

The Arc
High Street
Clowne
S43 4JY

To: Chair & Members of the Planning
Committee

Contact: Angelika Kaufhold
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Monday, 22nd September 2025

Dear Councillor,

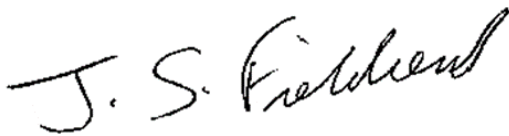
PLANNING COMMITTEE

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, 1st October, 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
- **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, 1st October, 2025 at 10:00 hours taking place in the Council Chamber, The
Arc, Clowne*

Item No.		Page No.(s)
1.	Apologies For Absence	
2.	Urgent Items of Business To note any urgent items of business which the Chairman has consented to being considered under the provisions of Section 100(B) 4(b) of the Local Government Act 1972.	
3.	Declarations of Interest Members should declare the existence and nature of any Disclosable Pecuniary Interest and Non Statutory Interest as defined by the Members' Code of Conduct in respect of: a) any business on the agenda b) any urgent additional items to be considered c) any matters arising out of those items and if appropriate, withdraw from the meeting at the relevant time.	
4.	Minutes To consider the minutes of the last meeting held on 3 rd September 2025.	4 - 14
	<u>APPLICATIONS TO BE DETERMINED UNDER THE TOWN & COUNTRY PLANNING ACTS</u>	
5.	Application no. 22/00478/FUL - Land Between St. Lawrence Avenue and Rotherham Road, North of Langwith Road, Bolsover	15 - 74
6.	Application no. 23/00180/OUT - Bolsover Business Park, Woodhouse Lane, Bolsover	75 - 135
7.	Application no. 25/00179/FUL - New Middle Club, Welbeck Street, Whitwell, Worksop	136 - 158
8.	Application no. 25/00293/FUL - St. Helens Church Hall, Church Street, East Pinxton, Nottingham	159 - 172
9.	Application no. 25/00307/FREG3 - Garage Site to The Rear Of 1 - 5 Worksop Road, Whitwell Common	173 - 180

PLANNING COMMITTEE

Minutes of a meeting of the Planning Committee of the Bolsover District Council held in the Council Chamber on Wednesday, 3rd September 2025 at 10:00 hours.

PRESENT:-

Members:-

Councillor Catherine Tite in the Chair

Councillors Steve Fritchley, Rob Hiney-Saunders, Chris Kane, Tom Munro, Sally Renshaw, Phil Smith, Janet Tait and Deborah Watson.

Officers:- Sarah Kay (Interim Director of Planning, Devolution & Corporate Policy), Chris Whitmore (Development Management and Land Charges Manager), Jim Fieldsend (Director of Governance and Legal Services & Monitoring Officer), Chris McKinney (Senior Devolution Lead for Planning Policy, Strategic Growth and Housing), Julie-Anne Middleditch (Principal Planning Policy Officer), Mary McGuire (Senior Urban Design Officer), Matt Connley (Leisure Facilities Planning & Development Manager) (from minute no. PL27-25/26), Dan Oakley (Community Arts Development Officer) (from minute no. PL27-25/26) and Matthew Kerry (Governance and Civic Officer).

Also in attendance at the meeting, observing, were Councillor David Bennett, Mark Penford (Planner) and Yousaf Chaudhary (Trainee Planning Policy Officer).

PL21-25/26 APOLOGIES FOR ABSENCE

An apology for absence was received on behalf of Councillor John Ritchie.

PL22-25/26 URGENT ITEMS OF BUSINESS

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

PL23-25/26 DECLARATIONS OF INTEREST

Minute No.	Member	Level of Interest
PL26-25/26	Councillor Tom Munro	As a Member of the Planning Committee, Councillor Tom Munro declared an interest in Item 6 being the local Ward Member and intending to speak against the application.

PL24-25/26 MINUTES

Moved by Councillor Catherine Tite and seconded by Councillor Sally Renshaw

RESOLVED that the minutes of a meeting of the Planning Committee held on 9th July 2025 be approved as a true and correct record.

PLANNING COMMITTEE

PL25-25/26

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 application sought approval from the Committee for 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 include a new vehicular access onto Featherbed Lane, Bolsover.

The application had been presented at the Committee's previous meeting on 9th July 2025. Concerns had been 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. A decision had been deferred to allow officers to seek confirmation from the Rights of Way Team at Derbyshire County Council (DCC) that they had no concerns with the use of a longer section of the private lane, which carried a Public Right of Way, for vehicles and equipment associated with the 7 pitch Gypsy and Traveller site and that the surface of the lane was suitable for multi-use without the need for any modifications or improvements.

The DCC Public Rights of Way Officer has been re-consulted and had not objected to the proposed application. Their comments were detailed in the report.

9 in favour

0 against

Moved by Councillor Tom Munro and seconded by Councillor Phil Smith

RESOLVED that application no. 24/00503/FUL 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

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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).

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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.

Having declared an interest in the following item, Councillor Tom Munro left the meeting at 10:09 hours.

PL26-25/26 APPLICATION NO. 25/00179/FUL - NEW MIDDLE CLUB, WELBECK STREET, WHITWELL

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 application sought approval from the Committee for the material change of use of the vacant New Middle Club, Welbeck Street, Whitwell to 9 no. residential flats. The application included 10 off-road car parking spaces utilising the existing vehicular access from Coronation Street, Whitwell. 2 of the flats were two-bedroomed and the remaining 7 flats were one-bedroomed / bedsit units.

As the Supplementary Agenda informed, a site visit had taken place.

Under background information in the report, a typographical error was noted – '18th November 2025' should have read '18th November 2015'.

Questions on the 'defensible space' of the site were asked.

Councillor Tom Munro spoke against the proposal.

Parish Councillor Karl Austin spoke against the proposal.

Dee Devine spoke against the proposal.

To a question on parking options after 18:00 hours, Dee Devine answered in one instance a resident had parked their vehicle in the middle of the street, blocking all access.

It was stated that the allocated disabled spaces were also used by none Blue Badge holders – no enforcement action took place.

The Committee was informed Dee Devine had been offered an Electric Vehicle as a Mobility Vehicle – this had to be refused due to the lack of available parking outside the residence for charging. It was stated in 9 of 10 instances, residents could not park outside their properties.

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To a question on the availability of off-street parking (behind properties), Dee Devine answered applicable residents always did whenever possible, but this did little to alleviate current parking restraints on the highway.

Mandy Price spoke against the application.

Amat Patil, the applicant, spoke in favour of the application.

To a question on the number of parking spaces provided, Amat Patil informed consultants had stated the maximum achievable was 10 – if more could be sought, this would be pursued.

A brief discussion was held on the number of allocated parking spaces (10).

It was felt that an investigation should take place to explore the removal of the defensible space (for 3 of the dwellings) to provide additional parking for the entire site (if possible) and to clarify arrangements for the allocation of spaces and the management of the car park.

8 in favour.

0 against.

Moved by Councillor Steve Fritchley and seconded by Councillor Rob Hiney-Saunders
RESOLVED that application no. 25/00179/FUL be **DEFERRED** to allow the applicant to explore the possibility of increasing the number of car parking spaces on site following the removal of the defensible space and to provide details of car parking space allocation and management.

To allow the speakers to clear the Chamber and for a brief comfort break, the Committee was adjourned at 11:14 hours.

The Committee reconvened at 11:21 hours. Councillor Tom Munro returned to the meeting.

PL27-25/26 LOCAL ENFORCEMENT PLAN UPDATE

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

In May 2022, a review of the Local Enforcement Plan (Planning) (the 'Plan') was undertaken. At that time, it was considered there had been little reason to amend or change the targets. There had also been no changes to legislation to report. Members had resolved that the same targets and priorities were maintained, alongside the 6 monthly report of performance to the Committee.

However, it was agreed that the Plan's appearance be refreshed to reflect the Council's branding and that it was prepared in an accessible format.

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Since the 2022 update, there had been legislative changes, along with changes to staffing and practices, that had procedural implications and impact on the implementation of the Plan. These were considered, in addition to service performance data, in the report.

Reporting had demonstrated that (with the exception of a few cases) all high priority cases had been visited within the target set in the Plan and more than 95% of low and medium priority cases had been visited within existing target periods.

It was not considered that the timeframes set for investigating breaches of planning control should be reduced as the department's resources were 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.

No ombudsman complaints had been received since the adoption of the original Local Enforcement Plan (Planning) in 2019. Having clearly defined service standards was considered to be a contributory factor in this indicator of customer satisfaction.

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 Council's Enforcement Officer, lead on planning enforcement cases requiring formal action to be taken.

This mini restructure had yielded high performance in terms of the amount of formal enforcement action taken post this decision, provided a renewed focus on service delivery and had introduced greater resilience.

The Assistant Director of Planning, Development Management and Land Charges Manager and the Principal Planners would decide what action should be taken when an investigation into a suspected breach of planning control had been completed.

It was not necessary to consult the Council's Solicitors on all cases where formal planning enforcement action was to be commenced – as such decisions relied on planning judgement.

The 4-year time limit for bringing enforcement action against building or engineering operations and changes of use to a single dwelling-house was removed.

The Plan had been amended to cover the new enforcement immunity periods.

Other legislative changes that effected the Plan included the extension to the expiration of a temporary stop notice. Such notices now expired 56 days after the display of the notice on site (or any shorter period specified). Where a temporary stop notice was issued before 25th April 2024, the expiry time limit was 28 days.

The changes were reflected in the tracked changes to the Plan attached at Appendix 1.

Other changes of note included how Members would be involved. The Plan currently advised that Ward Councillors would normally be informed before officers took formal action in respect of any suspected breach of planning control in their local area where the

PLANNING COMMITTEE

case was sensitive / contentious. This usually involved the lead case officer circulating a copy of the delegated enforcement report to the relevant Ward Councillors for information / comment.

There were, however, instances where immediate action was required to prevent irreversible harm to the environment or to deal with high priority cases. In such instances efforts would be made to contact Ward Councillors by telephone to inform them of intended action before it was taken.

In addition to the monitoring of performance in respect of visiting sites, it was 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 was incorporated into the Plan (to allow Committee Members to monitor the effectiveness of the service).

To a question on enforcement action, the Development Management and Land Charges Manager informed staffing issues were detailed in the report and that there was greater resilience in the Planning Team with an increase in notices being despatched. It was noted that the Council's enforcement performance was comparable to other Derbyshire local authorities.

To a question on the future of enforcement with regards Local Government Reorganisation and the role of the East Midlands Combined County Authority, the Development Management and Land Charges Manager informed all local authorities handled enforcement differently and the Interim Director of Planning, Devolution & Corporate Policy added all existing enforcement policies from all absorbed local authorities would continue for a time under any proposed unitary authority (until that new authority consolidated them into a single policy).

9 in favour
0 against

Moved by Councillor Tom Munro and seconded by Councillor Sally Renshaw

RESOLVED 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.

PL28-25/26 SUCCESSFUL HEALTHY PLACES SUPPLEMENTARY PLANNING DOCUMENT - CONSULTATION DRAFT

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

The "Bolsover District: The Future" plan aimed to drive economic growth through better housing and placemaking.

The Local Plan supported this by promoting sustainable, well-designed development through Policy SC2 (Sustainable Design) and Policy SC3 (High Quality Development).

The current Supplementary Planning Document that advised on residential design, Successful Places SPD (2013), was now being updated and retitled Successful Healthy Places to reflect:

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- National policy updates:
 - Building for a Healthy Life (2023);
 - National Design Guide (2019); and,
 - National Model Design Code (2021).
- A greater focus on health, wellbeing, and sustainable placemaking; and,
- The need for higher design standards in response to increased housing targets.

The guidance had been revised to improve readability, incorporate current images, and focus specifically on local context.

Unlike the previous joint local authority document, the revised SPD was specific to the District to better reflect local character and needs. Extensive consultation with stakeholders – across councils, design professionals, and community groups – had shaped the new guidance.

Overall, the SPD aimed to ensure that housing growth contributed positively to the quality, health, and sustainability of the District.

The Senior Urban Design Officer informed images had been provided in the proposed consultation draft version of the SPD, attached at Appendix 1, to emphasize the desired design.

It was reiterated that sustainability was at the heart of the document, with a holistic approach to care for all aspects of design, as well as a new emphasis on health and wellbeing, climate change, biodiversity, and modern technology (e.g. EV charging and heat pumps).

New sections in the document focused on local character, streets and trees, heritage and retrofit, residential extensions, and design criteria cross-referenced to the National Model Design Code.

The proposed consultation on the Successful Healthy Places SPD was to be carried out in line with the requirements of the Regulations and the principles of the Council adopted Statement of Community Involvement.

The complete coding document would be brought before Committee in a future meeting.

The Principal Planning Policy Officer informed those that had registered an interest on the Council's planning policy consultation database that had stated a wish to be notified of forthcoming Policy documents would be contacted directly by email and letter. Parish Councils would be notified so that their pages could link to the consultation.

The consultation document would be made available for at least 4 weeks in the following ways:

- a digital copy of the Successful Healthy Places SPD and consultation questionnaire would be available to read and print off on the Council's Supplementary Planning Documents webpage;
- a link on the webpage would direct people to a digital version of the consultation questionnaire that could be completed online;

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- the same questionnaire would also be on the Ask Derbyshire webpage as many residents used it as their 'go to' when finding out what consultations were live across the District; and,
- paper copies of the Successful Healthy Places SPD and consultation questionnaire would be made available at the District's libraries and Contact Centres throughout the 8-week consultation period.

Two drop-in events had been arranged: one at the Assembly Rooms, Bolsover on 16th September 2025; the other at the Shirebrook Leisure Centre on 18th September 2025. The dates and times of these would be advertised in the local press and included in any direct mailing to interested parties.

The detailed arrangements for the final content of consultation material would be agreed by the Interim Director of Planning, Devolution & Corporate Policy, in consultation with the Chair and Vice Chair of the Committee.

The outcome of the consultation exercise would be considered and reported, together with an updated SPD in light of the consultation feedback, to the Committee later in 2025.

The Chair thanked the Principal Planning Policy Officer and Senior Urban Design Officer for their work. A Member added it was wonderful.

To a question on developers currently struggling to sell units, and how likely there might be additional costs for the improved designs both architecturally and in sustainability terms, the Senior Devolution Lead for Planning Policy, Strategic Growth and Housing informed the Council was aware of the complex demands on developers. It was stressed, however, that good design and good quality were always desirable, even if delivering both might prove challenging.

While the UK Government wanted more completed units and developers sought to maximise profits where available, good design always remained desirable – it was possible for developments to get the right balance between profit and quality.

A Member informed that for the 18th September 2025 drop in session at the Shirebrook Leisure Centre, members of the public should note that this would be for the design consultation for the District and not the Shirebrook Growth Plan. The Senior Devolution Lead for Planning Policy, Strategic Growth and Housing agreed – while not a consultation on the Shirebrook Growth Plan, it was just as important for members of the public to provide their thoughts on the Successful Healthy Places SPD consultation.

The Chair reiterated the two drop-in events that had been arranged: one at the Assembly Rooms, Bolsover on 16th September 2025; the other at Shirebrook Leisure Centre on 18th September 2025.

A Member echoed previous sentiments and thanked officers for their work. As the Portfolio Holder for Growth, the officers' work on the consultation was appreciated.

9 in favour
0 against

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Moved by Councillor Tom Munro and seconded by Councillor Phil Smith

RESOLVED that the 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.

PL29-25/26 QUARTERLY UPDATE ON S106 AGREEMENT MONITORING

The Principal Planning Policy Officer presented the Quarter 1 2025/26 report to update Members on the progress of the spending of Section 106 contributions and to review the effectiveness of the Council's monitoring procedures.

The Community Arts Development Officer and the Leisure Facilities Planning & Development Manager were also present to provide updates and respond to questions on specific projects.

The report followed the Council's approved S.106 Monitoring Procedure, which required a quarterly update highlighting contributions at risk of clawback (within 24 months of expiry) and summarising those held in years 3, 4, and 5 by infrastructure type.

Since the Committee's meeting June 2025, the number of contributions within the 24-month threshold had increased from 6 to 11, with full details provided in the report.

Notable changes included: spend recorded against the Spa Croft, Tibshelf (Arts) contribution, four contributions from Thornhill Drive, South Normanton were now within the 12-month spend period, and 5 new contributions had entered the 2-year window, covering infrastructure in Clowne, Bolsover, and Pinxton.

Key highlights included the Clowne Skate Park project, now under construction; the Spa Croft public art application, due to be submitted; and the Thornhill Drive pump track,= and open space projects, now approaching tender stage with an increased budget of over £68,000 (for the Pump Track since the Committee's previous meeting).

In terms of health contributions, discussions with the Integrated Care Board (ICB) on spending the South Normanton health sum were ongoing, with a site visit planned by the ICB (awaiting feedback).

Elsewhere, feasibility and project planning were advancing for contributions in Clowne, Tibshelf, and Bolsover, including art at The Edge amphitheatre, new tennis courts, and open space improvements at the Castle Estate (which was now in community consultation).

A new £71,000 Outdoor Sport contribution had been received from Glapwell Nurseries.

Councillor Tom Munro left the meeting at 11:58 hours.

Councillor Janet Tait left the meeting at 12:09 hours.

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Member requests and actions received included:

- Contact to be made with Clowne Parish Council Liaison Function regarding:
 - Item 18 – High Ash Farm (Art); and,
 - Item 21 – Land West of Homelea and Tamarisk (Outdoor Sport)
- Request for information on S.106 contributions without time limits to be included in a future report.

7 in favour

0 against

Moved by Councillor Phil Smith and seconded by Councillor Rob Hiney-Saunders

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

The Chair thanked all those for their attendance.

The meeting concluded at 12:15 hours.

PARISH Old Bolsover Parish

APPLICATION Residential development of 217 homes with associated open space, vehicular access roads, landscaping and infrastructure (including street connection to Foxglove Drive and Buckthorn Drive)

LOCATION Land Between St Lawrence Avenue And Rotherham Road North Of Langwith Road Bolsover

APPLICANT Mrs Marlena Przewuska Unit 3 Turnberry Park Cramphorn House LS27 7LE United Kingdom

APPLICATION NO. 22/00478/FUL **FILE NO.** PP-11518051

CASE OFFICER Mr Jonathan Gaynor

DATE RECEIVED 14th September 2022

SUMMARY

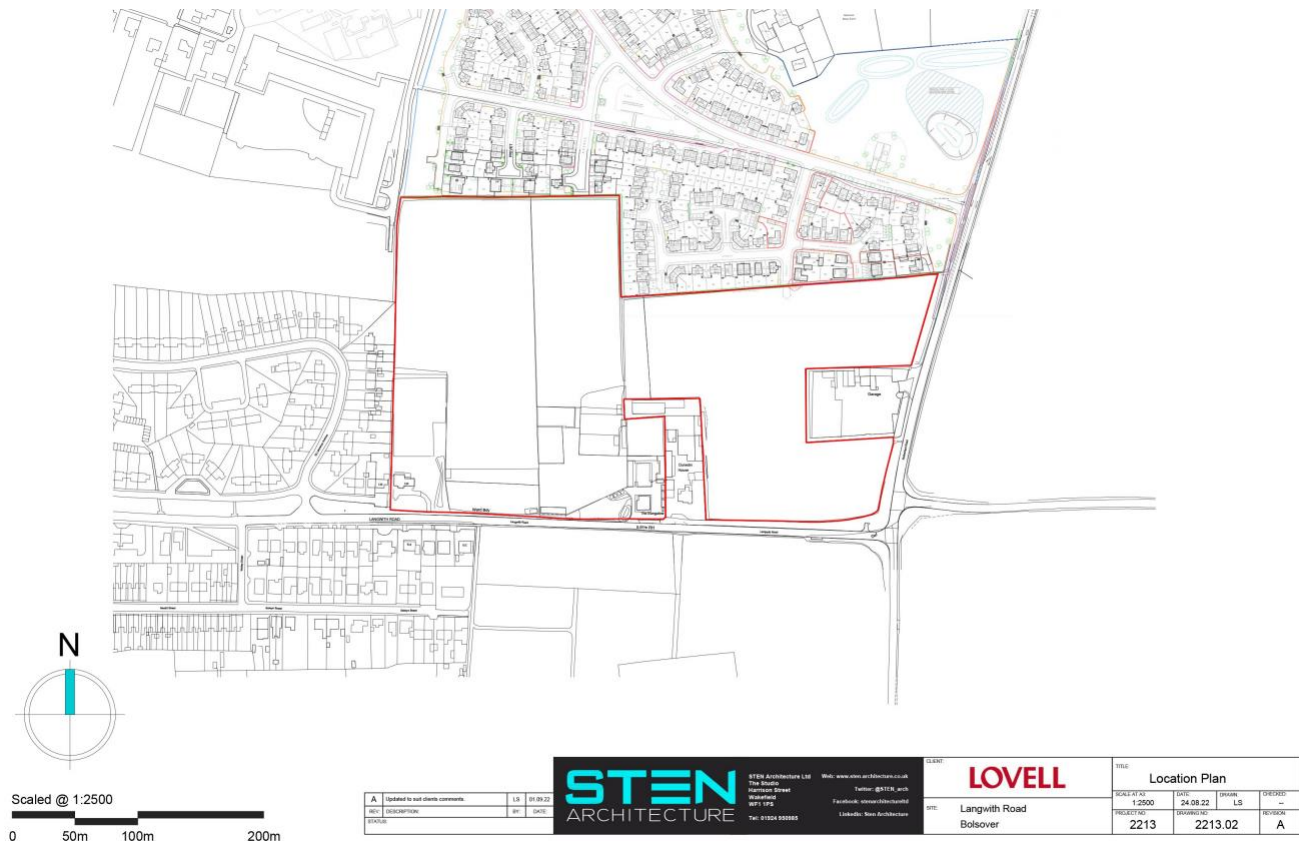
The application is for a residential development of 217 dwellings on an approximately eight hectare site to the east of Bolsover, accessed from Langwith Road, Foxglove Drive and Buckthorn Drive. The site forms part of a housing allocation in the adopted Local Plan, along with the recently completed scheme to the north, and Crossways Garage and Dunedin House that have not been included within this application.

Amendments have been made to reduce the number of dwellings, increase the size of the attenuation basin and increase the amount of public open space within the site.

Given the land allocation within the Local Plan, the principle of the proposal is acceptable and subject to the imposition of conditions, it is considered that the scheme would be acceptable in scale and design terms. However, the scheme is unable to viably provide all of the requested developer contributions. The viability assessment that has been submitted with the application and independently assessed is a significant material consideration.

Notwithstanding project viability, the scheme will provide 10% affordable housing onsite and developer contributions amounting to £850,000. On balance, given that the scheme otherwise represents a planned approach to sustainable development and will deliver housing to meet the District's housing needs, including policy compliant levels of affordable housing and contributions that can be prioritised towards critical infrastructure to satisfy Local Plan Policy II1, a recommendation to grant planning permission is made.

Site Location Plan



OFFICER REPORT ON APPLICATION NO. 22/00478/FUL

SITE & SURROUNDINGS

The site comprises a parcel of land of approximately eight hectares to the east of Bolsover, bound by Rotherham Road to the east, Langwith Road to the south, residential development on St Lawrence Avenue to the west and the newly constructed Keepmoat residential development to the north; which together with this application site forms a residential allocation within the Local Plan for Bolsover District.

The site is currently occupied by Villa Mar Riding School comprising a bungalow, stables, yard and outdoor riding arena at the centre south of the site with surrounding grassed paddocks. The land allocation also includes Fourways Garage on the eastern edge and the residential properties of 122 Langwith Road and Dunedin House on the southern edge of the site, however Fourways Garage and Dunedin House are excluded from this planning application. The site is generally bound by hedgerows.

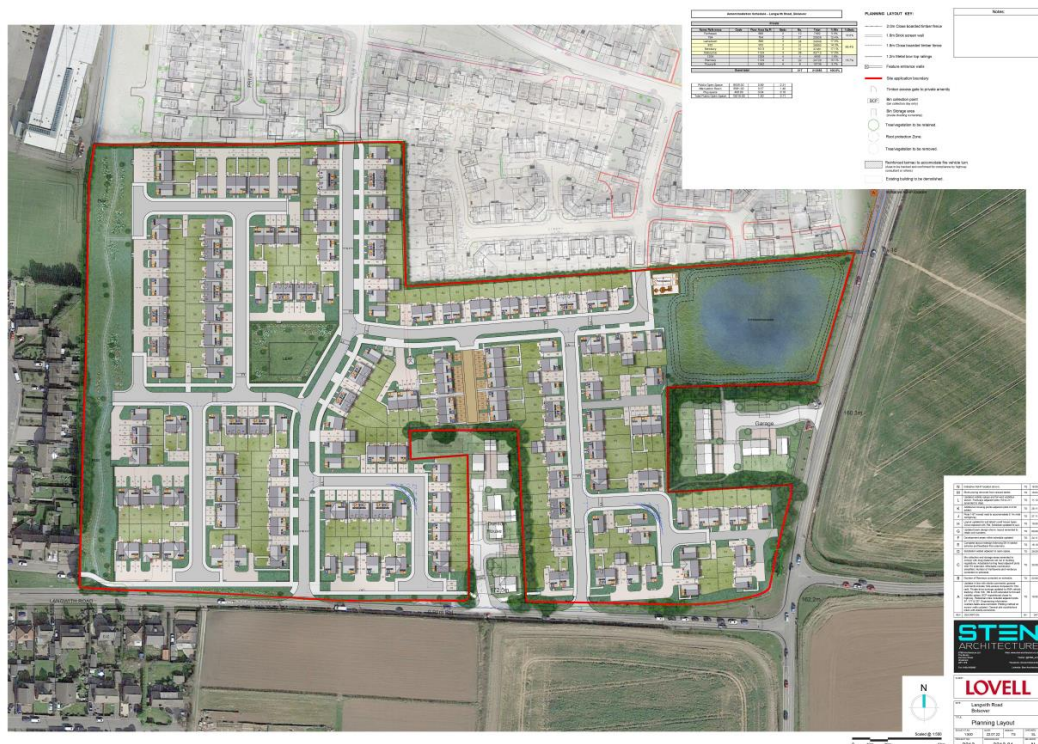
BACKGROUND

The application site forms the southern half (excluding some parcels of land on the perimeter) of a residential allocation in the Local Plan for Bolsover District. The northern half has recently been built out by a different developer.

PROPOSAL

The application is for the residential development of 217 homes with associated open space, vehicular access roads, landscaping and infrastructure (including street connections to Foxglove Drive and Buckthorn Drive).

The application originally proposed 248 homes but officers have worked with the applicant to arrive at the current proposal. The layout includes two vehicular linkages into the development to the north, two vehicular accesses from Langwith Road to the south, public open space along the western edge, a children's play area centrally within the site, and an attenuation basin at the north east corner. Properties range from terraced, semi-detached and detached 2, 3 and 4 bedroom, two and two and a half storey dwellings.



STREET SCENE A-A @ 1:200



STREET SCENE B-B @ 1:200



STREET SCENE C-C @ 1:200



STREET SCENE D-D @ 1:200



STREET SCENE A-A @ 1:200

Supporting Documents

- Noise Impact Assessment (Hepworth Acoustics) P22-278-R01v10 June 2025
- Biodiversity Impact Assessment (root3) R3-536-03-EC-04 Received 15 May 2025
- Biodiversity Metric Received 15 May 2025
- Location Plan 2213.02 Rev A 24 August 2022
- Planning Layout 2213.01 Rev N 22 July 2022
- Materials Layout 2213.03 Rev G 03 August 2022
- Street Scenes 2213.04 Rev C 20 November 2024
- Detailed Landscape Plan 1 of 3 R3-536-03-LA-02-01 Rev B 30 September 2022
- Detailed Landscape Plan 2 of 3 R3-536-03-LA-02-02 Rev A 30 September 2022
- Detailed Landscape Plan 3 of 3 R3-536-03-LA-02-03 30 September 2022
- Landscape General Arrangement Plan R3-536-03-LA-01 Rev D 02 August 2022
- Play Area Detail R3-536-03-LA-03 Rev A 03 October 2022
- Figure 1 – Phase 1 Habitat Plan R3-536-03-EC-03 Plan reference 02 12 February 2025
- Drainage Strategy 22029 100 Rev P18 April 2022
- Drainage Strategy 22029 Sheet No. I DRA01 (G) 06 March 2025
- Level Strategy 22029 101 Rev P8 June 2022
- Flood Risk Assessment 22029 REP01(C) 02 December 2024
- Flood Routing Plan 22029 102 Rev P01 December 2022
- Flood Exceedance Routing Plan 22029-DCE-XX-XX-D-C-102 Rev P02 05 March 2025
- Impermeable Area 22029-DCE-XX-XX-D-C-103 Rev P02 05 March 2025
- Updated Ecological Walkover R3-536-03-EC-03 13 February 2025
- Arboricultural Survey and Impact Assessment R3-536-03-AR-01 Received 17 December 2024
- Refuse Vehicle Swept Path Analysis 22029-DCE-XX-XX-D-C-160 Rev P01 02 December 2024
- Visibility Splays 22029-DCE-XX-XX-D-C-161 Rev P02 11 December 2024
- Bus Swept Path Analysis 22029-DCE-XX-XX-D-C-162 Rev P01 02 December 2024
- Cross Section 2213.05.01 Rev A 20 November 2024
- Cross Section 2213.05.02 Rev A 20 November 2024
- Boundary Treatment Plan 2213.06 Rev C 05 December 2024
- Refuse Plan 2213.07 Rev C 05 December 2024
- Tenure Plan 2213.08 Rev D 05 December 2025
- Parking Plan 2213.09 Rev C 05 December 2024
- Planning Drawings Various Boundaries 2213.B.01 17 August 2022 (received 13 December 2024)
- Planning Drawings Single Garage 2213.G.01 25 July 2022 (received 13 December 2024)
- Planning Drawings Twin Garage 2213.G.02 25 July 2022 (received 13 December 2024)
- Planning Drawings Type 1209 End/Mid Elevations 2455.1209.01 08 November 2024
- Planning Drawings Type 932 End/Mid 2455.932.01 08 November 2024
- Planning Drawings Fairhaven End/Mid 2455.FAI.01 08 November 2024
- Planning Drawings Type 764 End/Mid 2455.GOV.01 08 November 2024

- Planning Drawings Lansdown End/Mid 2455.LAN.01 08 November 2024
- Planning Drawings Newbury Detached 2455.NEW.01 08 November 2024
- Planning Drawings Osbourne Pair 2455.OSB.02 08 November 2024
- Planning Drawings Ramsey Detached 2455.RAM.01 08 November 2024
- Planning Drawings Tilsworth 2455.TIL.01 08 November 2024
- Transport Assessment (AMA) 21541-001 October 2022
- Interim Travel Plan (AMA) 21541-002 September 2022
- Highways Technical Note (AMA) 21541 10 December 2024
- Revised Design and Access Statement (Issue 2) November 2024
- Assessment of Financial Viability (Bielby Associates) 13 December 2023
- Archaeological Evaluation (Written Scheme of Investigation) (CFA Archaeology) November 2022
- Watercourse Survey 22029 SK10 &11 Received 11 November 2022
- Planning Statement (PB Planning) September 2022
- Project Management Plan (PMP) 00.1a Issue 48 July 2022
- Tree Constraints Plan (root3) R3-536-03-AR-02 17 May 2022
- Tree Protection Plan (root3) R3-536-03-AR-03 25 August 2022
- Bat Report (root3) R3-536-02-EC-02 21 July 2022
- Ecological Impact Assessment (root3) R3-536-02-EC-01 Rev A 25 July 2022
- Geoenvironmental Appraisal (Lithos) 4350/1 July 2022
- Geophysical Survey Report (Magnitude Surveys) MSSK1317 July 2022

AMENDMENTS

A reduction in the number of dwellings from 248 to 217 and associated changes to the site layout, increasing the size of the attenuation basin and public open space, and adding air source heat pumps to all dwellings..

EIA SCREENING OPINION

The proposals that are the subject of this application are not Schedule 1 development but they are an urban development project as described in criteria 10b of Schedule 2 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

The proposals are not in a sensitive location as defined by Regulation 2 but by virtue of their size and scale, they do exceed the threshold set out in the second column of Schedule 2. As such, the selection criteria set out in Schedule 3; the characteristics of the development, location of the development, and the types and characteristics of the potential impact, have been considered and it is concluded that the proposals will not result in significant adverse impacts on the environment.

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

HISTORY

18/00573/OUT	Refused	Outline application for residential development including the demolition of existing buildings
13/00209/OUTMAJ	Granted Conditionally	Residential development comprising up to 360 dwellings with public open spaces, an area suitable for employment development (which could potentially include a 60 bed care home, a children's day nursery and Class B1 offices and/or light industrial units) and associated infrastructure. Demolition of two existing dwellings and partial realignment of Mooracre Lane. Reserved matters submitted for the main access junctions into the site from the highways (all other matters are reserved to a later date).

CONSULTATIONS

Bolsover District Council (Arts Officer)

No comments received.

Bolsover District Council (Engineers)

1. Subject to acceptance of the SuDS design by DCC (LLFA), we must ensure the developer submits an Operation and Maintenance Plan (in accordance with section 32 of the SuDS Manual) which provides details of the arrangements for the lifetime management and maintenance of the SuDS features together with contact details. (a copy to be kept by Engineering Services)
2. The sewer records 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.
3. All proposals regarding drainage will need to comply with Part H of the Building Regulations 2010.
4. It is essential that any work carried out does not detrimentally alter the structure or surface of the ground and increase or alter the natural flow of water to cause flooding to neighbouring properties. The developer must also ensure any temporary drainage arrangements during construction gives due consideration to the prevention of surface water runoff onto the public highway and neighbouring properties.

Bolsover District Council (Environmental Health)

Further information is requested in regards the noise survey submitted in support of this application. The noise from the commercial garage has been assessed as being 'very low-

level', following only a total of 1 hour 40 minutes of monitoring, during which it is acknowledged that no noisy works were being undertaken. This is not a sufficiently robust assessment, and I advise this is revisited in more detail. Furthermore, additional information is requested in regards the premises identified as 'Dunedin House', and associated outbuildings – what are these used for and is there any commercial operation undertaken?

In regards potential ground contamination, I recommend the applicant submits a remediation strategy based upon the recommendation provided in report reference 4350/ 1 for my further consideration.

Further information was requested regarding excluded sites (Fourways Garage and Dunedin House) to ensure the noise impact would be acceptable and not prejudice existing uses. The Environmental Health Officer confirmed that noise from the garage had been sufficiently addressed, but maintained concerns over the potential for the Kennels at Dunedin House to resume. The agent queried the ability to accurately assess the kennels as they aren't in use.

Planning applications for new kennels are usually supported with noise impact assessments, however they are prone to significant uncertainty, and as a result EH are usually resistant to applications which seek to introduce commercial kennels to within close proximity of residential property.

If the developer cannot secure some form of legally binding undertaking with the kennel owners not to resume the commercial operation of the kennels, then any noise assessment would have to include a physical inspection of the kennels, or assume they offer negligible levels of noise mitigation. Given the potential for the kennelled dogs to bark significantly at night, I would envisage that substantial acoustic mitigation would likely be required in the form of upgraded glazing and mechanical ventilation to impacted noise sensitive rooms, and an acoustic fence to safeguard garden amenity

Following a revised Noise Impact Assessment being received: The scheme of mitigation in regards the kennels doesn't appear to offer any consideration of overheating of bedrooms overlooking the kennels. Should barking occur at night, which is not uncommon with commercial kennels, then significant adverse impacts will arise as a result of the development.

Further information is also requested in regards the impact of barking upon the use and enjoyment of external amenity areas. The assessment should include consideration of the acoustic features of barking.

The applicant responded that overheating will now be picked up under Approved Document O of the Building Regulations, so this would secure whether additional alternative ventilation measures would be needed or not, and that the proposed 2m acoustic fence is to be delivered to mitigate any potential impacts on external amenity areas, which is based on the assessment contained within the report. A condition was suggested.

Compliance with Building Regulations document O is usually determined based on current circumstances (i.e. existing noise levels), it is unlikely to adequately consider noise from the potential reuse of the kennels. If this isn't fully evaluated to the satisfaction of the LPA, it could seriously jeopardise the ability for the neighbouring land to be used for the commercial

operations currently permitted, contrary to the requirements of the NPPF.

I'm not satisfied that they have sufficiently characterised the impact of noise from barking – it is quite likely that housing immediately adjacent to commercial kennels will give rise to significant amenity impacts. We cannot just assume that external noise levels will be addressed by way of a 2 metre acoustic fence.

Where noise mitigation is likely to require the occupiers to keep windows closed to maintain a reasonable internal noise level, good acoustic design is essential at the earliest phase of the design, it is not appropriate to seek to resolve it by way of the building regs process once the design has been finalised.

If the applicant is not prepared to consider this further, by recommendation would have to be one of refusal.

A further revised Noise Impact Assessment was received.

The noise assessment makes predictions based upon limited knowledge of the kennel design/layout, and proposes limited noise controls based upon these assumptions.

It seems we are all in agreement that the kennels could reopen, and therefore that the mothballed business operation should be afforded a suitable degree of protection. Given the potentially significant impacts which could arise in the event business operations resume, I would need to be satisfied of the following:

A suitable, robust scheme of noise mitigation taking into account uncertainty has been agreed. Where noise levels exceed guidelines, the applicant should demonstrate that good acoustic design principles have been followed as far as is practical. This should include layout and orientation of noise sensitive bedrooms and external amenity areas.

Where windows must be kept closed to ensure reasonable internal noise levels are maintained, an overheating risk assessment should be completed to ensure that ventilation provision is adequate.

I appreciate these suggestions will be somewhat unwelcomed by the applicant, but I can't see we have any other option.

Information was supplied to the applicant to help them understand where planning permissions identified and permitted kennel locations on the site so that this could be appropriately considered. The applicant was happy to accept a condition to deal with overheating and considered that the existing dwellings of Dunedin House and Villa Mar were in close proximity to the kennels while they were operating and so was previously deemed acceptable.

The previous application, identified by the applicant below, confirms that kennelling facilities exist across the site, not just along the northern boundary as previously assumed. The noise report therefore doesn't fully assess the risks.

In regards overheating, building regulations only considers night-time noise issues. EH routinely ask for overheating to be considered at design stage, their acoustician we will be

well aware of this.

We are looking at putting housing next to land earmarked for use as a commercial kennels – an acoustic fence won't be sufficient to control potentially significant external and internal amenity impacts. If we permit this, and the kennels reopen, we will most likely have significant adverse impacts.

