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Clowne
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To: Chair & Members of the Planning
Committee

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Monday, 1st December 2025

Dear Councillor,

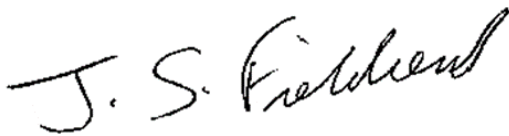
PLANNING COMMITTEE

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, 10th December, 2025 at 10:00 hours.

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

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

Yours faithfully,

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

Solicitor to the Council & Monitoring Officer

Equalities Statement

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

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

Access for All statement

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- **Phone:** [01246 242424](tel:01246242424)
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- Call with [Relay UK](#) - a free phone service provided by BT for anyone who has difficulty hearing or speaking. It's a way to have a real-time conversation with us by text.
- **Visiting** one of our [offices](#) at Clowne, Bolsover, Shirebrook and South Normanton

**PLANNING COMMITTEE
AGENDA**

***Wednesday, 10th December, 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 29 th October 2025 as a true and correct record. <u>APPLICATIONS TO BE DETERMINED UNDER THE TOWN & COUNTRY PLANNING ACTS</u> | 5 - 12 |
| 5. | Application no. 25/00433/OTHER - Land Between Welbeck Road and Oxcroft Lane, Bolsover | 13 - 42 |
| 6. | Application no. 25/00069/REM - Land Between Welbeck Road and Oxcroft Lane, Bolsover | 43 - 89 |
| 7. | Application no. 25/00184/FUL - Garage Site To The West Of 283 Alfreton Road, Blackwell | 90 - 114 |
| 8. | Application no. 25/00302/FUL - Hurst Farm Mansfield Road, Tibshelf, Alfreton | 115 - 158 |
| 9. | Application no. 25/00421/FUL - 48 Rowthorne Lane, Glapwell, Chesterfield S44 5QD | 159 - 171 |

10. Application no. 25/00441/VAR - Shirebrook Market Place, 172 - 182
Shirebrook

**REPORT OF THE INTERIM DIRECTOR OF PLANNING,
DEVOLUTION AND CORPORATE POLICY**

11. Quarterly Update On Section 106 Agreement Monitoring 183 - 195

PLANNING COMMITTEE

Minutes of a meeting of the Planning Committee of the Bolsover District Council held in the Council Chamber on Wednesday, 29th October 2025 at 10:00 hours.

PRESENT:-

Members:-

Councillor John Ritchie in the Chair

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

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

PL39-25/26 APOLOGIES FOR ABSENCE

Apologies for absence were received on behalf of Councillors Rob Hiney-Saunders and Phil Smith.

PL40-25/26 URGENT ITEMS OF BUSINESS

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

PL41-25/26 DECLARATIONS OF INTEREST

| Minute No. | Member | Level of Interest |
|------------|--------------------------|--|
| PL43-25/26 | Councillor Sally Renshaw | As a Member of the Planning Committee, Councillor Sally Renshaw declared an interest in Item 5 being the local Ward Member and having likely a predetermined position. |

PL42-25/26 MINUTES

Moved by Councillor Steve Fritchley and seconded by Councillor Tom Munro
RESOLVED that the minutes of a meeting of the Planning Committee held on 1st October 2025 be approved as a true and correct record.

Having declared an interest in the following item, Councillor Sally Renshaw left the meeting at 10:02 hours.

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PL43-25/26 APPLICATION NO. 25/00184/FUL - GARAGE SITE TO THE WEST OF 283 ALFRETON ROAD, BLACKWELL

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 demolition of 6 prefabricated, concrete panel garages to allow for the erection of 4 apartments with associated parking and amenity spaces. Each apartment would contain a bedroom, bathroom, living room and kitchen. Amenity spaces were proposed to the front and rear of the building, along with 4 parking spaces which would be accessed by a private driveway leading from Alfreton Road, Blackwell.

The application had been referred to the Committee given more than 20 separate households had objected to the proposal.

Late representations were received and included in the Supplementary Agenda.

Councillor Tony Gascoyne spoke against the application.

David McPhee, representing the agent, spoke in favour of the application.

Questions were asked on the provision of parking and the ability of the drainage network to accommodate additional flows. Members also sought clarification on the management of the parking spaces to be provided and raised the possibility of the parking spaces being served by electric charging points.

Member concerns included the availability of public transport and lack of available parking on site.

Moved by Councillor Steve Fritchley and seconded by Councillor Tom Munro

RESOLVED that that application no. 25/00184/FUL be **DEFERRED** to give the applicant an opportunity to address concerns that the proposals would result in the overdevelopment of the site and to consider increasing the number of car parking spaces.

Councillor Sally Renshaw returned to the meeting at 10:29 hours.

PL44-25/26 APPLICATION NO. 25/00258/OUT - LAND TO THE REAR OF 17 APPLETREE ROAD, STANFREE

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 was outside the development envelope within an area of open countryside. The proposed use was not compliant with Policy SS9 (Development in the Countryside) but would meet the requirements of other relevant policies in the adopted local plan. A judgement was therefore necessary on the planning balance having regard to the issues relating to the development. The application was recommended for approval subject to conditions.

PLANNING COMMITTEE

To a question on the ownership of the access, the Development Management and Land Charges Manager advised that it was quite common for historic, shared accesses to not be registered and that the existing dwellings served off it would have established rights of access which would likely be contained in the title deeds for the properties. The enforcement of such rights would be a civil matter.

Moved by Councillor Deborah Watson and seconded by Councillor Janet Tait

RESOLVED that application no. 25/00258/OUT be **APPROVED** subject to the following conditions:

1. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development to which this permission relates shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
2. Approval of the details of the layout, scale, appearance, access and landscaping (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
3. The dwellings hereby approved must be single storey only.
4. Before any dwelling on the site is first occupied, a 2.4m x 43m visibility splay must be provided from the access in the southeastern direction. The splay must be maintained free from obstruction over 1m in height thereafter.
5. Before development first commences on site, a landscaping scheme including a programme of implementation and details of the maintenance and management of the landscaping (including any on site habitat creation) for a 30-year period must be submitted to the Local Planning Authority for approval. The landscaping scheme must be provided and maintained on site in accordance with the approved scheme.
6. Prior to building works commencing above foundation level on any dwelling, a Species 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 numbers of features, which will include (but are not limited to) the following:
 - universal nest boxes at ratio of 1:1, in line with British Standard 42021:2022;
 - integrated bat boxes each of the dwellings;
 - insect bricks in dwellings and / or towers in public open space;
 - fencing gaps 130 mm x 130 mm to maintain connectivity for hedgehogs in all gardens

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

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

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

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

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

9. No dwelling hereby approved shall be occupied until:

PLANNING COMMITTEE

- a) The approved remediation works required by 8 above have been carried out in full in compliance with the approved methodology and best practice.
- b) If during the construction and/or demolition works associated with the development hereby approved any suspected areas of contamination are discovered, which have not previously been identified, then all works shall be suspended until the nature and extent of the contamination is assessed and a report submitted and approved in writing by the local planning authority and the local planning authority shall be notified as soon as is reasonably practicable of the discovery of any suspected areas of contamination. The suspect material shall be re-evaluated through the process described in condition 7b to 8 above and satisfy 9a above.
- c) Upon completion of the remediation works required by conditions 8 and 9a, 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.

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).

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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.

PL45-25/26 SUCCESSFUL HEALTH PLACES SUPPLEMENTARY PLANNING DOCUMENT

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

The Successful Places SPD had been updated and renamed Successful Healthy Places to reflect current national guidance and legislation, including Building for a Healthy Life and the Environment Act.

It supported Policy SC3 by promoting high-quality, health-focused residential design tailored to the District.

The draft of the revised Successful Healthy Places SPD was first discussed by the Local Plan Implementation Advisory Group on 25th June 2025 before it was presented to the Committee on 3rd September 2025. This was before it was subject to consultation in line with the Town and Country Planning Regulations (2012) and the Council's Statement of Community Involvement (SCI).

A 4-week targeted consultation was held with statutory consultees, developers, agents, and others on the Local Plan for Bolsover District (March 2020) database. Documents were also made available at libraries and the Council's contact centres. Two drop-in events were held in Bolsover Town and Shirebrook. The consultation ran from 8th September 2025 to 6th October 2025.

The Council had received 4 submissions during the consultation period: Coal Authority; Natural England; Stancliffe Homes; and Historic England.

The main points from each submission were summarised in the report. Some were considered to merit revisions to the approved consultation draft Successful Healthy Places SPD. The full schedule of responses and the Council's proposed response to the points was attached at Appendix 1.

Alongside the main channel for representations regarding the consultation draft document, the Council had made the same questionnaire survey available on the Ask Derbyshire website. 5 responses were received and made anonymously. The feedback received was summarised in the report with key comments highlighted.

A final version of the SPD with revisions was attached at Appendix 2.

A Member noted the document (and the previous presentation / training on the SPD provided to Members) had been accomplished to a very high standard.

The Chair thanked the team for their work.

PLANNING COMMITTEE

Moved by Councillor Catherine Tite and seconded by Councillor John Ritchie

RESOLVED that the Committee: 1) note the outcome of the consultation exercise as set out in the report and set out in Appendix 1;

- 2) approve the proposed responses to the main points and the consequential revisions to the proposed SPD as set out in the report and set out in Appendix 2;
- 3) recommends to Council that the Successful Healthy Places Supplementary Planning Document is adopted as a material consideration in planning decisions.

PL46-25/26

ANNUAL INFRASTRUCTURE FUNDING STATEMENT

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

Since the introduction of the Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019, local authorities had been required to prepare and publish an Annual Infrastructure Funding Statement each year from 2019/20 onwards.

The Council had taken the decision not to pursue a Community Infrastructure Levy as part of the preparation of the Local Plan and instead relied upon Section 106 Agreements. This decision was due to the Community Infrastructure Levy not being necessary nor the best method of delivering infrastructure in the District.

In light of the decision to not to pursue a Community Infrastructure Levy, the Council's Annual Infrastructure Funding Statements report a 'nil return' for parts 1 and 2. However, part 3, the Section 106 report, set out additional information that was detailed in the report.

In essence, the Annual Infrastructure Funding Statement and the categories detailed in the report were intended to show clearly and in a transparent manner the progression from the signing of a Section 106 Agreement through the Council's receipt of the money to the spend of the money and the delivery of the required infrastructure on the ground.

The 2024/25 Annual Infrastructure Funding Statement highlighted 4 new Section 106 Agreements securing funding for affordable housing, infrastructure, and travel plans.

Notable contributions had included: £600,000 in Bolsover; £38,000 in South Normanton; and over £200,000 in Barlborough.

2 Deeds of Variation were agreed, adjusting contributions while maintaining infrastructure delivery.

Section 106 income had exceeded the previous two years combined, with nearly £2.5 million held.

Spending also rose, totalling £444,000. The closing balance reached nearly £2 million.

Most funds held were for highways, outdoor sport, and open space, with smaller amounts for housing, art, health, and biodiversity

PLANNING COMMITTEE

The 2024/25 Annual Infrastructure Statement was attached at Appendix 1. The key headlines for the 2024/25 financial year were detailed in the report.

The Chair congratulated the team for their work and the report.

A Member recalled the previous loss of £180,000 Section 106 funds in Pinxton and the work achieved since then to prevent any sort of repeated loss from reoccurring.

The Senior Devolution Lead for Planning Policy, Strategic Growth and Housing informed good work was taking place between the Council and Derbyshire County Council on highways.

Moved by Councillor Catherine Tite and seconded by Councillor John Ritchie

RESOLVED that Planning Committee: 1) note the requirements of the Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019 in relation to Annual Infrastructure Funding Statements;

- 2) approve the Annual Infrastructure Funding Statement 2024/25 and endorse the decision to publish it to comply with the regulations.

PL47-25/26 UPDATE ON APPLICATION NO. 17/00640/OUT

The Monitoring Officer provided an update on the legal challenge to application no. 17/00640/OUT.

The Chair thanked the Monitoring Officer for the update and for all Members and officers present for attending.

The meeting concluded at 11:04 hours.

RESOLUTION TO BE MADE ON THIS ITEM BEFORE THE CONSIDERATION OF APPLICATION CODE REF. 25/00069/REM

PARISH Old Bolsover Parish

APPLICATION Request to modify obligations contained within a legal agreement relating to planning permission code ref. 14/00080/OUTEA dated 22nd September 2021, which proposes a reduction to financial contributions, along with reductions to the Extra Care Land/Affordable Housing Land and Public Open Space/Town Park areas

LOCATION Land Between Welbeck Road and Oxcroft Lane, Bolsover

APPLICANT Strata Homes, Persimmon Homes and Stancliffe Homes, C/O Agent

APPLICATION NO. 25/00433/OTHER **FILE NO.**

CASE OFFICER Mr Chris Whitmore

DATE RECEIVED 17th October 2025

SUMMARY

This item requires planning committee consideration as the proposals seek to make more than minor changes to obligations imposed on an earlier permission granted by the planning committee and, as such, it is not a matter that can be delegated to officers in accordance with the Council's scheme of delegation contained within its constitution. In objecting to the proposals, Cllr. Clarke also requested that the matter be heard, and a decision taken by planning committee.

Agreement is sought to modify the s106 agreement secured in respect of application code ref. 14/00080/OUTEA, which gave outline planning permission (with all matters except access reserved) for residential development in the region of 950 dwellings, provision of an extra care facility (approx. 70 units) and an Infant School, dated 22nd September 2021.

In addition to land for an infant and nursery school, extra care facility and / or affordable housing and a town park, the s106 agreement secures the following outstanding contributions based on the amount of development proposed (and where applicable including indexation):

- Elmton Lane Contribution - £104,638
- Framework Travel Monitoring Plan - £14,359
- New School Contribution - £3,528,988
- Road Network Contribution (per plot) - £335,046
- Public Realm Sum - £90,711
- Town Park Commuted Sum - £738,430
- Primary Education Contribution - £931,390
- Secondary Education Contribution - £962,397
- Town Park – Delivery and maintenance - £647,690

These obligations were deemed to be necessary to make the development acceptable in planning terms, were directly related to the development and fairly and reasonably related in scale and kind.

Since the grant of outline permission, two approval of reserved matters applications for phases 1A and 1B have come forward for 259 dwellings.

A further approval of reserved matters application for 547 dwellings has been made under planning application code ref. 25/00069/REM, which is pending consideration. As part of this application the development consortium, comprising Persimmon, Stancliffe and Strata Homes have proposed an amount of development and laid it out in a manner that results in a 14.3% reduction in the area of the town park land and a 20% reduction in the area set aside for an extra care facility or affordable housing.

To be able to approve such development there is a requirement to modify the s106 agreement insofar as it relates to the land to be set aside for such uses. The applicant has also submitted a viability appraisal to justify a reduction in developer contribution.

The s106 dated 22nd September 2021 can only be modified with the mutual agreement of the Local Planning Authority (as the appropriate authority in this case), as the relevant period of 5 years set out in S106A of the Town and Country Planning Act (1990) has not yet passed since the original agreement was completed.

Following independent review of the consortium's viability position and assessment of the abnormal costs presented by a Quantity Surveyor (QS), it has been established that the development would not be viable with a 17.5% profit on revenue (which is considered to be a reasonable level of profit).

Officers are satisfied that the manner in which the development has come forward and is proposed as part of the latest approval of reserved matters application, which is pending consideration makes effective use of the site (having regard to its constraints) and would deliver high quality development / successful place.

The site is a strategic land allocation in the District Council's Local Plan and the Local Planning Authority is keen to see the site come forward and contribute towards the delivery of sustainable development to meet identified housing needs and the infrastructure necessary to achieve this.

In assessing the appropriateness of the proposed modifications to the original s106, the Local Planning Authority needs to be satisfied that they would continue to serve the purposes of the original obligations equally well in terms of the delivery of sustainable development.

The Local Planning Authority's Viability Expert has indicated through their modelling that the development is not capable of providing the approved level of developer contributions with a 17.5% profit on revenue below an accepted development viability threshold. They have, however, concluded that that development is able to provide developer contributions in excess of the travel plan and Elmtown Lane road improvements contributions and £1m towards the other planning obligations, amounting to circa £1,118,997 originally offered up by the consortium (excluding the land for a town park, primary school and an extra care facility / affordable housing).

The District Council's Infrastructure Study and Delivery Plan (2025) sets out a general

hierarchy for infrastructure, with primary phase education and road capacity deemed of critical importance i.e. infrastructure that must be delivered in order for sustainable growth to take place without causing severe adverse impacts to local communities in the short term. Of the original financial contributions, £4,900,062 are related to the delivery of primary phase education and road capacity.

