations by following desire lines to where people want to go. Provide safe routes to school, wider pavements.
- Incorporate existing public rights of way into segregated attractive routes through the development.

### 3.1.9 Legibility

3.1.10 Making places legible is to make them easy to understand and navigate, so that people have a clear mental image of the place. They should include recognisable features that help



Public art can aid legibility, making places more memorable

give them a sense of place and make them memorable.

3.1.11 Memorable spaces may contain a focal point such as a piece of public art or a mature tree. Key nodal points may comprise one or more main routes that coincide with the provision of a distinctive public space, containing a notable landmark building.

3.1.12 Often, two or more of these elements will need to be considered in combination to design effective legible environments e.g. designing a view towards a landmark or building that

## Successful healthy places:

- Contain landmarks, such as important buildings, distinctive public spaces, public art, mature trees and views to these features.
- Distinguish important nodal points or junctions with distinctive spaces, often associated with activity and movement.
- Incorporate movement along conspicuous routes and edges that are easy to recognise and follow, such as main roads or defined streets.
- Allow for low traffic neighbourhoods where streets can become places and pedestrians have priority over the car.

acts as a focal point or terminating feature, helps to create a sense of place.

3.1.13 Thresholds to private areas such as courtyards should use devices such as changes in surface, pillars, access through an archway etc. to define the extent of the defensible space. Psychologically, this gives the impression that the area beyond is private.



A mature tree, distinctive building and a public space create a memorable location giving legibility to this place



A strong corner on a main route reinforce its legibility

# Healthy Living: Underlying Climate change principles of placemaking

## Zero Carbon

Through the Climate Change Act 2008, and as a signatory of the Paris Agreement, the UK Government has committed to reduce emissions by at least 100% of 1990 levels by 2050 and to pursue efforts to limit temperatures to 1.5°C above pre-industrial levels.

Net zero refers to a state in which the greenhouse gases going into the atmosphere are balanced by their removal out of the atmosphere.

→  
This means considerable changes in society, the economy and our relationship with the environment.

### Successful healthy places:

- Aim to achieve high-performance net zero buildings, improving energy efficiency, and reducing energy demand.
- Provide sustainable mobility including public transport and infrastructure for ultra-low emissions vehicles.
- Reduce land-based emissions, and regenerate biodiverse landscapes for nature and climate.
- Utilise the potential for renewable heating and electricity to meet our energy needs.

[Net zero carbon buildings](#)  
(BREEAM website 28.05.24)

## Active Travel

Active Travel England (ATE)'s strategic aims are to increase levels of walking and cycling to 50% of journeys in towns and cities by 2030. Creating better streets and networks for cycling and walking are the 'key design principles' as set out in the Dept of Transport's guidance, Gear Change: a bold vision for cycling and walking and the accompanying Local Transport Note (LTN 1/20) on cycle infrastructure design (July 2020)

ATE have developed a suite of tools based on the above national guidance to support the development of designs and the assessment of design quality for active travel interventions and schemes. The tools allow for route checks and area checks against a series of design criteria including:

- accessibility,
- comfort,
- directness,
- attractiveness
- and cohesion.

As well as cycle infrastructure design LTN 1/20, the suite of tools take forward the best practice found in Inclusive Mobility: Making transport accessible for passengers and pedestrians, (Dec 2021), Manual for Streets (2007) and Manual for Streets (2010), and existing street assessment tools, such as Cycle Infrastructure Design: Appendix A - Cycling Level of Service.

## Walkable neighbourhoods

At its heart, this is an urbanism concept, a framework rather than a specific plan: trying to gradually change cities so people live relatively close to shops, workplaces and other amenities.

With this comes an inevitable shift from car trips to walking, cycling and public transport.

The principle of walkable neighbourhoods have been adopted by Local Planning Authorities such as Oxford and Newham. Research into their success is currently underway.

The Council supports this principle and will aim to create neighbourhoods that deliver the ability for residents to live close by local facilities.

## Wayfinding

Wayfinding in townscape design requires designs that help individuals orient themselves and navigate environments with ease. This involves embedding visual and spatial cues—such as distinct landmarks, consistent signage, spatial hierarchies, and memorable streetscapes. The aim is to facilitate intuitive movement and decision-making.



## Good Practice

Pedestrians and cyclists should normally be accommodated within the street.

Where segregated routes are considered necessary, they can be acceptable if they are well designed. Regardless of length, such routes should be:

- As straight and direct as possible.
- Be well lit.
- Wide enough to avoid conflicts between pedestrians and cyclists (where shared) or allow people to pass one another comfortably
- Overlooked by surrounding buildings and activities..
- Attractively designed and landscaped.
- Devoid of hiding places.

## Good Practice

The basic component of a walkable neighbourhood termed a Ped shed (pedestrian shed), defined as the area that can be covered by 5 or 10-minute walk or 400-800m in distance.

Building Sustainable Transport into New Developments DFT (April 2008).

Planning for Walking CHIT, (April 2015).

Sutrans Walkable Neighbourhoods (May 2022).

### 3.1.14 Safer neighbourhoods

**The movement network should be designed to create a safe and comfortable environment for users**

3.1.14 Routes should be clear, direct and attractive places where people feel comfortable. If they are cramped, poorly overlooked, indirect or unwelcoming they can attract crime or anti-social behaviour and discourage legitimate users.

### 3.1.15 Walkable neighbourhoods

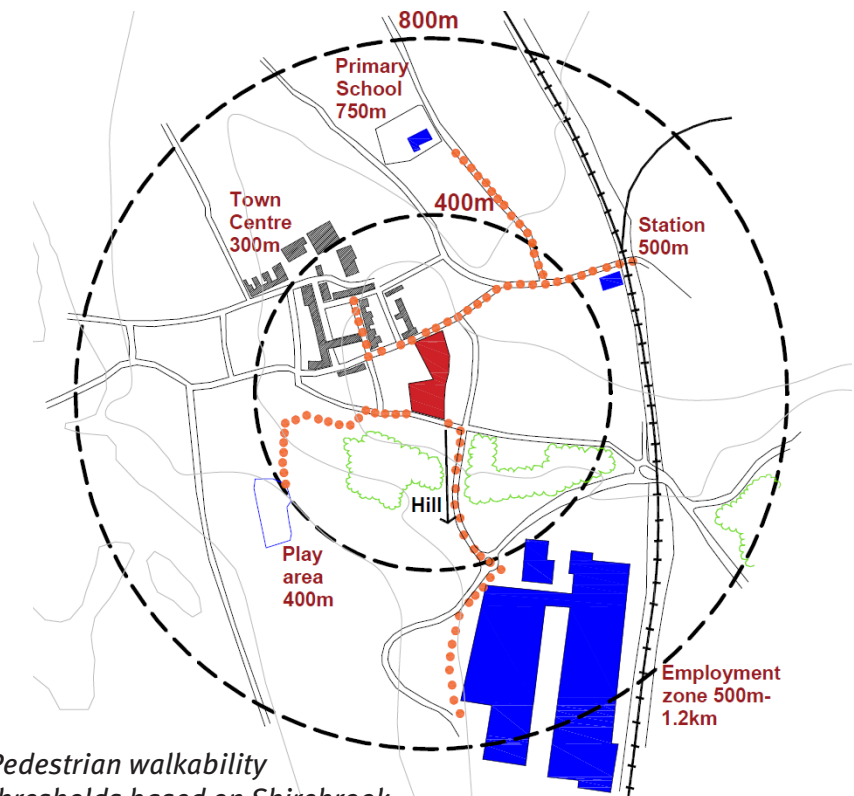
**Proposals should seek to create walkable neighbourhoods that provide for or are located within easy walking distance of local facilities**

3.1.16 A walkable neighbourhood is a residential or mixed area with a range of everyday facilities within an approximate 10 minute (800m) walking distance. Some facilities command greater catchments although these become less accessible on foot with increased distance.

True walkable catchments are irregular (not circles) because they cover the actual route not as the crow flies. The distance walked is often further than is suggested by the standard 'ped' shed circle. Access to green areas within a walkable catchment are particularly seen as uplifting to the townscape quality of a place.

### Successful healthy places:

- Create active streets that are easy for people to find their way around and that link to local destinations.
- Are well lit and overlooked by surrounding buildings and used to provide a sense of natural surveillance and safety.
- Demonstrate clear definition between public and private spaces.
- Provide for pedestrians, cyclists and vehicles within the same space, without them being segregated.
- Avoid networks of separate footpaths and unsupervised areas, including public footpaths that run to rear of and provide access to properties, for reasons of safety and security.



*Pedestrian walkability thresholds based on Shirebrook.*

### What is a reasonable walking distance?

400m is a reasonable walking distance to a bus stop (approx 5 minutes).

800m is a walkable distance to a town or local centre (approx 10 minutes).

The average walking journey is 1km. Not many people walk more than 2km.

However, actual walking distances may be reduced according to various factors.

Proposals must take account of steep gradients, the bendiness of the route and psychological factors such as barriers like how easy or difficult it might be to cross busy roads, real or perceived fear of crime and personal safety. If routes are indirect the actual walking distance is reduced.

### Useful References

Shaping Neighbourhoods, For Health and Global Sustainability. Third Edition Barton et al, (2021)

Creating Healthier, Active, Prosperous Communities An Introduction for Council Planners in England. TCPA (2021)

3.1.16 The catchment distances diagram on page 31 shows typical desirable and possible maximum thresholds for walking to facilities at local, neighbourhood/ village and settlement/ town level.

3.1.17 It is reasonable to expect some types of facilities, such as a children's playground to be within a short walking distance of a residential area, whereas people are prepared to walk further to reach other key facilities such as a local centre or a school.

3.1.18 These distances are a starting point for discussion. In more rural settings greater distances to more significant facilities (e.g. leisure centre, FE College etc.) are to be expected.

3.1.19 Accessibility criteria should also have regard to a range of local factors:

- The catchment populations of different facilities.
- The degree of permeability/ directness of walking/cycle routes.
- The general shape of the settlement.
- The propensity of users to walk to specific facilities.
- The influence of topography.
- The safety of the route (real or perceived fear of crime).
- The level of hostility in terms of traffic speed and volume and the quality of the pedestrian experience.

## Indicative catchments:

### Home/Street 100-400m

- Toddlers play area (100-200m)
- Allotments (200-400m)
- Playgrounds and children's play/kick about area (300-400m)
- Bus stop (400m – reasonable and most convenient distance)

### Neighbourhood 1000m

- Bus stop rural (400-800m – maximum less convenient/likely walking distance)
- Local park/natural green space (400-600m)
- Access to green network (600-800m)
- Local centre/shop (600-800m)
- Pub and village hall (600-800m)
- Primary school (800-1000m)
- GP Surgery (800-1000m)

### Small Town/Settlement 1000-12,000m+

- Playing fields (1000-1500m)
- Secondary school (1500-2000m)
- Town district centre or supermarket (1500-2000m)
- Leisure centre (1500-2000m)
- Industrial estate (2000-3000m)
- Major natural green space (2000-3000m)
- FE College (3000-5000m)

Source: Adapted from Barton et al, Shaping Neighbourhoods, 2021

## 3.2 How to achieve easy inclusive walking design within residential schemes

3.2.1 “At approximately 200 journeys per person a year, walking is remarkably constant from cities to small towns. Only in rural districts do people walk significantly less than this.” - CIHT Planning for Walking (2015)

3.2.2 Within Bolsover many new housing areas are located on the edge of settlements. This involves the creation of new walking routes. It is important to link with existing streets and create as much permeability as possible so that people can access local facilities. It is also important to ensure connections to the local countryside footpath network. Many people choose to live where they have access to both central areas and the countryside.

3.2.3 There is also a need to provide more accessible routes that are inclusive, making it comfortable and easier for people of all ages and abilities. In particular, consider wheelchairs and mobility scooters, people who need to rest occasionally, and mothers with pushchairs. Try to consider how junctions can be made easier, and how to prevent pavement parking. The ‘5Cs’ of good walking networks should be considered. See opposite.

### Infrastructure to improve pedestrian safety:

- Adequate footway and footpath widths.
- Kerb line build-outs to minimize the time taken to cross carriageways and slow traffic.

- Preventing parked vehicles blocking footways. Either through enforcement (signage) or physical means –use of tree pits and grills,
- Good pedestrian access to public transport
- More crossings which provide effective pedestrian priority.
- Fully understanding the use of tactile paving at crossings and the use of warning and guidance paving.
- Understanding how to make obstacle free routes for hard of seeing people.
- Fully protected pedestrian phases at traffic lights.
- Median pedestrian refuges.
- Use of 20-mph speed limits.
- Using street furniture and calming to give visual clues when to slow down especially where potential convergence of cyclists and pedestrians.
- Use of pedestrian friendly paving surfaces that are well drained
- Use of well-placed wayfinding to provide interest and encourage walking to destination points by providing direction and mileage markers.

3.2.4 In rural areas take account of shelters and distances to bus stops and alternative forms of transport. Encourage people to walk longer distances by providing more opportunity for rest areas and modal shift.

### The “5Cs” of Good Walking Networks

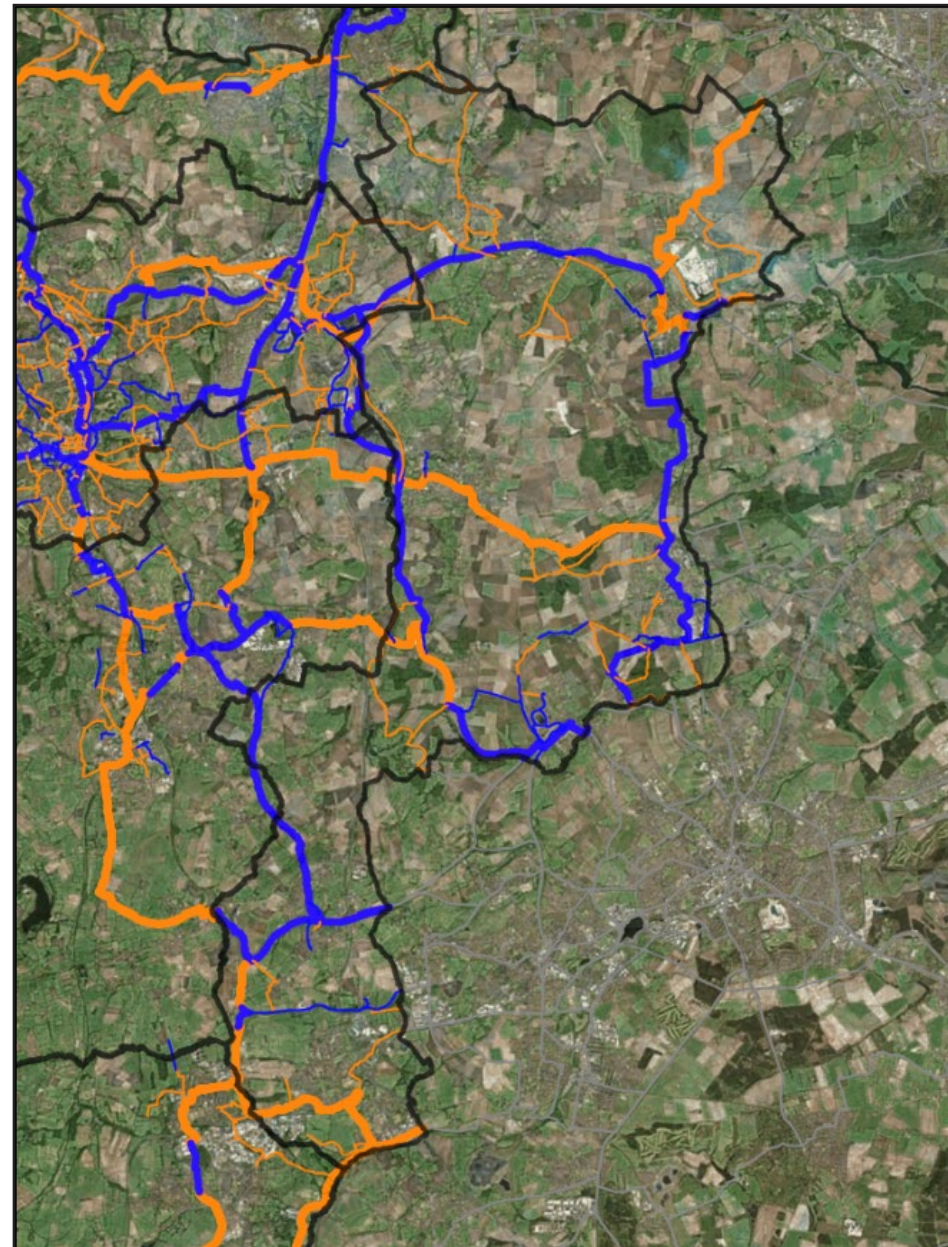
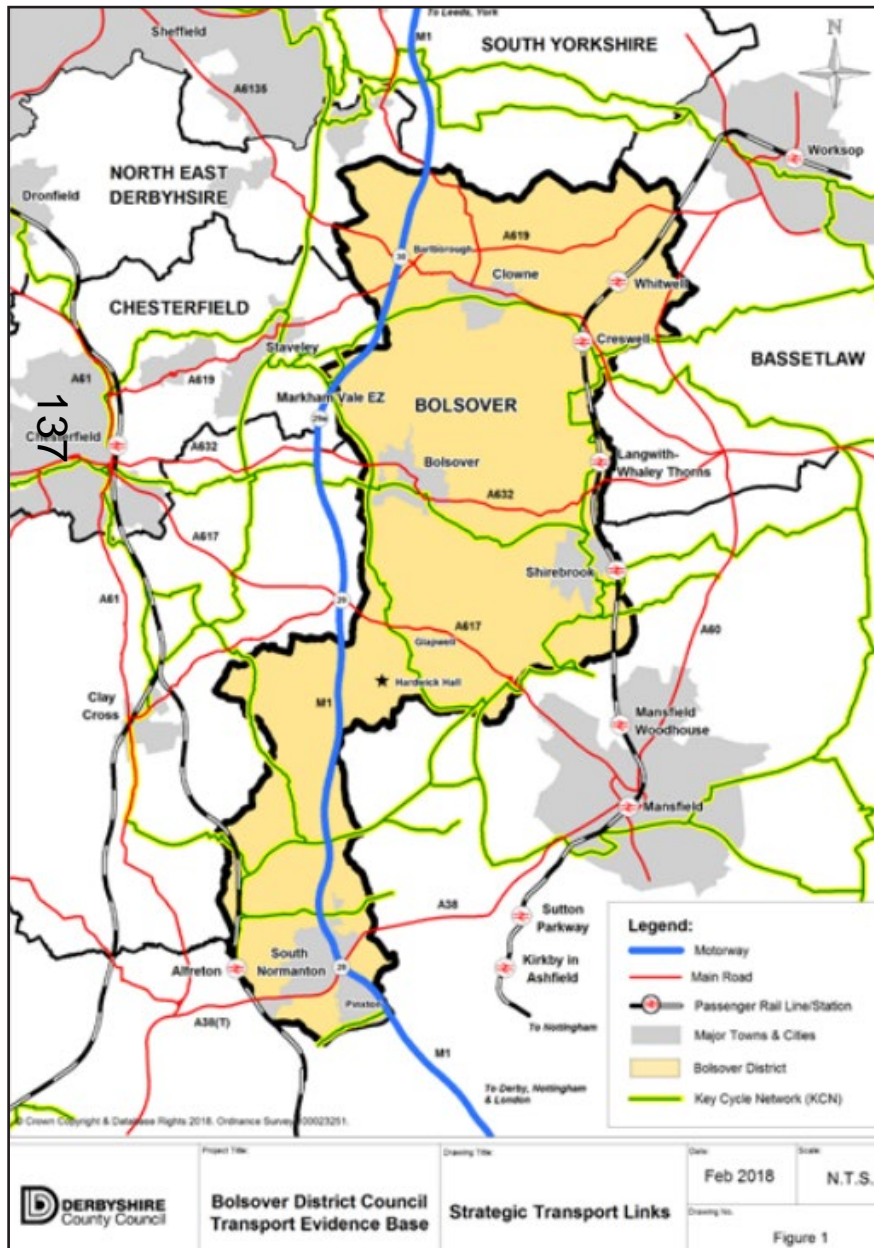
- **Connected:** Walking routes should connect all areas with key “attractors” such as public transport stops, schools, work and leisure destinations. Routes should connect locally and at district level, forming a comprehensive network.
- **Convivial:** Walking routes and public spaces should be pleasant to use and allow walkers and other road users to interact. They should be safe, inviting and enlivened by diverse activities. Ground floors of buildings should be continuously interesting.
- **Conspicuous:** Routes should be clear and legible, if necessary, with the help of signposting and waymarking. Street names and property numbers should be comprehensively provided.
- **Comfortable:** Comfortable walking requires high-quality pavements, attractive landscapes and buildings, and as much freedom as possible from the noise, fumes and harassment of vehicles. Opportunities for rest and shelter should be provided.
- **Convenient:** Routes should be direct and designed for the convenience of those on foot, not those in vehicles. This should apply to all users, including those whose mobility is impaired. Road crossings should be provided as of right and on desire lines.

*Transport for London: “Improving Walkability: Good practice guidance on improving pedestrian conditions as part of the development opportunities,” (Sept 2005) (Edited) and Planning for Walking Toolkit (March 2020).*



## Countryside Multi User trails and cycle routes

The existing cycle network provides the opportunity for development sites to encourage cycling through providing links. Use the Derbyshire County Council mapping portal to identify local countryside routes.



**Key:**

Orange  
proposed  
cycle routes

■ Blue  
completed  
cycle routes



National Planning Policy Framework (Dec 2024) Section 14. Meeting the challenge of climate change, flooding and coastal change

#### Useful References:

Ciria SuDs Manual C753. 2015

PPG: Flood Risk and coastal Change Aug 2022

Flood Resilient Futures: SuDs a Practical Solution –

GreenBlue Urban

The Planning and Compulsory Purchase Act of 2004 (as amended by the Levelling Up and Regeneration Act 2023) links planning legislation to the Climate Change Act, placing a clear duty on plan-making to mitigate and adapt to climate change.

## 3.3 Green and Blue Infrastructure

### 3.3.1 Green and Blue Infrastructure

**Proposals should integrate green and blue infrastructure into the development layout wherever possible**

3.3.2 Green and blue infrastructure refers to the network of existing or new, natural and managed green spaces and water bodies, together with the linkages that join up individual areas as part of a wider network of green spaces, such as footpaths, cycle paths and bridleways.

3.3.3 It provides many benefits, including:

**Good Health** – Greenery promotes health, well-being and enhances quality of life.

**Recreation** – Formal and informal spaces provide places for exercise and relaxation.

**Liveable places** – Green networks can add distinctiveness, a positive outlook or buffer negative features. They can also protect the setting of heritage assets and aid the interpretation of assets such as archaeology.

**Movement** – Pleasant recreational routes that link to adjoining green spaces.

**Environment** – Influence local microclimate and air quality, providing shade, shelter.

**Water Management** – green networks able

to form part of sustainable urban drainage systems (SuDs).

**Ecological Value** – through the creation of habitats that support biodiversity.

**Local Food Production** – through provision of allotments, fruit trees/orchards, community gardens etc.

3.3.4 Green and blue infrastructure should be an integral aspect of the layout planning and structuring of any housing development wherever opportunities allow. This means retaining and incorporating natural assets such as mature trees, hedgerows or watercourses, as key features of the layout, if appropriate, or create new ones.

3.3.5 Emphasis is also placed on spaces being multi-functional e.g. a SuDs with swales and ponds can enhance the character of a development, have biodiversity and landscape value and be part of a network of recreational routes.

3.3.6 In all cases proposals should forge links with the wider network of green spaces whenever opportunities allow.



*Credit: Kevin Barton FLI, Robert Bray Associates*

#### Successful places:

- Integrate existing green and blue features into their design/ layout or create new ones.
- Connect with the existing wider green and blue infrastructure network.
- Create multi-functional green and blue spaces and routes.

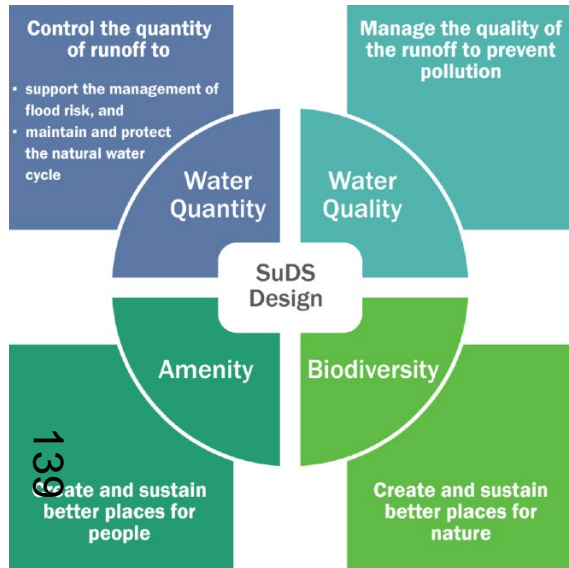


*A multifunctional space includes a path and SuDs pond, to form an attractive outlook for the adjoining homes. Jubilee Campus Nottingham.*



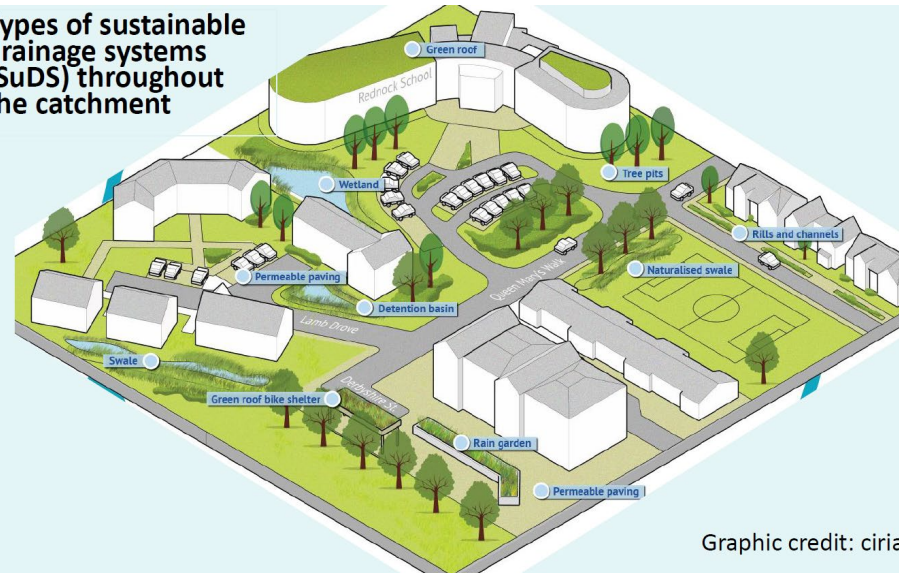
# The Key Principles of SuDS Design

## The Four Pillars of SuDs

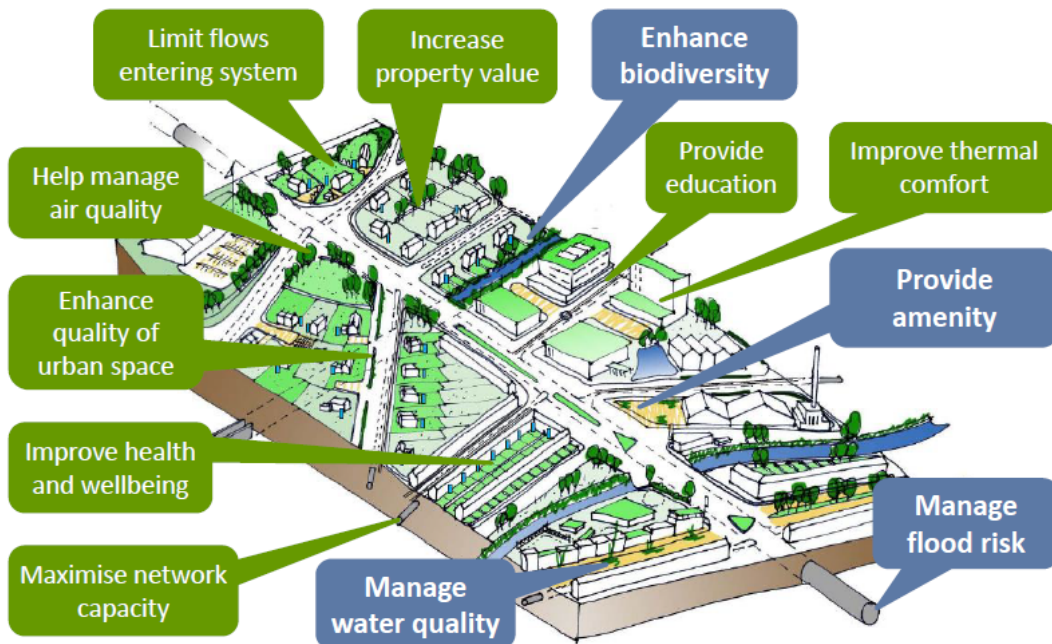


## Types of SuDs

Types of sustainable drainage systems (SuDS) throughout the catchment



## SuDs benefits



## Street Solutions:

- Rain gardens
- Hydro planters
- Pavement Crate
- Systems.

## Plot solutions:

- SuDs pods and
- Planters aid
- Biodiversity enhancement.

References: Refer to The SuDS manual by Ciria for further information.

[www.ciria.org](http://www.ciria.org)

[www.susdrain.org](http://www.susdrain.org)



*A retained mature tree has biodiversity value and provides a positive focal point*



*Balancing ponds slow water run-off and provide a positive outlook*



*Photo courtesy of Susdrain*

*A retained wood is a landscape buffer and shelter belt*



*Allotments potential/local food production*



*Footpaths integrated into the layout connect to wider countryside and network of recreational routes.*



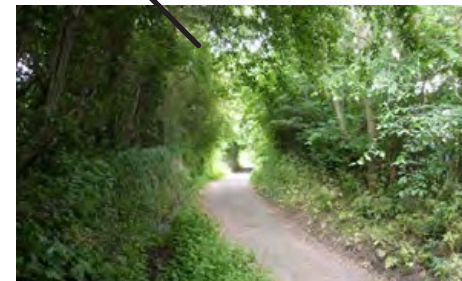
140



*SuDs swales in a green corridor*



*Swales integrated into the street layout*



*A characterful sunken lane is retained with new connections to form multi-user path*

**3.3.7** An edge of settlement development that fully integrates a network of green and blue infrastructure into its layout. Existing positive natural features have been retained and incorporated wherever possible. New green elements (swales/ponds, street trees, green spaces/corridors etc.) are multifunctional features, forge links with the surrounding area and add value.



## Examples of Characterful SuDs Design



*Well landscaped detention basin functional for quantity – Susdrain.*



*Multi-purpose quantity and quality with biodiversity.*



*Linear street SuDs Swales.*



*Permeable Paving.*



*Swales.*



*Ref: Introduction to sustainable drainage systems (SuDs) and their benefits  
CIRIA ([www.ciria.org](http://www.ciria.org) / [www.susdrain.org](http://www.susdrain.org)).*



*Planters with water butts. Green/Blue Urban.*



*Stone clad headwalls.*



## Building for a Healthy Life 2020 Considerations

### Integrated Neighbourhoods

**Natural Connections:** Understand the wider context and 'stitch' a new development into a place.

### Distinctive Places

**Make the Most of What's there.** Explore how to integrate existing assets: hedgerows, contours, waterflows, natural lighting.

### Memorable Character

Create a place that is locally inspired or distinctive on character.

**Well defined streets and Spaces.** Face the street and public spaces, perimeter blocks. Active frontages. Carefully considered street corners.

### Streets for All Healthy Streets

Streets as public realm. Low speed. Create streets with trees and active edges. Priority for pedestrians and cyclists.

### Back of pavement, front of house

Use of hedges to define public and private spaces.

## 3.4 Townscape

### 3.4.1 Townscape

**Schemes should be designed to create places that positively contribute to the built environment by enhancing the townscape and visual amenity. Developments should provide a clear benefit to the locality.**

3.4.2 Townscape design knits buildings together with the spaces and elements that surround them – landscape, paving, and open spaces. It's the skilful arrangement of these environmental components to create a cohesive urban scene. This scene should be aesthetically pleasing in its relationship between built form and open spaces, and functionally successful for its intended purpose.

3.4.3 All schemes should create places that contribute to local identity and character, adding beauty to the townscape and promoting a sense of identity. This alongside ensuring good design and implementation, will determine whether a scheme adds positively to the richness and interest of the townscape and supports more vibrant neighbourhoods.

3.4.4 Often the places we find most interesting have developed incrementally providing layers of texture and form that while sometimes haphazard, combine to create attractive townscapes. Occasionally, a carefully planned scheme may exhibit similar qualities. However, the art of townscape is frequently undermined by the standardisation of housing with an emphasis on utility, economy and function, limiting the potential for incidental occurrences to stimulate, surprise or delight. Often the result is monotonous and uninteresting.

3.4.5 It should be the aim of those involved in the development process to ensure that the design of their proposals creates new townscape that is a meaningful and worthy addition to the settlement.

### Successful places:

- Contribute positively to the richness and interest of the settlement to foster a sense of place by applying the good urban design practice principles (places not estates).
- Respond to the individuality of places in respect of local characteristics such as building forms, materials, traditions, street patterns and spaces to inform the approach to the design.
- Establish a clear urban structure within the built form, streets and spaces.
- Use the relationship (juxtaposition) of buildings, streets and spaces to form varied and interesting townscapes and a sense of identity.



*An example of a distinctive place where a mature tree and small green form a focal point. Elevations are well proportioned and homes are arranged to form a sense of enclosure, while materials and details combine to create a positive new area of townscape.*

*“...bring buildings together and collectively they can give visual pleasure which none can give separately.*

*One building standing alone... is experienced as a work of architecture, but bring half a dozen buildings together and an art other than architecture is made possible.*

*A street designed around townscape principles, creating enclosure of space with well defined edges, a key view terminated by a building that is used and designed for this purpose and external materials of quality that reinforce the local distinctiveness of the area.*

*...there is an art of relationship just as there is an art of architecture. Its purpose is to take all the elements that go to create the environment... and weave them together in such a way that drama is released.”*

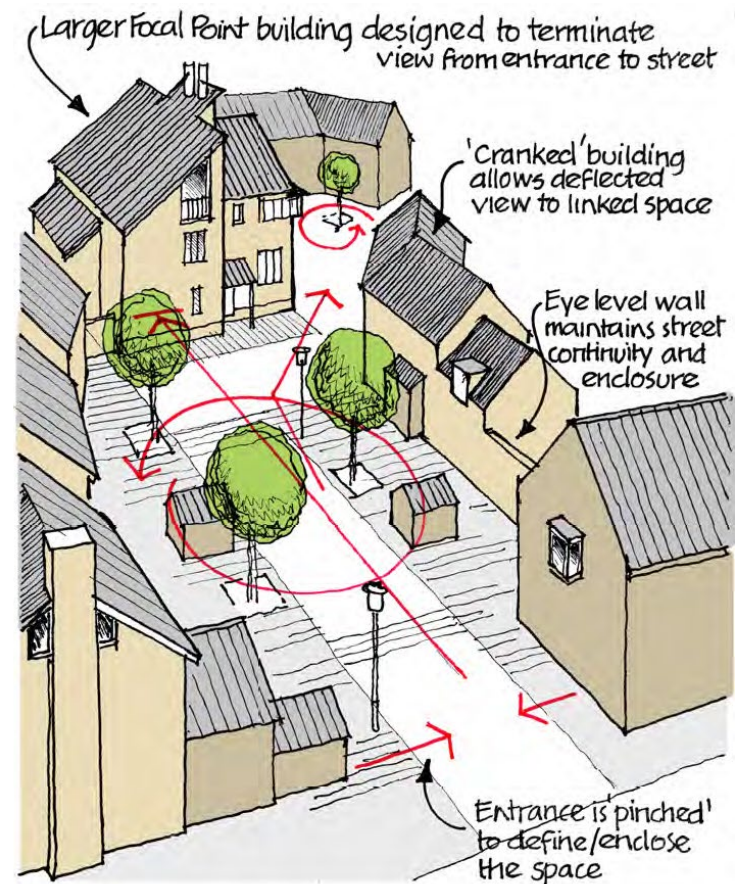
– Gordon Cullen, Townscape

#### Reference:

Where We Want to Live:  
Reclaiming Infrastructure for  
a New Generation of Cities –  
Ryan Gravel (Jan 2016)

3.4.6 Considering the development as a three dimensional composition enables the designer to carefully integrate the different elements of the built environment as a coherent design. The example shows how:

- The entrance is narrowed to create a ‘pinch point’, signaling drivers to slow upon entering the street and encourages vehicles to emerge with caution.
- The buildings have been arranged to define the edges of a space, provide continuity and create a strong sense of enclosure.
- Buildings are outward looking with windows orientated to overlook the street, providing safety and security also at gateways.
- A larger building is positioned deliberately on the axis of the street to provide a focal point and ‘terminate’ or ‘close’ the view from the entrance.
- Roof heights (eaves and ridge) and roof forms, together with chimneys and dormers add visual interest to the skyline. Stepped changes in roofscape provides a varied profile.
- Street trees provide shade whilst softening the appearance and giving visual appeal. They are used to define spaces.
- Hard surfacing strengthens pedestrian area prompting drivers to slow down and marks areas of on-street parking.
- The ‘cranked’ building uses the built form to deflect a view into to a rear courtyard, which itself incorporates a feature focal point tree.



#### MAKING TOWNSCAPE, MAKING PLACES for PEOPLE



Ainsley Common Architects



## Building for a Healthy Life 2020 Considerations

### Distinctive Places

#### Make the Most of What's there.

Explore how to integrate existing assets: hedgerows, contours, waterflows, natural lighting.

#### A Memorable Character

Create a place that is locally inspired or distinctive on character.

#### Well defined streets and Spaces.

Face the street and public spaces, perimeter blocks. Active frontages. Carefully considered street corners.

#### Streets for All

#### Easy to find your way around.

Use legible features to help people find their way around a place. Street Types, buildings, spaces, non-residential uses, landscape and water to help create a 'mental map.'

*"Most of us identify with a place... because we use it and get to know it... The only reason anyone does this much is that useful or interesting or convenient differences fairly nearby exert an attraction.*

*Almost nobody travels willingly from sameness to sameness and repetition to repetition, even if the physical effort required is trivial."*

Jane Jacobs, The Death and Life of Great American Cities (1994 edition)

## 3.5 Character

### 3.5.1 Character

**Developments should create places of more distinctive character based upon an appreciation of the site and surrounding area, responding positively to its natural and built context.**

3.5.2 The concept of character relates to the qualities belonging to a place that together give it its own identity and help distinguish one place from another. This is often referred to as its sense of place; so when you get 'there', you have a sense of arrival or being 'somewhere'.

3.5.3 Character is influenced by factors such as architectural style, materials and traditions, relationship of buildings to landscape, history and economy. These factors combine to create places that are distinctive



*A mature tree provides a strong focal point to this scheme and is a major element of its character.*

and specific to their location, not the qualities of somewhere else.

3.5.4 New housing development is often seen as bland with little character, and unable to respond positively to its context. Many fail to create any sense of place and feel disconnected from their locality; essentially they could be 'anywhere'.

3.5.5 Designs should 'ground' developments to their location, to help foster a sense of place, character and connection. This requires an approach that goes beyond the unthinking application of standard solutions, but instead seeks to understand and respond meaningfully to the context, site conditions, community values and needs.