The (possibly overly simplistic) way I see it is they have three options:

Agree something with the kennel owners that is legally binding, ensuring the kennelling uses will not resume.

Remodel the layout of housing along the boundary with the site.

Split the development into phases, and the phase next to the kennels be agreed as an outline permission only.

Otherwise, at this current time my recommendation would have to be one of refusal.

Following further revisions to the Noise Impact Assessment to ensure all areas of likely noise; particularly the open runs to the north of the site, were properly considered, and further consultation with the Environmental Health Officer, noise was considered adequately addressed with conditions recommended by the Environmental Health Officer to secure the measures recommended in the latest Noise Impact Assessment (P22-278-R01v10 dated June 2025) and verify installation, require a scheme to deal with airborne dust during construction, control of construction working hours, removal of made ground and control of contamination, and control over imported soil. The Environmental Health Officer did ask for further information from the developer in regards the predicted AADT traffic flow for the site but given the site is allocated for the proposed use in the adopted Local Plan, this was not considered reasonable at this stage.

Bolsover District Council (Leisure)

Open Space

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

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

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

- a) 1.86 ha. of Formal Green Space (Amenity green space, Recreation Grounds, and Equipped Play Areas) per 1,000 population
- b) 1.2 ha. of Semi-natural green space per 1,000 population
- c) In settlements where the current provision for either formal or semi natural green space exceeds minimum standards a reduction will be made in the relevant requirement to reflect

the percentage of the development site that is within 400 metres walking distance from the edge of existing publicly accessible formal and/or semi-natural green space of at least 0.5 hectares in size.

The Bolsover Green Space Strategy (2012, updated 2018) indicates that Bolsover has a significant under provision of open space – 5.85ha of additional formal green space is required to meet the minimum standard.

In accordance with policy ITCR5, a development of this size (217 dwellings) would require provision of 0.87 ha of Formal Green Space and 0.52 ha of Semi natural Green Space (a total of 1.39 ha).

I note that drawing no. 2213.01 (Planning Layout) identifies that the total area of public open space within the proposed development site totals 1.5ha, which includes Public Open Space (0.89 ha), Attenuation Basin (0.57 ha) and Playspace (0.04 ha).

Although the inclusion of the proposed attenuation basin as public open space is questionable, the other areas of public open space exceed the requirement in Policy ICTR5 anyway, so the attenuation basin would meet the requirement for semi-natural open space, assuming that the detention basin were suitably vegetated.

Playspace

I note that the area surrounding the proposed LEAP (play area) has been increased significantly in this iteration of the Planning Layout (Revision L). This is welcomed as this is now a more usable space, which is centrally located, overlooked by neighbouring properties and easily accessed via the network of pedestrian and cycle paths through the proposed development. However, the actual design of the play area and choice of equipment does throw up a few issues.

LEAP (Locally Equipped Area for Play):

An area of open space specifically designed and laid out with features including equipment for children who are beginning to play independently. The number and nature of equipment and structures is a matter for local decision, though provision for a minimum number of six play experiences is recommended.

Play features including equipment are an integral part of the LEAP and the attractiveness of such spaces, though it is also important that the space can be used for physical activity and games. LEAPs can also include landscaped areas of play; containing little formal equipment but imaginatively designed and contoured, using as far as is possible natural materials such as logs or boulders which create an attractive setting for play.

I note that the Play Area Detail (Dwg No R3-536-03-LA-03) includes four distinct items of play equipment (although one of these is a trail), all of which is of timber construction. Our preference would be for metal equipment for reasons of durability, resistance to vandalism and ease of repair. Timber would be acceptable if this area is to be managed / maintained by the developer's nominated management company. If the area were to be adopted by the

Council, we would insist on equipment that is largely metal in construction (steel or aluminium).

We would expect a wider range of equipment / play value than is proposed (e.g. there is currently no equipment that allows for rotating, sliding, rocking, bouncing or gliding) with access / inclusivity being a consideration in the choice of equipment and would suggest that the boulders are omitted, based on our experience on other sites.

I also note that it is proposed to plant three trees within the play area, all of which are adjacent to the proposed bowtop fence. It is recommended that these are omitted to prevent issues in future where the trees become entangled with the fence. The trees outside the play area would be acceptable as long as they do not limit visibility into the open space / play area. On a similar note the proposed hedge surrounding the open space should be kept low to maintain natural surveillance across the open space.

Finally, it is recommended that the self-closing gates should be Easy Gates, which are essentially 'fit and forget' due their durability and ease of maintenance.

Policy ICTR5 also states that "In addition new residential developments of more than 10 units will be expected to make reasonable financial contributions, either for new green spaces, or to improve green spaces, falling within the following walking distances:

- Equipped Play Areas within 400 metres
- Amenity Green Space within 500 metres
- Recreation Grounds or Semi-Natural Green Space within 800 metres

The Council will prioritise contributions to achieve minimum quality standards of 60% for Green Spaces".

In line with Policy ICTR5 a s106 commuted sum contribution will be sought to improve the following areas of green space, all of which fall below the 60% (good) quality standard:

New Green Space:

Existing Amenity Green Space: Langwith Road Verge / St. Lawrence Avenue / St. Lawrence Square (all within 500m / 6 minutes walking distance)

Existing Recreation Ground / Semi-Natural Green Space: Mansfield Road Recreation Ground, Hillstown (within 800m / 10 minutes walking distance)

Using the current policy formula, the commuted sum payment would be £250,852 (217 dwellings x £1,156 per dwelling). This amount is based on 2025 prices and should be index linked to the RPI in terms of timing of payment.

Built & Outdoor Sports Facilities

Policy ICTR7: Playing Pitches states that "If improvements to existing pitches are needed, new residential development of more than 10 dwellings will be expected to make financial contributions to the improvement of playing pitches and / or their ancillary facilities. The Playing Pitch strategy and assessment will be used to consider the most appropriate site for enhancements. The site must be well-related to the development. The Council will prioritise contributions to achieve minimum quality standards of 'average' for playing pitches.

As the proposed development is not of sufficient scale to require any dedicated on site built / outdoor sports facilities, it is recommended that a suitable commuted sum is negotiated in lieu of any formal on site requirement. Using the current policy formula, the commuted sum would be £305,753 (217 dwellings x £1,409 per dwelling). This amount is based on 2025 prices and should be index linked to the RPI in terms of timing of payment.

Such a commuted sum would be invested in improving playing pitches and their ancillary facilities at Moor Lane, Castle Leisure Park and Mansfield Road Recreation Ground, Hillstown.

All were assessed as 'standard' (although the youth (9v9) pitch at Moor Lane was rated as 'poor') in the Bolsover Playing Pitch Strategy Assessment Report (Knight, Kavanagh and Page, August 2017).

Maintenance Sum

Maintenance sums are not usually enforceable on payments made in lieu of on-site provision.

However, we would expect to receive a commuted sum for a period of 10 / 15 years following completion of the development for any land adopted by the district council. This would be index linked in accordance with the current Local Plan policy and will cover grounds maintenance and the ongoing management and maintenance of any play equipment, fencing, etc. provided by the developer.

The exact level of commuted sum will need to be negotiated once the nature, size and form of the land to be adopted has been agreed and approved.

Connectivity

I note that the Planning Layout (drawing no. 2213.01) appears to show a network of shared cycle / pedestrian paths within the proposed development, including a connection to the service road running to the north of Langwith Road, which is welcomed. This also connects into the existing development to the north allowing cycle access between Langwith Road and Mooracre Lane and into the network of quieter estate roads on the eastern side of Bolsover town centre.

I also note that Derbyshire County Council as Highways Authority has requested the inclusion of a condition relating to bicycle parking to promote sustainable travel and healthy communities, viz *"No individual dwelling in the Development hereby approved shall not be occupied until sheltered, secure and accessible bicycle parking has been provided in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority. The storage area shall be maintained for this purpose thereafter"*.

I also welcome the inclusion of the linear green corridor along the western boundary with a walking route through it. It is noted that "this space is overlooked by new homes with the potential to include new native planting", which would enhance this area as both useable public open space and as a semi-natural green space.

Local Plan for Bolsover District (Adopted March 2020)

The following policies are considered relevant to the application:

- Policy SS1: Sustainable Development.
- Policy SS2: Scale of Development.
- Policy SC1: Development Within the Development Envelope.
- Policy SC2: Sustainable Design and Construction.
- Policy SC3: High Quality Development.
- Policy SC4: Comprehensive Development
- Policy SC7: Flood Risk
- Policy SC9: Biodiversity and Geodiversity
- Policy SC10: Trees, Woodlands, and Hedgerows.
- Policy SC11: Environmental Quality (Amenity)
- Policy SC12: Air Quality.
- Policy SC13: Water Quality
- Policy ITCR5: Green Space and Play Provision.
- Policy ITCR9: Local Transport Improvement Schemes.
- Policy ITCR10: Supporting Sustainable Transport Patterns.
- Policy ITCR11: Parking Provision.
- Policy II1: Plan Delivery and the Role of Development contributions
- Policy II2: Local Employment and Skills.

There is no neighbourhood plan which applies to the application site.

Material Considerations

Supplementary Planning Documents

- Successful Places (A Guide to Sustainable Housing Layout and Design) 2013
- Adopted Local Parking Standards 2024.
- National Planning Policy Framework (NPPF) policies relevant to the application are:
 - Part 2: Achieving Sustainable Development.
 - Part 5: Delivering a sufficient supply of homes.
 - Part 8: Promoting healthy and safe communities.
 - Part 9: Promoting sustainable transport.
 - Part 11: Making effective use of land.
 - Part 12: Achieving well-designed places.
 - Part 14: Meeting the challenge of climate change, flooding and coastal change
 - Part 15: Conserving and enhancing the natural environment

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

- National Planning Policy Guidance (PPG) brings together national planning guidance on various topics.
- ODPM Circular 06/2005 Biodiversity and Geological Conservation – The circular remains in force. In summary: This provides that it is essential that the presence or otherwise of protected species and the extent that they may be affected by the proposed development is established before planning permission is granted. This is a material consideration and must be addressed in making the decision.

Legislation

- Natural Environment and Rural Communities Act 2006 section 40 duty identifies that “the general biodiversity objective” is the conservation and enhancement of biodiversity.

Description

Proposal

The site in question is located within the Development Envelope of Bolsover and is allocated for residential development. The revised proposal is for the construction of 218 dwellings.

Policy

The Local Plan for Bolsover District was adopted by the Council on 4th March 2020. The policies in the Local Plan, considered as a whole, are the starting point for decision-making. The National Planning Policy Framework (NPPF) is a material consideration.

Policy SS1: Sustainable Development sets out the factors that will inform the assessment of whether a development contributes to sustainable development. The development will also need to reflect the requirements set out in Policy SC2 Sustainable Design and Construction, and Policy SC3: High Quality Design. Under these policies the following are required:

- A Planning / Sustainability Statement submitted with the application that addresses all of the factors in Policy SS1.
- Provision for new works of public art which are designed and established, with engagement and support of the local community. (Policy SC3 which applies as the proposal is for more than 100 dwellings).

Policy SS3 sets out the spatial strategy and distribution of development. This is reflected in the allocation of a supply of deliverable sites for housing under Policy LC1: Housing Allocations, which includes the parcel of land between Langwith Road and Mooracre Lane. See Plan 1 below. Consequently, as an allocated site, the principal of residential use has been established.

The site in question is located within the Development Envelope of Bolsover as identified by the Local Plan and Proposals Map. The northern part of the allocation has already been developed. Two additional areas identified in the allocation are not included in the current planning application:

- Four Ways Garage off B6417.
- Dunedin House and associated buildings and land off Langwith Road.

Consideration should be given to Policy SC4: Comprehensive Development. The Policy includes a requirement for a masterplan which identifies how the site as a whole will be comprehensively planned and developed. I note that a planning layout plan has been submitted (Date 22.07.22. Project No: 2213. Drawing No. 2213.01) which identifies that the above sites could be developed with their own road access onto Langwith Road and the B6417.

Policy LC1 provides that “in order to achieve sustainable development, the local planning authority will impose conditions on planning permissions or seek to enter into a planning obligation under S106 of the Town and Country Planning Act 1990, to secure the expected requirements for each site set out in paragraphs 5.16 to 5.40 and where relevant elsewhere”. Therefore, while the principle of residential use has been determined the Policy includes development considerations. For the allocation as a whole, the requirements are set out in paragraph 5.16 which states:

- a. Construction of a new highway link through the site to Mansfield Road.
- b. Contribution to increasing the capacity of the Langwith Road / Mansfield Road junction.
- c. Contribution to the development of the Bolsover Town cycle and walking networks.
- d. Contribution to increasing the capacity of both primary and secondary phase schools.
- e. Provision of green space within the site.
- f. Provision of SuDS within the site.
- g. 10% affordable housing provision.

The requirement for affordable housing is set out in Policy LC2. For residential development comprising 25 or more dwellings the requirement under the Policy is to provide 10% affordable housing on site. It identifies that this should be in the form of affordable housing for rent. The Policy recognises that viability can change over time and where there are viability issues it is necessary for the applicant to submit a detailed viability assessment. If an assessment is submitted it should reflect the provisions of the Planning Practice Guidance on viability. The RICS have also produced guidance for chartered surveyors “Assessing viability in planning under the National Planning Policy Framework 2019 for England” which they are required to follow.

Under Policy LC3 development proposals should seek to ensure an appropriate housing mix of dwelling types and sizes taking account of imbalances in the housing stock. The Council is commissioning a Local Housing Need Assessment but this is not anticipated to be available until the summer.

The risk of flooding should be considered against Policy SC7: Flood Risk. The approach to flooding is the application of a sequential test and if necessary an exception test. This applies under NPPF paragraph 167 to all sources of flooding including surface flooding. The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. However, in accordance with NPPF paragraph 172 the application of the sequential test is not necessary “where planning applications come forward on sites allocated in the development plan through the sequential test, applicant need not apply the sequential test again.” It is noted that a site specific flood risk assessment has been submitted with the application in accordance with the policy for sites of over 1 ha. Policy SC2 identifies that the sustainable drainage principles should be adopted including the application of the drainage hierarchy.

Under the NPPF paragraph 180 d) development should provide development net gain. This is also reflected in Policy SC9: Biodiversity and Geodiversity. At the time the application was submitted there was not a requirement legal requirement to meet 10% Biodiversity Net Gain.

Given the number of proposed dwellings, there is a requirement for green space and play provision. The requirements are identified in relation to Policy ITCR5 which sets out Green Space Quality Standards together with the expectation that development will make financial contributions towards new green space or improved green space.

Policy ITCR9: Local Transport Improvement Schemes advises that planning permission will be granted where the proposal would not prejudice the delivery of a number of transport schemes and identifies improvements to the A632 Rotherham Road junction in Bolsover as one of these transport schemes. It would also require consideration of public transport routes alterations and improvements and cycle and walking networks which are highlighted on the Proposals Map to the Local Plan. A Transport Statement/Assessment and Travels Plans will be required under Policy ITCR10: Supporting Sustainable Transport Patterns.

As set out in relation to the housing allocation supporting infrastructure will be required. Policy II1: Plan Delivery and the Role of Developer Contributions provides a policy basis for planning obligations for a range of green, social and physical infrastructure types, including health and green space.

As the proposed development will provide over 30 dwellings, under Policy II2: Employment and Skills an ‘Employment and Skills Plan’ is required to be submitted for approval. The Plan should set out the opportunities for, and enable access to, employment and up-skilling of local people through the construction phases of the development and, where appropriate, during first occupation of the development.

Conclusion

The application site is a housing allocation identified in the Local Plan for Bolsover District. Consequently, the principal of residential use has been established. However, it will be necessary for the proposed development to meet the infrastructure, design and sustainability requirements set out in the Local Plan, taking into account the provisions of national planning policy and guidance as a material consideration.

Supplementary comments received:

Further to our comments dated 27th February 2024, it is noted that there have been changes in national planning policy, the Council has completed its five year Local Plan Review in accordance with the Town and Country Planning (Local Plans) (England) Regulations 2012 (as amended) and that additional information has been submitted by the applicant in relation to the following matters:

- Proposed Layout and Drainage Strategy
- Affordable Housing and Housing Mix
- Infrastructure Provision
- Viability
- Achieving Sustainable Development

Additional comments on these matters to supplement or update that previously provided were concluded as:

The application site is a housing allocation identified in the Local Plan for Bolsover District. Consequently, the principal of residential use has been established.

The applicant is proposing to meet the Council's requirement for 10% affordable housing in a policy compliant manner. However, the proposal is demonstrably not able for viability reasons to meet all of the requested infrastructure financial obligations, in particular Derbyshire County Council's education contributions.

Following national policy and guidance, the Council's Local Plan for Bolsover District allows for deviation away from policy requirements due to viability in relation to affordable housing provision (policy LC2), type and mix of housing (policy LC3) and role of developer contributions (policy II1).

National planning guidance contained within Planning Practice Guidance Viability and the Department for Education (DfE) non-statutory guidance Securing Developer Contributions For Education (August 2023) emphasise that developer contribution should be sought to contribute towards school places arising from housing development. However, paragraph 80 states that "We recognise that local planning authorities can reduce education contributions due to development viability and their own prioritisation of infrastructure types, sometimes agreeing with the developer a lower total amount for education in a planning obligation."

While developer contributions should be the 'first port of call' to meet the educational requirements arising from residential development, the guidance identifies that there will be circumstances where a development cannot meet the full education requirements due to viability issues. In these circumstances, the guidance indicated that funding is available from other sources if viability means that the full education contributions cannot be achieved. However, it is noted clear that this alternative source of funding will ultimately be available.

Ultimately, whether a proposal represents sustainable development is a matter of planning judgement. As such, based on the Council's Local Plan position it is deemed that on balance that a decision to approve would be reasonable given that the proposal is part of a Local Plan housing allocation and the proposal would contribute to both general and affordable housing supply and make some financial contributions to meet a number of local infrastructure

capacity needs. This is particularly the case given the weight to be given to the Ministerial Statement about the need for housing and the Council's own five year housing land supply position.

Whilst it is noted this will lead to a shortfall in the funding available for educational capacity purposes in the short term, based on national guidance there should be a mechanism for this to be addressed in future years. In relation to this, the omission of the existing capacity at the New Bolsover Primary School within Derbyshire County Council's calculations of the number of expected school place is of concern given the relatively nearby distance of the school to the development (within 1.5 miles of the site). As such, it may be that this would undermine the Council's ability to sustain a decision to refuse the application at Appeal.

However, if a recommendation is put forward to approve the application, the Section 106 Agreement should include a provision for a review mechanism to reconsider viability at a future date given the development is expected to take more than five years to be built out.

Bolsover District Council (Streetscene)

Plan received showing where bins should be presented for refuse collection.

Derbyshire County Council (Archaeology)

The proposal site is within the area granted outline consent under 13/00209/OUTMAJ. The site was subject to geophysical survey as part of this outline application, and the site to the north subsequently went through archaeological evaluation and a targeted mitigation excavation for which a report has not yet been submitted to finally discharge conditions. These investigations on the northern site identified a Romano-British field system without obvious settlement foci, and a double-ditched square enclosure tentatively identified as a Romano-Celtic shrine, though without confirmatory material culture beyond a few sherds of Iron Age and Roman pottery.

The current proposal site has had a second geophysical survey as part of the current application, with comparable though slightly more detailed results, showing similar field system archaeology with some possible enclosures or house gullies, of probable Iron Age/Roman date. The site clearly therefore has a similar level of archaeological potential, with the possibility of extending and refining the results of the previous phase of excavation, and contributing towards the ongoing research topics around the chronology and social context of these field systems and the associated settlement patterns.

Conditions should therefore be attached to any planning consent, to secure an appropriate scheme of archaeological work in line with NPPF para 218. This will comprise trial trenching in the first instance to assess potential and preservation, and to inform a second phase of site-wide or targeted excavation to capture the research value of the archaeological resource to be impacted.

Derbyshire County Council (Strategic Infrastructure):

- **Primary Level** - The proposed development falls within and directly relates to the normal area of Bolsover Infant and Primary School and Bolsover CoE Junior School. The proposed development of 217 dwellings would generate the need to provide for an additional 52 pupils (22 infants and 30 junior). The analysis of the current and future

projected number of pupils on roll, shows that the normal area primary schools would not have sufficient capacity to accommodate the 52 primary pupils arising from the proposed development. The County Council therefore requests a financial contribution of **£1,079,939.12** towards the provision of additional education facilities at Bolsover Infant and Nursery School and Bolsover C Of E Junior School

- **Secondary Level** - The Bolsover School has a current net capacity of 900 pupils and had 908 pupils on roll as at January 2025. The latest projections show the expected number of pupils to be 910 in 5 years time. The analysis of the current and future projected number of pupils on roll, shows that the normal area secondary school would not have sufficient capacity to accommodate the 43 secondary pupils arising from the proposed development. The County Council therefore requests a financial contribution of **£1,345,623.51** towards the provision of additional education facilities at The Bolsover School
- **SEND** – Request **£180,516.41** towards SEND places.
- **Libraries** – A stock only contribution only contribution of **£15,292.42** is requested.
- **Broadband** - developers should look to provide for NGA broadband infrastructure services as an integral part of the development scheme at the outset.
- **Local Authority Collected Waste** The County Council is currently reviewing its approach to assessing the impact of housing development on waste services.
- **Public Health and Adult Social Care** Our recently published All-Age Accommodation Strategy notes a modest need to develop ‘care ready’ type housing for rent or affordable retirement living properties; none of the proposed dwellings meet this type of need.
- **Employment and Skills** The County Council would wish to work collaboratively to support the District/Borough Councils to identify where activities or contributions are required to deliver employment and skills development where they are supported by policies in the local plan.
- **Monitoring fees** In line with the revised Community Infrastructure Levy Regulations 2010 (as amended) Regulation 122 2(a), the County Council will seek a monitoring fee towards the monitoring and reporting of S106 contributions.

Further to a meeting held with the County Council on 09 September 2025 in respect of the implications for the provision of strategic infrastructure and services, the County Council reiterated its concerns about the proposed s106 contributions particularly in terms of those suggested for Education. It reserves the right to appoint a suitably qualified person to undertake a further independent viability review of the documentation and confirms that as set out in their Developer Contributions Protocol in paragraph 4.22 the County Council may consider lodging an objection to the application on the grounds that the development is unsustainable.

Derbyshire County Council (Flood Team)

Derbyshire County Council as the Lead Local Flood Authority (LLFA) has reviewed the information submitted for this application, which was received on 22 September 2022, with additional information received on several occasions since. The LLFA has no objection subject to the conditions.

Derbyshire County Council (Highways)

The HA's previous consultation responses raised a number of highway issues and in the intervening period a number of discussions have taken place to try and resolve the highway

issues, which has culminated in the recently submitted revised drawings/information, so from a highway aspect the proposals are now considered acceptable in principle although it should be noted that in order to implement the scheme a separate construction approval process with the HA will need to be progressed – this scrutinises construction details and will be necessary in order for the HA to enter into a Section 38/278 Agreement for any works, so street lighting/highway drainage design will need to be formally approved by the HA as part of any Section 278/38 Agreements pursued for these works, but it is likely that amendments will be required to the proposals submitted and therefore no formal HA approval is given at this stage.

The construction of the works will inevitably lead to considerable disruption in the area which will affect several existing dwellings, so a Construction Management Plan (CMP) will therefore be an essential element, to be secured by Condition. The submitted Travel Plan (TP) is a live document that evolves with the site and will require continual monitoring, especially through the early years of the development, so the HA would wish to be involved in this process to ensure the aspirations of the TP and development accords with the assumptions made at this stage within the transport modelling. Responsibility for the monitoring of the TP ultimately rests with the developer and any fee paid to Derbyshire County Council will cover reasonable costs incurred by the Authority in the processing of submitted progress reports, undertaking site visits, and attending meetings as appropriate, to ensure the TP meets its agreed targets.

Whilst the revised information is generally acceptable in highway safety terms there are, as highlighted above, a number of issues that would require further input before the proposals would be fully acceptable in terms of highway adoption, but it is considered that the remaining issues may be addressed by appropriate Conditions/Informative Notes appended to the consent issued for this development in the interests of highway safety.

The latest S106 request is:

- Road network contribution of £592 per dwelling.
- Bus service contribution £236 /dwelling.
- Travel Plan contribution of £45 per dwelling.
- Traffic Monitoring Contribution £19 per dwelling.

Derbyshire Wildlife Trust

We have reviewed the Ecological Impact Assessment (Root 3, April 2022) and the separate Bat Survey Report (Root 3, July 2022). We advise that sufficient survey effort has been employed and best practice guidance followed. Habitats are of relatively low ecological value and protected species constraints are mainly limited to nesting birds (using onsite vegetation and swallow nests in B3 and B4) and hedgehog. No mitigation is currently provided for the loss of the swallow nests.

Numerous hedgerows are present within the site boundary, one of which (H8) qualifies as 'important' under the Hedgerow Regulations 1997. The other native hedgerows comprise Habitats of Principal Importance. H8 will be retained, outwith the curtilage of residential dwellings, although some minor loss may be required for access. Other hedges are retained in the large part, however most will comprise garden boundaries, which is not recommended due to the lack of future safeguards. Recommendations are made for species-rich hedgerow planting to achieve no net loss of hedgerow on site.

Whilst reasonable recommendations for ecological enhancements are made in Section 7 of the EclA, no biodiversity metric has been provided and as such we cannot advise on whether proposals comply with national and local policies to achieve a net biodiversity gain. We advise that a biodiversity metric is submitted to quantify losses and gains and information provided to address any losses. Once this element of works has been addressed, we can suggest wording for any necessary conditions.

Later consultation: We previously responded to this application in our letter dated 1st December 2022. Since then, revisions have been made to the proposed layout (Rev. L). This appears much improved, with a green corridor along the western boundary and the incorporation of additional POS in the form of a LEAP. The attenuation basin in the north-east is still proposed. Efforts appear to have been made to retain most of Hedgerow 8 (numbering as per the EclA) outside of residential curtilage, which is considered important under The Hedgerow Regulations 1997. All opportunities should be taken for gap planting and enhancing this hedgerow as part of the landscaping works.

No update ecology data appears to have been submitted with the recent amendments. Given that the previous ecological surveys were carried out in April 2022, we advise that an update site visit should be carried out to highlight any significant changes to habitats or species receptors. It should also confirm any requirement for update bat survey work. It may be suitable to issue a shorter update / addendum report(s), dependent on findings.

We previously noted that no metric had been submitted for the site and whilst it is not subject to mandatory 10% net gain, the scheme should deliver some level of gain, in line with local and national policies at the time of submission. Evidencing this using a metric is the most standardised approach to quantify losses and gains and would be in line with other large pre-mandatory schemes. To do this, onsite habitats should be classified using UKHabs methodology and condition assessments.

In addition, we would expect the scheme to incorporate features including integral nest boxes, bat boxes, hedgehog gaps and other species enhancements. This could be detailed on the landscape plans at this stage or secured through a suitably worded condition. Our previous letter referred briefly to swallow mitigation, as nests will be lost from Buildings 3 and 4. Consideration should be given to whether suitable covered structures could be incorporated within the scheme, such as log stores, car ports or porches. Could a covered structure be provided close to the attenuation basin, such as a pergola or shelter or some bespoke structure in conjunction with the pumping station? The attenuation basin may provide a source of mud for nest building when conditions are damp and a suitable feeding area.

Following receipt of further information: Further to our previous response dated 3rd February 2025, updated ecology documents have been submitted, namely:

- Updated Ecological Walkover (Root3, February 2025)
- Phase 1 Habitat Map
- Biodiversity Impact Assessment V3 and metric (Root3, March 2025)
- Landscape General Arrangement Rev. D.

Update Survey

A site visit in February 2025 has confirmed that onsite habitats and their condition remain

largely similar to those recorded in 2022. Update bat surveys are required on Buildings 1 to 5 due to the time elapsed since previous survey work. These must be undertaken prior to determination. Other protected species constraints remain the same.

BNG

Whilst the application was submitted prior to mandatory 10% net gain, it should still seek to deliver some level of gain, in line with the NPPF and local planning policy. A BNG assessment and metric have now been submitted. It appears that some BNG assessment was carried out in 2023, using Metric 3.1, and therefore this metric has just been updated using the most recent Landscape Plan Rev. D. This is acceptable.

The metric is completed with a high level of detail, which is welcomed. We have two comments on the metric, as follows:

- 127 trees in gardens are included in the metric, along with 2km of ornamental hedgerow in gardens. Whilst the metric does not give a unit gain for the hedges for some reason, it does include a +1.45 unit gain for the garden trees. The User Guide states that all habitats within gardens must be reflected as vegetated garden and these trees should be removed.
- We would also expect the proposed orchard to be seeded with a meadow grassland mix and managed with a low intensity mowing regime, if it is to be classified as traditional orchard in the metric. Currently an amenity mix is proposed.

A net loss of -8.97 habitat units (28.28%) are predicted and this will likely increase when the garden trees are removed. A gain in hedgerow units is proposed. The BNG Assessment indicates that the applicant plans to purchase offsite units to deliver at least 1% gain. This is acceptable and offsite units should be sought to deliver a gain and satisfy the trading rules. This should be readily achievable as the largest loss is of low distinctiveness habitats on this site, which can be offset by habitats of the same or higher distinctiveness. As the application is pre-mandatory, a Gain Plan is not required. We therefore advise that onsite gains are secured through a condition for a Landscape and Biodiversity Enhancement and Management Plan (LBEMP) and the requirement to purchase offsite units is secured through a S106 agreement (preferred) or appropriately worded condition.

Species Enhancements

We note that species enhancements have been added to the Landscape Plan Rev. D, which are welcomed and would avoid the requirement for a separate species enhancement condition. We have the following comments:

- Integral universal nest bricks should be provided at a ratio of 1:1 with dwellings, in line with British Standard BS 42021: 2022.
- We would advise further consideration of whether a barn owl box is suitable, given the adjacent roads and junctions.
- No consideration / further details have been provided regarding swallow compensation, as per our previous comments.

Final comments and condition wording can be provided upon completion of the bat survey work and the small amendments to the metric.

Following receipt of revisions: Further to our letter dated 17th April 2025, the Biodiversity Impact Assessment and metric have been updated to Revision D. Our previous two comments on the metric calculations have been addressed. This results in a loss of -10.41

habitat units (-32.85%). It is indicated that offsite units will be purchased to deliver at least 1% gain.

As the application is pre-mandatory, a Gain Plan is not required. We therefore advise that onsite gains are secured through a condition for a Landscape and Biodiversity Enhancement and Management Plan (LBEMP) and the requirement to purchase offsite units is secured through a S106 agreement (preferred) or appropriately worded condition.

Our previous comments on the bat surveys and species enhancements are still applicable.

The applicant queried agreement of a condition which requires the bat surveys to be undertaken, submitted, and approved pre-demolition of the buildings, given it would be some time before any such buildings would be demolished and the survey work would need to be duplicated. Derbyshire Wildlife Trust confirmed that Section 9.2.4 of the British Standard for Biodiversity (BS 42020:2013) does include a provision to condition update protected species surveys in this scenario. In relation to the exceptional circumstances in which surveys can be conditioned, it states:

“To confirm the continued absence of a protected species or to establish the status of a mobile protected species that might have moved, increased or decreased within the site.”

However, if a roost were recorded post-determination, we no longer have the mechanism to secure mitigation through a condition. This is one of the reasons we advise the surveys are pre-determination, to give the opportunity not only to ensure that mitigation is possible but also to make sure we have the chance to secure it via a condition. Derbyshire Wildlife Trust therefore set out the importance of being able to mitigate against the worst case scenario, such as a maternity roost of brown long-eared bats which require flight space i.e. a bat loft. While this is unlikely, such a bat loft would need to be incorporated within a garage or roof space. As such, a condition that would require update bat surveys and submission of a mitigation strategy, prior to demolition of the buildings would be necessary. Compensatory roost(s) should be in situ, prior to demolition of any buildings with confirmed roosts, so demolition would have to wait until several homes are built with bat boxes or a bat loft is provided dependant on the findings. Minor mitigation such as access tiles in roofs may not even require any variations to the permission and the bat boxes to be provided anyway may be sufficient.

Integrated Care Board (NHS)

The development is proposing 217 (A) dwellings which based on the average household size of 2.5 per dwelling and assuming 100% of the new population would come into this area for primary care health provision would result in an increased patient population of approx 542 (B) (2.5 x A).

The calculation below shows the likely impact of the new population in terms of number of additional consultations. This is based on the Dept. of Health calculation in HBN11-01: Facilities for Primary and Community Care Services.

It is unlikely that NHS England or NHS Derby and Derbyshire CCG would support a single handed GP development as the solution to sustainably meet the needs of the housing development and that the health contribution would ideally be invested in enhancing

capacity/infrastructure with existing local practices. The closest practices to this development, which include the site in their catchment area are;

- Welbeck Road Medical Centre
- Castle Street Medical Centre
- The Friendly Family Surgery

We would like to discuss the potential for S106 funding to be used to increase clinical capacity at a practice within the vicinity the development.

The NHS Derby and Derbyshire Primary Care Estates Strategy has identified this area of Bolsover as a high priority, with anticipated short term growth over the next 5 years creating capacity issues for the local practice facilities which collectively are fully utilised.

The amount requested is proportionate to the scale of the housing development proposed.

The indicative size of the premises requirements has been calculated based on current typical sizes of new surgery projects factoring in a range of list sizes recognising economies of scale in larger practices. The cost per sq m has been identified by a quantity surveyor experienced in health care projects.

This is the cost of providing additional accommodation for 542 **(B)** patients: £216,800.00.

Old Bolsover Town Council

Old Bolsover Town Council would like to submit an objection in respect of planning application 22/00478/FUL for the following reasons:

1. The lack of capacity in the existing foul and surface water drainage systems, which is already significantly impacted by the Keepmoat development in the area.
2. Residents regularly report issues with sewerage issues and toxic smells in properties and to date no action has been taken to address this.
3. Residents have also raised concerns about the potential of flooding in the area due to the inadequacy of drainage systems on local developments.

The Town Council would like to support the comments and conditions raised in the response from Yorkshire Water Services dated 10 October 2022 as set out below:

“If planning permission is to be granted, the following conditions should be attached in order to protect the local aquatic environment and Yorkshire Water infrastructure:

The site shall be developed with separate systems of drainage for foul and surface water on and off site. The separate systems should extend to the points of discharge to be agreed. (In the interest of satisfactory and sustainable drainage).

No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority. (To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the public sewer network).

No development shall take place until details of the proposed means of disposal of foul water drainage for the whole site, including details of any balancing works, off-site works and

phasing of the necessary infrastructure, have been submitted to and approved by the local planning authority. If sewage pumping is required from any part of the site, the peak pumped foul water discharge must not exceed 6.7 (six point seven) litres per second. Furthermore, unless otherwise approved in writing by the local planning authority, no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works. (To ensure that no foul water discharges take place until proper provision has been made for their disposal)."

Police Force Designing Out Crime Officer

The reduction in plots and revised layout are noted. House types are broadly similar, but a Tilsworth type has been added with no individual floor plans or elevation drawings I can see. This type forms key corner at plot 49.

The reduction of roadside parking presents new challenges in supervision for plots 64-70, and adequate lighting for this and several other extended areas of shared parking and access drives away from adopted street lighting.

The apprehension of crime and nuisance within more remote/unlit parking allocation can often lead to unintended front of plot parking, so for plots 64-70 I'd suggest a revised rear garden boundary with an upper section of engineered trellis to help with views between plot and parking allocation, as well as a solar lighting provision (column not bollard which are too easily damaged and illuminate at the wrong level) to help lessen this apprehension.

Additionally, the parking allocation for plots 28-32, 34-37, 38-47, 60-62, 77-80, 122-128, 138-145, 170-183 and 184- 186 will need supplemental solar column lighting for bays and their approach drives.

Boundaries are mostly good. I'd suggest that the front driveway of plot 1 should be gated as it has the look of a cut through from the shared driveway to the east. The gate for plot 61 should be moved to just behind the gate for plot 60. The same arrangement also for the gates of plots 126/127 and 175(which currently has no gate shown)/174. There is open access for the shared rear garden access of plots 178 to 182, which needs to be communally secured at as early a point as possible.

I would suggest that the site layout needs to be tweaked slightly around the parking allocation for plot 206 which looks a little detached from plot. Might these two plots be eased away from the adjacent pathway, and also separated by estate rail.

The majority of key plot treatment and boundaries are good. The estate rail should be added to the frontages of plots 113, 211, 148/154 and 155/156 though.

The Osbourne houses at plots 154 and 156 present tandem under treated elevations at a key node. They would sit better as Newbury/Lansdown combinations. The Ramsey house type at plot 21 should have an additional side ground floor lounge window facing the turning head.

Scarcliffe Parish Council

Scarcliffe Parish Council strongly object to this application on the following Material Considerations,
Highways, the A632 (Langwith Rd) that runs to the north of our Parish between the

Rotherham Rd and Mansfield Rd junctions is not capable of coping with the extra short term HGV construction movements and the long-term household car and van movements from the residents of the proposed site.

Severn Trent Water

No comments received.

Yorkshire Water

Waste Water

If planning permission is to be granted, the following conditions should be attached in order to protect the local aquatic environment and Yorkshire Water infrastructure:

The development shall be carried out in accordance with the details shown on the submitted plan, "'Flood Risk Assessment' 22029 (rev C) prepared by Dudleys, dated 02/12/24", unless otherwise agreed in writing with the Local Planning Authority. (In the interest of satisfactory and sustainable drainage)

1.) The submitted 'Flood Risk Assessment' 22029 (rev C) prepared by Dudleys, dated 02/12/24 is acceptable.

In summary, the report states that

- a.) Foul water will discharge to Severn Trent sewer at a restricted rate of 3.8 litres per second.
- b.) Surface water will discharge to primarily via infiltration. During seasonally wet periods, there will be an overflow to Severn Trent pumping station at a rate of 2.9 litres per second. As this pump station eventually outfalls to Yorkshire Water sewer it is understood that there will be no increase in the pumped rate of discharge to that sewer

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

PUBLICITY

The application has been publicised by press notice, site notices and letters to 57 adjacent properties. 42 representations have been received, which include 41 objections and 1 representation from Chesterfield Royal Hospital setting out the S106 impact on health to be considered and that initial modelling suggests that the impact of this development is up to £328k.