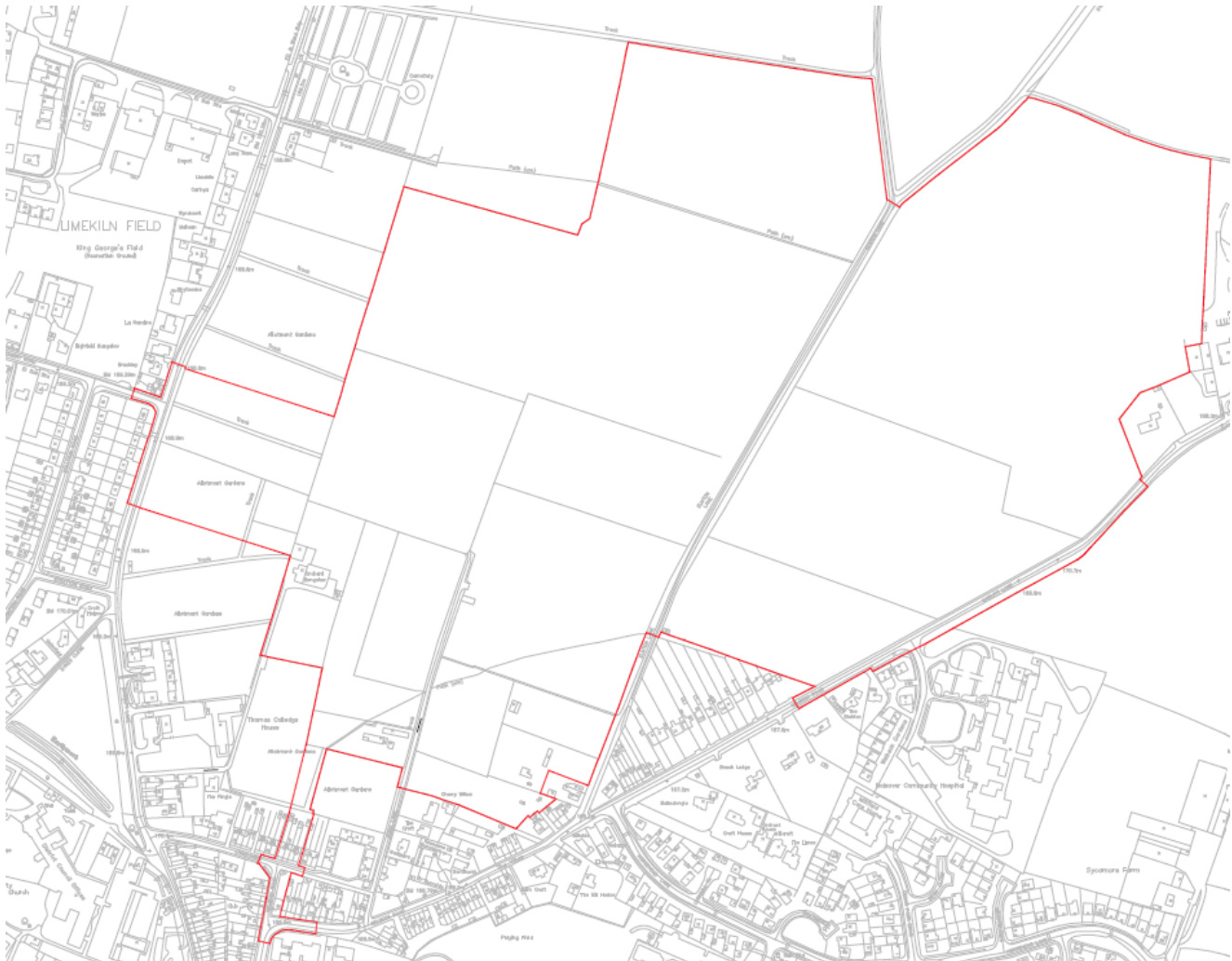
Recognising that such contributions are critical to the sustainability of the development, the consortium have agreed to make those contributions, totalling £4,900,62 in addition to providing the land for a town park (3.6ha), an extra care facility / affordable housing (0.8ha) and primary school. This results in the consortium taking a hit on developer profit, in order to be able to deliver the sustainable growth in Bolsover and meet the requirements of strategic policy SS4 of the Local Plan for Bolsover (2020). The proposed modifications, with enhanced financial contributions to deliver critical infrastructure would, it is considered, serve the purposes of the original obligations equally well in planning terms.

The other developer contributions, whilst necessary, would not cause severe adverse impacts to the local community in the short term for reasons explained in the officer's report. Furthermore, such contributions would be deferred and the subject of future project viability review. Where any surplus profit is made this will be assigned to the deferred developer contributions on an agreed split.

Whilst the District Council could choose not to agree to modify the original s106, it is clear through viability testing that the proposed development is not a viable proposition with the amount and nature of developer contributions secured. The revised offer would facilitate the delivery of housing to meet the district's housing needs, whilst delivering all of the critical infrastructure required. The deferral of other necessary infrastructure would not unacceptability impact on the town, to the extent that the development could be construed as not delivering sustainable development in the round. The modifications to the developer contributions as set out would, in planning terms, continue to serve the purposes of the original obligations equally well in this respect and ensure that high quality, planned development comes forward that satisfies the aims and objectives of the development plan and national planning policy and guidance.

Taking the above into consideration it is recommended that the s106 agreement dated 22nd September 2021 be modified to secure £4,900,062 toward critical highway and primary phase education contributions, with all other contributions to be deferred following viability review at appropriate stages in the build out and to reduce the town park land area to 3.6ha and the extra care facility land to 0.8ha, with provisions remaining for all other matters, including the provision and transfer of the primary school land.

Site Location Plan



OFFICER REPORT ON 25/00433/OTHER

SITE & SURROUNDINGS

The request to modify the s106 relates to the Bolsover North strategic site set out in the Local Plan for Bolsover (2020).

The site is located immediately to the north of Bolsover Town adjacent to existing residential development between Oxcroft Lane and Marlpit Lane. It is an irregular shape parcel of land extending to an area approximately 38.96 hectares in size.

Development has come forward to the east of the site, between Marlpit Lane and Elmton Lane. As of 30th September 2025, 204 out of 238 no. dwellings approved under reserved matters application 19/00005/REM had been completed, with the remaining houses under construction. This part of the development has been built out by Persimmon and Strata Homes. On the northern edge of this development is a large surface water attenuation

feature. A further 21 no. dwellings have been approved under application code ref. 23/00238/REM to the west of the site, comprising an extension of the Stancliffe Homes development off Oxcroft Lane. On the 30th September 2025 16 dwellings had been constructed in this area, with the remaining 5 units under construction.

The remainder of the site is primarily used as fields for agricultural use with areas of unused rough pasture land. The site is gently sloping with undulating areas with valleys and ridges.

Oxcroft Lane and the existing allotment gardens form the western boundary to the development. Existing residential development along Marlpit Lane/Welbeck Road and Longlands identify the southern and southeastern boundary to the site.

The site is divided by Elmtan Lane which is an unmetalled bridle path (BW60) running in a north east direction from Marlpit Lane in the south and cutting through the site to join Ovencroft Lane (track) to the north. There is also a network of other public footpaths that cross the site linking Elmtan Lane to Oxcroft Lane (FP33) and also between Longlands and Elmtan Lane to the South (FP30/FP31).

The application site includes five dwellings off Welbeck Road and Longlands to facilitate a highway link through the development.

BACKGROUND

The site is a strategic land allocation in the Local Plan for Bolsover District (2020). Local Plan Policy SS4 anticipated that the development to be delivered over 14 years, via 6 phases starting in 2020.

Outline planning permission for residential development in the region of 950 dwellings, provision of an extra care facility (approx. 70 units) and an infant school was granted at the site, under planning application code ref. 14/00080/OUTEA in October 2017.

Permission was granted subject to a condition that no development should be commenced until a s106 agreement had been completed, securing all of the developer contributions necessary to make the development acceptable in planning terms at that time. Obligations were included in a s106 legal agreement dated 22nd September 2021 to provide the following:

- Approximately 1ha of serviced land for an extra care facility and / or affordable housing
- Delivery, maintenance and transfer of approximately 4.2ha of land for a Town Park
- 1ha of serviced land suitable for single form entry infant and nursery school

Financial contributions:

- Bus Stop Improvements Contribution
- Elmtan Lane Contribution
- Framework Travel Monitoring Plan
- New School Contribution
- Road Network Contribution
- Public Realm Sum

- Town Park Commuted Sum
- Primary Education Contribution
- Secondary Education Contribution
- Traffic Regulation Order Contribution

Following the completion of the s106 agreement dated 22nd September 2021, 238 dwellings have been approved under planning application code ref. 19/00005/REM. This approval has/is being built out by Strata and Persimmon Homes off Marlpit Lane. 21 no. under application code ref. 23/00238/REM comprising an extension of the Stancliffe Homes 'Mulberry Way' development off Oxcroft Lane at the western end of the site has also been approved. As of the 30th September 2025 approximately 220 dwellings had been completed across both developments.

The requirement for much larger surface water attenuation features on site, layout enhancements including street trees and a dedicated cycle lane and development that delivers successful place and provides for an appropriate density and type of housing to respond positively to this part of the settlement has resulted in a reduced amount of development coming forward.

Application code ref. 25/00069/REM, which is a joint application presented by the consortium of house builders (consisting of Persimmon, Strata and Stancliffe Homes) proposes 547 dwellings, across the remaining phases of development, with the exception of 0.8ha of residential land to the south of the land to be set aside for a primary school – referred to by the consortium as phase 2. This application is pending consideration and proposes some changes to the terms of the outline permission that were secured in the s106 agreement dated 22nd September 2021.

This item seeks approval of / agreement to those changes, which must be resolved before a decision can be taken on application 25/00069/REM. In particular, owing to an overall reduction in the amount of housing development and high abnormal costs associated with phase 2, application code ref. 25/00069/REM proposes to reduce the area of the town park and extra care facility / affordable housing land and to reduce the amount of s106 financial developer contributions to be made. Such modifications are requested to ensure a commercially viable development and the delivery of strategic development allocated in the Local Plan for Bolsover District (2020).

In assessing overall project viability and the justification for any reduction in developer financial contributions it is necessary to consider the profitability of the development that has come forward on the site and value / potential profits to be derived from the small area of residual land that does not form part of the latest approval of reserved matters application that is pending consideration.

PROPOSAL

The proposal as originally submitted sought approval, through mutual agreement, (as the relevant period of 5 years has not yet passed since the original agreement was completed) to modify the section 106 agreement 22nd September 2021 as follows:

- Reduce the area of the town park to be provided from 4.2ha to 3.6ha
- Reduce the area of extra care facility / affordable housing land to be provided from 1ha to 0.8ha.

Provide the following financial contributions:

- Elmton Lane Contribution - £104,638
- Framework Travel Monitoring Plan - £14,359
- Provision of £1m towards all other financial contributions.

Following independent review of the applicant's viability appraisals by a viability expert and abnormal costs by a QS, and the requirement to provide critical infrastructure, the applicants / consortium have agreed, in principle, to modify the obligations as follows:

- Reduce the area of the town park to be provided from 4.2ha to 3.6ha
- Reduce the area of extra care facility / affordable housing land to be provided from 1ha to 0.8ha.

Provide the following financial contributions:

- Elmton Lane Contribution - £104,638
- New School Contribution - £3,528,988
- Road Network Contribution (per plot) - £335,046
- Primary Education Contribution - £931,390

With deferred contributions towards:

- Framework Travel Monitoring Plan - £14,359
- Public Realm - £90,711
- Town Park Commuted Sum - £738,430
- Secondary Education Contribution - £962,397
- Town Park – Delivery and maintenance contribution - £647,690

being the subject of future viability review, in addition to the additional secondary school place contribution and uplift in affordable housing provisions included in the original agreement.

Supporting Documents

The application is accompanied by an application form (comprising the Local Planning Authority's S106A application form), covering letter and viability appraisal, which includes details of the joint venture and individual house builder's abnormal costs for phase 2 and a separate viability appraisal for phase 1.

AMENDMENTS

Amendments to the application have been made during the consideration of the application as set out in the 'Proposals' section of this report following independent assessment of the applicant's viability appraisal by a viability expert and abnormal costs by a QS, and the

requirement to provide critical infrastructure, during the consideration of the application. This has resulted in a revised offer in respect of the developer contributions to be provided.

EIA SCREENING OPINION

This item relates to obligations secured in respect of an outline planning application, code ref. 14/00080/OUTEA which was deemed to constitute Environmental Impact Assessment development. Scoped into the Environmental Statement that accompanied this application were the following matters:

- The need for the development and alternatives considered.
- Landscape and visual resources.
- Ecology.
- Hydrology and drainage.
- Archaeology and cultural heritage.
- Transportation.
- Air quality.
- Noise and vibration.
- Ground conditions.
- Socio-economic considerations.

The proposed modifications to the s106 have the potential to impact on the socio-economic considerations.

The conclusion in the Environmental Statement in respect of this topic was that the development would meet an identified need for further housing in an appropriate location, with no harm to existing facilities whilst increasing the spend within the town (as well as creating jobs). The proposals were considered to be beneficial in this regard and would not result in environmental harm.

The modifications to the agreement reduce the amount of developer contributions, however, will ensure that all critical infrastructure is provided in order to deliver sustainable development in the short term, with any adverse effects associated with reduced developer contributions tempered for reasons set out in the officer's report so as to be inconsequential. As such, the modifications do not change the outcomes of the original Environmental Statement with regard to the environmental effects to warrant the submission of a new Environment Statement or addendum.

HISTORY

| | | |
|----------------|------|--|
| 13/00397/SCOPE | COMM | Request for scoping opinion – Residential development with associated roads and other facilities. |
| 14/00080/OUTEA | GC | Outline planning application (with all matters except access reserved for later consideration) for residential development in the region of 950 dwellings, provision of an extra care facility (approx.. 70 units) and an Infant |

School together with vehicular access points from Marlpit Lane, Oxcroft Lane and Longlands (with associated demolition of dwellings on Longlands and Welbeck Road), cycle and pedestrian access, associated car parking spaces and open space provision (application as supplemented/amended by Drainage Strategy document submitted 28/04/14

| | | |
|----------------|----|---|
| 19/00005/REM | GC | Approval of Reserved Matters application for details of appearance, landscaping, layout and scale in relation to the development of 238 homes, open space and associated infrastructure, along with discharge of conditions 6 (Phasing Programme), 8 (Framework Travel Plan), 11 (Highway Surface Water Disposal), 15 (Maintenance/Management of public areas) and 16 (hedgerow retention/creation) of the outline planning permission ref. 14/00080/OUTEA in respect of the areas of the site included in this application. |
| 21/00471/REM | GC | Approval for reserved matters for attenuation basin serving residential phase 1a and discharge of Conditions 5 (Supplementary Design & Access Statement), 7 (Site Wide phasing plan), 14b (Written Scheme of Investigation for Archaeological Work), 18 (Construction Management & Mitigation Plan) and 20 (Site Investigation) of outline approval (14/00080/OUTEA), insofar as these conditions relate to the attenuation basin area that is subject of this application. |
| 21/00492/ADV | GC | Proposed advertisements comprising 2 free standing signs, 10 flags & one lightbox (to be attached to side of proposed dwelling) |
| 21/00562/MINAM | GC | Application for a non-material amendment following a grant of planning permission to amend condition 24 of planning permission 14/00080/OUTEA to say: No development shall be commenced within any phase (or sub phase as may be agreed with the local planning authority in writing) unless and until a S106 planning obligation has been completed (signed by all relevant parties, including all parties with an interest in the land to be developed in that phase or sub phase) to address the details included as Appendix A to this planning permission. |

| | | |
|----------------|----|---|
| 21/00594/ADV | GC | Advertisements for the sale of new homes |
| 21/00745/MINAM | GC | Minor amendment to application 19/00005/REM - Changing the following house types: Greyfriar to be replaced by Ashdown, Clayton Corner to be replaced by Barnwood, Hatfield to be replaced by Sherwood (for certain plots), Roseberry to be replaced by Rivington, Leicester to be replaced by Whinfell, Winster to be replaced by Selwood |
| 22/00238/MINAM | GC | Minor amendment of application 19/00005/REM, insofar as it relates to the Strata parcel (only), for: relocation of bin collection points to plots 11-13, 60 -63, 64-81; identification of dry stone wall to the front of plots 31 – 34; identification of timber post and rail fence boundary treatments to front of Plot 34; and identification of bus stop and addition of associated dropped pedestrian crossings to Marlpit Lane. |
| 22/00292/MINAM | GC | Minor amendment to planning application 19/00005/REM – Substitution of house types |
| 22/00632/ADV | GC | Strata Light Box fixed on Plot 34 show home gable. Two 3m x 3m Signage boards. 10 Flag poles. |
| 23/00166/MINAM | GC | Minor amendment to Planning Application 19/00005/REM – installation of temporary post & rail fence/amendment to plot 33's garage/minor amendment of footpath on southern boundary/amendment to location of bus stop/addition of rear footpath to plot 1's garage/addition of rear access door to plot 1's garage |
| 23/00238/REM | GC | Reserved matters application for the approval of details relating to access, appearance, landscaping, layout and scale in relation to the development of 21 dwellings (Phase 1B) on land to the east of Oxcroft Lane, Bolsover and discharge of Conditions 5, 7, 8, 10, 11, 14, 15, 18, 21 and 23 of Outline Planning Permission Ref. 14/00080/OUTEA. |

| | | |
|----------------|-----|---|
| 23/00487/MINAM | GC | Minor amendment of application 19/00005/REM (Addition of PV Solar Panels to plots 87-144) |
| 25/00069/REM | PCO | Application for approval of reserved matters for residential development (547 dwellings), public open space (including a town park), landscaping, spine road (including required demolition of Nos. 34-40 Longlands & No. 42 Welbeck Road) and associated infrastructure (An Environment Impact Assessment was submitted alongside the original outline planning application). The application also proposes the discharge of conditions 21 and 22 of planning permission 14/00080/OUTEA in relation to the phases/development included within this reserved matters application. |

CONSULTATIONS

Bolsover District Council (Planning Policy and Housing Strategy) –

Conclude the following:

The application site is a strategic housing allocation under Policy SS4: Bolsover North, in the Local Plan for Bolsover District. Outline Permission has been granted on the site with a Section 106 agreement being completed on 22nd September 2021. Phase 1 of the site is under construction. The application relates to a variation in the terms in the existing S106 agreement. This is related to a pending reserve matters application that has been submitted for 547 dwellings, Phase 2 of the Bolsover North development. The applicant has raised viability issues in relation to Phase 2 which forms the remaining area to be development under the outline permission.