3.5.6 Locations with a weak or negative character can provide few contextual clues or positive features to build on. In these instances designers should draw inspiration from positive aspects of the wider



*Characterless standard designs laid out without considering townscape fail to create a positive sense of place.*

context to design proposals that are appropriate to the locality, rather than recreate an existing poor design.

3.5.7 In some circumstances the design of a proposal may depart from the local context and character (although it should not be ignored). For example, a highly energy efficient design may have particular requirements. Such proposals must be explained and justified and will be assessed on their individual merits.

### Successful places:

- Strengthen their setting by responding to topography, landscape character and edges.
- Create strong character areas by responding to settlement street patterns, density, layout, built form, materials and details.
- Relate the height, massing and scale of development to that nearby to create an appropriate relationship with adjoining areas. (Variety within the built form will be encouraged in respect of townscape/place hierarchy considerations – see 3.12).
- Encourage local distinctiveness in materials, architectural details, building techniques and styles.

## Good Practice

Local distinctiveness:

The features that contribute to a place being rooted in its setting. These include:

- Geological setting – relation ship between materials, Location and building function
- Landscape character and patterns of land husbandry
- Topography and its influence on the townscape
- Land use patterns associated with local needs, traditions and industries
- Architectural forms, traditions related to local sources of materials and craftsman Ship
- Place names connected with local historic associations, land ownership, topography and trades

Barton et al, Shaping Neighbourhoods, Third Edition (2021)

Reference: Distinctively Local [www.distinctively-local.co.uk](http://www.distinctively-local.co.uk)

## 3.5.8 Local distinctiveness

**Developments should enhance local distinctiveness by taking the opportunities available to carefully integrate the proposal into the site, its setting and the way it relates to existing buildings.**

3.5.9 Local distinctiveness relates to places, their qualities and people's attachments to them. It is both physical and cultural and can seem intangible, yet we are able to recognise its appeal when we see it. However, the interest and richness of places is diluted with standardisation and the associated loss of the integrity and detail that people value.

3.5.10 Local distinctiveness has many layers, but it is about more than just variety. There is no single formula to define it, as by its nature it must be determined according to each place. The report 'Distinctly Local' 2019, has identified how to address the distillation of place, understanding boundaries as defining characteristics, the threshold to surrounding landscape, reinventing traditional building forms and how to create a narrative for new building forms.



*A new home with distinctive locally relevant materials.*

**Detail** – Detail in everyday things is important. People respond to subtle signs that add layers of richness and meaning to a place. The folds in a local field, a window or door detail, a local building tradition, all stimulate our senses and develop meaning.

**Authenticity** – The real and the genuine hold a strength of meaning for people, whereas the inauthentic appears one dimensional and unsatisfying. Local distinctiveness is not necessarily about beauty but it must be about integrity. It can also coexist with crafted experiences, as long as there's a sense of genuine connection to the place's history and character.

**Particularity** – The special or rare aspects of a place may be important, but it is the qualities of the common place that define its identity. The focus should be on appropriateness to and expressiveness



*A modern design incorporates local stone and provides a strong street scene based on traditional terraces. Uses native street trees to provide a positive setting.*

of the time and place, rather than simply being pre-occupied by difference. The "commonplace" is wide including elements like community gardens, repurposed spaces, or even the way a certain street functions.

**Patina** – Age has to be recognised as having been gathered. Remnants of the accumulation of activity, the layers or fragments of a place experienced, can be added to, without resorting to their loss, damage or crude interventions. Common Ground (Losing Your Place, 1993)

## Successful places:

- Complement their context by using the intrinsic landscape of the site and the surrounding area to inform the approach to the layout of a scheme.
- Use natural landscape features such as mature trees, hedges, watercourses, ponds, rock outcrops, areas of ecological value to enhance the site and setting.
- Retain, reuse and enhance buildings, structures or features of historic, archaeological or local interest
- and their immediate setting where appropriate.
- Utilise locally relevant materials associated with the landscape character area in which the site is located.
- Retain and utilise architectural features from existing buildings, structures or features if these are unable to be retained for structural or viability reasons (this must be justified).
- Recognise and retain important views.



## Sustainability

Does the development foster a sense of place, or could it be anywhere?

Can new themes be added or particular existing attributes strengthened?

Support local identity and sustainability by making full use of the resources to hand: reduce, reuse and recycle.

Adapted from Urban Design Compendium 1 & 2 (2007)

Where new forms of neighbourhood designs are proposed it will be crucial to listen to the voices of the communities who have experienced one of the worst public health crisis of the century. Enabling Healthy placemaking RTPI Research Paper 2020.

Urban Design Compendium 1 (2007)

*“Great design is changing the way we live and the places we live in, making lives better by building happier, healthier and safer environments. It can bring communities together and facilitate long term behaviour change, transforming our lifestyles for the better. Healthy Placemaking”*  
Report 2018

## 3.5.11 Character Areas

**Where appropriate to the scale of development, proposals should be sub-divided into areas of character the design of which is based upon clearly defined characteristics**

3.5.12 In larger scale developments character areas may be devised to differentiate between different parts of the site, assist legibility and avoid large areas of repetitious housing.

3.5.13 Proposals should assess whether the site relates to an existing area of particular character and determine how the scheme can introduce areas that strengthen character and reinforce local distinctiveness. This may influence the mix of uses, density and pattern of development, views to existing landmarks, the network of routes and open spaces, urban form, materials or other factors.

3.5.14 There may be opportunities to introduce new elements or character areas, particularly if a place has a weak, unremarkable character. However, the context (immediate or wider) should normally provide the starting point to developing the principles that will define a character area, with the aim of strengthening the distinctiveness of the settlement and being appropriate to the place.

3.5.15 Character areas should not be artificial creations or based upon alien

designs or features from elsewhere, otherwise they will appear ‘forced’ and inauthentic. Instead they should be a genuine response to the place, its characteristics, constraints and the distinctive qualities of the area. This will provide integrity and reinforce local identity.

3.5.16 The basis of each character area should be informed by a street and place hierarchy (see sections 3.6 and 3.12) and each area should have a genuine role to play in the creation of a movement network and the character of the place. The street hierarchy itself should be informed by the context and what is



appropriate in any given setting. This can be determined through the site context appraisal process (see Part 2).

## Successful places:

- Respond to the naturalness of the site, its landform and any distinct features.
- Are sensitive to the characteristics of the local area, including building forms, details, layouts, edges, boundary treatments.
- Vary or grade densities (influenced by factors such as location within the site, land uses and access to transport etc.)
- Are influenced by prevailing land uses (existing and proposed).
- Incorporate local materials, details and building methods.
- Are appropriate in scale, height and massing with regard to adjoining buildings and general heights in the area, views and local landmarks and topography and visual impact.
- Provide a positive relationship with the edges of the site including any areas of open countryside.

*Left: Three distinct streets within the same development demonstrate that areas of differing character can be formed without resorting to large areas of monoculture housing*



3.5.17 Establishing the place and street hierarchy will begin to inform the characteristics of each character area.

3.5.18 Using more than one developer or employing more than one architect to design different aspects of a scheme will also support the creation of character areas.

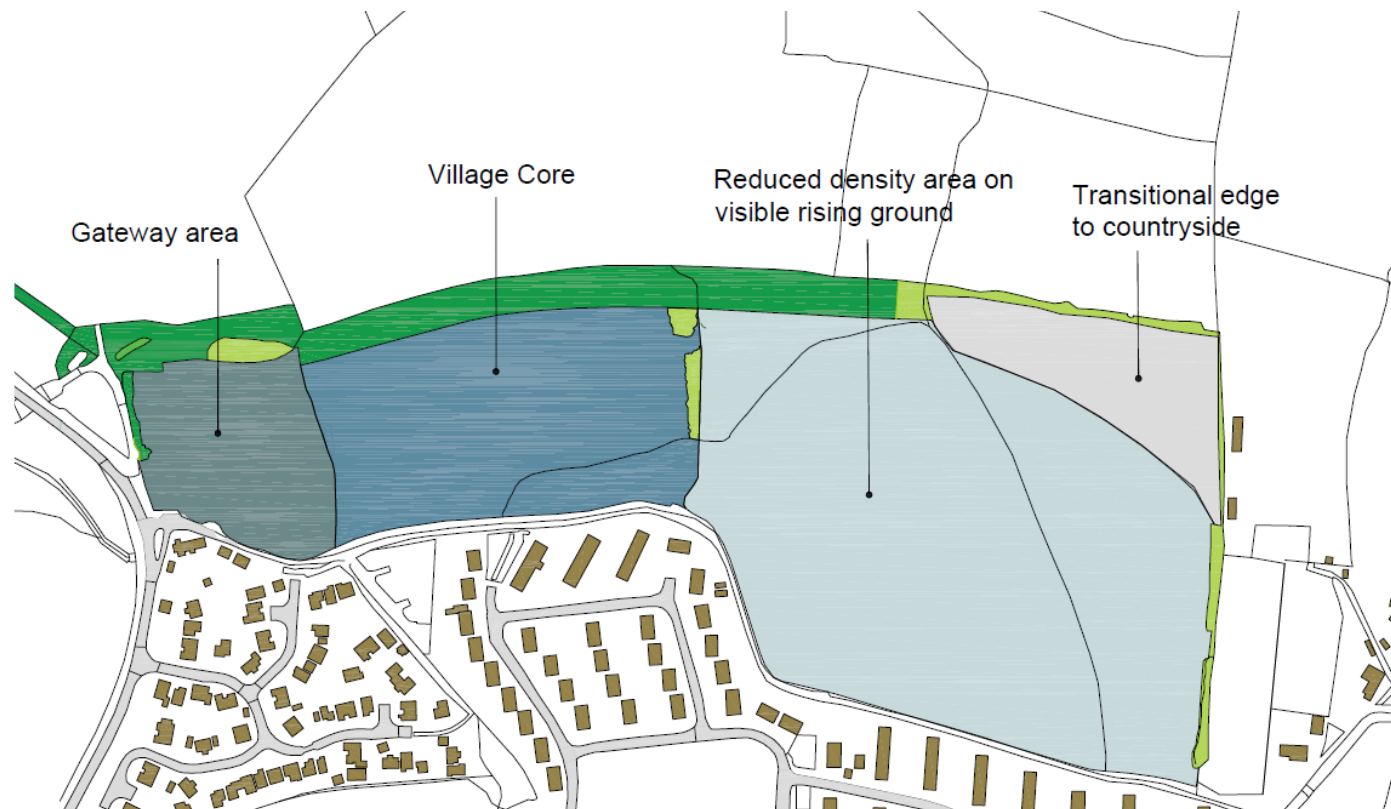


*Bespoke railings inspired by historic details*



*Public art has the ability to enhance the character of a place and connect with its past.*

*Rails around a SuDs ponds can use metal railings rather than wooden knee rails to provide character.*



*Above: A large development site subdivided into a number of 'character areas'. The defining qualities of each area will vary to create a number of places within the scheme which exhibit their own distinct characteristics.*

### Parameters to define character areas should include:

- Street type and width;
- Building use/house types and street continuity (density/intensity of development);
- Building set-backs;
- Building height and enclosure;
- Front boundary treatments;
- Topography and landscape;
- Materials and architectural attributes.

*Metalwork images by James Price Blacksmith (blacksmithdesigner.com)*

## Heritage and Retrofitting Existing houses

'Adapting Historic Buildings for Energy and Carbon Efficiency'. Historic England Advice Note 18 (HEAN 18), provides guidance on approaches to improve the energy efficiency and support carbon reduction of historic buildings, whilst conserving their significance. Historic England advocates a whole building approach when considering adapting historic buildings, based on:

- An understanding of the building and how it performs;
- 148 • An understanding of the significance of a historic building, including the contribution of its setting;
- Prioritising interventions that are proportionate, effective and sustainable; and
- Avoiding and minimising harm and the risk of maladaptation.

For listed buildings check 'The list' entry hosted on the National Heritage List for England. The List description is for the purpose of identification. It does not define the significance of the building as a heritage asset. A Statement of Significance should be undertaken that draws upon a detailed building's survey identifying stages of development and associated significant features. The Statement should include reference to relevant archive documents.

Conservation Area Appraisals are also key to understanding a building's significance, outlining the history and development of an



Before



After

area. The appraisals also identify buildings of significant local interest (unlisted buildings of merit).

Prepare an Energy Plan for the building by a qualified energy specialist. Check for any free advice or services available. Derbyshire councils periodically currently provide free Home Energy Plans for properties in Conservation Areas, where the PCR is below 'D' or for off-gas hard to reach properties.

As a general rule, small-scale interventions should be considered before more substantial

ones and should be reversible where possible. Multiple interventions should be based on a holistic and phased approach. Don't assume all energy interventions will be given planning approval. A balance will need to be made between the impact of the intervention and the heritage significance of the building, and the level of public benefit. Where possible, any opportunities to reveal or improve the significance of the building should be considered.

**Good retrofit**, in townscape terms, will preserve/protect the significance of the building as well as bring about energy saving interventions such as:

- Draught proof windows and doors using products that respect the character of the original building and area.
- Wall and Roof insulations that are harmonious and complement the original building and streetscene. (Internal and external resulting in a more breathable functioning building).
- Improved ventilation through use of discreet roof tile ventilation or retained but decommissioned chimney stacks.
- Solar tiles on front roofs and in-roof or mounted solar panels on rear roofs based on visual impact.
- Deceit placing of heat pumps.
- Use of greening of walls and roofs where they compliment the buildings character of setting.



## Building for a Healthy Life 2020 Considerations

### Integrated Neighbourhoods

#### Natural Connections

Understand the wider context and 'stitch' a new development into a place.

#### Facilities and Services

Locate community facilities in the best location for those walking, cycling and using public transport.

### Distinctive Places

#### Making the Most of What's there.

Explore how best to integrate existing assets on and beyond the site. Try to work with perimeter blocks.

### Streets for All

#### Healthy Streets

Streets as public realm. Low speeds streets and neighbourhoods with pedestrian and cycle priority.

### Good Practice

Where proposals are situated near to commercial activities and possible bad neighbour uses, it is advisable to seek advice from the Environmental Health Department at an early stage to identify potential nuisance issues and whether these should or can be mitigated in order to facilitate a scheme.

## 3.6 Layout

### 3.6.1 Layout

**Layouts should provide a linked network of routes and spaces within the development and connect to adjoining areas**

3.6.2 The layout provides the basic plan around which the development is structured.

3.6.3 The pattern of routes, densities, uses, development blocks and individual plots influence the character and dynamics of a place. How it connects to its surroundings can also influence wider movement patterns.

3.6.4 Layouts based upon an interconnected network of streets and spaces encourage walking and cycling

### Successful places:

- Comprise internally well connected layouts of routes and spaces.
- Create blended good access to adjoining areas, with links to existing streets and paths.
- Arrange layouts in a way that support the viability of local facilities.
- Carefully relate different uses, avoiding bad neighbour uses close to homes.

as realistic alternatives to the motor car and distribute vehicle flows more evenly, helping to disperse traffic.

### 3.6.5 Variable Density

**Depending on its scale and context, a development should provide variable densities to support areas of character, the viability of local services, facilities and the landscape setting of the area**

3.6.6 Density is an important aspect of character and designing sustainable places. The layout, density and pattern of the built environment is called its 'grain'. In general terms, the central parts of settlements have a more compact, fine 'grain' with higher densities around key locations, public spaces or where the mix and intensity of land uses is high. These often provide the main focus of a place or follow important arterial corridors.

3.6.7 Densities tend to decrease with distance from the centre, becoming less dense with a looser knit urban grain towards the settlement edges.

3.6.8 Rather than applying a uniform density, densities should be varied across the site area, where the scale of development allows and having regard to its particular circumstances and context.

3.6.9 Where appropriate, densities should be graded so that higher-density development supports the viability of

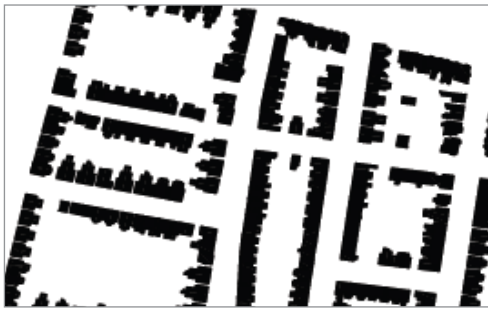
### Successful places:

- Avoid uniform densities across the whole development.
- Arrange the layout and density of the development in a way that supports the viability of existing or proposed local shops, amenities and public transport by providing good connections to facilities that encourage walking and cycling and reduce the number of journeys and distance travelled by car.
- Incorporate areas of differing density according to the location and character area of the site.

facilities (local shops/high streets etc.) and services (such as bus stops/ public transport corridors/stations) where there is good pedestrian accessibility. This can also reduce reliance on private vehicles and the number of short trips taken by car.

3.6.10 Densities should normally be reduced towards areas of lesser activity with lower-densities along green corridors, towards settlement edges and against the countryside to assist with a graduated transition between town and country.

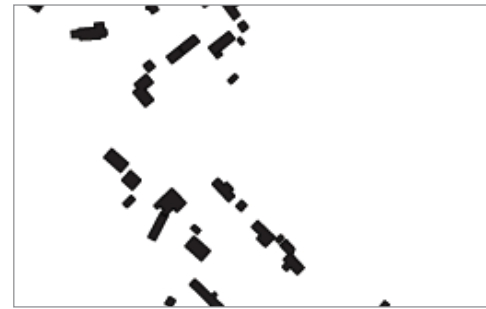
## Urban



## Suburban



## Village



## Rural



Left: Varying the density across a site in response to topography and in support of the creation of areas of distinct character, while achieving an acceptable overall average density across the site.

Above: Density and urban grain will vary according to the type of settlement, whether town or village, and the location of the site within the settlement. Generally this will decrease with distance from the centre of the settlement.

Slightly increasing the number and variety of homes in an existing neighbourhood, allows for densification while respect existing patterns of development. Gentle density allows the redevelopment of an existing site to include more multilevel houses/apartments or infill row houses. This optimises land use and offers a variety of housing typologies without changing the neighbourhood's character and feel. The concept of 'gentle density' allows for generational change as communities grow and evolve. Bolsover District will encourage innovative schemes that allow for increases in gentle density. This may involve pockets of increased density and height in more suburban areas.



### Good Practice

When setting out street layouts and designing corridor sections, the following aspects of movement and visual hierarchy need to be considered:

#### Movement Hierarchy:

- Traffic volume
- No. of dwellings served
- Type of vehicle accommodated
- Whether or not there is direct access to individual properties

#### Visual Hierarchy:

- Scale (the distance between building fronts)
- Enclosure (as determined by building heights)
- Carriageway and footpath widths
- Street trees which can subdivide a street into different zones

Urban Design Compendium 2007

### Good Practice

Wherever possible developers are encouraged to develop according to the Principles of Secure by Design.

#### Useful Reference

Planning Practice Guidance Healthy and Safe Communities Aug 2022

Secured by Design Homes Guide 2024. Official Police Security Initiative.

## 3.6.11 Street Hierarchy

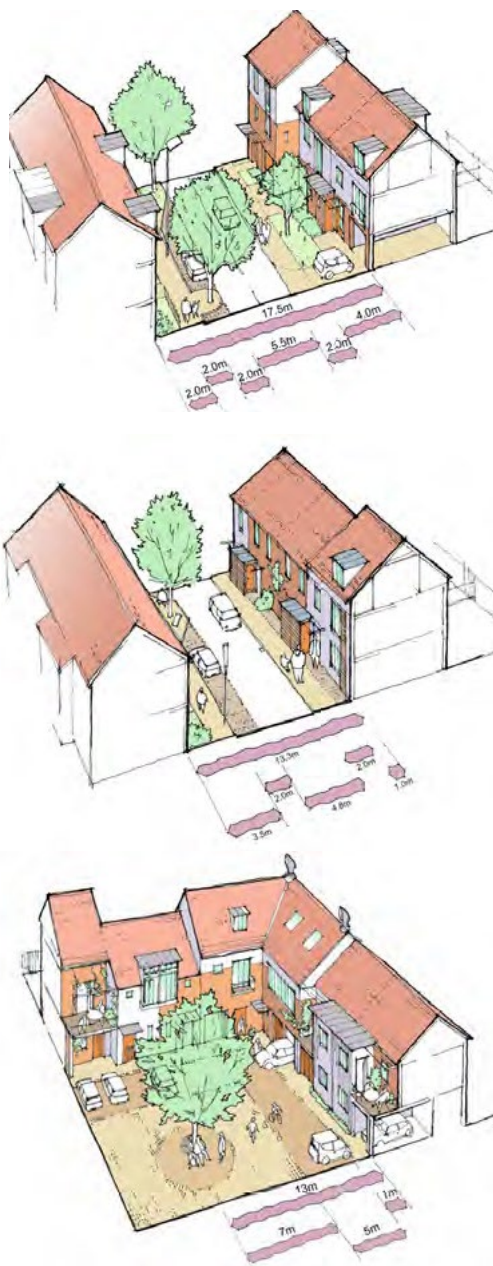
**Developments should provide a hierarchy of street types that contributes to the creation of a sense of place and facilitate movement, rather than a hierarchy that is determined primarily by traffic capacity**

3.6.12 The relationship between streets and the adjacent buildings strongly influences the safety, appearance and movement function of a development. The layout should accommodate traffic and allow for access by service vehicles, but it should also contribute positively to the character of the development.

3.6.13 Residential streets should not be seen simply as a conduit for traffic, but as places in their own right. Designs where parking and highway space are dominant should be avoided.

### Successful places:

- Comprise a hierarchy of different street types that are appropriate to the place.
- Comprise streets where the character of the street and its movement function are given equal consideration (i.e. traffic needs are not assumed to take precedence).
- Ensure a considered relationship between the streets, spaces and adjacent buildings that provide their setting.



Street sections show a hierarchy of street types (Drawings courtesy of the Borough Council of Wellingborough and Matrix Partnership Ltd)

## 3.6.14 Crime Prevention

**Layouts should be designed to help reduce opportunities for crime and anti-social behaviour**

3.6.15 The design of the development layout can help to deter anti-social behaviour and reduce opportunities for crime. Ensuring clear distinction between public and private spaces, good overlooking from adjoining buildings, lighting and avoiding the creation of potential problem areas can all minimize the likelihood for future problems. Consult Secure by Design Homes Guide 2024.

### Successful places:

- Design and orientate buildings to strengthen streets/spaces and provide active edges.
- Ensure any pedestrian and cycle paths are green, short in length, sufficient width to feel safe and comfortable, overlooked and lit.
- Routes should be direct and follow desire lines to places where people want to go.
- Normally avoid rear lanes and direct access to the rear of properties.
- On-plot and off-plot parking areas should be overlooked and relate well to adjacent buildings, without being dominant.
- Use boundary treatments to distinguish clearly between public and private space.
- Avoid potential problem areas such as awkward or poorly located public space.



### 3.6.16 Passive Solar Design

**Developments should be orientated to benefit from passive solar energy**

3.6.17 Homes that benefit from passive solar gain use less energy for lighting and heating and generally provide a brighter and more pleasant living environment.

3.6.18 Where practicable, the design and layout of developments should seek to take advantage of passive solar energy. Orientating dwellings within 30 degrees of south is sufficient for them to benefit from year-round solar gain.

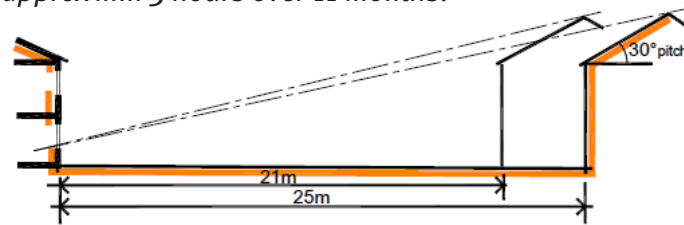
3.6.19 Developments should however avoid layouts that are designed entirely around achieving passive solar gain at the expense of other urban design considerations. Proposals comprising of largely south facing parallel streets will be unlikely to satisfy other important design requirements..

3.6.20 Larger south facing windows will absorb heat into the building while small north facing windows will help minimise heat loss. Shading may be required to prevent overheating in the summer. However, obstructions to south facing elevations should be limited in order to maximize the benefits from solar gain during the winter. Deciduous trees can be valuable by providing summer shade while allowing through low-winter sunlight.

3.6.21 Care is required to avoid overheating and building designs need to consider the occupants comfort. Homes with a high thermal mass (constructed from dense materials that can absorb heat) absorb solar energy and then slowly release it at night resulting in low temperature fluctuations within a dwelling. Buildings constructed from materials with a low thermal mass are susceptible to rapid extremes of heating and cooling, creating uncomfortable living conditions.

#### Designing for sunlight

National spacing for 2 storey terrace housing at this latitude to allow sunlight to houses for approx 3 hours over 12 months = 25m rear to rear. 21m spacing allows approx min 3 hours over 11 months.



Houses with main elevations facing within 30° of south allow for optimal solar gain, whilst being sufficiently flexible to permit good placemaking, streetscapes and response to contours.

REF: Site layout planning for daylight and sunlight.  
BREEAM UK New Construction (2022)

#### Successful places:

- Orientate dwellings within 30 degrees of south, where practicable.
- Seek to provide habitable rooms with a south facing aspect.
- Design to prevent summer overheating.
- Minimise obstructions to winter solar gain.



A large window for solar gain and a deep overhang and canopy for shade.



Solar panels reduce energy demand and lower running costs but need to face close to south and lie at 45° for maximum efficiency.

### Good Practice

- Recognise and work with existing boundaries wherever possible
- Ensure most dwellings face outward and relate to the rural context
- Create a composed built edge considered alongside woodland and tree planting in manner that respects its landscape context
- Avoid hard edges, unsightly rear fences and house backs onto the open countryside
- Avoid/limit use of unbroken landscape screens as they do not allow built areas to relate to their rural setting

## 3.6.22 Settlement Edges

**Developments that form a new long term settlement edge should create a positive relationship with the adjoining countryside, providing an appropriate transition between the built up area and the adjoining landscape**

3.6.23 Development on the outskirts of towns and villages will have the effect of creating a new edge to the settlement. New edges require careful treatment to mitigate any visual intrusion and integrate schemes successfully into their setting.

3.6.24 A development's relationship with the adjoining landscape is critical to achieving an appropriate transition between town/ village and country and should be an integral consideration of the design layout.

3.6.25 A combination of careful building design, orientation and provision of effective landscaped areas will normally be required. This does not mean simply hiding the development with screen planting (although landscape buffer planting may sometimes be appropriate). It is about creating new edges that have a positive interface with the countryside. Depending on the scale of the development, a range of measures to ease the transition between urban and rural may be required.

3.6.26 Grading the density of development by reducing its scale and intensity towards

its edges with the countryside, allows for planting within and between plots to create a feathered edge to the settlement.

3.6.27 Wherever possible, layouts should be arranged so dwellings are orientated to be outward facing to address the countryside, rather than turning their back.

3.6.28 Where plot boundaries are located against the countryside they should normally comprise soft planting and reinforce the transitional qualities of the edge. Hard boundaries comprising only walls or fences will normally be inappropriate unless they are designed to reflect the rural character. They may also need to be combined with planting.

3.6.29 Developments may require substantial landscape buffer areas. These should normally be outside any residential curtilage/ownership with suitable long-term management arrangements put in place to ensure their future retention. Where existing trees and hedges are present these should be retained and reinforced by new planting, if necessary.

3.6.30 The extent of a landscape buffer area should be proportionate to the scale and impact of the development and may vary according to the prominence and sensitivity of the settlement edge, but may need to be substantial (e.g. 10 – 20m or greater) and should comprise suitable native species that reflect the landscape character.

### Successful places:

- Have regard to views towards the site from outside and mitigate any adverse visual impacts.
- Grade the scale and density of development to reduce towards the edges of the settlement.
- Orientate dwellings to be outward facing and address the countryside.
- Ensure the nature of any boundary treatment is appropriate to its rural character, avoiding abrupt walls or fences.
- Retain existing trees and hedges and incorporate new landscape planting within and on the edges of the development, utilising native species.
- Incorporate landscape buffer areas that are proportionate to the scale of the development and prominence or sensitivity of the settlement edge.
- Carefully consider the design of lighting schemes on settlement edges to minimise light pollution on local amenity and dark landscapes.



*Below left: Houses set back and orientated to face towards the countryside. Their built form and siting create an interesting roofscape and a hedge and trees define the new settlement edge and assist in providing a soft transition to the countryside.*



*Courtesy of W Elewina*



*Above: Outward facing houses positively address the adjoining spaces and have been considered as a group to create an interesting composition and roofscape.*



*Below right: Houses turning their back on the countryside create a negative relationship with the adjoining landscape and standard suburban style boundary fences form an abrupt and inappropriate new edge to the settlement.*



*Above: Standard houses and layout result in a mundane roofscape and poorly maintained fencing creates an incongruous and abrupt edge treatment.*



## Building for a Healthy Life 2020 Considerations

### Integrated Neighbourhoods

#### Natural Connections

Understand the wider context and 'stitch' a new development into a place.

#### Facilities and Services

Locate community facilities in the best location for those walking, cycling and using public transport.

### Distinctive Places

#### Making the Most of What's there.

Explore how best to integrate existing assets on and beyond the site. Try to work with perimeter blocks.

#### Well defined streets and Spaces.

Face the street and public spaces, perimeter blocks. Active frontages. Carefully considered street corners.

### Streets for All

#### Healthy Streets

Streets as public realm. Low speeds streets and neighbourhoods with pedestrian and cycle priority.

## 3.7 Block Structure

### 3.7.1 Block Structure

**Layouts should be arranged in a pattern of perimeter blocks forming permeable streets with well defined frontages**

3.7.2 The block structure is the pattern of development blocks contained within the overall layout.

3.7.3 Perimeter blocks form connected layouts that create a walkable neighbourhood structure. This allows easy access throughout the area. Many places will already comprise a network of streets and blocks and these may be used to inform the approach to the design of the proposed block layout.

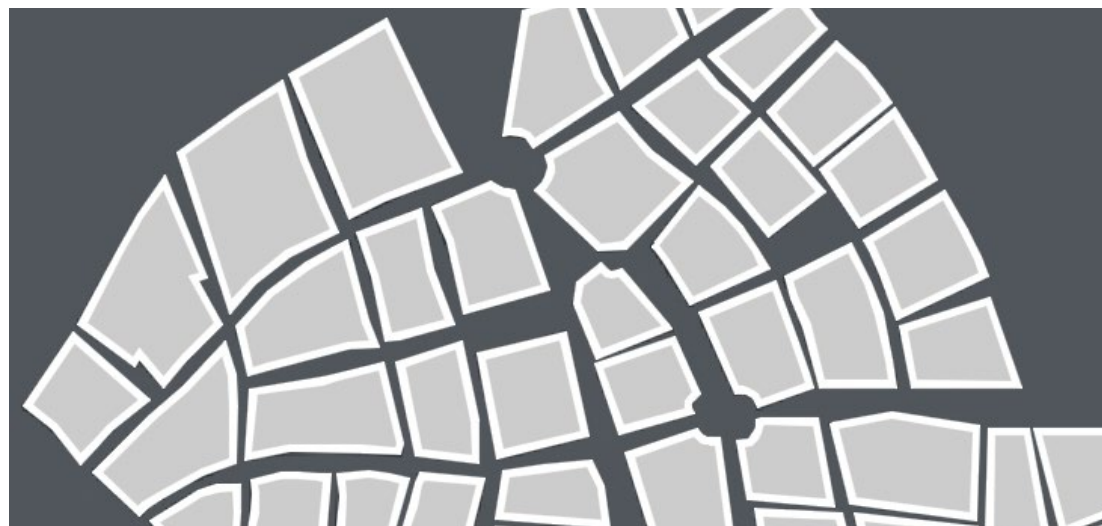
3.7.4 The design of blocks should not necessarily be uniform on all sides. The character of each side of the block should reflect the character of the adjoining street. Variation can also be achieved by making use of building types, appropriate mixed uses and designs that respond to corner locations

3.7.5 Depth of buildings are defined by adequate daylight. Central spaces are given over to private gardens, play spaces and public realm.

*Above: A connected layout of development blocks that creates a walkable development.*

### Successful places:

- Comprise layouts consisting of blocks that form a permeable street pattern. These can be a formal grid or have a looseness in composition.
- Design the pattern and shape of perimeter blocks to complement the site context and the character of the proposed adjoining streets.
- Block form can be interrupted with nodes and corners that are more distinct from the block arrangement and use orientation to allow light into internal courtyards.
- Include variation within each side of the block (density, height, scale, use) to reflect the hierarchy and status of surrounding streets (main frontages, side streets, lane/ mews) and contribute to the character, identity and function of each street frontage. Consider whether opposite corners need to relate to each other or not.
- Arrange development to be outward facing to overlook streets and public places with the primary access to buildings from the street via a clearly identifiable front entrances.
- Address key corners with special corner buildings or groups that address both sides of the corner with active frontages.





## Useful References

Urban Design Compendium 1 (2007)

Responsive Environments, Sue McGlinn et al, (2015)

Shaping Neighbourhoods, Barton et al, (2021)

Restorative Cities Urban Design for Mental Health and Wellbeing (2021)

### 3.7.6 Block size and shape

**The size and shape of blocks should form part of a permeable street pattern and respond to the conditions of the site**

3.7.7 Perimeter blocks can be designed in numerous ways and may be formal or irregular. Key considerations when determining the size and shape of the block are:

- The permeability of the area (over-large blocks can reduce permeability);
- Density;
- Parking strategy;
- Privacy and amenity;
- Daylight and natural ventilation;
- Topography;
- Potential uses of the block interior (if not private gardens);

Irregular block shapes can offer greater flexibility and be designed to:

- Respond to the specific conditions of the site (e.g. existing features or topography);
- Assist in slowing traffic;
- Optimise orientation for good light penetration;

- Create focal points and interest in the street scene;

3.7.8 Block sizes can vary widely, but blocks of 60-90m x 90-120m provide the optimum dimensions to support good pedestrian accessibility, vehicle movement and allow for sufficient back to back/back to side separation distances.

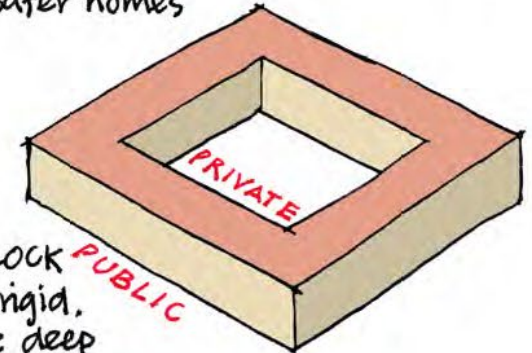
3.7.9 Larger blocks provide scope for incorporating an interior court that can accommodate a variety of uses, such as play, parking, communal gardens or off-street service areas. Alternatively they may be sub-divided by mews streets for access, to accommodate parking and improve permeability. Blocks with open interiors should be overlooked with managed access wherever possible.

#### Successful places:

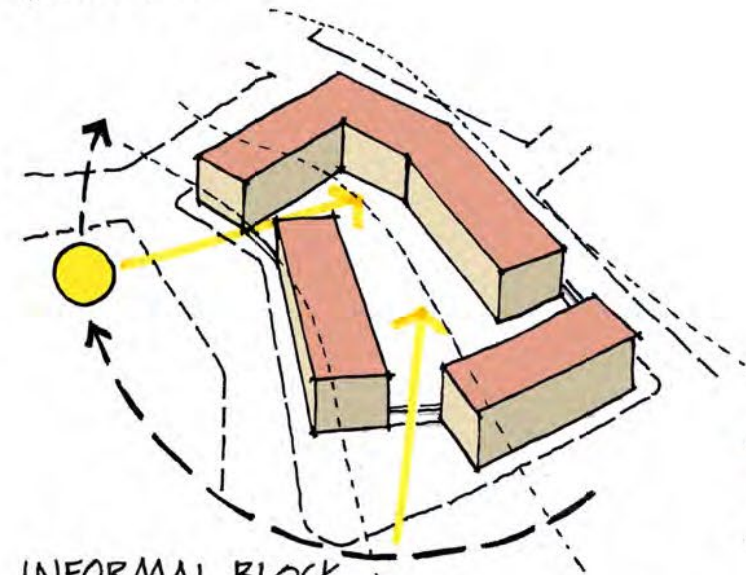
- Ensure block sizes and arrangements are varied with frequent spacing (informed by the context).
- Ensure block shape responds to the site conditions, topography and the character of the surrounding area.
- Incorporate secure interior spaces (including private gardens).

## THE URBAN BLOCK

- Effective method of site/plot utilisation
- Differentiates clearly the public & private side
- Creates coherent street layout
- Enables safer homes



FORMAL BLOCK  
Can be too rigid.  
Can create deep shadowing on private side



#### INFORMAL BLOCK

- Allows sun penetration/reduces shadowing
- Improved air quality & outlook
- Follows contours & other site factors
- Creates interesting street/space layout



## The disadvantages of cul-de-sac

They can be difficult to navigate - everywhere looks the same and they don't take you directly to where you want to go.

They can create awkward 'left over' or poorly defined spaces.

They result in lots of blank frontages often creating characterless and unappealing pedestrian environments.

They also favour cars over pedestrians and other users, making it awkward to reach facilities or public transport.

Adapted from Manual for Streets DCLG, DoT, WAG (2007)

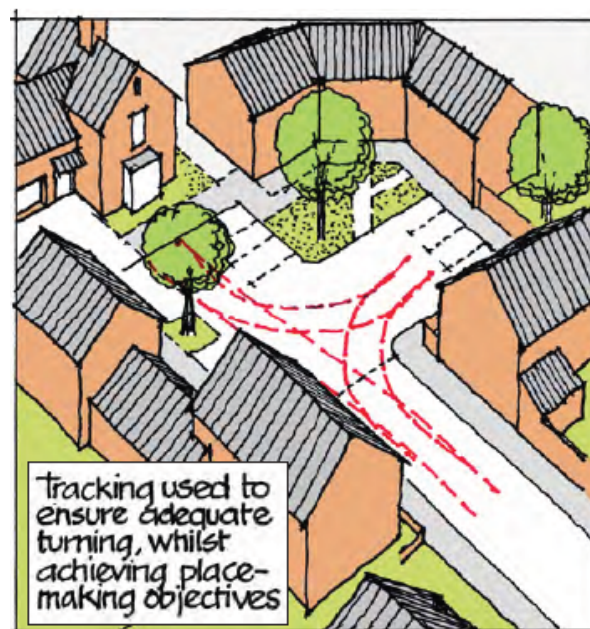
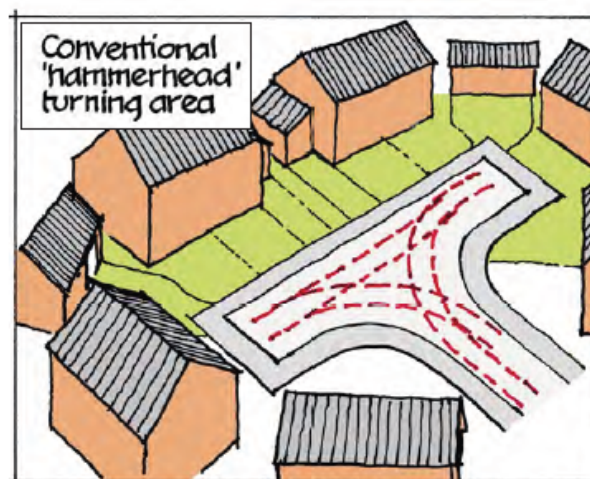
### 3.7.10 Cul-de-sac

**The provision of cul-de-sacs should normally be avoided unless particular site conditions dictate that a cul-de-sac design is the most appropriate way to develop the site. In such circumstances this should be explained and justified**

3.7.11 Layouts designed around a distributor road and cul-de-sac model have a number of disadvantages. However, in some circumstances, the provision of cul-de-sac designs may be necessary as a means of developing a difficult site or where particular constraints impose limitations that prevent connections being made.