Below is a summary of issues raised in the objections:

- Loss of light to neighbouring properties
- Loss of privacy to neighbouring properties
- Loss of green space and lack of green space on the proposed development
- Cumulative impact with all other development approved in Bolsover
- Increased pressure on local infrastructure
- Increased congestion
- Increased number of road traffic accidents
- More potholes
- Limited parking within Bolsover

- Overburdened education and healthcare facilities
- Lack of leisure facilities and activities for younger people in the immediate area
- Noise and dust during construction
- Impact on local wildlife
- Plans indicate a lack of pedestrian connectivity on Langwith Road
- Langwith Road Junction would be better as a roundabout
- Told some Council bungalows would be built on the site which are much needed
- Bus route good but dangerous at junction to Lawson Road
- Drains struggling and there have been problems on adjacent Hedgerows development
- Seems to be well above 10% affordable housing – will this affect existing house prices
- How will the ancient protected hedgerow be maintained if fencing is erected
- Internal nest bricks should be used instead of the boxes proposed
- Foxglove Drive shouldn't be a through road
- Potential for a rat run through the Keepmoat development – can traffic calming measures / measures to stop cutting through be put in place?
- Present buildings have already encroached too far and are an eyesore
- No safe crossing near the development
- Noise and fumes from extra traffic
- New schools, doctors, dentists and leisure facilities should be built before
- Flooding concerns around balancing lagoon
- Attenuation basin will be inadequate
- Bolsover can't cope with all these new builds
- Layout and density seems excessive with lack of open/green space
- Parking bays small in relation to modern cars, leading to road/kerb parking
- Sewerage should not be discharged into the Keepmoat pumping station as it is already inadequate and potentially a serious health hazard
- Concerned about environmental impact
- Increased flood risk to existing properties
- Increased traffic will make it unsafe for children to play out
- Already houses that aren't selling – no local demand
- Reduced existing property values
- Wasn't consulted on the proposal
- It will spoil the rural elements of the town
- How long will construction traffic be for and will it be allowed along Foxglove Drive
- Increased air pollution
- Bolsover will become overpopulated, high crime, urban sprawl, that visitors won't come to see
- Cul-de-sacs on Keepmoat Hedgerows development should not be opened up as through roads
- Pedestrian access only between the estates to allow easy access to the secondary School
- Estate roads are privately managed so through roads would be unfair given residents pay the management fee
- If vehicular connection from the Hedgerows development is to be made, can it be towards the end of the construction to minimise mud, dust and congestion?
- Will the connection from the Hedgerows development delay the final road surface of

that development?

- Number of houses has increased since 2013 plans with no nursery or care home
- The development encroaches into neighbouring property
- Unable to maintain neighbouring property
- More trees and grassland needs planting
- Suggest further development in Bolsover is suspended until a full study is done of the impact of these developments on existing residents, and the strain they are putting on the local infrastructure
- Palterton is taking the brunt of the traffic
- Bolsover is losing its charm of a friendly community
- Bolsover has no swimming baths or leisure centre
- Noise pollution from water pump and increased home insurance cost from being near the water lagoon
- Increase in anti-social behaviour due to lack of recreational amenities for children
- Due to a lack of green space proposed, new residents will likely use green spaces on the Hedgerows development, that residents of that development pay a management fee for
- Langwith Road junction is busy and poorly lit, not suitable for a housing estate so close. The junction is not suitable and would need widening
- There's accidents on the Palterton junction on Mansfield Road pretty much every week
- Langwith Road near the proposed estate is tight, access is limited and has a constant flow of large vehicles. A new road so close to a busy junction is a terrible idea
- The town is underfunded and cannot sustain more houses, it lacks the facilities of a larger town
- The development is outside settlement boundaries and countryside policies should apply
- Bolsover has already exceeded its share of housing
- Significant investment would be needed in road infrastructure

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

POLICY

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

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

- Policy SS1: Sustainable Development
- Policy SS2: Scale of Development
- Policy SS3: Spatial Strategy and Distribution of Development
- Policy LC1: Housing Allocations
- Policy LC2: Affordable Housing Through Market Housing
- Policy LC3: Type and Mix of Housing
- Policy SC1: Development Within the Development Envelope

- Policy SC2: Sustainable Design and Construction
- Policy SC3: High Quality Development
- Policy SC4: Comprehensive Development
- Policy SC7: Flood Risk
- Policy SC9: Biodiversity and Geodiversity
- Policy SC10: Trees, Woodlands, and Hedgerows
- Policy SC11: Environmental Quality (Amenity)
- Policy SC12: Air Quality
- Policy SC13: Water Quality
- Policy ITCR5: Green Space and Play Provision
- Policy ITCR7: Playing Pitches
- Policy ITCR9: Local Transport Improvement Schemes
- Policy ITCR10: Supporting Sustainable Transport Patterns
- Policy ITCR11: Parking Provision
- Policy II1: Plan Delivery and the Role of Development Contributions
- Policy II2: Local Employment and Skills.

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 chapters in the Framework most relevant to this application include:

- Chapter 2: Achieving sustainable development.
- Chapter 4: Decision-making
- Chapter 5: Delivering a sufficient supply of homes
- Chapter 8: Promoting healthy and safe communities
- Chapter 9: Promoting sustainable transport
- Chapter 11: Making effective use of land
- Chapter 12: Achieving well-designed places
- Chapter 14: Managing the challenge of climate change, flooding and coastal change
- Chapter 15: Conserving and enhancing the natural environment.

Supplementary Planning Documents

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

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

Local Parking Standards:

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

Biodiversity Net Gain Design Note:

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

Affordable Housing:

The Council's supplementary planning guidance on is relevant to this application stating that the Council will normally expect 10% affordable housing on a scheme of the size. However, this guidance also says the Council will accept a minimum of 5% affordable where the reduced number is justified by the viability of the proposed development.

Planning Practice Guidance

Particularly relevant to this application, the Planning Practice Guidance offers guidance on viability issues:

“How should a viability assessment be treated in decision making?”

Where a viability assessment is submitted to accompany a planning application this should be based upon and refer back to the viability assessment that informed the plan; and the applicant should provide evidence of what has changed since then.

The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and viability evidence underpinning the plan is up to date, and site circumstances including any changes since the plan was brought into force, and the transparency of assumptions behind evidence submitted as part of the viability assessment.

Any viability assessment should reflect the government's recommended approach to defining key inputs as set out in National Planning Guidance.”

Paragraph: 008 Reference ID: 10-008-20190509

Revision date: 09 05 2019

“How should viability be reviewed during the lifetime of a project?”

Plans should set out circumstances where review mechanisms may be appropriate, as well as clear process and terms of engagement regarding how and when viability will be reassessed over the lifetime of the development to ensure policy compliance and optimal public benefits through economic cycles. Policy compliant means development which fully complies with up to date plan policies. A decision maker can give appropriate weight to

emerging policies.

Where contributions are reduced below the requirements set out in policies to provide flexibility in the early stages of a development, there should be a clear agreement of how policy compliance can be achieved over time. As the potential risk to developers is already accounted for in the assumptions for developer return in viability assessment, realisation of risk does not in itself necessitate further viability assessment or trigger a review mechanism. Review mechanisms are not a tool to protect a return to the developer, but to strengthen local authorities' ability to seek compliance with relevant policies over the lifetime of the project."

Paragraph: 009 Reference ID: 10-009-20190509

Revision date: 09 05 2019

ASSESSMENT

Key issues

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission are determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for the purposes of the Act is the Local Plan for Bolsover District (2020). The National Planning Policy Framework (NPPF) (2024) is a material consideration in respect of this application.

Having regard to the consultation responses and representations received and the relevant provisions of the development plan and policy contained within the National Planning Policy Framework, the main issues to assess are:

- the principle of the development;
- whether the proposal represents comprehensive development;
- landscape, visual impact and design of the proposed development;
- whether the development would be provided with a safe and suitable access and the impact of the development on the local road network;
- residential amenity;
- public open space and impact on biodiversity;
- drainage;
- impact on local infrastructure and amenities (including viability); and,
- other matters raised in representations.

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

Principle

The site forms the southern part of a parcel of land allocated within the adopted Local Plan for Bolsover District (2020) for housing, excluding the existing Fourways Garage and Dunedin House, which have not come forward within the application site. The northern part of the housing allocation has recently been built out by a different developer. The Local Plan's Spatial Strategy is based on directing development to the district's more sustainable settlements and the Plan has been found 'sound' by an independent planning inspector through the Examination in Public process.

The principle of residential development on the land is therefore already established, in accordance with policies SS2, SS3, LC1 and SC1 of the Local Plan for Bolsover District.

Comprehensive development

Policy SC4 of the Local Plan requires that proposals do not prejudice the comprehensive delivery of sites and assist in the provision of any necessary physical, social or environmental infrastructure. The layout and design should not preclude the development of adjoining land with longer term potential, lead to poorly planned or inappropriate piecemeal forms of development, or seek to avoid planning contributions by limiting the size of the development to avoid relevant thresholds.

The application site does not include all of the housing allocation, with a claim that those parcels of land, including Fourways Garage on Rotherham Road and Dunedin House on Langwith Road, were not available. These form small areas on the site's eastern and southern boundaries and the proposed site layout shows how these could be developed in the future should the land be available. While it would be beneficial to have a scheme that utilises the whole allocation in terms of design consistency, continuity and connectivity, it is considered that the allocation is generally being comprehensively delivered with connections to the northern half that has already been developed and without precluding the development of adjoining land, being poorly planned or leading to inappropriate piecemeal development, given only small areas are excluded. The proposal is therefore considered to comply with policy SC4 of the Local Plan.

Landscape, visual impact and design of the proposed development

The site is currently occupied by Villa Mar Riding School; comprising a bungalow, stables, yard and outdoor riding arena at the centre south of the site with surrounding grassed paddocks, and 122 Langwith Road; a residential bungalow. While the site lies on the eastern extremities of Bolsover, the site is fully bound to the north by the new residential development forming the other part of this residential land allocation, is bound by residential development and a school field to the west, and is bound on the eastern and southern boundaries by Rotherham Road and Langwith Road respectively and the excluded sites of Fourways Garage and Dunedin House, forming a visual edge and providing some existing urbanising context in views towards the site.

Beyond the highways of Rotherham Road and Langwith Road is open countryside and given the development, if approved, would form the settlement edge, it is important that boundary treatments are carefully considered. This should include retaining as much of the existing hedgerows and trees along these boundaries as possible, which the application proposes to do.

The layout of the proposed scheme has been revised a number of times to bring the number of dwellings down from 248 to 217 and include more open green space, and to accommodate a larger surface water attenuation basin.

The composition and arrangement of dwellings provides a mix of terrace, semi-detached and detached properties, consisting of two and two and a half storey dwellings. All dwellings now

feature air source heat pumps but these are discretely located to the rear of the properties and so any visual impact is limited. Some main routes through the site have grass verges and street trees, focusing on a central play space. Properties facing Langwith Road are set back by a green margin similar to the set back of existing properties along the north side of Langwith Road. There is some frontage parking but generally avoided on main routes through the site. The Designing Out Crime Officer did raise some concern with rear parking areas for plots 65-72, requesting suitable solar lighting for these areas, as well as some other parking areas around the site where parking is not immediately adjacent to the highway. It is difficult to control lighting in private areas but it is likely that occupants will erect domestic lighting features as necessary / ornamentally desired. The dwellings are also deeply set within the development site, with public surveillance from first floor windows of properties that back onto the parking courtyard area. Details of lighting generally across the site will be required by condition and lighting on adoptable estate road will be subject to highways approval after planning permission is granted.

Boundary treatments are considered acceptable with timber fencing around rear gardens but 1.8m brick walls in prominent locations and where parallel to streets. 1.2m metal hoop top railings are proposed around some front gardens at key junctions and around the play space and western public open space. Entrance brick pier features are proposed at the two Langwith Road accesses.

The linear public open space along the western boundary provides a soft landscaped zone with pedestrian route through connecting with the development at a number of points. This links to a similar space on the Keepmoat housing development to the north.

The eastern boundary where the site meets the countryside will comprise the attenuation basin, retained vehicle garage and sales business, and some new housing on the south east corner. An area of land on this corner has been excluded for potential highways works. As such, the site is set back here and the retention of hedgerows around the site and additional planting is considered to result in sufficient screening and an acceptable visual impact.

The overall design of the scheme is considered acceptable for its context in terms of its visual impact on the settlement, wider landscape and within the site itself.

Whether the development would be provided with a safe and suitable access and the impact of the development on the local road network

The development will have two vehicular accesses off Langwith Road and two vehicular connections linking it to the recently completed residential development to the north. The local highway authority has been consulted and initially referred to earlier comments they made on an outline application and pre-application enquiries where they stated that the principle of access onto Langwith Road and a footway across the site frontage has previously been established, subject to width, radii, visibility splays and right turn harbourage. A Travel Plan and S106 for highway improvement will be required but more information was requested relating to layout (including facilitating a bus route through the site), levels, gradients, surfacing, lighting and means of surface water drainage and the extent of the land that is currently under the applicant's ownership and control.

Additional information was received to respond to further highway comments about connections to the development to the north, visibility splays, speed reduction measures, highway and footpath / cycle path widths, street trees and priority junctions / crossings.

The local highway authority is now satisfied with the layout and design in principle, subject to: the separate construction approvals required from the highway authority; conditions relating to the provision of access, parking and turning facilities; bicycle parking; Travel Plan implementation and monitoring; details of street tree planting; adherence to the submitted Construction Management Plan; and, S106 contributions totalling £193,564 broken down as follows:

- Road network contribution of £128,464
- Bus service contribution £51,212
- Travel Plan contribution of £9,765
- Traffic Monitoring Contribution £4,123

Representations have been received raising concerns about the quantum of new homes in the area leading to increased traffic issues as well as safety and amenity concerns from having vehicular connections through the recently completed housing development to the north, creating a 'rat run' to avoid the junction at the end of Langwith Road.

It is important to note that this site is allocated for housing in the adopted Local Plan along with the completed development to the north with the intention of it forming a comprehensive scheme. Connectivity between any 'phases' or different developers / parcels of land to create comprehensive development across the whole allocation and avoiding isolated parcels of land that may lead to poorly designed piecemeal developments was always the intention and supported by policy SC4 of the Local Plan.

Representations also mentioned the Langwith Road junction, potential for traffic calming measures and lack of pedestrian crossings. The latest plans show a footpath across the site frontage along Langwith Road and the local highway authority have not raised any other concerns.

The proposal provides two parking spaces for 2 and 3 bedroom dwellings and three spaces for 4 bedroom dwellings (including sufficiently sized garage spaces) in accordance with the parking standards set out in Appendix 8.2 of the Local Plan.

The proposal is therefore considered acceptable in parking and highway terms, in accordance with policies SC3, ITCR10 and ITCR11 of the Local Plan.

Residential amenity

The proposal is for 217 dwellings on the edge of Bolsover. The introduction of residential development in this location is not considered to result in unacceptable amenity impacts to surrounding residential properties. There will inevitably be some noise, dust and disruption during the construction process. The local highway authority is satisfied with the submitted Construction Management Plan and while unacceptable noise and dust is generally controlled by other legislation, a programme of measures to minimise the spread of airborne dust from the site during construction and demolition periods has been recommended by the

Environmental Health Officer and given the scale of the development and proximity to other residential properties, is considered necessary and reasonable. Also, a condition controlling construction works and delivery times was recommended, which is again considered reasonable given the location.

The Designing Out Crime Officer made some observations regarding certain plot gates, footpaths to middle terrace properties and lighting. A particular concern was parking courts to the rear of what is not plots 65-72. A recommendation for a lowered rear boundary treatment to allow for surveillance and lighting was made. Lighting has been discussed above but with regard to the fencing, it is not considered necessary to have lowered boundary treatments given the position of these plots within the site and likely priority over a private amenity space for the occupants of those plots, meaning lowered fencing or trellis topped fencing would likely be changed.

The Environmental Health Officer did at a late stage ask for further information on the annual average daily traffic flow with regard to the impact on air quality. However, it was not considered justified to pursue this with the applicant as the land is allocated for housing within the Local Plan. The Council has therefore already considered the land acceptable for residential use supported by the Local Plan evidence base and so the principle of this development on the general scale as proposed has already been established. There are also no Air Quality Management Areas (AQMA's) within the locality.

A number of potential noise sources exist in close proximity to the site, including Bolsover School, Fourways Garage and the potential for Dunedin House to resume a kennel and cattery use in the future. Noise Assessments have been undertaken in support of the application and no concerns are raised from the Environmental Health Officer with regard to the school and garage. Concerns were raised about the proximity of new dwellings to the property of Dunedin House. While it has not operated commercially for a number of years, the property benefits from planning permission for a commercial kennels and cattery. This use could be lawfully resumed and such use would likely have a significant impact on the amenity of surrounding new properties in terms of noise. As such, the Environmental Health Officer asked for further information to demonstrate that sufficient measures can be implemented to ensure an acceptable standard of amenity will be afforded to the properties that could be impacted by noise from the kennels should the use resume. A scheme of acoustic fencing, enhanced glazing and ventilation measures has been proposed for the dwellings nearest to the site. The Environmental Health Officer has recommended conditions requiring full accordance with the measures set out in the report and verification that the measures have been installed prior to occupation.

Air source heat pumps have now been shown on the layout plan for each dwelling but these are not considered to result in any material amenity impact from noise. They are usually permitted development should a homeowner wish to install one and are now common domestic features. They are all located on the rear elevations of the property and so any visual impact is also limited.

With regard to the proposed layout of the site itself, the dwellings and outdoor amenity spaces are orientated in terms of position, location of windows and doors, and location of gardens, to not result in unacceptable overlooking, overshadowing or overbearing impacts. Some rear gardens are smaller than the guidance set out in the Successful Places Supplementary

Planning Document, but some are also larger and the overall balance across the site is considered acceptable.

With the imposition of conditions, it is considered that the development can be made acceptable with regard to residential amenity in accordance with policies SC3 and SC11 of the Local Plan.

Public open space and impact on biodiversity

Open space and playing pitches:

Initial plans showed a lack of public open space. There was a small centrally located play space and the attenuation basin in the north east corner of the site. The latest plans include a green corridor running north to south along the western boundary of the site, providing a footpath away from the estate roads and meeting a similar space on the Keepmoat housing development to the north. The attenuation basin has increased in size due to drainage requirements, however, that has been at the detriment of footpaths around it. Improvements have been made to the play space and there are green street verges along central connecting routes.

Local Plan policy ITCR5 sets out standards to improve green space and play provision in the District. Residential development of 25 or more dwellings is required to make provision for an equipped play area and new or enlarged green space either on site or within 400 metres walking distance in accordance with minimum standards. In accordance with policy ITCR5, a development of this size (217 dwellings) would require provision of 0.87 ha of Formal Green Space and 0.52 ha of Semi natural Green Space (a total of 1.39 ha). The total area of public open space within the proposed development site totals 1.5ha, which includes Public Open Space (0.89 ha), Attenuation Basin (0.57 ha) and Playspace (0.04 ha).

Although the inclusion of the proposed attenuation basin as public open space is questionable, the other areas of public open space exceed the requirement in policy ITCR5 anyway, so the attenuation basin would meet the requirement for semi-natural open space, providing that the detention basin is suitably vegetated.

The area surrounding the proposed LEAP (play area) has been increased significantly from early versions of the Layout Plan. This is welcomed as this is now a more usable space, which is centrally located, overlooked by neighbouring properties and easily accessed via the network of pedestrian and cycle paths through the proposed development. However, the actual design of the play area and choice of equipment could be improved. The proposed 4 pieces of play equipment are constructed of timber, whereas the Council's Leisure team would request steel or aluminium for durability, resistance to vandalism and ease of repair purposes, should the Council be adopting the space. They recommend a greater variety of play equipment in terms of the choices of equipment to provide a better play experience. They also recommended the removal of trees within the play area near to the bowtop fence to prevent entanglement and the use of 'Easy Gates' for durability and easy of maintenance.

Policy ITCR5 also states that "In addition new residential developments of more than 10 units will be expected to make reasonable financial contributions, either for new green spaces, or to improve green spaces, falling within the following walking distances:

- Equipped Play Areas within 400 metres
- Amenity Green Space within 500 metres
- Recreation Grounds or Semi-Natural Green Space within 800 metres

The Council will prioritise contributions to achieve minimum quality standards of 60% for Green Spaces”.

In line with Policy ICTR5, the Leisure team have sought a s106 commuted sum contribution to improve the following areas of green space, all of which fall below the 60% (good) quality standard:

Existing Amenity Green Space: Langwith Road Verge / St. Lawrence Avenue / St. Lawrence Square (all within 500m / 6 minutes walking distance)

Existing Recreation Ground / Semi-Natural Green Space: Mansfield Road Recreation Ground, Hillstown (within 800m / 10 minutes walking distance)

Using the current policy formula, the commuted sum payment would be £250,852 (217 dwellings x £1,156 per dwelling). This amount is based on 2025 prices and should be index linked to the RPI in terms of timing of payment.

Policy ICTR7: Playing Pitches states that “If improvements to existing pitches are needed, new residential development of more than 10 dwellings will be expected to make financial contributions to the improvement of playing pitches and / or their ancillary facilities. The Playing Pitch strategy and assessment will be used to consider the most appropriate site for enhancements. The site must be well-related to the development. The Council will prioritise contributions to achieve minimum quality standards of ‘average’ for playing pitches”.

As the proposed development is not of sufficient scale to require any dedicated on site built / outdoor sports facilities, it would normally be recommended that a suitable commuted sum is negotiated in lieu of any formal on site requirement. Using the current policy formula, the commuted sum would be £305,753 (217 dwellings x £1,409 per dwelling). This amount is based on 2025 prices and should be index linked to the RPI in terms of timing of payment.

Such a commuted sum would be invested in improving playing pitches and their ancillary facilities at Moor Lane, Castle Leisure Park and Mansfield Road Recreation Ground, Hillstown.

All were assessed as ‘standard’ (although the youth (9v9) pitch at Moor Lane was rated as ‘poor’) in the Bolsover Playing Pitch Strategy Assessment Report (Knight, Kavanagh and Page, August 2017).

The Leisure team would also expect a commuted sum for maintenance for a period of 10 / 15 years following completion of the development for any land adopted by the district council. This would be index linked in accordance with the current Local Plan policy and will cover grounds maintenance and the ongoing management and maintenance of any play equipment, fencing, etc. provided by the developer.

Biodiversity:

An Ecological Impact Assessment and separate Bat Survey report were submitted and Derbyshire Wildlife Trust confirmed that habitats are of relatively low ecological value and protected species constraints are mainly limited to nesting birds.

Numerous hedgerows are present within the site boundary, one of which qualifies as 'important' under the Hedgerow Regulations 1997. The other native hedgerows comprise Habitats of Principal Importance. The important hedgerow will be retained, although some minor loss may be required for access. Other hedges are retained in the large part, however most will comprise garden boundaries, which is not recommended due to the lack of future safeguards. Recommendations are made by Derbyshire Wildlife Trust for species-rich hedgerow planting to achieve no net loss of hedgerow on site. Whilst reasonable recommendations for ecological enhancements were made in the Ecological Impact Assessment, Derbyshire Wildlife Trust requested a biodiversity metric be submitted to understand the impact on biodiversity and that request has been met.

While the application was submitted prior to mandatory 10% biodiversity net gain, it should still seek to deliver some level of gain, in line with the NPPF and local planning policy. Derbyshire Wildlife Trust suggested minor amendments to the metric and the metric showed resulted in a loss of -10.41 habitat units (-32.85%). It is indicated that offsite units will be purchased to deliver at least 1% gain.

Given that it could be some time before buildings on the site are demolished, Derbyshire Wildlife Trust's request for further bat information prior to determination was explored further. It was concluded that provided the worst-case scenario could be accommodated post decision by condition, it would be reasonable to allow for further information to be received at the relevant times rather than requiring the information now unnecessarily and then duplicating surveys due to the information being out of date.

Overall, the amount and quality of public open on site has been improved and is now considered acceptable, and S106 for commuted sums is considered in the viability section later in this report. Biodiversity impacts are considered acceptable subject to conditions and the purchase of offsite habitat units.

Drainage

The Lead Local Flood Authority (LLFA) have been consulted and noted that surface water runoff is proposed to infiltrate via an infiltration basin and an area of permeable paving and that infiltration testing has been carried out near the locations of the proposed infiltrating features with favourable results, as reported in the Lithos Geoenvironmental Appraisal, referenced 4350/1 and dated July 2022.

A similar drainage strategy was originally proposed for the adjacent development site to the north. Infiltration testing was carried out in the locations of the infiltration basins. Favourable infiltration rates were returned, similar to those found by Lithos, and more conservative rates were used for the design calculations. However, in practice the infiltration basins were found not to be effective during long rainfall events, resulting in flooding and an alternative outfall had to be found. The local magnesian limestone has a lower solubility than pure limestone

and there are fewer channels within the rock form. This makes for more variable and unpredictable permeability.

The LLFA therefore requested the provision of overflows from the infiltration basin and permeable paving to an alternative outfall destination, demonstration of consideration of SuDS methods for source control and conveyance as good practice and to decrease the volume of water to be dealt with by the infiltration basins and expand on the multifunctional benefits of the SuDS features and how they integrate into the open space and green infrastructure.

Following further exploration of options, a proposal for an overflow from the basin to the land drain north of the site as a back up in the event that the infiltration fails was put forward and accepted by the LLFA subject to further information. Infiltration testing has been carried out in the location of basin with favourable results, the lower of which has been used for the design. Therefore, infiltration is proposed as the outfall in accordance with the drainage hierarchy.

The LLFA strongly recommend the deployment of source control methods across the site in addition to the drainage network (for example permeable paving, filter drains, swales, rain gardens) this would provide additional storage and treatment, provide further opportunities for infiltration and reduce the burden on the basin itself. Subject to the results of the modelling calculations, the applicant has demonstrated that the drainage design meets current standards. Some source control methods have been proposed. Subject to conditions relating to the detailed design, maintenance and management of surface water, and control of surface water during the construction phase, the LLFA raise no objections.

Impact on local infrastructure and amenities (including viability)

The proposal generally represents a planned approach being a site allocated for housing in the adopted Local Plan. The Plan directs growth to the district's most sustainable settlements through its Spatial Strategy and the hierarchy it sets out to achieve sustainable development. The Plan is supported by a robust evidence base and was found 'sound' by the Planning Inspector at its Examination in Public.

Despite the above, it is understandable that the existing local community has concerns about the growth of the town and its impacts.

Many representations have been received from residents of the Keepmoat development immediately to the north of the site, as these residents, along with residents along Langwith Road and the estate around St Lawrence Avenue are likely most impacted by the development in terms of construction nuisance and increased traffic afterwards. The Keepmoat development however forms part of the same housing allocation; it is simply that it is being brought forward by two different developers.

With regard to the impact on schools, health care, roads / transport and green space, it is important to plan for larger sites such as this one as minor developments are not required to pay contributions towards such infrastructure, resulting in poorly planned growth. Focussing growth on the larger and more sustainable settlements also supports the vitality of those centres and shops and amenities that can be sustained there.

In accordance with adopted policies and consultation with relevant statutory bodies, contributions have been sought towards key infrastructure so that the development does not result in unacceptable impacts in planning terms. Development that cannot meet its required contributions and therefore may place additional burden on a locality and its infrastructure may be considered to not amount to sustainable development. Development of this nature may therefore not be acceptable unless there are other considerations which should be afforded more weight.

A viability assessment was submitted by the applicant in December 2023 that set out a breakdown of contributions sought (based on 218 dwellings) that were as follows:

- 10% affordable housing on site
- Education £2,321,034.91
- Travel Plan £7,412
- Play space contribution £249,174
- Healthcare £196,200
- Public art £30,000
- Road Network contribution £96,347.28
- Bus service £38,446.48
- Traffic monitoring £2,969.16
- Library £15,347.20

This totalled £2,956,930, as well as the provision of 10% affordable housing on site. The report states a total of £3,161,415, which is assumed an error. It is also unclear how the education, play space, public art and library fees were derived, but the others were in accordance with consultee comments and formulas. The play space fee doesn't appear to represent the amount that would be sought for green space and sports (playing pitches) requirements, as both would be required.

The assessment demonstrated that the development could provide 10% affordable housing on site and a total commuted sum contribution of £950,000. The Council had this assessment independently reviewed in March 2024, which actually concluded that the development could only viable provide £700,000 and therefore the applicant's offer was good. Given the time that has lapsed since that review, the loss of one dwelling and change to the mix of house types across the site, and some updated costs provided by the applicant, it was considered that the position may have changed and the applicant agreed for the Council to have the viability position reviewed again. This concluded that evidence suggests sales price inflation has outpaced build cost inflation so the scheme could now viably provide 10% affordable housing on site and contributions totalling £850,000.

Given the proposal is now for 217 dwellings and it is usual for the formulas used by consultees to calculate their requests to change according to the Retail Price Index each financial year and / or changing capacity circumstances, up to date contribution requests have been sought. There are two major increases. Firstly, the addition of contributions under Local Plan policy ITCR7 were not included in the applicant's assessment, and secondly, Derbyshire County Council have revised their assessment of school capacity. In 2024, they reduced their ask by around £660,000 as analysis of the current and future projected number of pupils on roll at Bolsover C of E Junior School, together with the impact of approved planning

applications showed that the normal area primary school would have sufficient capacity to accommodate the infant pupils arising from the proposed development. However, they have stated that the current position represents the need for more capacity, which increased the request to beyond circa £300,000 above their initial request.

The request from the Local Highway Authority has increased by around £55,000 (40%) and the request from the Integrated Care Board has increased by around £20,000 (10%). The preference for public art is for it to be provided by condition rather than S106, to avoid the complexities around having an available scheme and the potential to have to return funds. It has therefore been removed from the breakdown below, which sets out the up-to-date position in terms of full contribution requirements:

- Education £2,606,079.04
- Travel Plan £9,765
- Green space and sports £556,605
- Healthcare £216,800
- Road Network contribution £128,464
- Bus service £51,212
- Traffic monitoring £4,123
- Library £15,292.42

This totals £3,588,340.46, which is significantly more than previously expected.

In addition to this, and the provision of 10% affordable housing, the development faces significant abnormal costs claimed to exceed £4.1m. These costs include rock blasting, construction and earthworks, pumping stations and pipe infrastructure and ransom allowance to connect the drainage infrastructure to the development to the north. The need for an increased attenuation basin was established during the application process and resulted in amended designs and a reduction in dwellings.

Viability is clearly a significant negative of the proposal and consideration has to be given as to whether the proposal still represents sustainable development and whether the benefits of the development coming forward on the site outweigh the negatives of not providing full infrastructure requirements, such that a recommendation to approve the development should still be made.

Policy II1: Plan Delivery and the Role of Developer Contributions, states that “To aid plan delivery, planning obligations will be sought where the implementation of a development would create a need to provide additional or improved infrastructure, amenities or facilities or would exacerbate an existing deficiency. The identification of this need will be assessed on a case by case basis but will be guided by the latest version of the Council’s Infrastructure Study and Delivery Plan”.

The latest version of the Council’s Infrastructure Study and Delivery Plan was published in February 2025 and is based on information provided by infrastructure providers at various points in the year previous. In terms of the local priority for infrastructure provision, Infrastructure Study and Delivery Plan identifies the following general priority hierarchy:

Importance to the Local Plan Strategy	Type of Infrastructure Project
Critical	<ul style="list-style-type: none"> • Road capacity • Utilities • Water • Education - Primary Phase
Necessary	<ul style="list-style-type: none"> • Cycling and Walking • Green Space - Town Parks • Green Space - Quantitative improvements • Education - Secondary Phase • Health
Complementary	<ul style="list-style-type: none"> • Green Space - Qualitative improvements • Strategic Green Infrastructure

This priority hierarchy provides a guide to how financial contributions should generally be prioritised within the trigger points for the payment of the contributions to the appropriate body, albeit this priority may be superseded by more recent evidence by way of consultee responses. Any financial contributions should be secured within the approved Section 106 Agreement Heads of Terms and transferred into the legal document with appropriate indexation.

As this proposed development forms part of an allocation for residential development under policy LC1 of the Local Plan for Bolsover District, the site has a number of specific obligations to deliver. Policy LC1 states that:

“In order to achieve sustainable development, the local planning authority will impose conditions on planning permissions or seek to enter into a planning obligation under S106 of the Town and Country Planning Act 1990, to secure the expected requirements for each site set out in paragraphs 5.16 to 5.40 and where relevant elsewhere”.

In relation to the relevant paragraphs for this site allocation, paragraph 5.16 advises:

“To achieve sustainable development, the site will be required to come forward in a comprehensive manner. The following requirements will be made:

- a. Construction of a new highway link through the site to Mansfield Road;
- b. Contribution to increasing the capacity of the Langwith Road / Mansfield Road junction;
- c. Contribution to the development of the Bolsover Town cycle and walking networks;
- d. Contribution to increasing the capacity of both primary and secondary phase schools;
- e. Provision of green space within the site;
- f. Provision of SuDS within the site;
- g. 10% affordable housing provision.”

To inform whether these requirements are still relevant, consultation responses have been

received from infrastructure providers such as the Council's Leisure Department, Derbyshire County Council and NHS Derby and Derbyshire Integrated Care Board, with requested contributions as set out above (with total Section 106 infrastructure sums being £3,588,340.46). The required Sustainable Drainage System (SuDS) (£720,954) and play space (£180,000) takes the infrastructure costs up to £4,489,294.46.

The outcome of the Council's latest viability review concludes that based on a developer return of 17.78% on the gross development value (which is within the normal range of 15-20% and not considered excessive) the "scheme is viable with 10% onsite affordable housing plus a S106 contribution totalling £500,000".

In considering the merit of the viability assessments carried out, it is noted that they have been prepared in accordance with national guidance, including that any viability assessment should reflect the Government's recommended approach to defining key inputs as set out in Planning Practice Guidance Viability (PPGV). The appraisals examine in detail both the expected gross development value generated from the sale of the various elements of the development, i.e. the market houses, the affordable houses; the expected build costs for the development, i.e. the cost of building the new houses and other forms of development; professional fees; Section 106 policy obligations; financing and developer profit.

The PPGV and NPPF also require that a viability assessment refers back to the Whole Plan Viability Assessment (WPVA) that informed the preparation of the policies of the Local Plan and that the applicant should provide evidence of what has changed since that point. This requirement needs to take into account that the Council's WPVA dates from 2018. As with all WPVAs, it was carried out to provide a high-level assessment and is based on various assumptions using a residual approach to development viability. WPVAs cannot reflect all the factors that emerge on specific sites.

With reference to the application site in question, no abnormal costs were identified in relation to the site at Langwith Road when it was allocated. However, substantial abnormal costs to bring the site forward have been identified during the course of the consideration of the application, including a rock blasting allowance, earthwork, pump station and rising main, a significantly larger SuDS pond, big pipe drainage attenuation and deep strip foundations. In total, these have added approximately £4.1m to the costs of delivering the site.

Despite the conclusion of the Council's independent report, the applicant has stated that they can provide the Council's 10% affordable housing requirement along the tenure split set out above and a provision for planning contributions of £850,000 (equivalent to £3,917 per dwelling).

Based on the conclusion of the viability appraisal work and applicant statement, it is noted that the identified available sum for infrastructure provision of £500,000 to £850,000 is substantially below the £3,588,340.46 requested through consultation responses.

In light of the above information and the shortfall between the conclusions of what the development has been requested to contribute to policy obligations and infrastructure provision and what the development is deemed to viably afford to contribute, it is

considered that central to this case is whether the proposal would achieve sustainable development.

Following national policy and guidance, the Council's Local Plan for Bolsover District allows for deviation away from policy requirements due to viability in relation to affordable housing provision (policy LC2), type and mix of housing (policy LC3) and role of developer contributions (policy II1).

Policy II1 states that: "Where the need for infrastructure and other requirements arising from development is proven to exceed that which can be viably funded through the development, priority will be determined by the District Council based on the importance of the infrastructure and other requirements, to the delivery of the Local Plan".

Given the applicant is proposing to meet the Council's requirement for 10% affordable housing but is demonstrably not able for viability reasons to meet all of the requested infrastructure financial obligations, based on the local priority for infrastructure provision as set out in the Council's Infrastructure Study and Delivery Plan the contributions provided would need to be prioritised.

The largest request is from Derbyshire County Council Education at £2,606,079.04. It is clear that the development cannot meet this request.

In terms of whether the Derbyshire County Council requirements are reasonable, they advise that they are based on the evidence and formulas set out in their Developer Contributions Protocol (July 2025), which sets out to achieve a consistent approach across the county. In terms of capacity at local schools, it is noted that Derbyshire County Council base their assessments on their 'normal area' approach and in doing so look at the capacity of two of the three primary phase schools in Bolsover. As such, they omit the slightly further away primary school at New Bolsover (within 1.5 miles of the site) which had 15% spare capacity based on the information provided by Derbyshire County Council for the Infrastructure Study and Delivery Plan in 2024.

The Derbyshire County Council Protocol includes a recognition that there can be viability issues (paragraph 4.16 to 4.23). In relation to this, it is noted that Planning Practice Guidance Viability and the Department for Education (DfE) non-statutory guidance Securing Developer Contributions for Education (August 2023) emphasise that developer contribution should be sought to contribute towards school places arising from housing development. This reflects that housing development should mitigate its impact on community infrastructure, including schools and other education and childcare facilities. Paragraph 11 acknowledges that the Basic Need Grant, the free schools programme and other capital funding do not negate housing developers' responsibility to mitigate the impact of their development on education.

Paragraph 13 of this national guidance identifies that while Basic Need capital allocations and other DfE capital funding such as the High Needs Provision Capital Allocations can be used for new school places that are required due to housing development, the DfE would expect this to be the minimum amount necessary to maintain development viability, having considered all infrastructure requirements. In paragraphs 78 and 80 the guidance also acknowledges that Section 106 planning obligations must be mutually agreed between the developer and the planning authority, so it is for the parties to the agreement to determine the

precise terms of it, taking into account wider issues such as viability and the Community Infrastructure Levy Regulation 122 tests in each case. Paragraph 80 states that *“We recognise that local planning authorities can reduce education contributions due to development viability and their own prioritisation of infrastructure types, sometimes agreeing with the developer a lower total amount for education in a planning obligation.”*

While developer contributions should be the ‘first port of call’ to meet the educational requirements arising from residential development, the guidance identifies that there will be circumstances where a development cannot meet the full education requirements due to viability issues. In these circumstances, the guidance indicated that funding is available from other sources if viability means that the full education contributions cannot be achieved.

If this is the case, this may mitigate the negative impact of reduced S106 contributions for education and enable the Council to judge that the proposal if approved would achieve sustainable development.

However, from discussions with Derbyshire County Council officers about this matter, it is not clear that such funding will be available and if it is, when it would be secured to mitigate the impact on school capacity.