Substantially as a result of the need for additional areas of land for sustainable urban drainage, the anticipated number of dwellings in the outline application “in the region of 950 dwellings” will not be achieved. With existing reserved matters permissions and the pending application, it is anticipated approximately 811 dwellings will be delivered on the site.

For viability reasons, the proposal is currently not able to meet all of the infrastructure financial obligations set out in the current S106 agreement. National policy and guidance require that viability is considered in relation to local plans and development management decisions. The Council’s Local Plan for Bolsover District recognises that there may be viability issues in relation to housing sites and allows for deviation away from policy requirements in relation to affordable housing provision (policy LC2), type and mix of housing (policy LC3) and role of developer contributions (policy II1). Abnormal costs have been identified which have been reviewed and agreed by an independent QS. As is the Council’s practice, the applicant’s viability assessment has been reviewed by an independent viability consultant who has advised that the full Section 106 financial obligations cannot be met at this time.

As a strategic housing allocation, the site has a number of specific obligations to deliver. With

minor changes in the land areas, it will deliver the land for the extra care / affordable housing, the school and the Town Park / open space in accordance with the provision for a development of 811 dwellings. It provides improved road links and provides the index linked agreed contributions towards the new school and wider primary education provision. However, a number of other contributions including secondary education contributions and the Town Park commuted sum cannot be achieved at this time and would need to be considered as part of a future viability review as provided for within the existing S106 agreement.

In relation to education, while developer contributions should be the ‘first port of call’ to meet the educational requirements arising from residential development, Planning Practice Guidance Viability and the Department for Education (DfE) non-statutory guidance identifies that there will be circumstances where a development cannot meet the full education requirements due to viability issues.

Whether a proposal represents sustainable development is a matter of planning judgement. It is deemed that on balance a decision to approve would be reasonable given that the proposal is a strategic site which has a key role in relation to achieving the spatial strategy set out Strategic Policy SS3, which identifies Bolsover as being one of the most sustainable locations with the district. The site makes a significant contribution towards meeting the local housing need for the district, provides for infrastructure on site and contributes towards meeting 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.

The planning policy comments are available to read in full on the Council’s Public Access Platform under the documents associated with the planning case file. Where applicable to the case, the general comments made have been incorporated into the assessment section of this report.

Derbyshire County Council (Strategic Planning) – I note that we have a consultation response due regarding the above development. I understand that there have been ongoing discussions between Clare Wilkins and Andrew Stevenson with officers at Bolsover District Council. I am unable to send a response to you at this time pending discussions re. financial assessments.

Old Bolsover Town Council

While the Council recognises the importance of enabling delivery of this key strategic housing allocation, we have concerns regarding the proposed modifications and the potential implications for the wider community.

The original outline planning permission (14/00080/OUTEA) and the accompanying S106 agreement were granted on the basis of delivering an extra care facility, and an Infant School, alongside key infrastructure and open space. The current proposals, while broadly in line with the outline, do not fully comply with the terms of the original permission. OBTC maintains that reserved matters approval must comply with the terms of the outline planning permission, including the delivery of infrastructure and community facilities.

OBTC recognises that project viability is a material consideration. However, the independent viability assessment indicates that the development can deliver all of the originally agreed developer contributions, with only minor reductions in land for the town park and extra care facility. The Council is concerned that reducing contributions or land provision for viability reasons sets a precedent that could erode the provision of community infrastructure in future phases or developments.

The Council urges the Local Planning Authority to ensure that the strategic objectives of the Bolsover North allocation are upheld, and that all infrastructure, community facilities, and open space are delivered as intended in the original planning permission and S106 agreement.

PUBLICITY

The Town and Country Planning (Modification and Discharge of Planning Obligations) Regulations 1992 sets out the publication requirements in respect of applications to modify agreements under s106A of the Town and Country Planning Act (1990). Although the proposal sits outside of the application process prescribed by section 106A, in that the relevant period of 5 years has not yet passed since the original agreement was completed, the same publicity requirements have been followed.

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

- (a) posting notice of the application on or near the land to which the planning obligation relates for not less than 21 days; or
- (b) serving notice of the application on the owners and occupiers of land adjoining that land; or
- (c) publishing notice of the application in a local newspaper circulating in the locality in which that land is situated.

Bolsover District Council in its capacity as the Local Planning Authority posted 8 site notices on or near to the land and served notice on the occupants of 398 dwellings on and adjoining the site of the request (in writing) on the 21st October 2025.

This has resulted in the receipt of twenty-eight representations. Of those twenty-eight representations, twenty-seven object to the proposed modifications to the s106 dated 22nd September 2021. In doing so the following summary comments are made:

- Concerns are raised about the fairness and impact of the proposals on the community.
- The financial reductions are unjustified. The developer's own figures show combined earnings of £163.4 million and a profit of £28.6 million. It is therefore extremely difficult to understand how they can claim to only afford £1 million combined in local investment.
- If a development can generate tens of millions in profit, the company should honour the commitments that were key to the scheme's approval. Reducing contributions now undermines public trust and sends the message that promises made to local residents are optional.

- Residents bought homes based on promises of investment – to now remove or shrink those areas – particularly the Town Park and Public Open Space is misleading and unfair.
- Bolsover already struggles with affordable and specialist housing availability. Reducing the land for these uses directly contradicts local housing needs and council policy. It also removes future opportunities for younger families and older residents who want to stay in the community but need smaller or supported accommodation.
- The application does not clearly set out what is being removed or by how much. Before any decision is made, the Council should publish a side-by-side comparison of the original and proposed obligations, updated plans showing land reductions, and a full open-book viability assessment reviewed independently at the developer's expense.
- This development has already had a huge impact on the town. It's only fair that the community receives the benefits that were promised – proper open space, affordable housing, and financial contributions to local infrastructure like schools, healthcare, and highways.
- If the Council accepts these reductions, future developers may feel they can promise community benefits to gain approval and then withdraw them later. That would seriously damage public confidence in the planning process.
- The Council's independent review (CP Viability Ltd) shows the scheme is viable with full S106 obligations (£7.4m) or with 10% affordable housing and reduced S106 (£3.9m). The applicant's higher costs and profit assumptions are not justified.
- The REM application assumes full delivery of original S106 obligations (Town Park, Extra Care Land, infrastructure). Reductions in this variation would make the REM undeliverable or inconsistent.
- Derbyshire County Council and Bolsover residents expect full obligations (Elmton Lane upgrades, bus rerouting, travel plan measures, Town Park maintenance). Reductions undermine these commitments.
- Running the S106A variation alongside the undecided REM risks inconsistency, judicial review, and procedural unfairness. Approving one before the other could invalidate or frustrate the planning process.
- The proposals will result in development that will be contrary to policies SS4, LC2, SC3, SC4 and II1 of the Local Plan for Bolsover District (2020) and national planning policy.
- The applicant's viability assessment lacks transparency.
- Approval would compromise sustainable development, placemaking, and legal integrity.
- The developer's offer of £1,000,000 as a financial contribution is insufficient to mitigate the significant, wider impacts this large-scale development will have on the existing community and services in Bolsover.
- The developer lists approximately £4.8 million of on-site works (including serviced land for a school, a town park, and a new link road) as "wider benefits". This is misleading. These items are not optional "benefits" to the community; they are essential infrastructure required to make the development itself functional, safe, and acceptable. These are standard costs of development for an estate of this size and should not be presented as a justification for reducing the financial contributions needed to support the rest of the town.
- The developer's letter implies that their preferred position was to offer no cash contribution at all, and that this £1,000,000 is a "compromise". This position prioritises developer profit over the genuine, long-term needs of the Bolsover community. This "Without Prejudice Offer" should be rejected as it fails to provide fair mitigation for the

impact of the development.

- The developer is clearly pushing for this application to be decided at the 10th December Planning Committee. The Planning Committee should not be pressured by the developer's arbitrary deadline.
- When will the council grow a backbone and actually stand up for their constituents? These companies are absolutely huge, Persimmon and Strata both having record profits and are part of the FTSE 100 in the UK and you're letting them take Bolsover for a ride. Do you honestly think that they will pull the whole project if you decline to reduce contributions? They will make hundreds of millions of pounds on this development. You are only bothered about increasing the size of Bolsover to get more money into the council, you don't care at all about the quality of life here.
- The developers have already profited from this project and based their financial plans on it, so they should now honour the terms in full. This funding is important for our community, particularly to address: the continuing pressure on local schools and special educational needs provision, the lack of adequate facilities for elderly care, especially following the recent closure of local care homes the reduced sense of community cohesion, given that the promised town park has not yet been delivered these contributions are essential for maintaining the balance and wellbeing of our area.
- It appears to be of no concern to the Planning Department of Bolsover District Council that the report is not numerically sound. The individual square footage of the supposed properties does not accord with the claimed total square footage. Furthermore, the individual number of the properties to be offered does not match the supposed total.
- The CPV review cannot inform or substitute for the Council's required prioritisation exercise under Policy INF1 (SIC – should read II1), where S106 requirements are "proven" to exceed viability. A formal statement from the Council detailing the specific priorities for infrastructure items in this Application, including how they align with the ISDP's settlement-specific delivery plan for Bolsover and the rationale for such prioritisation is requested.
- The remaining c500 homes should not be allowed without the original full commitment to the town park and extra care land. If these are not delivered, what are the expectations of the land allocated to this? I hope more houses are not in a future plan the builders are submitting to planning.
- I believe a reduction in the 106 monies agreed previously would:
 - impact on schools and SEND provision negatively.
 - there would be a lack of facilities for elderly care homes, especially with closure of carehomes locally.
 - there would be a reduction of community cohesion (with reference made to the town park).
- The reduction to financial contribution from the developer is a ridiculous u-turn. How can a legal document be dismissed in such a way? The local people are sick of the building work that has gone on for years now and deserve something back. Bolsover is a growing population, so the extra care funding for the elderly and local open space/town parks for the younger generation is hugely important.
- The developers have profited off the houses already built and before being allowed to continue they should have to fulfil the agreed plans for the community. Our community and local areas are already affected by no school places and doctors over run. We've lost countryside walks and becoming very overcrowded the roads cannot cope with the traffic now.

- The £1m figure is well below what would be expected for a development of this magnitude. The developers are taking a punt on getting a reduction to boost their profits. The development was only given approval on the basis of large contributions to compensate the adverse effects on the local community, to the council should stand firm and not give into the Developers.
- The independent report from CPV of the 20/10/2025 says the development can support S106 contributions of £7,408,709 well in excess of what the developers are offering and on that alone the proposal should be rejected. There is no demonstration and proof of developer costs to back up their calculation.
- The large number of houses is putting a strain on all services in Bolsover and so the Developers should pay for the issues and disruption caused to improve the town.
- It is already impossible to access doctors due to inadequate provision. Our market town cannot cope with more development without service provision being the priority.
- The development so far has already had a significant detrimental effect on the lives of local residents due to associated noise, mess, increased traffic and traffic violations such as speeding on Welbeck Road, the loss of green space, and the additional burden on services and amenities. To increase this still further without honouring the commitment to at least provide some small compensation in the form of a town park and the provision of affordable housing would be to completely disregard the needs and wellbeing of local residents, and to instead prioritise profit for the developers.
- This development cannot be seen as an improvement for the town if it fails to provide housing that local people can afford and facilities that might enhance quality of life for existing residents, to counteract the inevitable negative effects that such a wide scale expansion entails.
- If the developers want to put profit over services needed to sustain their development then they should NOT have promised to achieve the requirement at the time the planning application was approved.
- Bolsover is already set to suffer both environmental impact and infrastructure deficits as a result of so many houses being built in a short timeframe.
- Bolsover needs facilities for the elderly since recent closures, and also school places are short, so the growth of the town needs to secure the additional school site as originally promised.
- Wildlife loss due to the impact of losing so much green space and trees has always been my biggest objection to this site and any reduction of promised green spaces or hedgerow and tree removal is not acceptable.
- I understand this is a regular tactic by building companies to try and reduce their commitments when the site construction is well underway, and that regulations can prevent councils from ensuring the promises are upheld. I will be writing to our own MP to discuss her raising such repeated manipulation of regulations in parliament.
- An independent CPV report confirms the development can support S106 contributions of over £7m far higher than the £1m offered. The proposed amount is significantly below what is reasonable for a development of this size.
- On what basis are the Developers using to justify the lower figure? If it is based on a downturn in the housing market, then this is of their own making. The large number of new homes is straining local services in Bolsover, for instance a lack of school places will have a negative impact on families wishing to move to the area. A reduction in the contribution will make matters worse.
- The Developers should contribute fully to mitigate the problems caused to the town's

infrastructure. Having made profits from their initial phases of development they should not be allowed to renege on their obligations to the town. Planning approval was granted on the basis of substantial community contributions, so the council should not agree to this reduction.

- When planning approval was first granted, it was based on a set of clear commitments and obligations designed to ensure fairness, community benefit, and balance between profit and public interest. These commitments were integral to securing public support and regulatory approval.
- The developers have already achieved substantial profit margins from the development, and any attempt to dilute previously agreed obligations appears to be an opportunistic effort to increase profits further at the expense of the community and the integrity of the planning process. Such actions undermine public trust in both the developer and the planning system. The original commitments – whether financial contributions, community infrastructure, environmental measures, or affordable housing provisions – must therefore be upheld in full.
- There is no proof of Developer costs to back up their calculation.
- This development and similar is putting a strain on all community services in Bolsover and it is right that the Developers should pay for the disruption caused.
- Many of the houses are already sold and residents moving from outside Bolsover are struggling to access local services.
- School provision is key as many new residents have young families. Local School buildings are inadequate to cater for potentially 2,000 extra children from this Development. In addition, other recent developments in the area all require school places. Welbeck Road Infants and New Bolsover schools are housed in Victorian buildings which needed replacing a generation ago. Horsehead Lane Primary is struggling to offer places. If school provision is a problem potential new residents will be reluctant to buy the houses and they will not sell. In its current parlous financial state Derbyshire County Council is unable to improve our school provision without substantial funding from large housing Developers.
- In its current parlous financial state Derbyshire County Council is unable to improve our school provision without substantial funding from large housing Developers. Local Health Centres are finding it increasingly difficult to register new patients and we have one Dental Practice.
- The infrastructure of the town requires major improvement, especially roads and access to what is a very small-town centre. The Strata and Persimmon developments all converge on the town centre at the same point. It is essential these Developers help minimise the issues their housing developments create for Bolsover.
- The changes are misleading, making the planning process look like a “laughing stock.”
- It cannot be considered to be the same scheme that was passed several years ago.
- It is not the role of the Planning Committee and/or the Council to make the proposed development financially viable. Under S106 of the Town & Country Planning Act 1990, local planning authorities can make legally binding agreements with developers when granting planning permission. These legally binding agreements are meant to mitigate the impact of new developments, ensuring developers contribute to community needs, such as affordable housing, infrastructure, public open spaces and local amenities. It would seem that the developers are now attempting to not honour that agreement purely to increase their profit margins at the expense of the residents of Bolsover.
- There is no lawful, logical or evidence-based justification for reducing the agreed S106

obligations.