#### Successful places:

- Avoid overlong cul-de-sac and ensure any through connections for pedestrians and cyclists are overlooked with active frontages to make them feel safe
- Avoid concentrating large volumes of traffic on a small number of dwellings.
- Design turning heads to form part of a space not just for turning manoeuvres.
- Ensure adequate parking is provided so turning areas remain clear of parked cars.
- Arrange the layout to avoid rear boundaries backing onto public street frontages.



*Cul-de-sac are designed primarily around the needs of the car and lack a sense of place.*



*A cul-de-sac backing onto street with fencing maintained in various states appears scruffy.*



*Houses turning their back onto the adjoining street creates a poor dead frontage.*



## Building for Life criteria Street & Home

### Streets for all

Are streets designed in a way that encourage low vehicle speeds and allow them to function as social spaces?

### Car parking

Is resident and visitor parking sufficient and well integrated so that it does not dominate the street?

**External storage** and amenity space Is there adequate external storage space for bins and recycling as well as vehicles and cycles?

*“Plan for car ownership while ‘planning for less car use.’”*

Urban Design  
Compendium 2, English  
Partnerships (2007)

## 3.8 Parking

### 3.8.1 Approach to parking

**Parking provision should provide a balanced mix of parking solutions that are integrated into the design and layout to support its appearance without cars becoming visually dominant**

3.8.2 Sustainable public transport can provide an alternative to or complement car use. However, car ownership is an established aspect of modern life and satisfactorily accommodating parked cars is a key function of most residential streets.

### Successful places:

- Provide a mix of parking options appropriate to site location and context.
- Integrate parking into the design/ layout without detracting from the character or appearance of the place.
- Provide parking environments that are attractive, convenient and safe.
- Generate activity/movement between dwellings and the street creating safe, animated places.
- Provide surveillance of parking areas from adjoining buildings and gardens.

3.8.3 Designs need to reconcile the need to provide attractive streets that include adequate parking, but without detracting from the character or visual quality of the place. Well designed places integrate car parking without it becoming over-dominant.

3.8.4 The drawing below courtesy of DSA Environment and Design Ltd shows a housing layout at Cornwater Fields, near Mansfield, incorporating a well-designed mix of parking solutions including on-plot provision, rear and forward parking courts and on-street spaces designed as part of the landscape strategy into the street scene.

Bolsover District Council's Standards for Parking including levels of parking and dimensions are found in the separate: Supplementary Planning Guidance: Local Parking Guidance, February 2024. This includes design guidance on layouts, including on-street, on-plot, garaging and parking courts, with examples of good and bad practice.



1. Rear Parking Court with two access and trees
2. On plot side parking
3. On street parking
4. Frontage Parking
5. Covered parking Area
6. Forecourt parking seen from street

## Building for a Healthy Life 2020 Considerations

### Distinctive Places

#### Well defined streets and Spaces.

Face the street and public spaces, perimeter clocks. Active frontages. Carefully considered street corners.

### Streets for All

#### Healthy Streets

Streets as public realm. Low speeds streets and neighbourhoods with pedestrian and cycle priority.

#### Cycle and Car Parking

Provide secure cycle storage close to people's front doors. Integrate car parking into street environment.

*"The place function is essentially differentiates a street from a road..." Manual for Streets (2007)*

#### Useful References:

Planning Streets and Places, Derbyshire County Council (2024)

Delivering Streets and Places (2017) (6C's)

Manual for Streets, DCLG, DoT & WAG, (2007)

Manual for Streets 2, CIHT (2010)

Streets for All: East Midlands: Historic England (2018)

Inclusive Mobility CIHT Dec (2021)

## 3.9 Street Design

### 3.9.1 Streets not roads

**Roads should be safe, inclusive and an integrated component of the design in a way that helps create streets and places not just roads for carrying traffic**

3.9.2 In order to achieve high quality, innovative and attractive residential places the Highway Authorities of Derbyshire and EMCCO are committed to working closely and flexibly with Local Planning Authorities, developers and other stakeholders in the process.

3.9.3 Whilst it clearly remains important to consider safety within the design, the overall philosophy has evolved from providing highways for the movement of vehicular traffic to the creation of streets and places that prioritise the movement of pedestrian and cyclists first, but which are also established seamlessly, in their own right, within the urban fabric.

3.9.4 It should be appreciated that a more flexible approach also places greater responsibility on the Design Team to demonstrate that the proposals will operate safely and satisfactorily, are maintainable and sustainable. Green technology

introduces new street functions such as Solar lights and Electric charging points to be incorporated within the streetscape.

3.9.5 Full design guidance is contained within the Delivering Streets and Places 2017 (known as 6C's) document. It is not necessary or desirable to replicate substantial parts of that guide within this SPD and the information below therefore provides an indication of the main technical design issues to be considered and addressed. It is stressed that the content of Planning Streets and Places document should not be interpreted as promoting specific standards or as prescriptive. It is accepted that unnecessary rules and restrictions can inhibit innovation and, as a consequence, can prevent schemes from reflecting local character and distinctiveness. The guidance should therefore be used flexibly within the context of place in a holistic design process.

3.9.6 **Junction & access visibility plays.** It is expected that the design speed of streets within residential places will not normally exceed 20 mph and that speed restraint will be achieved through the design and layout of the streets and the locations of buildings and features, and not by using physical traffic-calming features

3.9.7 Generally, for a 20 mph design speed, visibility should be available from a point 2.4m back from the carriageway edge of the priority route, representing the distance between the front of a vehicle and the driver's position. From this point visibility of 25m (27m for bus routes) should be provided measured along the nearside carriageway edge.

3.9.8 Where the visibility splay is at a street junction it will generally need to be constructed in a manner such that it is eligible for adoption as highway maintainable at public expense. At private accesses the splays must be capable of being kept free of solid structures or dense planting, and an appropriate condition of planning permission may reflect this.

3.9.9 The Highway Authority will consider changes to visibility provision, if it can be demonstrated that vehicle speeds will be restricted as a result of the design and layout of a scheme.

3.9.10 Intervisibility between driver and pedestrian should also be maintained at private accesses by the avoidance of solid structures and dense planting immediately adjacent to the access, at the rear of the footway. However, boundary treatments can be important



elements of character and in defining street edges. A balance therefore needs to be achieved that maximises enclosure/definition, while satisfying any intervisibility requirements.

**3.9.11 Carriageway widths.** Generally, where there is separate footway provision adjacent to a carriageway, the carriageway should be minimum 4.8m wide for access to up to 50 dwellings and minimum 5.5m wide for up to 400 dwellings. Carriageway widening will be required on bus routes and where it is intended to accommodate on-street parking. However, within any scheme it is expected that carriageway widths should also reflect the role and function of the street within the overall street and place hierarchy, having regard to the context and the character of development being created.

**3.9.12** A surface shared by all users, appropriate for up to around 50 dwellings, should normally be 8.8m wide. Additional widening may be required to accommodate any proposed on-street parking. Where sections of narrower shared surface carriageway are proposed these will need to be discussed with the Highway Authority. Corridors may reduce to 7.5m where there is development on one side of the road (comprising elements of service strip, carriageway and margin).

**3.9.13** Care is required to avoid single-surface areas that appear out of scale with the domestic buildings flanking them. Changes of material or material unit size that are appropriate to the use of the space (defining vehicle routes, thresholds to drives/parking courts, entrances to buildings, defining key pedestrian crossing routes etc.)

should be used, so that the landscape design responds appropriately to the scale of the space, to ensure it is proportionate and functions appropriately.

**3.9.14 Vehicle tracking.** Vehicle tracking assessments will be required as necessary, in order to demonstrate the traffic can be satisfactorily accommodated without, for example, having to mount kerbs and footways. This should take account of any planned or likely on-street parking.

**3.9.15 Footway widths.** Footways should be minimum 2.0m wide but subject to widening as necessary to reflect function within a particular place or context. In some circumstances it may be possible to provide a full width footway on only one side of the street, for example where the street would serve only a small number of dwellings or is a particularly narrow site. Conservation areas or rural settings may dictate a more informal approach to the design. Although it is likely that the footway would be necessary on both sides of the junction radii to aid pedestrian crossing.

**3.9.16 Junction radii.** Radii should not normally be greater than 6m in order to restrict

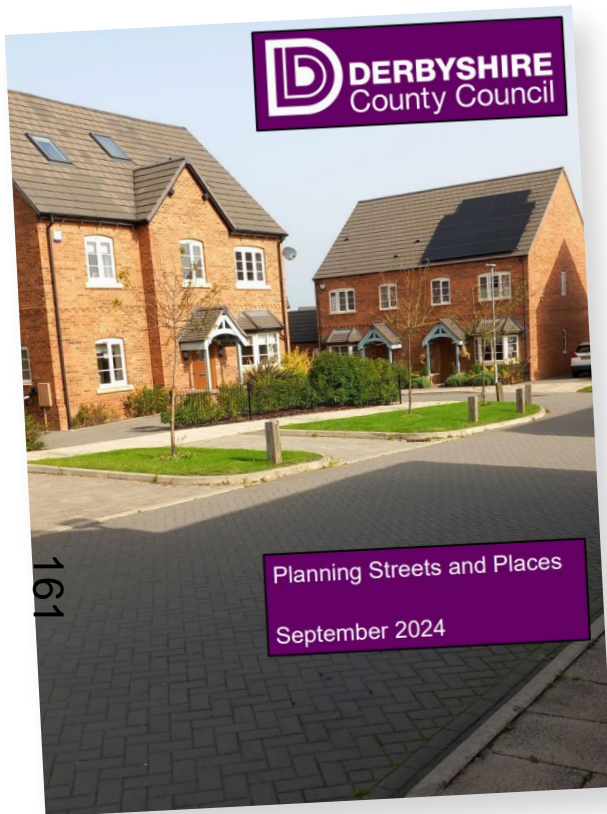


*Above: Vehicle tracking demonstrating access and turning within the site is capable by a large refuse collection vehicle at Woburn Close, Blackwell. (Drawing courtesy of William Saunders. October 2023)*

vehicle entry and exit speeds and to avoid excessive crossing distances for pedestrians. Reduced radii may also be accepted subject to consideration of the design context and to the submission of tracking diagrams that demonstrate the route of vehicles relative to the proposed layout.

**3.9.17** Changes in pedestrian priority encourages the reduction in radii to allow for continuous pedestrian flow rather than for prioritising the car. Smaller radii of 2 – 4m will be encouraged in housing layouts.





Good connectivity is key to reducing reliance on cars, especially for short trips. A good quality movement network will improve health and wellbeing and by providing well designed pedestrian and cycling routes throughout.

Derbyshire County Council Planning Streets and Places, September 2024 provides examples of street layouts that are acceptable to the county and gives sections showing a hierarchy of streets and acceptable dimensions.

### The hierarchy is given below:

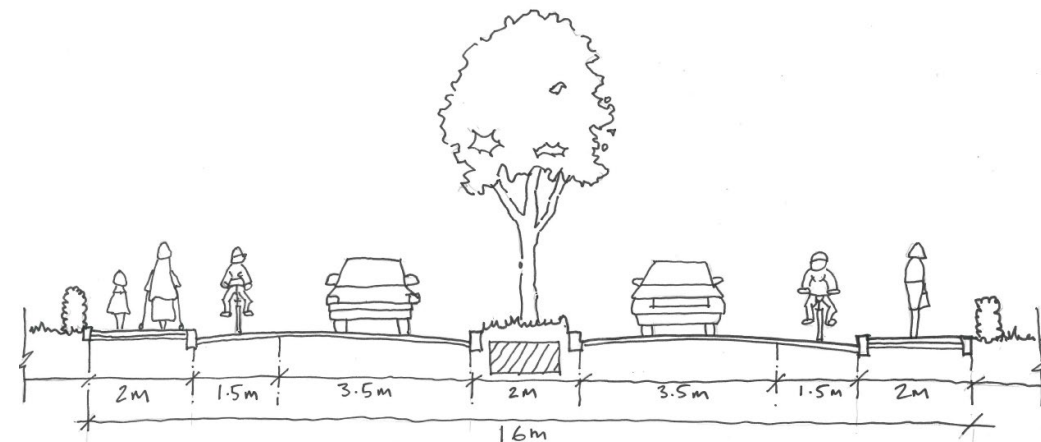
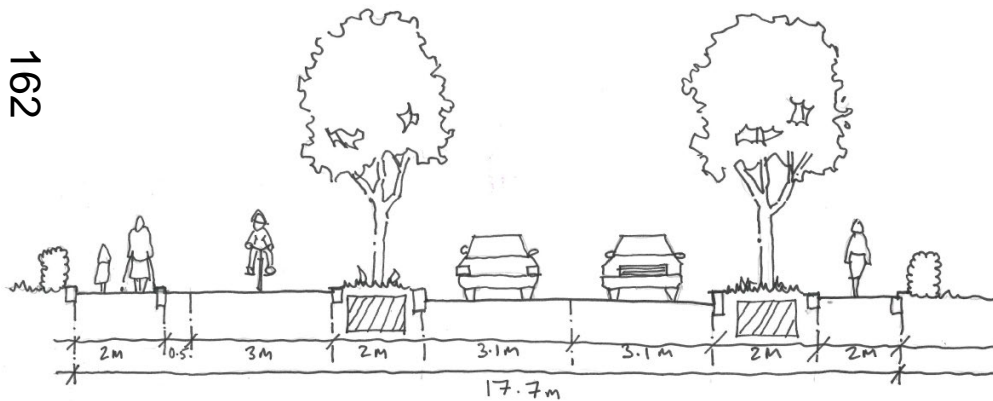
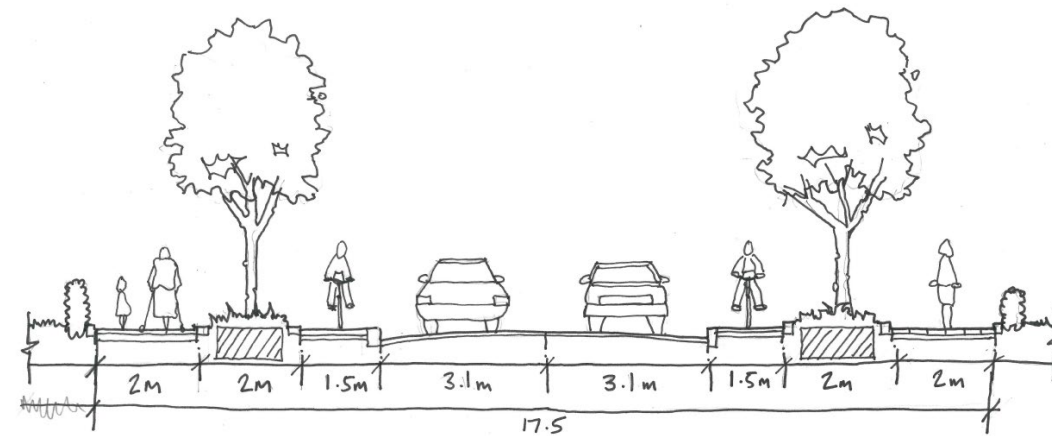
1. Enhanced street
2. Informal street
3. Pedestrian prioritised street
4. Private drives
5. Industrial road
6. Private streets
7. Non-motorised vehicle category – cycle tracks (see LTN 1/20)

Occasionally the County Council will ask for different paving. Early discussion with the County Council is required to ensure that proposals will be accepted and adoptable.

Preference will be for an in verge or dedicated tree pit within the pavement and also within build outs between parking spaces. Occasionally the frontage verge may still be within private ownership. Where this occurs a management company approach may be acceptable.

Tree spacing should be coordinated early on in designs so there is no conflict with crossing points and bus stops, utilities and lamp posts and signage, whilst fulfilling urban design considerations. Spacing depends upon species and needs to be considered early in the layout process.





## Enhanced Streets

The purpose of enhanced streets is to allow for multiple modes of transport with attractive main routes.

Street trees are planted within a verge or within dedicated grilles within allocated parking areas. The trees will be trees suitable for avenue planting and achieve a height of 12-20m at maturity.

Mature street trees reinforce the importance of the route in the street hierarchy

Unallocated on-street parking

Combined landscape and service corridors

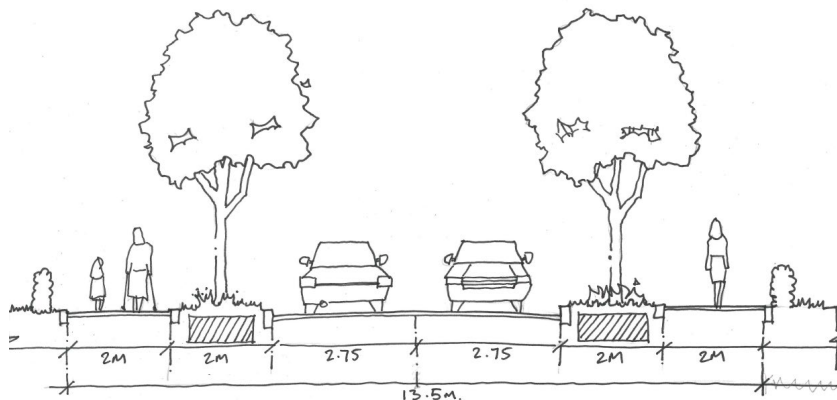


Shared footway/  
cycle route

Tarmac carriageway  
with no centreline  
demarcation

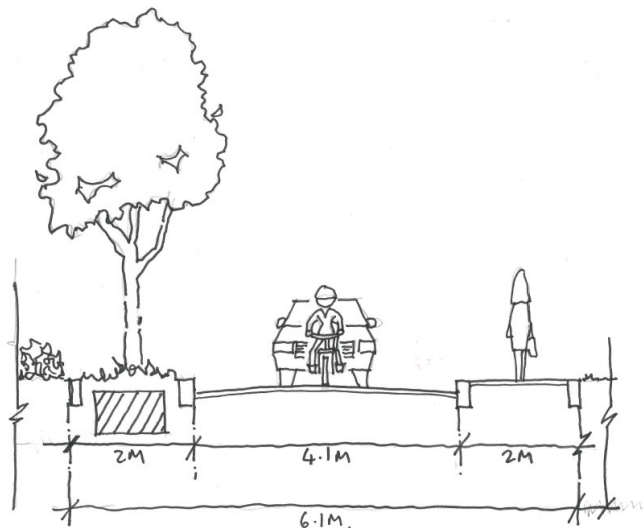
## Informal Street

Formal traffic controls are absent or reduced. Less differentiation between footway and carriageway. 5.5m to 6.2m (if Bus Route). Footpath 2m each side. Cycleways on street. On street visitors parking 1.8m wide on either side. Optional 2m Verge. Street trees required in all circumstances. Use of Tarmac, block or contrasting colours at focal points.



## Pedestrian Priority Street

Pedestrian Priority streets are the default design standard for all new residential developments. 15mph design speed. 4.1m to 6.2m (if a bus route). Footway min 2m wide. Cycleway on street. Informal on-street parking at widened points. Combination tarmac and block paving.



## Private Driveways and Courtyard parking

- A private driveway can serve one or more properties, up to a maximum of 10.
- Minimum of 4.1m for first 15m.
- No pavements and all off street parking.
- Refuse collections within 25m of highway.
- Private drives should not block access to Public Open Space.

## Public Rights of Way

Designs should encourage walking by providing connections to, and creating, new footpath only rights of way. These should be characterful and link to areas of landscape and countryside, using green corridors. Early discussion with the County Council's Public Rights of Way (PROW) Officer is required to protect and establish the legal rights of new footpaths.



## Building for a Healthy Life 2020 Considerations

### Distinctive Places

**Well defined streets and Spaces.** Face the street and public spaces, perimeter clocks. Active frontages. Carefully considered street corners.

### Streets for All Healthy Streets

Streets as public realm. Low speeds streets and neighbourhoods with pedestrian and cycle priority.

### Cycle and Car Parking

Provide secure cycle storage close to people's front doors. Integrate car parking into street environment.

*"The place function is essentially differentiates a street from a road..." Manual for Streets, DCLG, 2007*

### Useful References

Planning Streets and Places 2024, Derbyshire County Council

Delivering Streets and Places (2017) (6C's)

Streets for All: East Midlands: Historic England (2018)

Inclusive Mobility Dec (2021).

Residential developments and trees A guide for planners and developers

Woodland Trust January (2019)

## 3.10 Street Trees

3.10.1 The NPPF requires that new streets are tree lined unless there are clear, justifiable and compelling reasons why this would be inappropriate. This provides opportunities for enhanced green infrastructure and more innovative drainage solutions. Tree-lined streets improve the aesthetics of places and create beautiful and sustainable places. The retention of existing trees and location the right trees in the right places can significantly improve design quality.

3.10.2 Streets and roads make up around three-quarters of all public space – their design, appearance, and the way they function have a huge impact on the quality of people's lives as well as economic and social vitality and environmental sustainability.

3.10.3 Within large and medium residential schemes the Council expect to see a substantial amount of tree planting in tree-lined avenues, with good specimens that reach their full growing potential. Street trees should be located

in ways that aid placemaking. Small trees scattered throughout a scheme will be discouraged.

3.10.4 Street trees should reflect the street hierarchy and be coordinated with utility services and street furniture within the overall design concept. They should also be used to reinforce the distinctiveness and local context of the place. Reference should be made to Local Landscape Character using predominantly local species within the planting framework for new development according to the character area type.

3.10.5 Incorporating new and existing trees at the early stages of project development plans is essential.

3.10.6 Create space to integrate trees into the design and implementation process. Provide dedicated verges and avoided using private garden spaces.

3.10.7 Where space is tight and in very limited circumstances the use of garden space within a management company plan for street trees would be considered acceptable.

## Successful places:

### Provide tree-lined streets because:

- People respond positively to a more beautiful aesthetically pleasing streetscene that provides a sense of place.
- Street Trees improve microclimate and reduced heat traps:
- Trees helps to filter pollution from the air and improve air quality.
- Trees and green space also contribute to the absorption of excessive water and are able to mitigate flooding events.
- Trees contribution towards a reduction of noise: A set of trees and plants wider effective noise barrier, reducing sound by 5-10 decibels.
- Trees work as wayfinders and townscape markers providing backdrops and framing buildings and acting as focal points along streets.





## 3.11 Public Realm Design

### 3.11.1 Creating robust, quality places

**Areas of public realm should be both robust and attractive**

3.11.2 High quality public realm adds significant value to all forms of development. In residential schemes, this value is reflected both economically in higher rents and property values and through enhanced quality of life, including through reductions in crime and anti-social behaviour.

3.11.3 Appropriate development of schemes following the place making principles set out within the SPD will create high quality public realm space; attention to the detailed design of these spaces will ensure their successful delivery. Public Realm needs to be integrated into surrounding street patterns.

3.11.4 There are two aspects to the detailed design of these spaces; hard landscape and planting. Poor execution of either of these design aspects can have a permanent negative effect on a scheme. Developers should consider commissioning landscape architects to undertake the design of these aspects on all but the smallest schemes.

3.11.5 To ensure that the public realm is appropriately considered and capable of delivery, full details of the hard landscape and planting designs is preferable at the submission stage of any planning application.

Where full details are not able to be provided at this stage, visuals of proposed conceptual approach to the treatment of the public realm are strongly encouraged. Hard and soft landscape should not be designed as a separate element or an afterthought, but as an integral component of the overall design.

### 3.11.6 Hard Landscape

**Using a simple palette of complementary materials, the architecture of an area and the activities of its inhabitants should give character to the streets**

**The choice of hard materials must reflect this intrinsic street character whilst also achieving continuity of movement, flow and, with it, connectivity**

3.11.7 The design of the public realm should not exaggerate the diverse character of places.

3.11.8 The hard landscape comprises paving, steps, ramps, boundary features, and street furniture. A good design will bring these elements together in a coherent manner that is appropriate to the needs of the individual scheme, not an ad-hoc collection of 'standard details'. Use of low walls for example, within shared streets encourage sitting out and can be easily designed into frontage thresholds.

3.11.9 The most important function of paving is to provide a hard, dry, non-slip surface that is durable, easily maintainable and that will carry the traffic that needs to use it. Analysis of



successful paving illustrates that there is rarely a change in material or surface pattern without a practical purpose. The choice of materials and design detailing must be capable of satisfying all of these functions and can be summarised into the following requirements:

- Be fit for purpose and hard wearing.
- Be simple and unifying.
- Be sustainable through lifetime costing / valuing.
- Be attractive and add to the placemaking qualities of a scheme.

## Successful Healthy Places:

- **Reinforce character.** Paving brings unity to diverse places and nebulous areas that need a common background and immense variety is obtainable within a limited range of materials. Alien paving patterns or an excessive variety of materials often creates confusion.
- **Provide a sense of direction.** Examples include pedestrian routes across squares and parks, or, service vehicle routes through shared surface areas. Successful routes are direct.
- **Provide a sense of repose.** Neutral, non-directional paving has the effect of halting people. Areas of sitting, meeting, or gazing to distant views should be paved in this way.
- **Indicate a hazard by change of material or pattern.** For example, paved junctions at side streets warn drivers that they are crossing or entering a pedestrian environment. This technique must be used consistently across a scheme.
- **Reduce scale.** Introducing a change of material to affect the scale of a space requires subtlety to avoid making the paving overly important. Paving should not aggressively proclaim its presence but provide background.
- **Provide inclusive mobility:** It is important to use appropriate tactile paving to enable inclusive mobility. This includes different styles of paving to guide and warn and explain different types of crossings.
- **Comprise the right material for the space.** Rigid materials such as slabs and blocks work best in geometric forms where cutting can

be minimised. Where the space is fluid, for example curved edges or undulating ground, flexible materials such as concrete, blacktop or small unit setts should be used.

- **Create appropriate boundaries.** Fences, railings, and walls must be selected according to their function. Ask if they are required at all? Would they be robust enough for their location? Are they the right height? Ensure there is continuity in types of boundaries and keep materials to a simple palette. Walls should not dominate the streetscene.
- **Reduce clutter.** Minimise street furniture to reduce clutter and long-term maintenance liabilities. Keep street lighting to the back of kerbs or on buildings and minimise the use and number of poles for signage. Use bollards to protect vulnerable areas, not to overcome the problems of a poorly designed layout – e.g. keeping cars off ‘left over space’. Put seats where it would be comfortable and attractive to sit, include some benches with backs to assist the elderly.
- **Reduce large areas of tarmac.** Within modern housing estates, attempts to be contextual have been diluted by the overuse of tarmac. Hard surfaces should be reduced where possible and planting should be increased.
- **Provide maintenance access.** Anticipate where maintenance vehicles may need to go and ensure that the paving is capable of taking the weight – e.g. access to light columns, green areas for grass cutting, and play areas.



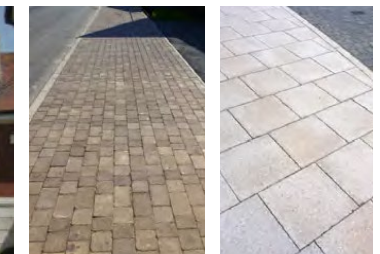
*Above: Poorly considered public realm detracts from the quality of the environment (Photos: Top and centre right Cabe)*



*Stone conservation paving*



*Plank concrete paving*



*Above: Good quality materials make an important contribution to the character of the place.*

*Left: Hard and soft landscape brought together in an attractive composition to create a ‘place’.*



## Good Practice

Generally avoid permanent planters, containers, or raised beds as these are comparatively expensive, incur high maintenance costs, do not always provide ideal conditions for plant growth.

## Useful Reference

Planting of large schemes should use a natural capital approach to value and consider the Biodiversity Value of Trees, hedges, shrubs and grasses, and consider ways of aiding Nature Recovery by using native species within structure planting of large areas of public open space within larger to medium size housing schemes.

Planting of new hedges and meadow grasslands within Public Open Spaces will allow for nature and efficient maintenance within housing schemes.

Biodiversity by Design (Town and Country Planning Association) (2004)

Advice on planting species appropriate to specific landscape areas can be obtained from:

The Landscape Character of Derbyshire, Derbyshire County Council (2014)

## 3.11.10 Planting

**Planting should create and reinforce character, scale, continuity and variety throughout the seasons.**

3.11.11 It is not the primary role of planting to soften visually harsh environments, screen off poor design or fill left over space.

3.11.12 Planting can promote biodiversity, help combat aspects of climate change by absorbing CO<sub>2</sub>, offers shade and reduces reflected heat from hard surfaces aiding cooling and reducing energy use.

3.11.13 Planting is made up of trees, shrubs, grass and aquatics. They all need space to grow, both above and below ground. They also require appropriate drainage, water, nutrients, and maintenance to thrive.

3.11.14 Planting schemes should be developed as part of the overall design public realm with emphasis on the 3rd and 4th dimensions, not just in plan form.

3.11.15 Consider the eventual size of the planting, ensuring that there is both space for it to grow, and that its impact will not be detrimental to adjacent constructions or uses. Remember that plants are living things and that interesting layouts on plan will not be realised if their environment is hostile.

## Successful places:

- **Reinforce character.** Planting should provide enhancement, focus, and intimacy, positively contributing to the quality of space. Planting is an integral part of the overall design and must not be used simply as a space filler or barrier.

- **Deliver quality rather than quantity.** The creation of green oases and strategically located planting must have real impact, in terms of scale, location, and nature.

- **Consider location.** Planting may be inappropriate in locations where it would obscure important features and facades or traffic sight line requirements. Position planting where it will survive its environment and flourish, coordinate with underground services to promote successful growth.

- **Have realistic expectations.** Whilst it is best to plant street trees directly into the ground, they should be given sufficient space to avoid their roots being cramped by buildings, street foundations, or constrained by underground cables and pipes. They face damage from vehicles and contend with air and soil pollution. Pavements also restrict air and water from reaching the roots. Use a suitable tree pit and growing medium to maximise their chance of survival.

- **Use Gardens.** Residential Gardens can contribute to nature. Nature based planting schemes using native plants are encouraged. Use hedgerows to front gardens to reinforce biodiversity in a scheme.



*Well placed trees in landscaped verges provide shaded walkways and enhance the street. Greymed Avenue, Nottingham.*



*Planting provides many benefits including shading windows and cars as well as enhancing the space.*



*Communal gardens add quality of the environment.*

## Key Issues:

Developments have a duty to deliver a mandatory minimum of 10% Biodiversity Net Gain (BNG). The requirement applies to large and small sites. Small sites are generally defined as residential developments with 1-9 dwellings on a site of 1 hectare or less.

The Council's Advice Note: Biodiversity Net Gain (BNG) April 2024, explains about preserving biodiversity by creating or enhancing habitats through new developments and sets out the requirements.

The landscape character is the key defining context of the landscape design. This will help to provide a framework for the development with natural assets establishing the character of the structural planting for the development. We need to view landscape in its natural character type rather than an 'anywhere landscape' where trees and plants are generically used.

Landscape should be seen as the setting for the houses being laid out. There needs to be an emphasis on native planting, reinforcing landscape character and adding links to the surrounding landscape context to create nature recovery.

Awareness of space requirements from utilities and cable runs need to be determined early on in the design process and measured against space for planting.

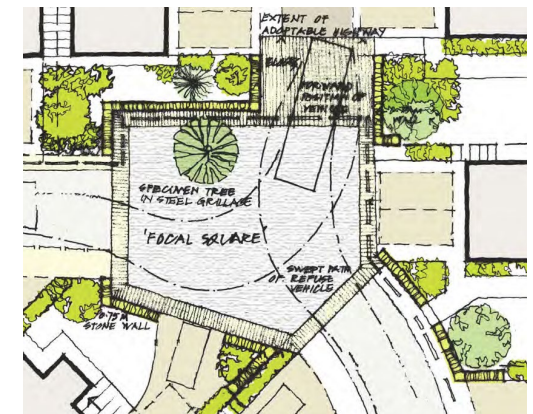
All landscape schemes should demonstrate increases in biodiversity, aesthetic values and recreation.

## Biodiversity Design Guidance:

- **Be holistic.** It is important to provide a structural planting framework to the planting design rather than a mélange of plants depending on availability. Early planning can ensure availability of a strong plant palette.
- **Be sustainable.** The detailing of tree pits is fundamental to success and should be as large as possible. It is preferable to plant trees in uncontained, free draining tree pits and to sustain growth, it is essential to back-fill with good quality, nutritious urban tree soil. Ideally, plant trees in groups, with the tree pit forming a continuous trench or island of soil.
- **Integrate with hard areas.** Tree grilles maintain the continuity of paving around trees, protect and aerate tree root systems and allow rainwater irrigation. Tree grilles are also an important visual element.
- **Borrow landscape.** Planting in private gardens will have a positive impact on the public realm too. Planting trees in front gardens is encouraged but not as substitute for meaningful street tree planting. A significant drawback to planting in private space is the loss of long-term control over the overall scheme – freeholders may choose to remove any planting on their property.
- **Safety and security.** Planting design should take full account of minimising opportunities for crime and anti-social behaviour when selecting locations and species for planting. Planting should support secure by design principles by providing buffer zones between public and private spaces, avoid creating areas for concealment and not unreasonably impeding natural surveillance.

*"...Public space relates to all those parts of the built and natural environment where the public has free access. It encompasses: all the streets, squares, and other rights of way, whether predominantly in residential, commercial or community/civic uses; the open spaces and parks; and the public/private spaces where public access is unrestricted (at least during daylight hours). It includes the interfaces with key internal and external and private spaces to which the public normally has free access..."*

ODPM Caring for Quality 2004



Above: Planting designed in conjunction with the creation of a space. A specimen tree situated within a square will form an attractive and interesting focal point for the development, without hindering access by service vehicles. (Drawing courtesy of Pinfold Securities and David Black, Architect)





## Healthy Living, Mental Health and Green Space

*“It is now formally recognised that green environments are associated with reduced levels of depression, anxiety and fatigue and can enhance quality of life for both children and adults” – Duncan Selbie, Chief Executive, Public Health England.*

### Ways in which greenspace may be linked to positive health outcomes:



A fundamental change in thinking about greenspace is now required. Greenspace needs to be planned for, provided and sustained for the value it delivers. This will require a clear vision of greenspace as natural capital, and for local government to work together with the health, voluntary and community sector to develop strategies for effectively financing and managing their greenspace.

Prioritise improving access to greenspace and creating greener communities especially in areas of deprivation or where there is poor or unequal access.

The condition of the space. This is a measure of how well the site is maintained and the amenities it offers, making it safe, attractive and welcoming to visitors. Studies have shown that inadequate maintenance of sites, such as poor-quality footpaths, vandalism, litter, and issues with cleanliness negatively influence the use of parks. Aesthetics, perceived safety and the social environment found within a site play a key role in people wanting to use it.

*“One touch of nature makes the whole world kin.” – William Shakespeare*

### Quality Standards to Aim for:

- Green Flag Award and Green Flag Community Award – rewards well managed parks and greenspace.
- Building with Nature – a set of standards that promote high quality green infrastructure

*Refs: Public Health England Improving access to greenspace: A new review for 2020.*

*Raising the standard: Green Flag Award Guidance Manual 2016. Green Flag Awards.*

## Healthy Sustainable Places:

- Considers the overall greenness of the living environment. Incidental greenspace can take many forms, ranging from street trees, to pocket parks, to green walls and roofs and other planting in public places
- Improves the value of gardens, including introduction of garden ponds and raised areas for elderly people.
- Involves people with nature: local nature reserves, allotments, outdoor gyms and through nature conservation.

### Five Brief Principles of Inclusive Design (CABE):

- Place people at the heart of the design process
- Acknowledge diversity and difference – overcome barriers.
- Offer choice for all users. Provide solutions that welcome everyone on equal terms.
- Provide flexibility in use – understand how a space will be used.
- Provide environments that are convenient and enjoyable to use for everyone – ensure people have appropriate signage, lighting, walkways, transport routes, and can access sufficient information to make them feel confident using the space.

Ref: Biodiversity  
Net gain: An  
introduction to  
the benefits.  
Natural England  
(2022)

Bolsover District  
Council Planning  
Advice Note:  
Biodiversity Net  
Gain (BNG) April  
2024

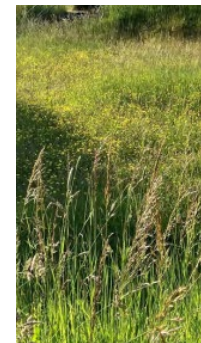
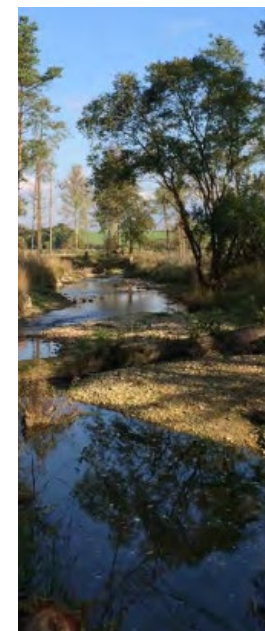
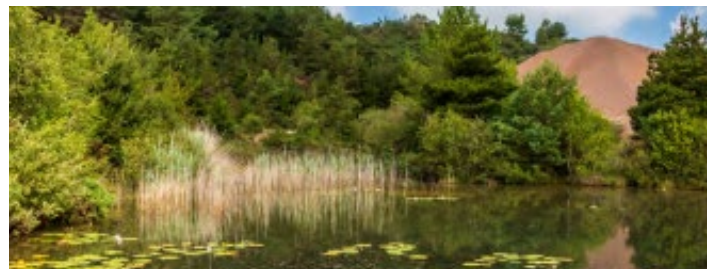
170

## Integrating Biodiversity into Residential Design

**When designed and delivered well, biodiversity net gain (BNG) can secure benefits for nature, people and places, and for the economy'**

Most developments need to deliver a mandatory Biodiversity net gain of 10%. This is additional to existing habitats and species. It requires creating new habitats and improving existing ones, helping improve nature and providing better quality places for wildlife to live and thrive and people to enjoy.

BNG is measured using the Biodiversity Metric. The biodiversity metric should be used early in the design process to quantify and evaluate the impacts of different design options, when there is more scope to influence design changes to achieve better ecological outcomes. The effective use of the tool requires the expertise of an ecologist.



### What biodiversity looks like

**Habitat size:** How large or small is the habitat?

**Habitat condition:** How well is the habitat functioning, compared to its ideal fully functioning state.

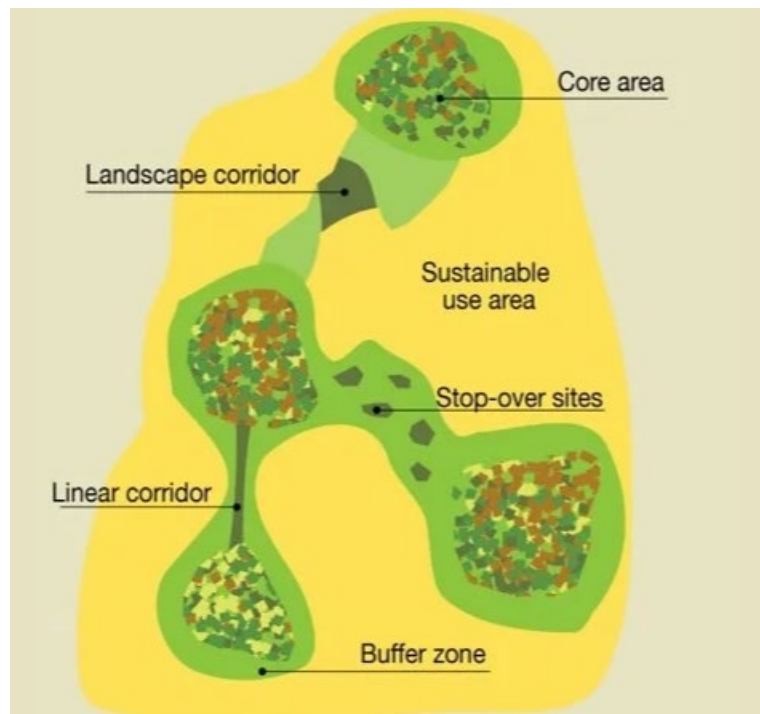
**Habitat distinctiveness:** Is the habitat of particular local importance?