This clearly presents a complex situation and a decision needs to be formed on whether the proposal does still represent sustainable development.

Paragraph 59 of the National Planning Policy Framework states that:

“Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. All viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in national planning practice guidance, including standardised inputs, and should be made publicly available.”

In this instance, the site is allocated for housing in the adopted Local Plan and will significantly contribute towards to Council’s housing needs in a sustainable location. It brings a good mix of house sizes and provides 10% affordable housing on the site.

With regard to affordable housing, Local Plan Policy LC2 identifies a requirement for 10% affordable housing with the tenure being identified as affordable housing for rent, based on evidence dated November 2013 as updated November 2017.

The Council has recently undertaken an update of the local housing needs evidence which includes an analysis of affordable housing needs. This is set out in the Chesterfield and Bolsover Local Housing Need Assessment (LHNA) (February 2025) prepared by Icen Projects. In summary, the LHNA identifies the following in relation to affordable housing:

- Access to home ownership is becoming more difficult for younger households due to cost and mortgage availability forcing them to rent for longer (paragraph 1.4);
- The analysis has taken account of local housing costs (to both buy and rent) along with estimates of household income. The evidence indicates that there is an acute need for affordable housing in both local authorities (paragraph 1.19);
- The vast majority of need, regardless of the overall housing number, is from households who are unable to buy or rent and therefore points particularly towards a need for rented affordable housing rather than affordable home ownership (paragraph 1.20);
- Shared ownership is likely to be suitable for households with more marginal affordability (those only just able to afford to privately rent) as it has the advantage of a lower deposit and subsidised rent. Local agents also suggest there is a market for this product, which is not the case for first homes (paragraph 1.27);
- In deciding what types of affordable housing to provide, including a split between rented and home ownership products, the councils will need to consider the relative levels of need and also viability issues (paragraph 1.31);
- Overall, the analysis identifies a notable need for affordable housing, and it is clear that the provision of new affordable housing is an important and pressing issue in the area. The report does not provide an affordable housing target; the amount of affordable housing delivered is identified as being limited to the amount that can viably be provided and this will be tested through the Local Plan viability assessment. However, the evidence in the report suggests the delivery of affordable housing should be promoted and maximised wherever the opportunity to do so arises (paragraphs 1.33 & 1.34).

It is noted that this application includes the provision of 22 affordable homes to meet the 10% requirement of policy LC2. Within the 22 affordable homes, 14 are proposed to be affordable houses for rent and 8 as shared ownership homes.

Whilst this mix of affordable housing types differs from that required by policy LC2, it is noted that the updated evidence provided by the LHNA 2025 identifies that the provision of shared ownership homes will also make a positive contribution to meeting the District's affordable housing needs.

Therefore, it is proposed that the proposed affordable housing provision is acceptable and can be considered as being policy compliant.

There are also other material considerations that are important in the consideration of this application. The Written Ministerial Statement "Building the homes we need", 30th July 2024, underlines the importance the Government places on housing delivery and acknowledges that the nation is in the middle of the most acute housing crisis in living memory. It highlights the vital role that decisions play in delivering housing and the need to build genuinely affordable homes. It also underlined changes to restore and raise housing targets. Some of these changes were subsequently introduced through the National Planning Policy Framework (NPPF) 12th December 2024 and Planning Practice Guidance Housing and economic needs assessment in the revised standard method for determining local housing need and the reintroduction of at least a 5% buffer in the land

supply.

The NPPF in paragraph 61, retains the statement that *“To support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. The overall aim should be to meet an area’s identified housing need, including with an appropriate mix of housing types for the local community.”*

As such, it is clear that the Government places significant importance on achieving housing delivery.

It is also important for the Council to maintain a five year supply of deliverable housing land to avoid the need to apply a presumption in favour of development on sites that may be less preferable and deliver less in planning terms.

The Council’s Annual Position Statement of Five Year Housing Land Supply (as at 1 April 2025) published in July 2025 provides the most up-to-date position in relation to the local housing need with a requirement of 360 dwellings per annum (dpa). The Statement identifies that the Council has a five year housing supply with a 5% buffer which equates to 378 dpa.

The supporting *List of Major Development Sites and their contribution to the Council’s Five Year Housing Land Supply 2025* includes the application site, listed as Land off Langwith Road and Mooracre Lane (Phase 2) within the Bolsover section. In this, based on the available evidence the site is identified as contributing 150 dwellings to the five year housing land supply with the remainder being delivered beyond year five.

As such, if the application was refused and therefore does not come forward (assuming a decision to refuse was sustainable at Appeal) the loss of the proposed 150 dwellings would reduce the Council’s housing land supply from the stated 5.69 years of deliverable sites. Whilst a full recalculation of the Council’s land supply has not been carried out, it is noted that a housing land supply below five years could lead to the Council losing the ability to successfully defend decisions to refuse speculative application in the countryside elsewhere in the District (poorer proposals obtaining planning permission).

Being tasked with delivering ‘sustainable development’, regard has been given to all relevant factors of the proposal, including: the housing and affordable housing it provides, the infrastructure contributions it provides, the sustainability of the location, the contribution towards the planned approach in delivering a housing allocation, the consequence of not approving the scheme on the Council’s five year supply, and the potential alternative mechanisms for securing funding to education through the Department for Education which while the Education Authority contests, is a national provision that this situation complies with.

While it is clearly finely balanced given the gap between the contributions requested and the contributions to be provided, it is, on balance, considered that there is more benefit to the development coming forward than not. Given the provisions of national policy and the adopted Local Plan to take viability into account and deviate from policy requirements where justified, the proposal’s viability has been thoroughly and independently assessed and the proposal is still considered to represent sustainable development in the round and would not

be considered contrary to the development plan, having regard to all infrastructure requirements. A decision also has to be made as to where the £850,000 commuted sum should be directed. The Council's adopted Infrastructure Study and Delivery Plan provides a basis for this decision by setting out a hierarchy as shown earlier in this report.

Out of the contributions requested, road capacity and education (primary phase) are listed as critical, with other requests listed as necessary and complimentary. As such, it is considered appropriate to direct contributions to meet highways and education requests. Given the DfE funding mechanism for education, it is considered reasonable to apportion the full highway request (£193,564) and the remaining (£656,436) towards education.

While this is of course a difficult decision, allocating in accordance with the priorities set out in the Infrastructure Study and Delivery Plan provides a defensible policy basis for the decision and is based on clear transparent evidence.

It is considered necessary to include a viability review mechanism within any S106 agreement to take account of any super profit that could be made and provide further contributions towards the requests that will have to at this stage be waived. If additional profit is realised and additional contributions received, it is recommended to be allocated to infrastructure following the hierarchy provided in the Infrastructure Study and Delivery Plan or any superseding information at that time which may take precedent.

Other issues

A number of representations have been received in response to this application. Many of the issues raised have already been discussed within the report, particularly with regard to connections between the site and the recently completed housing development to the north. For simplicity, the summary of representations with a response for each is provided below:

- Loss of light to neighbouring properties – *The development is not considered to result in unacceptable loss of light to any neighbouring properties.*
- Loss of privacy to neighbouring properties - *The development is not considered to result in unacceptable loss of privacy to neighbouring properties.*
- Loss of green space and lack of green space on the proposed development – *The latest proposal provides more green space. The existing land is privately owned and not publicly accessible.*
- Cumulative impact with all other development approved in Bolsover – *The site is allocated for housing within the adopted Local Plan.*
- Increased pressure on local infrastructure – *Discussed above within the report.*
- Increased congestion – *The Local Highway Authority does not object subject to conditions.*
- Increased number of road traffic accidents - *The Local Highway Authority deso not object subject to conditions.*
- More potholes – *Not a material planning consideration.*
- Limited parking within Bolsover – *Bolsover is one of the district's larger and most sustainable locations.*
- Overburdened education and healthcare facilities – *Discussed above within the report.*
- Lack of leisure facilities and activities for younger people in the immediate area – *This*

is not a reason to refuse planning permission.

- Noise and dust during construction – *Some noise and dust is to be expected and is not a reason to refuse planning permission, but excessive noise and dust is controlled under Environmental Health legislation.*
- Impact on local wildlife – *Derbyshire Wildlife Trust are satisfied subject to conditions and biodiversity gain being sought.*
- Plans indicate a lack of pedestrian connectivity on Langwith Road – *A footpath spans the site along Langwith Road in the proposals.*
- Langwith Road Junction would be better as a roundabout – *The Local Highway Authority does not object subject to conditions.*
- Told some Council bungalows would be built on the site which are much needed – *The site is privately owned and the plans have not included bungalows.*
- Bus route good but dangerous at junction to Lawson Road - *The Local Highway Authority does not object subject to conditions.*
- Drains struggling and there have been problems on adjacent Hedgerows development – *The Lead Local Flood Authority does not object subject to conditions.*
- Seems to be well above 10% affordable housing – will this affect existing house prices – *Only 10% affordable housing is proposed. The impact on surrounding house prices is not a material planning consideration.*
- How will the ancient protected hedgerow be maintained if fencing is erected – *Conditions such as a landscape and biodiversity enhancement plan / planting retention schemes can be imposed.*
- Internal nest bricks should be used instead of the boxes proposed – *This can be conditioned.*
- Foxglove Drive shouldn't be a through road – *Policy seeks comprehensive development of the site as discussed above in the report.*
- Potential for a rat run through the Keepmoat development – can traffic calming measures / measures to stop cutting through be put in place? – *The final highway design / surface will be agreed with the Local Highway Authority.*
- Present buildings have already encroached too far and are an eyesore – *The Council has to allocate sufficient land for housing. It has directed most growth to the more sustainable settlements of the district.*
- No safe crossing near the development – *The development will connect with existing footpaths on Langwith Road.*
- Noise and fumes from extra traffic – *The site has been allocated for this form of development in the adopted Local Plan. There are no Air Quality Management Areas (AQMA) in the vicinity.*
- New schools, doctors, dentists and leisure facilities should be built before - *Requests for contributions are sought based on policy and consultee responses. Where viability is an issue, consideration has to be given to whether the proposal still represents sustainable development with a reduced offer against the benefits of the proposal. This is done above.*
- Flooding concerns around balancing lagoon – *The Lead Local Flood Authority does not object subject to conditions.*
- Attenuation basin will be inadequate – *The Lead Local Flood Authority does not object subject to conditions.*
- Bolsover can't cope with all these new builds – *The direction of development set out in the Local Plan was found sound at its Examination in Public.*

- Layout and density seems excessive with lack of open/green space – *More public open space and less dwellings in the latest proposal.*
- Parking bays small in relation to modern cars, leading to road/kerb parking – *There is no basis to demand larger spaces.*
- Sewerage should not be discharged into the Keepmoat pumping station as it is already inadequate and potentially a serious health hazard – *The Lead Local Flood Authority and Yorkshire Water do not object subject to conditions.*
- Concerned about environmental impact – *Conditions / legal agreement to provide no net loss of biodiversity.*
- Increased flood risk to existing properties – *The Lead Local Flood Authority does not object subject to conditions.*
- Increased traffic will make it unsafe for children to play out - *The Local Highway Authority does not object subject to conditions.*
- Already houses that aren't selling – no local demand – *The Council must meet its nationally set housing targets or will risk having to accept poor schemes in less sustainable locations.*
- Reduced existing property values – *This is not a material planning consideration.*
- Wasn't consulted on the proposal – *The planning application has been publicised and consulted on in accordance with the Council's Statement of Community Involvement, which exceeds that which is set out in legislation.*
- It will spoil the rural elements of the town – *The impact on landscape is discussed above.*
- How long will construction traffic be for and will it be allowed along Foxglove Drive – The Local Planning Authority cannot control the speed of the development being built out and the Local Highway Authority have not requested any construction vehicle routing. It is however anticipated that development will commence from Langwith Road.
- Increased air pollution – *The development of the site represents a planned approach and there are no Air Quality Management Areas In the vicinity.*
- Bolsover will become overpopulated, high crime, urban sprawl, that visitors won't come to see – *The development of the site represents a planned approach and there is no evidence that it will lead to high crime or deter visitors.*
- Cul-de-sacs on Keepmoat Hedgerows development should not be opened up as through roads – *The Keepmoat development only forms the northern part of the housing allocation and policy requires comprehensive development of such sites.*
- Pedestrian access only between the estates to allow easy access to the secondary School – *The Keepmoat development to the north and application site form one housing allocation within the Local Plan. It is simply being delivered by two different developers. It is unfortunate if purchasers of properties near connections have been led to believe otherwise.*
- Estate roads are privately managed so through roads would be unfair given residents pay the management fee – *This is a private matter and affected residents can contact the developer / management company.*
- If vehicular connection from the Hedgerows development is to be made, can it be towards the end of the construction to minimise mud, dust and congestion? A Project Management Plan will be conditioned and excess mud, dust and congestion is controlled by other legislation. The Local Highway Authority have not required a construction traffic routing plan or phasing plan, but it is anticipated that the

development will commence from Langwith Road.

- Will the connection from the Hedgerows development delay the final road surface of that development? *This is outside of the control of the Local Planning Authority and may be dictated by the Local Highway Authority.*
- Number of houses has increased since 2013 plans with no nursery or care home – *Responses from Derbyshire County Council (responsible for education and adult social care) are set out above and discussed within the report.*
- The development encroaches into neighbouring property – *This is a matter to be resolved by the parties involved in the dispute.*
- Unable to maintain neighbouring property - *This is a matter to be resolved by the parties involved in the dispute.*
- More trees and grassland needs planting – *The latest proposal includes more public open space and street trees. Biodiversity control can also be conditioned.*
- Suggest further development in Bolsover is suspended until a full study is done of the impact of these developments on existing residents, and the strain they are putting on the local infrastructure – *The site is allocated for housing in the adopted Local Plan, which is supported by an extensive evidence base.*
- Palterton is taking the brunt of the traffic – *The Local Highway Authority does not object to the proposal.*
- Bolsover is losing its charm of a friendly community – *There is no link between this development and the friendliness of the community.*
- Bolsover has no swimming baths or leisure centre – *Access to leisure facilities are available at Clowne and Creswell, with Clowne also having a swimming pool.*
- Noise pollution from water pump and increased home insurance cost from being near the water lagoon
- Increase in anti-social behaviour due to lack of recreational amenities for children
- Due to a lack of green space proposed, new residents will likely use green spaces on the Hedgerows development, that residents of that development pay a management fee for
- Langwith Road junction is busy and poorly lit, not suitable for a housing estate so close. The junction is not suitable and would need widening
- There's accidents on the Palterton junction on Mansfield Road pretty much every week
- Langwith Road near the proposed estate is tight, access is limited and has a constant flow of large vehicles. A new road so close to a busy junction is a terrible idea
- The town is underfunded and cannot sustain more houses, it lacks the facilities of a larger town
- The development is outside settlement boundaries and countryside policies should apply
- Bolsover has already exceeded its share of housing
- Significant investment would be needed in road infrastructure

CONCLUSION / PLANNING BALANCE

The application site is a housing allocation identified in the Local Plan for Bolsover District. Consequently, the principal of residential use has been established.

The proposal is considered acceptable in scale and design, and all other planning

considerations apart from its ability to fully meet all requested contributions towards infrastructure.

The applicant is proposing to meet the Council's requirement for 10% affordable housing in a policy compliant manner. However, the proposal is not able for viability reasons to meet all of the requested infrastructure financial obligations, in particular Derbyshire County Council's education, health care, library stock and green space and sports contributions. The viability provisions in the development plan and national planning policy, support the delivery of housing, which is a government priority and the viability assessment is a significant material consideration in this respect.

Following national policy and guidance, the Council's Local Plan for Bolsover District allows for deviation away from policy requirements due to viability in relation to affordable housing provision (policy LC2), type and mix of housing (policy LC3) and role of developer contributions (policy II1).

National planning guidance contained within Planning Practice Guidance Viability and the Department for Education (DfE) non-statutory guidance Securing Developer Contributions For Education (August 2023) emphasise that developer contribution should be sought to contribute towards school places arising from housing development. However, paragraph 80 states that "We recognise that local planning authorities can reduce education contributions due to development viability and their own prioritisation of infrastructure types, sometimes agreeing with the developer a lower total amount for education in a planning obligation."

While developer contributions should be the 'first port of call' to meet the educational requirements arising from residential development, the guidance identifies that there will be circumstances where a development cannot meet the full education requirements due to viability issues. In these circumstances, the guidance indicates that funding is available from other sources if viability means that the full education contributions cannot be achieved.

Ultimately, whether a proposal represents sustainable development is a matter of planning judgement. As such, based on the Council's Local Plan position it is deemed that on balance a decision to approve would be reasonable given that the proposal is part of a Local Plan housing allocation and the proposal would contribute to both general and affordable housing supply and make the maximum amount of financial contributions that can be viably made to meet a number of local infrastructure capacity needs. This is particularly the case given the weight to be given to the Ministerial Statement about the need for housing and the Council's own five-year housing land supply position.

Whilst it is noted this will lead to a shortfall in the funding available for educational capacity purposes in the short term, based on national guidance there should be a mechanism for this to be addressed in future years.

The site is sustainably located and would be served by existing formal open space and sports facilities within the Town. The maintenance of the public open space serving the development can be secured through a resident's management company, negating the need for a commuted sum to be paid to the Council for future maintenance. Whilst the lack of a health care contribution is a disbenefit, local health care providers receive weighted government contributions for each registered patient, allowing for some investment in health care

provision where there is a business case for growth which tempers the adverse effect.

Taking the above into consideration, and weighing the benefits and disbenefits against one another the balance is weighted in favour of the application and a recommendation to approve the application is made, subject to conditions and a Section 106 Agreement to provide the affordable housing and £850,000 contributions split between highway and education contributions, and to include a provision for a review mechanism to reconsider viability at a future date given the development is expected to take more than five years to be built out.

RECOMMENDATION

The delegated authority be given to the Development Management and Land Charges Manager or Principal Planners to grant planning permission subject to prior entry into a s.106 legal agreement containing the following planning obligations:

- A. The provision of 10% affordable housing (14 affordable houses for rent and 8 shared ownership homes).
- B. £850,000 commuted sum to be split £193,564 to highways contributions and the remaining £656,436 towards education contributions.
- C. An obligation seeking confirmation of purchase of habitat credits required to demonstrate no net loss of biodiversity on site.
- D. Provisions relating to the future management of all public open space.
- E. The provision of a viability review mechanism to provide for further infrastructure contributions in accordance with the Council's Infrastructure Study and Delivery Plan or any relevant superseding information.

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 shall be carried out in accordance with the following approved drawings and documents unless specifically stated otherwise in the conditions below:
 - Noise Impact Assessment (Hepworth Acoustics) P22-278-R01v10 05 June 2025
 - Biodiversity Metric R3-536-03-EC-04_BIA Report Rev_ D 15 May 2025
 - Biodiversity Impact Assessment (root3) R3-536-02-EC-04 Rev D 15 May 2025
 - Location Plan 2213.02 Rev A 24 August 2022
 - Planning Layout 2213.01 Rev N 17 September 2025
 - Materials Layout 2213.03 Rev G 09 July 2025
 - Street Scenes 2213.04 Rev C 20 November 2024
 - Detailed Landscape Plan 1 of 3 R3-536-03-LA-02-01 Rev B 06 March 2025
 - Detailed Landscape Plan 2 of 3 R3-536-03-LA-02-02 Rev A 06 March 2025
 - **Detailed Landscape Plan 3 of 3 R3-536-03-LA-02-03 30 September 2022**
 - Landscape General Arrangement Plan R3-536-03-LA-01 Rev D 06 March 2025
 - Play Area Detail R3-536-03-LA-03 Rev A 17 December 2024
 - Figure 1 – Phase 1 Habitat Plan R3-536-03-EC-03 Plan reference 03 07 March 2025
 - Drainage Strategy 22029 100 Rev P19 19 September 2025
 - Drainage Strategy 22029 Sheet No. I DRA01 (G) 06 March 2025
 - Flood Risk Assessment 22029 REP01(C) 02 December 2024
 - Flood Exceedance Routing Plan 22029-DCE-XX-XX-D-C-102 Rev P02 05 March 2025
 - Impermeable Area 22029-DCE-XX-XX-D-C-103 Rev P02 05 March 2025

- Updated Ecological Walkover R3-536-03-EC-03 06 March 2025
 - Arboricultural Survey and Impact Assessment R3-536-03-AR-01 Received 17 December 2024
 - Refuse Vehicle Swept Path Analysis 22029-DCE-XX-XX-D-C-160 Rev P01 02 December 2024
 - Visibility Splays 22029-DCE-XX-XX-D-C-161 Rev P02 11 December 2024
 - Bus Swept Path Analysis 22029-DCE-XX-XX-D-C-162 Rev P01 02 December 2024
 - Cross Section 2213.05.01 Rev A 20 November 2024
 - Cross Section 2213.05.02 Rev A 20 November 2024
 - Boundary Treatment Plan 2213.06 Rev C 05 December 2024
 - Refuse Plan 2213.07 Rev C 05 December 2024
 - Tenure Plan 2213.08 Rev D 05 December 2025
 - Parking Plan 2213.09 Rev C 05 December 2024
 - Planning Drawings Various Boundaries 2213.B.01 17 August 2022 (received 13 December 2024)
 - Planning Drawings Single Garage 2213.G.01 25 July 2022 (received 13 December 2024)
 - Planning Drawings Twin Garage 2213.G.02 25 July 2022 (received 13 December 2024)
 - Planning Drawings Type 1209 End/Mid Elevations 2455.1209.01 08 November 2024
 - Planning Drawings Type 932 End/Mid 2455.932.01 08 November 2024
 - Planning Drawings Fairhaven End/Mid 2455.FAI.01 08 November 2024
 - Planning Drawings Type 764 End/Mid 2455.GOV.01 08 November 2024
 - Planning Drawings Lansdown End/Mid 2455.LAN.01 08 November 2024
 - Planning Drawings Newbury Detached 2455.NEW.01 08 November 2024
 - Planning Drawings Osbourne Pair 2455.OSB.02 08 November 2024
 - Planning Drawings Ramsey Detached 2455.RAM.01 08 November 2024
 - Planning Drawings Tilsworth 2455.TIL.01 08 November 2024
 - Transport Assessment (AMA) 21541-001 October 2022
 - Interim Travel Plan (AMA) 21541-002 September 2022
 - Highways Technical Note (AMA) 21541 10 December 2024
 - Revised Design and Access Statement (Issue 2) November 2024
 - Archaeological Evaluation (Written Scheme of Investigation) (CFA Archaeology) November 2022
 - Planning Statement (PB Planning) September 2022
 - Project Management Plan (PMP) 00.1a Issue 48 July 2022
 - Tree Constraints Plan (root3) R3-536-03-AR-02 17 May 2022
 - Tree Protection Plan (root3) R3-536-03-AR-03 25 August 2022
 - Bat Report (root3) R3-536-02-EC-05 17 July 2025
 - Ecological Impact Assessment (root3) R3-536-02-EC-01 Rev A 25 July 2022
 - Geoenvironmental Appraisal (Lithos) 4350/1 July 2022
 - Geophysical Survey Report (Magnitude Surveys) MSSK1317 July 2022
3. No development shall take place until a Written Scheme of Investigation for archaeological work has been submitted to and approved by the local planning authority in writing, and until any pre-start element of the approved scheme has been completed to the written satisfaction of the local planning authority. The scheme shall include an

assessment of significance and research questions; and

- a. The programme and methodology of site investigation and recording
 - b. The programme for post investigation assessment
 - c. Provision to be made for analysis of the site investigation and recording
 - d. Provision to be made for publication and dissemination of the analysis and records of the site investigation
 - e. Provision to be made for archive deposition of the analysis and records of the site investigation
 - f. Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation
4. No development shall take place other than in accordance with the archaeological Written Scheme of Investigation approved under condition 3.
 5. The development shall not be occupied until the site investigation and post investigation reporting has been completed in accordance with the programme set out in the archaeological Written Scheme of Investigation approved under condition 3 and the provision to be made for publication and dissemination of results and archive deposition has been secured.
 6. Subject to acceptance of the SuDS design by Derbyshire County Council (Lead Local Flood Authority), an Operation and Maintenance Plan (in accordance with section 32 of the SuDS Manual) shall be submitted to the Local Planning Authority, which provides details of the arrangements for the lifetime management and maintenance of the SuDS features together with contact details. The SuDS shall be implemented and managed / maintained in accordance with the approved details.
 7. The development shall be carried out in accordance with the details shown on the submitted plan, "Flood Risk Assessment' 22029 (rev C) prepared by Dudleys, dated 02/12/24", unless otherwise agreed in writing with the Local Planning Authority.
 8. No development shall take place until a detailed design and associated management and maintenance plan of the surface water drainage for the site, in accordance with the design outlined within:
 - a. Dudleys. (06/03/2025). Drainage Strategy. DRA01 (G), including any subsequent amendments or updates to those documents as approved by the Flood Risk Management Team
 - b. And DEFRA's Non-statutory technical standards for sustainable drainage systems (March 2015), have been submitted to and approved in writing by the Local Planning Authority.
 9. The site shall be developed with separate systems of drainage for foul and surface water on and off site. The separate systems shall extend to the points of discharge to that have first been submitted to and approved by the Local Planning Authority.
 10. Prior to commencement of the development, the applicant shall submit for approval to the Local Planning Authority details indicating how additional surface water run-off from the site will be avoided during the construction phase. The applicant may be required to provide collection, balancing and/or settlement systems for these flows. The approved

system shall be operating to the satisfaction of the Local Planning Authority, before the commencement of any works, which would lead to increased surface water run-off from site during the construction phase.

11. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed in accordance with details that have first been submitted to and approved by the Local Planning Authority.
12. No development shall take place until details of the proposed means of disposal of foul water drainage for the whole site, including details of any balancing works, off-site works and phasing of the necessary infrastructure, have been submitted to and approved by the local planning authority. If sewage pumping is required from any part of the site, the peak pumped foul water discharge must not exceed 6.7 (six point seven) litres per second. Furthermore, unless otherwise approved in writing by the local planning authority, no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.
13. No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The lighting approved shall be installed and shall be maintained in accordance with the approved details.
14. The development hereby approved shall not be occupied until the access, parking and turning facilities have been provided as shown on Planning Layout 2213.01 Rev N 22 July 2022.
15. No individual dwelling in the development hereby approved shall not be occupied until sheltered, secure and accessible bicycle parking has been provided in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority. The storage area shall be maintained for this purpose thereafter.
16. The Residential Travel Plan hereby approved shall be implemented and monitored in accordance with the regime contained within the Plan. In the event of failing to meet the targets within the Plan a revised Plan shall be submitted to and approved in writing by the Local Planning Authority to address any shortfalls, and where necessary make provision for and promote improved sustainable forms of access to and from the site. The Plan thereafter shall be implemented and updated in agreement with the Local Planning Authority and thereafter implemented as amended.
17. No works or development shall take place until full details of all proposed street tree planting, root protection systems, future management plan, and the proposed times of planting, have been approved in writing by the Local Planning Authority. All tree planting shall be carried out in accordance with the approved details.
18. Before the commencement of development, a Landscape and Biodiversity Enhancement and Management Plan (LBEMP) shall be submitted to the Local Planning Authority detailing how not net loss of biodiversity will be achieved and a timetable for

implementing the measures. The development will be implemented in accordance with the approved details.

19. Before construction progresses above foundation level on any building or wall, representative samples of the materials to be used in all external wall and roof areas shall first have been submitted to and approved in writing by the Local Planning Authority.
20. If within a period of five years from the date of the planting of any tree or shrub (or their planned retention in accordance with the landscaping scheme) that tree or shrub may die, be removed, uprooted or become seriously damaged it shall be replaced by another of the same species during the first available planting season, unless a variation of the landscaping scheme is approved in writing with the Local Planning Authority.
21. The approved Project Management Plan (PMP) 00.1a Issue 48 July 2022 shall be adhered to at all times during the construction phases of the development.
22. Prior to the demolition of any existing buildings on site, the submission of updated bat surveys and a mitigation strategy shall be submitted to and approved by the Local Planning Authority. The phasing of demolition and build out of the development shall be ordered to ensure that any mitigation that could be required (worst case scenario) can be accommodated within the new buildings (bat boxes or bat lofts, for example). Compensatory roost(s) should be in situ, prior to demolition of any buildings with confirmed roosts.
23. Notwithstanding the approved plans, details of bin storage areas will be submitted to and approved in writing by the Local Planning Authority prior to the occupation of any dwellings. The bin storage areas shall be provided in accordance with the approved details and retained for their designated use thereafter.
24. The development hereby permitted shall be constructed in full accordance with the mitigation measures recommended in Noise Impact Assessment (Hepworth Acoustics) P22-278-R01v10 June 2025.
25. Prior to the occupation of any dwelling hereby permitted, the applicant must demonstrate, to the satisfaction of the Local Planning Authority, that the noise mitigation measures relevant to that dwelling have been properly installed.
26. Before the commencement of construction works including any demolition in connection with the development hereby approved, a programme of measures to minimise the spread of airborne dust from the site during construction and demolition periods, shall be submitted to and approved in writing by the Local Planning Authority and include a dust risk assessment. The development shall be undertaken in accordance with the approved scheme.
27. Construction works on the site and deliveries to the site shall be undertaken only between the hours of 07.30am to 6pm Monday to Friday and 7.30am to 1pm on Saturday. There shall be no work undertaken on site or deliveries to the site on Sundays or public holidays.

28. Prior to the first occupation of the dwellings hereby approved, unless otherwise agreed in writing with the Local Planning Authority, any made ground on the site shall be removed or a contamination investigation and risk assessment of that part of the site shall be carried out by a competent person in accordance with current guidance and in accordance with a scheme which has been approved by the Local Planning Authority, to demonstrate that the site is suitable for the use hereby approved. Where the site investigation and risk assessment shows that contamination remediation is required, a remediation scheme shall be prepared and submitted to the Local Planning Authority for written approval; the approved remediation scheme shall be implemented as approved and a verification report shall be submitted to and approved in writing demonstrating that the remediation has been carried out successfully prior to the first occupation of the dwellings hereby approved.
29. Where any suspected areas of contamination are discovered during the development of the site, the process of site investigation and risk assessment as identified in condition 28 above shall be carried out by a competent person in accordance with current guidance and in accordance with a scheme which has been approved by the Local Planning Authority, to demonstrate that that part of the site is suitable for the use hereby approved.
30. In the event that it is proposed to import soil onto site in connection with the development, the soil to be imported shall be sampled at source and analysed in a laboratory that is accredited under the MCERTS Chemical Testing of Soil Scheme for all parameters previously agreed in writing with the Local Planning Authority, the results of which shall be submitted to and shall be approved in writing with the Local Planning Authority.
31. Details of the legal and funding mechanism for maintenance of all public open spaces including the LEAP and any open drainage features shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of any dwellings. The open space shall thereafter maintained and managed in accordance with the approved details.
32. A timetable for the delivery of all public open space and the LEAP shall be submitted and approved in writing by the Local Planning Authority. The public open space and LEAP shall be provided in full in accordance with the approved details.
33. A scheme detailing sections of existing and proposed finished land levels shall be submitted to and approved in writing by the Local Planning Authority prior to any importation of earth to site or excavation works commencing. The development shall be carried out in accordance with the approved scheme unless the Local Planning Authority gives its written consent to any variation.
34. Full details of the entrance piers / features at Langwith Road, including a timetable for implementation, shall be submitted to and approved in writing by the Local Planning Authority. The features shall be implemented in accordance with the approved details.

Statement of Decision Process

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

Equalities Statement

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

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

Human Rights Statement

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

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

UPDATE AND AMENDMENT TO RESOLUTION IN RESPECT OF PLANNING APPLICATION CODE REF. 23/00180/OUT

PARISH Old Bolsover Parish

APPLICATION Outline planning application with access detail only, for mixed-use development comprising of up to 6,500 sqm of employment units, retention of existing 2,270 sqm offices, 2 retail units (total gross area up to 3,200 sqm, one being for discount food retail), and a drive-thru take-out unit including associated parking, infrastructure and access.

LOCATION Bolsover Business Park Woodhouse Lane Bolsover

APPLICANT Welbeck Estates Limited C/O Agent P&DG Pure Offices, Lake View Drive Sherwood Park, Nottingham, NG15 ODT

APPLICATION NO. 23/00180/OUT **FILE NO.** PP-12005600

CASE OFFICER Mr Chris Whitmore

DATE RECEIVED 4th April 2023

It was resolved that the above application be approved, following the entry into a s106 agreement to secure a requested travel plan contribution and subject to the conditions set out in the update report to planning committee on the 14th May 2025. Following the resolution to approve planning permission, progress has been made on preparing a legal agreement to secure the payment of the travel plan contribution prior to occupation of any part of the development.

As the District Council has a long leasehold interest on site and the agreement only need secure one financial contribution payable to the County Council, it has been agreed that it would be more appropriate for a section 106 unilateral undertaking to be made in favour of both the District and County Councils. During the course of preparing the unilateral undertaking it has come to light that there are some additional title holders within the red edged application site area who have minor land interests and were not directly notified under Certificate B when the application was made or have acquired leases post the submission of the application. Notice has now been served on all 'owners' (including a person with a freehold interest or leasehold interest with at least 7 years to run), namely Yorkshire Water Services Ltd, Derbyshire County Council, Aztec Oils Ltd, Bolsover Woodlands Enterprises and National Grid Electricity Distribution giving them 21 days to make any representations.

The applicant also seeks a longer period to submit the reserved matters to allow for phasing that would be more responsive to market demand as the development progresses (which could be over a longer period of time than the statutory time limit condition for submission of the reserved matters). The applicant seeks to replace previously recommended condition 1, which gives three years for the approval of all reserved matters and two years from the final approval of the reserved matters for the development to be begun, with the following condition:

"Applications for approval of the reserved matters shall be made for Phase 1 not later than the expiration of three years from the date of this permission. Applications for approval of the reserved matters for all subsequent phases identified in the approved Phasing Plan shall be made not later than the expiration of eight years from the date of

this permission. The development of each phase shall be begun not later than the expiration of two years from the date of the final approval of the reserved matters relating to that phase.”

Under Section 92(4) of the Town and Country Planning Act 1990, a local planning authority can grant outline planning permission with a longer (or shorter) period than the standard time limits as they consider appropriate.

Paragraph 027 of Use of Planning Conditions Planning Practice Guidance advises that the local planning authority may wish to consider whether a variation in the time period could assist in the delivery of development. In the case of the standard time limit under section 91 of the Act it goes on to advise that a longer time period may be justified for very complex projects where there is evidence that 3 years is not long enough to allow all the necessary preparations to be completed before development can start.

Section 92(6) of the Act requires the authority, when substituting different periods or specifying separate periods for parts of a development, to have regard to the provisions of the development plan and other material considerations.

The relevant provisions of the development plan for the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004 remains as set out in the officer's report to planning committee on the 14th May 2025, which is appended to this report at Appendix 1.

Policies SS1, WC2, SC2 and SC3 of the Local Plan for Bolsover District (2020) contain provisions which relate to the case for a longer period for submission of the reserved matters and commencement of the development in respect of those phases. Previously recommended Condition 1 requires the submission of every reserved matters application within the first three years.

There is recognition that the development will come forward in phases and there are timings linked to these. Recommended condition no. 4 requires the submission of a phasing plan for the implementation of the approved development, which shall include details of the timing and order of all development phases, including the delivery of highway works, drainage infrastructure, open space, landscaping, and all buildings.

The requirement to frontload the reserved matters relating to all development phases could result in suboptimal outcomes, in terms of making efficient use of the land (Policies SS1 and SC2) and maximising the employment opportunities on this protected employment site (to satisfy the requirements of Policy WC2), through requiring unknown details within the quantum of the approved development too early in the construction programme and the delivery of development that does not reflect market demand. The amount of development and range of uses to come forward is such that the application is deemed complex and a longer period for submission of the reserved matters and for development within the different phases to be begun within 2 years of the final approval of the reserved matters relating to that phase is considered justified in this regard.

In support of the application, the applicant points to the support in the abovementioned policies for a longer period to submit the reserved matters and begin the development in the approved phases. They also point to the requirements of Policies SC2 and SC3 (sustainable

design/construction and high-quality development). It is considered that “*phase-specific time limits assist those objectives by letting drainage, biodiversity and energy measures be designed and approved at the right point in each phase, rather than being rushed to meet an artificial front-loaded deadline*”. They also advise that “*phasing the time limits allows the Travel Plan to evolve with occupiers and infrastructure in each phase, which is squarely in line with the plan’s sustainable transport aims and with the Transport Assessment addendum that accompanied the employment-led amendments*”, ensuring greater compliance with Policies ITCR10 and ITCR11.

The change would not impact on the amount of retail development that would come forward, as this is to be controlled by condition. The longer period to submit the reserved matters and for development to be begun in each phase will offer greater flexibility to ensure the effective use of the site and to maximise its employment potential. It would not prejudice the delivery of the development and would give a longer period to redevelop parts of the site which are already in employment use, to assist with any transition of any existing businesses between buildings and ensure that any development that comes forward at that time is responsive to market demand.

Having regard to the relevant provisions of the development plan, the longer period proposed by the applicant for submission of the reserved matters and for development to be begun in each phase is considered to be appropriate in this case and it is recommended that such a change is approved under Section 92(4) of the Town and Country Planning Act 1990.

As the 21-day notice period given for the owners with minor land interests to make representations has not expired, delegated authority is sought to grant permission with the change to Condition 1 following the expiration of the notice and no objections being raised by the titleholders on material planning grounds and the completion of the s106 unilateral undertaking to secure the travel plan contribution.

RECOMMENDATION

Subject to no objections to the development being raised by the titleholders on material planning grounds within the notice period given and following completion of a satisfactory s106 agreement which secures the travel plan contribution, that delegated authority be given to the Development Management and Land Charges Manager and Principal Planners to **GRANT** planning permission with the conditions previously recommended in the officers report (incorporating update report changes) at Appendix 1, except for Condition 1 which shall read:

Applications for approval of the reserved matters shall be made for Phase 1 not later than the expiration of three years from the date of this permission. Applications for approval of the reserved matters for all subsequent phases identified in the approved Phasing Plan shall be made not later than the expiration of eight years from the date of this permission. The development of each phase shall be begun not later than the expiration of two years from the date of the final approval of the reserved matters relating to that phase.

APPENDIX 1 – Report to Planning Committee 14th May 2025

PARISH Old Bolsover Parish

APPLICATION Outline planning application with access detail only, for mixed-use development comprising of up to 6,500 sqm of employment units, retention of existing 2,270 sqm offices, 2 retail units (total gross area up to 3,200 sqm, one being for discount food retail), and a drive-thru take-out unit including associated parking, infrastructure and access.