- If the scheme cannot afford S106 contributions, a £1,000,000 contribution is impossible. If a £1,000,000 contribution is possible, their FVA is incorrect. A public, unsupported offer is not viability evidence and carries no weight under the NPPF or PPG. It cannot lawfully justify reducing binding S106 obligations.
- The independent review of the developers' FVA concludes that the S106 contributions are viable. Accepting the reduced S106 would be legally unsafe.
- Given the contradiction in the developers' evidence and the findings of the independent viability review the Council should:
 1. Reject the unsupported £1,000,000 offer- It has no evidential basis and carries no planning weight.
 2. Require Persimmon Homes, Strata Homes and Stancliffe Homes to pay the agreed S106 contributions.
 3. Require a new FVA if the developers wish to dispute the Independent Review's findings.

Until then the original contributions must stand.

- Approval would compromise sustainable development, placemaking, and legal integrity.

Comments received that are unrelated to this application, but relevant to the assessment of approval of reserved matters application 25/00069/REM which is pending consideration can be summarised as follows:

- The 2nd phase of the Persimmon development will only have one road, which is Crown Crescent where we live to feed all the houses on the 2nd phase as well as a lot of properties that have already been built in the 1st phase. The amount of traffic which will be coming and going down this one access road at peak times will be horrendous. The rest of the proposals for the park are a great idea but has any consideration gone into the wildlife that will be uprooted as there are Common Buzzards and loads of other birds that nest around the area which is being developed.
- The Current Infant School location will be unsafe with the new major road network that is planned.
- Reference is made to excessive water on site and this being a consequence of land drainage measures having been weakly executed on site. It is considered that this should be inspected, corrected / repaired before any future work is signed off.

These have been included in the report for this related application.

One representation in support of the application has been received, with no comments provided.

Full details of the representations received can be viewed on the Council's Public Access Platform under the documents associated with the planning case file.

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
- SC3: High Quality Development
- SS4: Strategic Site Allocation – Bolsover North
- LC2: Affordable Housing through Market Housing
- LC3: Type and Mix of Housing
- SC4: Comprehensive Development
- II1: Plan Delivery of the Role of Developer Contributions

National Planning Policy Framework (“the Framework”)

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

- Chapter 2 (paras. 7 – 14): Achieving sustainable development
- Paragraphs 61 – 84: Delivering a sufficient supply of homes
- Paragraphs 48 – 51: Determining applications
- Paragraphs 56 – 59: Planning conditions and obligations
- Paragraphs 124 – 130: Making effective use of land
- Paragraphs 131 – 141: Achieving well-designed places

ASSESSMENT

1.1 The applicants seek approval from the Local Planning Authority to modify the legal agreement dated 22nd September 2021 to facilitate a 0.2ha area reduction in the size of the extra care facility and / or affordable housing land and a 0.6ha area reduction in the size of the Town Park to correspond with the development applied for under planning application code ref. 25/00069/REM, which is pending consideration. The applicants have also presented viability information to demonstrate that the future development would not be a viable proposition, with the secured level of developer contributions. A revised offer of circa £1,118,997 (including the travel plan and Elmtown Lane road improvements) has been offered up in lieu of the following contributions:

- New School Contribution - £3,528,988
- Road Network Contribution (per plot) - £335,046
- Public Realm Sum - £90,711
- Town Park Commuted Sum - £738,430
- Primary Education Contribution - £931,390
- Secondary Education Contribution - £962,397
- Town Park – Delivery and maintenance - £647,690

in addition to the provision and transfer of 1ha of land for a new infant and nursery school and the town park and extra care facility land.

- 1.2 The mechanism to modify the original agreement is prescribed in the Town and Country Planning Act 1990, which states that a planning obligation may not be modified or discharged except either by agreement between the “appropriate authority” (the LPA in the case) and the person(s) against whom the obligation is enforceable or in accordance with s106A. An application can only be made under s106A after the relevant period of 5 years. This means 5 years beginning with the date that the obligation is entered into. As the original agreement was completed on the 22nd September 2021, it can only be modified through mutual agreement at this time. In such a scenario, there is no right of appeal in respect of any decision that is taken.
- 1.3 The Local Planning Authority could choose not to accept/consider the request, however, there is an expectation that, as a responsible authority, it will consider proposals the effect land use and development in the public interest, particularly where this is linked to its plan making responsibilities and ensuring the delivery of sustainable development within its planning area to meet identified needs.
- 1.4 The site is identified in the Local Plan for Bolsover District as a strategic site allocation – Bolsover North, under Policy SS4. As a strategic site it has a key role in relation to achieving the spatial strategy set out Strategic Policy SS3, which identifies Bolsover as being one of the most sustainable locations with the district. The site also makes a significant contribution towards meeting the local housing need for the district.
- 1.5 The request needs to be considered in the context of meeting the Council’s ambitions for growth and change. It is also considered appropriate to consider the legislative framework for determining s106A applications to establish whether the proposed modifications would be acceptable in planning terms, notwithstanding that these provisions do not apply to the current request. In assessing an application to modify an agreement under S106A an authority may determine:-
 - (a) that the planning obligation shall continue to have effect without modification;
 - (b) if the obligation no longer serves a useful purpose, that it shall be discharged; or
 - (c) if the obligation continues to serve a useful purpose but would serve that purpose equally well if it had effect subject to the modifications specified in the application, that it shall have effect subject to those modifications.
- 1.6 Having regard to the scope of consideration, relevant provisions of the development plan and consultation comments and representations received, the main issues to consider in reaching any decision on whether to approve the modifications include:
 - a) The reasons / case for modification
 - b) The impact of the changes to the obligations on the acceptability of the approved development to which they relate, and;
 - c) Whether the obligations serve a useful purpose and if so, whether the changes would serve that purpose equally well

The reasons / case for modification

- 1.7 There are two drivers behind the proposed modifications to the section s106 agreement dated 22nd September 2021. The first is the requirement to make physical changes to the development on the ground to optimise the amount of development whilst responding positively to the character of area and the site constraints, including the need for larger surface water attenuation features than originally envisaged due to underlying ground conditions. The desire to deliver high quality development, incorporating a good standard of landscaping including street trees and a dedicated cycle lane has also reduced the developable area further and has contributed to a reduction in the amount of development.
- 1.8 The second driver is the viability of future development. The Local Plan for Bolsover District 2020 recognises that viability can be an issue on housing development sites. Key issues for Bolsover District” include paragraph 2.41 g) “Ensuring the delivery of new housing in an area of marginal viability where delivery has been challenging.” The key housing issues identified in the Local Plan includes paragraph 5.2 f) “A remaining viability challenge for residential schemes to deliver both infrastructure and policy requirements.” Local Plan Policies LC2, LC3 and II1 all make provision for considering viability issues.
- 1.9 The applicant in making the request to modify the obligations presented a review of the viability of phase 2. The viability review was 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 on Viability. The appraisal examines 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 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.
- 1.10 The consortium assessed a single scenario with 100% market value housing and Section 106 contributions totalling £7,648,845. This resulted in a residual land value of (minus) -£17,532,284. This was below their separately assessed benchmark land value of £6,700,000 and therefore failed to meet the viability threshold. The deficit of £24,323,284 was such that the development was not considered to be able to contribute towards any of the secured planning obligations.
- 1.11 Notwithstanding the above position the consortium in a letter accompanying the application, stated that the consortium was committed to the delivery of the following infrastructure/S106 requirements:
- Serviced Land for the onsite Primary School;
 - Elmton Lane Improvements;
 - 3.6ha Town Park and initial 12 month maintenance;
 - Delivery of the Travel Plan;
 - Incidental Open Space areas;
 - New link road and associated demolition of existing properties at Longlands and construction of new properties to facilitate rehoming of the Longlands residents.

- Serviced Land for the onsite Extra Care Facility / Affordable Housing Land.

- 1.12 The cost of delivering these wider benefits as part of the residential development was calculated to be approximately £4,819,517. It should be noted that some of these benefits are required to facilitate the development (policy on contributions) and sit outside of the defined financial contributions within the s106 dated 22nd September 2021). Only the travel plan and Elmtan Lane improvements are included in the s106 pot of contributions secured.
- 1.13 The consortium acknowledges in the accompanying application letter that such contributions would be unlikely to be supported by planning committee members. As such, they offered an additional £1,000,000 as a financial contribution in addition to the items above to be delivered on-site. This resulted in an equivalent contribution of £1,118,997 against the remaining s106 financial contribution pot of £7,333,679 including indexation.
- 1.14 The applicant's initial viability assessment was independently assessed by an independent viability expert (CP Viability Ltd) (CPV) on behalf of the Council. Several issues were raised in respect of the information provided and assumptions made by the consortium in the assessment. Discrepancies were raised in respect of the gross development values used for the Persimmon dwellings and the joint venture and individual housebuilder external and abnormal costs, professional fees percentage, marketing costs, finance and developer profit assumptions were not agreed.
- 1.15 Within the representations received, there is reference to the need for the existing affordable housing provisions being upheld. The Council's initial viability assessment makes reference to 10% affordable housing being included within the model. The original obligations, however, include land to be set aside for an extra care facility and / or affordable housing, in lieu of developer provided on-site provision. The agreement does, however, contain provisions to review project viability and deliver additional affordable housing over a threshold in circumstances where a super profit is made.
- 1.16 Having regard to the terms of the original outline permission and associated s106 agreement it was established that full S106 payments of £7,353,709 (£7,408,709 if the land transfer costs referred to in the Savills assessment are included) could be viably made.
- 1.17 The applicant submitted a 'Response to CPV Review' by Savills dated November 2025. The report, specifically looked at the key areas of disagreement, namely Gross Development Value (Persimmon dwellings), plot abnormal costs, contingency, professional fees, profit and finance.
- 1.18 In the interest of reaching an agreed position the applicant agreed to adopt the lower quartile build cost rate but reserved their position on this assumption. To come to a swift conclusion on contingency, the applicant also offered up a mid-point of 3.5% as a compromise position.
- 1.19 With regard to plot abnormalities the applicant did not support the approach taken by CPV, and the appointed QS 'Hainstone' to remove all the plot abnormal costs. They

did not accept that the costs were accounted for in the external works. Further information was presented from Persimmon, Strata and Stancliffe Homes in relation to their plot abnormal costs. These itemised abnormal costs included works outside of typical external works, including cut and fill, abnormal drainage works, retaining walls, underbuild, concrete in foundations, substation, specific plot works, elevational uplifts and sewer excavation totalling £5,684,760.

- 1.20 The Council's viability expert in considering abnormal costs in their initial assessment, had not taken into consideration the assessment of the individual housebuilder abnormal costs, instead focussing on the joint venture abnormal costs summary in dismissing these. Hainstone had reviewed the individual housebuilder abnormals and agreed that some costs were admissible in a separate appraisal. These should have fed into CPVs initial assessment. Paragraph 4.29 of the original CPV appraisal is erroneous in this respect.
- 1.21 In the interests of reaching an agreed position on the remaining areas of disagreement, the applicant offered up 8% for professional fees, 2.85% for marketing and sales fees, 7.25% for finance and 18.5% for profit, noting that higher profits had been accepted for other developments within the district.
- 1.22 With the above assumptions and inclusion of abnormal costs, the applicant maintained that the development remained unviable with the developer contributions offered up.
- 1.23 Accepting the marketing fee adjustment but maintaining its assumptions or making reduced concessions in other areas and adjusting the benchmark land value, the Council's viability expert advised that s106 development contributions of up to £3,500,000 could be viably made with a developer profit of 17.5% on revenue.
- 1.24 Reflecting on the amended viability position, officer's wrote to the applicant's agent to advise, without prejudice to any decision that is ultimately taken on the applications at planning committee that in order to be able to present a case that the obligations in a modified form would continue to serve the original purposes equally well in viability terms and to achieve sustainable development in the round, that the following developer contributions would need to be provided as a minimum:
 - Elmton Lane Contribution - £104,638
 - New School Contribution - £3,528,988
 - Road Network Contribution (per plot) - £335,046
 - Primary Education Contribution - £931,390
- 1.25 The consortium (applicant) agreed to make such contributions, totalling £4,900,062, which would involve a reduction in overall developer profit, with all other financial contributions to be deferred following future viability review in addition to the land to be offered up for the town park, extra care facility / affordable housing and school (with a reduction in land area in the case of the town park and extra care facility / affordable housing land). This is reflected in the amended proposals.
- 1.26 To ensure that this amount is the minimum possible to ensure a viable proposition to a developer, an assessment of overall project viability has been undertaken which

considers any super profit made from the phase 1 development that has been carried out and the 1.98 acres of residual residential land which does not form part of the latest approval of reserved matters application (25/00069/REM) to the south of the new school land.

- 1.27 CPV have produced a final viability appraisal on behalf of the Council, which has reflected on the applicant's rebuttal comments and incorporated within the model the QS accepted abnormal costs for the individual house builders and minimum s106 contributions. They have run models for three scenarios, phase 1, phase 2 and phase 1 and 2 combined (including the residual residential land).
- 1.28 The Phase 1 scenario, with a fixed benchmark land value of £2,290,617 (£75,000 per acre) generates a residual developer profit of 16.87% on revenue. This demonstrates that no super profit has been made in respect of the development already undertaken, which should feed into the assessment of the remaining phases.
- 1.29 The assessment of phase 2, with an allowance for the residual residential land and a benchmark land value of £5,258,288 (£80,000 per acre) generates a residual developer profit of 16.83% on revenue.
- 1.30 Phase 1 and Phase 2 combined with the residual residential land with a fixed benchmark land value of £7,548,905 (£78,414 per acre, which is equivalent to £75,000 per acre generates a residual developer profit of 16.70% on revenue.
- 1.31 It is clear from the outcomes of the independent viability appraisal work undertaken that the remaining development does not meet the accepted viability threshold and falls well below the consortium's suggested profit margin for a development of this nature (20%).
- 1.32 The reasons for the modifications, in their amended form, are justified in this respect. Without the modifications there is a risk that the remaining development would not be deemed a viable proposition by the consortium and will not come forward.

The impact of the changes to the obligations on the acceptability of the approved development to which they relate

- 1.33 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."*
- 1.34 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 |

- 1.35 This priority hierarchy provides a general guide to how financial contributions should be prioritised. However, Policy II1 identifies that need will be assessed on a case by case basis but will be guided by the requirements of specific policies elsewhere in the Council's Local Plan. In relation to viability it sets out 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."*
- 1.36 This aspect also needs to be considered against the evidence by way of consultee responses and the evidence arising from the specific circumstances of the application.
- 1.37 The site is identified in the Local Plan for Bolsover District 2020 as a strategic site allocation – Bolsover North, under Policy SS4. As a strategic site it has a key role in relation to achieving the spatial strategy set out Strategic Policy SS3, which identifies Bolsover as being one of the most sustainable locations with the district. The site makes a significant contribution towards meeting the local housing need for the district.
- 1.38 As a strategic housing allocation with outline permission the site has a number of specific obligations to deliver. These include:
- Deliver an improved highways links through the re-routing of Welbeck Road through the site to connect with Marlpit Lane.
 - Improving the existing local highway network in Bolsover as related to the development.
 - Provide for the expansion of primary phase education provision in Bolsover through the relocation of the existing Bolsover Infant and Nursery School to within the site and providing for its expansion as related to the development.
 - Provide for the expansion of primary phase education provision in Bolsover

- Deliver an Extra Care / social housing scheme within the site.
- Meet green space standards through the creation of a town park within the site.
- Contribute to the planned Bolsover Town cycle network through the provision of cycling facilities within the site.
- Contributing to the development of the planned wider multi-user trails network through the retention and improving of Elmtun Lane as a principal green corridor to the countryside.
- Contributing towards minimising the need to travel by private car through provision of convenient access via sustainable modes of transport to locations of employment and services.

1.39 These requirements were integrated into the original s106 and/or have been incorporated in the design of the development that has come forward on the site.

1.40 The below table compares the proposed developer contribution modifications against the outstanding contributions contained within the original s106:

| | S106 Current summary of outstanding Financial Requirements | Deed of Variation proposed requirements |
|--------------------------------------|---|--|
| Elmtun Lane Contribution | £104,638 | £104,638 |
| Framework Travel Monitoring Plan | £14,359 | |
| New School Contribution | £3,528,988 | £3,528,988 |
| Road Network Contribution (per plot) | £335,046 | £335,046 |
| Public Realm Sum | £90,771 | |
| Town Park Commuted Sum | £738,430 | |
| Primary Education Contribution | £931,390 | £931,390 |
| Secondary Education Contribution | £962,397 | |
| Town Park – Delivery and maintenance | £647,690 | |
| | | |
| | £7,353,709 | £4,900,062 |

1.41 In relation the Infrastructure Study and Delivery Plan, the proposals place an emphasis on meeting the critical elements with the provision of land and contributions towards a new school, primary education contributions and road related aspects. Such contributions will not be affected by the proposed modifications, thereby not prejudicing the delivery of key infrastructure. It should also be noted that developer contributions have been made to education provision and road improvements in respect of the development that has come forward on phase 1.