**Strategic importance:** Is the habitat located in a priority area for habitat creation/enhancement?



### Successful healthy places:

- Improve links for wildlife corridors.
- Design in islands/areas for wildlife to settle and feel safe. Parks with small Local Nature Reserves
- Reduce lighting close to wildlife habitats.
- Use meadow grass areas and verges with flower mixes that reflect local soils.
- Retain areas of wildlife value. Design in buffer zones.
- Use native trees and shrubs.
- Attract insects and bees with appropriate flower mixes.
- Are maintained well using a habitat management plan
- Use swift boxes, bat boxes, hedgehog tunnels where possible.





## Distinctive Places

**Well Defined Streets and Spaces.** Ensure principal facades and front doors face the street and public spaces. Clearly defined fronts and backs.. Active frontages, doors, balconies, terraces, front gardens and bay.

## Streets for All

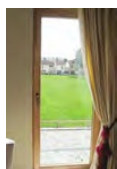
**Back of pavement, front of house.** Front space has a significant impact on the quality of place encouraging people to personalise their homes. Integrate services, waste storage and utilities cabinets. Outdoor amenity space for apartment buildings such as balcony for relaxing or drying clothes.

## Useful Reference

Site layout planning for daylight and sunlight: a guide to good practice, BR209. Jun 2022



Wide windows have more potential for overlooking,



whereas windows with slender vertical proportions can be used to allow only a narrow.

# 3.12 Amenity

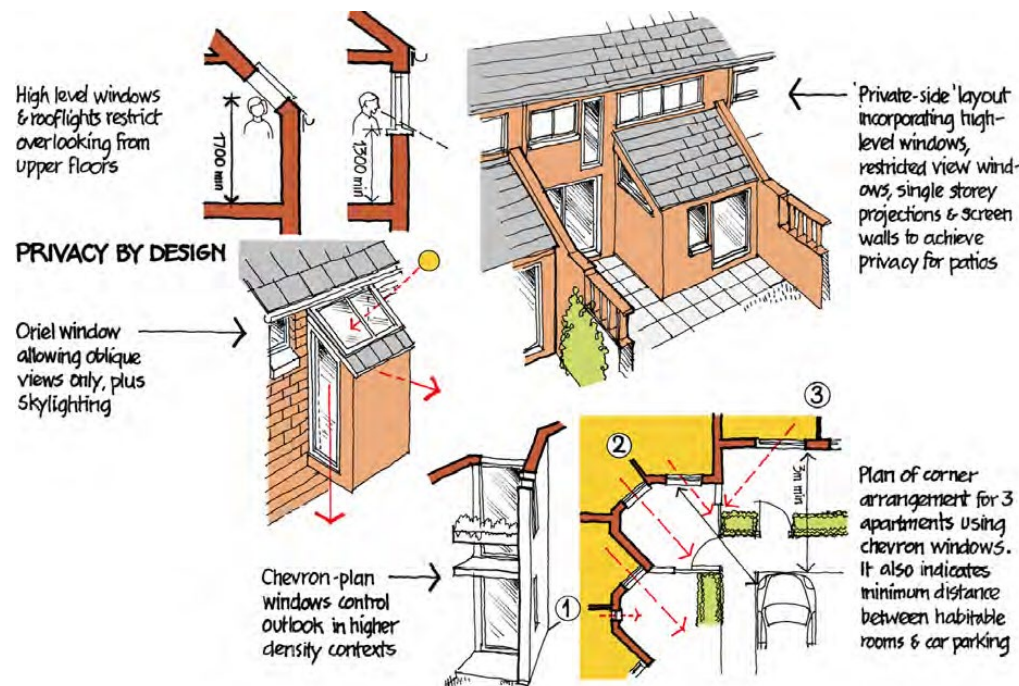
## 3.12.1 Privacy by design

**Proposals should ensure a satisfactory level of privacy with existing dwellings and between dwellings within the development itself**

3.12.2 Amenity describes the living conditions for the occupants of a home or place. Acceptable living conditions should always be provided for new and existing occupants.

3.12.3 If amenity is not properly considered in the design process, this can detract from quality of life in terms of privacy, noise, light, outlook, or overbearing development. To ensure the occupants of existing or proposed housing have an acceptable level of amenity, proposals should demonstrate how they have responded to amenity considerations.

3.12.4 Minimum separation distances have traditionally been used to ensure reasonable levels of privacy and daylight. This can be effective, but if applied too rigidly, can encourage uniformity, limit the potential to create more varied and interesting places and may



restrict the redevelopment of more constrained sites.

3.12.5 However, the application of standards must be balanced against the desire to create good quality places with character and where appropriate increased densities. Acceptable privacy can normally be achieved through careful, considered design.

3.12.6 To ensure a reasonable level of privacy the distance between facing habitable room windows should normally be in accordance with the principles set out in Table 3 opposite.

3.12.7 The normal minimum acceptable separation distance is determined by drawing a line between the two windows (one on each dwelling) from their nearest points and measuring the angle that this direct sight line creates at each window.

3.12.8 On sloping sites, or where ground levels will increase, or where more than two storeys are proposed, adjustments will be made to reflect a potentially greater impact. For guidance, this should assume a 1-metre increase in the separation distance for each additional increase in storey height.

## Good practice

**Definitions:** Privacy is considered in terms of the relationship of main windows to habitable rooms.

### Habitable rooms are:

- Living rooms
- Dining rooms
- Kitchens
- Bedrooms
- Other rooms not defined as non-habitable rooms

### Non-habitable rooms are:

- Hall/landing/circulation areas.
- Bathroom/WC's
- Utility rooms
- Garages or other ancillary buildings or rooms

### A main window is:

- The largest or most important window within a room.

### A secondary window is:

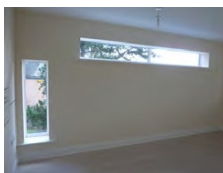
- The smaller window to a room served by more than one window.

### High level windows are:

- Windows with a cill height 1.7m above floor level.

### Obscure glazing is:

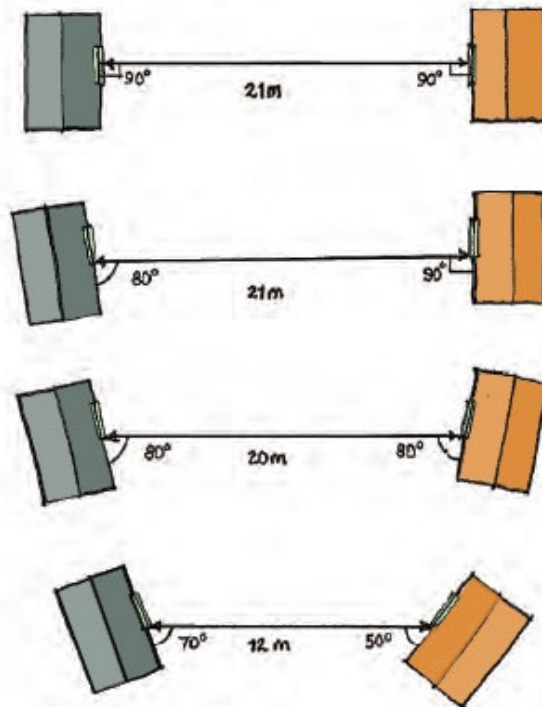
- Glass which is permanently opaque or patterned to prevent it being transparent, such that neighbour privacy would be maintained.



Windows designed to restrict overlooking but still allow light in.

		Angle of direct sight line at dwelling A							
		90°	80°	70°	60°	50°	40°	30°	20°
Angle of direct sight line at dwelling B	90°	21	21	20	19	18	16	12	8
	80°	21	20	19	18	16	12	8	
	70°	20	19	18	16	12	8		
	60°	19	18	16	12	8			
	50°	18	16	12	8				
	40°	16	12	8					
	30°	12	8						
	20°	8							

Table 1: The minimum distances (m) between facing habitable room windows on neighbouring dwellings that will normally be expected.



Below: Examples of building angles and separation distances in accordance with the principles of Table 3 above.

## Successful places:

- Design the internal layout of habitable rooms with regard to their relationship to the habitable rooms of other dwellings (existing and proposed) to prevent unacceptable levels of overlooking and loss of privacy.
- Locate non-habitable rooms to limit overlooking where a habitable room would otherwise be unacceptable.
- Use the separation, placement and orientation of dwellings to one another to ensure reasonable levels of privacy between neighbouring properties.
- Use window design in terms of shape, size, height and position to allow light penetration but limit opportunities for overlooking.
- Make use of screen walls, fences, ancillary out buildings and/or planting to moderate overlooking and maintain privacy.

**NOTE:** Minimum separation distances should be applied reasonably having regard to the particular site conditions and context. Separation distances may need to be relaxed or increased depending on the specific circumstances, such as location, the conversion of existing buildings, the character of the area, topography or other relevant considerations, for example:

- The existing pattern or character of a place has established a lesser standard where reduced distances may be acceptable;
- Sloping sites where the difference in levels would aggravate overlooking problems;
- Where direct overlooking could be prevented by appropriate screening.



## Good practice

Separation distances:

- 21m between the rear elevations of two dwellings directly facing one another;
- 12m front to front (min); and 12m rear to a side wall/ gable.

These are accepted 'rules of thumb' in most suburban settings and remain a useful benchmark/starting point for assessing matters of privacy

However, with careful design they may be able to be relaxed.

## Sustainability

Can dark internal spaces be lit using passive methods such as sun pipes? These could lower running costs and reduce CO<sub>2</sub> emissions.



3.12.9 Where new houses are built adjoining the private garden space (usually the rear garden) of an existing dwelling, there will often be some loss of privacy to that garden.

3.12.10 To reduce the effect of direct overlooking from new houses, first floor habitable room windows directly facing a rear boundary should not normally be sited closer than 10.5m to the boundary of an adjoining residential garden. However, not all circumstances are the same and some flexibility should be applied with regard to the extent of overlooking and the relationship between houses and gardens (similar to that outlined in Table 3 with respect to overlooking between windows).

3.12.11 Where this cannot be achieved or where the new dwelling is judged to result in an adverse impact on amenity, it may be necessary to limit its height.

### 3.12.12 Light and proximity

**Proposals should not cause a loss of daylight, over-shadowing or create overbearing relationships between buildings where this would be detrimental to residential amenity**

3.12.13 Reasonable levels of daylight and sunlight should be provided to interiors. The amount of natural light to internal spaces should be maximised where possible to create comfortable spaces and reduce reliance on artificial lighting. Layouts should normally seek to minimise loss of direct sunlight or overshadowing of new or existing homes.

3.12.14 The relationship between buildings in terms of their proximity should also be designed to avoid buildings that would be unduly imposing or appear overbearing to neighbouring occupiers.

3.12.15 The site conditions, context and location will influence the significance attached to light and proximity considerations. Reduced levels of light and closer proximity between buildings may be more reasonably expected, and usually tolerated, in more urban locations or where these qualities reflect the prevailing pattern of development or would create a place with a particularly positive character, good quality townscape and allow for increased densities.



### Successful healthy places:

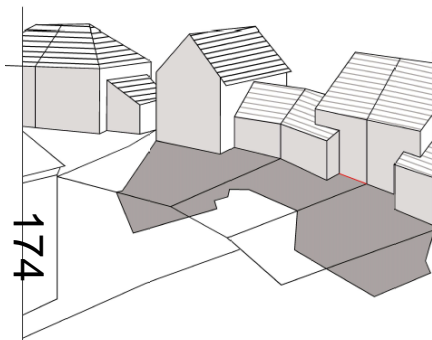
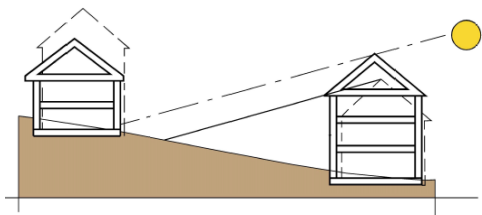
- Avoid relationships between buildings that result in excessive dominance or overshadowing of habitable spaces.



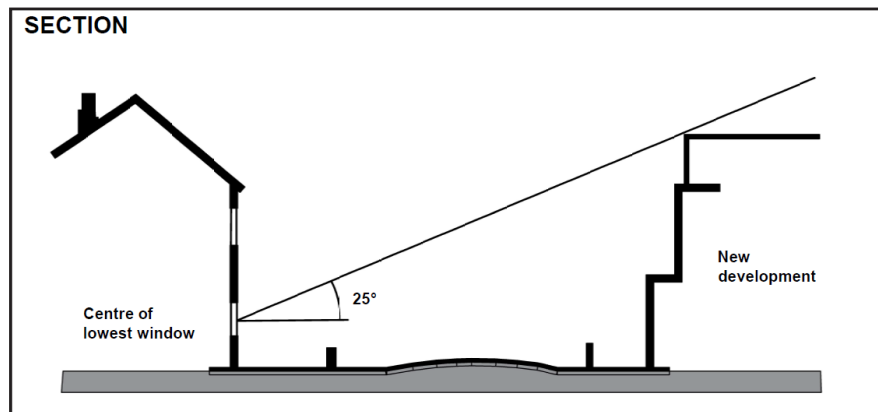
**NOTE:** In general, a range of measures can be used to assess the loss of light, degree of overshadowing and privacy levels for occupants resulting from particular proposals. The methods outlined in this guidance establish one approach that can be used by the local planning authority when considering a proposal. Other methods include those in the Code for Sustainable Homes (Category 7 – 'Health and Wellbeing' and the accompanying Technical Manual) and Site layout for daylight and sunlight: a guide to good practice (2nd ed), published by the Building Research Establishment (BRE), 2022.

Exceptions to the guidance in this document may be made for creative solutions that adequately address amenity issues, where evidence can be provided to demonstrate an acceptable level of amenity will be achieved or to solve design issues associated with the particular circumstances of the site.

Southern facing slopes can be used to accommodate buildings of varying height.



The careful location of garages and outbuildings, Roof profiles & the spacing of buildings can allow sunlight to reach gardens & adjacent buildings, in higher density groups.



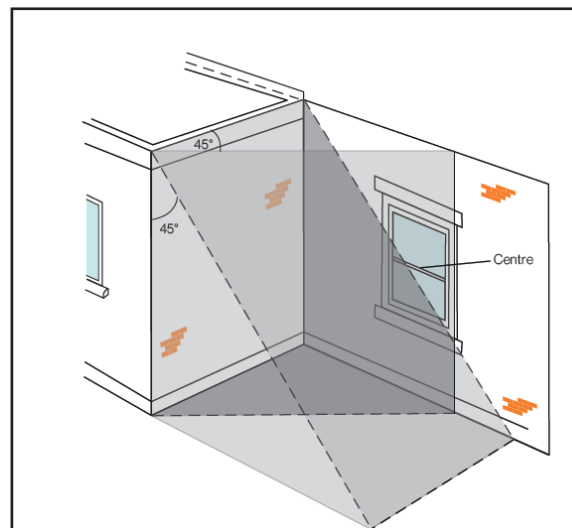
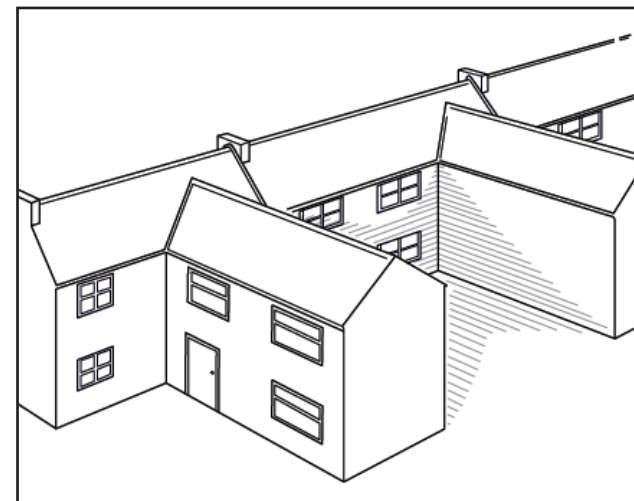
New Build in front of a main window to a principal room: The 25° Rule generally a building should not be situated in front of a main window to a habitable room if it is higher than the 25° line drawn from the centre of the affected window.

Ref: A of Site layout planning for daylight and sunlight A guide to good practice BRE 2022

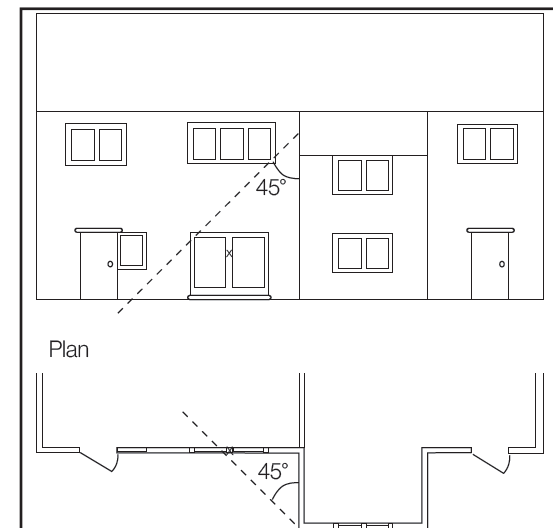
## Extensions and impact on Daylight: 45° rule

As a general rule for windows affected by a side extension, a significant reduction in daylight is likely to occur if the centre of the affected window – or a point 1.6m above ground level for patio doors – is covered by the shaded area delineated by the two 45° lines

The 45° Rule should be applied flexibly, taking into account site conditions. Loss of SUNLIGHT may require additional checks using Sunlight and Sunpath Indicators. (See Appendix A of Site layout planning for daylight and sunlight A guide to good practice BRE 2022).



A significant amount of light is likely to be blocked if the centre of the window lies within the 45° angle on both plan and elevation. Here the centre of the window lies just outside the 45° angle on elevation, so the impact of the extension is likely to be small.



Here the extension has a pitched roof, so a point halfway along the roof slope is used as the start of the 45° line on the elevation. A point of 1.6 m above the ground has been taken for a patio door window. This point is within the 45° angles on both plan and elevation, so a significant reduction of light is likely.



Sustainable?

Garden sizes:

- **25 sqm** is only adequate for passive activity.
- **60-100 sqm** is enough for sitting out and for children's play.
- **160 sqm** can allow a family of four to become self sufficient in vegetables (N/B gardens would need to be larger again to also include space for children's play and sitting out).

Responsive Environments Bentley et al (2005)



Cramped gardens are unsuitable for family accommodation.

3.12.16 Private Amenity Space

All schemes should provide a level of outdoor amenity space that is proportionate to the type of accommodation, appropriate to its location and suitable to meet the occupiers likely requirements.

3.12.17 Dwellings should be provided with enough private outdoor space to meet the likely needs of the occupants. Family houses are likely to require larger gardens, preferably in the range of 70-100 sqm, but not normally less than 50 sqm.

3.12.18 Where small gardens are necessary the aim should be to orientate them to benefit from afternoon sun or where possible to provide an alternative sitting out area, such as at the front of the property. Gardens facing northerly directions benefit from being longer to compensate for overshadowing.

3.12.19 Wherever possible, flats should also be provided with some outdoor amenity space, whether private or communal. Ground floor flats have the potential for their own private gardens. Upper floor flats should be provided with 25 sqm of space per flat. Collectively this can provide a reasonable communal outside space.

3.12.20 Where balconies and roof terraces are provided these areas can

count towards the 25 sqm requirement for each flat. However, the overall requirements for flats may be relaxed in town centre locations, for barn conversions and where existing buildings are converted to flats or for houses in multiple occupation.

3.12.21 Dwellings should normally have a minimum single area of private open space, excluding parking areas and garage spaces in accordance with Table 4.

Dwelling type/No. of bedrooms	Minimum outdoor amenity space requirements (sqm)
1 or 2 bed house	50
3 bed house	70
4+ bed house	90
Flats	25 per flat
Residential institutions	20 (per resident)

Table 2 Minimum size amenity spaces

**Successful healthy places:**

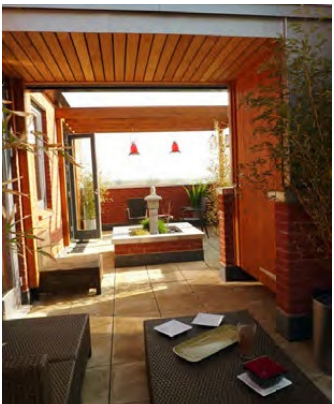
- Provide outdoor amenity space that is suited to the accommodation.
- Aim to maximise light and privacy of private garden spaces.
- Incorporate direct access to the gardens from habitable rooms.
- Find innovative ways of incorporating outdoor amenity space, particularly at higher densities and for conversion of existing buildings.



Above: A decent single outside space should be the aim for all new houses.



Above and centre: Roof terraces can offer an innovative way of incorporating outside space.





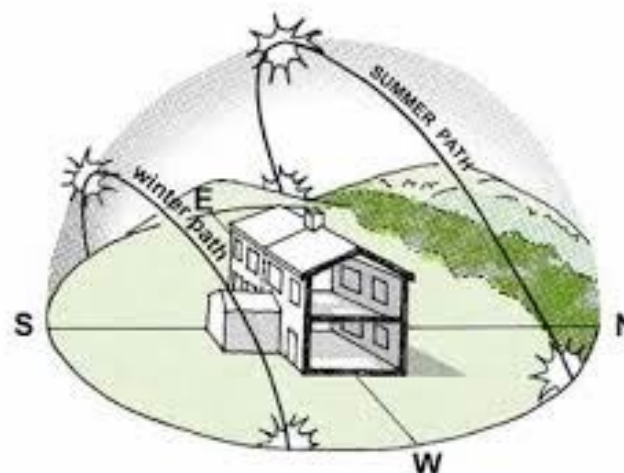
### 3.12.22 Outlook

3.12.23 Dwellings should have a reasonable outlook that does not detract from the quality of the residential environment

3.12.24 The quality of the environment and outlook from a dwelling influences the quality of life for its occupants. All dwellings should be provided with a reasonable outlook. Where they would look out onto unsightly spaces or buildings, poorly designed parking areas, rear walls, fences or similarly inappropriate settings, these will not normally be acceptable.

#### Successful healthy places:

- Avoid or minimise any unsightly outlook from residential properties.



Top and above: Communal gardens for flats provide a large usable outside space that should be appropriately managed.

Centre and right: Balconies to individual flats provide a modest private space that allows scope for personalisation



A single aspect street where houses (right) overlook rear fences (left) providing an unappealing outlook.



An internal area overlooked by homes but enclosed by poor boundary treatments.



Houses overlook blank garage walls in a tightly enclosed lane.



## Good Practice

Separation distances are measured between the edge of the activity zone and the boundary of the nearest dwelling.

- Local Area for Play (LAP): 5m
- Local Equipped Area for Play (LEAP): 10m
- Neighbourhood Equipped Area for Play (NEAP): 30m

N/B Greater separation distances may be required depending on the size, extent and nature of the play area and the equipment or activities proposed.

*Source: The Six Acre Standard:*

Local Plans contain open space standards for new development - often based on Fields in Trust's 2.4 hectare standard per 1,000 population.

Guidance for Outdoor Sport and Play Beyond the Six Acre Standard Fields in Trust. (Oct 2016)

## 3.12.25 Public spaces and play areas

3.12.26 Outdoor spaces and play areas should be located on a through route/main line of movement, be well overlooked by surrounding dwellings without detriment to residential amenity and benefit from natural light

3.12.27 Outdoor spaces and play areas can add value in terms of character, interest, legibility and meeting the play and recreational needs of the residents.

3.12.28 They are more likely to be used and less susceptible to anti-social behaviour where they are well overlooked by surrounding buildings, situated on main through routes (pedestrian or vehicular) that provide good accessibility as well as opportunities for casual overlooking and orientated to benefit from natural light.

3.12.29 Natural surveillance from surrounding dwellings enhances safety, although this must be balanced with the amenity of the neighbouring occupiers to minimise the potential for disturbance.

3.12.30 Outdoor spaces and play areas should be separated from adjoining dwellings by a suitable 'buffer zone'. The nature and extent of the separation buffer zone will be dependent on the uses intended on the open space. Areas intended for ball games or noisy activities can cause particular annoyance and will require careful siting and greater separation from dwellings to prevent undue disturbance to residents.

### Successful places:

- Provide public spaces and play areas with high levels of natural surveillance.
- Orientate frontages to face towards spaces and play areas and minimise the presence of rear or side boundaries.
- Include buffer zones to provide separation between public spaces, play areas and facing properties.
- Use planting/landform to enhance amenity by providing some visual separation without undermining natural surveillance.
- Locate public spaces and play areas where they will be sheltered but still benefit from natural light.
- Separate children's play areas from dogs with fencing, if required, but which does not obscure overlooking of the play area.
- Include lighting where appropriate.
- Identify future management arrangements to ensure appropriate maintenance takes place.
- Use larger spaces as an opportunity for planting larger trees with wider townscape benefits.



*Above: Local play spaces situated close to homes, need to strike a proportionate balance between overlooking for safety and not being so close that neighbouring residents will suffer from noise and disturbance (Bottom Photo: Andy Cameron WSP).*





Public spaces and play areas offer opportunities to incorporate distinctive features.

*Above: Multi-functional meeting space at Houlton, Rugby with spaces for play, wildlife, socialising and gatherings (Image Essex CG).*

*Top left: Public Art, Stone Tree (courtesy of Groundwork Creswell, Ashfield and Mansfield).*

*Middle Left: Boxing Hares Public Art (Charlotte Findlater Design)*

*Lower left: Illustration of a neighbourhood square and play space well overlooked by surrounding homes, while its central position is set away from immediate frontages to help maintain residential amenity.*

*(Source: Guidance for outdoor Sport and Play. Fields in Trust 2020)*



## Building for a Healthy Life 2020 Considerations

### Integrated Neighbourhoods

#### Facilities and Services

Locate community facilities in the best place for those walking, cycling and using public transport.

#### Distinctive Places

##### A Memorable Character

Create a place with a locally inspired or otherwise distinctive character

##### Making the Most of What's there

Explore how best to integrate existing assets on and beyond the site, including topography and water, wildlife habitats, buildings.

##### Well defined streets and Spaces

Face the street and public spaces, perimeter clocks. Active frontages. Carefully considered street corners.

#### Streets for All

##### Healthy Streets

Streets as public realm.

Low speed streets and neighbourhoods with pedestrian and cycle priority.

##### Back of pavement, front of house

Front space encourages people to personalise their homes. Integrate public utilities.

Amenity space for relaxing or drying clothes. Define clearly.

## 3.13 Place Hierarchy

### 3.13.1 Place Hierarchy

Proposals should provide a hierarchy of buildings and spaces to emphasise key locations within the layout and contribute to the character and legibility of the townscape

3.13.2 Historically, settlements comprised spaces and buildings in an order of visual and functional hierarchy. Places of importance looked important. Town squares, market places, village greens or a crossing of roads provided a social and economic focus for the community. They are often accompanied by buildings of some status, whose architecture and presence help reinforce the significance of the place.

3.13.3 In some cases the original purpose of the place may have changed. However, focal spaces continue to perform an important townscape role and developments should include a hierarchy of both major and minor spaces, that are appropriate to the scale of the scheme.

3.13.4 Ordinary, everyday buildings make up much of the remaining urban fabric (although this need not mean they are uninteresting in themselves) and they provide the backdrop to the wider built environment.

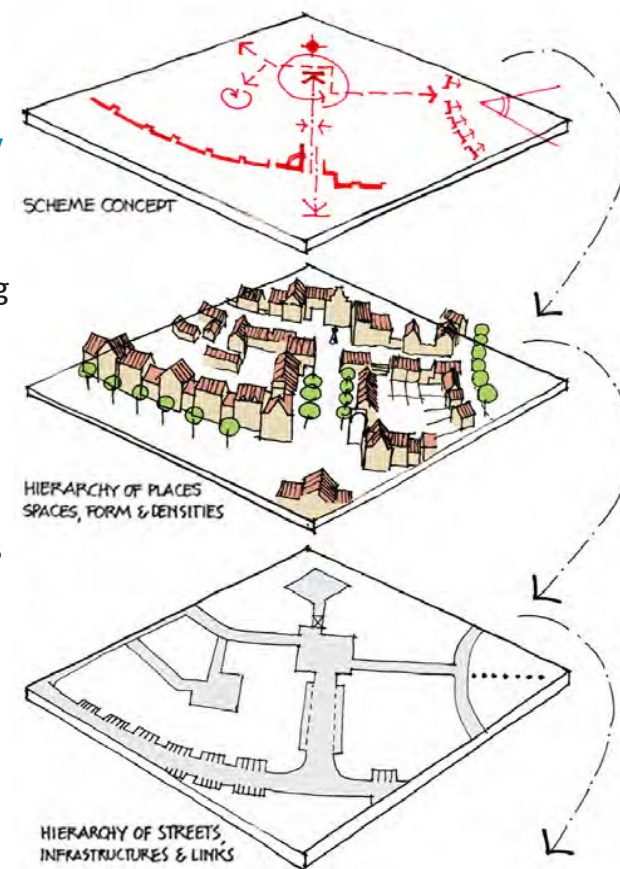
### Establishing a hierarchy of streets and places

Develop conceptual ideas with the view to creating interesting 'places' within the scheme

Create a hierarchy of places within the development that include major focal points as well as minor nodes by designing and siting buildings in a way that supports this approach

Streets between focal point places should also comprise a hierarchy of street typologies that support the development of places with character

*Below: Houses arranged around a green in a village setting provides an appropriate focal point in this context.*





**1 Entrance or Gateway:** Buildings grouped to 'announce' the entrance to the scheme, either by a group enclosing a small green, or by buildings massed to give emphasis to the corner, depending on the existing context, or the character of the scheme.



**2 Main Street:** In the case shown, a formal tree-lined avenue of larger detached villas, set back behind front gardens. In other cases larger terraces may line the street. Due to its spinal route function, the street is likely to have the widest carriageway. Photo: Homes England



**3 Main Focal Point:** The illustration shows a square serving as a focus for the main routes. Larger buildings terminate long vistas on the approach to the square. The square could be designed as a shared space, with a central tree or public art installation. In larger schemes, some mixed uses and a bus stop may be appropriate.



**4 Secondary Street:** These are the distributors of the scheme and each may have a somewhat different character. On-street parking could be

incorporated into the street design. Typically two and 'two and a half storey' houses, mainly in short terraces would be located here. All would have relatively modest front gardens. Frequent junctions and changes in direction would contribute to speed reduction.



**5 Minor Street:** These could serve lower density groups at the lower end of the hierarchy. Occasional tree planting dividing the carriageway can reduce speeding and incorporate parking, as appropriate.



**6 Mews Street:** Typically characterised by shared surfaces and aligned at right angles to secondary streets. They would be relatively short, with terraces incorporating garages and slightly set back from the designated roadway.



**7 Green Edge Access Way:** 'Single loaded' informal roadway serving houses fronting greenspace and possibly incorporating play space. Typically, the pavement would be on one side. In smaller schemes the roadway could be a shared space.



3.13.5 This distinction between important and everyday spaces and buildings establishes an order of place hierarchy and is an important ingredient of any townscape. However, this must be ‘tuned’ to reflect the nature of the settlement so that spaces and buildings are appropriate to the scale, role and character of the place. Focal spaces and buildings of status will differ between a village and an urban setting.

3.13.6 Residential developments often fail to capture this aspect of the townscape and standard house types are often unable to create the status and presence required to identify an important location. It is therefore necessary to find ways of introducing a built hierarchy into residential developments capable of fulfilling this townscape role.

3.13.7 Important buildings punctuate the townscape, provide useful reference points and give emphasis to key uses, locations or notable corners. Often landmarks in their own right, they are important in helping people find their way around and making places understandable.

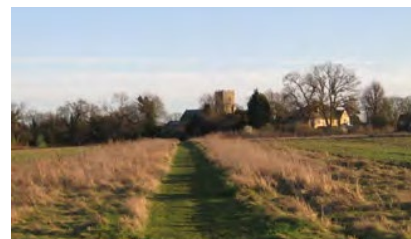
3.13.8 Where buildings of status already exist (either within or outside the site) they should be integrated as part of the scheme, by either deferring to them, providing an appropriate setting or creating views.

3.13.9 Designs should emphasise important locations within the development, by expressing its scale, architectural quality and materials. Even modest developments may require buildings that provide a focus.

3.13.10 Where new spaces are provided they should be enclosed by buildings and designed to create a sense of place with active uses introduced within or around the space, wherever possible (mixed use developments).



*Building scale, design and quality of materials convey status and identify this as an important location within this scheme.*



*Designs should integrate with their context and defer to existing key landmarks. Creating a route/view to the church tower would form an important connection to this village.*



*Distinctive architecture, scale and the careful placement of this building reinforce this square as an important place.*



*A green containing a feature fountain provides strong focal point and sense of arrival.*



*Above: Houses deliberately designed and sited in order to close views along these streets and provide minor visual focal points that both support character and assist legibility.*

## Successful healthy places:

- Contain a hierarchy of focal spaces and buildings that form part of network of public spaces.
- Locate focal spaces along main thoroughfares or where two important routes cross and are well overlooked.
- Design focal spaces that are proportionate in scale and character to their location and context.
- Ensure spaces are adequately enclosed by buildings, are accessible and create a focal point such as with a tree, building, public art or monument.
- Position buildings of status to reinforce the importance of focal spaces, emphasise key corners or to terminate views.
- Signal a building of status through its scale, positioning and special architectural treatment (quality, materials, detail and finishes).
- Recognise existing buildings of status within or visible from a site, by deferring to their setting or maintaining or creating views to such buildings
- Identify future management arrangements to ensure appropriate maintenance takes place.
- Use larger spaces as an opportunity for planting larger trees with wider townscape benefits.





### BUILDINGS WHICH TERMINATE VISTAS

- The design of the building should recognise that:
- the elevation will be seen from a distance
  - the massing, scale and roofline should respond to this focal role in the streetscape.

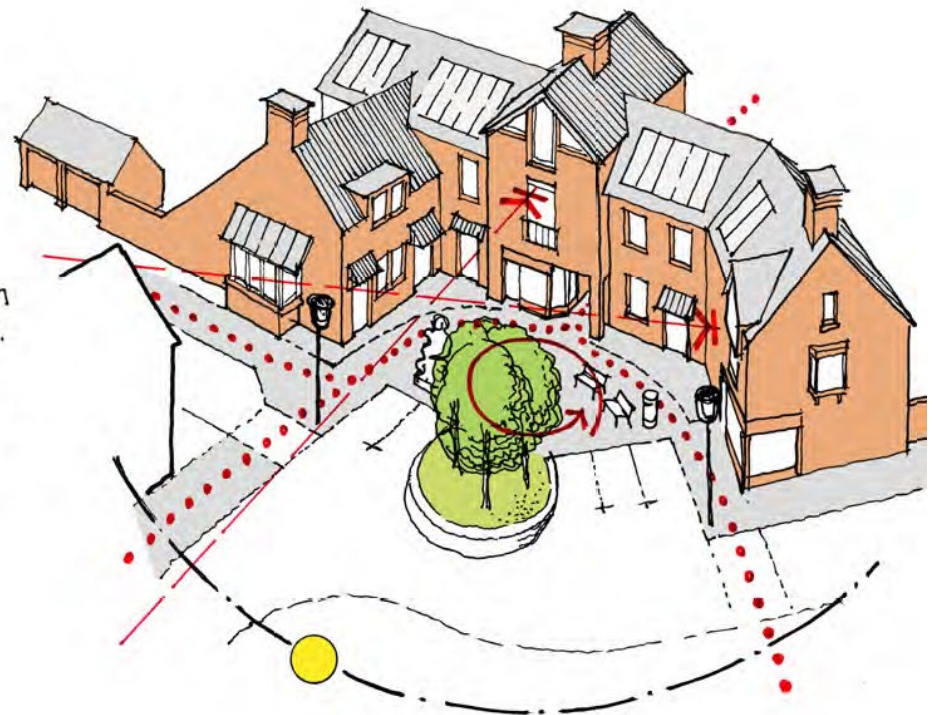


3.13.11 Building placement and architectural responses should be informed by both their context and their role within the place hierarchy. Buildings of greater stature, scale, richness and quality should be used to express the significance of important places, views and nodes to create 'impact' within the townscape and help differentiate one place from another.

### KEY GROUPS

#### Focal Point Group

Informal massing at intersection of streets & pedestrian routes. Creation of a sense of place by sunny, sheltered space, active frontages/mixed uses, & attractive public realm.



#### Gateway Group

Formal suburban example. Creating a spacious entrance 'funnelling' to a pinch-point. Bold gables relate to the scale of the 'green'.





## Building for a Healthy Life 2020 Considerations

### Distinctive Places

#### A Memorable Character

Create a place with a locally inspired or otherwise distinctive character.

**Well defined streets and Spaces.** Face the street and public spaces, perimeter clocks. Active frontages. Carefully considered street corners.

### Streets for All

#### Healthy Streets

Streets as public realm. Low speed streets and neighbourhoods with pedestrian and cycle priority.

#### Easy to find your way around

Use legible features to help people find their way around a place. . Street Types, buildings, spaces, non-residential uses, landscape and water to help create a 'mental map.'

## 3.14 Design for Corners

### 3.14.1 Corners

**Proposals should recognise the importance of corners and their role in the townscape designing corner buildings to respond appropriately to their unique location, while maintaining the occupants amenity**

3.14.2 Corners play a special role in the townscape, occupying visually prominent locations and having two frontages addressing different streets. They can highlight key locations and serve as local landmarks, although if poorly conceived and implemented they can weaken the townscape.

3.14.3 Corners pose particular design challenges in terms of achieving continuity to street frontages, articulation of junctions, providing practical garden spaces with adequate light penetration and privacy to gardens and windows. If these issues can be reconciled they have the ability to contribute significantly to the character and quality of the place.

3.14.4 Corner houses should articulate the corner and address both frontages. Many standard house types are unable to achieve this satisfactorily. As such more bespoke

approaches to corner house types are likely to be necessary.

3.14.5 Highlighting corners is best achieved by expressing height, the inclusion of prominent entrances and/or windows or using the buildings form, architecture and quality materials to provide emphasis. In mixed use schemes active ground floor uses can also be effective. Often two or more of these elements can be combined successfully.

3.14.6 Within larger developments variation between corners is also necessary to avoid each one appearing the same and undermining their contribution to the legibility of the place.