LOCATION Bolsover Business Park Woodhouse Lane Bolsover

APPLICANT Welbeck Estates Limited C/O Agent P&DG Pure Offices, Lake View Drive Sherwood Park, Nottingham, NG15 0DT

APPLICATION NO. 23/00180/OUT **FILE NO.** PP-12005600

CASE OFFICER Mr Chris Whitmore

DATE RECEIVED 4th April 2023

SUMMARY

This application has been referred to planning committee because it is considered that the final decision on the application is of strategic importance to the District.

The application has also been called in by Bolsover North and Shuttlewood Ward Cllr. Donna Hales. In doing so, Cllr. Hales cites the following concerns:

- Impacts on Bolsover town centre businesses as there are a number of vacant shop premises.
- The request for housing development does not fall within local plan/development envelope (SC1).
- There are concerns about the potential effects on current businesses on the existing site.
- Potential impacts on residents surrounding the area and effects on biodiversity etc SC9/10
- The East gate entrance, which exits onto Woodhouse Lane has incredibly poor visibility on exiting the site. There would undoubtedly be increased vehicular activity which would impact on existing infrastructure/traffic congestion.
- Require detailed information about S106 contributions.

The site is allocated for employment use and is currently under-utilised, with a significant amount of floorspace left vacant due to either not being financially viable to rent out or within buildings that do not meet modern employment standards. The application, as amended, proposes up to 6500 sqm of replacement employment floorspace in a range of more modern purpose-built units, the retention of 2,270 sq. m of employment floorspace and 2 retail units (total gross area up to 3,200 sqm, one being for discount food retail). Such development maximises the employment potential of the site and proposes a mix of units, in addition to the building to be retained that will meet the needs of a wide range of businesses and will facilitate new employment and job creation. These are significant economic benefits deriving from the development.

While the development would draw trade away from Bolsover town centre, the magnitude of impact has been demonstrated to be below 'significant adverse' in practice and there would be benefit in providing additional customer choice, in respect of grocery and bulky comparison goods shopping in the area.

The application proposes to retain the Former Colliery Headquarters building which contributes positively to the history and context of the site. The loss of the remaining Bolsover colliery buildings, which are deemed non-designated heritage assets, will result in less than substantial harm to the significance of the conservation area and associated listed buildings that would be outweighed by the public benefits from the regeneration of the site, job creation and other benefits to be derived.

The development will not result in significant harm to the character, quality, distinctiveness or sensitivity of the landscape and would deliver net gains for biodiversity and sustainable drainage improvements.

When considered in the round the sustainability costs and benefits of the proposal are considered to weigh in favour of the development and a recommendation or approval is put forward on this basis.

SITE & SURROUNDINGS

The application site comprises part of Bolsover Business Park which is located on the western edge of Bolsover. The site extends to 8.5ha and includes Bolsover Colliery land and remnant buildings, including the former pithead baths, goods sheds, headquarters building and former manager's house, known as Portland House. A wide range of small to medium sized businesses operate from the site, from within the former colliery buildings and series of new buildings of varying types and designs.

To the east of the site is Woodhouse Lane, which is lined by residential dwellings on its eastern side. The A632 (Station Road) runs along the southern boundary of the site, which is the main arterial route into the centre of Bolsover Town from the west.

The surrounding area to the east is largely residential in nature. To the north and west is further employment development. Access to the former pithead baths and goods sheds is off Intake Road, which is serviced off the roundabout arm to the southwest. Access to the businesses within and surrounding the headquarters building and Portland House is achieved from Woodhouse Lane, with two ingress and egress points to the northeast and southeast. There is a footbridge link over the former railway line, which provides a connection across the site from east to west.

The railway cutting and a small area of land to the west is shown to be in an area at high risk of surface water flooding. The river Doe Lea is 40m to the west of the site at its closest point. The site includes two undulating fields to the south, which abut the A632 (Station Road). The land rises generally from west to east, with the land on the western side of the former railway line set at a lower level.

To the east of the fields is an Indian restaurant on land controlled by the applicant, located at

The site is visible in views from Bolsover Castle; a Grade I Listed designated heritage asset to the east on higher ground. The full extent of the site is shown edged red below:



PROPOSAL

This application seeks outline planning permission with access detail only, for mixed-use development comprising of up to 6,500 sqm of employment units, retention of existing 2,270 sqm offices, 2 retail units (total gross area up to 3,200 sqm, one being for discount food retail), and a drive-thru take-out unit including associated parking, infrastructure and access.

An indicative layout plan; Drawing No. 1986(03)018 Rev K was submitted with the application as originally submitted which showed the layout of the proposed development.



In May 2024 an alternative development option (Option D) was presented to the Local Planning Authority for consideration. Drawing 9586-CPMG-01-00-D-A-0001 Rev P01 below is based on this development option, which shows the retention of the headquarters building:



Through negotiations with the applicant, the housing component of the application has been omitted and the amount of new employment floorspace increased further to maximise employment opportunities within the site. This has resulted in a revised layout that includes some large employment units and no development on the undeveloped land to the southeast of the existing employment site, with the exception of surface water drainage infrastructure. The amended layout below (Site Layout reference: 9586-CPMG-01-00-D-A-0003 Rev.P2 - 06 March 2025) sets out the development for which planning permission is now sought:



In support of the application, the applicant advises that the development will provide a mix of purpose built, sustainable and energy efficient employment spaces and retail units which will generate local employment and income into Bolsover. The mix and amount of employment floorspace is enhanced further in the revised layout, which provides for the following breakdown of uses:

ACCOMMODATION SCHEDULE

(Areas are approximate)

Industrial

Unit 1:	500 sq.m / 5,382 sq.ft	B2-B8
Unit 2:	160 sq.m / 1,722 sq.ft	B2-B8
Unit 3:	160 sq.m / 1,722 sq.ft	B2-B8
Unit 4:	170 sq.m / 1,830 sq.ft	B2-B8
Unit 5:	170 sq.m / 1,830 sq.ft	B2-B8
Unit 6:	240 sq.m / 2,583 sq.ft	B2-B8
Unit 7:	150 sq.m / 1,615 sq.ft	B2-B8
Unit 8:	150 sq.m / 1,615 sq.ft	B2-B8
Unit 9:	200 sq.m / 2,153 sq.ft	B2-B8
Unit 10:	150 sq.m / 1,615 sq.ft	B2-B8
Unit 11:	116 sq.m / 1,249 sq.ft	B2-B8
Unit 12:	180 sq.m / 1,938 sq.ft	B2-B8
Unit 13:	900 sq.m / 9,688 sq.ft	B2-B8
Unit 14:	900 sq.m / 9,688 sq.ft	B2-B8
Unit 15:	286 sq.m / 3,078 sq.ft	B2-B8
Unit 16:	330 sq.m / 3,552 sq.ft	B2-B8
Unit 17:	223 sq.m / 2,400 sq.ft	B2-B8
Unit 18:	223 sq.m / 2,400 sq.ft	B2-B8
Unit 19:	223 sq.m / 2,400 sq.ft	B2-B8
Unit 20:	223 sq.m / 2,400 sq.ft	B2-B8
Unit 21:	223 sq.m / 2,400 sq.ft	B2-B8
Unit 22:	223 sq.m / 2,400 sq.ft	B2-B8
Unit 23:	223 sq.m / 2,400 sq.ft	B2-B8

total 6323 sq.m

Offices

(Former Colliery Headquarters)

Ground Floor:	1,480 sq.m / 15,930 sq.ft
First Floor:	790 sq.m / 8503 sq.ft

E(c)-E(g)

Retail

R1:	1,060 sq.m / 11,410 sq.ft
R2:	1,980 sq.m / 21,313 sq.ft

E

L1:	85 sq.m / 915 sq.ft
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Although reserved matters, the indicative layout and landscape strategy propose to retain boundary vegetation where possible and to construct a series of surface water attenuation features for the management of surface water, including below ground storage and a series of basins to the south of the site as set out on the revised site layout plan.

Units 1 - 23 and the existing headquarters building to be retained will be accessed via a 7.3m wide access road off Woodhouse Lane.

The retail buildings will be accessed via two 6.5m wide roads off Intake Road. The footbridge link connecting the two sites is shown to remain.

The application is accompanied by supporting documentation / information, including:

- Indicative Layout Plan
- Surface Water Drainage Strategy Plan
- Landscape and Visual Impact Assessment

- Landscape Strategy
- Planning and Retail Impact Statement
- Design and Access Statement
- Transport Assessment and subsequent addendum
- Travel Plan
- Business Retention Strategy
- Land Contamination Assessment
- Flood Risk Assessment
- Ecological Appraisal
- Bat Survey Report
- Heritage Impact Assessment
- Statement of Community Involvement
- Phase 1 Geotechnical & Geo-environmental Site Investigation
- Retail Impact Assessment, and subsequent addendums.
- Business Retention & Economic Strategy

All of these documents and plans form part of the public file and have been examined and commented on by consultees and a retail impact expert appointed by the Local Planning Authority. They are referred to, where necessary, and pertinent in the assessment section of this report.

AMENDMENTS

Alternative development proposals have been presented to officers during the consideration of the application which has culminated in the submission of an amended plan (9586-CPMG-01-00-D-A-0003 Rev.P2 (CPMG, 06 March 2025)) which omits housing development, excludes development from the fields / undeveloped land to the southeast of the existing employment site / north of the A632 (with the exception of surface water drainage infrastructure), retains the headquarters building; a non-designated heritage asset and increases the amount and mix of employment development.

EIA SCREENING OPINION

The proposals that are the subject of this application are not Schedule 1 development, but they can be construed as industrial estate development projects and/or an urban development project described in criteria 10 a) and b) of Schedule 2 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and exceed the applicable thresholds within both criteria.

Having regard to the selection criteria in Schedule 3 of the Regulations it has been determined that the development does not constitute environmental impact assessment development.

This conclusion was reached having regard to criteria identified in Schedule 3 relating to the characteristics of the development, National Planning Practice Guidance, the sensitivity of its location and the characteristic of its potential impact.

It was not considered that the effects arising from the development upon environmental considerations would be significant for the purposes of the (Environmental Impact Assessment) Regulations 2017.

RELEVANT HISTORY

None relevant to the application site and development proposals.

CONSULTATIONS

1. Old Bolsover Town Council (19th May 2023 and 19th July 2024):

Object for the following reasons:

1. The development is outside the housing provision set out in the Local Plan; Policy LC1: Housing Allocations, Policy SS4: Strategic Site Allocation - Bolsover North and is contrary to Policy SS2: Scale of Development, which has already set out sufficient land to accommodate the delivery of dwellings and employment land.
2. The impact to the Town Centre while existing properties remain vacant in the town is contrary to objective set out in the Local Plan; Objective P: Town Centres To sustain and improve retail, service and leisure provision in town and local centres. This will create distinctive places and sustain and enhance the vitality and viability of the District's town centres and larger villages. Furthermore, the effectiveness of the regeneration funding allocated to the town could be compromised.
3. The impact to existing tenants on the site.
4. The impact to historical buildings on the site contrary to Policy SC21 : Non-Designated Local Heritage Assets. The Council would reinforce the comments submitted by Derbyshire County Council's archaeologist and Historic England in relation to the heritage assets on the site.

The Town Council also reinforce the concerns raised by the Economic Development Team at Bolsover District Council regarding the impact to the town centre, the connectivity to the town centre and the potential loss of employment land.

2. Local Highway Authority (Derbyshire County Council):

28th April 2023 – Expressed concern that the application was not accompanied by a Transport Assessment and advised that such an assessment should be submitted to meet national planning policy. Reservations were also expressed as to why six accesses to the residential element of the site off Woodhouse Lane were required.

12th May 2023 – With regard to the accesses of Intake Road the Local Highway Authority advised that no provision for cycle storage has been made despite many of the objectives in the submitted TP being linked to encouraging cycling. The same issue was raised in respect of the access off Woodhouse Lane. It was also questioned why the access road was 7.3m wide and why no vehicle tracking had been shown.

The Local Highway Authority referred the need for appropriate levels off street parking to be provided generally and sought clarification on the following matters:

- The carriageway narrowing and footway provision works to Woodhouse Lane.
- The adoption of internal roads
- The requirement to provide street trees.
- The ability of large refuse vehicles to service the site and the need for bin dwell areas.

- Measures to prevent surface water run-off from entering the public highway from any areas at a higher level.
- Methods to permanently close any redundant vehicular and pedestrian accesses
- Pedestrian crossing locations or tactile paving within the site.
- Local design guide and requires 1 in 30 for the first 10m for a priority junction and 1 in 20 for the remainder of the site. It also applies different gradient for footways and cycleways.
- Consideration of “Inclusive mobility” and “LTN 1/20” both of which address key considerations to promote active travel and ensure that persons with protected characteristics are catered for.

In conjunction with the above, detailed comments (dated May 2023) concerning the Travel Plan, which set out numerous suggestions / amendments and update comments from the Sustainable Travel Team at the Local Highway Authority were received.

27th June 2024 – Clarification sought on the following matters:-

Travel plan

Provision of EV charge points and cycle storage on the commercial development, and (ii) provision of walkways on the residential development.

Reiterate that a Travel Plan Monitoring fee of £1,265.00 pa x five years - total £6,325.00 is required.

Comments on the Transport Assessment (TA) dated June 2024

Parking bay sizes have not been annotated on any revised drawing.

Clarification required on the inspections carried out and mechanism for adopting Intake Lane and the type of development to come forward.

Unclear on the mechanism for securing traffic calming works to Woodhouse Way approved under application code ref. 16/00463/OUT, which are essential to ensuring pedestrian access to the site without walking in the carriageway. ‘Proposed Option D’ no longer shows a footway.

Comments also made on the width of and the priority crossings to be provided at the access to the business park and housing development off Woodhouse Lane. It was advised that inclusive mobility should be considered. The Local Highway Authority also questioned whether the street trees to be provided would be acceptable and if highways within the site are to be adopted.

10th January 2025:

From a highway aspect the proposals are now considered acceptable, but it should be noted that in order to implement the scheme a separate construction approval processes with the HA will need to be progressed – this scrutinises construction details and will be necessary in order for the HA to enter into any Section 184/38/278 Agreements for any works, so street

lighting/highway drainage design will need to be formally approved by the HA as part of any Section 278/38 Agreements pursued for these works, but it is likely that amendments will be required to the proposals submitted and therefore no formal HA approval is given at this stage.

The construction of the works will inevitably lead to considerable disruption in the area which will affect several existing dwellings, so a Construction Management Plan (CMP) will therefore be an essential element, to be secured by Condition. The submitted Travel Plan (TP Rev B) dated December 2024 is a live document that evolves with the site and will require continual monitoring, especially through the early years of the development, so the HA would wish to be involved in this process to ensure the aspirations of the TP and development accords with the assumptions made at this stage within the transport modelling.

Responsibility for the monitoring of the TP ultimately rests with the developer and any fee paid to Derbyshire County Council will cover reasonable costs incurred by the Authority in the processing of submitted progress reports, undertaking site visits, and attending meetings as appropriate, to ensure the TP meets its agreed targets. Whilst the revised information is generally acceptable in highway safety terms there are, a number of issues that would require further input before the proposals would be fully acceptable in terms of highway adoption but it is considered that the remaining issues may be addressed by appropriate Conditions/Informative Notes appended to the consent issued for this development and on this basis the HA recommend Section 106 content (to cover travel plan monitoring), conditions and information notes.

1st May 2025: Comments on the addendum to the Transport Assessment

Note that the application removes the residential element of the development and replaces it with additional employment units (increases the total employment use to 6,500 sqm as opposed to the original 5000sqm) but also removes the previously proposed 35 residential dwellings. They confirm that the Local Highway Authority has no objections, subject to conditions and financial obligations as set out in their consultation comments dated 10th January 2025.

Having reviewed the recommended conditions, it is however considered that condition 5 is no longer appropriate as none of the internal roads are to be adopted as publicly maintainable highway, therefore, the requirement for details of 'street trees' within the public highway is not relevant.

Also, condition 6 requires a highway improvement to be undertaken on Woodhouse Lane. This improvement relates to a different application and a different development and is covered by condition in the relevant consent. It is considered that the requirement for the improvement on Woodhouse Lane would not be necessary for this application to be acceptable to the LHA and therefore would not meet the relevant tests in the NPPF.

3. Bolsover District Council Senior Engineer – 18th April 2023:

Subject to acceptance of the SuDS design by DCC (LLFA), we must ensure the developer submits an Operation and Maintenance Plan (in accordance with section 32 of the SuDS Manual) which provides details of the arrangements for the lifetime management and maintenance of the SuDS features together with contact details. (a copy to be kept by

Engineering Services).

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

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

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.

4. Lead Local Flood Authority (LLFA) (Derbyshire County Council):

18th March 2025 - We are recommending an objection on the proposed development as it is not possible to provide an informed comment until such a time that the applicant has submitted further technical information, required to confirm that the principles set out in the outline drainage strategy provided by the applicant will meet relevant local and national requirements.

25th April 2025 - Derbyshire County Council as the Lead Local Flood Authority (LLFA) has reviewed the additional information submitted for this application, which was received on 24/04/2025. The LLFA has no objection subject to conditions and advisory footnotes.

5. Coal Authority – 25th April 2023:

The Coal Authority considers that the content and conclusions of Phase 1 Geotechnical & Geo-environmental Site Investigation (7 March 2023) are sufficient for the purposes of the planning system in demonstrating (based on the professional opinion of Eastwood Consulting Engineers) that the application site is safe and stable for the proposed development (NPPF paras. 183 and 184). The Coal Authority has **no objection** to the proposed development.

They recommend that it would be add a footnote to contact the Coal Authority should any coal mining features are unexpectedly encountered during development.

The Coal Authority also recommends that the local planning authority consider any gas hazards that may exist and that the developer seeks the advice of a technically competent person to ensure that a proper assessment is made of the potential interaction between hydrology, the proposed drainage system and ground stability, including the implications this may have for any mine workings which may be present beneath the site.

6. Development Control Archaeologist - 25th April 2023:

Holding objection.

In terms of below ground archaeology further archaeological works will be necessary. This office was consulted pre-application in 2015 on the southern portion of the site where we advised “the proposal area is a previously undeveloped site of just over 2ha, and given the multi-period archaeological interest in Bolsover and its environs I advise that there is potential for previously undiscovered below-ground archaeology within the site. Any planning application should therefore include the results of archaeological evaluation, to comprise geophysical survey in the first instance (detailed magnetometry) supplemented by trial trenching where indicated by the geophysics results.”

I would see therefore that though a HIA has been produced further archaeological work remain necessary, pre-determination, to determine the significance of impacts on heritage assets in greater depth. In terms of below ground archaeology this should be in the form of geophysical survey in the first instance followed by archaeological evaluation trenching as appropriate on the portion of land to the west of the Castle Arms and this work should be undertaken in accordance with an approved WSI for archaeological works. This in accordance with the provisions of para 194 of NPPF.

This application does not therefore meet the information requirement at NPPF para 194 and should not therefore be granted consent in its current form.

7. Environmental Health (BDC) – 24th April 2023:

No objections to the proposals in principle, subject to conditions to investigate and remediate any contamination found on site, agree a sound insulation scheme in respect of the proposed dwellings, secure dust suppression measures and control construction time and deliveries to site.

8. Economic Development (Bolsover District Council) – 15th May 2023:

In principle, the redevelopment of Bolsover Business Park to provide new employment units is welcomed to address the poor condition of the existing units that are past their useful economic life. The Department recognises the need for the Landlord to make investment in to the site, however, it cannot support the change of uses on this site to include for 2 retail units, a drive-thru, and the 35 dwellings also proposed for this site, as these all contribute to the reduction in overall employment land available for redevelopment.

The lack of alternative provision demonstrated within the report supports the Policy and the need to protect this employment space from development for alternative uses. The proposal will provide an additional 587m² of commercial units to what is currently on the site; however the proposed retail units would result in an overall net loss of 2,600m² of office / industrial use. This loss of employment space would be detrimental to the sustainability and growth of the local SME base and would contract economic growth for the town of Bolsover.

Advise that the retail development is neither located to minimise its impact on the town's amenities, nor is it accessible by appropriate levels of public transport. They advise that it is

disconnected from the town, and its location will largely serve the car-user. It will not, it is considered, support the retail and service functions of the town, as it will, it is claimed, largely draw out service users and reduce the 'footfall' on the town. This footfall is considered to be important to a town centre such as Bolsover, as it supports the independent retailers and other services within the town.

The Business Growth Team advise that they cannot support a proposal which negatively impacts on the vitality of the town. It would be contrary to the business case made as part of the recent Levelling Up Fund application for investment into the town and the need to support investment in the high street to grow the town centre's offer.

9. DCC Strategic Infrastructure 2nd May 2023:

- **Primary Level** - Analysis of the current and future projected number of pupils on roll, together with the impact of approved planning applications shows that the normal area primary school would have sufficient capacity to accommodate the 4 infant and 4 junior pupils arising from the proposed development.
- **Secondary Level** - Analysis of the current and future projected number of pupils on roll, together with the impact of approved planning applications shows that the normal area secondary school would not have sufficient capacity to accommodate the 7 secondary pupils arising from the proposed development. The County Council therefore requests a financial contribution of £208,074.79 towards the provision of 7 secondary places at The Bolsover School + education facilities.
- If viability issues arise, there may be some flexibility in the payment triggers.
- If the development cannot enable the necessary provision, the proposed development may not provide for a sustainable form of development.
- **Broadband** - developers should look to provide for NGA broadband infrastructure services as an integral part of the development scheme at the outset.
- **Local Authority Collected Waste** The County Council is currently reviewing its approach to assessing the impact of housing development on waste services.
- **Public Health and Adult Social Care** Our recently published All-Age Accommodation Strategy notes a modest need to develop 'care ready' type housing for rent or affordable retirement living properties; none of the proposed dwellings meet this type of need.
- **Employment and Skills** The County Council would wish to work collaboratively to support the District/Borough Councils to identify where activities or contributions are required to deliver employment and skills development where they are supported by policies in the local plan.
- **Monitoring fees** In line with the revised Community Infrastructure Levy Regulations 2010 (as amended) Regulation 122 2(a), we will seek a monitoring fee towards the monitoring and reporting of S106 contributions.

10. Safeguard Planning Manager HS2 – 3rd May 2023:

It is evident that the proposed employment and residential plots are located outside of the published safeguarding area. However, please note there is a minor overlap with HS2 safeguarded interests in the area of existing/proposed vegetation in the southwest corner of the retail plot adjacent to Station Road (identified as required for highways works associated

with the high-speed railway) and also a Utilities Construction Zone area (shown shaded purple on map extract) along Intake Road.

Whilst there is no objection in principle to the application proposals it is requested that appropriately worded pre-commencement planning conditions are attached to any outline planning consent to ensure practicalities associated with respective construction programmes in this location can be managed.

11. Integrated Care Board – 30th May 2023:

The development falls under their threshold for requesting a S106 contribution.

12. Derbyshire Wildlife Trust:

13th June 2023 - Several buildings have been assessed to have some level of potential for roosting bats and therefore nocturnal surveys are required. All surveys for protected species should be submitted prior to determination.

Reptile surveys have been recommended in the Ecological Appraisal (Rachel Hacking Ecology, March 2023). This may record GCN in terrestrial habitats. Mitigation for these species will be dependent on the results of the reptile surveys, however there is likely to be some requirement for precautionary measures during site clearance and consideration should be given to any requirement for GCN licencing.

Advise that a greater focus should be given to grassland retention and enhancement to retain habitat for reptiles and amphibians in the southern part of the site.

Biodiversity net gain comments:

A net gain of +7.03 (52.81%) habitat units, +0.47 (6.53%) hedgerow units and +0.01 (0.22%) watercourse units is currently predicted and trading rules are satisfied.

A significant percentage of the post-development units are achieved through woodland and urban trees, however this may not be the best outcome for the species using the site i.e. herptiles. The metric may need re-running should proposals change to incorporate more open habitats.

We advise that bird boxes are in line with British Standard BS 42021:2022 for integral nest boxes, with additional bat and external boxes also provided. Advise that such enhancements can be secured via condition.

Advise that other conditions are likely to include a lighting plan, CEMP, LBEMP and control / eradication protocol for Japanese knotweed - once all protected species surveys have been undertaken and the scope of development agreed.

13th January 2025:

Bats:

The submitted Bat Survey Report (Ramm Sanderson, October 2024) provides the results of nocturnal bat surveys for Buildings B, D, K and Ni, based on the initial building assessment undertaken in June 2023 by Rachel Hacking Ecology.

Survey work recorded 2 No. summer days roosts in Building D, each of a single common pipistrelle bat. These were both located behind fascia boards above windows on the western elevation. The report refers to demolition of Building D, however it now appears that this building will be retained and converted to residential use. The Bat Survey Report should therefore be updated to reflect this and provide appropriate mitigation details, specifically whether the roosts can be retained in situ and licensing is still required.

The report currently provides broad enhancement details. We would anticipate full enhancement details being secured via a specific species enhancement condition for the application based on the final layout, to include bat box provision in new buildings and on retained trees (along with other species features).

Reptiles (inc. GCN):

DWT note that the layout of the south-eastern dwellings has been somewhat revised but they are still proposed within the scheme. The existing southern hedgerow would seem like a natural boundary to the northern development area and it is disappointing that plans still propose to fragment this to create a new road to access a new row of 6No. dwellings. This will reduce the existing area of grassland and bring dwellings closer to the existing scrub and line of the watercourse, increasing the risk of human disturbance to these habitats and the wildlife that use them. The herptile survey should inform the design of the scheme, however DWT cannot see that this has yet been undertaken.

BNG:

Whilst DWT acknowledge that this application is not subject to mandatory 10% Biodiversity Net Gain (BNG), there is still a requirement to achieve at least some level of gain under the NPPF (2023 at time) and Bolsover Local Plan Policy SC9. We understand that landscaping will likely be agreed at the Reserved Matters stage but we would draw attention to our previous comments and add that the existing BNG assessment should be updated based on the final agreed layout at that time.

25th February 2025:

Note that the updated PEA includes the reptile survey data from May 2023.

Advise that their comments in respect of bat enhancement / mitigation remain and had not been addressed.

DWT advise to minimise the risk to herptiles during site works, a CEMP, which includes methods for site clearance should be agreed through condition.

With regard to BNG they advise that they do not currently have enough information to advise if the predicted net gains are reasonable.

Further information, in terms of how uncommon orchid species in the grassland to be retained will be managed was also requested.

12. Heritage and Conservation Manager (BDC) – 15th June 2023:

This is a prominent site on the approach to the historic town of Bolsover with uninterrupted views of Bolsover Castle on the escarpment above.

The proposed development site comprises part of the former Bolsover Colliery and surviving buildings and part of the former Doe Lea branch of the Bolsover Colliery mineral railway.

One of the issues raised in the HIA is the potential for some of the surviving buildings to be considered of heritage interest and meet the criteria for designation as non-designated heritage assets. The DCC archaeologist is also of the view that “any buildings extant within the curtilage of the PDA that are related to mineral extraction, or the history of mineral extraction are considered heritage assets.”

Bolsover District Council has a policy for identifying non designated heritage assets within conservation areas but does not have a local list. Given that this site lies outside the boundary of the Bolsover Conservation Area the former colliery buildings have not been formally identified as part of the appraisal process. The NPPF Planning Policy Guidance provides advice on how non designated heritage assets are identified but it also recognises that “in some cases, local planning authorities may also identify non-designated heritage assets as part of the decision-making process on planning applications” Paragraph: 040 Reference ID: 18a-040-20190723

In this case, I am of the opinion that the following buildings on the site meet the criteria for consideration as non-designated heritage assets and should be considered as such for the purposes of the assessment of the impact of the development on heritage assets:-

- Portland House – former Managers house
- Former Headquarters/ office building
- Former pithead baths
- Former goods shed

In this respect, consideration should be given in the first instance to the retention and re-use of all or some of these heritage assets as part of the re-development of the site. The total loss of these assets would be considered to cause harm (less than substantial) and in accordance with NPPF guidance paragraph 202 this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Impact on setting of Bolsover Castle / SAM/ Registered Park and garden:

The fact that the Terrace and Viewing Platform were designed to exploit the views across the vale is of exceptional significance for Bolsover Castle. The proposed development will result in a change in the format and arrangement of buildings on the site together with associated requirements for retail signage etc it is considered that the proposal will have an impact on the wider setting of the Castle and registered park and garden, and this will amount to less than substantial harm.

Bolsover Conservation Area

There is an historical association between the Model Village and the surviving historic buildings found on the application site. The proposed re-development of the site will sever that relationship and as a result is considered to cause harm to the significance and wider setting of the Model Village. The level of harm is considered to be less than substantial.

Recommendation:- the proposed development is considered to cause harm (less than substantial ranging) to a number of designated and non-designated heritage assets as set out above. The applicant is requested to consider the potential re-use of some the non-designated assets on the site to mitigate the level of harm caused. In accordance with NPPF guidance paragraph 202 the harm caused should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

13. Historic England - 9th May 2023:

Advise that there would be some harm to the significance of the scheduled, Grade I listed Bolsover Castle as a result of changes to its setting albeit a lower end of less than substantial harm. We note the indicative site layout plan submitted with the application suggests an area of open space could be included as any proposal which would help mitigate impact. However, this could change at reserved matters should this outline application be approved.

The surviving Bolsover Colliery buildings, on part of the application site, contribute to the significance of the nearby designated assets as set out above. As such the complete demolition of these non-designated assets would cause harm to the significance of the conservation area and associated listed buildings, albeit at a lower level of less than substantial harm.

We note that the access is included for approval at this stage of the planning process and would wish to highlight that this may not provide for a heritage led approach to any reserved matters scheme should the outline application be approved.

Historic England has concerns regarding the application on heritage grounds as the proposal would result in a loss of non-designated assets that contribute to the significance of the setting of the Bolsover Conservation Area.

Should the Council consider that public benefits of the proposal outweigh the harm to the heritage assets, Historic England refer the Council to its own expert heritage advisors to consider matters for appropriate conditions in respect of the non-designated industrial heritage. They advise that there could be opportunity to consider a heritage-led masterplan at reserved matters stage.

31st May 2024:

Historic England advise that they commented on the outline planning application in May 2023 and had concerns regarding the destruction of non-designated heritage assets comprising Bolsover Colliery. They welcome the retention of the former Bolsover Colliery HQ building

within the amended scheme. However, they maintain their position regarding the destruction of other non-designated assets within the site and the harm that would arise to the significance of nearby designated assets as a result of this.

14. Planning Policy BDC 19th July 2023:

The application is not supported by sufficient supporting information in relation to the existing business retention strategy and would appear to put the business park at risk. No evidence is provided to demonstrate that the land or buildings are no longer suitable for employment uses. For these reasons, the application is contrary to policy WC2: General Principles for Economic Development.

Furthermore, in relation to the retail elements the impact test for the foodstore has not been undertaken properly. It is based on an out-of-date household survey and parts of the PPG checklist are missing. The impact test for the other retail unit has been omitted, and that is a reason for refusal as stated in paragraph 91 of the NPPF.

The sequential test has not been met. Despite the stated operational requirements, the applicant has not demonstrated any flexibility in respect of the requirements of the foodstore or of the other retail unit – the space for which could currently be met in the vacant floorspace that is available in Bolsover town centre.

Furthermore, the site is poorly connected to the town centre in view of the distance from the town centre and the very steep slope to access it. The proposed foodstore and other retail unit through its size and location will have a significant negative impact on the vitality and viability of Bolsover town centre and for these reasons the proposal is contrary to Policy WC 5 and the NPPF.

Based on the above summary, it is considered that the application should be refused or withdrawn to allow a more informed and appropriate strategy to be prepared, in partnership with the Council, for the investment in the business park to help securing its role as an economic driver in Bolsover District.

15. Planning Policy DCC – 13th July 2023:

Detailed comments have been received from the County Council on the acceptability of the proposals having regard to the relevant provisions of the development plan and national planning policy.

Comments have been made in respect of the following areas, which have not already been assessed by other consultees:

Principle

The re-use of a large proportion of the site for non-employment uses to include two retail units, a drive-through and 35 residential units would not accord with the general allocation in the (Local plan for Bolsover District 2020) BDLP as an existing and protected employment site, particularly taking into account the fact that the local plan is up-to-date having only been adopted in 2020. The submitted Planning and Retail Statement makes reference to the fact

that the use of the site for mixed-use development, as proposed, has been promoted to the District Council through the local plan process. It can be assumed, therefore, that in allocating the site as an existing employment site, the District Council did not consider that the site was suitable for allocation as a mixed-use development.

It is considered that the retail proposals would be contrary to the provisions of national policy for town centres and retailing in the NPPF and adopted BDLP on the basis that the proposals would not satisfy the requirements of the sequential test and would be likely to have an adverse harmful impact on the vitality and viability of Bolsover town centre.

Retail development

It is considered that the applicant's sequential assessment is not robust and that the requirements of the sequential test have not been demonstrated satisfactorily as it would appear that there is a sequentially preferable alternative available site within Bolsover town centre that has the potential to accommodate the proposed foodstore, albeit with some flexibility required to its scale and format.

It is considered that the retail proposals would be likely to adversely harm the health and vitality and viability of Bolsover town centre, contrary to the provisions of national policy in the NPPF and local policies in the adopted BDLP, which seek to ensure that new retail developments do not have adverse on the vitality and viability of town centres. With regard to other town centres, there is likely to be some impact level of trade draw and impact on Clowne but it is expected that the vast majority of the impact would fall on the Tesco and Aldi stores, which are both significantly overtrading so the levels of impact would be unlikely to have any significant implications for the health and viability of Clowne town centre.

Residential development

The acceptability of housing development on the site is finely balanced as the site could provide for new housing development in a reasonably sustainable location, located in the District's most sustainable settlement and as part of a mixed_use employment, retail and housing development on previously developed land for which there is much support in terms of national and local plan policy. On the negative side, the District Council is able to demonstrate a 10-year housing land supply so there is no justification for housing on the site in terms of land supply shortage. It may be that the balance of the assessment could be tilted in favour of housing development on the site if it included an element of affordable housing in accordance with BDLP Policy LC2. If that is the case, then the District Council is requested to seek clarification and confirmation on this issue from the application prior to the determination of the application.

Employment development

The proposed retail uses would not appear to be in the spirit of being classed as employment generating uses in the context of Policy WC2: General Principles for Economic Development of the BDLP and if that is the case then there would be a net loss of employment land on the site created by the application proposals.

Open Space:

Using the current policy formula the commuted sum would be £37,240 (35 dwellings x £1064 per dwelling). This amount is based on 2023 prices and should be index linked to the RPI in terms of timing of payment.

A contribution will be sought to improve the following area of green space, which currently falls below the 60% quality standard:

Recreation Ground: Houfton Road Recreation Ground (within 800m walking distance).

Built & Outdoor Sports Facilities:

As the proposed development is not of sufficient scale to require any dedicated on site built / outdoor sports facilities, it is recommended that a suitable commuted sum is negotiated in lieu of any formal on site requirement.

Using the current policy formula the commuted sum would be £45,360 (35 dwellings x £1 per dwelling). This amount is based on 2021 prices and should be index linked to the RPI in terms of the timing of payment.

Such a commuted sum would be invested in improving the playing pitches and their ancillary facilities at Castle Leisure Park.

We would expect to receive a commuted sum for a period of 10 / 15 years following completion of the development for any land adopted by the district council.

Other comments:

There are numerous references in the submitted documentation to the former Bolsover Branch Line, many erroneously stating that this is already an active travel corridor / multi-user trail.

The former Bolsover Branch line is currently undeveloped, although it is identified as a future greenway in both the Local Plan for Bolsover District (March 2020) and as part of Derbyshire County Council's Key Cycle Network (KCN).

Redevelopment of the former Bolsover Branch Line as a multi-user trail to the north of the development site is currently not possible due to the ongoing redevelopment of former Coalite site, which has removed a section of the former railway either side of Buttermilk Lane.

Additional pedestrian links are also highlighted, most of which also don't currently exist on the ground. All of these would be beneficial and should, wherever possible, include access for cyclists and people with disabilities.

There is no reference in any of the documentation to the recently developed A632 Greenway (new tarmac surfaced cycle path alongside the A632) linking the Stockley Trail / Intake Road to Markham Vale and beyond, despite this having been developed by Derbyshire County

Council in 2021/22.

The Cycle section of Travel Plan is particularly poor as there are no references to the existing cycle routes within the immediate vicinity of the development site (A632 Greenway and Stockley Trail) due to the use of National Cycle Network data, suggesting that this section of the plan was no more than a desktop exercise.

It is recommended that, as part of the development, there should be a contribution to the development of the former Bolsover Branch Line either as a planning condition or financial contribution, particularly as the application uses the former railway corridor as a benefit / selling point. This should include (at least) the section that runs through the development site (although this is outside the red line boundary), with a link into the retail block between Station Road (A632) and R1 Proposed Retail with an onward link to Intake Road and the A632 Greenway as well as a connection to the reclaimed colliery open space to the north of the proposed development.

Ideally, the section to the south of the A632 (effectively a northerly continuation of the railway path section of the Stockley Trail) should also be developed as this would provide access for pedestrians, cyclists and mobility scooter users from the south west side of Bolsover (Carr Vale, New Bolsover and the Bainbridge Road / Valley Road estate).

17. Environment Agency – 7th June 2023:

From a flood risk perspective, the development falls within flood zone 1 and therefore we have no fluvial flood risk concerns associated with the site. The Environment Agency point the District Council to their standing advice in respect of flood risk management and advise that there are no other environmental constraints associated with the site.

PUBLICITY

The application has been publicised by way of a site and press notice.

166 residents and local businesses were notified about the application.

As of the 2nd May 2025 ten representations have been received by the Local Planning Authority, including representations on behalf of the Campaign to Protect Rural England (CPRE) and Chesterfield Royal Hospital.

Half (5) of the representations received object to the proposals and the other half (5) are neutral, with one expressing support in principle. The comments raise the following matters:

Principle

- Objection to a housing proposal due to its conflict with the Bolsover Local Plan.
- Concern that housing proposals will encroach on undeveloped land.

Economic impact

- Business Disruption Risk: The development could potentially disrupt existing businesses and lead to closures, impacting employment and the local economy.
- Consideration of Riverside Way Availability: The Riverside Way site, under contract with a discount supermarket operator, should be considered in economic planning decisions.
- Prioritising Existing Retail Spaces: Utilising empty retail spaces in Bolsover first could prevent adverse effects on the town centre's economy.
- Rent and Rate Concerns: Increased rent and rates may lead to business closures, affecting economic stability.
- Need for Tenant Support: Businesses require a transition period and support for relocation to minimise economic disruption.
- Comprehensive Property Analysis: Evaluating all commercial properties, including those not listed on major websites, is essential for informed economic decisions.
- Potential Impact on Town Centre: There is uncertainty around how new retail developments might economically impact the existing town centre.