1.42 Whilst it is accepted that a further reduction in the secondary school place contribution is a negative, it is likely that children moving to the area will already be placed in a secondary school and DfE capital funding, such as the High Needs Provision Capital Allocations is available to meet demand for school places in the nearest catchment school. The Department for Education (DfE) non-statutory guidance 'Securing Developer Contributions For Education' advises that this should be the minimum

amount necessary to maintain development viability, having considered all infrastructure requirements. With the contribution being the subject of future viability review, this advice would be met and the any adverse effects tempered in this regard.

- 1.43 In terms of the delivery of the new town park, there is an allowance within the agreed external costs that the development will provide an equipped play area on the land. The requirement to provide site landscaping to ensure appropriate biodiversity mitigation and a pedestrian route through the park to provide good connectivity through the site will ensure that the main structure of the park is provided. The land will also be transferred to the District Council for £1, which will facilitate its delivery and any future development and enhancement. Given that the number of dwellings proposed has reduced from 950 dwellings to 811 dwellings, the revised area of 3.76ha exceeds the Local Plan green space requirements set out in the Table at Local Plan paragraph 8.32, Policy ITCR5: Green Space and Play Provision. With the other green space of 2.84 ha a total of 6.6ha of green space will be provided, which meets the policy requirement.
- 1.44 The provision of 0.8 ha of land for an extra care facility would continue to meet the requirements for a 70 units care facility.
- 1.45 The development proposed as part of application code ref. 25/00069/REM includes uplift to building design (included in abnormal costs) to deliver successful place and high-quality design, which negates the requirement for the public realm enhancement / design uplift contribution.
- 1.46 With the proposed modifications to the s106 it would remain the case that the development approved under application code ref. 14/00080/OUTEA would continue to deliver sustainable development that is important to meeting the housing needs and growth ambitions of the district and satisfy the relevant provisions of the development plan and national planning policy.

Whether the obligations serve a useful purpose and if so, whether the changes would serve that purpose equally well

- 1.47 Planning obligations are entered into provide infrastructure to support the development of an area. Regulation 122 of The Community Infrastructure Levy Regulations 2010 requires that a s106 obligation must meet 3 legal tests:
- (i) necessary to make the development acceptable in planning terms
 - (ii) directly related to the development
 - (iii) fairly and reasonably related in scale and kind to the development.
- 1.48 The purpose which the obligations fulfil is to ensure that the development delivers policy compliant infrastructure, including highway improvements, land for a town park, new infant and nursery school, extra care facility and / or affordable housing, public realm enhancements and contributions towards education provision.
- 1.49 This purpose is clearly a useful one. At the time planning permission was granted, the initial obligations entered into were necessary to ensure that the development complied

with the development plan and mitigating any impacts it had, benefiting local communities and supporting the provision of local infrastructure. Clear policy requirements and evidence supported these at the time and continue to do so.

- 1.50 The proposed modifications to the obligations would facilitate the delivery of housing to meet the district's housing needs, whilst delivering all of the critical infrastructure required to meet development plan policy and the Councils Infrastructure Study and Delivery Plan (2025). The deferral of other necessary infrastructure would not unacceptably impact on the town, to the extent that the development could be construed as not delivering sustainable development or complying with the relevant provisions of the development plan or national planning policy. The negative impacts of not providing the deferred contributions at this time are tempered by other funding streams that exist to meet secondary school places where there is high demand / need. In this regard officers are satisfied that the proposed changes to the obligations would serve the purposes of the original agreement equally well.

Conclusion

- 1.51 The Bolsover North site is one of the most sustainable locations in the district. It is a strategic land allocation in the District Council's Local Plan and the Local Planning Authority is keen to see the site come forward and contribute towards the delivery of sustainable development to meet identified housing needs and the infrastructure necessary to achieve this.
- 1.52 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 new homes.
- 1.53 Clear reasons for modifying the obligations contained within the original agreement dated 22nd September 2022 namely, to facilitate high quality development that makes full and effective use of the site and ensures project viability have been established.
- 1.54 Project viability is a significant material consideration in respect of decision making. Following independent review of the consortium's viability position and assessment of the abnormal costs presented by a QS, it has been established that the remaining development would not be viable with a 17.5% profit on revenue (which is considered to be a reasonable level of profit). Where development fails to meet viability thresholds there is a risk that it will not come forward / is seen as too great a risk by a developer(s).
- 1.55 It has, however, been established that the remaining development is able to provide developer contributions in excess of the travel plan and Elmton Lane road improvements contributions and £1m towards the other planning obligations, amounting to circa £1,118,997 originally offered up by the consortium (excluding the land for a town park, primary school and an extra care facility / affordable housing).
- 1.56 Following negotiations with officers and recognising that the contributions set out in the table provided at paragraph 1.40 are critical to the sustainability of the development, the

consortium have agreed to make contributions totalling £4,900,62 in addition to providing the land for a town park (3.6ha), an extra care facility / affordable housing (0.8ha) and primary school. This results in the consortium taking a hit on developer profit in order to be able to deliver sustainable growth in Bolsover.

- 1.57 The s106 dated 22nd September 2021 can only be modified with the mutual agreement of the Local Planning Authority (as the appropriate authority in this case), as the relevant period of 5 years set out in S106A of the Town and Country Planning Act (1990) has not yet passed since the original agreement was completed. Whilst the District Council could choose not to agree to modify the original s106, it is clear through viability testing that the proposed development is not a viable proposition with the current development contributions. The proposed modifications, in their amended form, would facilitate the delivery of housing to meet the district's housing needs, whilst delivering all of the critical infrastructure required. The deferral of the other infrastructure identified would not unacceptability impact on the town, to the extent that the development could be construed as not delivering sustainable development and there are mitigating circumstances that temper any adverse effects. The modifications to the developer contributions proposed would, in this respect, continue to serve the purposes of the original obligations equally well in planning terms and ensure that high quality, planned development comes forward that satisfies the aims and objectives of the development plan and national planning policy and guidance. It is recommended that the Local Planning Authority agree to modify the obligations on this basis.

RECOMMENDATION

That the Local Planning Authority agree to modify the s106 agreement dated 22nd September 2021 to secure £4,900,062 toward the following critical infrastructure:

- Elmtun Lane Contribution - £104,638
- New School Contribution - £3,528,988
- Road Network Contribution (per plot) - £335,046
- Primary Education Contribution - £931,390

with all other financial contributions to be deferred following viability review at appropriate stages in the build out and to reduce the town park land area to 3.6ha and the extra care facility land to 0.8ha, with provisions remaining for all other matters, including the provision and transfer of the primary school land.

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 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. The proposals would secure the critical developer

contributions necessary to deliver sustainable development in the short term. Other infrastructure will be provided through other funding streams or through deferred contribution payments, where viability allows.

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 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.

RESOLUTION TO BE MADE ON APPLICATION CODE REF. 25/00433/OTHER BEFORE THE CONSIDERATION OF THIS ITEM

PARISH Old Bolsover Parish

APPLICATION Application for approval of reserved matters for residential development (547 dwellings), public open space (including a town park), landscaping, spine road (including required demolition of Nos. 34-40 Longlands & No. 42 Welbeck Road) and associated infrastructure (An Environment Impact Assessment was submitted alongside the original outline planning application). The application also proposes the discharge of conditions 21 and 22 of planning permission 14/00080/OUTEA in relation to the phases/development included within this reserved matters application.

LOCATION Land Between Welbeck Road and Oxcroft Lane Bolsover

APPLICANT Strata Homes, Persimmon Homes, and Stancliffe Homes

APPLICATION NO. 25/00069/REM **FILE NO.** PP-13757417

CASE OFFICER Mr Peter Sawdon

DATE RECEIVED 11th February 2025

BACKGROUND AND SUMMARY

This item has been referred to planning committee due to the strategic importance of the Bolsover North Development site and due to issues surrounding site viability being considered under a separate application (application reference 25/00433/OTHER) that is seeking to amend the requirements of the original S106 Planning Obligation associated with the original outline planning permission, that if approved would amend the land for key elements of the design, that this application is directly affected by.

The application is recommended for the approval of the submitted reserved matters, subject to conditions.

The re-consideration of the S106 planning obligation seeks to reduce financial contributions, but also the size of the proposed town park and extra care and/or affordable housing land to that which was defined in the original grant of outline planning permission and the layout subject of this application incorporates those reduced land areas.

The associated application for a variation to the S106 planning obligation is subject of a separate report to planning committee and is supported by an associated viability assessment; this concludes that the site is unviable with the original S106 planning obligation requirements retained and recommends acceptance of a variation to the S106.

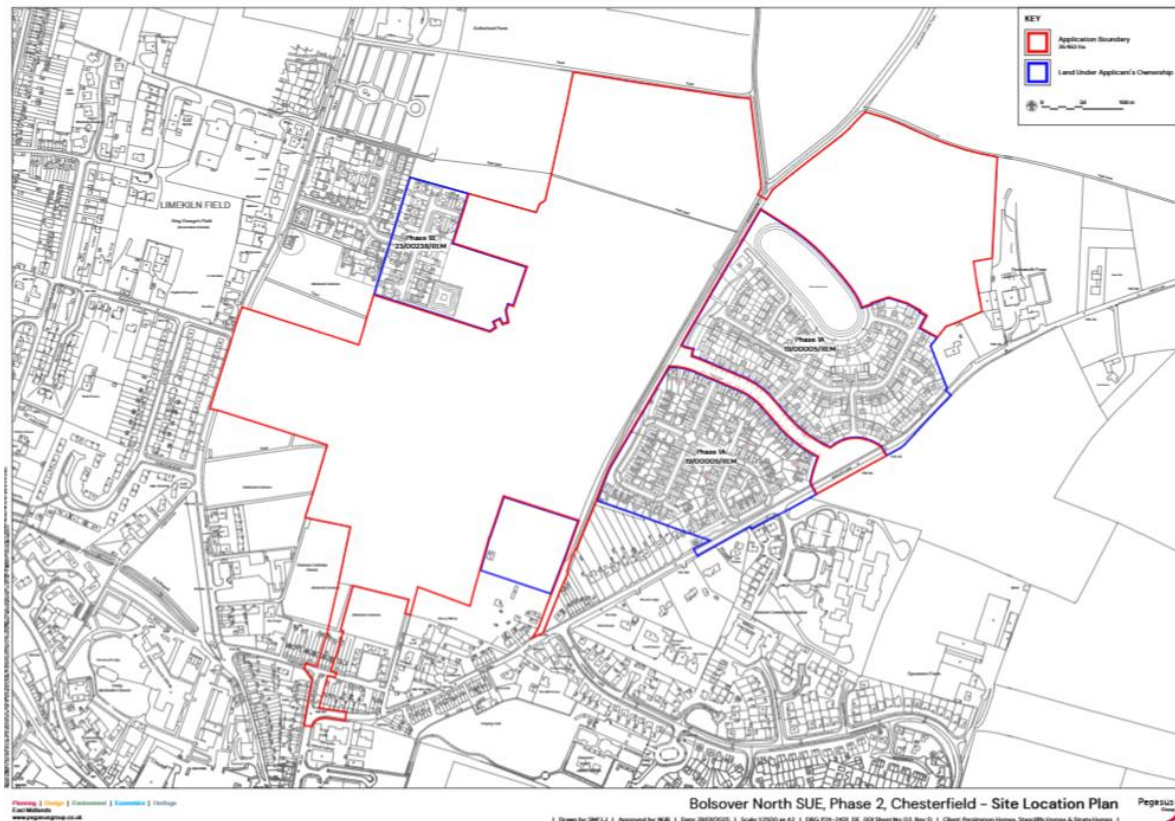
This report has therefore been prepared on a without prejudice basis, assuming the acceptance of the recommendation to support the S106 variation.

Outline planning permission for residential and associated development of this land was granted in October 2017 (ref. 14/00080/OUTEA), with two previous reserved matters planning permissions consented in April 2021 (ref. 19/00005/REM – Phase 1 for 238 dwellings), and December 2023 (ref. 23/00238/REM – Phase 1a for 21 dwellings).

At the end of September 2025 delivery of dwellings from these consents was as follows: -

| Application ref. | Completed | Under construction | Not commenced |
|------------------|-----------|--------------------|---------------|
| 19/00005/REM | 204 | 34 | 0 |
| 23/00238/REM | 16 | 5 | 0 |
| Totals | 220 | 39 | 0 |

Site Location Plan



OFFICER REPORT ON APPLICATION NO. 25/00069/REM

SITE & SURROUNDINGS

The application site is an irregular shape of land, extending to an area of approximately 26.45 hectares. The site was primarily used as fields for agricultural use with areas of unused rough pastureland. In the southern area, the site is predominantly small rectilinear fields and allotments bounded by maintained field hedgerows of varying quality. To the north, the site is increasingly open, incorporating larger gently undulating arable fields enclosed by hedges.

There are several Public Rights of Way across the site; most notable is Elmtun Lane, a rural lane bounded by field hedges running north-south, connecting to Welbeck Road in the south and to open countryside in the north.

There are existing residential areas generally to the south, east and west of the site, with some areas of retained allotments alongside the western flank of the site fronting Oxcroft

Lane. Earlier approved phases of the Bolsover North strategic site are currently under construction along parts of the east and west side of the current reserved matters site. Open fields bound the site to the north and northwest.

There are several trees within small fields in the southern-most area, and some located within hedgerows dividing the field areas.

The site is gently sloping with undulating areas containing valleys and ridges. The land to the north and the east generally falls to the north whilst land to the south-west falls to a valley within the site.

The site is within the settlement envelope and forms part of the Bolsover North Strategic Site Allocation contained in the adopted Local Plan for Bolsover District (Policy SS4).

PROPOSAL

This application is seeking:

- Reserved matters approval for Phase 2 (all remaining areas intended for housing development) of the Bolsover North strategic housing site in respect of details of appearance, landscaping, layout and scale in relation to the development of 547 homes (total of 806 dwellings with the existing reserved matters approvals under construction), open space and associated infrastructure. Details show the delivery of the main means of access into the site that were established by the outline planning permission); and
- Approval for the discharge of the following conditions of the outline permission ref. 14/00080/OUTEA [in respect of the areas of the site included in the parts of Phase 2 that are the subject of this reserved matters application]: -
 - Condition 5 – Design & Access Statement
 - Condition 6 – Updated Phasing Plan
 - Condition 8 – Travel Plan
 - Condition 10 – Bin Store Details
 - Condition 11 – Disposal of Highway Surface Water
 - Condition 14 – Written Scheme of Investigation for Archaeology
 - Condition 15 – Landscape & Landscape Management Plan
 - Condition 16 – Hedgerow Plan
 - Condition 19 – Noise Impact Assessment
 - Condition 21 & 22 – Submitted Drainage Plans

The reserved matters application site excludes land intended for the Extra Care Facility and Primary School land that were also subject to the outline planning permission; these developments would have to be subject to later reserved matters planning applications prior to their construction. It is stated that the development will however facilitate the delivery of the necessary access points and services to enable their delivery.

Aligned with the above, the submitted layout drawings show a proposed reduction in the proposed areas for the extra care facility and town park from those of the original outline planning permission as follows: -

| | Original requirement | Proposed amendment |
|-----------------|----------------------|--------------------|
| Town Park | Approximately 4.2 ha | 3.6 ha |
| Extra Care Land | Approximately 1 ha | 0.8 ha |

The reduction in these areas is sought to address issues of site viability that themselves have been impacted by a reduction in the areas of developable land on the site generally; primarily these have resulted from changes to the requirements for the provision of increased areas for Sustainable Drainage Systems (SuDS) that have derived from more detailed testing of ground conditions, which are not as permeable as envisaged at the time of initial testing. Additional demands on available space to develop for houses has also arisen from an increased emphasis in national guidance in respect of the provision of street trees that results in wider roads, and the provision of a dedicated cycle path along large parts of the spine road to address greater emphasis on sustainable transport, that were not included as part of the initial masterplan documents, that were based on normal requirements at that time. The overall number of deliverable dwellings has therefore been reduced to around 85% of the initially envisaged 950 dwellings.

This application, along with the parallel application seeking amendments to the S106 planning obligation, therefore seek to make reductions in the areas for the Town Park, ancillary open space and extra care requirements to seek to strike a balance between the competing objectives of the infrastructure needs of the development, whilst seeking to ensure a deliverable development, having regard to site viability in that the scheme is not considered to be viable with all the original requirements in place. Notwithstanding the outcome of any viability considerations, it is stated that the reduction in the areas to that suggested is reflective of the equivalent reduction in the quantum of deliverable housing, and fairly and reasonably relates to this.

Of note is that the proposal retains the requisite 1ha of land for the future school provision and reflects discussions with the Education Authority that have identified that 1ha is the minimum amount of land needed to deliver a new school, and that such provision would not be possible with any reduction.

In accordance with the S106 agreement obligations attached to the original outline planning approval, the land identified on the approved masterplan for the extra care facility and primary school would be transferred to the District and County Councils to facilitate the final delivery of these features.

The initial development of the town park would be undertaken by the developers and, following an initial 12-month maintenance period, is proposed to be put forwards for adoption by Bolsover District Council.