*A notable corner expressed through scale, height and roof form of the house.*



*A contemporary corner design gives emphasis to a building of traditional scale and form.*

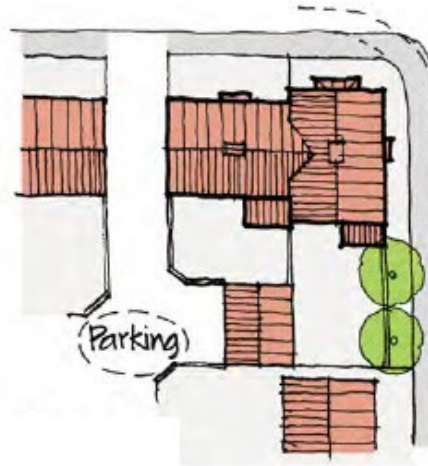
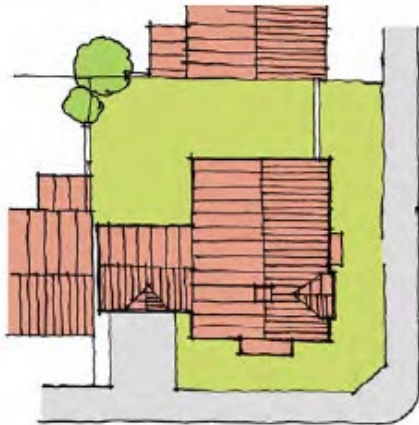
### Successful places:

- Use building placement to define the space on the corner and maintain a good level of continuity to frontages.
- Articulate corners at prominent nodal points or junctions to emphasise important locations and assist legibility.
- Maximise opportunities for surveillance onto both frontages, while minimising the extent of blank frontages or walls.
- Provide a direct relationship between habitable rooms and gardens.
- Maintain privacy between the habitable rooms of homes within the corner.



## HOUSES WHICH TURN CORNERS

- Major corners are pivotal points in a townscape — between one space & another.
- A corner building is seen in 3 dimensions.
- It must be a minor focal point which addresses both streets with active frontages & the corner itself.



### Square Corner

Alternative layout  
for more compact contexts

Ensures:

- ▶ privacy
- ▶ minimal overshadowing
- ▶ adjacent parking
- ▶ positive corner



### Concave Corner

(could also be curving plan)

Allows for:

- ▶ large, sunny, private gardens
- ▶ extensions
- ▶ rear garages on plot
- ▶ spacious green frontage



### Convex Corner

Likely issues:

- ▶ overlooking
- ▶ overhearing
- ▶ overshadowing
- ▶ smaller gardens



A house type designed to handle a corner and address both frontages (Davidsons Group Ltd).



A house uses a gable with distinctive windows and local stone express the corner (Image Courtesy of Homes England).



Corners emphasised by height and architecture identify an important node and aid legibility



**Distinctive Places**

**A Memorable Character**

Create a place with a locally inspired or otherwise distinctive character.

**Streets for All**

**Easy to find your way around**

Use legible features to help people find their way around a place. .  
Street Types, buildings, spaces, non-residential uses, landscape and water to help create a 'mental map.'

**Back of pavement, front of house**

Front space encourages people to personalise their homes. Integrate public utilities. Amenity space for relaxing or drying clothes. Define clearly.

## 3.15 Frontages

### 3.15.1 Public Fronts

**Building frontages and entrances should be orientated to positively address the street**

3.15.2 Front and back spaces perform different roles and this should be reflected in their design. Orientating main facades to face towards the street gives a public face to the building and creates a positive relationship between public and private realm. Active frontages with doors facing towards the street and overlooking windows provide passive surveillance and make it feel safer.

3.15.3 The main entrance to the building should be located on the front elevation and be clearly visible from the street. This generates movement adding vitality to the street, whereas side entrances are less visible and potentially more vulnerable

3.15.4 Where possible, internal house layouts should be arranged with some rooms requiring less privacy positioned at the front. This enables occupants to relate to the street and overlook and interact with the outside.

### Successful places:

- Arrange buildings to face towards the street with clearly visible entrances.
- Create active frontages with windows and frequent entrances providing direct access to the street.
- Arrange living spaces requiring less privacy to face towards public frontages.
- Design windows to maximise overlooking, putting 'eyes on the street' without compromising privacy.
- Avoid or minimise blank elevations or limit their extent against public frontages.



*A clear entrance that relates well to the street.*



*A living room located at the front enables a relationship with the street and provides security through overlooking.*



*Contemporary town houses relate to the street with clear entrances and multiple windows providing surveillance of the street.*



*Largely blank ground floor elevations deaden the street scene and limit surveillance.*

*“all buildings have two faces: a front onto public space, for entrances and the most public activities, and a back where most private activities can go.”*

*Responsive Environments, Sue McGlinn et al, (2015)*

### 3.15.5 Private Backs

**Private space should be clearly defined and enclosed to provide privacy and security**

3.15.6 Private spaces require both privacy and security. They should be clearly defined, usually by enclosure to distinguish between the public and private sides of the building.

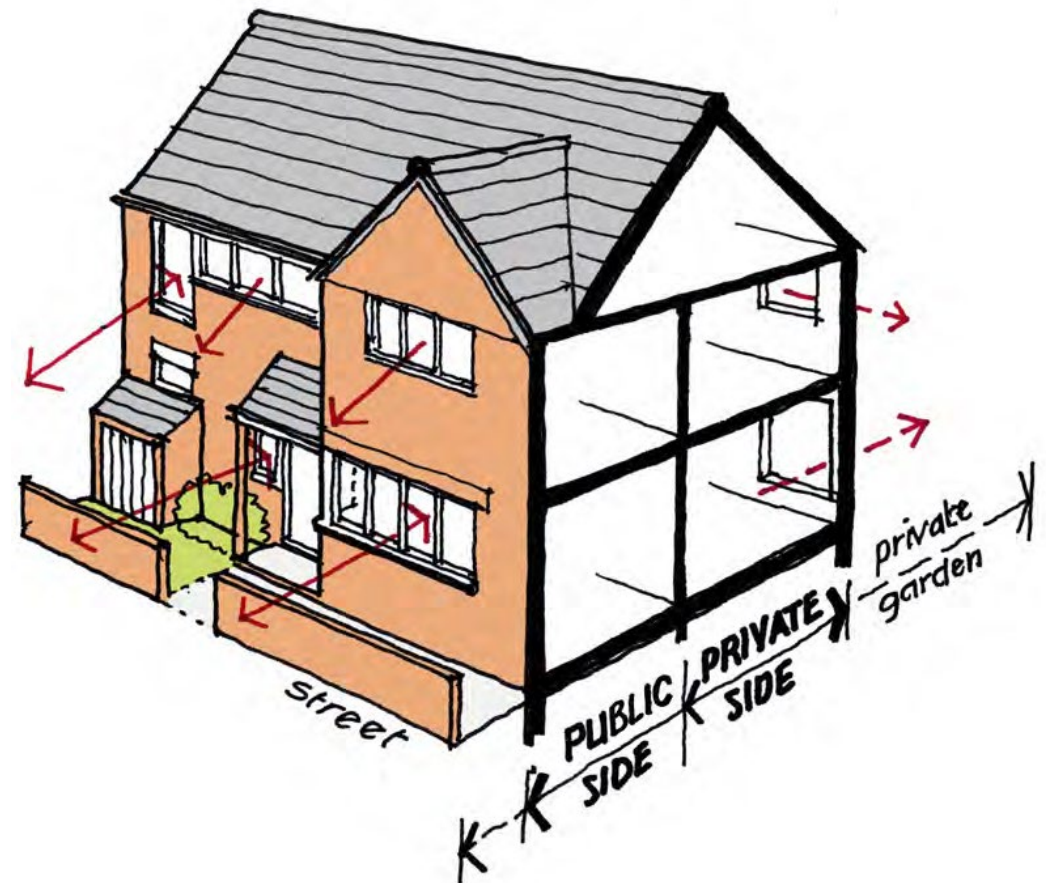
3.15.7 Rear gardens which back onto other gardens are generally more secure than those with separate rear access or those backing onto parking courts. Where shared gardens or other communal spaces are provided (such as for flats), the buildings should help define the edges of the space. The privacy of ground floor

flats should be maintained by private yards or gardens with clearly defined boundaries, where possible.

3.15.8 Rooms requiring privacy such as bedrooms or bathrooms are normally best located at the rear of dwellings as they generally provide limited overlooking of the street.

#### Successful places:

- Provide a clear distinction between public, semi-public and private spaces with clearly defined boundaries.
- Arrange living areas requiring privacy to face private spaces.
- Arrange rear gardens to face onto rear gardens.
- Generally avoid or limit rear access paths to gardens. Where necessary, any paths should be short, direct, serve a small number of properties, and can be accessed via a single point of entry which is overlooked.
- Provide shared private spaces for flats at the back and preserve the amenity of adjacent ground floor dwellings.





### 3.15.9 Continuity

3.15.10 The continuity of the street should be informed by its context, character and role within the development

3.15.11 The way frontages are arranged plays an important role in defining the character of the townscape and distinguishing between public and private areas. Frontages that provide continuous building lines create a cohesive edge to the street.

3.15.12 Where buildings cannot be joined directly, semi-continuous frontages can be achieved by linking houses, outbuildings and garages using connecting walls. Building lines can potentially also be set-back or projected forward to create emphasis or visual interest, if required, while maintaining its continuity.

3.15.13 It may not always be appropriate to provide continuous frontages and strong building lines. Some village settings, settlement edges or low density locations may require a softer, loose knit pattern of development where the built form is a less dominant element of the street scene. An assessment of the context will help inform the appropriate approach.

3.15.14 The continuity of the street should be informed by its context, character and function within the street/place hierarchy.

#### Successful places:

- Reinforce and define the street by relating buildings to a common building line.
- Vary the degree of continuity according to context and character.
- Utilise set-backs to soften the building line and projections to create visual interest or emphasis to a building or location.



*A continuous building line clearly defines the frontage.*



*A semi-continuous frontage creates enclosure by siting houses towards the front of the plot (Courtesy of Davidsons Group Ltd).*



*A village infill site with an informal character and loose knit pattern of development. Here a strong building line and continuous frontage would be inappropriate.*





A semi – continuous street frontage with regular shallow projections clearly defined edge to the space.



Informal organic frontages in a village setting.

## FRONTAGE LAYOUT OPTIONS



Regular/flush/continuous



Regular/shallow projections

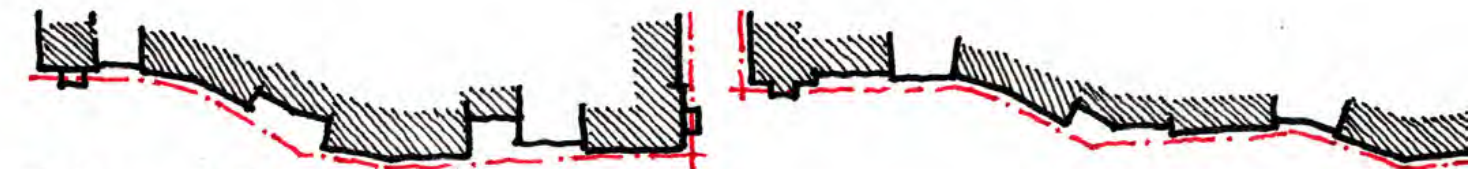


Indented



Discontinuous

Building Line



Informal/organic semi continuous

Right: The layout of frontages can have a major influence on the degree of enclosure and the character of the street



### Distinctive Places

#### A Memorable Character

Create a place with a locally inspired or otherwise distinctive character

#### Well defined streets and Spaces.

Face the street and public spaces, perimeter clocks. Active frontages. Carefully considered street corners

### Streets for All

#### Easy to find your way around.

Use legible features to help people find their way around a place. . Street Types, buildings, spaces, non-residential uses, landscape and water to help create a 'mental map.'

#### Back of pavement, front of house

Front space encourages people to personalise their homes. Integrate public utilities. Amenity space for relaxing or drying clothes. Define clearly.

## 3.16 Enclosure

### 3.16.1 Street Enclosure

**Streets and spaces should be enclosed by appropriately scaled buildings.**

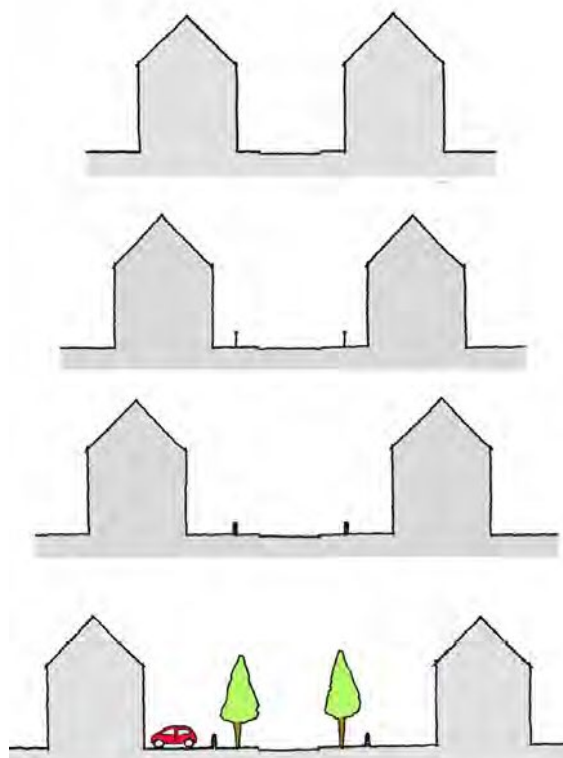
3.16.2 Streets and spaces are defined by the buildings at their edges. Their level of enclosure is determined by the width of the space and the relative height of the adjoining buildings.

3.16.3 Enclosure influences the character of a place and contributes to its sense of place. Good enclosure is achieved by ensuring that the height of the adjoining buildings is proportionate to the size and significance of the street or space.

3.16.4 Tightly enclosed spaces will have an intimate character. Larger and more important spaces generally require larger buildings to adequately enclose them. Whereas large spaces enclosed by small buildings appear weakly defined, often lack containment and a sense of place.

3.16.5 The scale of buildings and the width of the street contribute to legibility by reinforcing the relative importance of key places and routes within the overall place hierarchy.

3.16.6 The level of enclosure also needs to be considered in relation to what is appropriate in the context as well as amenity e.g. loss of privacy, light and over-dominance.



*An 8.8m wide highway (carriageway and footways) shown with varying degrees of enclosure. Adjustments to building set-backs, the presence of boundaries, street trees and changes in building heights can all contribute to the relative degree of enclosure and influence the street character.*



*Narrow streets tightly enclosed by adjoining homes but with differing characters.*



### Successful places:

- Define streets and spaces by enclosing them with appropriately scaled buildings.
- Consider the design of streets, spaces and buildings as a whole rather than as separate elements.
- Use enclosure to help define character, reinforce legibility and reflect the place hierarchy of the street.
- Avoid or minimise negative.

### 3.16.7 Boundaries

**Boundaries should be appropriate to their location, strengthen distinctiveness and reflect the characteristics of the local context**

3.16.8 Where buildings are set back from the street the plot boundary should be clearly defined. A clear vertical boundary provides a good distinction between public and private space and supports privacy by creating a defensible area between the dwelling and the street.

3.16.9 Boundary treatments can also have a significant influence on local distinctiveness and character. Local materials, details and traditions can make a big difference to the look and feel of the place, whereas inappropriate boundary treatments can undermine its character.

3.16.10 The nature and materials of front boundary treatments should reflect the context and character of the setting. Urban locations will have urban types of boundary treatment, like railings. Rural areas will have boundaries like stone walls and/or hedges.

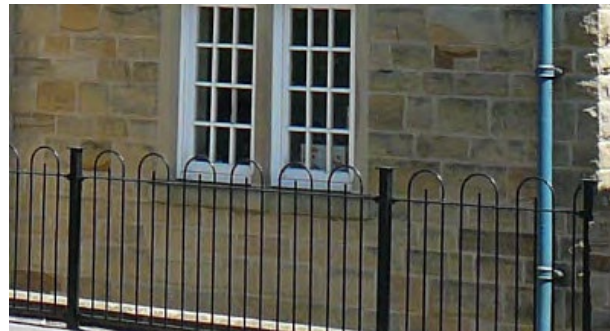
3.16.11 Timber fences to frontages, or in visible gaps between buildings or on exposed flanks form less robust boundaries are generally uncharacteristic in most settings and should normally be avoided.



*A beech hedge provides an informal boundary treatment with an appropriate character given the setting of the house against a village green. Hedges using native species will be encouraged to provide additional biodiversity and green links through layouts.*

#### Successful places:

- Provide robust boundary treatments to create defensible spaces that distinguish between public and private realm.
- Vary boundary treatments according to the context and its characteristic edges.
- Draw on local traditions, materials and detailing to strengthen local distinctiveness.
- Avoid lower quality or inappropriate functional boundary treatments in prominent positions like visible front or side boundaries.



*Railings can be appropriate in both urban and rural settings and softened by combining with hedging.*



*Modest brick walls and railings reflect their context and provide defensible space to small front gardens.*



*A visible side wall on a corner plot is finished in local stone to a high standard.*



*A hurdle fence in a rural setting provides a rustic boundary between plots where this is visible from the street.*



## Good Practice

Indicative set back distances by location:

**Central (town / village centre):** minor or no set back

**Inner Urban:** 1.5–4m

**Suburban:** 4–6m

**Rural / very low density:** 6m+ acceptable

Adapted from Urban Design Compendium 1 (2007)

## 3.16.12 Set-backs

**Set-backs from the building line should be determined by the location, context and character of the setting**

3.16.13 Set-backs provide a semi-private space between a dwelling and the street, strongly influencing its character and level of enclosure. They can also have a role in meeting a dwellings' storage and servicing requirements. To integrate with its context new development should normally reflect the established building line.

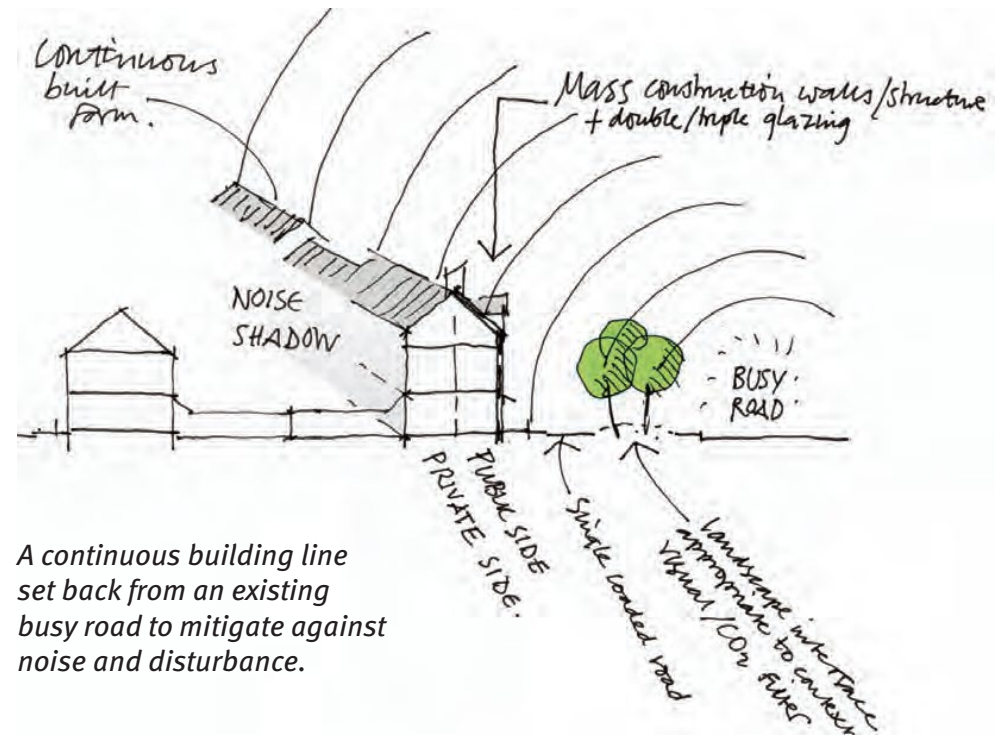
3.16.14 Town or village centres may have direct access to the street with little or no set back. Inner urban areas often include modest front gardens (1.5 – 4m) providing a defensible space while maintaining good surveillance of the street as well as opportunities for personalisation. In suburban settings or adjacent to busier roads more generous set-backs (4 – 6m) are generally acceptable, providing greater separation and scope for off-street parking. In more rural or low-density settings these may be increased further if this is appropriate to the context.

3.16.15 Development close to an existing busy and noisy route may need greater separation to assist in mitigating against noise and disturbance from traffic.

**NOTE:** Use setbacks to provide threshold planting spaces to characterize the street scene. These can provide biodiversity corridors.

## Successful places:

- Use set-backs to help positively define the character of the street, where appropriate to the character of the place.
- Discretely accommodate storage and servicing requirements.
- Use set backs to provide defensible space.
- Have regard to privacy in the design and layout of ground floor rooms.
- Give careful attention to the design of entrances and thresholds.



*A continuous building line set back from an existing busy road to mitigate against noise and disturbance.*





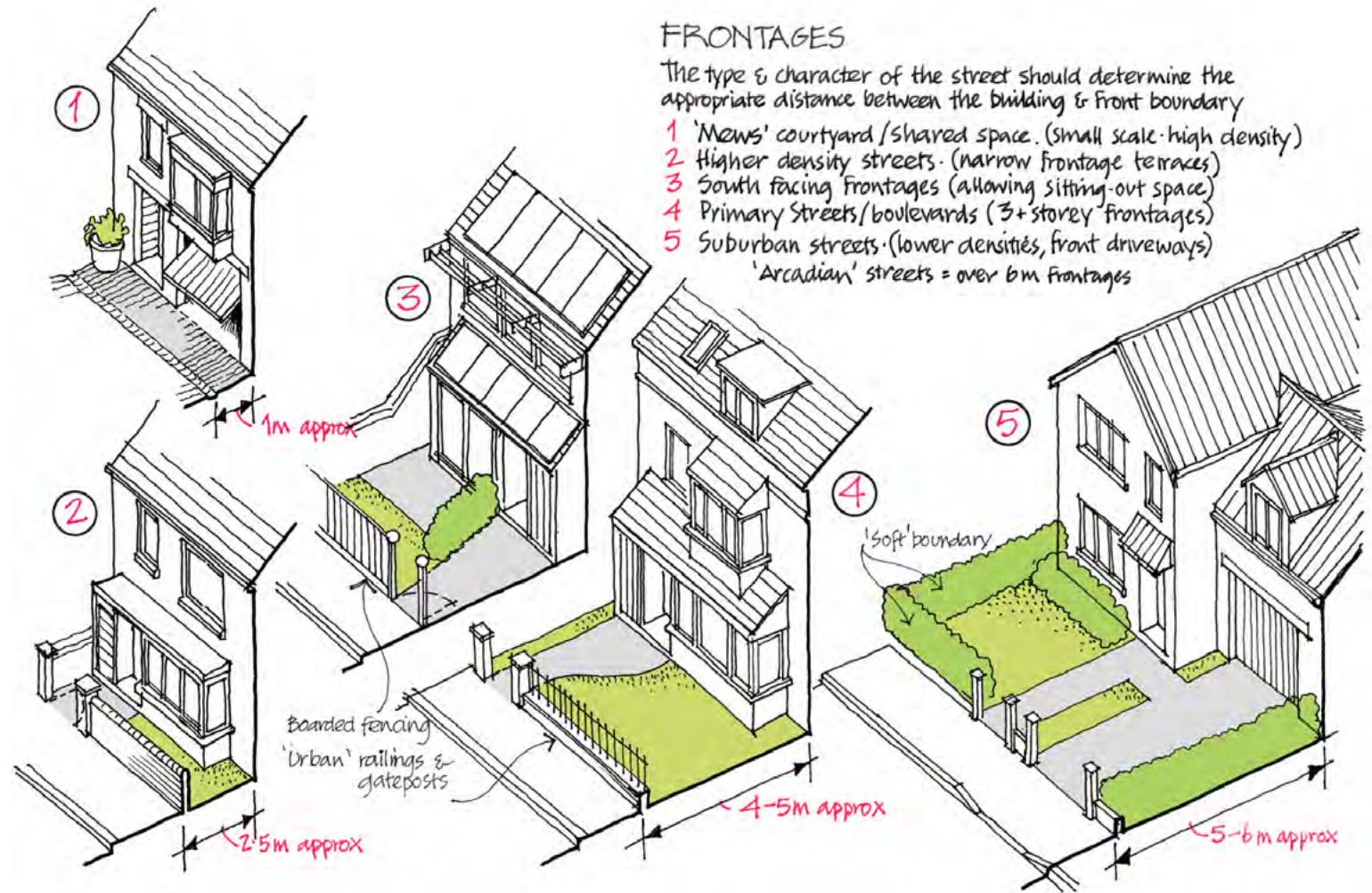
An urban street with no set-back from the footway.



A central village development with a minimal set-back and robust boundary walls.



A suburban setting with deep set backs, frontage parking and open plan frontages with no enclosure.



A new village style street with minimal set-backs and distinctive.



Mature trees heighten the sense of enclosure where buildings are set back from the street.



## Building for a Healthy Life 2020 Considerations

### Distinctive Places

**Make the Most of What's there.** Explore how to integrate existing assets: hedgerows, contours, waterflows, natural lighting.

### A Memorable Character

Create a place with a locally inspired or otherwise distinctive character

**Well defined streets and spaces.** Face the street and public spaces, perimeter clocks. Active frontages. Carefully considered street corners

### Streets for All

**Easy to find your way around.** Use legible features to help people find their way around a place. Street Types, buildings, spaces, non-residential uses, landscape and water to help create a 'mental map.'

### Back of pavement, front of house

Front space encourages people to personalise their homes. Integrate public utilities. Amenity space for relaxing or drying clothes. Define clearly.

## 3.17 Building Design

### 3.17.1 Respect the Context

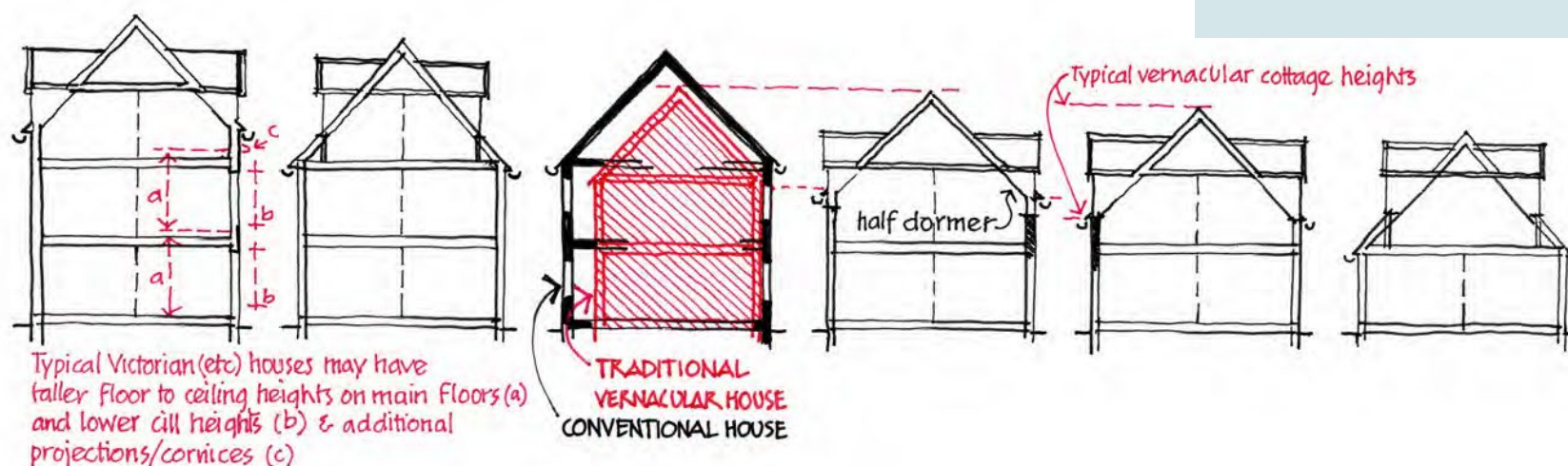
**Building forms and details should be appropriate to the local context, their position and role within the place hierarchy and make a positive contribution to the character of the place**

3.17.2 Buildings should be designed with sensitivity to their setting within the local context. They will form part of an existing place and must respect the local characteristics and neighbouring buildings, enriching the quality of the contemporary infill housing that respects the scale, form.



### Successful places:

- Respect the continuity of the building line.
- Use simple designs similar to local buildings in respect of their forms, heights, widths, scale and proportions.
- Are built from or in harmony with local building materials.
- Reinterpret local building types in a way that contributes to the distinctiveness of the place.



## Sustainability

Flats and terrace building forms are more thermally efficient, having less external surface area from which to lose heat.

Semi-detached and detached house types are least efficient in terms of heat loss.

Where units are joined, designing out noise transmission is crucial in order to minimise disturbance and maintain residential amenity and quality of life.

## 3.17.3 Building Forms

**Building and roof forms should be appropriate to their setting and function and support the creation of streets with character**

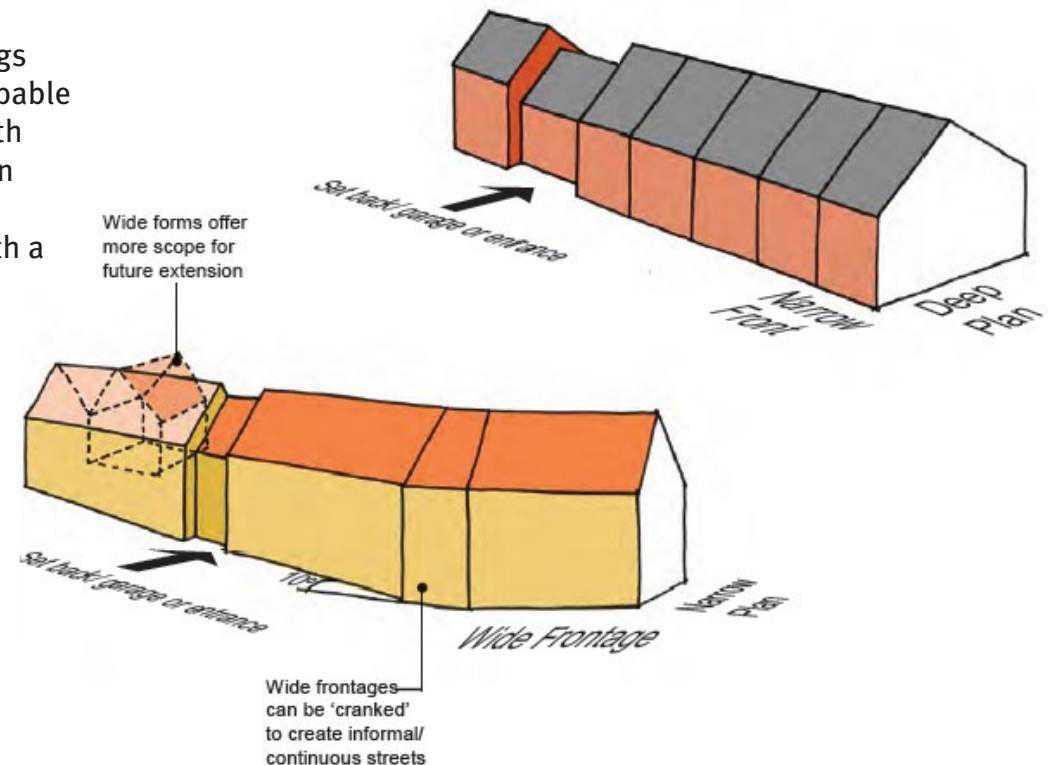
3.17.4 The plan form of the building influences how it can be arranged within the street and block.

3.17.5 Wide-fronted, shallow-plan buildings can be arranged with flexibility and are capable of providing both continuous frontages with varied street layouts. These forms are often associated with vernacular styles in rural/village locations and can create streets with a more informal, organic layout.

3.17.6 Narrow fronted, deep-plan buildings are efficient in terms of land use and preventing heat loss. They are often associated with urban settings and are suited to creating terraces, straight streets and formality, but are less suited to creating varied layouts.

### Successful places:

- Utilise building forms that create clear definition and enclosure of the street.
- Use building and roof forms to create character and reflect their context or if appropriate wider setting.
- Utilise forms that support the townscape role of the building.
- Normally, avoid shallow roof pitches (less than 35 degrees) or over dominant roof forms and dormer windows.





## Good Practice

Depending on the scale and context of the development the range of house types needed to reflect different locations within the street and place hierarchy is likely to include the following:

**Linked dwellings** that can be joined to form coherent streets and enclosed frontages.

**Scale, height & form** used for houses intended to enclose spaces or terminate views.

**Corner houses** that address key corners with active frontages on both streets.

**Key groups** that can be arranged to give emphasis to important locations.

**Mews** homes or flats over garages, for use in rear parking courts, narrow or awkward locations or to provide cross streets within larger blocks.

**Single aspect dwellings** where circumstances restrict residential outlook (limited use only).

**Apartments** for higher density locations.

## 3.17.7 Building types and role

**Buildings that perform important townscape roles should be designed and detailed to a standard that reflects their status**

3.17.8 The composition of a building's elevation and its components will determine the appearance, richness and interest of individual façades. This should reflect both the context (see above) and the role the building plays within the place hierarchy, such as visual stops, landmarks and buildings enclosing focal point spaces.

3.17.9 Greater attention to detail, higher quality architectural design, richness and materials will be appropriate for key buildings and focal points to signify their visual and townscape importance. This is not to say that other buildings should be of poor quality.

3.17.10 Standard house types are often not suited to fulfilling different townscape roles and are often used with little regard to their contribution to place making and character, resulting in 'anywhere' developments.

3.17.11 It is therefore essential that if standard house types are proposed that these can be responsive to the place, its context and character. This means designing house types that are capable of adaptation to respond to different positions within the street/place

hierarchy and reflect the townscape character of the local context. Standard designs from elsewhere will rarely be acceptable without appropriate adaptations.

3.17.12 Over-reliance on a limited number of standard house types should normally be avoided. A range of variant house types will normally be required that are capable of fulfilling different townscape roles and contributing to the distinctiveness and interest of the place.

*Right: A simple gable in a prominent townscape position is elevated by the addition of a strong chimney and well proportioned gable windows.*

*Below right: A key group of buildings work collectively to define the space and create a place within the development.*

### Successful places:

- Use architecture and form to express the status of key buildings and spaces.
- Carefully site buildings to support the legibility and hierarchy of the townscape.
- Use height, scale and form that is proportionate to the role and townscape status of the building.
- Use of high quality materials, design and detailing.
- Use house types that are capable of adaptation and respond to and reflect the character of the local context.

*Height, scale, materials and architecture express the status of this building as an important element within the townscape*



### 3.17.13 Appearance

**Buildings should provide a visually harmonious composition, informed by their context and should display architectural integrity**

3.17.14 Good architecture brings together proportions, materials, colours and details to create a harmonious appearance. It is not about personal taste but the successful coordination of materials and architectural elements. The focus should be on design quality regardless of style.

3.17.15 Proposals will normally be expected to harmonise with their surroundings, particularly where a distinctive or prevalent character exists. Designs that depart from the prevailing pattern of development will only be acceptable where these can be explained and justified by complementing or enhancing their setting.

3.17.16 Proposals intended to reflect historic styles or details should retain the scale, proportion and integrity of the original and avoid incoherent and unconvincing copies. Mixing architectural styles results in disjointed and inappropriate designs and should normally be avoided.

3.17.17 More contemporary approaches should draw on locally distinctive materials and elements and reinterpret them in a way that provides a connection to the place and avoid 'anywhere' developments.

#### Successful places:

- Are informed by and complement their context.
- Are visually harmonious whether contemporary or traditional in design.
- Avoid the arbitrary mixing of architectural styles.
- Possess architectural integrity and avoid using inappropriate or superficial devices.
- Draw on locally distinctive materials and qualities to ground them in their context.



*Above: New homes with both contemporary and traditional appearance, respect the scale, traditional building forms and local materials of the existing adjoining townscape.*



### 3.17.18 Detail and richness

**Proposals should provide detail and architectural richness that is appropriate to the role of the building at a scale that reflects its status**

3.17.19 Details are as important as the large-scale decisions about layout or movement. A lack of attention to appropriate detail can spoil an otherwise well designed scheme and undermine its quality. Details should be considered as an integral part of the building design not as superficial additions.

3.17.20 Where places comprise simple forms with restrained detailing, simple and subtle detailing would be appropriate. This does not mean paring down the details to achieve cost savings but is about doing those simple details well.

3.17.21 The individual elements of a façade provide visual contrasts and relief (e.g. windows, doors, decorative details). These elements can themselves be enriched (e.g. windows with lintels and cills, brick detailing such as corbelling to eaves and verges, decorative door surrounds etc.) adding further layers of interest to a building as well as reflecting locally distinctive details and building techniques.

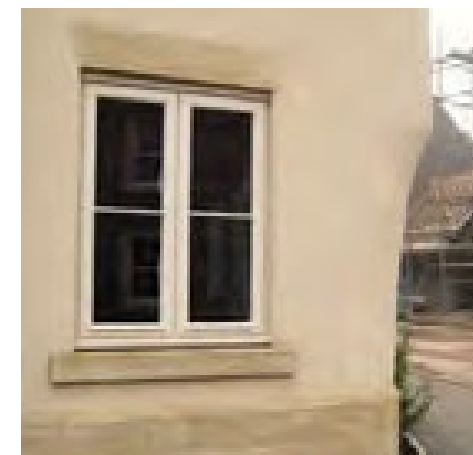
3.17.22 Highly visible buildings (e.g. terminating a view) require larger scale elements that can be seen from afar and small scale richness that will be seen close up. The

detail should be proportionate to the role and position of the house in the place hierarchy.

3.17.23 The individual elements that make up a building collectively influence the quality of its design. Each component must itself be well designed and arranged as part of a coherent composition. Detailed building elements should be relevant to their context rather than crude stick on additions or standardised ‘one size fits all’ solutions. Drawings of details may be sought as part of a planning application or required by condition.



*Above and below: Simple details done well.*



#### Successful places:

- When using standardised components, make use of the range available rather than repetition of a single element.
- Use contextual clues to develop richness, taking cues from locally distinctive details, traditions and craftsmanship.
- Recycle craftsmanship – where present on site, salvaging and re-using elements of richness from the past, which would otherwise be unaffordable.
- Develop richness at different scales for prominent focal point buildings or those seen at longer distance.
- Ensure windows and doors have sufficient recess to add depth, articulation and avoid flat facades.
- Avoid crude, inauthentic or superficial additions.

### 3.17.24 Entrances and access

Entrances should reflect the status and townscape role of the building, draw attention to the way in, be accessible and safe

3.17.25 Entrances are a major design element of any building. They create the first impression and are experienced by all visitors and users. They identify the way into the building and can also make an important statement about its status and townscape role.

198

#### Successful places:

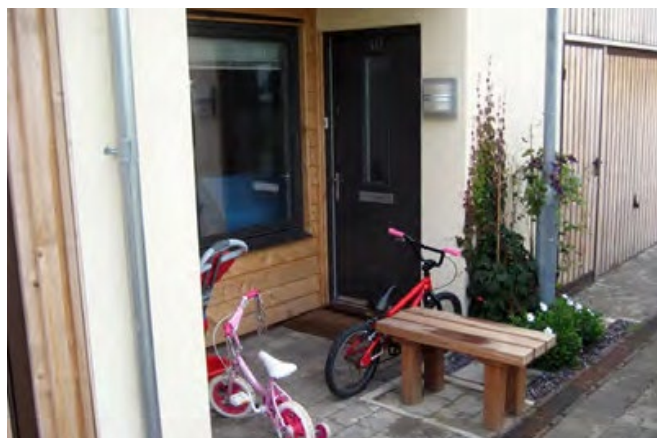
- Locate main entrances primarily on front elevations.
- Ensure entrances are appropriate in scale and appearance to the building and reflect its status and townscape role.
- Provide entrances that are visible and accessible with reasonable gradients and an appropriate landing area.
- Ensure front doors are given greater prominence than garage doors.
- Provide safe routes between dwellings and any associated parking.
- Are well lit for comfort and safety.