Environmental Impact

- Ensure construction work includes dust minimisation strategies, focusing on tool selection and damping methods.
- Preserve sensitive landscapes and maintain the countryside as a climate change buffer, aligning with NPPF guidelines.
- Propose the presence of an environmental health officer from the council to oversee job methods, particularly asbestos-related work.
- Advocate for accessible, nature-rich green spaces to address the climate emergency and enhance wellbeing.
- Develop a comprehensive landscape management plan for the business park, with emphasis on green space, tree preservation, and wildlife conservation.
- Mandate asbestos surveys and safe removal by qualified contractors if demolition is involved.
- Retain existing large trees on the site to support wildlife habitats and nesting.
- Address the destruction of major wildlife habitats due to tree-cutting activities.

Impact on Existing Businesses

- Concern that the grant from Bolsover Council during the COVID pandemic would be ineffectual if businesses are not relocated within the park.
- Anxiety about the fate of businesses during the period when old premises are demolished, but new ones are not yet developed.
- Criticism directed at the applicant for not offering tenants relocation opportunities as promised.
- Suggestion to consider Riverside Way's availability in the relocation decision-making process.
- Reminder to consider businesses outside the planning application that are part of the business park.

Highways Impact

- Woodhouse Lane experiences high traffic volumes and is unsuitable for heavy vehicles due to its narrowness.
- The development of the Enterprise Park is expected to exacerbate traffic issues on Woodhouse Lane.
- The deteriorating condition of Woodhouse Lane, worsened by increased traffic, requires urgent repairs.
- Frequent accidents at the junction between Woodhouse Lane and Station Road highlight the need for safety improvements.
- Concerns are raised about increased traffic and noise disturbing the area's peaceful nature.
- Limited visibility for larger vehicles exiting the park onto Woodhouse Lane poses a safety risk.
- Planned changes to the main access road could negatively impact customer access.

Accessibility

- Ensure bus stops are easily accessible for improved transportation options.
- Include good, wide, user-friendly walkways for safe and easy pedestrian movement.
- Provide information about changes to the north gate entrance to understand impacts on accessibility.
- Advocate for accessible green spaces to promote inclusivity and tackle the climate emergency.

Other Matters

- Objection to the loss of green space due to the housing proposal.
- Concerns over inaccurate claims about property vacancy rates in the business park.
- Request for clear development timescales to reduce local impact.
- Concerns about potential road use issues and nuisance to residents during planning permissions.
- Safety concern regarding proposed landscaping on the horse field, which could distract drivers.
- Emphasis on the importance of services to local people and negative impacts of development.
- Request for site owners to hire a road sweeper for cleanliness on Woodhouse Lane during the project.
- Support for development that considers local needs, especially in open countryside or greenfield sites.

In commenting on the application, Chesterfield Royal Hospital advise that initial modelling suggests that the impact of this development is up to £47K.

POLICY

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

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

- SS1: Sustainable Development
- SS2: Scale of Development

- SS3: Spatial Strategy and Distribution of Development
- LC2: Affordable Housing through Market Housing
- LC3: Type and Mix of Housing
- WC2: General Principles for Economic Development
- WC5: Retail, Town Centre and Local Centre Development
- WC9: Hot Food Takeaways
- SC1: Development within the Development Envelope
- SC2: Sustainable Design and Construction
- SC3: High Quality Development
- SC7: Flood Risk
- SC8: Landscape Character
- SC9: Biodiversity and Geodiversity
- SC10: Trees, Woodland and Hedgerows
- SC16: Development within or Impacting Upon Conservation Areas
- SC21: Non-designated Local Heritage Assets
- ITCR2: The Multi-User Trails Network
- ITCR4: Local Shops and Community Facilities
- ITCR5: Green Space and Play Provision
- ITCR 9: Local Transport Improvement Schemes
- ITCR10: Supporting Sustainable Transport Patterns
- ITCR11: Parking Provision
- II1: Plan Delivery and the Role of Developer Contributions
- II2: Employment and Skills

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:

- Paragraphs 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.
- Paragraph 161, 163, 164, and 166: Meeting the challenge of climate change.
- Paragraph 170 - 182: Planning and Flood Risk.
- Paragraphs 187, 193 and 195: Conserving and enhancing the natural environment.
- Paragraphs 196 - 201: Ground conditions and pollution.
- Paragraphs 207 - 221: Conserving and enhancing the historic environment.

Supplementary Planning Documents and Advice Notes:

Local Parking Standards Supplementary Planning Document (January 2024):

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

1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission are determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for the purposes of the Act is the Local Plan for Bolsover District (2020). The National Planning Policy Framework (NPPF) (2024) is a material consideration in respect of this application.
2. Paragraph 11 d) of the National Planning Policy Framework requires that where there are no relevant policies, or if the most relevant Local Plan policies for determining a planning application are 'out of date' planning permission should be granted, unless policies including those related to designated and other heritage assets or archaeological significance provide a strong reason for refusing permission or the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the framework as a whole.
3. The term "out-of-date" is defined in Footnote 8 of the NPPF. The Local Plan is considered out of date where there is a lack of five-year supply (or four-year supply for authorities which are progressing a new Local Plan in accordance with Paragraph 226 of the NPPF) or where the Housing Delivery Test indicates that the delivery of housing was below 75% of the requirements for the past three years. The Local Plan for Bolsover (2020) is not considered to be out-of-date as defined in Footnote 8.
4. There are other ways that a Local Plan or specific policy may be considered to be out of date, such as if it no longer performs its intended role, or if certain material considerations mean that the policy can no longer be relied upon or given weight. These matters need to be considered through individual planning applications, and the level of weight given to them is a matter for the decision-taker.
5. Having regard to the consultation responses and representations received and the relevant provisions of the development plan and policy contained within the National Planning Policy Framework, the main issues to assess are:
 - The principle of the development
 - The impact of the retail component of the application on the vitality of and viability

of Bolsover Town Centre

- Impact on designated and other heritage assets of archaeological significance
- Landscape and visual impact of the proposed development
- Impact on wildlife and biodiversity.
- Highway and pedestrian safety, connectivity impact on the local road network and parking provision
- Developer contributions and open space provision
- Residential amenity considerations and compatibility of uses, and;
- Other issues, including drainage and contamination.

The principle of the development

6. Achieving sustainable development is a fundamental aim and vision of the Local Plan for Bolsover, which was adopted in March 2020 and the NPPF. Policy SS1 sets out the criteria against which the Council will consider the sustainability of a proposal. It is recognised that proposals may be able to positively address some of the criteria in Policy SS1, to a greater or lesser degree, but not others. The Policy does not require any proposal to achieve a benefit against every criterion, but it seeks to provide a basis on which to recognise the various sustainability costs and benefits of a proposal, which will then be considered by the Council in the overall 'Planning Balance'.
7. In order to contribute to sustainable development in the Bolsover District Policy SS1 advises that development proposals should support the local economy by providing employment opportunities suitable for local people, promote the efficient use of land and the re-use of previously developed land in sustainable locations, locate development in close proximity to trip generators with the aim of reducing the need to travel by non-sustainable modes of transport, reduce the need for energy in new development and ensure that it can use energy efficient through the life time of the development, promoting high standards of low carbon and energy efficient design and renewable energy production where possible and appropriate, support the hierarchy of centres and / or enhance their role as a focus for new services and facilities, protect and enhance the character, quality and settings of towns and villages and heritage assets through an appropriate mix of good quality, well-designed development and protect, create and / or enhance the character, quality and diversity of the District's green infrastructure and local landscapes, the wider countryside and ecological and biodiversity assets amongst other considerations.
8. To support the hierarchy of centres and / or enhance their role as a focus for new services and facilities the Local Plan gives a clear steer on the scale and direction of development. Policy SS2 states that the Local Plan will accommodate new growth and investment in Bolsover District by making provision for sufficient land to meet its housing needs and to accommodate 92 hectares of employment land across the period 2015 to 2033. As part of the review of the Local Plan the latest employment land evidence indicates that the land allocated in the local plan for employment is required to meet the District's employment needs over the plan period.
9. Policy SS3 seeks to direct growth towards the District's more sustainable settlements, such as Bolsover, in order to take advantage of their greater employment opportunities,

better transport links and services and facilities.

10. The site lies within the settlement envelope of Bolsover, with the land to the south being undeveloped. Policy SC1 states that development within settlement envelopes will be permitted where it is appropriate in scale, design and location to the character and function of the area, is compatible with, and does not prejudice any existing or intended use of adjacent sites and would not have an unacceptable environmental impact.
11. With the exception of the fields to the south of the site and west of the Indian restaurant the land is entirely covered over by an existing employment allocation, protected by Policy WC2.

Employment development

12. Local Plan Policy WC2: General Principles for Economic Development supports the sustainable growth of the district's economy by both:
 - encouraging proposals which help create a higher wage, higher skilled, low carbon economy which develops, retains and enhances local skills;
 - protecting a series of identified existing employment sites that are important and act as key economic drivers for the District.
13. As stated earlier in the assessment section of this report, the latest evidence base indicates that the land allocated in the local plan for employment is required to meet the District's employment needs over the plan period. The industrial estates and business parks in the district are home to a large proportion of jobs in the district and an important element of the district's employment portfolio. The release of employment land without clear and convincing justification would create a demand for additional employment land over the plan period. In a small town such as Bolsover employment land is important to ensure settlement sustainability and help reduce travel out of the area and by unsustainable means to access employment opportunities.
14. Policy WC2 indicates that the protection will be sustained unless it can be shown that the land or building is no longer physically suitable for employment uses and there is no realistic prospect of re-use or redevelopment for such uses by providing evidence that the site has been marketed for a reasonable period of time; details of enquiries received for the site; and evidence to demonstrate the site is not financially viable for continued employment development.
15. The revised application proposes up to 6500 sqm of replacement employment floorspace in a range of more modern purpose-built units, the retention of 2,270 sq. m of employment floorspace within the former colliery headquarters building and 2 retail units (total gross area up to 3,200 sqm, one being for discount food retail). The application site currently accommodates a wide range of business, retail, leisure, commercial and industrial units. The applicant advises that only 5714 sq. m is occupied by businesses and only 2328 sq. m is re-useable. The applicant explains in supporting information that the site has become under-utilised and a number of buildings have been left vacant due to either not being financially viable to rent out or do not meet EPC ratings and standards. It is advised that there are currently 82 units on the site but 41 are not

lettable so 50% of the units are not viable for letting.

16. The amended scheme maximises the employment potential of the site and proposes a mix of units, in addition to the existing floorspace within the Former Headquarters Building that will meet the needs of a wide range of businesses and will facilitate new employment and job creation. The amount and nature of new employment to be provided is considered to comply with the relevant provisions of the development plan in this respect.
17. It is recognised that while not a traditional 'B' use, the retail units also provide a form of employment on the site. The suitability of retail use must be considered in conjunction with the requirements of Policy WC5 in respect of new development so as to not undermine the purpose and viability of the Town Centre and any other service centres. The impact of the retail development of the application on the vitality of and viability of Bolsover Town Centre is considered in a later section of this report.
18. The application is accompanied by a Business Retention Strategy. This strategy has been developed following a survey of existing tenants, the results of which have not been provided due to being commercially sensitive. Of the tenants surveyed it is understood that 60% are likely to remain within the new development with the percentage of employees retained to be approximately 75%. These estimates are, however, subject to numerous variables, including the cost of rent. The applicant points to the layout providing a range of comparative spaces to accommodate existing businesses and allow them to move up and provide for new start-up businesses. This has been enhanced further with the increase in employment floorspace and greater range of retail units.
19. Alongside the potential retention of existing employment it is also advised that there will be opportunities for new higher quality and higher skilled jobs, and these will be in addition to the existing employee numbers on the business park.
20. Whilst it is acknowledged that there will be occupiers who require cheap rate accommodation that is not to modern standards, the applicant advises that there is alternative low-grade accommodation available elsewhere in the district e.g. across Station Road. The applicant advises that the modest reduction in inefficient, poor-quality employment floorspace is not a reason to prevent significant investment in the regeneration of a legacy industrial brownfield site in an area where policy supports a move to high skilled, high waged employment opportunities, which is a District objective as set out in the Local Plan. Conditions to secure employment schemes to maximise employment opportunities, skills and training as part of the construction and delivery of the units are recommended to help deliver this policy objective.

The impact of the retail component of the application on the vitality of and viability of Bolsover Town Centre

21. The application proposes two retail units (up to 3200 sqm, with one being for discount food retail) and a small drive thru (Sui Generis) with a floorspace of 85 sq. m.
22. Local Plan Policy WC5: Retail, Town Centre and Local Centre Development supports

retail development within town centres. The policy states that when considering out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. A sequential test and retail impact assessment are required for applications in out of centre locations for over 500 m² of retail space. Only shops which do not harm the vitality and viability of the town centre will be approved.

23. Policy WC5 and paragraph 91 of the NPPF requires “applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered”.
24. Paragraph 92 of the Framework states that when considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.
25. Paragraph 94 of the NPPF sets out a twin impact test, stating that ‘when assessing applications for retail and leisure development outside town centres, which are not in accordance with an up-to-date plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500 sq.m of gross floorspace). This should include assessment of:
 - the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
 - the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider retail catchment (as applicable to the scale and nature of the scheme).’
26. Paragraph 95 indicates that, where an application fails to satisfy the sequential test or is likely to have a significant adverse impact on one or more of the above factors, it should be refused.
27. Following concerns regarding the robustness of the Retail Impact Assessment contained within the Planning Statement the applicant submitted a Supplementary Retail Statement by Lichfields (dated May 2024). The District Council commissioned a retail impact assessment expert to review this statement.
28. The District Councils retail impact expert has reviewed the sequential alternative sites identified by the applicant (and undertook their own additional research) and do not believe that there is any site which is situated in a sequentially preferable location and is both available and suitable to support the proposed use at this time. In this respect, the expert concludes that the proposal accords with the requirements of the NPPF sequential test.
29. With regard to the impact test a number of defects and concerns were raised. In assessing the significance of impacts arising from development, it is necessary to reflect upon the advice set out in the Town Centres Planning Practice Guidance (PPG). In this regard, paragraph 018 states that:

‘A judgement as to whether the likely adverse impacts are significant can only be reached in light of local circumstances. For example, in areas where there are high levels of vacancy and limited retailer demand, even very modest trade diversion from a new development may lead to a significant adverse impact.’

30. It should also be recognised that impacts will arise with all retail developments, but that these will not always be unacceptable, not least because development often enhances choice, competition, and innovation. It is therefore necessary to differentiate between those developments that will have an impact and those that will undermine the future vitality and viability of established centres, i.e. have a ‘significant adverse’ impact.

31. Paragraph 015 of the Town Centres PPG is also of relevance in considering how the impact test should be applied. It states that:

‘As a guiding principle impact should be assessed on a like-for-like basis in respect of that particular sector (e.g. it may not be appropriate to compare the impact of an out of centre DIY store with small scale town centre stores as they would normally not compete directly). Retail uses tend to compete with their most comparable competitive facilities.’

32. In this instance, the application proposal seeks to provide:

- a foodstore which is capable of meeting some main food shopping needs;
- a comparison goods retail unit; and
- a drive thru unit.

33. The types of retail uses accommodated at the site will impact on the patterns of trade diversion arising from the development in practice.

34. The retail impact expert based their appraisal on the proposal’s compliance with the two key impact tests identified by paragraph 94 of the NPPF.

35. The District Council’s retail impact expert pointed to the failure of the Supplementary Retail Statement to recognise the allocation of £15m of Levelling Up Regeneration Fund monies which is to be spent by March 2026 within the District boundary.

36. Key projects of relevance to Bolsover town centre include:

- *Project 1: Public Realm*

Public realm improvements in Bolsover town and across key town centres to include: hard and soft landscaping; street furniture and signage; improved welcome entry points; improved lighting and safety considerations; resurfacing and reconfiguration of the market square; green routes and planting; and visual wayfinding.

- *Project 2: Shopfront Improvement Scheme*

The scheme will provide capital funding to support: new shopfronts; repair and replacement of shopfronts; new and replacement signage and awnings; and other

physical work which improves the visual aspect of the front elevation of a property.

- *Project 3: Former Co-operative Building, Town End, Bolsover*

Proposed acquisition, demolition and clearance of the former Co-operative Food store. This will enable the creation of a new public boulevard and urban green space.

- *Project 5: Bolsover Community Business Centre*

Proposed acquisition and refurbishment of the White Swan public house and conversion into community building. This will provide flexible accommodation to allow access to finance, health and wellbeing support services, as well as workspace to bring together CVS/non-profit organisations and community groups.

- *Project 8: Creative Makers Retail Outlet*

Investment into the existing retail unit at 36 and 26a Market Place, Bolsover to provide a 'pop-up' marker space for local artists and creatives. The funding will provide for the acquisition of the freehold of the property and its refurbishment.

37. Notwithstanding the above, it was opined that each of the above investments was wholly different in nature to that proposed at the application site. None of the above was considered to relate to the proposed retail development. It was considered that the successful implementation of the above investment should not be contingent on whether planning permission is granted for the Bolsover Business Park application proposals.
38. With regard to the second test, namely the impact of the proposals on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment a number of concerns were raised in respect of the Supplementary Retail Statement by Lichfields (dated May 2024) . In particular, the following defects were identified:
- the submitted assessment failed to identify how convenience goods expenditure has been apportioned between main and top-up food shopping;
 - the assumed inflow allowances are higher than expected and are not appropriately justified;
 - the assumed sales densities for both convenience and comparison goods floorspace appeared too low;
 - the submitted assessment identifies zonal trade draw but this was largely meaningless as trade diversion had not been presented on a zonal basis;
 - the assumption that 10% of the turnover of the proposal would be drawn from outside the Study Area was considered to be flawed; and
 - not all the destinations subject to trade diversions were identified in the assessment.
39. To address these defect, the applicant submitted a Retail Addendum Briefing Note dated November 2024, prepared by Lichfields. This was further reviewed by the District Council's retail impact expert.

40. The expert advised that the submitted assessment failed to demonstrate that there would be no significant adverse impact arising from the proposed development at Bolsover town centre. Furthermore, the scale, nature, and format of the development was such that the magnitude of impact arising at the centre merited further consideration.
41. In arriving at the above conclusion, the retail expert noted the following concerns with the methodology
- the underestimation of the turnover of the proposal;
 - the overestimation of the application proposal turnover drawn as inflow from outside the defined Study Area;
 - the underestimation of the level of diversion which would occur from local facilities, including the Morrisons at Oxcroft Lane in Bolsover; and
 - the level of trade diversion forecast from stores outside of the Study Area.
42. The applicant addressed the above concerns in a Further Retail Addendum Briefing Note dated March 2025 and prepared by Lichfields.
43. The applicant reduced the proportion of proposal turnover that is derived from 'beyond the Study Area' to 5% and recalibrated the impact of the development on existing retail operators within Bolsover town centre.
44. This Further Retail Addendum Briefing Note was reviewed by the District Council's retail expert. In further comments received on the 23rd April 2025 they have advised that the most substantial trade diversion will occur at the Morrisons store at Oxcroft Lane. They agree that lesser impacts would arise at the B&M and Farmfoods stores, and that the impact on other local traders will not be of material consequence (given that the application proposal is fundamentally different in character and scale to such retailers).
45. With regard to the impacts on the Morrisons store, the post-implementation convenience goods turnover of £20.85m reflects strong trading performance and is such that the store will continue to trade well above company average subsequent to the implementation of the proposal. Given the above, it is not considered that there would be any loss in town centre convenience goods provision as a consequence of the proposal. The foodstore most substantially impacted (i.e. Morrisons) would continue to trade strongly going forward.
46. They advise that the comparison goods impacts arising from both the foodstore and second unit comparison floorspace would be limited to moderate, as a consequence of a proposed bulky goods condition.
47. The District Council's retail expert does not anticipate that there will be a substantive loss of linked trips arising from the proposal. They advise that although some shoppers will be tempted away from the centre to undertake grocery shopping, the offer associated with a foodstore of the scale proposed is relatively limited and does not replicate the wider retail, service and leisure offer contained within Bolsover town centre. They continue that the proposed bulky goods unit would principally trade against other out of centre retailers and that shoppers would still have a need to visit Bolsover town

centre, albeit the linking of any such trips would likely take place by car rather than on foot.

48. With regard to the current health of the town centre, the District Council's retail expert acknowledges that the town centre has been the subject of significant changes in recent years as a consequence of the Morrisons/Sykes Field Retail Park scheme being delivered. They advise that the vacancy rate in respect of available units is not a cause for concern and the centre now accommodates a satisfactory range of retailers and service providers.
49. In summary, District Council's retail expert has found that:
- Bolsover town centre is relatively vital and viable and has a low vacancy rate in respect of the proportion of vacant units;
 - whilst the proposal will divert approximately £5.97m of expenditure from Bolsover town centre, this diversion principally occurs from the Morrisons store, which they anticipate will continue to trade strongly going forward; and
 - the application proposal will not replicate the overall town centre offer and there will still be a general need to visit the centre to make some types of comparison goods purchases and to visit service providers (through linked trips by car or at other times).
50. Having regard to the above, the development would have a negative impact on Bolsover town centre, however the magnitude of impact that would arise would be below 'significant adverse' in practice and there would be benefit in providing additional customer choice, in respect of grocery and bulky comparison goods shopping in the area, which is advocated by national planning policy.
51. To ensure that there will be no unacceptable impacts on Bolsover town centre it will be necessary to impose restrictive conditions relating to gross and net sales areas, as the impacts have been assessed based on this amount of retail, and to restrict the comparison unit to the sale of bulky goods, namely DIY goods, garden goods, furniture, carpets and floor coverings, electrical goods, camping, boating and caravanning goods, motor and cycle goods only.
52. With such restrictions the development would conform with to the second part of the impact test as articulated by paragraph 94 of the NPPF and by Local Plan Policy WC5 'Retail, Town Centre and Local Centre Development'.

Impact on designated and other heritage assets of archaeological significance

53. Policy SC16 of the Local Plan for Bolsover (2020) deals with development within or impacting upon conservation areas. It states that such development will be permitted where they preserve or enhance the character and appearance of the area and its setting.

54. It goes on to state that applications will be considered in relation to how well the design and location of the proposal has taken account of the development characteristics and context of the conservation area, in terms of important buildings and important open spaces, landscapes, walls, trees and views into or out of the area and the form, scale, size and massing of nearby buildings, together with materials of construction.
55. Policy SC17 of the Local Plan for Bolsover (2020) states that proposals for alterations to, or changes of use of listed buildings will be supported where they protect the significance of the heritage asset (including its setting), including impacts on the character, architectural merit or historic interest of the building.
56. The National Planning Policy Framework at Chapter 16 sets out the manner in which impacts on heritage assets should be assessed.
57. Paragraph 207 states “where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.”
58. Paragraph 210 states that in determining applications, local planning authorities should take account of:
 - a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - c) the desirability of new development making a positive contribution to local character and distinctiveness.
59. Paragraph 215 of the Framework states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
60. Paragraph 216 of the Framework states that “the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”
61. In addition to the above policy requirements there are separate legal duties in respect of heritage assets. In exercising planning functions, Local Planning Authorities must ‘have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses’ (Section 66(1)) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Similar provisions are contained within the Act at section 72 in respect of conservation areas.
62. As can be seen from the consultation responses received from Historic England, the Development Control Archaeologist (County Council) and the District Council’s

Conservation and Heritage Manager concern has been raised with regard to the assessment of the development on archaeology and its impact on designated and non-designated heritage assets.

63. The application site is located within the setting of the Grade I listed Bolsover Castle and to the north of Bolsover Conservation Area; both of which are designated heritage assets. The existing employment site contains buildings that are low lying and are contained within the landscape and by existing landscape features. The land to the south remains undeveloped and contributes to the setting of the castle, in terms of its rural context and association with its historic deer park.
64. The application proposals no longer seek to extend development beyond the confines of the existing employment site. A condition which prohibits such development and restricts the maximum height of buildings to two stories will ensure that there will be no harm to the setting Grade I listed Bolsover Castle.
65. With regard the impact on other heritage assets, the surviving Bolsover Colliery buildings, on part of the application site are considered to contribute to the significance of Bolsover Conservation Area and Grade II listed model village. Historic England advise that the area of Bolsover Conservation Area nearest to the site includes the Grade II listed model village and nearby villas built by the Bolsover Colliery Company to house its workforce. The village was a pioneering development at the time of its construction in 1891 and was built to improve the quality of living for the workers of the colliery. The site is inextricably linked to the village as the instigator of its construction and historic use. The County Council make similar comments on the value of the former colliery buildings on site. Photographs of these buildings are provided below:





66. The loss of the surviving Bolsover colliery buildings, which are deemed non-designated heritage assets and to contribute the significance of the nearby designated assets would cause harm to the significance of the conservation area and associated listed buildings, albeit again at the lower level of less than substantial harm. Again, this harm must be weighed against the benefits of the proposal and a balanced judgement reached on the loss of non-designated heritage assets.

67. The applicant has submitted a Heritage Impact Assessment with the application, upon which the consultees have based their comments. Revisions to the layout and supplementary comments on the heritage impacts were submitted by the applicant on the 8th May 2024.
68. The amended scheme has since omitted development on the open land to the north of the A632, whilst still retaining the headquarters building which would, alongside the former railway cutting, retain a meaningful but still fragmentary connection between the location of the former colliery and the New Bolsover Village.
69. The Heritage Impact Assessment does not consider that the pit baths share the same historical genesis and its loss is not considered to result in harm. Retention of Portland House and the good shed would, it is considered, do little to embellish the tenuous relationship that exists. Accounting for the retention of the colliery headquarters building, the degree of harm brought about by the demolition of other colliery buildings upon the setting and significance of the Bolsover Conservation Area, it is considered that the impact would be negligible at most.
70. This assessment indicates some harm. Historic England welcomed the retention of the former Bolsover Colliery HQ building within the amended scheme. However, they maintain their position regarding the destruction of other non-designated assets within the site and the harm that would arise to the significance of nearby designated assets as a result of this. They refer to their previous advice in this respect. Similar concerns have been expressed by the District Council's Conservation and Heritage Manager.
71. The loss of the remaining Bolsover colliery buildings, which are deemed non-designated heritage assets and to contribute the significance of the nearby designated assets would cause less than substantial harm to the significance of the conservation area and associated listed buildings. As required by national planning policy, this needs to be weighed against the public benefits to be derived.
72. Whilst it is acknowledged that there will be some public benefits associated with the development through the regeneration of the site and job creation, this is tempered by the unwarranted nature of the housing development and the loss of the colliery buildings to accommodate retail development that will undermine and adversely affect the vitality and viability of the town centre.
73. The Development Control Archaeologist has advised in terms of below ground archaeology that further archaeological works are necessary prior to the determination of the application. They advise that prior to the submission of the application the applicant was informed that "the proposal area is a previously undeveloped site of just over 2ha, and given the multi-period archaeological interest in Bolsover and its environs that there is potential for previously undiscovered below-ground archaeology within the site and that any planning application should therefore include the results of archaeological evaluation, to comprise geophysical survey in the first instance (detailed magnetometry) supplemented by trial trenching where indicated by the geophysics results.
74. The applicant considers that a standard and reasonable approach is to impose a pre-

commencement condition requiring further site investigation before development proceeds and that they are willing to work with the Council's archaeological advisor to agree an appropriate strategy for further assessment and mitigation as part of the detailed design stage. They have since omitted the development housing from the undeveloped land. The potential requirement for sustainable urban drainage infrastructure on the land and relatively small area this would cover is such that a Written Scheme of Investigation in respect of any below ground archaeology is considered to be proportionate in this case.

Landscape and visual impact of the proposed development

75. Policy SC1 of the Local Plan is supportive of development where it is appropriate in scale, design and location to the character and function of the area. Policy SC2: Sustainable Design and Construction permits development that protects and enhances the distinctiveness, character, townscape and setting of settlements and conserves and enhances heritage assets and their setting amongst other considerations.
76. Policy SC3 seeks to deliver high quality development which responds positively to the context and contributes to local identity and heritage in terms of height, scale massing, density, layout and materials and which protects important local and longer distance views of important landmarks or landscapes, such as Bolsover Castle. The policy also requires development to respond to the established character and local distinctiveness of the surrounding landscape.
77. Policy SC8 of the Local Plan states that proposals for new development will only be permitted where they would not cause significant harm to the character, quality, distinctiveness or sensitivity of the landscape, or to important features or views, or other perceptual qualities such as tranquillity unless the benefits of the development clearly outweigh the impacts.
78. The application seeks outline planning permission, with all matters reserved other than access. In setting broad scale parameters the indicative layout indicates that the employment units will be a mixture of single and two storey buildings surrounding the existing Colliery Headquarters Building.
79. The applicant advises that the layout balances the retention and enhancement of landscape, the strengthening of key environmental features along with the need to redevelop a purpose-built business park, retail opportunity and additional housing along an enhanced gateway into Bolsover. It is advised that the design of the indicative layout and road network enables the siting of landmark dwellings at key visual nodes, maximising legibility, the creation of active frontages, and opportunities for natural surveillance through the orientation of employment units and dwellings.
80. Occupying a gateway location on the western approach into Bolsover, the applicant advises that the proposed development will create a locally distinctive and visually interesting scheme which will readily integrate into the local context and provided an attractive landscaped frontage to Station Road (A632). This approach to layout and design would need to be considered in the context of minimising the impact on key visual receptors, including views from Bolsover Castle. Through careful consideration of

the reserved matters, it is considered that development could come forward in a manner that would not result in harm to the character and context of this part of the settlement, subject to constraints on the extent of development.

81. The application is accompanied by a Landscape and Visual Appraisal, which considers the landscape and visual effects of the development.
82. A slight adverse effect is predicted on the landscape character, reducing to potentially beneficial if the recommended design principles are implemented and proposed woodland framework established to break up the mass of the business park.
83. The appraisal advises that the landscape has been impacted upon in the last thirty years by the further development of the business park. The majority of the site lies within the 'urban' landscape character classification. Small peripheral parts of the site lie within the local landscape character type 'Wooded Farmlands'.
84. The landscape strategy submitted with the application aims to restore the woodland setting and enhance the character of this landscape.
85. Recommendations including minimising external lighting and the use of dark and natural in finish (timber, dark metal etc.) materials to ensure that the buildings are visually recessive are recommended. It is also recommended that signage should respect and match the materiality and form of the proposed buildings.
86. In the long term, with appropriate landscape mitigation and restoration is predicted to reduce visual amenity effects to slight adverse with the completion of construction. It is considered that some beneficial effects would be possible with planting reinforcing existing woodland boundaries, creating 'green connections' through the development and providing an additional degree of visual screening.
87. It is recognised that the most sensitive visual receptors within the study area are those from Bolsover Castle, rights of way users and residential receptors. These visual receptors generally experience an expansive view either west from Bolsover or from the east of the study area towards Bolsover. The omission of the housing development on currently undeveloped land and the restriction on the height of development (which will need to be controlled by condition) is such that development would not result in significant harm to the character, quality, distinctiveness or sensitivity of the landscape.

Impact on wildlife and biodiversity

88. The application was submitted to Bolsover District Council prior to the 10% mandatory Biodiversity Net Gain requirements coming into force at the beginning of 2024. As such, in accordance with policy SC9 of the adopted Local Plan, it is expected that a development of this nature will provide no net loss of biodiversity and will seek to provide net gains where possible. These provisions are supported by the NPPF, paragraph 187 (paragraph 180 in an earlier iteration) of which advises that planning decisions should provide net gains for biodiversity.

89. The Local Planning Authority also has a duty to protect European Protected Species (EPS) under the Conservation of Habitats and Species Regulations 2017 (as amended). Government advice at paragraph 99 of the Office of the Deputy Prime Minister Circular 06/2005 states that it is essential to establish the extent to which EPS may be affected by a proposal.
90. An Ecological Appraisal (Rachel Hacking Ecology, March 2023), which included a Biodiversity Net Gain (BNG) assessment was submitted with the application. This was assessed by the Derbyshire Wildlife Trust.
91. In consultation comments dated 13th June 2023, Derbyshire Wildlife Trust (DWT) advised that several existing buildings had been assessed to have some level of potential for roosting bats and therefore nocturnal surveys were required. DWT also advised that that habitats on site were suitable for grass snake (and that a record existed) and Great Crested Newts. Reptile surveys had been recommended. It was recommended that a greater focus should also be given to grassland retention and enhancement to retain habitat for reptiles and amphibians in the southern part of the site.
92. With regard to biodiversity impacts, Derbyshire Wildlife Trust requested a copy of the metric and post development habitat plan to have certainty that the predicted net gain of habitat (+7.03, 52.81%), hedgerow (+0.47, 6.53%) and watercourse (+0.01, 0.22%) units can be delivered.
93. Following receipt of these comments and further consultation comments dated 25th February 2025, the applicant has undertaken bat surveys and method statement for how this protected species will be safeguarded during construction works.
94. With respect to reptiles and amphibians, including Great Crested Newts (GCN), the applicant has advised the Preliminary Ecological Appraisal (PEA) updated by Rachel Hacking Ecology in June 2023, along with the letter dated 6th February 2025, confirms that no reptiles or amphibians were recorded during surveys undertaken in May 2023. They have advised that clearance works will be undertaken in accordance with a Construction Environmental Management Plan (CEMP: Biodiversity), which will secure appropriate safeguards for any species that may be present. The applicant is also open to considering District Level Licensing (DLL) for Great Crested Newts to provide further flexibility and ensure that, should any individuals be encountered, this can be managed efficiently without unnecessary delays to the development.
95. In relation to BNG, the applicant has submitted updated BNG metric information along with UKHabs plans showing both baseline and post-development habitats. The proposed mitigation and enhancement measures set out in the PEA, such as the retention and enhancement of the southern grassland, improved hedgerow planting, and the installation of bat and bird boxes will contribute towards achieving measurable net gains in biodiversity.
96. In respect of the botanical interest within the site, the updated PEA (June 2023) included an enhanced botanical survey of Target Note 17 (TN17), the northern of the two southern grassland fields. This identified a population of approximately 99 orchid spikes,

primarily marsh orchid with some common spotted orchid. The revised scheme now removes the six dwellings previously proposed in this area, ensuring that the orchid population will be retained. Future management of this area can be managed by condition.

97. The above information seeks to address Derbyshire Wildlife Trust's concerns and provide them with the information they require to be able to recommend support of the application and set out any necessary conditions. They have been consulted on this new information. In order to ensure compliance with Policy SS9 of the development plan and that the District Council can meet its legal duty any recommendation to grant planning permission would need to be subject to confirmation being received from Derbyshire Wildlife Trust that all ecological and BNG matters have been satisfactorily addressed.

Highway and pedestrian safety, connectivity impact on the local road network and parking provision

98. The application seeks approval for access. Access covers accessibility for all routes to and within the site, as well as the way they link up to other roads and pathways outside the site
99. Policy SS1 'sustainable development' of the Local Plan seeks to locate development in close proximity to trip generators with the aim of reducing the need to travel by non-sustainable modes of transport. Policy SC3 seeks to deliver high quality development and requires proposals to provide a positive sense of place through well designed streets and spaces which are safe, attractive and appropriate to their context.
100. Policy ITCR2 'The Multi-User Trails Network' states that planning permission will be granted for proposals providing that they would not prejudice the use of existing Multi-User Trails which includes a greenway along the former Bolsover branch line.
101. Policy ITC10 of the Local Plan 'Supporting Sustainable Transport Patterns states that planning permission will be granted where new development and the provision of services are located so as to support sustainable transport patterns and the use of the District's sustainable transport modes. The policy requires development that will likely have significant amounts of movements to be accompanied by Transport Statement or Assessment and Travel Plan. The policy goes on to state that all development proposals should provide convenient, safe and attractive access via footpaths, footways, bridleways, cycle paths and public realm areas. Policy WC2 requires that proposals likely to create over 50 jobs to be accompanied by site specific travel plans to promote sustainable travel choices.
102. The site is accessed to the north and south off the A632; a main arterial route into the Town from the west. The retail element of the proposals will be accessed off Intake Road, with modifications to existing access points into the site. The business park and housing elements of the proposals are to be accessed off the existing southern gateway entrance to the site off Woodhouse Lane, which again is to be modified to encourage and facilitate walking and cycling.
103. The application is accompanied by a Travel Plan and Transport Assessment, which was

amended following the omission of the housing development and increase in employment development. The County Council in their capacity as the Local Highway Authority have reviewed the highway related information submitted with the application. In their earlier consultation responses, a number of highway issues were raised. The applicant has submitted revised drawings/information to address these.

104. The travel plan has been amended to incorporate the comments made by the Sustainable Travel Team at the County Council, however, the provision of some of the measures contained therein are unclear based on the submitted application drawings (provision of walkways to front doors and cycle parking). It is, however, considered that such provision could be effectively controlled by condition. The Travel Plan seeks to appoint a Travel Plan Coordinator for the commercial elements of the proposals. Other measures include reducing the need to travel, promotion of car share websites/datasets, personalised travel planning, a travel notice board and walking and cycling facility awareness to minimise car borne journeys and promote travel choice. These measures are considered to be acceptable. The Local Highway Authority have requested a financial contribution of £6,325 to monitor the Travel Plan over a 5 year period, which would need to be secured by a s106 agreement.
105. Parking provision for vehicles and cycles is to be provided in accordance with appendix 8.2 of the Local Plan, as required by Policy ITCR11. The parking should relate well to the proposed Development, be well designed, taking account of the characteristics of the site and the locality, provide a safe and secure environment, minimise conflict with pedestrians and / or cyclists, make provision for service and emergency access and accord with guidance contained within the Local Parking Standards Supplementary Planning Document (January 2024). The development provides for parking in line with Bolsover District Council requirements. The retail development provides marginally less parking than required, however, the applicant advises that it is likely visitors coming to the retail site will visit both units in one trip. Given the accessibility of the site, and implementation of measures contained within the Travel Plan an acceptable level of parking will be provided.
106. With regard to the impacts of the development on the local road network and highway safety, Paragraph 116 of the National Planning Policy Framework advises that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.
107. The Local Highway Authority have advised that this level of movement can be accommodated by the local road network without severe impacts.
108. The Leisure Facilities Planning and Development Manager has expressed concerns regarding the lack of information / proposals to link to existing and proposed multiuser trails running within and outside of the development site. This is unfortunate, however, is a matter that could still be explored and delivered through the redevelopment of the site and approval of reserved matters. The proposed development would not prejudice these opportunities. A condition is recommended to maximise connectivity to footpath and cycle infrastructure, including existing and proposed multi-user trails, to facilitate travel to

the site by means other than the private motor vehicle as part of any approval of reserved matters submission, to achieve this objective.