Proposed Layout Plan



The development is proposed to be delivered by three developers as follows: -

- Strata Homes - 230 Residential Dwellings – Town's Edge & the West Village (southern area)
- Persimmon Homes – 212 Residential Dwellings – the East Village & the West Village (central and northeastern areas)
- Stancliffe Homes – 105 Residential Dwellings - the West Village (central & northwestern area)

The density would be 20 dwellings per hectare (dph) gross, 30dph net. The application states that this allows for the formation of different densities across the development including a higher density in the south of the scheme, adjacent to existing residential areas and lower density areas towards the northern Countryside Edge, delivering a range of household types from larger detached properties with larger plots through to smaller terraced forms creating variety in the proposed streetscape. 55% of the dwellings would be 2 and 3 bedrooms, with the remaining 45% being 4 and 5 bedrooms in size.

The height and massing of the proposed development varies across the site according to the nature of the public realm to be created. Most of the dwellings will be 2-storeys, reflecting the surrounding built form. Some bungalows and 2.5 and 3 storey dwellings are also proposed.

Taller dwellings would be consistently used around the perimeter of the Town Park to respond

to the scale of the proposed public space and consistent with the principles identified within the masterplan approved by the outline planning permission.

At the Countryside Edge the dwellings are limited to 2-storeys in height to aid the transition from rural to the urban area.

The application also includes details for the required town park that would be located centrally within the application site in accordance with the approved masterplan. Given issues over viability, the amount of works associated with the park will need to be reduced from that shown on the submitted drawings, to ensure the overall delivery of the housing development, and so a reduced option will need to be agreed to account for this. This will include an equipped play area, landscaping to meet biodiversity mitigation and connectivity requirements as a minimum. An existing mature hedgerow on the site boundaries would be maintained and reinforced where necessary. A small car parking area is also proposed to its northeastern corner.



The proposed green Infrastructure within the scheme will also deliver green corridors, with a particular focus being the enhancement of Elmtown Lane which runs north-south through the site. Further green corridors are proposed which transect the site east-west and follow existing established landscape features, including hedgerows.

The proposed areas of greenspace have also been designed around the retention and

enhancement of other areas of the site's existing biodiversity features. These areas will be delivered and managed in accordance with the requirements of the outline planning approval.

Wetland features are also proposed to be located within the proposed areas of greenspace to maximise the delivery of biodiversity across the site as part of the development's sustainable drainage infrastructure.

The proposal includes for the extension of the existing main spine road that is currently accessed from Welbeck Road to the east, to link that road to Longlands to the south of the site, as required by the outline planning permission; this includes the demolition of 5 dwellings (4 on Longlands and 1 on Welbeck Road).

Most of the new housing would be accessed either directly from the spine road, or new highways that would be accessed via that road, except for a small part of the site to the west that would be accessed from Oxcroft Lane to the west. Traffic control features are proposed to preclude through access for vehicles for most of the development to Oxcroft Lane to the west, in accords with the requirements of the original outline planning permission; access for pedestrians and cyclists would be available. Additional links to facilitate pedestrian and cycle access to the existing footpath and bridleway network for future residents of the development are also proposed.

The existing segregated footway that has been provided along the first section of the spine road within the first phase of development would be extended through the site, in part running through the town park, linking to Longlands to the south.

It is stated that all plots will be provided with electrical vehicle charging points, either integrated within garages, mounted on side elevations, or charging pedestals, along with cycle storage to be accommodated within rear gardens and/or garages where provided.

Supporting Documents

Documents submitted with initial application: -

Site Wide Documents

- DESIGN AND ACCESS STATEMENT (replaced by amended document submitted 03/03/2025) [Parts 1 – 4]
- PLANNING STATEMENT
- P24-1323-EN-001B - TOWN PARK LANDSCAPE MASTERPLAN
- P24-1323-EN-002A - TOWN PARK DETAILED HARD & SOFT LANDSCAPE PROPOSALS
- P24-1323-EN-003A - WIDER SITE LANDSCAPE MASTERPLAN
- P24-1323-EN-004A - HEDGEROW PLAN
- P24-2401-DE-001-D-03 - LOCATION PLAN
- P24-2401-DE-003-G - MASTERPLAN
- BOL2-WR278-BTP-001 REV A - WELBECK ROAD S278 - BOUNDARY TREATMENT PLAN
- 48920-ECE-XX-XX-DR-D-0001 REV P06 - S278 WELBECK ROAD GENERAL ARRANGEMENT & SIGNING & LINING
- 48920-ECE-XX-XX-DR-D-0011 REV P02 - S278 OXCROFT LANE GENERAL

ARRANGEMENT & SIGNING & LINING

- 48920-ECE-XX-XX-DR-D-0021 REV P02 - S278 DEED OF VARIATION - MARLPIT LANE GENERAL ARRANGEMENT
- BOL2-ELCD-001 - ELMTON LAN CROSSING/KERBING DETAIL
- P24-2401-DE-009-01 - INDICATIVE STREET SCENES (1 OF 3)
- P24-2401-DE-009-02 - INDICATIVE STREET SCENES (2 OF 3)
- P24-2401-DE-009-03 - INDICATIVE STREET SCENES (3 OF 3)
- VIEW 1 - TOWN'S EDGE
- VIEW 2 - WEST VILLAGE (COUNTRYSIDE EDGE)
- VIEW 3 - EAST VILLAGE
- STREET SCENES – ARTISTIC IMPRESSIONS
- STREET SCENES – ARTISTIC IMPRESSIONS
- P24-2401-DE-028-C - COMPOSITE MATERIALS PLAN
- P24-2401-DE-029-B - COMPOSITE BOUNDARY TREATMENTS PLAN
- P24-2401-DE-030 SHEET NO.1 REV B - PHASING PLAN
- P24-2401-DE-031 SHEET NO.1 REV B - CONNECTIVITY PLAN
- P24-2401-DE-032-B – MANGEMENT PLAN
- P24-2401-DE-033-C - HIGHWAYS ADOPTION PLAN
- P24-2401-DE-034-A - TOPOGRAPHICAL SURVEY
- P24-2401-DE-035-B - KEY DIMENSIONS
- P2162 - HIGHWAY DESIGN OVERVIEW CHECKLIST
- P2612 - D -1001 - ROAD HIERARCHY PLAN
- P2612 - D -1002 - ROAD HIERARCHY PLAN
- P2612 - V -1001 REV A - VISIBILITY SPLAYS & FORWARD VISIBILITY IN LINE WITH 20MPH SPEED LIMIT
- P2612 - V -1002 REV A - VISIBILITY SPLAYS & FORWARD VISIBILITY IN LINE WITH 20MPH SPEED LIMIT
- P2612 - T -1001 REV A - SWEPT PATH ANALYSIS 11.6M REFUSE VEHICLE
- P2162 - 20241206 - BOLSOVER NORTH, PHASE 2 - TRAVEL PLAN
- P7884-R1-V1 - NOISE IMPACT ASSESSMENT REPORT
- STATEMENT OF COMMUNITY INVOLVEMENT
- WRITTEN SCHEME OF INVESTIGATION FOR ARCHAEOLOGY TRIAL TRENCHING

Persimmon Documents

- PERSIMMON - HOUSE TYPE PACK
- P24-2401-DE-025-01-J - PERSIMMON - PLANNING LAYOUT
- P24-2401-DE-026-D - PERSIMMON - MATERIALS PLAN
- P24-201-DE-027-C - PERSIMMON - BOUNDARY TREATMENTS PLAN
- PERSIMMON - GARDEN SIZE SCHEDULE
- PERSIMMON - BIN DETAILS
- BNS-DCE-XX-XX-DR-C-5000-P01 - PERSIMMON - DRAINAGE STRATEGY SHEET 1 OF 3
- BNS-DCE-XX-XX-DR-C-5001-P01 - PERSIMMON - DRAINAGE STRATEGY SHEET 2 OF 3
- BNS-DCE-XX-XX-DR-C-5002-P01 - PERSIMMON - DRAINAGE STRATEGY SHEET 3 OF 3

- BNS-DCE-XX-XX-RP-C-0001 - PERSIMMON - DRAINAGE MAINTENANCE MANAGEMENT PLAN

Stancliffe Documents

- STANCLIFFE - HOUSE TYPE PACK
- P24-2401-DE-015-01-L - STANCLIFFE - PLANNING LAYOUT
- P24-2401-DE-016-E - STANCLIFFE - MATERIALS PLAN
- P24-2401-DE-017-D - STANCLIFFE - BOUNDARY TREATMENTS PLAN
- SH-BOLN-0001 - STANCLIFFE - STANCLIFFE - GARDEN AREAS PLAN
- SH-BOLN-0002 - STANCLIFFE - STANCLIFFE - SALES AREA PLAN
- SH-BOLN-0003 - STANCLIFFE - SURFACE WATER DRAINAGE LAYOUT
- SH-BOLN-0004 - STANCLIFFE - SURFACE WATER DRAINAGE LAYOUT
- SH-BOLN-0005 - STANCLIFFE - BIN COLLECTION POINT DETAILS

Strata Documents

- STRATA - HOUSE TYPE PACK
- P24-2401-DE-005-01-J - STRATA - PLANNING LAYOUT
- P24-2401-DE-006-C - STRATA - MATERIALS PLAN
- P24-2401-DE-007-C - STRATA - BOUNDARY TREATMENTS PLAN
- 21-CL5-SEGB-WRB-02 - STRATA - PHASING PLAN
- 49441-ECE-XX-XX-DR-C-0005 REV P01 - STRATA - DRAINAGE LAYOUT - SHEET 1 OF 2
- 49441-ECE-XX-XX-DR-C-0006 REV P01 - STRATA - DRAINAGE LAYOUT - SHEET 2 OF 2
- SD10.EX.113 - STRATA - BIN COLLECTION POINTS
- GTC-E-SS-0012-R2 1 OF 1 - STRATA - CLOSE COUPLED SUBSTATION PYRAMID ROOF DETAIL GENERAL ARRANGEMENT

AMENDMENTS

Please note that any documentation relating to site viability are not listed here and are referred to in the separate report in respect of application considering the proposal to amend the S106 planning obligation associated with the original outline planning permission relating to this site (outline planning permission ref. 14/00080/OUTEA)

03/03/2025 – amended Design and Access Statement submitted.

13/03/2025 – Further Drainage information (submitted in response to comment from Yorkshire Water): -

- 6667_024-03S - S104 AGREEMENT PLAN - COMBINED
- WRB-DCE-XX-XX-DR-C-5001 - DRAINAGE STRATEGY SHEET 1
- WRB-DCE-XX-XX-DR-C-5002 - DRAINAGE STRATEGY SHEET 2
- WRB-DCE-XX-XX-DR-C-5003 - DRAINAGE STRATEGY SHEET 3

21/05/2025 - Technical Response To Environmental Health Officer's Comments Re Noise Report

22/05/2025 – Removal of the discharge of condition 23 from the application, along with the following document: -

- Revised drainage strategy plan ref. BNS-DCE-XX-XX-DR-C-5001 Rev. P02

08/08/2025 – Revisions submitted as follows: -

- P24-1323_EN_001D - TOWN PARK LANDSCAPE MASTERPLAN
- P24-1323_EN_002C - TOWN PARK DETAILED HARD AND SOFT LANDSCAPE PROPOSALS
- P24-1323_EN_003D - WIDER SITE LANDSCAPE MASTERPLAN
- P24-1323_EN_004D - HEDGEROW PLAN
- P24-2401_DE_003_K - COMPOSITE MASTERPLAN (B&W)
- P24-2401_DE_003_K - COMPOSITE MASTERPLAN (COLOUR)
- P24-2401_DE_005_S - PLANNING LAYOUT (STRATA)
- P24-2401_DE_006_D - MATERIALS PLAN (STRATA)
- P24-2401_DE_007_D - BOUNDARY TREATMENTS PLAN (STRATA)
- P24-2401_DE_015_R - PLANNING LAYOUT (STANCLIFFE)
- P24-2401_DE_016_F - MATERIALS PLAN (STANCLIFFE)
- P24-2401_DE_017_E - BOUNDARY TREATMENTS PLAN (STANCLIFFE)
- P24-2401_DE_025_N - PLANNING LAYOUT (PERSIMMON)
- P24-2401_DE_026_E - MATERIALS PLAN (PERSIMMON)
- P24-2401_DE_027_D - BOUNDARY TREATMENTS PLAN (PERSIMMON)
- P24-2401_DE_028_D - COMPOSITE MATERIALS PLAN
- P24-2401_DE_029_C - COMPOSITE BOUNDARY TREATMENTS
- P24-2401_DE_032_C - MANAGEMENT PLAN
- P24-2401_DE_033_D - HIGHWAYS ADOPTION PLAN
- P24-2401_DE_035_D - KEY DIMENSIONS
- P24-2401_DE_041 - HIGHWAYS MATERIALS PLAN
- P24-2401_DE_042 - BUS STOP LOCATION PLAN
- P24-2401_DE_G003_B - DESIGN STATEMENT
- BOSOLVER NORTH - TOWN PARK VIEWS 1+2_LR
- BOLSOVER NORTH - HOUSE TYPE PACK (STANCLIFFE HOMES)

16/09/2025 – Revised Travel Plan

26/09/2025 – Response to issues raised by Lead Local Flood Authority, including

- Drainage Statement dated December 2013
- Drawing no: BNS-DCE-XX-XX-DR-C-5002 – Proposed drainage strategy sheet 3 of 3
- Drawing no: E18/6667/024-03C - SECTION 104 AGREEMENT PLAN - Combined agreement
- Technical data sheet by Causeway dated 10/09/2025
- Surface Water Calculations by Causeway dated April 2025

08/10/2025 –

- Bolsover combined build route and spine road delivery plan
- Combined Build Route delivery schedule Spreadsheet
- P2612 - V - 1001 REV B - Visibility Splays and Forward Visibility In Line With 20mph Speed Limit

- P2612 - V - 1002 REV B - Visibility Splays and Forward Visibility In Line With 20mph Speed Limit
- P2162 - T - 1001 REV D - Swept Path Analysis 11.6m Refuse Vehicle
- P2612 - T – 1002 - Swept Path Analysis 11.6m Refuse Vehicle
- P2612 - T – 1003 - Swept Path Analysis 11.6m Refuse Vehicle
- P2612 - T – 1004 - Swept Path Analysis 11.6m Refuse Vehicle

16/10/2025

- P24-1323_EN_001H - TOWN PARK LANDSCAPE MASTERPLAN
- P24-1323_EN_002G - TOWN PARK DETAILED HARD AND SOFT LANDSCAPE PROPOSALS
- P24-1323_EN_003F - WIDER SITE LANDSCAPE MASTERPLAN
- P24-1323_EN_004F - HEDGEROW PLAN
- P24-1323_EN_005B - LONGLANDS WELLBECK RD LANDSCAPE PROPOSALS
- P24-2401_DE_003_M - COMPOSITE MASTERPLAN (B&W)
- P24-2401_DE_003_M - COMPOSITE MASTERPLAN (COLOUR)
- P24-2401_DE_005_V - PLANNING LAYOUT (STRATA)
- P24-2401_DE_006_E - MATERIALS PLAN (STRATA)
- P24-2401_DE_007_E - BOUNDARY TREATMENTS PLAN (STRATA)
- P24-2401_DE_015_S - PLANNING LAYOUT (STANCLIFFE)
- P24-2401_DE_016_G - MATERIALS PLAN (STANCLIFFE)
- P24-2401_DE_017_F - BOUNDARY TREATMENTS PLAN (STANCLIFFE)
- P24-2401_DE_025_R - PLANNING LAYOUT (PERSIMMON)
- P24-2401_DE_026_F - MATERIALS PLAN (PERSIMMON)
- P24-2401_DE_027_E - BOUNDARY TREATMENTS PLAN (PERSIMMON)
- P24-2401_DE_028_E - COMPOSITE MATERIALS PLAN
- P24-2401_DE_029_D - COMPOSITE BOUNDARY TREATMENTS
- P24-2401_DE_032_D - MANAGEMENT PLAN
- P24-2401_DE_033_E - HIGHWAYS ADOPTION PLAN
- P24-2401_DE_035_E - KEY DIMENSIONS
- P24-2401_DE_041_A - HIGHWAYS MATERIALS PLAN
- P24-2401_DE_042_A - BUS STOP LOCATION PLAN
- HTP-V01 - STRATA UPDATED HOUSE TYPE PACK JULY 2025

30/10/2025

- P24-2401_DE_003_N - Composite Masterplan (B&W)
- P24-2401_DE_003_N - Composite Masterplan (Colour)
- P24-2401_DE_005_W - Planning Layout (Strata)
- P24-2401_DE_006_F - Materials Plan (Strata)
- P24-2401_DE_007_F - Boundary Treatments Plan (Strata)
- P24-2401_DE_027_F - Boundary Treatments Plan (Persimmon)
- P24-2401_DE_028_F - Composite Materials Plan
- P24-2401_DE_029_E - Composite Boundary Treatments
- P24-2401_DE_032_E - Management Plan
- P24-2401_DE_033_F - Highways Adoption Plan
- P24-2401_DE_041_B - Highways Materials Plan

03/11/2025

- P7884-R1-V3 - NOISE IMPACT ASSESSMENT REPORT V.3

03/11/2025

- P7884-R1-V4 - NOISE IMPACT ASSESSMENT REPORT V.4

04/11/2025

- BOL2-ELCD-001 Rev. A - Elmtan Lane Crossing Detail

07/11/2025

- Geo-environmental appraisal

13/11/2025

- WRB-DCE-XX-XX-RP-C-0001 - Sustainable drainage statement
- WRB-DCE-XX-XX-DR-C-6105-P05 - General Arrangement & S104 Adoptable Drainage Layout
- WRB-DCE-XX-XX-DR-C-6107-P06 - General Arrangement & S104 Adoptable Drainage Layout
- Soakaway Testing (1)
- Surface Water Calculations (3)

20/11/2025 – response to Highway Authority request for amendments to Travel Plan and: -

- Revised spine road delivery plan.
- Revised spine road delivery programme.