*A well detailed door and surround provides an attractive and legible entrance to this home.*



*An attractive quality canopy and door relate to the street while a level threshold affords access for all.*



*A recessed entrance provides an overlooked, level, sheltered porch as well as a social space.*

### 3.17.26 Aspect

Buildings should be orientated to ensure that there is sufficient light to habitable rooms and gardens and occupants have a pleasant outlook

3.17.27 A dwellings aspect and the direction its windows or rooms face affect the internal living conditions, influencing the amount of sunlight and daylight to habitable rooms and gardens as well as the quality of the outlook.

3.17.28 Single aspect and back to back dwellings are unlikely to be acceptable and should normally be avoided. If they face south and west they will be liable to overheat (unless the building is specifically designed to counter this) resulting in an uncomfortable internal environment. If the aspect is north-facing then habitable rooms would never receive direct sunlight.

#### Successful places:

- Avoid or minimise reliance on single aspect dwellings in any scheme and avoid north only facing units.
- Arrange most units to be dual aspect.
- Ensure reasonable levels of daylight to habitable rooms and garden areas.



## Building for a Healthy Life 2020 Considerations

### Back of pavement, front of house

Front space encourages people to personalise their homes. Integrate public utilities.

Part M Requirements split the regulations into three standards according to:

- M4(1) Visitable Dwellings.
- M4(2) Accessible and adaptable dwellings.
- M5(3) Wheelchair user dwellings.

Addressing standards of each for:

1. Parking (width or widening capability)
2. Approach to dwelling (distance, gradients and widths)
3. All Entrances.
4. Entrances
5. Communal stairs and lifts
6. Internal doorways and hallways
7. Circulation space
8. Entrance level living space
9. Potential entrance level bed space
10. Entrance level WC and shower drainage
11. WC and bathroom wall strength
12. Stairs and potential through floor lift in dwelling
13. Potential to fit hoists and bed bath relationship
14. Bathroom layout
15. Glazing and window handle points
16. Location of service control.

## 3.18 Adaptability

3.18.1 Adaptability should be considered as part of the design process. Homes should be capable of meeting the changing needs of their occupants' as they age, have children, or use their homes in different ways. This may mean accommodating the needs of a growing family by having somewhere suitable to store a pushchair, providing a space for study or home working, or making adjustments to cope with infirmity or disability.

3.18.2 Choices made early on in the design process and the method of construction have important implications on a building's adaptability. Future-proofing homes by making them adaptable is inherently sustainable and beneficial for individual householders and communities.

3.18.3 Adaptations usually take the form of either enlargement or internal alteration to suit a particular need. Large floor spaces are generally the most adaptable allowing alternative internal arrangements.



## Good Practice:

In 2015 the Lifetime Homes standard was superseded by M4(2) Part M of Building Regulations, which is broadly equivalent to the Lifetime Homes standard. In 2022, the Government announced plans to raise the baseline accessibility standard for all new homes to M4(2).

M4(2) Part M promotes accessibility and inclusivity in residential design. It includes criteria that provide a framework for creating both accessible and adaptable homes by enabling occupants to maintain their personal independence.

The Standard anticipates the likely future requirements of occupants and ensures that homes can be adapted over time to meet the range of people's needs at different stages of life, whether parents with young children or those with mobility difficulties associated with age or disability.

The practical nature of the Standard and the enhanced accessibility provided by adopting Part M means that they are helpful in many aspects of everyday life, not just those with more specialist needs. For example, hallways must achieve a minimum width and electrical switches and sockets must be sited in more accessible positions.

*Lifetimes Homes in practice: a cloakroom with pre-installed drainage to allow later conversion to a wet room.*

## 3.18.4 Extensions

**The potential for a dwelling to be extended should be a consideration at the design stage providing this would be appropriate to the character of the development and its context**

3.18.5 Houses with adequate internal space will be less likely to require extension. However, the ability of a building to be extended should be a consideration at the design stage. Terraces and closely spaced semi-detached house types are less able to be extended without compromising neighbour amenity or visual appearance.

### Successful places:

- Allow for the potential future extension.
- Adjust the scope for extension according to the character and density of the development and its context.

Where extensions are built onto dwellings they must be designed to be proportionate to the size of the dwelling and garden area, and appear subservient, whilst providing the right configuration of space for a healthy life, with good accessibility, direct and easy movement, and opportunities for downstairs living by including restrooms at ground floor.

"A Lifetime Home is a home that will not evict its occupants through changing circumstances."

Habitat Housing Association

[www.lifetimehomes.org.uk](http://www.lifetimehomes.org.uk)

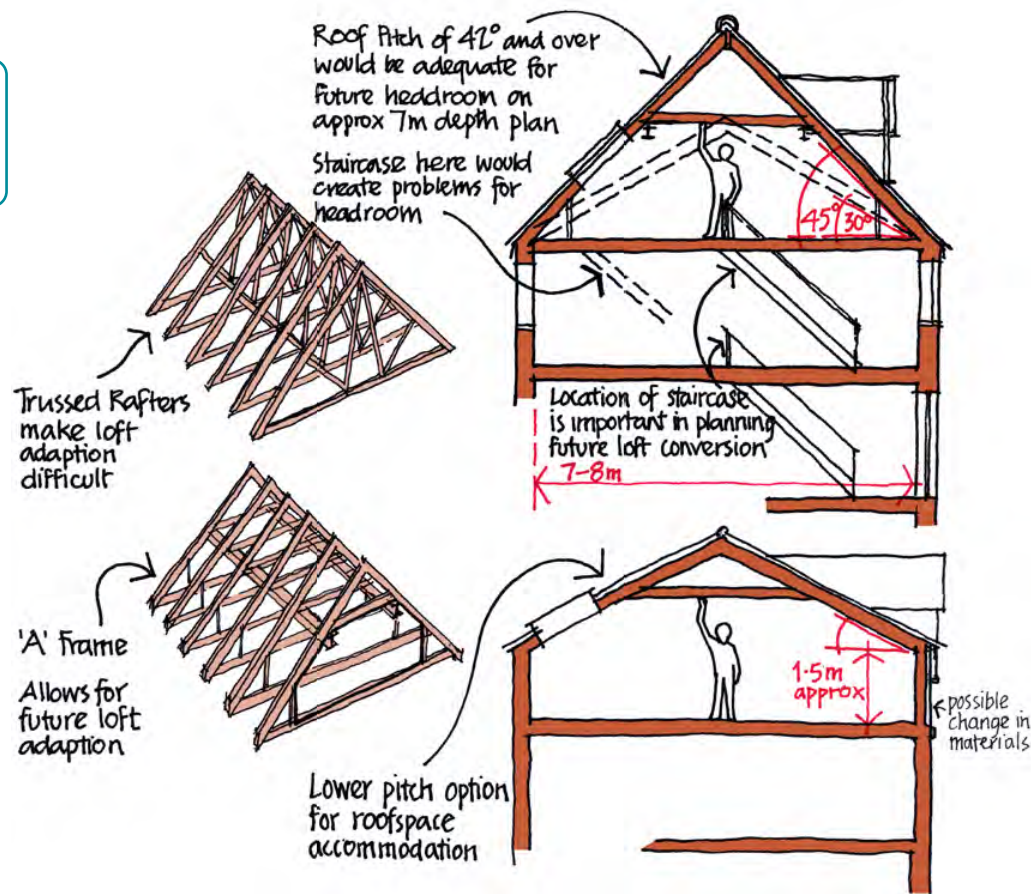
### 3.18.6 Roofs

**Wherever possible roof spaces should be designed to allow for future conversion into additional accommodation**

3.18.7 Homes with pitched roofs can potentially be converted to provide extra accommodation. This can be facilitated and made more cost effective if the design and construction allows for this possibility from the outset. Measures include an appropriate pitch to provide adequate headroom, non-trussed roof rafters, joist specification that requires minimum reinforcement and the space and layout able to provide an accessible staircase into the roof space. Future conversion would require compliance with the relevant Building Regulations.

#### Successful places:

- Make sure the construction and geometry allow for easy conversion to a usable space.
- Plan to allow for future fire protected stair access into the roof space.
- Provide adequate height to roof spaces to enable the correct headroom to be achieved.
- Minimise structural constraints such as trussed roof construction methods and include adequate strength to floors for minimal reinforcement.





Development in the Countryside: The building is of exceptional quality or innovative design.

Special care is required where extensions are planned within countryside settings, they need to be proportionate and of exceptional quality or innovative design. They should relate to the particular setting that they are seen to be located in.

### 3.18.8 Extensions

**Limited and proportionate extensions or alterations to a dwellings depend on proportionate and well detailed designs that respect the parent building.**

3.18.9 General guidance is that an extension should respect the dominance and integrity of the original building. Setting back the new section from the building line and keeping the eaves and ridge lower than the parent building will ensure that the design integrity of the host building is maintained.

3.18.10 The smaller the parent building, the fewer options for extension. A two-storey rear extension to a small cottage is unlikely to be achievable, even on a rear extension due to the often low existing ceiling heights and the need to keep the ridge and eaves of the extension lower than that of the host building.

3.18.11 In some circumstances it may be acceptable to consider extensions which do not emulate the style of the original building. A more contemporary approach to an extension in terms of style and materials, could provide a more honest recognition of the building's evolution and retain its historic integrity. However, a

contemporary addition to a traditional building requires a high level of skill in both the design and the final execution if it is to be successful in achieving this.

3.18.12 Extensions should also:

- Protect and enhance the character and quality of local landscapes and the wider countryside
- Protect and enhance the distinctiveness, character, townscape and setting of settlements
- Conserve and enhance heritage assets and their setting
- Make use of locally sourced sustainable, quality materials appropriate for the development and its surroundings including recycled materials wherever feasible.

**3.18.13 Porches** must be appropriate to the property and well designed. They rarely look right on small cottages and often spoil terrace properties. They detract from the basic simplicity of such buildings. In these cases, an internal porch is the better solution.

**3.18.14 Garages** need to be designed and built in sympathy with the properties they serve. Materials and roof pitch should generally match those of the parent building. If attached to the building, the new garage should be clearly subordinate.

A separate garage building is however often the better solution particularly where more than one garage is needed.

**3.18.15 Conservatories** historically occurred on larger houses from later architectural periods. Like porches, they can be out of keeping on small cottages or houses where simplicity of form is an important existing characteristic. In sensitive historical locations, UPVC is unlikely to be suitable material for conservatories that are located in prominent position.

#### Successful places:

Ensure that extensions are sensitive to the proportions of the existing house and echo its architectural details such as:

- Courses of decorative brickwork
- Window design and window pattern
- Bay or feature windows
- Use of stone detailing
- Type of eaves
- Barge-boarding on gables
- Decorative ridge or hip/pantiles
- The range of materials and how they have been applied.



### 3.18.16 Types of Extensions

The most appropriate design approach in any given circumstances will depend on the nature of the existing dwelling and whether it is detached, semi-detached or terraced, its position within the plot, how typical it is of the street scene, and its architectural style

### The Subservient/ Complementary Approach

3.18.17 A subservient complementary approach is expected for most semi-detached



dwelling and on other dwellings that display a strong sense of symmetry. This respects the host building and gives a less prominent/obvious extension. The extension should be smaller in footprint, volume and lower than the main dwelling. It should step down from the ridge and be set back from the principal elevation, sufficiently pronounced by at least 1m. If single storey the set back will depend on scale and circumstances. Materials used should either match or complement the materials used in the main house.

### The Uniform Approach:

3.18.18 This approach makes the addition look like it is part of the original house, matching the existing materials and style and continuing the form of the existing building. For projects adopting this approach, there is a particular need to ensure that factors like materials and the proportions and treatment of window and door openings have been carefully considered to ensure a fully integrated appearance. In some instances, for example, on semi-detached dwellings, the seamless approach may not be appropriate as it may have a 'terracing' effect.

*Extensions and other works should seek to match the prevailing angle of the original roof, to maintain the proportion of the house.*





## Contrasting and Contemporary:

A variant of the subservient approach but one where the design of the extension deliberately differs from the existing dwelling, whether by its form, details and materials, or its architectural style. This approach requires high-quality design and execution.

The extension could be a more contemporary take on certain characteristics of the existing dwelling with subtle contrasts to discern between the old and new.



The relationship between old and new is crucial, with the junction between the two, and how this is handled, especially important.



Contemporary contrasting rear extension on a traditional style house using part matching brickwork and grey slates, Zinc roof, wooden panels.



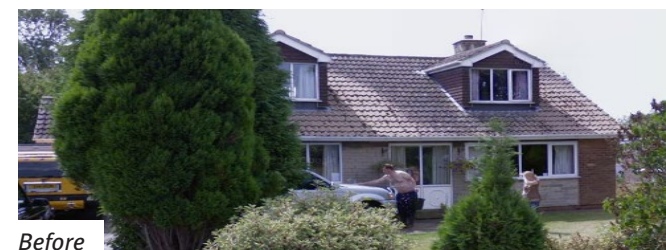
## Radical Makeover:

This approach involves a complete remodelling/makeover of the exterior of the existing dwelling to match the new extension. It would rarely be acceptable on semi-detached or terraced dwellings but may be acceptable on detached dwellings where this is appropriate in terms of its effect on the character of the area and streetscene.

Single storey side extensions should be in proportion with the scale of the host building



with appropriate setback of the extension from the host building where necessary. Whilst there is no specific limit on their width, this may be limited by the need to retain rear access and neighbour outlook/daylight. The streetscene impacts of larger extensions can be reduced by setback(s) and careful roof design.



*Complements of CRT Architecture*



## Examples of Extensions of poor design



*The above extension shows a poor roofline that contrasts and stands out from the main dwelling.*



*Flat roofs should be avoided as they detract from the main elevation and detract from the character of the street.*



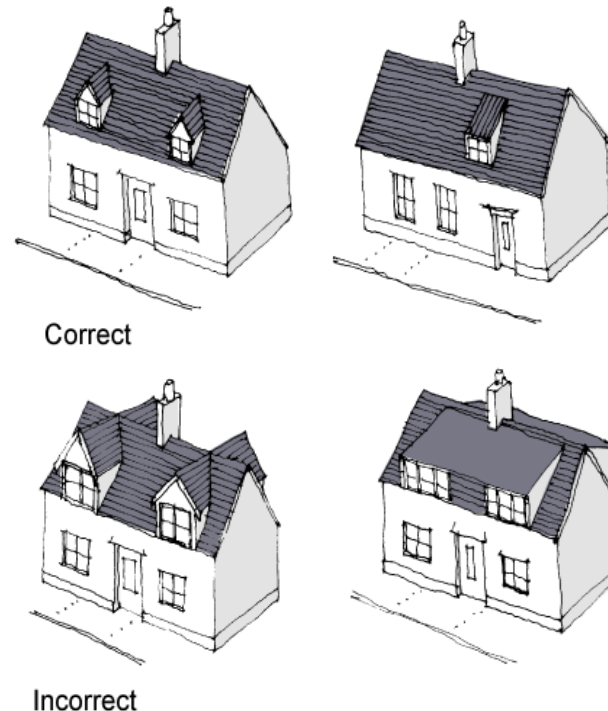
*The above extension shows a poor use of materials that emphasises the extension and spoils the continuity of the street.*

### Dormer roof extensions:

Dormers inserted into existing roof profiles should be proportionate and reflect the character and style of the main building. They should not be located close to verges or hips and should be gables, cat-slide or flat lead roofs. Dormers pose difficulties in terms of design and overlooking. They will often be unacceptable on the front elevation of houses, especially terraced properties.

Roof lights may be acceptable provided that there is vertical emphasis; they are kept to a minimum and hidden from sight or located on reverse slopes. They should not project beyond the roofline and should be kept clear of verges and eaves.

Rooflights should be used sparingly on rear elevations and not in conjunction with dormers.



*Essex Design Guide.*

### Porches

Porches are rarely a traditional feature on the front of terraced houses. They can unbalance a main elevation and intrude in the street scene. In most cases the simpler the porch, the better. Usually a gabled form is preferred, although a lean-to roof may be better on post war houses.

### Conservatories

Conservatories are best sited on the side or rear of a house or to infill a corner. Simple and well-proportioned conservatories are best, with detailing to match the age and style of the main house. Structural elements should usually be coloured to match the window frames.

### Garages

Garages and outbuildings should be subordinate in size and height and match the materials of the existing house. Double garages should have two openings to maintain proportion, and with the roof ridge parallel to the doors. Doors with vertical emphasis are usually preferred with timber side hung doors in Conservation Areas.

Good Practice:



A corner shop within a three storey house.

Allow for high-ceilinged heights with family sized units above. At corners, a step changes can be used to give a building a focal appearance.

Hybrid working patterns and full time working from home has increased the demand for new types of living/work units. Such units may incorporate studios/workshops and likely to be placed strategically on corners or outer areas of new estates where there is a connection with nearby businesses.

3.18.19 Potential for mixed uses

**In locations where a mixed-use function is required or anticipated, a proportion of residential units should be designed to allow for their potential future conversion to non-residential uses**

- 3.18.20 Where a site is large enough to provide a neighbourhood centre, or in locations where a mixed-use function is expected or desirable in the future, designs should anticipate the potential demand for commercial uses and ensure buildings are capable of conversion to business activities appropriate to a residential area. Single-use blocks will be difficult to adapt in future if this is not considered early on.
- 3.18.21 The introduction of small-scale, non-residential uses within a larger development can be constrained by the phasing of a scheme. If small-scale commercial uses are unable to be provided early on in the life of a development, designing buildings that are capable of conversion provides a way of incorporating suitable business uses at a later stage.
- 3.18.22 Likely suitable uses to meet local needs may include convenience shops, small offices, estate agents, pharmacies, hairdressers, hot food outlets, cafes, dentists, surgeries, vets etc. Deliveries, waste storage and

- removal need to be considered, possibly via a rear service access. Front service access may be acceptable depending on local highway conditions, visual impact and amenity.
- 3.18.23 Three main factors influence the ability of a building to adapt for change of use:
- Building depth (affects the provision of natural light, ventilation and any required storage capacity).
  - Access and servicing (affects whether a building can adapt to other uses).
  - Building and ceiling height (floor to ceiling heights particularly at ground floor to allow for suspended ceilings for services).



**Successful places:**

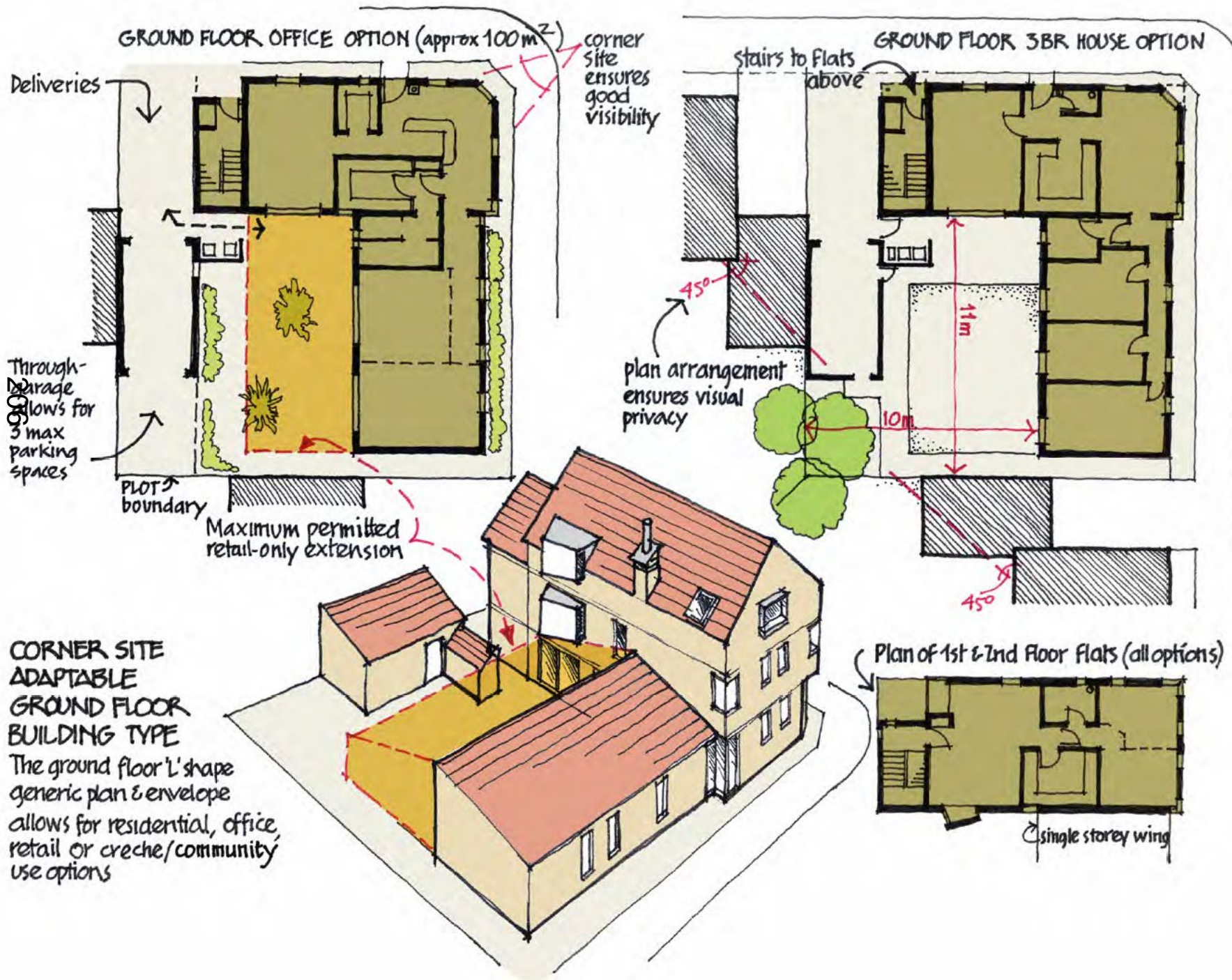
- Provide increased floor to ceiling heights, particularly at ground floor level, to accommodate the requirements of commercial services.
- Have the potential to provide separate entries from the street to upper floors to enable the vertical mixing of uses within buildings.
- Allow for universal access, including for people with impaired mobility.
- Incorporate good acoustic insulation between units and activities.
- Provide for adequate servicing by vehicles for deliveries, waste storage and collection.
- Configure internal spaces to allow uses and circulation to be easily adapted and use construction methods that enable such changes to be easily implemented.

A house designed to include a corner shop unit.

Table 3 Typical small retail / office dimensions.

	Typical	Minimum
Width of frontage	5.4 – 6m	4.0 m
Depth	-	12 m
Height (depending on services)	3.0 – 3.8m	2.8 m
Sales : ancillary ratio	50:50	45:55
Staff facilities – likely requirements	1 w.c. & basin (per sex), Changing area, lockers. Rest room & food prep area.	







## Building for a Healthy Life 2020 Considerations

### Distinctive Places

#### A Memorable Character

Create a place with a locally inspired or otherwise distinctive character.

#### Well defined streets and Spaces.

Face the street and public spaces, perimeter clocks. Active frontages. Carefully considered street corners

### Streets for All

#### Easy to find your way

around. Use legible features to help people find their way around a place. . Street Types, buildings, spaces, non-residential uses, landscape and water to help create a 'mental map.'

#### Back of pavement, front of house

Front space encourages people to personalise their homes. Integrate public utilities. Amenity space for relaxing or drying clothes. Define clearly.

## 3.19 Materials

### 3.19.1 Building Materials

**Building materials and colours should be chosen for their high quality, to complement site context and to strengthen the local distinctiveness of the area**

3.19.2 The use of locally relevant building materials, techniques and detailing can reinforce local distinctiveness and strengthen the special character and identity of a place.

3.19.3 Materials used in boundaries, elevations and roofs should harmonise with the predominant local character, colour tones and texture where these make a positive contribution to the area. For sites with a weak or indifferent context, materials can be used to help introduce a stronger sense of identity to a place. Contemporary schemes can use traditional materials to create distinctive and innovative designs that also connect with and have relevance to the place.

3.19.4 The number of materials and colours should normally be limited to a small palette range, both with façade and within the wider street. The arbitrary use of a variety of



materials and colours in an attempt to achieve 'individuality' should be avoided.

3.19.5 Selection of materials and colours and their distribution across a development should be based upon an understanding of the context and a reasoned approach to the appearance of the scheme as a whole.

### Successful places:

- Ensure the choice of materials and colours complements those of the existing setting.
- Use the choice of materials to strengthen character and distinctiveness (typical of the settlement and area of landscape character).
- Avoid the arbitrary use of a wide variety of materials and colours.
- Normally avoid harsh contrasts and garish colours.
- Utilise locally produced traditional materials or recycle and re-use building materials such as stone, bricks and tiles, to help integrate a development into its context (provided these are not taken from walls and structures that are themselves important elements of the areas character).



*Above and left new homes with brick, stone and roof materials chosen to complement their local context and support the distinctiveness of each place.*

## Sustainability of materials

Can the environmental life cycle cost of materials and components be identified?

This should cover:

- the costs of extracting raw materials.
- the renewable nature of raw materials.
- energy costs in the manufacture of materials.
- the environmental costs of transportation to site.
- the ease of re-use and/or recycling.

Further guidance on sustainable construction is available in the Building Research Establishment (BRE) Green Guide.

Consider the breathability of materials in terms of ventilation when retrofitting existing houses. Ensure airflow is balanced against needs to prevent loss of heat.

Ref: Historic England: Building Stones of England Data Base 2023.

## 3.19.6 Integrity and robustness

**Materials should be durable, robust and maintainable and chosen with regard to their visual qualities and contribution to the character of the area.**

3.19.7 The choice of materials needs to take account of their durability as well as aesthetic considerations and character.

3.19.8 It can be tempting to select materials based on their low cost and ease of maintenance, such as the use of moulded glass reinforced plastic (GRP) features. This can be particularly inviting where houses are to be managed by an external organisation such as a housing association. However, low cost, low maintenance materials and

### Successful places:

- Use robust, locally relevant materials that will stand the test of time.
- Use and locate materials so they can be easily maintained when they begin to deteriorate.
- Balance considerations of cost and maintenance with the need to achieve visual harmony, quality and integrity.



*Slate roof with a thin leading edge profile provides a high quality finish.*



*Natural local stone is robust, has integrity and reinforces local distinctiveness.*

inauthentic 'stick-on' additions lack integrity and undermine the quality of place.

3.19.9 New buildings should possess integrity and normally avoid the use of inauthentic materials or imitation features.

3.19.10 Where materials are located on a building is also a factor to be considered e.g. siting painted timber boarding high up on a flatted development makes it inaccessible and difficult to maintain once it begins to deteriorate and likely to lead to its future replacement.

*Traditional materials of brick, timber and stone combined in a contemporary design.*



*Clay pan tiles and stone slates in a rural context.*



*Above: Mass produced materials like moulded glass reinforced plastic (GRP) are inauthentic, appear crude and undermine the quality of the development.*





## Materials

**Local Building Stone:** The northern half of Bolsover is distinguished by the underlying geology of magnesian limestone. Local Magnesium Limestone was extensively used in the construction of buildings in Bolsover district, reflecting the traditional character of Bolsover town and rural villages. This band of stone crops out just north of Nottingham extending up through Bolsover, forming creamy white soft stone.

Within the south of the district 'Coal Measures Sandstone' is the local building stone, it is a soft, sandy, brown sandstone. For Bolsover Castle, local Carboniferous sandstone was used for some dressings, with 'Red Dolomitic Mansfield Stone' being a principle building material. While traditional quarries are no longer actively working, there is a growing awareness of using local materials for new construction and conservation projects to maintain the unique character of the settlements.

Magnesium Limestone and Millstone grit cross over into the area, for more bespoke detailing from more central areas of Derbyshire. Squared and tooled Ashlar stonework remains a superior material.

**Stone Detailing:** Gables maybe capped with shaped coping stones, and sometimes crowned with decorative finials. The corners are given structural and visual strength by use of large quoins, alternating between long and short.

Doors and window openings are spanned with stone lintels, either plain rectangles or wedge shaped.

**Bricks:** Red brick was used extensively for farm outbuildings and became the main building material in the 19th century. There is a degree of crossover on the use of materials. Bolsover District used many local brickworks which can still be identified around the area such as Bolsover Colliery Brick works, Barlborough brick works, and Byron Brickworks at Palterton. Bolsover new village used a shale brick using colliery waste and shale with local clay. The character of brick walls are determined by the pattern of bonding, using a consistency in materials throughout.

Blue bricks are used with red bricks for plinths, string lines and decorative articulation.

Limit the use of buff coloured brickwork as a substitute for stone. This can work inside estates but is a poor representation of traditional building stone. Red brick with limited use of stonework is preferable.

**Cladding:** The use of Wood as a cladding material has been limited within the district, however, where it is of high quality and relevant to the context it will be accepted. Wooden cladding on rural buildings will need to be natural wood, whereas the use of composite wooden panels are less suited to rural situations where visible, and more suited to urban contemporary situations, although this depends on the extent of cladding required.

**Artificial stone:** can be considered in local housing outside conservation areas, and where cost can influence choice in larger housing schemes. Example where artificial stone has been used successfully are in Bolsover North.

**Render:** White render can be very stark when viewed across open countryside, and is discouraged on the edge of development. Consider half render or partial recessed renders.

**Boundaries:** Rubble walling is common in the area and can help characterize the thresholds and entrances into estates.

**Roof materials:** In general, consider use of grey slates where a more recessive appearance is required, usually to reduce impact of new housing on views in open countryside.



*Pantiles at Bolsover. The two course of stone slates gives stronger eaves with better projection from the wall.*



## Building for a Healthy Life 2020 Considerations

### Streets for All

#### Back of pavement, front of house

Front space encourages people to personalise their homes. Integrate public utilities. Amenity space for relaxing or drying clothes. Define clearly.

The collection point should be reasonably accessible to the size of waste collection vehicles typically used by the waste collection authority.

Access for storage areas should not exceed 1:1 in gradient. Exceptionally this may be exceeded provided that the lengths are not excessive and it is not part of a series of slopes.

## 3.20 Servicing

3.20.1 Practical servicing requirements are a necessary design consideration, but they can impact on the quality of place. Servicing needs are likely to include access for service vehicles, adequate space to store bins and recycling containers, the placement of utility meters and provision of storage for dirty items such as bikes and pushchairs.

### 3.20.2 Bin storage provision

**Each dwelling should have an adequate storage area for refuse and recycling containers, designed and sited so as not to detract from the appearance of the development and to allow bins to be safely and conveniently taken to the collection point**

3.20.3 Bolsover has its own refuse collection and recycling system shown in the table below. This summarises requirements for the number and type of bins or recycling containers.

3.20.4 Each plot must include sufficient space for the storage of the type and number of containers operated by the waste collection authority. Where bin storage areas are provided for individual dwellings, an area measuring 1.4sqm per bin should allow sufficient space for storage, access and handling of the bin.

Table 4: Bolsover bin storage provisions:

3 bin system		1100 (equivalent to storage for 5 units)	Two-wheel containers - 15m
Black bin residual waste	240		Four-wheeled containers - 10m
Green bin garden waste			
Burgundy bin dry recyclables			
Contact: 01246 242424 Street Services (Bolsover District Council)			

Where communal storage areas are provided space requirements should be determined in consultation with the waste collection authority.

External storage areas for waste containers should be away from windows and ventilators and preferably be in shade or under shelter. Storage areas should not interfere with pedestrian or vehicle access to buildings.

Unightly bins can damage the visual amenity of an area and contribute to increased levels of anti-social nuisance such as odour and litter, so bin storage should be planned carefully. Where the location for storage is in a publicly accessible area or in an open area around a building (e.g. a front garden) an enclosure or shelter should be considered.

Storage areas for waste containers and chutes should be sited so that the distance householders are required to carry refuse does not usually exceed 30m (excluding any vertical distance). Containers should be within 25m of the waste collection point. The location for storage of waste containers should be sited so that, unless it is completely unavoidable, the containers can be taken to the collection point without being taken through a building, unless it is a porch or garage, or a car port or other open covered space.

Ref: Building Regulations Approved Document H – Drainage and waste disposal (2015).

## Good Practice

Typical wheelie bin sizes (cm)

- **140 litre bin**  
H. 1060, W. 480  
D. 550
- **240 litre bin**  
H. 1070, W. 585,  
D. 740
- **360 litre bin**  
H. 1090, W. 600,  
D. 880
- **660 litre bin**  
H. 340, W. 1220,  
D. 950
- **1400 litre bin**  
H. 1300, W. 1220,  
D. 1070

(N/B Dimensions are a general guide only)

## Refuse storage space

This can be over-designed, and there are many examples of ugly dustbins concealed inside even more ugly bin enclosures - little temples which make an inappropriate celebration out of storing refuse.

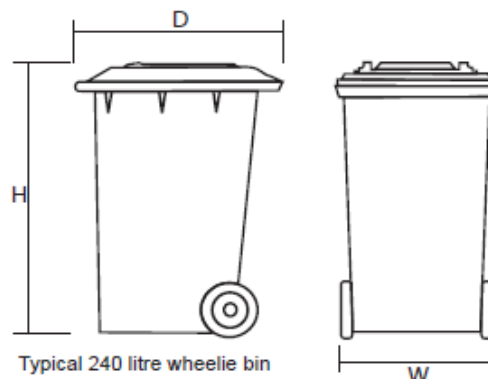
## 3.20.5 Siting and design

3.20.6 Bin storage areas should be conveniently located to enable bins to be easily moved to the collection point, without the need for bins to be taken through a building (excluding garages, carports or similar external covered spaces). Bin storage within garages is acceptable, provided the garage design is big enough to comfortably accommodate both a vehicle and the required waste storage (see 3.8 Parking).

3.20.7 Waste storage areas located on property frontages are convenient for the purposes of collection but can be visually intrusive and detract from the appearance of the street. Proposals must therefore balance the need for bin stores to be not only convenient and robust, but also visually sympathetic. They should be positioned to avoid or minimise any adverse visual intrusion into the street scene or other publicly visible locations.

## 3.20.8 Security

3.20.9 Careful consideration should also be given to their positioning and design for reasons of safety and security.



3.20.10 In communal buildings, waste storage chambers provide bin storage for communal waste containers, as either integral or attached annexes or separate buildings. Ideally, they should be accessed externally to prevent access being gained to the building through the waste storage chamber. Where possible, access should also be limited to prevent bin fires.

3.20.11 Communal bin storage areas or compartments should also be well lit, both for both convenience and safety.



*Lack of adequate storage space resulting in bins on public frontages.*



*Above/centre: Bin storage discretely integrated behind front entrance gate piers.*

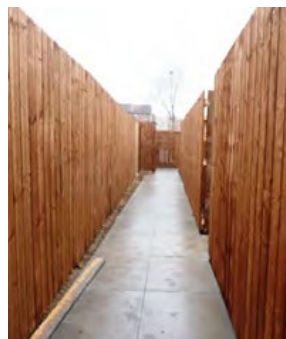


*Modest brick walls and railings reflect their context and provide defensible space to small front gardens.*



*Communal bin store integrated into a lean to behind a security gate. A visible side wall on a corner plot is finished in local stone to a high standard.*





212

Rear-access paths are unwelcoming, raise potential safety concerns and waste valuable space. Poor maintenance of paths contributes to their lack of appeal.



### 3.20.12 Rear-access paths

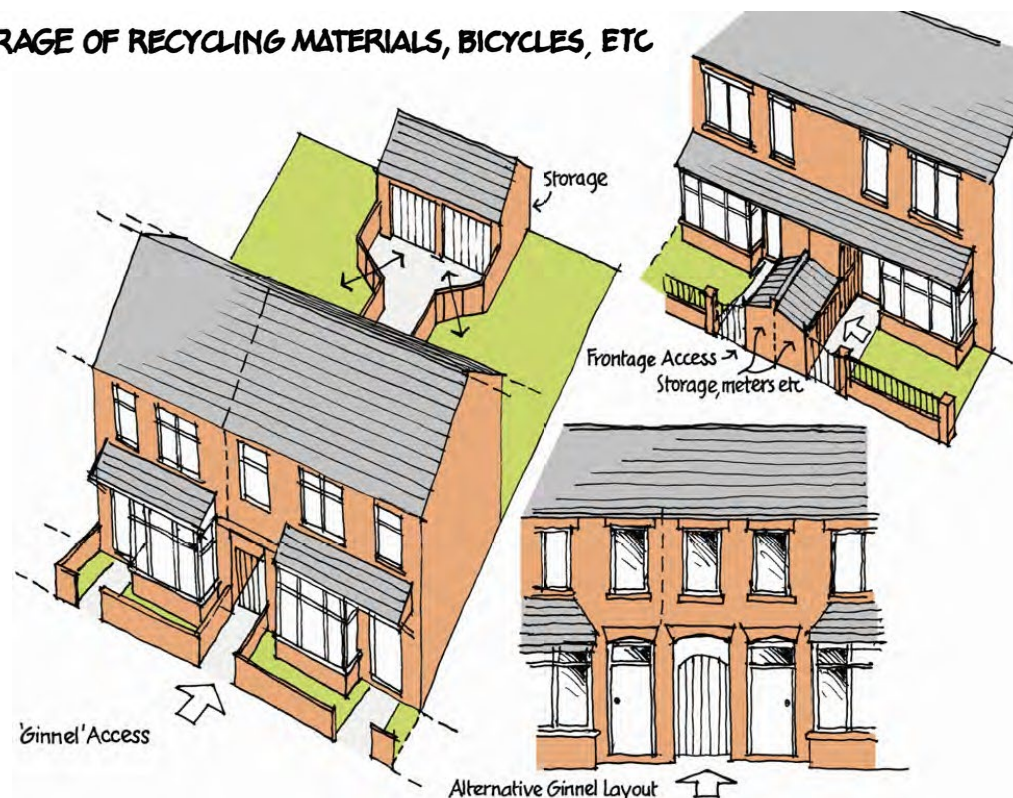
3.20.13 In the layout of terraced housing rear-access paths enable the movement of refuse bins, garden equipment etc. without the need to pass through the house. However, they are wasteful of valuable space and often long, narrow, poorly lit and unwelcoming spaces. This discourages their use and can cause bins to be left on frontages, detracting from the street scene. For reasons of safety and security, convenience, character and maximising garden sizes, rear-access paths should normally be avoided.

3.20.14 Where an access path is required this should normally be provided between units below an oversailing storey or 'ginnel'. These reinforce their privacy and security and are an established feature of the area. They can also be grouped with entrances to form interesting elements and attractive arrangements on a facade.

3.20.15 If rear access paths for multiple dwellings are unavoidable, these should be minimised and their adverse effects mitigated by keeping them short, direct, and serving as few properties as possible. Any boundaries should incorporate open/trellis panels to allow overlooking of the path.

Refer to the **Secure By Design Homes Guide (2024)**, by the Official Police Security Initiative.

### STORAGE OF RECYCLING MATERIALS, BICYCLES, ETC





## Useful References

BS 5906:2005  
Waste  
Management in  
Buildings Code  
of Practice,  
BSI Manual for  
Streets, 2007,  
DCLG, DoT, WAG

The Building  
Regulations  
- Approved  
Document H:  
Drainage and  
waste disposal  
(2006 - updated  
2009), ODPM

(see Section  
H6 Solid Waste  
Storage, ODPM)

### 3.20.16 Bin Carry Distances

3.20.17 Residents should not normally be required to carry waste more than 30m (excluding vertical distance) to a bin storage point.