Developer contributions

109. To aid plan delivery Policy II1 of the Local Plan advises that planning obligations will be sought where the implementation of a development would create a need to provide additional or improved infrastructure, amenities or facilities or would exacerbate an existing deficiency. Alongside infrastructure delivery, planning obligations will also be sought where the implementation of a development would necessitate the delivery of other policy objectives.
110. Following the omission of the residential development there is no requirement to make any education or open space contributions.
111. The application is accompanied by a Travel Plan which seeks to minimise car borne journeys and promote travel choice. In order to assess the effectiveness of this plan a period of monitoring is required. The Local Highway Authority have requested a financial contribution of £6,325 to monitor the plan over a 5-year period. Such a contribution is considered to be CIL regulations compliant and would need to be secured by a s106 legal agreement.

Residential amenity considerations and compatibility of uses

112. The application site is located close to existing housing development. Policy SC11 of the Local Plan advises states that development likely to cause, or experience, a loss of residential amenity as a result of light, noise, dust, odour or vibration, or a loss of privacy must be supported by a relevant assessment and if necessary, appropriate mitigation must be put in place. Applicants must demonstrate that a significant loss of amenity would not occur as a result of the development or throughout its construction and operation. Policy WC5 states in respect of retail development that it must be located and designed to minimise its impact on the amenity of adjoining or nearby properties and that any impact will be at an acceptable level. Finally, Policy SC3 'High Quality Development' states that development should ensure a good standard of amenity is maintained for the occupants of existing neighbouring properties as well as the future occupants of new development, including levels of privacy and light, position and avoiding overbearing relationships and the provision of adequate amenity space. Similar provisions are included in 'Hot Food Takeaways' Policy WC9 which seeks to minimise the impact of such development on residential amenity with added considerations relating to litter and opening hours, in addition to minimising anti-social behaviour and crime.
113. New employment development would be located within the confines of the existing employment site, where a wide range of business activities take place without restriction. The District Council's Environmental Health Team have raised no objection to the development in principle, subject to conditions to investigate and remediate any contamination found on site and secure dust suppression measures and an informative which recommends reasonable times for construction and deliveries associated with such activity. Such conditions and an informative are considered necessary and

reasonable. No concerns have been raised in respect of the drive thru take out unit based on its size and indicative location. The acceptability of the final layout of the development will be subject to residential amenity and visual impact considerations.

Other issues, including drainage and contamination

Contamination and land stability

114. Policy SC14 of the Local Plan states that development proposals will not be permitted unless it can be demonstrated that any contaminated or unstable land issues will be addressed by appropriate mitigation measures to ensure that the site is suitable for the proposed use, and does not result in unacceptable risks which would adversely impact upon human health, and the built and natural environment.
115. The application is accompanied by a Geotechnical and Geo-environmental Assessment by Eastwood Consulting Engineers.
116. The report advises that before more definite information regarding the properties on the ground and any contamination present can be given, an intrusive ground investigation will be required. It also recommends that cable percussion boreholes may be required to confirm the depth of the made ground, for pile design and for the installation of ground gas/groundwater monitoring wells and that geotechnical testing should be carried out on clay soils to determine their volume change potential.
117. The Environmental Health Team have raised no objections to the recommendations and have suggested conditions relating to contamination.

Flood risk and drainage

118. Policy SC7 'Flood Risk' states that all development proposals will be required to consider the effect of the proposed development on flood risk, both on-site and off-site, commensurate with the scale and impact of the development. With regard to surface water flood risk it must be demonstrated that there will be no net increase in surface water runoff for the lifetime of the development on all new development and that part of the development site is set aside for surface water management and uses measures to contribute to flood risk management in the wider area. Such measures should supplement green infrastructure networks and contribute towards mitigating the effects of climate change.
119. The application is accompanied by a Flood Risk and Drainage Strategy by BSP. The report recognises that there are a number of areas indicated to be at an increased risk of surface water flooding. Within the western development parcel there is a large area to the south which is shown to be at low risk (0.1% AEP) of surface water flooding; with a small area indicated to be at medium (0.1% AEP) to high (3.33% AEP) risk of surface water flooding at the known location of an existing Yorkshire Water sewage pumping station. As this area of the site is served by a combined sewer network, which is not represented in the EA's surface water model, BSP advise that it is likely that the extent of surface water flooding shown below does not occur in reality.

120. The report advises that in order to maintain the surface water flood flow paths across the southern area of the eastern development parcel, all development is to be restricted to the north of an unnamed watercourse. In accordance with best practice, they advise that external ground levels should comprise falls away from the proposed dwellings in order to encourage surface water runoff away from the dwellings and towards drainage features. In areas where there is an increased risk of surface water flooding, BSP advise that finished floor levels should be raised by a minimum of 150mm above external ground levels to prevent internal flooding.
121. A Sustainable Urban Drainage system for the site has been designed, having regard to Part H of the Building Regulations 2010. This is designed to attenuate surface water so that it does not discharge from the site at a rate greater than existing run off rates, with additional capacity built in for climate change (40%). A series of underground storage facilities and attenuation basins are shown. Such a scheme appears to be deliverable and, with the flood risk recommendations can be controlled by condition to ensure that the site is appropriately drained and will not result in flooding on site or increase the risk of flooding elsewhere.
122. The applicant has provided further technical evidence to demonstrate that an acceptable sustainable urban drainage scheme can be delivered on site to satisfy the Lead Local Flood Authority's requirements and they have subsequently raised no objections, subject to conditions.
123. The HS2 Safeguard Planning Manager has indicated that there is a minor overlap with HS2 safeguarded interests in the area of existing/proposed vegetation in the southwest corner of the retail plot adjacent to Station Road (identified as required for highways works associated with the high-speed railway) and also a Utilities Construction Zone area (shown shaded purple on map extract) along Intake Road. Conditions are recommended to ensure practicalities associated with respective construction programmes in this location can be managed.

Other concerns raised

124. Some concern has been raised in the representations received regarding the poor communication with existing businesses / tenants on the business park and implications of the development on them. Whilst these concerns are noted, the redevelopment of the site for a mixture of uses, including employment uses will generate new employment opportunities for existing and new tenants. The planning system cannot intervene in a free market. It concerns building and land use in the public interest and must be assessed against the relevant provisions of the development plan.
125. The concerns expressed regarding the safe removal of asbestos are also noted. Other environmental controls / regulations exist to ensure the safe removal of asbestos from the site as part of the construction process. A condition is recommended to minimise dust to protect residential amenity.

Summary

126. As stated at the beginning of this section of the report, achieving sustainable

development is a fundamental aim and vision of the Local Plan for Bolsover, which was adopted in March 2020 and the NPPF. Policy SS1 sets out the criteria against which the Council will consider the sustainability of a proposal. It is recognised that proposals may be able to positively address some of the criteria in Policy SS1, to a greater or lesser degree, but not others. The Policy does not require any proposal to achieve a benefit against every criterion, but it seeks to provide a basis on which to recognise the various sustainability costs and benefits of a proposal, which will then be considered by the Council in the overall 'Planning Balance'.

127. The policies contained within the local plan are considered to be up to date and the tilted balance in favour of the development, in full or part, is not considered to be engaged. The decision taker is effectively required to undertake a flat balance, having regard to all relevant provisions of the development plan and any other material considerations.
128. The site is allocated for employment use and is currently under-utilised, with a significant amount of floorspace left vacant due to either not being financially viable to rent out or within buildings that do not meet modern employment standards. The application, as amended, proposes up to 6500 sqm of replacement employment floorspace in a range of more modern purpose-built units, the retention of 2,270 sq. m of employment floorspace and 2 retail units (total gross area up to 3,200 sqm, one being for discount food retail). Such development maximises the employment potential of the site and proposes a mix of units, in addition to the building to be retained that will meet the needs of a wide range of businesses and will facilitate new employment and job creation. These are significant economic benefits deriving from the development.
129. While the development would draw trade away from Bolsover town centre, the magnitude of impact has been demonstrated to be below 'significant adverse' in practice and there would be benefit in providing additional customer choice, in respect of grocery and bulky comparison goods shopping in the area.
130. The application proposes to retain the Former Colliery Headquarters building which contributes positively to the history and context of the site. The loss of the remaining Bolsover colliery buildings, which are deemed non-designated heritage assets, will result in less than substantial harm to the significance of the conservation area and associated listed buildings that would be outweighed by the public benefits from the regeneration of the site, job creation and other benefits to be derived.
131. The development will not result in significant harm to the character, quality, distinctiveness or sensitivity of the landscape and would deliver net gains for biodiversity and sustainable drainage improvements.
132. When considered in the round the sustainability costs and benefits of the proposal are considered to weigh in favour of the development and a recommendation or approval is put forward on this basis.

RECOMMENDATION

Following written confirmation being received from Derbyshire Wildlife Trust that all ecological and BNG matters had been satisfactorily addressed and the request of the agent to amend

the conditions in the published agenda version of the officers report to allow for the phasing of the development and the submission of information commensurate with each phase (as set out in the update report to committee) delegated authority be given to the Development Management and Land Charges Manager and Principal Planners to **GRANT** planning permission, subject to the following conditions and the prior entry into a s106 legal agreement to secure a travel plan monitoring contribution:

- 1 Application for approval of all reserved matters must be made not later than the expiration of three years from the date of this permission. The development hereby permitted must be begun not later than the expiration of two years from the final approval of the reserved matters, or in the case of approval of such matters on different dates, the date of the final approval of the last such matter to be approved.
- 2 An application for details of the following matters (hereafter referred to as the “reserved matters”) shall be submitted to and approved in writing by the Local Planning Authority before the commencement of any works:
 - a) the scale of the development;
 - b) the layout of the development;
 - c) the external appearance of the development; and
 - d) the landscaping of the site.The development shall thereafter be implemented in accordance with the approved details and the approved Phasing Plan.
- 3 The development hereby permitted shall be carried out in accordance with the approved drawings and documents unless specifically stated otherwise in the conditions below.
 - Location Plan (Rayner Davies Architects, 20 February 2023), reference: 1989(02)001 Rev.B
 - Site Layout (CPMG, 06 March 2025), reference: 9586-CPMG-01-00-D-A-0003 Rev.P2
 - Design and Access Statement (P&DG, received 02 May 2023) insofar as it relates to the approved site layout
 - Landscape and Visual Appraisal (DSA, 07 March 2023) insofar as it relates to the approved site layout
 - Heritage Impact Assessment (Marrons, March 2023), reference: 22-039 insofar as it relates to the approved site layout
 - Flood Risk Assessment & Drainage Strategy (bsp Consulting, 22 April 2025), reference: BBPD-BSP-XX-XX-T-W-0001-P06_Flood_Risk_Assessment
 - Surface Water Drainage Strategy Plan (bsp Consulting, 22 April 2025), reference: BBPD-BSP-XX-XX-DR-W-0001 Rev.P06
 - Phase 1 Geotechnical & Geo-environmental Site Investigation (Eastwood, 07 March 2023), reference: 47985-ECE-XX-XX-RP-C-0001
 - Transport Assessment (M-EC Consulting, December 2024), reference: 21227-TRAN-0801 Rev B
 - Transport Assessment Addendum (M-EC Consulting, April 2025), reference: 21227-TRAN-0803
 - Travel Plan (M-EC Consulting, December 2024), reference: 21227-TRAN-0802 Rev B
 - Proposed Access Design and Vehicle Tracking (M-EC Consulting), reference: 21227_08_020_04 Rev.F

- Supporting Planning & Retail Statement (P&DG, March 2023)
- Business Retention & Economic Strategy (P&DG, May 2024)
- Supplementary Retail Statement (Lichfields, May 2024)
- Retail Addendum Briefing Note (Lichfields, 18 November 2024), reference: 67394/01
- Further Retail Addendum (Lichfields, 06 March 2025), reference: 67394/01
- BNG Metric (received 04 April 2025)
- Ecological Appraisal (Rachel Hacking Ecology, June 2023)
- Bat Survey Report (RammSanderson, February 2025) reference, and; RSE_8359_R1_V2.

Phasing

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

Use and General Restrictions

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

Use	Maximum Floorspace
Convenience (Food Store) Retail	1 no. unit with a maximum gross internal area of 1,886 sq. m and maximum net sales area of 1,320 sq. m
Comparison (Bulky Goods) Retail	1 no. unit with a maximum gross internal floorspace of 1,150 sq. m and maximum net sales area of 805 sq. m.
Employment E(g) (i), (ii) and (iii), B2 and B8	6500 sq. m
Drive Thru (Sui Generis)	85 sq. m

- 6 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 and the Town and Country Planning (General Permitted Development) (England) Order (2015) (as amended) or any Order revoking, re-enacting, or modifying those Orders, the 1 no. comparison retail unit shall be used for the retail sale of DIY goods, garden goods, furniture, carpets and floor coverings, electrical goods, camping, boating and caravanning goods, motor and cycle goods only and used for no other purposes, including any other activity within the same class of the schedule to the Use Classes Order.

- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no sub-division, addition, extension or enlargement of the 2 no. retail units hereby approved.
- 8 Notwithstanding the provisions of the Town and Country Planning (Uses Classes) Order 1987 and the Town and Country Planning (General Permitted Development) (England) Order (2015) (as amended) or any Order revoking, re-enacting, or modifying those Orders the new employment floorspace shall be used for E(g) (i), (ii) and (iii), B2 and B8 use only and for no other purposes, including in the case of use class E (g) (i), (ii) and (iii) any other activity within the same class of the schedule to that Order.

Highways

- 9 No phase of the development shall be brought into use/occupied until the access, parking and turning facilities for that phase have been provided in accordance with drawing 21227-08-020-04 Rev F or details agreed in respect of a subsequent approval of reserved matters application.
- 10 The Travel Plan (TP Rev B) hereby approved, dated December 2024 shall be implemented and monitored in accordance with the regime contained within the Travel Plan and phasing plan. In the event of failing to meet the targets within the Plan a revised Plan shall be submitted to and approved in writing by the Local Planning Authority to address any shortfalls, and where necessary make provision for and promote improved sustainable forms of access to and from the site. The Plan thereafter shall be implemented and updated in agreement with the Local Planning Authority and thereafter implemented as amended.
- 11 Prior to commencement of any phase of the development hereby permitted details of a Construction Management Plan (CMP), for that phase, shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the demolition/construction period. The plan/statement shall include but not be restricted to:
 - Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
 - Advisory routes for construction traffic;
 - Any temporary access to the site;
 - Locations for loading/unloading and storage of plant, waste and construction materials;
 - Method of preventing mud and dust being carried onto the highway;
 - Arrangements for turning vehicles;
 - Arrangements to receive abnormal loads or unusually large vehicles;
 - Highway Condition survey;
 - Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses

Contamination and Air Quality

- 12 Before the commencement of any phase of the development hereby approved:

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

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

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

- 13 No development hereby approved, in any phase, shall be occupied until:

a) The approved remediation works, for the relevant phase, required by condition 12 above have been carried out in full in compliance with the approved methodology and best practice.

b) If during the construction and/or demolition works associated with the development hereby approved any suspected areas of contamination are discovered, then all works shall be suspended until the nature and extent of the contamination is assessed and a report submitted and approved in writing by the local planning authority and the local planning authority shall be notified as soon as is reasonably practicable of the discovery of any suspected areas of contamination. The suspect material shall be re-evaluated through the process described in the Phase I contaminated land assessment (desk-study) ref 47985-XX- XX-CO-C-0001 submitted with the application and through the process described in condition 11 above.

c) Upon completion of the remediation works required by condition 12 above a validation report prepared by a competent person shall be submitted to and approved in writing by the local planning authority. The validation report shall include details of the remediation works and Quality Assurance/Quality Control results to show that the works have been carried out in full and in accordance with the approved methodology. Details of any validation sampling and analysis to show the site has achieved the approved remediation standard, together with the necessary waste management documentation shall be included.

- 14 Before the commencement of construction works, on any phase, including any demolition in connection with the development hereby approved, a programme of

measures to minimise the spread of airborne dust from the site during construction and demolition periods, for that phase, shall be submitted to and approved in writing by the Local Planning Authority. The construction shall be undertaken in accordance with the approved scheme.

Drainage

- 15 No development shall take place, in any phase, until a detailed design and associated management and maintenance plan of the surface water drainage, for that phase, in accordance with the principles outlined within:
 - a. Additional information in response to LLFA comments, Tom Hall, 17/04/2025, Revised Site Layout, NG, Revision P2, 06/03/2025, Surface Water Drainage Strategy Plan, Tony Goddard, Revision P06, 22/04/2025, Flood Risk Assessment & Drainage Strategy, Tom Hall, Revision P06, 22/04/2025.
 - b. And DEFRA's Non-statutory technical standards for sustainable drainage systems (March 2015), have been submitted to and approved in writing by the Local Planning Authority.
- 16 No development shall take place, in any phase, until a detailed assessment has been provided to and approved in writing by the Local Planning Authority, to demonstrate that the proposed destination for surface water, for that phase, accords with the drainage hierarchy as set out in paragraph 56 Reference ID: 7-056-20220825 of the planning practice guidance.
- 17 Prior to commencement of the development, in any phase, the applicant shall submit for approval to the Local Planning Authority details indicating how additional surface water run-off from the site, for that phase, will be avoided during the construction phase. The applicant may be required to provide collection, balancing and/or settlement systems for these flows. The approved system shall be operating to the satisfaction of the LPA, before the commencement of any works, which would lead to increased surface water run-off from site during the construction phase.
- 18 The site shall be developed with separate systems of drainage for foul and surface water on and off site.
- 19 No development shall take place, in any phase, until details of the proposed means of disposal of foul water drainage for the relevant phase, including details of any balancing works, off-site works and phasing of the necessary infrastructure have been submitted to and approved by the Local Planning Authority. Furthermore, unless otherwise approved in writing by the Local Planning Authority, no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.
- 20 No construction works shall commence, in any phase, until measures to protect the public sewerage infrastructure that is laid within the site boundary have been implemented in full accordance with details that have been submitted to and approved by the Local Planning Authority. The details shall include but not be exclusive to the means of ensuring that access to the pipe for the purposes of repair and maintenance by the statutory undertaker is retained at all times.

CEMP

- 21 No development shall commence, in any phase, including any works of demolition, until a detailed Construction and Environmental Management Plan (CEMP), for that phase, has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include, but not be limited to, the following details (where appropriate):
- i. a construction programme including a 24-hour emergency contact number;
 - ii. complaints procedures, including complaint response procedures;
 - iii. air quality mitigation measures, including dust suppression;
 - iv. parking of vehicles of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
 - v. arrangements to demonstrate how any concurrent construction with HS2 works shall not impede the construction of the HS2 works;
 - vi. arrangements to minimise the potential for noise and vibration disturbance, vii. locations for loading/unloading and storage of plant and materials used in constructing the development;
 - viii. details showing the siting, design and maintenance of security hoardings;
 - ix. wheel washing facilities and measures to control the emission of dust and dirt during construction;
 - x. site lighting details;
 - xi. site drainage control measures;
 - xii. tree protection measures in accordance with BS 5837:2012;
 - xiii. details of ecological mitigation measures including an operational lighting scheme for bats;
 - xiv. details of specific mitigation in relation to breeding or foraging black redstart;
 - xv. details of biodiversity and arboricultural mitigation measures including a pre-commencement check by an ecological clerk of works (ECoW) to determine whether nesting birds are present;
 - xvi. a scheme for recycling/disposing of waste resulting from demolition and construction works in accordance with the waste hierarchy and circular economy principles;
 - xvii. An Unexploded Ordnance assessment to be undertaken; xviii. Membership of the Considerate Constructors Scheme.

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

- 22 No development shall commence, in any phase, including any works of demolition, until a detailed Construction Logistics Plan (CLP), for that phase, has been submitted to and approved in writing by the Local Planning Authority. The CLP shall include information on:
- i. forecast programme and construction trips generated;
 - ii. booking systems;
 - iii. consolidated or re-timed trips; and
 - iv. secure off-street loading and drop off facilities;

- v. use of logistics and consolidation centres;
- vi. re-use of materials on-site; vii. collaboration with other sites in the area;
- viii. use of rail and water for freight; and
- ix. implementation of a staff travel plan
- x. any areas for the parking of vehicles of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction).

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

Biodiversity and Ecology

23. The installation of insulation within the roof void of Building D shall not commence until a Precautionary Method of Works (PMW) has been submitted to the LPA for approval to safeguard the known bat roosts in the building. The PMW shall include the requirement for a toolbox talk and pre-works inspection of the roof void by a suitably qualified ecologist. It shall also specify details of the timings and method of installation to avoid disturbance and prevent any obstruction to the existing roosts. The works shall proceed strictly in accordance with the agreed PMW. If any requirement for licensing is identified during the pre-works check, works shall be delayed until an appropriate licence has been granted by Natural England.
24. Prior to the installation of lighting fixtures, a detailed lighting strategy shall be submitted to and approved in writing by the LPA, to safeguard known onsite bat roosts and avoid lightspill to areas of green space. This should provide details of the chosen luminaires, their locations and any mitigating features such as dimmers, PIR sensors and timers. Dependent on the scale of proposed lighting, a lux contour plan may be required to demonstrate acceptable levels of lightspill to any sensitive ecological zones/features. The Strategy should refer to Guidance Note 08/23 - Bats and Artificial Lighting at Night (BCT and ILP, 2023) and explain how proposals have been designed in compliance with this document. Such approved measures will be implemented in full.
25. No development shall take place in any phase (including demolition, ground works, vegetation clearance and movement of plant, machinery and materials) until a Biodiversity Construction Environmental Management Plan (CEMP: Biodiversity), for that phase, has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall be produced by an ecologist and shall include the following.
 - a) Risk assessment of potentially damaging construction activities.
 - b) Identification of “biodiversity protection zones”, including the southern open space and specific features of value previously recorded on site, including orchids and other notable plants in both the south and west of the site, and bat roosts in Building D.
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction, to include precautionary working measures for reptiles and amphibians and nesting birds.
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.
 - e) Measures to prevent spread and remove Japanese knotweed from the site.

- f) The times during construction when specialist ecologists need to be present on site to oversee works.
- g) Responsible persons and lines of communication.
- h) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- i) Use of protective fences, exclusion barriers and warning signs.

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

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

- a) Description and location of features to be retained, created, enhanced and managed, to meet, as a minimum, the post development habitat units set out in the BNG Metric received 4th March 2025.
- b) Aims and objectives of management, in line with desired habitat conditions detailed in the metric.
- c) Prescriptions for management actions, using appropriate management methods to achieve aims and objectives.
- d) Preparation of a work schedule (including a 30-year work plan capable of being rolled forward in perpetuity).
- e) Details of the body or organization responsible for implementation of the plan.
- f) A monitoring schedule to assess the success of the habitat creation and enhancement measures at intervals of 1, 3, 5, 10, 20 and 30 years.
- g) Monitoring reports to be sent to the Council at each of the intervals above
- h) A set of remedial measures to be applied if conservation aims and objectives of the plan are not being met.
- i) Requirement for a statement of compliance upon completion of planting and enhancement works.
- j) Detailed habitat enhancements for wildlife, in line with British Standard BS 42021:2022:
 - a. universal nest boxes and/or swift boxes on buildings.
 - b. integrated and/or external bat boxes on buildings and mature trees.
 - c. insect bricks and / or towers in public open space.
 - d. fencing gaps 130 mm x 130 mm to maintain connectivity for hedgehogs.

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

Other

- 28 An appropriate programme of building recording (including architectural/historical analysis) shall be carried out in respect of the former colliery buildings, including the pithead baths, goods sheds and former manager's house prior to their demolition. This record shall be carried out by an archaeologist/building recorder or an organisation with acknowledged experience in the recording of standing buildings which is acceptable to the Local Planning Authority. The recording shall be carried out in accordance with a written specification, and presented in a form and to a timetable, which has first been agreed in writing by the Local Planning Authority.
- 29 Before the development hereby approved commences, an Employment Scheme to enhance and maximise employment and training opportunities during the construction phase of the project shall be submitted to and approved in writing by the Local Planning Authority. The approved Scheme shall then be implemented in full unless in accordance with any such subsequent variations as shall have been formally submitted to and approved in writing by the Local Planning Authority.
- 30 Within 6 weeks prior to any new employment unit falling within Use Class E(g) (i) (ii) (iii), B2 and B8 hereby approved being brought into first use, an Employment Scheme to enhance and maximise employment and training opportunities at the premises, including a timetable for implementation, shall be submitted to and approved in writing by the Local Planning Authority. The approved Scheme shall then be implemented in full in accordance with the approved timetable.
- 31 The development hereby approved shall not exceed 2 storeys in height and, other than the surface water drainage infrastructure and access from Woodhouse Road, no development shall take place on the undeveloped fields to the southeast of the existing employment site and north of the A632.
- 32 Any future approval of reserved matters application shall seek to maximise connectivity to footpath and cycle infrastructure, including existing and proposed multi-user trails, to facilitate travel to the site by means other than the private motor vehicle.
- 33 Prior to works commencing on the superstructure of the retail and employment buildings hereby approved a scheme setting out the measures to be incorporated into construction of the units to help address and adapt to climate change shall be submitted to and approved in writing by the Local Planning Authority. The development shall therefore be carried out in accordance with the approved details.

INFORMATIVES:

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at:

www.gov.uk/government/organisations/the-coal-authority

The applicant is advised that construction work and deliveries associated with such activity

shall be undertaken only between the hours of 7.30am to 6pm Monday to Friday and 7.30am to 1pm on Saturday. There shall be no construction work or deliveries associated with such activity to the site on Sundays or public holidays.

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

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

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

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

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

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

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

It is expected that contractors are registered with the Considerate Constructors scheme and comply with the code of conduct in full, but particularly reference is made to “respecting the community” this says: Constructors should give utmost consideration to their impact on neighbours and the public a. Informing, respecting and showing courtesy to those affected by the work; b. Minimising the impact of deliveries, parking and work on the public highway; c. Contributing to and supporting the local community and economy; and d. Working to create a positive and enduring impression, and promoting the Code. The CMP should clearly identify how the principal contractor will engage with the local community; this should be tailored to local circumstances. Contractors should also confirm how they will manage any local concerns and complaints and provide an agreed Service Level Agreement for responding to said issues. Contractors should ensure that courtesy boards are provided, and information shared with the local community relating to the timing of operations and contact details for the site coordinator in the event of any difficulties. This does not offer any relief to obligations under existing Legislation.

The development hereby approved, and any associated highway works required, is likely to impact on the operation of the highway network during its construction (and any demolition required). You are advised to contact the Highway Authorities Network Management Team at www.derbyshire.gov.uk/transportroads/roadtraffic/roadworks/roadworks.aspx before undertaking any work, to discuss any temporary traffic management measures required, such as footway, Public Right of Way, carriageway closures or temporary parking restrictions a minimum of eight weeks prior to any activity on site to enable Temporary Traffic Regulation Orders to be prepared and a programme of Temporary Traffic Management measures to be agreed.

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

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

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

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

Statement of Decision Process

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

Equalities Statement

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

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

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

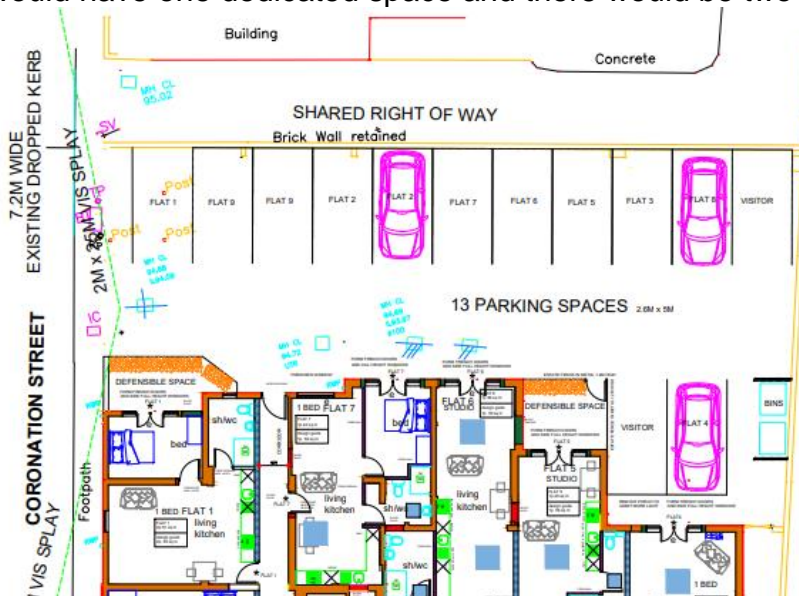
Whitwell Parish

APPLICATION	Conversion of former club to 9 residential flats		
LOCATION	New Middle Club Welbeck Street Whitwell Worksop		
APPLICANT	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		

This application was reported to Planning Committee on 3rd September 2025. The application is for the material change of use of the New Middle Club to provide 9 residential flats. The application included 10 off road car parking spaces with vehicular access from Coronation Street. Two of the flats were two-bedroomed and seven of the flats were one-bedroomed units. Committee considered a report in relation to the application presented by the Development Management and Land Charges Manager, who provided details of the application, highlighted the location of the site, its key characteristics and the main planning considerations.

Members debated the appropriateness of the number of car parking spaces to be allocated (10). It was felt that an investigation should take place to explore the remove of any defensible space to facilitate additional car parking for the entire site (if possible) and to clarify arrangements for the allocation of the spaces and management of the car park. Subsequently the application was deferred. Since that time a revised parking layout has been received (drawing AP/02 Rev D dated 04/09/2025) which provides three additional car parking spaces (13 in total). This has been achieved by removing the defensible space forward of flat 4 and by relocating the bin storage area to the eastern boundary of the site.

The revised car parking plan now clarifies the exact spaces that would be allocated to each flat. The two no. two bed units would each have two dedicated spaces. The one bed units would have one dedicated space and there would be two visitor spaces.



Revised parking layout with 13 car park spaces

Whitwell Parish Council, the Highway Authority, the District Council's Waste & Recycling Manager and local residents have been re-consulted for a 14-day period. Comments received are as follows:

Bolsover District Council – Waste and Recycling Manager –

Confirms that the refuse department does not have a problem with the new bin store but residents would need to present their bins on Coronation Street on the day of collection. Bins will not be collected from the bin store.

Derbyshire County Council – Local Highway Authority – The space in between parking and the building measures at 5m, 1m below the recommended 6m. This may make manoeuvrability slightly more onerous, but as the width of the spaces is wider than the minimum 2.4m, this would assist in allowing vehicles to access the spaces. If vehicles reverse onto Coronation Street this would not provide an unacceptable impact on highway safety such that an objection would be warranted. Clarifies that vehicles may not need to reverse onto Coronation Street, but some may choose to. Entering and exiting the spaces may require more than a single manoeuvre but the available space does not prevent access to or from the car parking spaces. A delivery vehicle would be highly likely to reverse in or out, but these would not be expected to be regular.

Whitwell Parish Council – Objects on the same grounds as previous, being too few spaces. Fifteen are the requirement and the latest proposal does not work towards resolving the issues the Parish Council previously raised.

The development in its revised form is now short of two visitor spaces to be fully compliant with the Adopted Local Plan's minimum parking standards set out under Appendix 8.2 to Policy ITCR11. However, it is not possible to increase parking any further as to do so would prevent adequate turning within the site and render the spaces unusable.

RECOMMENDATION

The Local Highways Authority maintains no objection on the grounds of highway safety. In the absence of any highway objection, and given that 3 additional car parking spaces have been provided, it is recommended that should members consider the additional parking spaces to be preferable over the original parking arrangement, that the application be **GRANTED** subject to the conditions recommended in the original officer report at Appendix 1, except for amendments to the following conditions:

To clarify the approved plans:

Condition 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 revision d dated 04/09/2025

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.

To ensure parking is provided prior to occupation, to clarify what car parking is to be provided For each unit and for that parking to be retained thereafter:

Condition 6

No dwelling shall be occupied until the access, turning and dedicated parking space(s) for that dwelling have been provided in full, and the spaces shall be delineated and numbered as shown on drawing number AP/02 revision d dated 04/09/2025. Once provided the car parking and turning spaces shall be retained for the sole use of each residential unit for the life of the development, free from any impediment to their parking and turning purposes.

APPENDIX 1 – Report to Planning Committee 3rd September 2025

PARISH Whitwell Parish

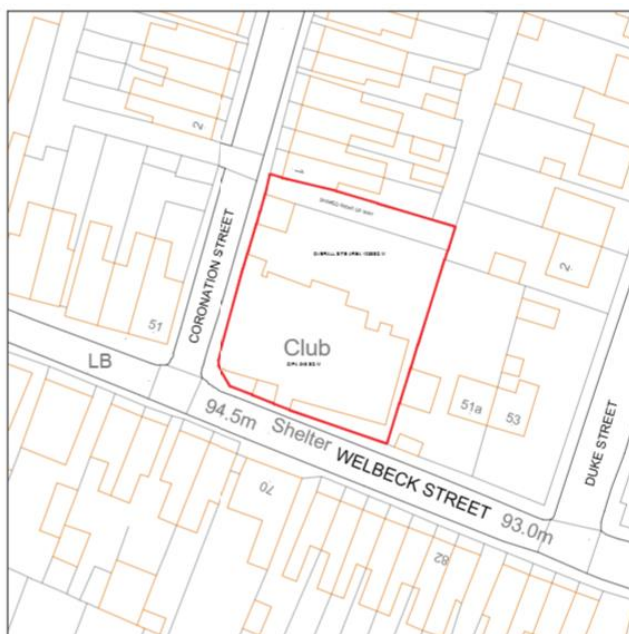
APPLICATION Conversion of former club to 9 residential flats
LOCATION New Middle Club Welbeck Street Whitwell Worksop
APPLICANT Simpatico Properties Ltd New Middle Club Welbeck Street Whitwell
Derbyshire S80 4TQ
APPLICATION NO. 25/00179/FUL **FILE NO.** PP-13935129
CASE OFFICER Mr Mark Penford
DATE RECEIVED 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 18th 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 plan ref. 1930.PL03B]

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

1st 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.

2nd 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

1st 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.

2nd 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.

3rd 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.



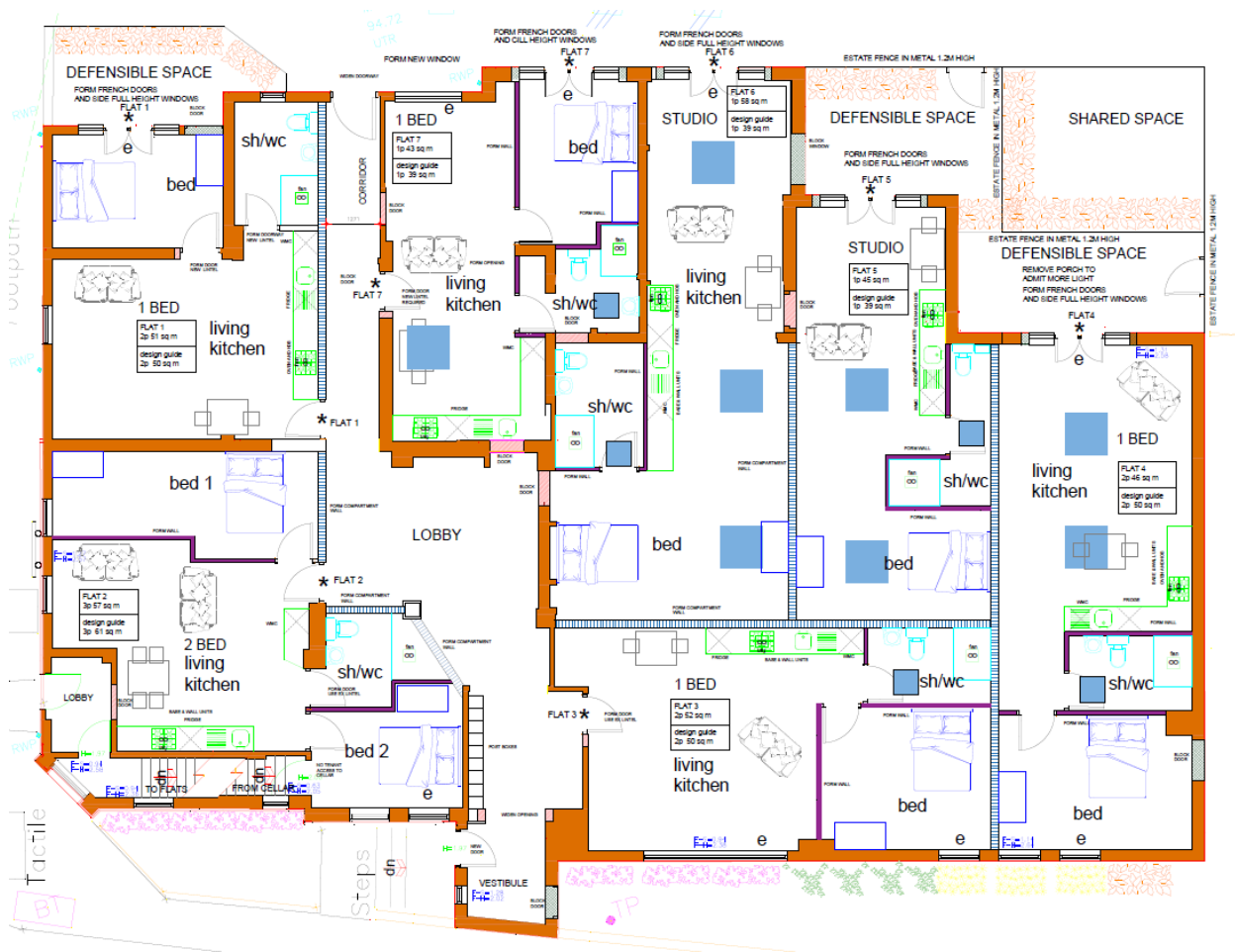
Proposed Elevations

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.