KEY HISTORY (there are multiple applications for discharges of various conditions relating to the various planning permissions that are excluded from the following list)

| | | |
|----------------|-------------------------|---|
| 14/00080/OUTEA | Granted with conditions | Outline planning application (with all matters except access reserved for later consideration) for residential development in the region of 950 dwellings, provision of an extra care facility (approx. 70 units) and an Infant School together with vehicular access points from Marlpit Lane, Oxcroft Lane and Longlands (with associated demolition of dwellings on Longlands and Welbeck Road), cycle and pedestrian access, associated car parking spaces and open space provision |
| 19/00005/REM | Granted with conditions | Approval of Reserved Matters application for details of appearance, landscaping, layout and scale in relation to the development of 238 homes, open space and associated infrastructure, along with discharge of conditions 6, 8, 11, 15 and 16 of the outline planning permission ref. 14/00080/OUTEA in respect of the areas of the site included in this application. |
| 21/00471/REM | Granted with | Approval for reserved matters for attenuation basin serving residential phase 1a and discharge of Conditions |

| | | |
|----------------|-------------------------|---|
| | conditions | 5, 7, 14b, 18 and 20 of outline approval (14/00080/OUTEA), insofar as these conditions relate to the attenuation basin area that is subject of this application. |
| 21/00492/ADV | Granted with conditions | Proposed advertisements comprising 2 free standing signs, 10 flags & one lightbox (to be attached to side of proposed dwelling) |
| 21/00562/MINAM | Granted with conditions | Application for a non-material amendment following a grant of planning permission to amend condition 24 of planning permission 14/00080/OUTEA to say: No development shall be commenced within any phase (or sub phase as may be agreed with the local planning authority in writing) unless and until a S106 planning obligation has been completed (signed by all relevant parties, including all parties with an interest in the land to be developed in that phase or sub phase) to address the details included as Appendix A to this planning permission. |
| 21/00594/ADV | Granted with conditions | Advertisements for the sale of new homes |
| 21/00745/MINAM | Granted with conditions | Minor amendment to application 19/00005/REM - Changing the following house types: Greyfriar to be replaced by Ashdown, Clayton Corner to be replaced by Barnwood, Hatfield to be replaced by Sherwood (for certain plots), Roseberry to be replaced by Rivington, Leicester to be replaced by Whinfell, Winster to be replaced by Selwood |
| 22/00238/MINAM | Granted with conditions | Minor amendment of application 19/00005/REM, insofar as it relates to the Strata parcel (only), for: relocation of bin collection points to plots 11-13, 60 -63, 64-81; identification of dry stone wall to the front of plots 31 - 34; identification of timber post and rail fence boundary treatments to front of Plot 34; and identification of bus stop and addition of associated dropped pedestrian crossings to Marlpit Lane. |
| 22/00292/MINAM | Granted with conditions | Minor amendment to planning application 19/00005/REM - Substitution of house types |
| 22/00632/ADV | Granted with conditions | Strata Light Box fixed on Plot 34 show home gable. Two 3m x 3m Signage boards. 10 Flag poles. |
| 23/00166/MINAM | Granted with conditions | Minor amendment to Planning Application 19/00005/REM - installation of temporary post & rail fence/amendment to plot 33's garage/minor amendment of footpath on southern boundary/amendment to location of bus stop/addition of rear footpath to plot 1's |

| | | |
|----------------|----------------------------------|---|
| | | garage/addition of rear access door to plot 1's garage |
| 23/00238/REM | Granted with conditions | Reserved matters application for the approval of details relating to access, appearance, landscaping, layout and scale in relation to the development of 21 dwellings (Phase 1B) on land to the east of Oxcroft Lane, Bolsover and discharge of Conditions 5, 7, 8, 10, 11, 14, 15, 18, 21 and 23 of Outline Planning Permission Ref. 14/00080/OUTEA. |
| 23/00487/MINAM | Granted with conditions | Minor amendment of application 19/00005/REM (Addition of PV Solar Panels to plots 87-144) |
| 25/00433/OTHER | Current undetermined application | S106A application to modify obligations contained within a legal agreement relating to planning permission code ref. 14/00080/OUTEA dated 22nd September 2021, which proposes a reduction to financial contributions, along with reductions to the Extra Care Land/Affordable Housing Land and Public Open Space/Town Park areas |

DEVELOPER PUBLICITY AND CONSULTATION

The application includes details of consultation undertaken with local stakeholders, which is detailed in the submitted Statement of Community Involvement, including engagement with local residents and elected members prior to the submission of the application.

Public consultation with local residents was launched on the 28th October 2024 and included a leaflet providing information about the plans and a freepost feedback survey. The leaflet was delivered to approximately 662 of the nearest neighbours to the site. The public consultation materials also included an email address and freephone for residents to contact with any queries or feedback

The public consultation material was also sent via email to Elected Members of the Council and Bolsover Town Council on the 25th October 2024.

It is stated that 48 responses were received to the public consultation, including via freepost forms, online replies, emails, and phone conversations. Key areas of discussion in the feedback included: -

- Impact on existing roads
- Principle of development
- Provision of community infrastructure (doctors, schools, dentists etc)
- Impact on wildlife/hedgerows/trees
- Environmental measures
- Impact of construction

The submitted Statement of Community Involvement provides the applicants feedback on each of these matters. The preceding sections of this statement also provide further information.

It is also stated that supportive comments were received about the need for new homes, and comments from people interested in moving into the development once it is complete.

BOLSOVER DISTRICT COUNCIL CONSULTATIONS

Active Travel England

13/03/2025 - not currently in a position to support this application and requests further assessment, evidence, revisions and/or dialogue to improve pedestrian and cycle network.

22/08/2025 – no further comments, and would refer you to its previous response, which still stands.

Bolsover District Council Drainage Engineer

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.
2. All proposals regarding drainage will need to comply with Part H of the Building Regulations 2010.
3. 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

08/05/2025 and 30/07/2025 - not satisfied that noise from the neighbouring commercial land use has been given sufficient consideration, so will need re-consideration.

03/11/2025 – Query apparent error in updated noise assessment.

12/11/2025 – Recommended condition to control implementation of noise assessment controls. Subsequent discussions, culminating in a final comment received 19/11/25 requiring condition to cover the need for an updated report providing more detailed plot specific proposals for noise attenuation measures (including any associated ventilation requirements).

Bolsover District Council Leisure Services

31/03/2025 – Qualified support for the development but seeking amendments to make the scheme proportional to the scale of the development and concept of a destination park, including improved play provision, final design of the SuDS pond area and landscape detailing. Content with size of the park. Further comments regarding Elmtun Lane crossing details. Queries suggestion that the Town Park

05/09/2025 – As above but also query if still proposed for adoption by the Council.

29/10/2025 – Note improvements in line with some but not all the earlier suggestions and further amendments required within the town park area, re-instatement of an earlier footpath/cycle link onto Steel Lane, and better definition of the cycle path running alongside the spine road and Longlands/Welbeck Road.

Bolsover District Council Refuse Team

No response received

Bolsover District Council Urban Designer

02 and 03/04/2025 – Initial summary and detailed comments provided. Scheme is generally good, but some amendments recommended.

The masterplan meets outline planning permission aspirations. Significant work has resulted in a resolved layout. The design quality has improved and with some moderate changes, the plan is supported as I can see significant townscape improvements from the originally submitted drawings. The applicant has demonstrated that the design aligns with 'Building for a Healthy Life' standards, as reviewed in the DAS. Consequently, an external design review is unnecessary, and the council can support the design with recommended changes.

To achieve a comprehensive approach more information is required regarding the impact on the parameters of the design of the Extra Care Facility and the School. The Town Park is much improved; however, we will need to discuss improving some key elements such as the town end entrance to the park, the playground, the SuDS pond and the planting design in terms of ecological sustainability.

04/09/2025 – Positive design response to earlier comments, but some minor details require further adjustments.

24/10/2025 – Acknowledge further design improvements, but still a need for additional minor alterations and/or conditions to secure further improvements.

12/11/2025 – Note that most issues now resolved, but would wish to see: -

- greater detail in respect of the proposed acoustic barrier to ensure that this can be assimilated with proposed landscaping to achieve appropriate streetscapes
- re-instatement of proposed footpath/cycle link to Steel Lane.

Otherwise consider that consent is approved, subject to conditions.

Chesterfield and North East Derbyshire & Bolsover Ramblers Association.

04/03/2025 - We note the potential for this proposal to significantly affect Bolsover FP 30, 31 and 3, plus Bolsover BW 60. Having examined the drawings provided we are concerned that the context of Bolsover FP 30 and 33 will be changed from its existing field and countryside character to one of an urban nature. In terms of enjoyment of the experience of walking this factor is considered to be contrary to the objectives of the said activity, particularly with reference to the openness of surrounding and the presence of trees, hedgerows and wildlife. However, we appreciate that balancing the need for housing against the need for the wellbeing of people is a difficult problem and as a consequence diversions of some existing footpath may be necessary. The proposal as presented does appear to ensure that the existing lines of the footpaths through the development are preserved although on revised routes. Providing the diverted routes maintain the basic character of countryside footpaths we would have no formal objections to raise. We would request that every consideration is given to maintain footpath corridors through the development rather than simply diverting paths along roadside causeways. We would reserve the right to comment further when more definitive detailed plans are provided in relation to the alternative footpaths.

18/08/2025 - We commented on the Rights of Way (RoW) aspects of this project in February 25. Having perused the current documents, we can see no reason to make further comment

in relation to the RoW associated with the development. We would request that all proposed footpath diversions that are implemented be formalised with appropriate changes to the mapping portal and associated definitive statements.

Derbyshire County Council Archaeologist

16/12/2025 – Amendments needed to the submitted written scheme of investigation (WSI) to make it suitable for discharge under condition 14a of the outline planning permission.

Derbyshire County Council as Local Education Authority (LEA)

No comments received

Derbyshire County Council as Local Highway Authority (LHA)

11/03/2025 – Initial holding comment – full response anticipated before 28th March 2025.

25/03/2025 – Two comments received: -

- Comments received to the submitted Travel Plan (duplicating those raised by the same Authority in respect of Strategic Planning), suggesting amendments and clarification in respect of that document.
- Comments received in respect of public rights of way, stating ‘...the ROWs have been given proposed diversions that allow for a route through the development, on revised lines (Bolsover FPs 30,31,33). The pedestrian crossing point and surface change at the intersection of the Bridleway on Elmtan Lane and the link road is a welcome feature for path user safety, together with the other crossing points on the proposed diversion of FP 33. These routes require as green a corridor as possible to preserve their character and give the most enjoyment for path users, however the consideration in the plans to pedestrian movement has given good site connectivity and does allow for the routes to continue through the development. Further information regarding the detailed plans for these paths will be desirable to ensure they are retained as green corridors.’

02/09/2025 –

- Need for swept paths and forward visibility splays to be demonstrated.
- Localised widening on some pedestrian priority streets may needed.
- Additional details/justification needed on some proposed localised carriageway narrowing.
- More street trees needed in parts of the site.
- Proposed street trees should be included in any adoption proposals.
- Justification for proposed bus stop locations needed, if these haven’t previously been agreed with the Public Transport Unit.
- Advise regarding the use of block paving, which should be avoided on corners.
- Junction layouts for Welbeck Road and Oxcroft Lane are acceptable.
- More information needed relating

10/09/2025

Further comments in respect of requirements of conditions 8 (Travel Plan) and 11 (Highway Surface Water):

- Condition 8 – revised Travel Plan is required.
- Condition 11 – the details of the means of the disposal of highway surface water will be

considered in detail at the S38 road adoption stage, which would also coincide with the 'programme for implementation' as specified in the condition. However, the details submitted as part of application 25/00069/REM are considered generally suitable to satisfy the requirements of the condition. The discharge of condition 11 does not grant technical approval for the highway drainage element of any application under S38 of the Highways Act 1980 for the adoption of the estate roads.

06/11/2025

Recommends that the application is deferred pending additional information. For the most part the development is acceptable but consider that the phasing plan needs to be amending to show the earlier delivery of the link road through the site onto Longlands.

11/11/2025

Having reviewed the phasing plan, it is concluded that the plan presented, including the delivery of the spine road, is acceptable. Further to be issued along with recommended conditions.

20/11/2025 (3 comments comprising an initial comment letter, followed by a correction message: -

After extensive discussion and following revisions to the layout, the LHA now has no objections to the application, including subsequent agreement to the a further amended phasing programme and acceptance of the latest revised Travel Plan

Derbyshire County Council as Lead Local Flood Authority (LLFA)

06/05/25, 11/06/202, 28/10/2025, 06/11/2025, 10/11/2025 – multiple responses advising of the need for additional information.

25/11/2025

Based on the application documents as supplemented and revised, Derbyshire County Council as the Lead Local Flood Authority has no objections to the proposals and has recommended the inclusion of an advisory note.

Derbyshire County Council Planning Strategy

17/03/2025 - Comments Provided in respect of the submitted Travel Plan, which repeat those also provided by the same Authority ats Local Highway Authority.

Query made in respect of timescales for improvements to Elmton Lane (N.B. Notwithstanding this question, the improvements are under the control of Derbyshire County Council as the Highway Authority under the terms of the existing S106 planning obligation, where the developers make a contribution to the Highway Authority, who then decide on how that money is utilised for improvement to Elmton Lane, subject to standard clawback arrangements should the monies not be spent by them in a reasonable timescale.)

Suggestion that the density of the site could be increased by reducing the amount of car parking as a means of reducing journeys in single occupancy vehicles that would also aid air quality, sustainability and net zero targets.

Request that dwellings are built to disabled/accessible standards M4 (3) and M4 (2).

Would request that to meet Policy LC3 (meeting high quality and design and creating mixed and balanced communities) that consideration is given to ensuring that:

- Dwellings meet national space and/or M4(2) standards to encourage independent living for all ability and mobility levels
- Dwellings have good internal space standards, ceiling heights, natural light levels
- Stairways, walls and ceilings are capable of accommodating stair lifts or hoists should these be required in future; large internal cupboards which could be converted for through floor lifts at a future date
- Consideration is given to having a proportion of dwellings built as apartments on one level, improving density.

Would submit that the above supports the NPPF's requirement for developments to 'create places that are safe, inclusive and accessible and which promote health and well-being, with high standards of amenity and flexibility for existing and future users.'

01/09/2025 - We have no new or further comments to our previous comments on this application.

Derbyshire Wildlife Trust

20/03/2025 – Seeking some alterations to type of planting and advice to future residents in the interests of enhancing and maintaining the biodiversity mitigation.

14/11/2025 – Amendments still recommended to improve the biodiversity mitigation of the proposed soft landscaping.

Force Designing Out Crime Officer

14/03/2025 – Need for further amendments to improve crime prevention and community safety.

13/08/2025 – (Comment following submission of revisions) Revisions only address one of the issues previously raised; all the initial comments still stand, and the majority would seem to be achievable.

27/10/2025 - (Comment following submission of further revisions) Whilst noting agent comments supporting the revisions, this contains no reason or balance in respect of previous requests, including boundary treatments, additional windows and lighting; current scheme is lacking in terms of design for public safety.

11/11/2025 – Welcomes some of the revisions, but considers further changes are still needed in the interest of crime prevention.

NHS (Chesterfield Royal Hospital)

13/03/2025 - Section 106 impact on health to be considered. Initial modelling suggests that the impact of this development is up to £722k

12/08/2025 – (Comment following submission of revisions) – re-submitted document to re-iterate the above request.

Old Bolsover Town Council

No comments received to this application, but note that comments have been received in respect of the associated application seeking variation of the associated S106 planning obligation 25/00433/OTHER

Peak and Norther Footpaths Society

24/02/2025 - initial comment (more to follow) that there is an error in the key showing public rights of way in The Design & Access Statement that they request be corrected.