3.20.18 Where bins are unable to be taken to the edge of the street, for collection (such as flats with large communal bins), waste operatives should not normally be expected to move 4-wheeled containers more than 10m or 2-wheeled containers 15m to the waste collection vehicle (as recommended by BS 5906:2005), although Manual for Streets (2007) indicates that up to 30m can be a reasonable carry distance. If proposals intend to site bin stores that require bins to be carried further than 10m or 15m respectively, the advice of the waste collection authority should be sought to determine if this is acceptable.

3.20.19 Designs should also ensure that waste containers can be left out for collection without unduly blocking the footway or causing an unnecessary obstruction to pedestrians. In some circumstances a specific bin collection area may be necessary to ensure this is managed appropriately.

3.20.20 Developers and their designers are encouraged to liaise with the local planning authority and the waste collection authority to reach a mutually acceptable agreement on waste storage capacity, siting, access and design considerations.



*Bin storage areas shown on a layout drawing to demonstrate that these servicing requirements have been addressed (Drawing courtesy of Walker Troup Architects).*



*Above: Communal bin stores positioned discretely between buildings with a short level access to the street for ease of access on collection day*

### Successful places:

- Provide sufficient space to store the type and number of bins and recycling containers provided by the waste collection authority.
- Locate and design storage areas so they are convenient but not visually intrusive.
- Avoid locating bin storage where it will obstruct parking or access.
- Ensure suitable access between bin collection points and service vehicle access.
- Design bin storage areas to be discrete, functional and robust.
- Use ginnel passages between terraced houses (in preference to rear lanes) to provide direct and secure access to gardens and bins.
- Any gates securing an access path should be visible from or close to the street facing that elevation of the property.
- Avoid rear paths as a means of providing rear access to terraced houses but, if unavoidable, minimise the number and extent and mitigate their shortcomings.

### Good Practice

Waste collection vehicles should be able to get within 25m of the waste storage point.

Gradients should not exceed 1:12.

There should be no more than three steps to negotiate for waste containers up to 250 litres (ideally there should be none) and no steps where larger waste containers are used.

Source:

Schedule 1, Part H, Building Regulations (2010) (N/B BS 5906: 2005 recommends shorter distances).

The maximum reversing distance for service vehicles is 12m.

### 3.20.21 Access for service vehicles

**Layouts should facilitate access by service vehicles and be designed so that any turning areas do not dictate the form of layout, but are incorporated within it**

3.20.22 Waste storage and collection regimes affect quality of place by influencing the size and type of vehicles that will require access.

3.20.23 Waste collection requirements should be an integral part of street design and layouts should make provision for public service vehicles (i.e. refuse collection) and general deliveries to gain effective access. However, this should not be at the expense of the quality of place.

3.20.24 The inclusion of turning areas should normally be avoided by designing layouts as through routes. This obviates the need for heavy vehicles to reverse, as reversing is a serious hazard to pedestrians and other road users. If a turning area is required this must not dictate the form of layout (as with a standard turning head) but be incorporated within a space that forms part of the

public realm, within which a service vehicle can turn.

3.20.25 Sufficient space for a three-point turn within the turning space is normally desirable; although where turning is likely to be infrequent or where pedestrian and traffic flows are low more complex turning manoeuvres may be acceptable.

3.20.26 Cars parked inconsiderately in turning areas can obstruct service vehicles and cause difficulty with bin collections. The provision of adequate residential parking is therefore an

#### Successful places:

- Provide access and turning for service vehicles without being designed with only these needs in mind e.g. within spaces designed as part of the public realm.
- Demonstrate the ability of a space to accommodate a turning service vehicle using swept path analysis.
- Provide reasonable access between waste storage areas and collection vehicles are robust, fit for purpose and capable of withstanding the demands of heavy vehicles.

important factor in the design and layout to ensure adequate service access.

3.20.27 Vehicle tracking/swept path analysis should be used to assess the accessibility of layouts and spaces to show that they are capable of accommodating a service vehicle:

#### Vehicle type:

Olympus 27L 8x4 MS Chassis

**Length:** 10.29m

**Width:** 2.53m

**Cross weight (fully laden):** 32,000kg





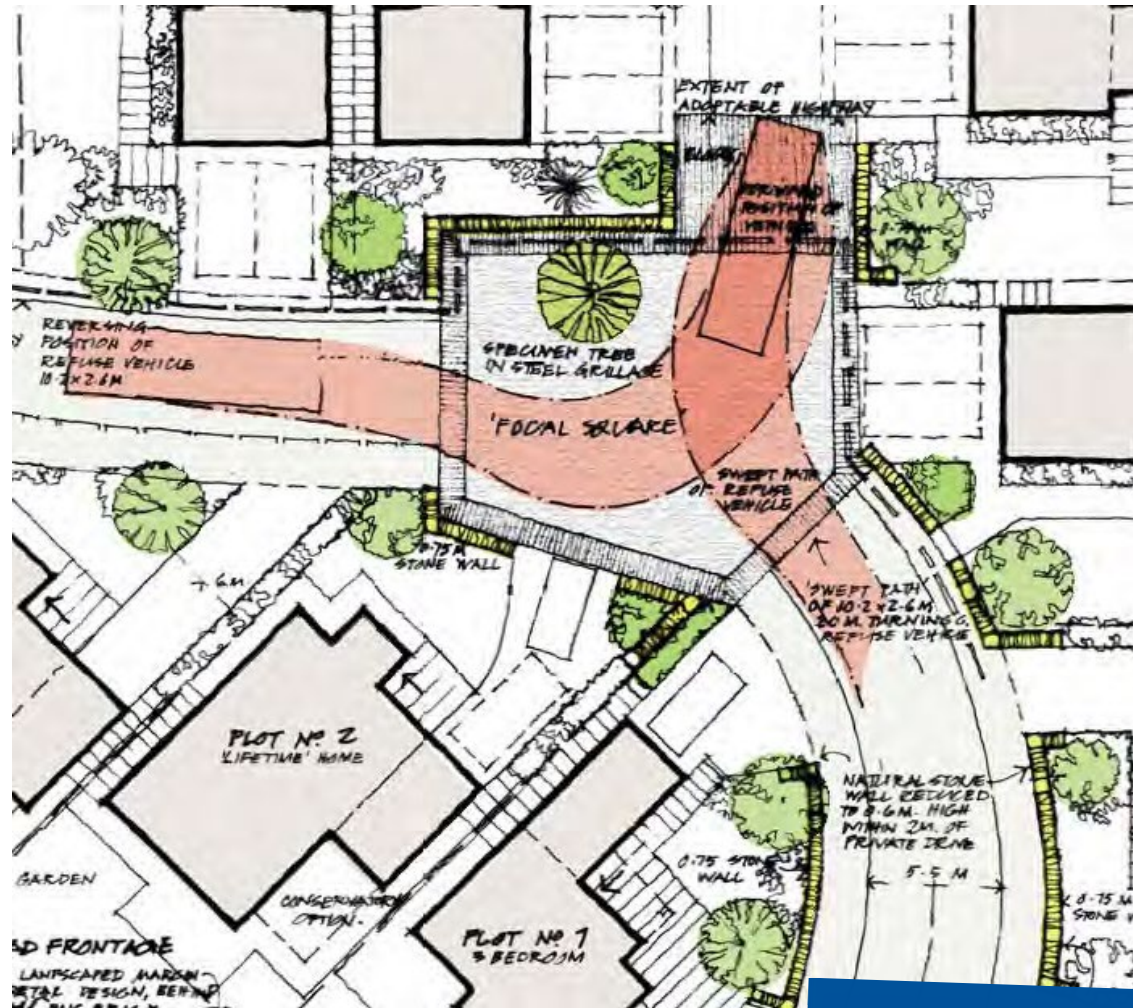
Cars parked within a turning head cause an obstruction to service vehicles needing to turn.



Streets and turning areas must be tested to ensure they are capable of accommodating large service vehicles.



Accessible, integrated, robust and ventilated bin storage that works with the building typology.



‘Avoiding Rubbish Design’ NHBC 2015 , provides case studies and diagrams to demonstrate good design of bin storage.







Secure ground floor bicycle and pram storage to flats.



With careful design utility areas provide some scope for storing items such as pushchairs.

### 3.20.28 Storage of dirty items

**Dwellings should be provided with an area suitable for storing dirty items, appropriate to the size and type of accommodation**

3.20.29 The inclusion of adequate storage space is essential for the convenience and running of any home. This should include space for storage of outside items such as bicycles, pushchairs, shopping trolleys, garden tools and so on.

3.20.30 The location and amount of this type of storage will vary depending on the nature and size of the dwelling. Often this is most appropriately located in outbuildings, although the dimensions of garages should be able to accommodate both a car and storage.

3.20.31 Where there is no convenient access to secure external storage, outside items may potentially be stored internally. This should be in addition to normal domestic storage space. For example a utility room could also serve as an area of dirty storage, if it is of sufficient size to act as both a store and still remain functional.

3.20.32 For flats, bicycle and pushchair storage in communal stores should be weather protected, easily

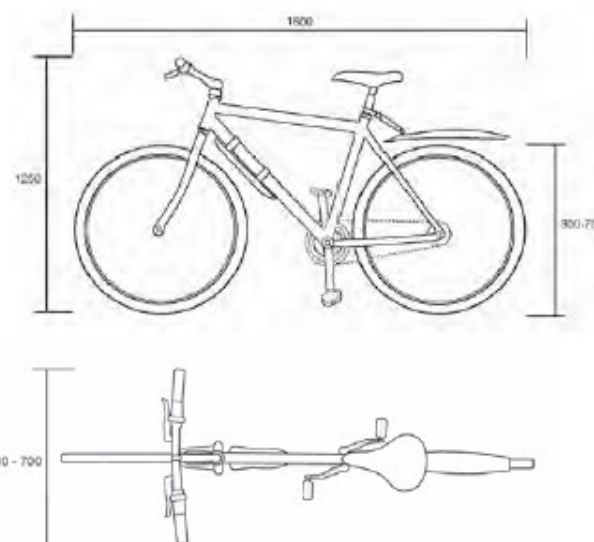
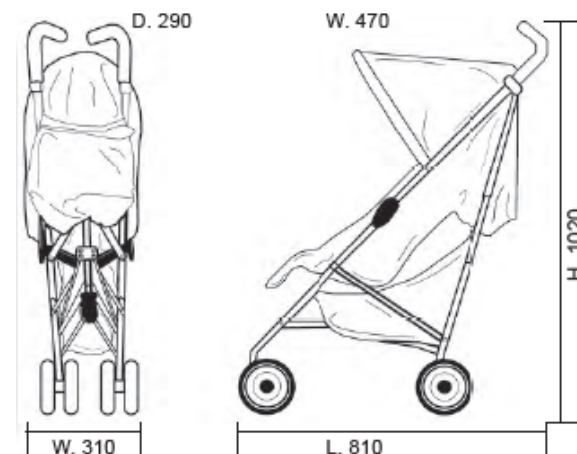
#### Successful places:

- Provide adequate dirty storage to meet the likely needs of the household.
- Ensure external dirty storage is weather protected, accessible, safe and secure.
- Provide some additional space for internal dirty storage areas where it cannot be accommodated outside.

accessible, safe and personalised wherever possible. It should not be located in habitable rooms or balconies.



Typical dimensions of a pram (extended)



Typical dimensions of an adult bicycle

## Air Source Heat Pumps

Where permission is required, try to locate an ASHP in place with least visual impact away from the primary elevation or between the house and the highway. Install against a similarly coloured wall and minimize reflecting surfaces. Use a carefully considered enclosure.



Lambeth Design Guide on Retrofitting (Permission) August 2023



Heat Pumps in Historic Buildings Historic England May 2023.

### 3.20.33 Utility meters

3.20.34 Utility meters are a necessary but often unsightly feature of modern residential developments. Meter boxes should normally be positioned discretely on an outside wall so they are accessible without the need to enter the dwelling.

3.20.35 For reasons of safety and security the siting of utility meters should be on the public side of any side/rear fences or gates. Where meters can only be positioned on visible elevations they must be sited to minimise their prominence and factory finished in a colour that complements rather than stands out from the background materials.

3.20.36 In the case of multi-occupancy developments, where possible utility meters should be located on the ground floor between access controlled doors (air lock system) so that access can be restricted to the meters.

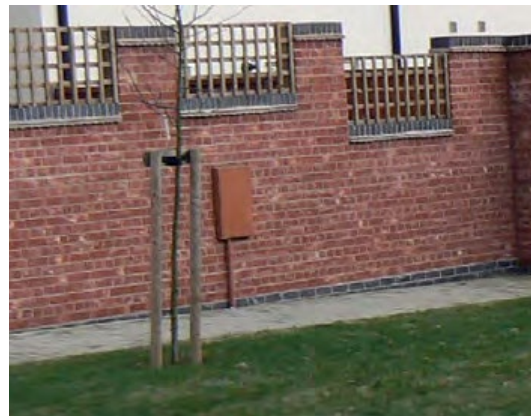
3.20.37 Utility meters must be positioned discretely and coloured so they do not appear dominant or detract from the appearance of the building or development.



A meter box sited discretely within a porch enclosure.



Meter boxes prominently positioned on front elevations detract from the appearance of these houses.



A meter box positioned on a rear boundary wall to an internal parking court and colour coded to the brickwork.



Meter boxes carefully located on a flank wall and coloured to complement the brick tone.



Where meter boxes can only be positioned on a prominent elevation this should be finished in a colour to complement the background material.

### Successful places:

- Position meter boxes with consideration to minimising their visual prominence and impact.
- Finish meter boxes in a colour that blends in with chosen background material and colour.
- Locate utility meters having regard to safety and security considerations.



218

OLD GREEN CLOSE

*Old Green Close, Creswell*





## 4. Management and Maintenance Good Urban Design Practice

“Good places that are actively managed and safe will encourage a positive neighbourliness and sense of belonging.”

**Urban Design Compendium 2: Delivering quality places, English Partnerships & The Housing Corporation**

4.1 Adoption and Management

4.2 Street trees and Planting

## 4.1 Adoption and Management

### 4.1.1 Ensuring long term quality

The on-going management and maintenance of places is a key aspect of their long-term viability and quality. Our streets, parks and public spaces must provide high quality places that can be easily maintained at a reasonable cost. Maintenance issues and costs therefore need to be considered as part of the design process to ensure that maintainable schemes can be achieved and managed thereafter.

4.1.2 Funds spent on a good design and hard wearing materials can be saved through lower maintenance costs over the lifetime of the asset.

### 4.1.3 Adoption of highways

Developers should work closely with the planning and highway authorities during the design stages to ensure that their adoption requirements can be achieved without undermining the quality of the public realm. This is particularly important where schemes propose creative or non-standard design solutions in order to resolve any issues around adopting highways at an early stage.

4.1.4 Derbyshire County Council (DCC) is the highway authority for the area covered in this SPD. The Authority

adopted Planning Streets and Places 2024. This guide details issues relating to the design and adoption of new roads.

4.1.5 In order to be adopted, all aspects of the public realm need to satisfy the technical requirements of the relevant adopting authority.

### 4.1.6 Safety and quality audits

The need for a safety audit should be discussed with the highway authority at an early stage. A safety audit is not normally required for streets designed and built for residential purposes, but may be prudent where a scheme proposes an innovative or non-standard design. This could be subject to a group professional review which includes a quality and safety audit. They are normally undertaken at each stage of the design process (feasibility, detailed design and on completion).

4.1.7 A quality audit addresses all aspects of street design including qualitative considerations. This normally includes their effectiveness for allowing movement of all traffic, including pedestrians, cyclists and people with impaired mobility as well as road safety, quality of place and visual appeal.

4.1.8 The format can be used to identify and resolve any issues that arise as part of the safety audit process. It provides the basis of a documented record for consideration of the issues, to demonstrate that these have been fully considered and appropriately addressed.

### 4.1.9 Swept path analysis

It may be necessary to demonstrate that the proposed junctions and turning areas are capable of accommodating the movements of service vehicles, buses and emergency vehicles. Applicants may be required to provide evidence in the form of swept path analysis to show that access and essential manoeuvres can be achieved in an acceptable way. This should be established at an early stage.

4.1.10 Road construction and materials must be capable of withstanding the loads and amount of traffic they will be expected to carry.



## Good Practice

Where it is proposed to use alternative materials or incorporate non-standard features the highway authority will need to be satisfied that these are:

- Easy to maintain and replace.
- Durable.
- Safe for purpose.
- Sustainable.
- Appropriate to the local character.

Source: 6C's Highway Design Guide

## Useful Reference

Commuted Sums for Maintaining Infrastructure Assets: Guidance Document, ADEPT 2024

County Surveyors Society (2010)

[www.cssnet.org.uk](http://www.cssnet.org.uk)

### 4.1.11 Commuted payments

4.1.12 If streets and public spaces are to be adopted the layout and selection of materials must be acceptable to the adopting highway authority.

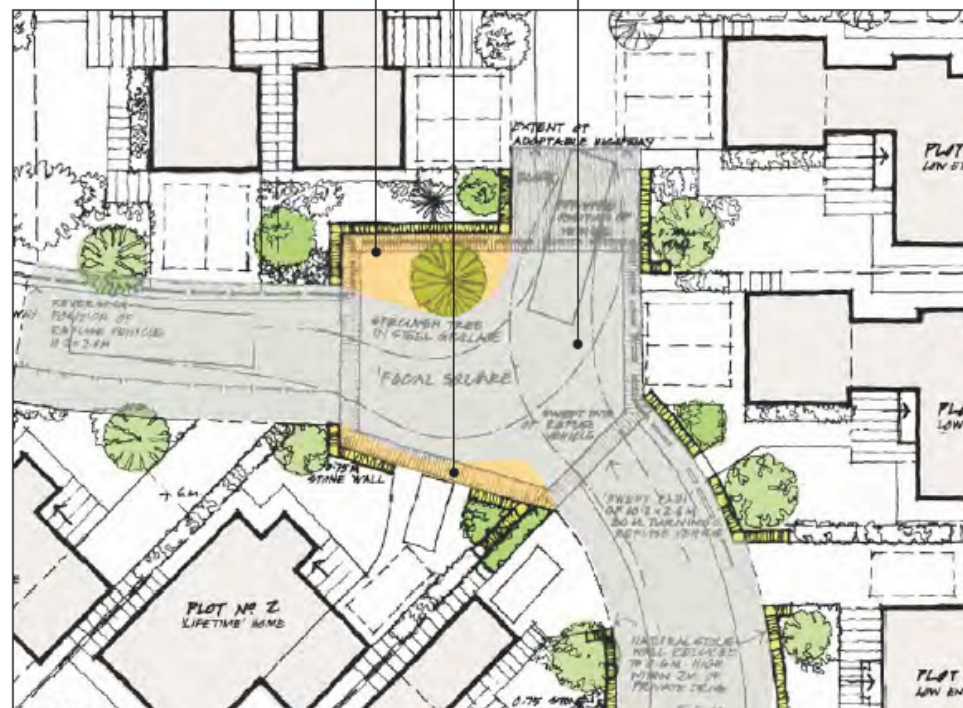
4.1.13 If proposals include features that do not relate to essential highway functions of the street (such as alternative materials, street trees/planting, extraneous areas of road space not necessary to the operation of road, as in a public square) the highway authority will need to be satisfied that such features do not place an additional unnecessary burden on maintenance budgets.

4.1.14 Where alternative materials or non-standard features are agreed in principle with the highway authority, it will normally be necessary to make a commuted payment to cover the additional costs that will be incurred in their future maintenance.

4.1.15 The Planning Streets and Places 2024 document details the requirements of the commuted sums policy. This covers a range of materials and features, including

Areas outside the essential functioning of the highway, likely to require a commuted payment

Area of adoptable highway



An example of a space where those areas outside that which is essential to the functioning of the highway (indicated in orange) would be likely to require a commuted payment for the highway authority to adopt these areas as part of the highway and to cover its future maintenance. (Drawing courtesy of Pinfold Securities and David Black, Architect)

alternative materials and finishes such as block paving and surface dressings, bollards and street tree planting.

4.1.16 The appropriate mechanism for the payment of commuted sums related to highway requirements is

normally via the section 38 and/or section 278 agreement process under the Highways Act 1980 (as amended).

## Good Practice

Other factors to be considered that influence the selection of trees when deciding upon species, position and spacing:

Likely future mature size of tree or group of trees.

Existing tree species, numbers and varieties.

Local native species.

Soil type, e.g. acid or alkali, freely or poorly drained site conditions; e.g. sheltered or exposed, root problems, especially on shrinkable clay soils and surface rooting trees, if proposed near to pathways.

Proximity of roads, public rights of way, paved surfaces, buildings, lighting and services.

Nuisance; for example, fruiting, common lime aphids etc.



A poorly located tree in relation to the adjoining street lamp will block its light.

## 4.2 Street trees and planting

4.2.1 Trees and soft landscape can make an important contribution to the appearance and character of a street, along with other environmental benefits.

4.2.2 The highway authority will require payment of a commuted sum towards future maintenance for each tree, shrub or area of planting that is proposed within the highway in order for it to be adopted (see Planning Streets and Places 2024 for details).

4.2.3 Separate approval is required from the highway authority for any landscape proposed within the highway. N/B this is in addition to any approval granted by the local planning authority for landscape that forms part of a planning permission or requirement by condition.

4.2.4 The selection of tree species and their siting within the street scene requires careful consideration and balancing of:

- Maintaining adequate visibility from junctions and accesses.
- The positioning of trees in relation to street lighting to avoid undue reduction in light levels.
- Avoiding conflict with existing or proposed utilities and drains.
- Maintaining reasonable levels of natural surveillance to frontages.

4.2.5 You are recommended to engage the services of a chartered landscape architect to advise and prepare suitable proposals for the landscape of the development.

Further details on soft landscape and trees are set out in the Planning Streets and Places 2024 document and must comply with the required specifications.

4.2.6 This guidance sets out design considerations for tree planting, which includes:

- Excavation of tree planting pits and specification of the growing medium.
- Tree planting and staking.
- Grilles and guards in paved areas.
- Watering.
- Tree specifications.
- Establishment maintenance for new trees.

4.2.7 Maintenance of existing trees and vegetation.

4.2.8 Trees within the highway should provide sufficient planting space to enable the tree to become established, while maintaining a safe and functioning street and footway. Normally a 2m wide footway will need to be maintained, in addition to the area necessary for planting. Tree root barriers are also likely to be required to manage root spread, protect utilities and assist in maintaining even surfaces.



*A properly designed and constructed tree pit means that the tree will have a greater chance of becoming established and a long term addition to the street scene.*



*A suitable tree grille within Urban areas provides protection for the tree against soil compaction whilst allowing air and water to reach the roots which are essential for it to thrive.*



## Useful Reference

The Flood and Water Management Act (2010) Schedule 3, Section 32 places a duty on County or unitary authorities to adopt SuDs.

Ref: Ciria SUSdrain Fact Sheet: Sustainable Drainage Systems (SuDs) maintenance and adoption options (England) (2015)

224

## 4.2.9 Managing Physical Assets

4.2.10 Where parks or public spaces are provided these may be adopted by the local authority (borough, district, town or parish) subject to the developer meeting obligations in respect of the transfer of the land in an appropriate condition and provision of commuted payments towards future maintenance. Such provisions are normally set out in a Section 106 legal agreement attached to the planning permission. Other physical assets, such as sustainable urban drainage systems (SuDs) would need to be adopted by the relevant responsible body.

4.2.11 Applicants should discuss adoption and management requirements with the local authority at an early stage to determine the necessary provisions for adoption and any likely commuted sums associated with its future management and maintenance.

4.2.12 If a developer does not propose to convey public spaces for adoption, it will be necessary to ensure that suitable alternative arrangements are put in place to

secure its on-going management and maintenance.

4.2.13 In all cases the developer must make it clear how public spaces are to be managed and maintained (whether public or private) and put firm arrangements in place to demonstrate how this will be delivered. Undertakings should also be given that any spaces not adopted by a public body will remain publicly accessible.

4.2.14 Maintenance options by a non-public body could include:

- Maintenance by a Bonded Management Company.
- Maintenance by a Charitable Trust.
- Other solutions through special arrangement, such as maintenance by residents and/or businesses, where it can be demonstrated to be a responsible, properly constituted body with the necessary capabilities and resources to fulfill its role.

4.2.15 Knowing how a place will be managed will influence how it is designed. The chosen management structure should have the appropriate skills and resources to manage the

assets for which it is responsible, both now and into the future.

## SuDs Maintenance

Rules on surface water sewers apply to all water and sewerage companies in England. The rules allow English water and sewerage companies to adopt a wide range of sewer types, including some SuDs.

It is advisable for developers and their consultants to give early consideration to the maintenance requirements for their SuDs scheme and potential routes for adoption. They should then also engage with the LPA and the Lead Local Flood Authority (LLFA) early on to explore mechanisms for adoption.





# Appendix

---

1. Local Plan Policies
2. National Policy Documents
3. National Good Practice Guidance
4. Design Rules

# Local Plan for Bolsover District (March 2020)

## Key Local Plan Objectives and Policies

### Objectives

- Objective B: Climate Change
- Objective O: Placemaking (a-e)

### Strategic Policies

- SS1: Sustainable Development
- SS4: Bolsover North
- SS5: Clowne Garden Village
- SS6: Strategic Site Allocation Bolsover Colliery
- SS9: Development in the Countryside

### Living Communities Policies

- LC5: Applications for Gypsies, Travellers and Travelling Show People
- Policy LC7: Agricultural, Forestry and Other Occupational Dwellings in the Countryside

### Working Communities Policies

- Policy WC5: Retail, Town Centre and Local Centre Development
- Policy WC7: Shirebrook Edge of Town Centre Allocations
- Policy WC8: South Normanton Edge of Town Centre Allocations

### Sustainable Communities Policies

- Policy SC1: Development within the Development Envelope
- Policy SC2: Sustainable Design and Construction
- Policy SC3: High Quality Development
- Policy SC4: Comprehensive Development
- Policy SC10: Trees, Woodland and Hedgerows
- Policy SC16: Development Within or Impacting upon Conservation Areas
- Policy SC17: Development affecting Listed buildings and their settings
- Policy SC21: Non-Designated Local Heritage Assets

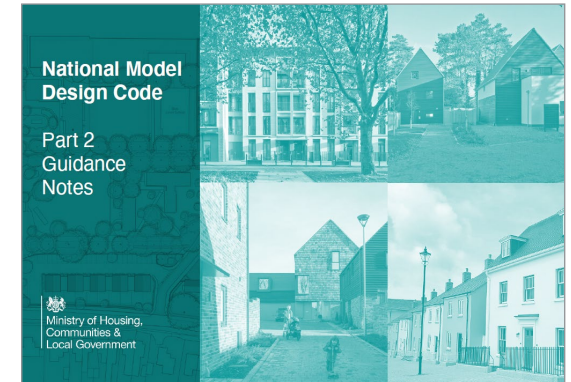
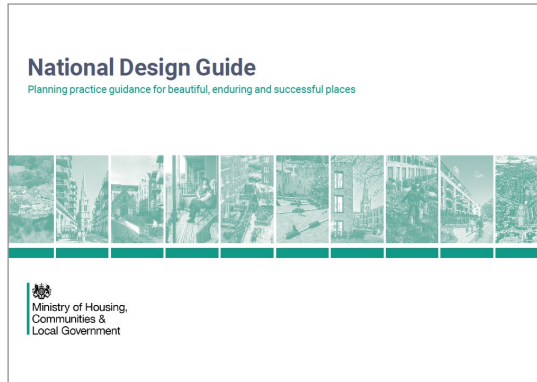
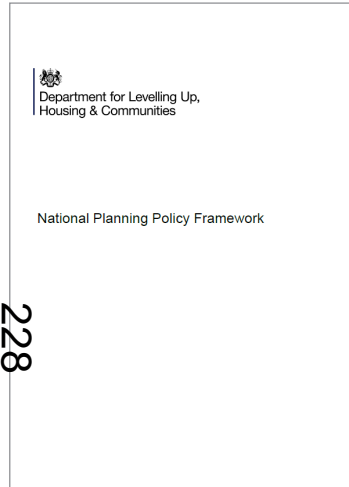
### Infrastructure, Transport, Community and Recreation provision Policies

- Policy ITCR11: Parking Provision
- Policy ITCR12: Information Communication Technology and Telecommunications



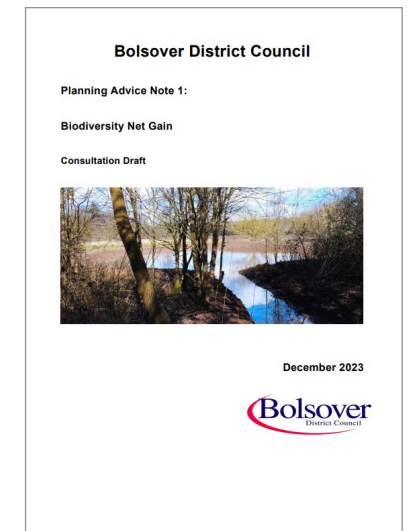
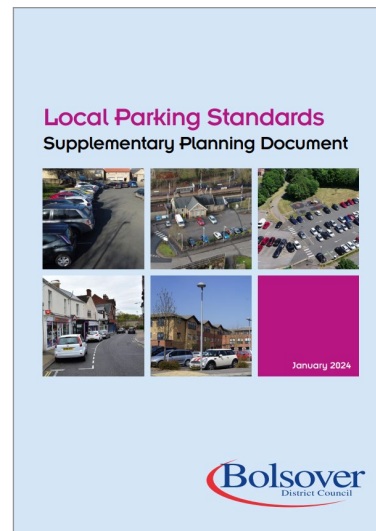
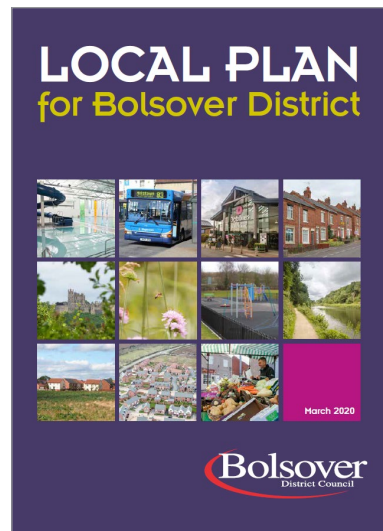
## National Planning Policy

- NPPF / Planning Practice Guidance
- National Design Guide
- National Model Design Code
- National Model Design Code
- Guidance Notes
- Manual for Streets



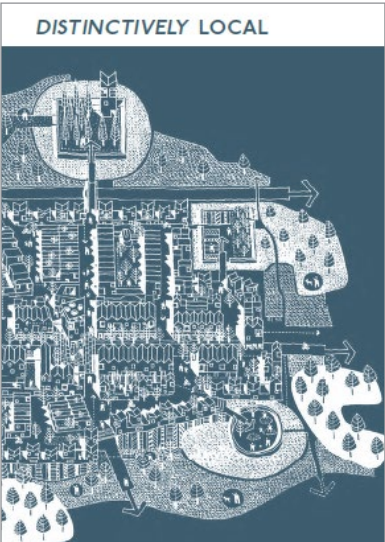
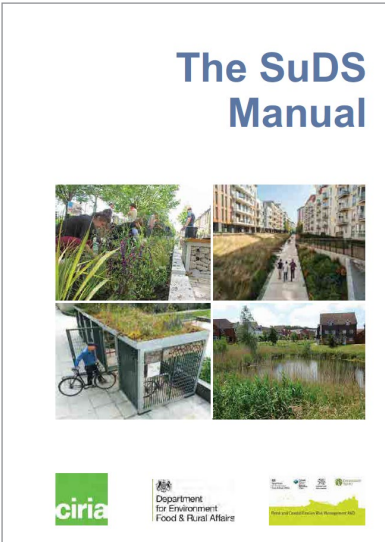
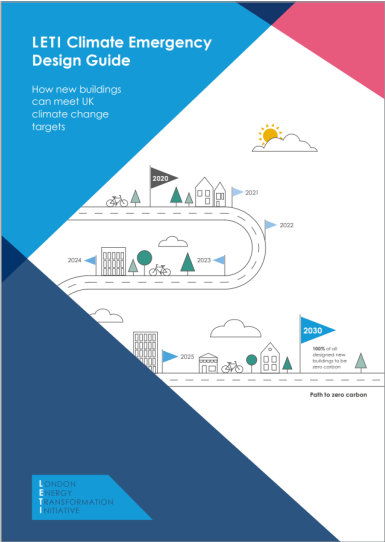
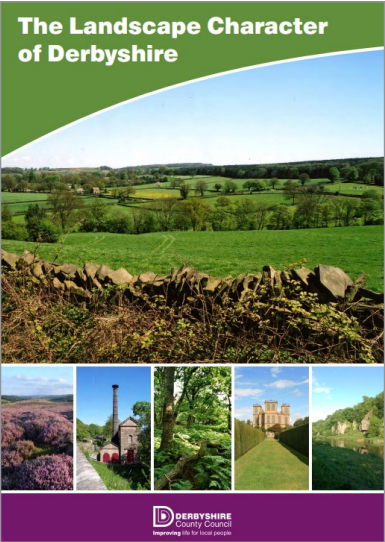
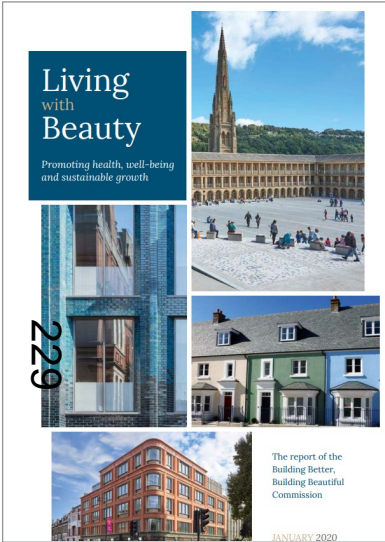
## Local Planning Policy

- Bolsover District Local Plan
- Supplementary Planning Documents (SPD's)
- Interim Planning Guidance Notes



Useful references

- NPPF / Planning Practice Guidance
  - National Design Guide
  - National Model Design Code
- National Model Design Code
  - Guidance Notes
  - Manual for Streets





## Other Useful references

**Achieving well designed places through neighbourhood planning**, Locality, 2019, [www.neighbourhoodplanning.org/toolkits-and-guidance/good-design-neighbourhood-planning](http://www.neighbourhoodplanning.org/toolkits-and-guidance/good-design-neighbourhood-planning)

**Manual for Streets 2**, Department of Transport, 2010, [www.gov.uk/government/publications/manual-forstreets-2](http://www.gov.uk/government/publications/manual-forstreets-2)

**A Green Future: Our 25 Year Plan to Improve the Environment**, Department for Environment, Food and Rural Affairs, 2018, [www.gov.uk/government/publications/25-year-environment-plan](http://www.gov.uk/government/publications/25-year-environment-plan)

**A guide to community-centred approaches for health and wellbeing**, Public Health England, 2015, [www.gov.uk/government/publications/health-and-wellbeing-a-guide-to-community-centred-approaches](http://www.gov.uk/government/publications/health-and-wellbeing-a-guide-to-community-centred-approaches)

**BIMBY (Beauty-In-My-Back-Yard) Manual and Toolkit**, Prince's Foundation for Building Community, [www.bimby.org.uk](http://www.bimby.org.uk)

**Biodiversity 2020: A strategy for England's wildlife and ecosystem services**, Department for Environment, Food & Rural Affairs, 2011, [www.gov.uk/government/publications/biodiversity-2020-a-strategy-for-england-s-wildlife-and-ecosystem-services](http://www.gov.uk/government/publications/biodiversity-2020-a-strategy-for-england-s-wildlife-and-ecosystem-services)

**BREEAM Technical Standards**, BRE, [www.breeam.com](http://www.breeam.com)

**Building for a Healthy Life**, Design for Homes and Urban Design Doctor, 2020, <http://www.designforhomes.org/wp-content/uploads/2020/11/BFL-2020-Brochure.pdf>

**Increasing Residential Density in Historic Environments**, Arup for Historic England, 2018, [www.historicengland.org.uk/images-books/publications/increasingresidential-density-in-historic-environments](http://www.historicengland.org.uk/images-books/publications/increasingresidential-density-in-historic-environments)

**Spatial Planning for Health: An evidence resource for planning and designing healthier spaces**, Public Health England, 2017, [www.gov.uk/government/publications/spatial-planning-for-health-evidencereview](http://www.gov.uk/government/publications/spatial-planning-for-health-evidencereview)

**The Clean Growth Strategy**, Department for Business, Energy & Industrial Strategy, 2017, [www.gov.uk/government/publications/clean-growth-strategy](http://www.gov.uk/government/publications/clean-growth-strategy)

**Understanding Place: Historic Area Assessments**, Historic England, 2017, [www.historicengland.org.uk/images-books/publications/understanding-placehistoric-area-assessments](http://www.historicengland.org.uk/images-books/publications/understanding-placehistoric-area-assessments)

**Urban Characterisation**, Historic England, 2019, [www.historicengland.org.uk/research/methods/characterisation-2/urban-characterisation](http://www.historicengland.org.uk/research/methods/characterisation-2/urban-characterisation)

**Urban Design Compendium**, Homes and Communities Agency, 2000, [www.udc.homesa](http://www.udc.homesa)



## Design Criteria

The following criteria provide a set of key points from this document, that are referenced to the National Model Design Code. For more understanding it is recommended to read the referenced pages that provide greater insight into design rationale used. District-wide and specific local examples are provided.