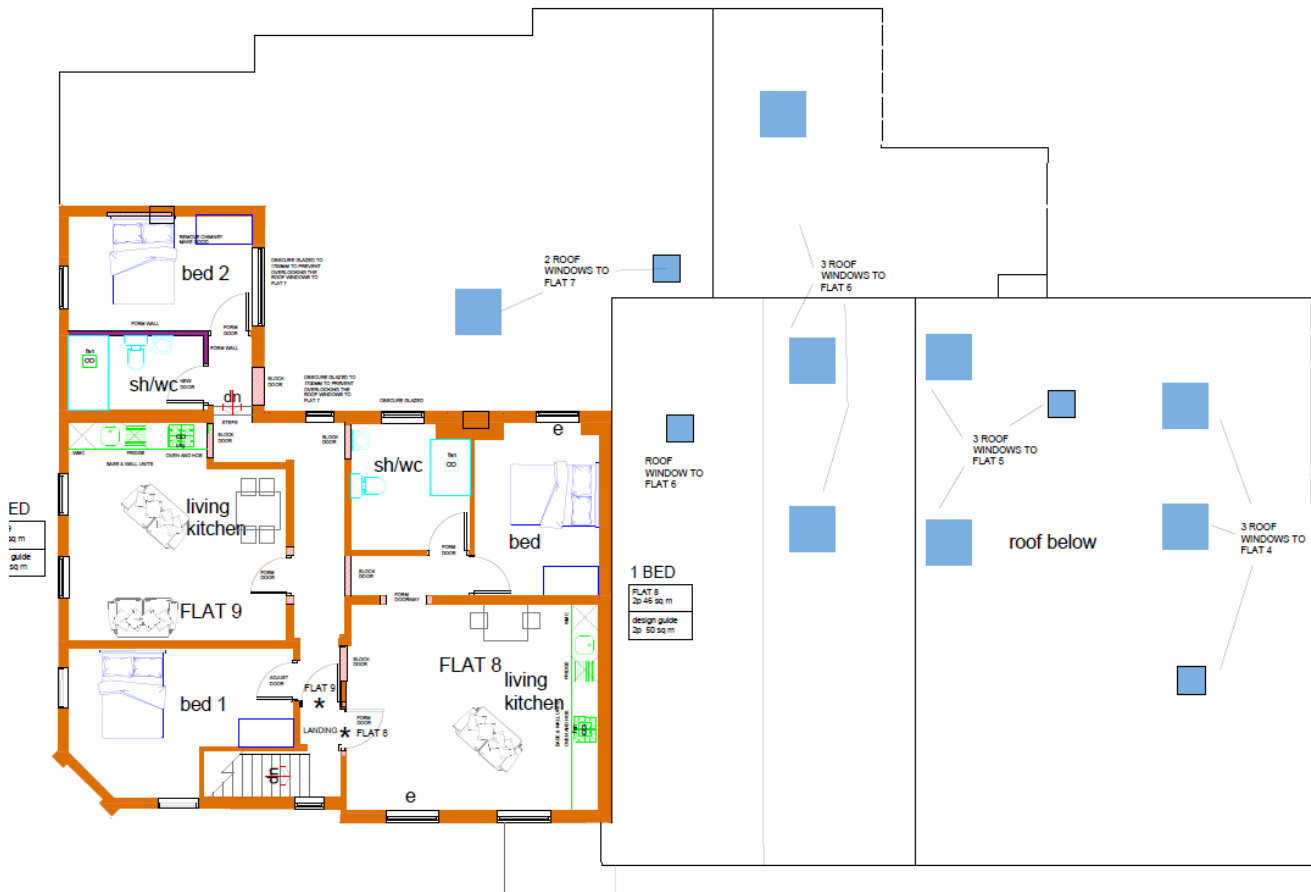
Proposed ground floor layout

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 ERII 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. 1st 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.

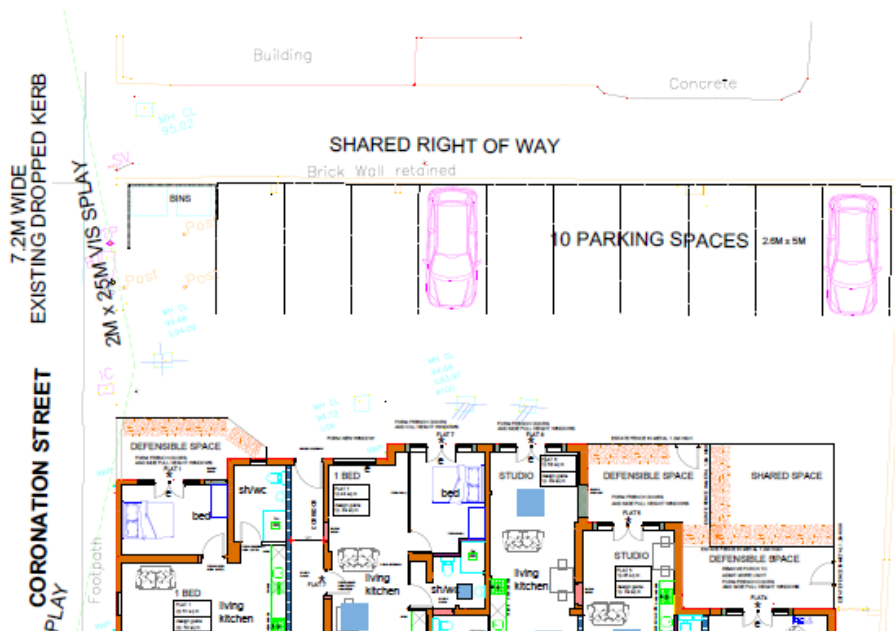
Appendix 8.2 advises that 1 bed residences are provided with 1 space per unit plus 1 space

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 car park layout



Vehicular access to the site to remain unchanged



View from Coronation Street towards Welbeck Street



Shared drive. Bbrick 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.

PARISH Pinxton Parish

APPLICATION Demolition of existing Church Hall and erection of a new single storey Church Hall
LOCATION St Helens Church Hall Church Street East Pinxton Nottingham
APPLICANT Amelia Carter, Dragonfly Management Ltd
APPLICATION NO. 25/00293/FUL
CASE OFFICER Mr Mitchel Smith
DATE RECEIVED 3rd July 2025

SUMMARY

This is a full planning application for the demolition and erection of a replacement Church Hall. The site is currently occupied by a church hall which previously provided a number of community facilities. The main issues for consideration are whether the development proposed results in harm to the character and appearance of the area, harm to residential amenity and raises any unacceptable impacts on highway safety and the local road network.

The decision is referred to Planning Committee in the interests of openness and transparency, given that the application site is owned by the District Council.

The application is recommended for condition approval.

Site Location Plan



OFFICER REPORT ON APPLICATION NO.25/00293/FUL

SITE & SURROUNDINGS



The application site comprises a section of land within the development envelope of Pinxton situated in a predominantly residential area. The site is currently occupied by a detached brick finished building with a tiled pitched roof and is bound by timber fencing on all boundaries. The building is fronted by a section of hardstanding while the rear of the site contains sections of overgrown grass, shrubbery, and hardstanding.

Church Street East is made up of a number of residential properties which vary significantly in scale, design and material finish.

PROPOSAL

The application is seeking planning permission for the demolition and erection of a replacement church hall. The proposed development measures 24.3m in length and 10m in width containing a Main Hall area, kitchen, store, male, female, and accessible WC's, a plant room and office space. Access to the building is provided through the main entrance lobby area sited on the principal elevation or via an access ramp to the side.

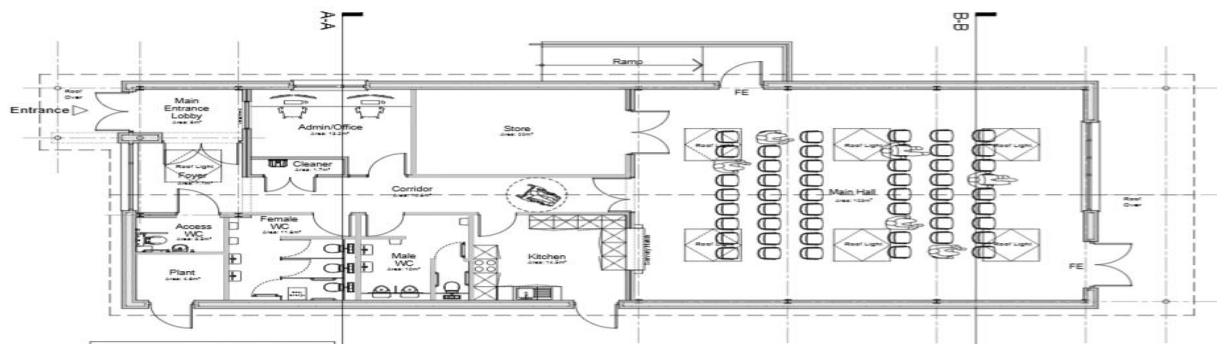


Figure 1 - Proposed Ground Floor Plan (24101-CO-CC-CC-DR-A-21001)

The proposed replacement hall will be single storey, measuring 6.2m in height to the ridge of the pitched roof. The building will be constructed predominantly in red brick, with sections of cladding and large feature windows proposed to the principal elevation.

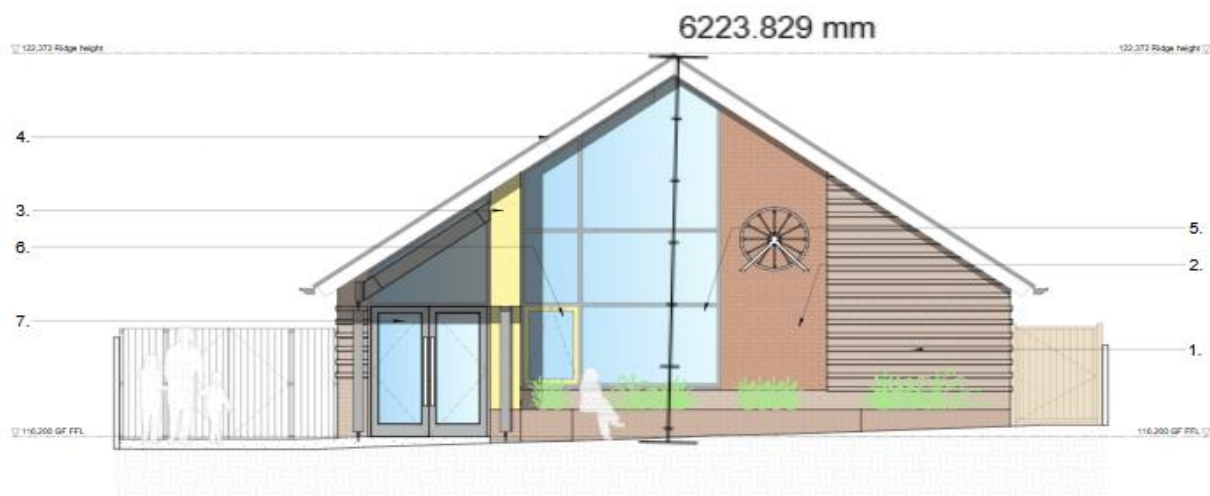


Figure 2 - Proposed principal elevation (24101-CO-XX-XX-DR-A-41001)

A terraced area is proposed to the rear of the site which looks out onto a greenspace situated towards the rear boundary of the application site. This area comprises the planting of various trees, shrubs, hedgerows and grassed lawns. Hard landscaping is proposed throughout including tarmac paths, concrete paving and a resin garden path.

Supporting Documents

- Design and Access Statement
- Biodiversity Net Gain Report
- Coal Mining Risk Assessment
- Elevation Render Images

AMENDMENTS

The application has not been amended since submission.

EIA SCREENING OPINION

The proposal does not constitute to EIA development.

HISTORY

BOL/1987/0170	Granted	Construction of car park at rear (BOL 487/170)
	Conditionally	

CONSULTATIONS

Statutory consultees were invited to consider the application on the 8th and 15th of August requiring comments to be provided by the 29th of August and 5th of September respectively.

Coal Authority

- **15/08/2025:** The site falls within the Coal Authority's defined Development Low Risk

Area. On this basis there are no specific comments to make. It is requested that the Coal Authority's Standing Advice note is drawn to the applicant's attention, where relevant.

DCC Highways

- **27/08/2025:** No objections as there appears to be no material impact on the public highway.

Derbyshire Wildlife Trust

- **04/09/2025:**
 - Protected species: existing building is assessed as having 'low' suitability for use by bats, a nocturnal survey did not identify bats, and no further surveys are considered necessary.
 - Biodiversity net gain: proposals are anticipated to result in a +61.04% gain from the creation of modified grassland and tree planting and +215.82% gain in hedgerow units by native hedgerow creation.
 - Conditions recommended relating to nesting birds, hedgehog precautionary measures, a species enhancement plan and habitat management and monitoring plan.

Pinxton Parish Council

No comments received.

Pollution

- **18/08/2025:** No objections in principle but recommends conditions requiring the submission of a programme of measures to minimise the spread of airborne dust, a site investigation to assess potential contamination and remediation if necessary and limiting construction works between 07:30am – 6pm Monday to Friday and 07:30am – 1pm on Saturdays.

Urban Design Officer

- **18/08/2025:** No objection to the current proposal. Much improved scheme compared to the previous two iterations. The size and scale of the building works well with the scale of the houses. The design of the building reflects the scale and nature of the previous building.

PUBLICITY

The application has been advertised by way of a site notice and neighbour notification letters. The site notice was posted on 12/08/2025 and required comments by 02/09/2025. Neighbour notification letters were posted on 08/08/2025. Comments required by 29/08/2025.

One representation has been received, which raises concerns given no parking provision is proposed at the site and the potential traffic and safety implications this may have on the highway.

POLICY

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

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

- SS1 Sustainable Development
- SS3 Spatial Strategy and Distribution of Development
- SC1 Development within the Development Envelope
- SC2 Sustainable Design and Construction
- SC3 High Quality Development
- SC9 Biodiversity and Geodiversity
- SC10 Trees, Woodland and Hedgerows
- SC14 Contaminated and Unstable Land
- ITCR4 Local Shops and Community Facilities
- SC11 Environmental Quality (Amenity)
- ITCR10 Supporting Sustainable Transport Patterns
- ITCR11 Parking Provision

National Planning Policy Framework (“the Framework”)

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

- Chapter 2 (paras. 7 – 14): - Achieving sustainable development.
- Paragraphs 48 - 51: Determining applications.
- Paragraphs 56 - 59: Planning conditions and obligations.
- Paragraphs 85 - 87: Building a strong, competitive economy.
- Paragraphs 96 - 108: Promoting healthy and safe communities.
- Paragraphs 109 - 118: Promoting sustainable transport.
- Paragraphs 124 - 128: Making effective use of land.
- Paragraphs 131 – 141: Achieving well-designed places.
- Paragraph 161, 163, 164, and 166: Meeting the challenge of climate change.
- Paragraph 170 - 182: Planning and Flood Risk.
- Paragraphs 196 - 201: Ground conditions and pollution.

Supplementary Planning Documents

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

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

Local Parking Standards:

This document relates to Policy ITCR11 of the Local Plan by advising how the parking standards contained in appendix 8.2 of the local plan should be designed and implemented

with development proposals. This SPD does not revise the standards contained in the Local Plan but does provide suggested new standards for parking matters not set out in the Local Plan, such as cycle parking. The design supersedes the parking design section included within the existing Successful Places SPD (2013).

Biodiversity Net Gain Design Note:

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

ASSESSMENT

Key issues

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

- *the principle of the development*
- *the impact on the character and appearance of the area*
- *the impact on residential amenity*
- *whether the development would be provided with a safe and suitable access, and;*
- *the impact of the development on the local road network*

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

Principle

In order to contribute to sustainable development within the Bolsover District, development proposals must accord with a series of provisions set out in policy SS1 of the Local Plan, those of note include:

- Promote the efficient use of land and the re-use of previously developed land in sustainable locations.
- Locate development in close proximity to trip generators with the aim of reducing the need to travel by non-sustainable modes of transport.

As to whether the development is within a sustainable location, policy SS3 the Local Plan aims to direct development within the Bolsover District in accordance with the following settlement hierarchy:

- a) Firstly to the Small Towns of Bolsover and Shirebrook and the Emerging Towns of South Normanton and Clowne.
- b) Then to the Large Villages of Creswell, Pinxton, Whitwell, Tibshelf and Barlborough.

Each of the settlements in the hierarchy has a development envelope defined on the Policies Map, within which urban forms of development will generally be acceptable in principle. The application site is situated within the development envelope of Pinxton and therefore is compliant with policies SC1 and SS3 of the Local Plan for Bolsover District.

Policy ITCR4 states that planning permission will only be granted where the loss of a

community facility / village hall accords with one of a series of criteria. The criteria relating to this application include:

- 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 (400m around the application site, based on an approximate ten-minute walking time), and;
- Appropriate replacement facilities are provided in a sustainable alternative location.

Sited 300m to the north application site is Town Street Methodist Church and 650m to the south-west is St Helens Church, while this is slightly over the 400m parameters set out in policy ITCR4 is it not considered to be unreasonable for the users to travel a further 250m as a result of the pedestrian facilities in place. The replacement building will also provide the locality with an additional community building which is considered to be an appropriate replacement facility. As such, the proposal accords with the provisions of policy ITCR4.

As a result of the assessment above and given there are several bus stops between 100m and 120m to the east and west of the application site, it is determined that the proposal constitutes sustainable development, in line with policy SS1 of the Local Plan.

Impact on the character and appearance of the area

The streetscene of Church Street East is made up of a series of residential properties which vary significantly in scale, design and material finish.

Given the nature of the development the Council's Urban Design Officer (UDO) has been consulted on the application. The comments received state that the scheme considers the privacy and amenity of the neighbouring residential properties. The size and scale of the building works well with the scale of the houses surrounding it and fits within the wider local context. The building as amended matches the height of the existing building and does not have the same potential for overlooking as previous proposed schemes. It is, however, only marginally larger than the existing hall and therefore limited in scale of use.

The design of the proposed building reflects the scale and nature of the previous building. Whilst losing the traditional religious character, it does provide the character of a community hall and is of a contemporary style. It works as a landmark building within the context of this street, rather than the traditional character of communal buildings in the wider area.

The rear terrace area is considered to be proportional, and the remaining garden area will provide an attractive useable outdoor space, whilst contributing to biodiversity net gain. As such, the UDO raises no objections to the proposal in design terms.

As a result of the varied appearance of the streetscene, it is considered that the introduction of the contemporary building will not result in undue visual harm. The design and materials proposed are suitable for the setting and reflect the nature of the previous building. On this basis and given there have been no objections from the Council's UDO, it is considered that the proposal amounts to good design and accords with the provisions of policies SC2 and SC3 of the Local Plan and the 'Achieving well-designed places' section of the Framework.

Residential Amenity

The application site is bound by residential properties on all boundaries. The footprint of the proposed building is larger than the existing but in terms of height the development is

considerably reduced. Relevant daylight assessments have been conducted which have determined that the development will not result in unacceptable overshadowing effects.

The height reduction along with the positional siting of the dwelling ensures minimal overbearing impacts to the neighbouring properties.

Officers had initial concerns that the proposed terrace would result in overlooking of the neighbouring dwellings to the east, south, and west; however, the current relationship and small-scale boundary treatments already results in overlooking from the rear of the application site into the private amenity spaces of the surrounding residents. The proposed landscaping will screen the private amenity spaces of the neighbouring residents and therefore the proposal results in a betterment to the surrounding properties in terms of privacy considerations.

As such, the proposed development will not introduce a harmful relationship with the surrounding residential properties with regard to potential overlooking, overbearing and overshadowing effects, in accordance with policy SC11.

Policy SC11 also states development, which is likely to cause, or experience, a loss of residential amenity as a result of light, noise, dust, odour or vibration, must be supported by a relevant assessment or be supported by appropriate mitigation.

Environmental Health were consulted on the application and recommended conditions relating to residential amenity. The first requires the submission of a scheme to minimise airborne dust from the site and the second limited the hours of construction to between 07:30am to 6pm Monday to Friday and 07:30am to 1pm on Saturday. Both conditions are necessary in order to ensure a suitable level of amenity is provided to neighbouring residents, in line with policy SC11.

Overall, subject to conditions, it is determined that the development proposed is compliant with policies SC3 and SC11 of the Local Plan for Bolsover District.

Access & Highways

The development proposed is set back from front boundary such that it does not impact on the safety and access to the highway. Notwithstanding this, no parking provision has been proposed within the site which has raised concerns for a local resident who noted this within their objection.

With regard to the layout the Council's UDO considers the lack of parking would only raise concern if it were a narrow road, however the road is relatively wide and there are deep gardens and driveways to existing residences. The development is a local community facility and within walking distance of the town centre and good transport links. Therefore, the lack of parking may encourage more walking visits to the facility. Two dedicated on-street disabled parking space would be a benefit to the facility. While the disabled parking spaces would be preferred, this exceeds the remit of the planning application and would be a matter for the Applicants to discuss with the LHA.

The Local Highway Authority (LHA) have been consulted on the application, raising no objections to the proposal, stating the development would not result in any material impact on

the public highway.

The Design and Access Statement provided by the applicant states that no on-site parking is proposed in order to prioritise and encourage the use of sustainable modes of transport, also considering that the introduction of car parking to the site frontage would create a '*visually intrusive, overly commercialised streetscape, out of character with the surrounding residential context*'. Officers are in agreement that in this instance parking should not be provided to the front of the site as this would considerably detract from the overall appearance of the building proposed. Parking towards the rear would also limit soft landscaping opportunities and therefore reduce the amounts of biodiversity net gains and enhancements proposed.

The Parking Standards of the Local Plan has no specific provision for this type of community facility.

Several bus stops are present at around 100-120m from the application site with bus services connecting the area to adjoining towns and villages such as Pinxton, Alfreton, South Normanton and Chesterfield. Notwithstanding this, given the nature of the intended use of the building as a community facility, it is expected that local residents will be utilising the facility the most and will therefore be encouraged to walk to the site. The proposal also makes provision for cyclists by offering four cycle stands towards the front of the site.

On balance, while no on-site parking is provided, given there have been no objections from the LHA, and the site is supported by sustainable transport links, it is considered that the proposal is not contrary to policies ITCR10 and ITCR11 and therefore is acceptable.

Ecology and Biodiversity Considerations

As of April 2024, all development proposals, unless in accordance with an exemption, must provide a minimum, mandatory 10% biodiversity net gain (BNG). The development proposes a range of soft landscaping features including tree, grass and hedgerow planting to the rear of the site. Derbyshire Wildlife Trust (DWT) were consulted on the application in order to ensure appropriate biodiversity and geodiversity considerations are afforded to the application.

Key Biodiversity Information			
If Biodiversity Gain Plan Condition Applies			
Overall Net Unit Change	Habitat Units	Hedgerow Units	River Units
	0.08	0.05	0
	Total % change	Total % change	Total % change
	+61.04	+215.82	0

As set out in the above table, the proposal is anticipated to result in a +61.04% gain in habitat units from the creation of modified and wildflower grassland and tree planting and +215.82% gain in hedgerow units achieved by nature hedgerow creation.

A nocturnal survey was undertaken and submitted by the applicants, this identified that the existing building has a low suitability for bats; the survey did not identify any roosting bats. DWT confirmed that no additional survey work is required but it is advised that the works proceed with caution and if during the works evidence of bats is found, then demolition

works should stop until advice of an ecologist is sought.

Conditions are recommended by DWT, ensuring hedgerow and site clearance are conducted during the appropriate times of year as to safeguard nesting birds. This condition will not be imposed on the planning permission as it is enforced by the Wildlife and Countryside Act.

A Biodiversity Enhancement Plan is also necessary to provide suitable swift, bat, and insect boxes/bricks are included in the development. The condition is reasonable and necessary in order to provide a betterment for future ecology and biodiversity.

Overall, the proposal is compliant with the mandatory BNG provisions and therefore is compliant with policies SC9 and SC10 of the Local Plan for Bolsover District.

Land Stability

Policy SC14 states that development proposals will not be permitted unless it can be demonstrated that any contaminated or unstable land issues will be addressed by appropriate mitigation to ensure that the site is suitable for its intended use.

The Applicant's coal mining risk assessment did not identify the presence of any risk of shallow recorded or unrecorded mine workings and there had been no identified risk concerning mine entries, opencast mine working or mining geology. The Coal Authority identified the site as being in a 'Development Low Risk Area' and therefore had no comments to make on the application but pointed the applicants in the direction of their Standing Advice note where necessary.

Environmental Health (EH) raised no objections to the application but recommend a series of conditions ensuring relevant site investigations are conducted to identify and if necessary, remediate any unacceptable levels of contamination prior to the building being occupied. The conditions are appropriate in order to ensure the site is suitable for its intended use. Therefore, subject to conditions, the proposal is compliant with policy SC14.

CONCLUSION / PLANNING BALANCE

In conclusion, the proposal is considered to be a suitable scheme which benefits the locality by providing a contemporary community facility and associated green, garden space. The building reflects the tones of the existing building and has regard for other landmarks situated within Pinxton.

While it would be preferred that parking is available on-site, it is noted that this would result in a visual and biodiversity detriment and there are provisions in place which facilitate visitors arriving by sustainable modes of transport.

On balance, the application is considered to be compliant with all relevant local and national planning policies and therefore, a recommendation for approval has been put forward.

RECOMMENDATION

The current application be APPROVED subject to the following conditions:

1. The development must be begun before the expiration of three years from the date of this permission.
2. The development must be carried out in accordance with the following plans/details submitted with the application:
 - 'PROPOSED ELEVATIONS SHEET 1' (24101-CO-XX-XX-DR-A-41001) received on the 3rd July 2025.
 - 'PROPOSED ELEVATIONS SHEET 2' (24101-CO-XX-XX-DR-A-41002) received on the 3rd July 2025.
 - 'PROPOSED PLAN' (24101-CO-XX-XX-DR-A-21001) received on the 3rd July 2025.
 - 'PROPOSED SITE PLAN' (24101-CO-XX-XX-DR-A-16002) received on the 3rd July 2025
 - 'PROPOSED LANDSCAPING' (24101-CO-XX-XX-DR-A-16003) received on the 30th July 2025.
3. The development hereby approved must be constructed and finished in the material details that are outlined in the elevation plans: 'PROPOSED ELEVATIONS SHEET 1' & '2', both received on the 3rd July 2025.
4. Unless otherwise amended by details submitted to and approved in writing under the terms of the deemed biodiversity gain plan condition, the soft landscaping plan (24101-CO-XX-XX-DR-A-16003) received on the 30th July 2025 must be implemented as approved, no later than the first available planting season following the occupation of the development hereby approved. Any of the trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased must be replaced in the next planting season with others of a similar size and species.
5. Prior to the occupation of the building hereby approved, details of the proposed boundary treatments must be submitted to and approved in writing by the Local Planning Authority and installed in accordance with the approved details.
6. Prior to the occupation of the building hereby approved, the proposed bicycle stands outlined in the 'PROPOSED SITE PLAN' (24101-CO-XX-XX-DR-A-16002) received on the 3rd of July 2025, must be provided and maintained for use thereafter.
7. A Habitat Management and Monitoring Plan (HMMP) must be submitted to and approved in writing by the Local Planning Authority, prior to the commencement of the development. If the standard HMMP template is not used, the HMMP checklist must be consulted to ensure all appropriate information is included. The HMMP must identify the habitats to be retained, created and / or enhanced on the site and specify the appropriate management prescriptions to secure the predicted condition targets, as per the approved biodiversity metric for the application. The HMMP must also set out a

monitoring schedule to ensure targets are met and remedial actions to take if not.

8. Site clearance must be undertaken in a manner by which to safeguard hedgehogs as well as other wildlife. All rubble piles, leaf piles, compost heaps, dense vegetation and other general debris that could be used for shelter must be carefully cleared by hand to a location such as a skip, other container or raised pallets. This must be undertaken prior to machinery entering site and avoiding the core hibernation period (November-February). If a hedgehog is discovered during clearance, it must be moved immediately and carefully with gloved hands to an area of shelter as beneath adjacent hedgerow/bushes. A short statement of compliance must be submitted to the Local Planning Authority upon completion of clearance works to discharge this condition.
9. Prior to the commencement of works above ground level, a Biodiversity Enhancement Plan must be submitted to and approved in writing by the Local Planning Authority. The approved measures must be implemented in full and maintained as such thereafter. The plan must clearly show positions, specifications and quantities of features, which will include (but are not limited to) the following:
 - 1x woodcrete / woodstone swift box must be installed at eaves level, avoiding southern elevations;
 - 1x integrated bat box;
 - 1x insect brick / tower in public open space;
 - Fencing gaps 130mm x 130mm to maintain connectivity for hedgehogs if required.

A statement of good practice including photographs, demonstrating that the enhancements have been selected and installed in accordance with the approved plan must be submitted to and approved in writing by the Local Planning Authority.

10. Prior to the commencement of any construction works, including any demolition in connection with the development hereby approved, a programme of measures to minimise the spread of airborne dust from the site including construction and demolition periods must be submitted to and approved in writing by the Local Planning Authority. The construction must be undertaken in accordance with the approved scheme.
11. Prior to the commencement of the development hereby approved:

The site investigation strategy as identified in the Desk Study report (ref.102058) submitted with the application, must be undertaken by a competent person in accordance with the current UK requirements for sampling and analysis.

Where the site investigation identifies unacceptable levels of contamination, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment, must be submitted to and approved in writing by the Local Planning Authority. The submitted scheme must have regard to 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 day's notice to the Local Planning Authority prior to commencing works in connection with the remediation scheme.

12. No buildings hereby approved shall be occupied until:

- a) The approved remediation works required by condition 11 above, have been carried out in full in compliance with the approved methodology and best practice.
- b) If during the construction and/or demolition works associated with the development hereby approved, any suspected areas of contamination are discovered, then all works must be suspended until the nature and extent of the contamination is assessed and a report is submitted to and approved in writing by the Local Planning Authority, who 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 the Phase I contaminated land assessment (desk-study) ref.102058, submitted with the application and through the process described in condition 15 above.
- c) Upon completion of the remediation works required by condition 11 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.

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

Statement of Decision Process

1. The proposal is compliant with the policies and guidelines adopted by the Council and the decision has been taken in accordance with the guidelines of the National Planning Policy Framework.

Equalities Statement

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

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

of people with a shared protected characteristic.

Human Rights Statement

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

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

PARISH Whitwell Parish

APPLICATION Demolition of existing garages and change of use from green space to extend existing car parking facility.
LOCATION Garage Site to The Rear Of 1 - 5 Worksop Road Whitwell Common
APPLICANT c/o Agent The Arc High Street Clowne Chesterfield S43 4JY
APPLICATION NO. 25/00307/FREG3 **FILE NO.** PP-14142026
CASE OFFICER Mrs Karen Wake
DATE RECEIVED 15th July 2025

SUMMARY

The application is made pursuant to Regulation 3 of The Town and Country Planning General Regulations 1992, which allows a local authority to grant itself planning permission for developments on its own land. The application has been referred to Planning Committee to enable full scrutiny of the proposals in this regard.

The application seeks permission to demolish 6 existing prefabricated garages, re-surface the existing parking area and extend it by 9.5 sqm, marking out the resulting parking area with 14 spaces, including one disabled parking space. The proposal also includes repairs to an existing low retaining wall and installation of a 12.6m long crash barrier at a height of 900mm along the front of one of the rows of parking spaces created.

The application is recommended for approval, subject to conditions.

Site Location Plan



SITE & SURROUNDINGS

PROPOSAL

The works are to be carried out on the part of the site which is used for parking and contains the garages with a small 1m deep, 9.5m long extension of the parking/manoeuvring area into what is currently part of the grassed recreation area.



AMENDMENTS

None

EIA SCREENING OPINION

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

HISTORY

None

CONSULTATIONS

Parish Council: No comments received.

DCC Highways: Based on the analysis of the information submitted and a review of Local and National policy 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. Advise condition requiring the development to not be brought into use until the parking and turning facilities have been provided as shown on the submitted drawings.

Environmental Health Officer: No comments to make.

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

PUBLICITY

Site notice and 12 neighbours notified. Objections received from 3 residents which raise the following issues:

1. A disabled bay is not necessary.
2. Bays should have house numbers on. 1 for each household. As people may struggle to park if other households have visitors and it would give residents piece of mind to have a guaranteed parking bay.
3. The green belt land should be extended slightly more to allow more room for turning vehicles and if the area is extended further, it could create additional parking spaces.
4. Concerns is raised about where vehicles will be able to park while work is taking place.
5. A disabled parking space is being provided, an EV charging space should be considered.
6. The council needs to consider infrastructure for EV's. The plan put forward has not been thought through and someone from the council should come and speak to residents directly about the proposals.
7. Residents have paid for their garages for many years. When the price increased, residents were advised it was because new garages were being built but this is not the case.
8. Residents found out the garage are being demolished from workmen measuring them on site, they were not notified properly in advance.
9. If there is asbestos in the roofs of the garages it will need to be removed under correct legislation.

10. If there is asbestos in the garage the council will be taken to court.
11. Asbestos costs a lot to remove, that's why it is being done in September so it's safer as the kids are back at school. The council is doing this because they know the garages have asbestos roofs and residents have had no letters telling them of the findings of reports testing for asbestos.
12. The council opened one of the garages without the occupier's consent.
13. The council is doing all this for 1 more car parking space. It would be cheaper just to extend the concrete pad out the back behind the garages and gain more car parking spaces.

POLICY

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

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

- SS1 – Sustainable development
- SS9 – Development in the countryside
- SC2 – Sustainable design and construction
- SC3 – High quality development
- SC5 – Change of Use and Conversions in the Countryside
- SC9 – Biodiversity
- SC11 – Environmental quality (Amenity)
- ITCR6 – Protection of Green Space
- ITCR7 – Protected Playing Pitches
- ITCR11 – Parking provision

National Planning Policy Framework ("the Framework")

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

- Chapter 2 (paras. 7 – 14): - Achieving sustainable development.
- Paragraphs 48 - 51: Determining applications.
- Paragraphs 56 - 59: Planning conditions and obligations.
- Paragraphs 85 - 87: Building a strong, competitive economy.
- Paragraphs 96 - 108: Promoting healthy and safe communities.
- Paragraphs 187, 193 and 195: Conserving and enhancing the natural environment.

Supplementary Planning Documents

Local Parking Standards:

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

Biodiversity Net Gain Design Note:

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

ASSESSMENT

Key issues

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

- the principle of the development
- the landscape and visual impact of the proposed development
- the impact on residential amenity
- whether the development would be provided with a safe and suitable access
- Biodiversity

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

Principle

The site is outside of any development envelope in an area of open countryside where Policy SS9 states that development proposals will only be granted planning permission where they fall within one of a list of certain criteria. One of these criteria is that the development involves the change of use or re-use of previously developed land. In this instance, all bar 9.5sqm of the development is located on previously developed land and does not involve the change of use from an existing parking area. The 9.5sqm extension to the car park is into an area of protected open space within the countryside which is not previously developed land. However, the development would secure an enhancement to the existing communal parking area and would constitute a modest and appropriate change of use of land in this respect so as to satisfy the requirements of Policy SS9 of the adopted local plan.

Policy SC5 requires conversions and changes of use within the countryside to meet a number of criteria. Of these criteria, only two are relevant to the current proposal and those are that the change of use is in keeping with the original character of the land/landscape character and that the development does not add to flood risk concerns. In this instance the small extension to the parking area is considered in keeping with the existing use of the site as a parking area and this part of the site is in flood risk zone 1 and is not within an area of flooding from surface water such that the proposal is considered to meet the requirements of Policy SC5 of the adopted local plan.

The extension to the parking area is on a part of the site which is allocated a protected green space. Policy ITCR6 requires development proposals to not result in a loss of existing green space or if green space is lost the development will need to provide a replacement facility unless the proposal is of greater overall benefit to the local community than the use as a green space.

In this instance, the proposal merely surfaces a 1m wide strip at the entrance to the green space. It does not result in a loss of useable green space or the playing pitch which is on part of the space and is considered to be of greater benefit to the local community by providing a better access and easier manoeuvring area to the car park. On this basis the proposal is not considered to be contrary to the requirements of Policy ITCR 6.

Given the development's compliance with the above policies, the proposal is considered to be acceptable in principle subject to compliance with the other relevant local plan policies.

Landscape and visual impact of the proposed development

The proposed works are considered to improve the appearance of the site. The garages appear to be in poor repair and the works proposed are considered to improve the appearance of the site and are not considered to have an urbanising impact on the rural character of the area.

Residential amenity

Once the development has been carried out, it is not considered to result in any additional noise or disturbance for residents of adjacent dwellings over and above the existing situation and is not considered to have any greater impact on their residential amenity. The proposal is therefore considered to be in accordance with policies SC3 and SC11 in this respect.

Access/highways

The proposal utilises the existing access and provides one additional parking space. The proposal formalises the existing parking spaces/areas and is considered to improve the accessibility/manoeuvring space within the site. Subject to a condition requiring the development to be carried out in accordance with the approved plans, the proposal is not considered to be detrimental to highway safety and is considered to meet the requirements of Policy SC3 of the adopted local plan and paragraphs 115 and 116 of the National Planning Policy Framework. It is not considered reasonable to require the parking to be maintained in accordance with the approved plans or maintained available for parking as there are no such restrictions on the existing parking area.

Ecology and Biodiversity Considerations

The proposal is exempt from the requirement to provide a 10% net gain for biodiversity as it affects less than 25sqm of habitat. The small extension to the existing car park results in the loss of 9.5sqm of grassland but this is mown grass which is considered to be of little biodiversity value such that the proposal is considered to meet the requirements of policy SC9 of the local plan for Bolsover District.

Key Biodiversity Information	
Reason if exempt from the biodiversity gain plan condition	De-minimis exemption, impacts on less than 25sqm habitat.

Issues raised by residents

Most of the issues raised by residents relate to the council as landowners of the site rather than being material planning issues which can be taken into account. For example, notification of residents, disposal of asbestos if it is found, the timing of the works, the need for a disabled space and the installation of EV charging points, provision for resident parking

during the works. The allocation of one space for each resident is also not a planning consideration and is a private matter between residents and the council as landowner. The car park also serves the recreation area to the rear of the car park. The extension of the car park by a greater area has also not been considered as that does not form part of the proposal and would result in a much greater loss of useable protected green space.

CONCLUSION / PLANNING BALANCE

The proposal improves the existing parking provision on site without having any urbanising impact on the rural character of the area. The proposal results in a very small area of protected green space but this is not useable green space and does not affect the use of the wider recreation area. The proposal is not considered harmful to residential amenity of highway safety.

RECOMMENDATION

The current application be APPROVED subject to the following conditions:

1. The development shall be begun before the expiration of three years from the date of this permission.
2. The development must be carried out in accordance with plan number:
BDC-WCG-03A Proposed block plan

Statement of Decision Process

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

Equalities Statement

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

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

Human Rights Statement

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

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