### 1. Delivering Quality (DQ)

DQ.1	Consider all Placemaking Characteristics as laid out in the NMDC at all stages of a design development.	Pg 11	
DQ.2	Aim for Sustainable and Energy Efficient Homes.	Pg 12-14	
DQ.3	Demonstrate a context appraisal has been undertaken.	Pg 15	C1.ii
DQ.4	Take account of heritage, character and distinctiveness of the local area.	Pg 16	C2.i
DQ.5	Use examples of good quality local precedents to show how new developments improve on what has gone by before.	Pg 17-18	L1.i
DQ.6	Demonstrate the local landscape character and character type has informed the placemaking, pattern of development, building design and landscape character of the scheme.	Pg 19	C1.ii
DQ.7	Show that a rational site planning and design process has been followed, considering access points, orientation, topography, drainage, existing structures, existing utilities, ground conditions, noise and air quality, landscape and ecology, and water.	Pg 20	C1.iii
DQ.8	Explore the concept design to develop more than one visionary concept.	Pg 20	L1.iii
DQ.9	Have Pre-application discussions at an early stage. Discuss design requirements and check the validation checklist.	Pg 22	
DQ.10	Follow Building for a Healthy Life considerations and structure a Design and Access Statement according to these considerations.	Pg 22-24	R1.ii

### 2. Movement (M)

M.1	Create a movement network that is integrated and permeable. Provide all users with a real choice of movement, encouraging walking and cycling and easy access to public transport. Reduce the demand for road space, use shared space and establish priorities at junctions and crossings.	Pg 29	M1.i
-----	--	-------	------

232	M.2	Create direct attractive green routes for pedestrians and cyclists with wider pavements and safe routes to school. Make routes easy to navigate with recognizable features, memorable spaces, and focal points that coincide with public space and landmark buildings. Combine two or three elements to create distinctive places, design views and use devices such as changes in surfaces, pillar and archways and public art to define defensible space and slow traffic.	Pg 30	M2.i
	M.3	Ensure all developments consider zero carbon, walkable and inclusive mobility, using wayfinding to aid accessibility.	Pg 32	M2
	M.4	Create safe, direct, active and well-lit routes that are overlooked and clearly defined between public and private space. Ensure everyday facilities including green areas are within 5 or 10 minutes walking distance	Pg 33	M1.2
	M.5	Improve Pedestrian safety by using adequate footway widths, kerb line build-outs, preventing cars from blocking footways, more crossing points, better use of tactile paving, creating obstacle free routes, using median refuges, 20mph speed limits, strategically placed street furniture, friendly wall-drained paving surfaces and well-placed wayfinding.	Pg 33	M2.ii
	M.5	Ensure connections to the local countryside footpath network and multi-user trails. Check and provide improvements to existing and emerging cycle networks.	Pg 35	M1.i

### 3. Green and Blue Infrastructure (BGI)

BGI.1	Green and Blue infrastructure should be an integral part of housing developments and multifunctional space linking to a wider network of green spaces and public rights of way, incorporating natural assets such as mature trees, hedgerows and watercourses, enhancing the character, biodiversity and landscape value to the area.	Pg 38	N1.ii & N2.i
BGI.2	Development of SuDs should be integral and considered at the earliest stages of the layout of development to ensure future feasibility of designs.	Pg 39	N2.ii
BGI.3	SuDs should be formulated on high quality landscape solutions that integrate well into the external public realm, improving the overall character of the development.	Pg 41	N2.ii

## 4. Townscape (T)

T.1	Seamlessly integrate buildings with their surroundings, prioritise local identity and character, and avoid monotony by fostering a diverse and layered urban fabric that is both thoughtfully planned and allows for unexpected elements, including landscape, paving and open spaces that are attractive and stimulating.	Pg44	B1.iii
T.2	Design development should be in three dimensions using vertical elements such as gateways, setbacks, window orientation, stepped changes in roof form and increases in scale to create focus.	Pg 45	L.2

## 5. Public Spaces and Play Area (PS)

PS.1	Public Spaces and Play Areas: Outdoor spaces and play areas should be located on a main route and well overlooked from adjoining dwellings with opportunities for casual overlooking. Dwellings face towards the spaces but should have a buffer zone.	Pg 91	P2.i
PS.1	Use planting and landform to enhance amenity. Include lighting where appropriate and create characterful play areas for all ages. Use inclusive design guidance . Use Guidance for Outdoor Sport and Play. Fields in Trust Oct 2016	Pg 92	N1.iii

## 6. Character (C)

C.1	Designs should create a distinctive character and its own identity, architectural styles, materials and finishes. Layouts should respond meaningfully to context, site conditions, community values and associations.	Pg 48	L1.iii
C.2	Design proposals may depart from local context where a highly efficient design may be required depending on whether the local contextual relationship can accommodate such schemes.	Pg 48	L1.iii
C.3	Distill existing identity, connecting with a place by appreciating both its unique and common elements, including its history and subtle details that contribute to its character. Produce thoughtful design, incorporating existing features, local materials, and important views, fosters this connection and distinguishes genuine place attachment	Pg 49	L1.i
C.4	Create Character Areas, especially in larger scale developments by changing mix of uses, varying density and pattern of development, informed by street and place hierarchy. Introduce new elements particularly if a place has a weak, unremarkable character	Pg 49	C1.i



C.5	Create a place and street hierarchy as a genuine response to the context and areas around. Use more than one developer or more than one architect to design different aspects of the scheme. Try to include bespoke designs into elements within a place. Adjust building setbacks, heights and enclosures, boundary treatments and materials and architectural attributes,	Pg 51	M1.iii
C.6	Use a whole building, fabric first approach to retrofitting historic buildings. Prepare an Energy Plan for each building. Use small scale interventions. Multiple interventions should be based on an holistic and phased approach. Any opportunity to reveal or improve the significance of the building should be considered.	Pg 52	R1.ii

## 7. Layout (L)

234	L.1	Developments should prioritize interconnected networks of routes and spaces to enhance walkability, cyclability, and public transport accessibility. Density should vary across the site, with higher densities near key facilities and services, and gradually decrease towards edges of countryside to create a balanced and sustainable urban grain.	Pg 55	M1.i & B1.i
	L.2	Use density and urban grain to distinguished type of settlement and area, especially between urban and rural. Respond to topography and countryside edges.	Pg 56	B1.i, B1.ii & B1.iii
	L.3	Create gentle densification by increasing the number and variety of homes in more suburban neighbourhoods. Produce innovative schemes that allow for increases in density.	Pg 56	B1.iii
	L.4	Hierarchy of street types should not be determined primarily by traffic capacity. They should contribute positively to the character of development. Avoid designs that are parking and highway space dominant.	Pg 57	M1.iii
	L.5	Ensure a clear distinction between public and private realm. Good overlooking, lighting, anticipate potential anti-social behaviour problem areas by designing out awkward or poorly located public space. Keep footpath links direct and short in length, parking areas overlooked, boundary treatments distinguish public private realm.	Pg 57	N1.i & N1.ii
	L.5	Consult Secure by Design Homes Guide 2024.	Pg 57	P3.i
	L.6	Maximize passive solar gain by orienting dwellings within 30 degrees of south, while balancing this with other urban design considerations, and mitigating potential overheating through shading, appropriate window placement, and the use of thermal mass in construction	Pg 58	R1.i
	L.7	Settlement edges should be carefully designed with graded building densities, outward-facing dwellings, soft, planted boundaries, and appropriate landscape buffer areas (potentially 10-20m or greater) using native species, to mitigate visual intrusion and integrate development harmoniously into the surrounding countryside.	Pg 59.	P1.i

L.8	Design layouts with perimeter blocks of outward looking buildings with internal private gardens or courtyard areas. They can be formal or loosely laid out and well connected to create easy of movement through the layout. The size and shape depend on site context and character of surrounding streets. Each block can reflect a hierarchy in terms of density, height, scale and use, with primary entrances and daylight considerations influencing safety, depth and overlooking.	Pg 61.	B2.i
L.9	Block sizes can vary widely but blocks of 60-90m x 90-120m provide the optimum dimensions to support good pedestrian accessibility, vehicle movement and allow for sufficient back-to-back and side separation distances.	Pg 62.	B1.i
L.10	Provision of cul-de-sac should be avoided where possible, only used where the site has constraints that prevent connection. Where they are allowed avoid overlong streets or too short to avoid parking and congested space around turning heads. Design turning heads to be part of the space and carefully arrange boundary treatments.	Pg 63.	P1.iii

## 23 Street Design & Parking (SD)

SD.1	Parking provision should be integrated into the design and layout of places, offering a balanced mix of solutions appropriate to the context, without visually dominating the environment, and contributing to attractive, convenient, and safe spaces.	Pg 67	M3.i
SD.2	Designs should consider Planning Streets and Places 2024. At the earliest opportunity discuss designs with the Highways Authority. Prioritise pedestrian and cyclists first by designing for reducing traffic speeds and encouraging wider pavements and pedestrian friendly junctions. Rule: Where feasible use green technology such as solar lights and charging points.	Pg 68	M3.ii
SD.3	Refer to 'Planning Streets and Places' when deciding street widths and arrangements. Work on the principle of using minimum widths where possible to reduce road space.	Pg 69	M1.iii
SD.4	Avoid single surface areas that appear out of scale. Change material size and unit size according to space, defining vehicle routes, thresholds and entrances and key crossings.	Pg 69	M2.ii
SD.5	Vehicle tracking drawings should be produced to show vehicle maneuvering avoids mounting pavements, parking areas and street trees.	Pg 69	M3.iii
SD.6	Minimum pavements widths at 1.5m, subject to widening as necessary. Possible to have full width only on one side of street if small number of dwelling or narrow site. Conservation areas or rural settings require a variable approach.	Pg 69	M1.iii

SD.7	Radii should not be more than 6m and can be reduced to smaller 2-4m in high pedestrian areas subject to tracking requirements being met.	Pg 69	M2.ii
SD.8	Layouts should use a hierarchy of different widths and treatments from enhanced, informal streets to pedestrian priority private drives, private streets and courtyards. As shown in Planning Streets and Places 2024, Derbyshire County Council.	Pg 76	M1.iii
SD.9	BDC may occasionally ask for different paving. Early discussion with Highways Department may be required.	Pg 69	L1.i
SD.10	Street trees should be coordinated early on in the design to provide appropriate spacing.	Pg 70	N3.iii
SD.11	The Council will encourage varied arrangements of enhanced street layouts with street trees along the sides or within central verges. Use dedicated cycle lanes or shared with carriageways and combined with footpaths with demarcation.	Pg 71	M1.iii & N3.ii
SD.12	Street trees are required in all Enhanced and Informal Streets.	Pg 72	M1.iii & N3.iii
SD.13	Pedestrian Priority streets are the default design standard for all new residential developments.	Pg 72	M1.iii
SD.14	Public Rights of Way should be connected and designed to promote walkability and designed within attractive green corridors	Pg 33	M2.i & N.1.i

## 9. Public Realm and Street Trees (PR)

PR.1	Priorities the retention of Street trees, placing the right tree in the right place, ensuring there is enough space for maturity. Design tree lined Avenues in larger schemes and reflect the hierarchy of streets.	Pg 75	N3.iii
PR.2	Use of private garden space for trees will only be acceptable where space is tight and in limited circumstance. A Management Company landscape maintenance plan will be required.	Pg 75	N3.ii
PR.3	Use placemaking principles to create High Quality Public realm integrated into surrounding street patterns. Ensure a landscape architect is used and design hard surfaces as well as soft planting. Submit with 3D visuals as part of overall design.	Pg 76	P1 – P3
PR.4	Use a simple palette of complementary materials with choice of materials and planting reflecting street character. Co-originated street furniture, signage with paving steps and maps and boundary features. Ensure best choice of materials according to durability, maintainability, anti-slip and appearance Choose carefully.	Pg 76	L1.i & L2.i
PR.5	Use paving to unify spaces, give direction, define areas for meeting and seating, crossings and pick up points. Pay special attention to the use of paving to aid mobility guidance and warning tactile paving schemes. Use appropriate flexible and rigid materials for size and shape of spaces and account for weight of maintenance vehicles. Reduce large areas of tarmac.	Pg 77	P1.i - P1.iii



PR.6	Boundary Treatments: If required, Select according to function. Ensure right height and continuity. Walls should not dominate the street scene. Close boarded fences should not be seen from public realm.	Pg 77	H2.iii
PR.7	Avoid clutter by minimizing amount of street furniture, streetlights and bollards. Avoid creating left over spaces that cars may use, and disguise Bin collection points.	Pg 77	P1.i – P3.ii
PR.8	Planting schemes should be considered as part of the overall design creating character, scale and continuity through use of focus, corridors and changes in scale. It can be used to control heat and shade, whilst improving biodiversity. Plants should be well positioned with space to thrive in its environment, both above and below ground. Nature based planting schemes are encouraged with the use of hedgerows in front gardens.	Pg 78	N3.iii
PR.9	In public open spaces 100% native schemes will be encouraged, whilst more ornamental up to 50% can be used within residential gardens.	Pg 78	N3.iii
PR.10	Planting scheme design should account for Biodiversity Net Gain. Applicants to consider creating or enhancing existing habitats to achieve 10% Biodiversity net gain on all large planning application.	Pg 79	N3.i
PR.11	Planting schemes should use structural planting to add character, improve natural assets, emphasis natural planting and reinforce wider landscape character.	Pg 79	N1.iii
PR.12	Planting should support secure by design principles by providing buffer zones between public and private space, avoid creating areas of concealment, and impeding natural surveillance.	Pg 79	N1.iii
PR.13	Integrate biodiversity net gain by improving links and corridors for wildlife movement, creating different size islands and reserves for wildlife habitats. Different types from woodlands, groves, shrub and meadows with wildflowers and meadowgrass.	Pg 81	N1.iii
PR.14	Prepare a habitat management plan.	Pg 81	L1.i
PR.15	Use low level lighting close to areas of wildlife value.	Pg 81	N3.ii

## 10. Amenity (A)

A.1	Design for privacy and amenity by considering the living conditions of both existing and future residents, addressing factors like noise, light, and outlook. While traditional separation distances offer guidance, prioritize thoughtful design to balance privacy with varied and interesting built environments, especially in higher-density areas. Demonstrate how designs meet these amenity considerations, referencing specific guidelines such as ‘Site Layout planning for daylight and Sunlight’ BR209, June 2022 for window placement and separation distances.	Pg 84	H1.i & H2.i
-----	--	-------	-------------

A.2	Minimum separation distances between facing habitable rooms will be 21m (at 90 degree) reducing to 12m (between 50 and 70 degrees) where windows can be angled to reduce direct sightlines. Specific site conditions such as sloping sites, existing patterns of development or appropriate screening could be achieved.	Pg 85	H2.i
A.3	To reduce the effect of direct overlooking from new houses, first floor habitable room windows directly facing a rear boundary should not normally be sited closer than 10.5m to the boundary of an adjoining residential garden.	Pg 86	H2.iii
A.4	45 Degree Rule – Take an angle of 45 degrees from the centre of an affected window or 1.6m above ground level for patio doors, as a guide to assess whether there will be overshadowing. If any projected building line falls within this 45-degree line it would have an impact on the amenity of the window in question.  Rule 98: 25 degree rule – Take an angle of 25 degrees upwards to assess whether the height of any building's opposite will affect the amenity of a principal room. Any building within this angle will have an overbearing impact.	Pg 87  Pg 87	H2.i  H2.i
A.5	Outdoor Amenity Space. Family houses in the range of 70-100sqm, but no less than 50sqm. Small gardens orientated to south and longer gardens to north. Flats should meet 25sqm per flat (can be provided communally or included within balcony space.) Parking areas and garages are not included.	Pg 88	H2.iii
A.6	Outlook. All dwellings should be provided with a reasonable outlook, unsightly spaces or buildings , poorly designed fences and rear walls and inappropriate settings will not be acceptable.	Pg 89	H3.iii

## 11. Place Hierarchy

PH.1	Develop a hierarchy among buildings and spaces, encompassing town squares, village greens, and road crossings. Architecture should reinforce the importance of significant buildings, while focal spaces and minor nodes contribute to the overall character.	Pg 94	P1.i – P1.iii
PH.2	Hierarchy of place can include the following: Entrance Gateways, Main Streets, Main Focal Points such as a public square, Secondary streets, Minor Streets, Mews Streets, Green Edge Access Ways. Variety of scale of places, typology of streets and focal buildings creates character.	Pg 95	P1.i – P3.ii
PH.3	Order of place hierarchy should be tuned to reflect the nature of the settlement and be appropriate to the scale, role and character. Where buildings of status already exist (either within or outside the site) they should be integrated as part fo the scheme, providing an appropriate setting or creating views.	Pg 96	B1.i
PH.4	Buildings of greater stature, scale, richness and quality should be used to terminate vistas in streets, create focal points in a groups and form gateways.	Pg 97	B1.iii & B2iii

PH.5	Corner Houses should articulate the corner and address both frontages. Bespoke approaches to house-types, expressing height, prominent entrances, building form, use architecture and quality of materials to provide emphasis. In mixed schemes active ground floors used to enliven a junction. Use differences to improve legibility in larger schemes. maximise windows on both frontages whilst maintaining privacy.	Pg 98-99	B1.iii & B2.i
PH.6	Corners can be square, concave or convex in building form. Square allow for continuity of street form. Private gardens and garden walls can be disruptive. Concave also allows for a curving plan, results in larger gardens and spacious green frontage. Convex can result in smaller gardens and more overlooking but works well with street continuity. Use of curved frontages, increased height and changes in architecture and materials emphasis importance of corners.	Pg 99	B2.ii
PH.7	Houses should have the main façade facing the street. With main entrance clearly visible, and less private spaces inside arranged for overlooking. Blank elevations should be avoided, and active frontages maximised.	Pg 100	B2.ii
PH.8	Private backs, Rear gardens providing privacy and security. Clearly defined with enclosure. Arrange rear gardens to face onto rear gardens. Limit access and use a single point of entry which is overlooked for security. Shared or communal gardens use buildings to define edges. Maintain privacy for ground floor flats.	Pg 101	H2.iii
PH.9	Continuity within a street should be informed by its context. Arrange frontages to provide a cohesive edge to the street. Semi continuous frontages can be achieved by linking houses, outbuildings and garages using connecting walls. Building lines can be set back or projected to create visual interest. A softer looser knit patterns will be appropriate in village setting.	Pg 102-103	C1.ii & B2.ii
PH.10	Frontages can be regular, flush and continuous, or regular flush and shallow with projections. Indented and discontinuous can still create a strong building line. Whereas informal/organic and semi continuous can still form a degree of enclosure and character in the streets.	Pg 101	B2.ii
PH.11	Street Enclosure: Define street enclosure by ensuing the height of the buildings are proportionate to the size and space to create hierarchy of spaces between importance and intimacy and legibility.	Pg 104	B2.iii
PH.12	Boundary fences and walls to define public and private space, influence local character. Use local materials, details and traditions. Relate to context. Rural areas will have stone walls and hedges. Timber fences should be avoided. Railings appropriate to urban and rural. Modest brick wall and railings used for defensible spaces to small front gardens. A visible side wall on a corner plot should be finished to a high standard and quality in brick or stone. In a rural setting appropriate fencing can be acceptable such as post and rail and hit and miss.	Pg 106	H2.iii
PH.13	Set-backs provide semi-private defensible and private space that defines the character of street and help with noise. They accommodate storage and servicing requirements and provide scope for off street parking. Careful attention to be given to entrances and threshold design. Generally, 1.5m to 4m to include modest front gardens in urban areas, 4-6m in suburban areas providing greater separation and scope for off-street parking, and greater in rural areas appropriate to context.	Pg 106-107	B2.11



## 12. Building Design

240	BD.1	Utilise building forms that create clear definition and enclosure of the street. Use forms that support the townscape role of the building. Use wide, frontage, shallow plan frontages, informal and more flexible and vernacular, associated with village style. Narrow fronted, deep plan buildings associated with urban settings. Consider heat loss in the configuration of the building. Terraces are more thermally efficient than detached and semi-detached.	Pg 110-111	B1iii & R1.ii
	BD.2	Building Type and Role: Building elevations must respond to both their surrounding context and their role within the local hierarchy, such as visual stops, landmarks, or defining focal spaces. A high-level of architectural design, detailing, and material quality is required for focal buildings and a good quality for standard building fabric. House types should be adaptable to various locations within the streetscape and local hierarchy. The repetitive use of a limited number of standard house types is discouraged.	Pg 112	B1.iii & L1.i
	BD.3	Try to harmonise where a prevalent character exists. Avoid arbitrary mixing of styles. Reflect historic styles with similar scale, proportions and materials. Where contemporary ground them by using locally distinctive materials to ground them.	Pg 113	L1.i & L2i
	BD.4	Detail and Richness. Details should be considered as integral part of the building design and proportionate to role and position of house in the place. Each component must be well designed, using locally distinctive details and materials. Avoid stick on additional and one size fits all solutions. Salvage and re-use elements from the past. Ensure windows and doors have sufficient recess and articulation. Provide decorative details such as lintels and cills, use brick patterns such as stringlines and dentil strips, and detailing such as corbelling to eaves and verges, and decorative door surrounds.	Pg 114	L2.i
	BD.5	Maximise daylight in habitable rooms by orienting buildings appropriately. Favor south and west elevations for light, while recognizing potential overheating. North and east elevations receive minimal direct sunlight. Avoid single-aspect and back-to-back dwellings. Design layouts that incorporate sunny garden areas.	Pg 115	H2.i & R.1.i
	BD.6	Homes should be capable of meeting the changing needs of their occupants, accommodating the needs of a growing family, store a pushchair, provide a space for study, or home working. Or making adjustments to cope with infirmity or disability. Future Proofing homes usually takes the form of either enlargement of internal alterations to suite a particular need. Homes should aim towards fulfilling M4(2) Part M of the \ Building regulations creating both accessible and adaptable homes. Hallways must achieve a minimum width and sockets must be sited in a more accessible position. The potential for a dwelling to be expanded should be considered at the design stage.	Pg 116	U2.1 & H1.i

BD.7	Entrances and Access: Locate entrances primarily on front elevations and address as major design elements appropriate in scale and appearance reflecting its status in the townscape. They should be visible and accessible, well lit, with safe access to the dwelling and not impeded by parking or level changes. Consider attractive surrounds, canopies or recessed entrances that proved attractive and function detail and social space.	Pg 115	L1.i
BD.8	Use a limited palette of high-quality, locally relevant materials and harmonious colours that reinforce the site's context and strengthen local distinctiveness, avoiding arbitrary variety and harsh contrasts; prioritize traditional materials or recycled options where appropriate to integrate the development while respecting existing character.	Pg 114	L2.i
BD.9	Roof spaces should be design to allow for future conversion with appropriate pitch and adequate height and space. Construct to allow for useable space and plan for future fire protection.	Pg 117	L2.i

## 13. Materials

241 M.1	Use durable, maintainable, and locally relevant materials over low cost or inauthentic options, and ensure materials are located for ease of maintenance. Use materials that are sustainable by checking embodied energy, longevity and renewable nature.	Pg 105	R2.i
------------	---	--------	------

## 14. Servicing

S.1	Servicing areas, including bin storage, utility meters, and bike/pushchair storage, must be designed to minimize visual impact and anti-social nuisance, providing adequate space and convenient access while adhering to local waste collection requirements, including bin size, placement (away from windows and within specified distances), and avoiding transport through main building areas.	Pg 129	H1.i
S.2	Bin storage should be conveniently located for easy collection, ideally outside buildings (except garages), and if on frontages, designed to minimize visual intrusion while balancing convenience and robustness.	Pg 130	H1.i
S.3	Rear-access paths for terraced housing should generally be avoided due to space inefficiency, safety concerns, and potential for visual detracton. If an access path is necessary, it should be a "ginnel" between units below an oversailing storey for privacy and security. If unavoidable for multiple dwellings, minimize their length and the number of properties served, and use open/trellis boundaries to allow for overlooking.	Pg 131	H2.ii

242	S.4	Ensure residents carry waste no more than 30m. Waste operatives should only carry 4-wheeled bins a maximum of 10m and 2-wheeled bins a maximum of 15m (with potential for 30m in certain cases). Ensure bin placement avoids pedestrian obstruction. Consult with the waste collection department in cases where the distance is further to see if acceptable. Do not obstruct walkways. Bin collection areas may need to be sensitively designed and managed.	Pg 132	M3.iii
	S.5	Street layouts must facilitate service vehicle access, including waste collection, without sacrificing the quality of the public realm. Turning areas, when necessary, should be integrated into usable public spaces rather than dictating the layout, and layouts should ideally facilitate through routes to minimise reversing. Adequate parking provision and swept path analysis are essential to ensure service vehicles can manoeuvre effectively and safely, while maintaining pedestrian and traffic flow. Consideration must be given to vehicle dimensions and turning requirements. The Council currently uses an Olympus 27L – 8x4MS Chassis.	Pg 133	M3.iii
	S.6	Waste bin storage locations must be designed to allow waste collection vehicles to approach within 25 meters, with a maximum 12-meter reversing distance, on a gradient not exceeding 1:12. Steps should be avoided with a maximum of three for containers up to 250 liters only. Refer to BS 5906:2005 for recommended distances.	Pg 133	M3.iii
	S.7	Use NHBC Foundation Report NF60 for best practice design solutions that work with the character and style of the housing typology.	Pg 134	B1.iii
	S.8	Dwelling must provide storage space for dirty items, bicycles, pushchairs, shopping trolleys, garden tools and so on, preferably in outbuildings or garages sized for a car and storage. If there is no convenient access to secure external storage, outside items may potentially be stored internally, in addition to normal domestic storage space. For flats, communal stores should be weather protected, easily accessible, safe and personalised wherever possible.	Pg 135	M3.iii
	S.9	Utility boxes must not be located on front elevations and be discretely located elsewhere, coloured to blend with surrounding materials, with safe, accessible, and secure access. Where there are no options but to place on front elevations they should be disguised or colour coded to match the elevation materials.	Pg 136	L2.i
	S.10	Air source heat pumps should not be located on primary elevations or between the house and the highway. Match to wall colour and minimize reflected surface. Where viewed from the public realm, they should be disguised within an enclosure.	Pg 113	L2.i



## 15. Maintenance (Mn)

Mn.1	Design for long-term quality by considering maintainability and cost-effectiveness from the outset, using robust materials to minimise future maintenance expenses.	Pg 140	2.ii
Mn.2	Ensure early collaboration with highway authorities, especially for non-standard designs. Use Planning for Streets and Places (Sept 2024) , to secure highway adoption without sacrificing public realm quality.	Pg 140	
Mn.3	Safety and Quality Audits may be required for innovative or non-standard designs, requiring early discussion with highway authorities. For standard residential street designs, safety audits are generally unnecessary.	Pg 140	L1.i
Mn.4	Conduct early swept path analysis to provide evidence of adequate vehicle maneuverability and select road materials capable of withstanding anticipated traffic loads.	Pg 140	
Mn.5	A commuted sum must be discussed with the Highways Authority for increased maintenance where any non-standard features have been agreed (such as alternative materials, street trees/planting and extraneous areas of street space), This will ensure adoption of the highway, facilitated through Section 3 or 278 agreement.	Pg 141	M2.ii
Mn.6	For maintenance purposes, new street trees require that adequate growing space and planting conditions are specified by a suitably qualified landscape professional, either within a dedicated verge or tree pit. Use robust protection for the trees by use of tree grilles where required in areas of hard paving. Demonstrate compliance Planning for Streets and Places, Sept 2024 to enable adoption by the Highways Authority. Enter into early discussions where non-standard arrangements are proposed.	Pg 142	N3.iii
Mn.7	Public space and Parks will require adoption by the Local Authority and subject to developers meeting obligations in respect of transfer of lane and commuted sums towards future maintenance set out in a Section 106 Agreement. Maintenance issues should be discussed early on to ensure commuted sums.	Pg 143	M3.iii & L1.i
Mn.8	Public spaces (public or private) that are not conveyed for adoption must have suitable alternative arrangement for their management and maintenance and accessibility. Such as a Management company, charitable trust or other arrangement through a constituted body of a group of residents or business.	Pg 143	L1.i
Mn.9	Water and Sewerage companies can adopt SuDs schemes. Developers are advised to explore potential routes to adoption early on in the design of scheme and engage with the LPPA and LLFA to explore mechanisms for adoption.	Pg 143	N2.ii & L1.i

**Bolsover District Council**

**Meeting of the Planning Committee on 3<sup>rd</sup> September 2025**

**QUARTERLY UPDATE ON SECTION 106 AGREEMENT MONITORING**

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

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

**PURPOSE / SUMMARY OF REPORT**

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

**REPORT DETAILS**

**1. Background**

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

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

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

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

### **Spend Date within 12 months (by 24<sup>th</sup> July 2026)**

<b>Action Plan</b>	<b>Finance Spreadsheet</b>	<b>Site</b>	<b>Infrastructure and amount</b>	<b>Amount remaining</b>	<b>Spend Date</b>
Item 3	Line 84	Spa Croft, Tibshelf	Art £10,176.20	£7,863.70 <b>Reduced by £2,312.50</b>	31.3.26
Item 10	Line 71	Creswell Road, Clowne	Outdoor Sport £26,207	£26,207 <b>No change</b>	3.3.26
Item 11	Line 96	Land at Thornhill Drive, South Normanton	Art £10,757	£10,757.25 <b>No change</b>	24.6.26
Item 12	Line 98	Land at Thornhill Drive, South Normanton	Open Space £30,400	£30,400.07 <b>No change</b>	24.6.26



Item 13	Line 97	Land at Thornhill Drive, South Normanton	Outdoor Sport £22,843	£5,272.24 <b>No change</b>	24.6.26
Item 14	Line 99	Land at Thornhill Drive, South Normanton	Health £11,784.56	£11,784.56 <b>No change</b>	24.6.26

- 2.4 Since last reported to Planning Committee there has been spending against the Spa Croft Tibshelf sum. The four sums from the development of the land at Thornhill Drive, South Normanton have come within the 12-month spending threshold. Over the last financial quarter there was no reduction in these sums.

**Spend Date within 2 years (by 24<sup>th</sup> July 2027)**

Action Plan	Finance Spreadsheet	Site	Infrastructure and amount	Amount remaining	Spend Date
Item 18	Line 101	High Ash Farm, Clowne	Art £12,695.12	<b>£12,695.12</b> <b>No change</b>	30.5.27
Item 19	Line 102	Land West of Homelea and Tamarisk, Clowne	Outdoor Sport £19,026.71	<b>£19,026.71</b> <b>No change</b>	30.6.27
Item 20	Line 104	Land rear of 17-95 Alfreton Road, Pinxton	Outdoor Sport £29,697.04	<b>£29,697.04</b> <b>No change</b>	1.7.27
Item 21	Line 105	Land West of Homelea and Tamarisk, Clowne	Open Space £15,973	<b>£15,973</b> <b>No change</b>	30.6.27

Item 22	Line 106	Blind Lane, Bolsover	Open Space £100,821	<b>£100,821</b> <b>No change</b>	10.6.27
---------	----------	----------------------	------------------------	-------------------------------------	---------

- 2.5 Since the last Planning Committee, 5 new sums have come within the 2 years spend threshold. The contributions are for a range of infrastructure in Clowne, Open Space in Bolsover and Outdoor Sport in Pinxton.
- 2.6 The updates for the above items as discussed at the Section 106 Monitoring Group are set out below for Member's information.

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

Item	Development site, relevant S106 sum and spend by date	Responsible officer
<b>3</b>	<b>Spa Croft, Tibshelf – Art £10,176.20 (31.03.26)</b>	<b>CADO</b>
	<u>Action from previous quarterly meeting</u> Report to next meeting	CADO
	<u>Update between April and July Meeting</u> On reporting to Planning Committee in June, Committee members expressed concern over the proposed timescale given the need for planning permission. Following the community consultation which finished at the end of June, CADO is to be responsible for putting the planning application in close partnership with the Artist to get the application together.	CADO
	<u>July meeting update</u> The artist, Andrew Vickers Art, is to be the applicant for the planning application, with support from CADO. The planning and licensing applications are now to be submitted at the end of August. PPPO reiterated the offer of guidance from the Development Management Case Officer. CADO's preference is to discuss the submission with the Artist first.	CADO
	<u>Agreed Action</u> To work with the Artist to ensure that applications are submitted as a priority.	CADO

10	<p><b>Creswell Road, Clowne – Outdoor Sport (SP)</b>  <b>Planning Ref: 14/00603/FUL</b>  <b>£26,207 (3.3.26)</b></p> <p><u>Previous Action</u>  An update to be reported to the next meeting.</p> <p><u>Update between April and July meeting</u>  The parish council has approved the final skatepark design from Wheelscape. The skatepark's location has been slightly adjusted to wrap around the existing Multi-Use Games Area (MUGA). A contract has been signed by the Parish Council. Construction is set to begin around 14 July 2025. A lease to be prepared by the District Council, giving the Parish Council responsibility for the skatepark's future management and maintenance. The works are programmed for completion in August.</p> <p><u>July meeting update</u>  Works to commence Monday 28<sup>th</sup> July.</p> <p><u>Agreed Action</u>  Report to next meeting</p>	<p>LFPDM</p> <p>LFPDM</p> <p>LFPDM</p> <p>LFPDM</p> <p>LFPDM</p>
11	<p><b>Land at Thornhill Drive, South Normanton – Art</b>  <b>Planning Ref: 17/00148/OUT</b>  <b>£10,757 (24.6.26)</b></p> <p><u>Previous Action</u>  Report to next meeting.</p> <p><u>Update between April and July meeting</u>  In an update to the Planning Committee in June, CADO reported that initial discussions are to take place with Junction Arts around a tie in 50<sup>th</sup> anniversary celebratory project to rejuvenate the concrete dinosaur situated in South Street Park in South Normanton. A plan is being created to develop a piece of community consultation, some sustained youth activity and a repaint of the sculpture. For a launch/event in Spring 2026. PPODM of the view that the mural would conform to the requirements of the S106, though the restoration of the dinosaur may not.</p> <p><u>July meeting update</u>  Discussion in the group regarding the Junction Arts, Past/Present/Future Project and the works to the dinosaur artwork.</p>	<p>CADO</p> <p>CADO</p> <p>CADO</p> <p>ALL</p>



	<u>Agreed Action</u> Revisit the S106 with Development Management Case Officer to assess compliance of the dinosaur artwork restoration and notify CADO.	PPPO/DMCO
<b>12</b>	<b>Land at Thornhill Drive, South Normanton – Outdoor Sport</b> <b>Planning Ref: 17/00148/OUT</b> <b>£17,086.99 remaining (24.6.26)</b>  <u>Previous Action</u> Report to next meeting.  <u>July meeting update</u> To use the remaining sums against provision of Pump Track (Item 13)  <u>Agreed Action</u> Report to next meeting	LFPDM    LFPDM  LFPDM  LFPDM
<b>13</b>	<b>Land at Thornhill Drive, South Normanton – Open Space</b> <b>Planning Ref: 17/00148/OUT</b> <b>£30,400 (24.6.26)</b>  <u>Previous Action</u> Report to the next meeting  <u>Update between April and July meeting</u> A total of £63,000 had been put forward from a number of S106 contributions including this S106 contribution and Parish Council funds. It was planned to use the Lees Lane Outdoor Sport contribution towards the cost however the Lees Lane permission was granted under the policies of the latest Local Plan that refer to Outdoor Sport as relating specifically to Playing Pitches provision and improvement. The Lees Lane contribution cannot therefore be used for a pump track proposal. The Parish Council therefore agreed to contribute a further £20,000 in order that the project can go ahead. The project is to go out to tender shortly.  <u>July meeting update</u> The remaining monies from the Thornhill Drive development (a permission that predates the current local plan) Outdoor Sports contribution of £5,272.24 are to be added to the pot for this project making the total monies available £68,272.24.	LFPDM    LFPDM  LFPDM  LFPDM

	<p>Discussion in the Group around whether the works fall within Permitted Development and therefore not in need of planning permission as essentially the refurbishment and rejigging of an existing construction.</p> <p><u>Agreed Action</u> To forward details of the proposal with measurements to PPODM so that the need for planning approval can be assessed.</p>	LFPDM
<b>14</b>	<p><b>Land at Thornhill Drive, South Normanton – Health</b> <b>Planning Ref: 17/00148/OUT</b> <b>£11,784.56 (24.6.26)</b></p> <p><u>Previous Action</u> PPPO to have further talks with the ICB.</p> <p><u>Update between April and July meeting</u> ICB meeting on 21<sup>st</sup> July where the long-standing issues with engaging the doctor's practice in improvements were reiterated. A discussion was had on the more recent additional contributions held by the Council and the benefits of a feasibility study to see how best these further contributions could be spent.</p> <p><u>July meeting update</u> Reported that although the contribution is for the Pinxton and South Normanton Surgeries, the ICB are to focus on Pinxton. ICB proposing to visit the Pinxton Surgery during the week to see what enhancements can be made with this contribution.</p> <p><u>Agreed Action</u> To follow up with the ICB in two weeks to check on progress.</p>	<p>PPPO</p> <p>PPPO</p> <p>PPPO</p> <p>PPPO</p> <p>PPPO</p>
<b>19</b>	<p><b>High Ash Farm, Clowne – Art</b> <b>Planning Ref: 14/00057/OUTMAJ</b> <b>£12,695.12 (30.5.27)</b></p> <p>New Action Plan Item</p> <p><u>July meeting Update</u> There is an Art component in relation to the amphitheatre at The Edge. Awaiting the transfer of land at The Edge and the removal of the temporary fence around the amphitheatre. The plan was to use the contribution to hold events based around</p>	<p>CADO</p> <p>CADO</p>

	<p>the amphitheatre. Working with Junction Arts. CADO to talk with Economic Development in the Autumn.</p> <p><u>Agreed Action</u> To confirm with the Development Management Case Officer that any proposed plans for the contribution conform with the requirements of the S106.</p>	CADO
<b>20</b>	<p><b>Land West of Homelea/Tamarisk – Outdoor Sport</b> <b>Planning Ref: 20/00209/FUL</b> <b>£19,026.71 (30.6.27)</b></p> <p>New Action Plan Item</p> <p><u>July meeting update</u> A project for three tennis courts currently out to tender. Also funded by Clowne Tennis Club with BDC contracting the works. Likely to be next summer. The site is already a disused 5 a side pitch, so there is an existing fence which is staying along with the light columns, although the lamps are being changed. The main works are a change in surface material and lining out.</p> <p><u>Agreed Action</u> Provide further details to a Principal Planning Officer in Development Management to assess need for formal approval.</p>	<p>LFPDM</p> <p>LFPDM</p> <p>LFPDM</p>
<b>21</b>	<p><b>Land rear of 17-95 Alfreton Road, Pinxton – Outdoor Sport</b> <b>Planning Ref: 17/00396/OUT</b> <b>£29,697.04 (1.7.27)</b></p> <p>New Action Plan Item</p> <p><u>Update July meeting</u> The contribution could be used to provide a MUGA at Wharf Road. LFPDM in talks with the Parish Council.</p> <p><u>Agreed Action</u> Report to next meeting</p>	<p>LFPDM</p> <p>LFPDM</p> <p>LFPDM</p>
<b>22</b>	<p><b>Land West of Homelea and Tamarisk – Open Space</b> <b>Planning Ref: 20/00209/FUL</b> <b>£15,973 (30.6.27)</b></p> <p>New Action Plan Item</p>	LFPDM





Biodiversity	£0	£0	£8,029.96
	<b>£57,467.66</b>	<b>£310,773.09</b>	<b>£1,330,430.06</b>

- 2.9 Since the last quarter the passage of time has brought changes with regard to the yearly profile of sums of the infrastructure contributions for Art, Outdoor Sport and Informal Open Space. A new contribution for Outdoor Sport has been received from the development at Glapwell Nurseries for £71,104.51.

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

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

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

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

---

### **RECOMMENDATION(S)**

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

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

#### **IMPLICATIONS:**

**Finance and Risk:**      Yes ☒      No ☐

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

On behalf of the Section 151 Officer

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

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

On behalf of the Solicitor to the Council

**Environment:** Yes ☐ No ☒

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

**Staffing:** Yes ☐ No ☒

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

On behalf of the Head of Paid Service

**DECISION INFORMATION:**

☒ ***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** ☒



<b>Is the decision subject to Call-In?</b> <i>(Only Key Decisions are subject to Call-In)</i>	<b>Yes</b> <input type="checkbox"/> <b>No</b> <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>	<b>Yes</b> <input type="checkbox"/> <b>No</b> <input checked="" type="checkbox"/>
<b>Consultation carried out:</b> <i>(this is any consultation carried out prior to the report being presented for approval)</i>	<b>Yes</b> <input type="checkbox"/> <b>No</b> <input checked="" type="checkbox"/>
<b>Leader</b> <input type="checkbox"/> <b>Deputy Leader</b> <input type="checkbox"/> <b>Executive</b> <input type="checkbox"/> <b>SLT</b> <input type="checkbox"/> <b>Relevant Service Manager</b> <input type="checkbox"/> <b>Members</b> <input type="checkbox"/> <b>Public</b> <input type="checkbox"/> <b>Other</b> <input checked="" type="checkbox"/>	Portfolio Member for Growth

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

# **DOCUMENT INFORMATION:**

Appendix No	Title

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>

DECEMBER 2024