N.B. This has been corrected on subsequent amendments and no further comment was received from the Society in response to a e-consultation with them that followed.

Severn Trent Water

No comments received

Yorkshire Water

05/03/2025 –No objection to the approval of the reserved matters. Includes a note to advise that the foul water discharge proposals are not acceptable/require clarification.

16/04/2025 - Do not consider that sufficient information has been submitted to enable the discharge of conditions 21, 22 and 23.

07/05/2025 – Clarification of earlier comment re discharge of conditions 21, 22 and 23

04/06/2024 – In response to application amendments have no objections to approval of reserved matters.

BOLSOVER DISTRICT COUNCIL PUBLICITY

Initial publicity comprised site notices, a press advert and 198 neighbour letters. This resulted in the receipt of 14 letters of representation.

A subsequent round of re-publicity, including a further press advert, site notices and neighbour letters, was undertaken in August 2025, following the submission of revisions to the scheme. This has resulted in the submission of an additional 5 letters of representation.

3 additional letters have also been received from the same writer, raising issue with the content of an amended noise assessment and the same writer has also submitted one further letter, re-iterating an issue that had also been raised earlier.

Additionally, several representations submitted with the associated application ref.

25/00433/OTHER, which is seeking a variation to the associated S106, have also raised detailed planning matters more aligned with this application, that are also included below.

The letters received have raised the following issues: -

Principle

- The homes Longlands should remain in place. They are in the heart of the town and should be heritage preserved. They are good looking properties and structurally sound. It is both a shame and a waste.
- There is nothing I can see regarding the old streetlight. It needs preserving somewhere

and not mysteriously disappear like the last one did. It should be incorporated within the estate design.

- We should be making our new builds future proof. Solar panels and electric charging points would be a good start.
- Concern that there is too much development in Bolsover already. The town will be in danger of becoming little more than an enormous, sprawling housing estate that could soon join up with Clowne.
- Too many dwellings which will be crammed in.
- The increase in population and consequent pressures on local amenities, the changing landscape and reduced green spaces, and the overall character and 'feel' of the town.
- Elmtun Lane is a public footpath and bridleway that is now unrecognisable due to the effects that the current construction process has had on the hedgerows and associated wildlife.
- In view of the current geopolitics in Europe can planners and councillors make consideration as to the whether disposal of allotment land is sensible, a conflict in Europe could jeopardise food supply. Current farming practice is growing raw materials for the food industry rather than food stuffs that can be harvested and eaten the same day.
- Traffic should be restricted to "access only" along Oxcroft Lane between the Bolsover end at Brockley Wood and Blackbanks. Oxcroft Lane is a popular walking, running, cycling, horse riding route, increasing traffic is making these activities difficult. The restriction to traffic will be far outweighed by the health and wellbeing effects of the activities indicated.
- Road layout and pavements must be built for pedestrians and cyclists rather than built around motorists to the detriment of the former.
- Should not build on good quality farmland.

Highway Safety

- Roads are already congested and cannot cope with the extra volume of traffic. Will add to the ongoing problem of potholes, volume of traffic and road safety concerns.
- The current developments on Welbeck Road do nothing to address the single file nature of Marlpit Lane even though residents expressed concerns about this.
- The original main road was supposed to come out on the main Rotherham Road too, I've no idea when that changed but Marlpit Lane can't cope.
- Can the main road be double yellow lines to prevent blocking the road?
- Roads are already in a poor state of repair and will deteriorate further.
- There is no evidence of improvements to the road network and amenities in the area to support a significant increase in houses and therefore people.
- Steel Lane should not be used to provide construction access for the development.
- No new access to Oxcroft Lane from the proposed housing development should be allowed until the new access from Welbeck Road is completed.
- Oxcroft Lane is not can't take any more traffic issues with this road narrowing to single file, which is not in the interests of walkers, cyclists and horse riders.
- The new road is shown cutting across the existing bridle path, with no explanation how this intersection will work.
- There has already been an increase in vehicles using Elmtun Lane and the bridle path to access the new housing development, a matter which has been raised with Derbyshire County Council. Evidence has been sent to the council showing lorries,

taxis, delivery vehicles and residential vehicles using Elmtan Lane and the bridal path on a daily basis to try and access the new estate - What plans are in place to stop this from happening? The highway code is clear about the use of bridal paths, yet the plans are not clear on whether they comply with the highway code. Will be further complicated by the building of the new school.

- There have been issues already with vehicles blocking private driveways.
- Cannot see how the demolition of housing on Longlands is going to work in practice. It will not ease the road problems - it will make them worse! How can having a new 2-way street with 2 tiny 1-way streets feeding into it ease the situation? And the existing road will still need to go round to the right for Welbeck Road? It just seems absolute madness! There are already 2 accesses to the new houses and I can't see the reasoning behind creating the one on Longlands.
- The Current Infant School location will be unsafe with the new major road network that is planned.

Infrastructure.

- The town has a complete lack of services. Doctors, dentists, schools are already struggling, without adding more into the mix. We have one supermarket which is small and overpriced. There is no sixth form provision.
- The secondary school is already over-subscribed and the introduction of 16-18 year old provision is awaited; where will the extra children go?
- Bolsover town is unable to keep shops open and does not offer sufficient facilities to support an increase in inhabitants. Shops are constantly closing. The town requires financial support to prosper and for the local community to use the town, otherwise the community will need to continue to travel out of town, once again increasing congestion and also impacting the sustainability of the area.
- Like that a new town park is included.
- Support the proposal subject to the actual provision of the school and care facilities within the application.

Design/Amenity impacts

- Drawings do not include dwellings on Welbeck Glade (to the south of the site), so impacts on those dwellings cannot be properly considered.
- Welbeck Glade dwellings will lose privacy and sense of seclusion enjoyed by those properties.
- Smelly Wheelie Bin Storage on individual properties should not be placed immediately to the rear of existing dwellings.
- Existing vegetation to rear of Welbeck Glade should be preserved. The natural treeline will harm the privacy of adjoining neighbours and should be kept to maintain privacy.
- Lack of consideration given to existing residents on Longlands and Welbeck Road while these demolitions are due to take place and while a new major road is built. The dust and noise will be unbearable, not to mention vibrations and potential groundwork disruption to my property structure and potential disruption to broadband services.
- We were told that gates could be installed and that there would be compensation for the noise, dust, disturbance and possible impact on the value of our homes, but I have heard nothing more since.
- Concerned that the development, especially the school, will result in cars parking on Elmtan Lane and causing issues for residents in gaining access to their property.

- There are two story houses behind Longlands; I was originally guaranteed bungalows so they wouldn't be intrusive. Our homes aren't currently overlooked by anyone, and I was specifically told they would respect the privacy by building bungalows on the boundary.
- Loss of trees to rear of Welbeck Gardens will harm privacy of existing residents.
- No consideration that dwellings at Welbeck Gardens are three storeys with three levels of windows which look out onto existing vegetation and wildlife and are not overlooked. Ideally an extension of the garden increasing the distance between dwellings should
- The last build was very disruptive with utilities being cut off, noise at early hours, noise at weekends, dirt on the road and large trucks blocking routes. No consideration made for those living in the area, through respectful timing of build work and respectful management of the contractors. Continued violation of working restrictions on earlier phases could be seen as deliberate. What is the point of having a Construction Management Plan if it is not followed or monitored?
- Further requirements to drive cars emitting CO₂.
- Increased noise from occupants of new dwellings.
- Developers have previously damaged neighbouring properties as part of the earlier developments.
- A gap created between boundary fencing on the housing site with existing neighbours is being used as a dump.
- Concerned about impacts on retained dwelling attached to that being demolished.
- Proposed access off Oxcroft Lane will affect the ability for existing dwellings to park close to their properties on that highway.
- Cars opposite the new junction to Oxcroft Lane will be impacted by headlights shining into windows.
- Is there any reason why the access can't be relocated to form a crossroads with the existing junctions; this could also help to reduce the amount of hedgerow to be removed.
- Access to private garages for dwellings off Longlands would be temporarily restricted during building works which is difficult and will add to additional vehicles parking of Welbeck Road.
- Technical issues raised in respect of the submitted noise assessment and seeking assurances that the assessment has been thoroughly checked.
- The 2nd phase of the Persimmon development will only have one road, which is Crown Crescent, to feed all the houses on the 2nd phase as well as a lot of properties that have already been built in the 1st phase. The amount of traffic which will be coming and going down this one access road at peak times will be horrendous.

Biodiversity

- Residents raised concerns about the impact on nature and biodiversity previously and were ignored, this latest development does nothing to address those same concerns.
- Concern if hedgerows are to be removed. Even if the builders keep the hedges, a preservation order needs establishing so residents cannot remove them.
- Natural treeline to the rear of Welbeck Glade is being removed resulting in loss of habitat, harm to privacy to adjoining neighbours and loss of natural link to the open countryside. Surely these should be kept, even if this means placing them in back gardens.
- Contractors have already begun removing trees.

- Wildlife reports should be updated.
- There should be a wildlife corridor to link Brockley Wood and Elmton Lane.
- Trees in The Orchard are diseased, so these should be removed and replaced or if proven to be old heritage varieties, be propagated by grafting healthy growth onto new rootstock.
- A mature Damson Tree in the hedge line adjacent to s128/s143; this tree must be preserved due to time to mature and importance to wildlife.
- Dense hedgerow would be lost to form the new junction.
- Fencing alongside hedgerows will starve them of natural light - is there a solution to this; will any gap be large enough to prevent this?
- When the developer visited us last year, we were told that the tree line of the allotments to the rear would be retained, but it now appears that this will not be the case. Removing any trees and hedgerows will not only spoil the beauty of the area, but is going to be detrimental to the birds and wildlife who have already lost much of their habitat with the building that has taken place already.
- Wildlife has already been displaced. Further impacts will occur due to this development.
- Has any consideration gone into the wildlife that will be uprooted as there are Common Buzzards and loads of other birds that nest around the area which is being developed.

Drainage

- A dwelling on Marlpit Lane has a cesspit soakaway that discharges on to the application site; writer has written directly to the developer but has concerns about how this would be accessed once the site is developed. Objects to any development that precludes the ability for the cesspit to function and use that land to drain/treat the effluent discharge; consider that this will

Other

- Lack of consideration for residents to date; left without water and electricity, driveways blocked and mud over the roads and dust on houses, with no apologies.
- Developers have used Elmton Lane to access development, despite assurances that they wouldn't.
- Loss of property value.
- No provisions made for onsite security with children playing on the site – developers did not take any responsibility advising residents to call the police.
- Persimmon Noise Impact Assessment Report (P7884-R1-V1) makes reference to a totally different site. It would appear to have been "copied and pasted".
(NB this has been corrected in later editions of that report)
- Loss of allotment plot; although a replacement plot has been provided, it will take years to re-establish, and the notice period won't allow plants to be re-located at optimal times; request if compensation can be provided by the developers for the loss.
- Steel Lane is an unadopted road maintained by residents; following recent improvement works to it, a JCB used it to access the development site even though planning permission not yet fully granted. Only supposed to be used for residents and tractors accessing land, which is rare now. Concerned cars will use a shortcut following development. Many dog walkers use it daily, so would it be possible for a barrier of some sort to be put in place so only walkers can access the lane.
- Will provision be made to allow access to maintain fencing.

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 SS4: Strategic Site Allocation - Bolsover North.
- Policy LC1: Housing Allocations.
- Policy LC3: Type and Mix of Housing.
- Policy SC2: Sustainable Design and Construction.
- Policy SC3: High Quality Development.
- Policy SC7: Flood Risk.
- Policy SC9: Biodiversity and Geodiversity.
- Policy SC10: Trees, Woodland and Hedgerows.
- Policy SC11: Environmental Quality (Amenity).
- Policy SC12: Air Quality.
- Policy SC13: Water Quality.
- Policy SC14: Contaminated and Unstable Land.
- Policy SC17: Development Affecting Listed Buildings and their Settings.
- Policy SC18: Scheduled Monuments and Archaeology.
- Policy ITCR2: The Multi-user trail network.
- Policy 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 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

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

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

Local Parking Standards:

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

ASSESSMENT

Key issues

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

- The principle of the development.
- Layout and Design,
- Amenity.
- Access and Highway Safety.
- Heritage impacts.
- Landscape and ecology.
- Flood risk and drainage.

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

Principle of development

As stated in the background and summary section, this report has been prepared on a without prejudice basis in respect of the outcome of the associated application ref. 25/00433/OTHER, but on the assumption that the recommendation to agree to the variation of the S106 agreement is accepted, which would establish the principle of a reduction of the town park and extra care/affordable housing land as shown on the plans for this reserved matters application.

The principle of the development of this site was established by the previous grant of outline planning permission that included details of the main access into the site and the terms of the S106 Planning Obligation that is subject to the review request already referred to. The site also forms part of a Strategic Allocation as defined policy SS4 of the adopted Local Plan for Bolsover, although the approval of the outline planning permission pre-dates the adoption of that policy.

The grant of outline planning permission established the following parameters: -

- Provide in the region of 950 dwellings
- Delivery of an improved highways link through the re-routing of Welbeck Road through the site to connect with Marlpit Lane, crossing Elmtan Lane.
- Provision of an extra care facility of approx. 70 units on an area of land which

measures approximately 1ha.

- Provision of 1ha of land for the provision of a School
- Provision of approximately 4.2ha of open space as a Town Park.
- Provision of approximately 2.3ha of additional areas of Public Open Space.
- Use of a single access road to deliver the balance of the Persimmon part of the development to the east side of Elmtun Lane.
- General areas of land to develop, that includes the principle of known hedgerow and landscape loss necessary to deliver housing.

The above parameters were established at the time of the consideration and determination of the outline planning application, which was accepted as a valid planning application on 19.02.2014, and was approved on 25.10.2017.

The variation to the S106 is considered in more detail in terms of wider viability as part of the separate application ref. 25/00433/OTHER, but there are also some general land use planning issues raised by this that are discussed below.

As already stated, the reduction in these areas is sought to address a reduction in the areas of developable land resulting from design proposals that are impacted by more up to date detailed site assessments, as well as changes in policy and guidance in terms of detailed design matters, since the grant of the outline planning permission.

A key issue has been the need to materially increase the areas of land required to ensure the delivery of appropriately designed Sustainable Drainage Systems (SuDS); this has resulted from more detailed testing of ground conditions, which are not as permeable as envisaged at the time that was based on initial ground testing that had been undertaken.

Additional demands on available space to develop has also arisen from an increased emphasis in national guidance in respect of the provision of street trees that results in greater land take for the provision of such roads, as well as the provision of a dedicated and segregated cycle path along large parts of the spine road, that were not included as part of the initial masterplan documents, that were based on normal requirements at that time. These are all seen as necessary improvements to the design quality of the scheme.

The overall number of deliverable dwellings has therefore been reduced by around 85% from the initially envisaged 950 dwellings. This application, along with the parallel application seeking amendments to the S106 planning obligation, therefore seeks to make reductions in the areas for the Town Park, ancillary open space and extra care requirements to seek to strike a balance between the competing objectives of the infrastructure objectives of the development, whilst seeking to ensure a deliverable development, having regard to site viability in that the scheme is not considered to be viable with all the original requirements in place. It is stated that the reduction in the areas suggested is reflective of the equivalent reduction in the quantum of deliverable housing, and fairly and reasonably relate to this.

On the basis that the separate request for a reduction in S106 obligation requirements is approved, including the principle of a reduction in the spaces described above, the considerations relating to this application are then restricted to the suitability of the reserved matters insofar as they relate to means of access (other than the main site access that was

approved with the outline planning permission), layout, scale, appearance, landscaping, ecology and highway safety.

Several representations raise issues of principle that are already established and as such cannot be re-considered in the determination of this planning application. The issues of principle raised that cannot be considered therefore include:

- The principle of the development of a greenfield site, including the demolition of properties on Longlands.
- Impact of the development on the highway network and improvements to that network as a result, including location of the principal access points into the site.
- Infrastructure impact, including schools, affordable housing, police, doctors' surgeries and leisure facilities, including allotments (but note that this is to be considered under the separate review of the associated S106 already mentioned);
- Any additional impacts from subsequently approved and possible future housing schemes (such schemes should consider this development as a committed scheme in any assessments undertaken for them).

In conclusion, it is not considered that there are any issues of principle, beyond the separate re-consideration of the S106 planning obligation, that relate to this proposal, subject to appropriate detailed designs in respect of the remainder of the reserved matters details and conditions submissions, which are discussed later in this report.

Layout and Design.

Conditions 4 and 5 of the outline planning permission require: -

4. The submission of the reserved matters applications shall be broadly in accordance with the details shown in the revised Design and Access Statement dated February 2016 and the revised Illustrative Masterplan HG0750/MP-01 Rev. F dated 21/01/2016.

5. No later than concurrently with the submission of the first reserved matters within any phase a supplementary Design and Access Statement for that phase shall be submitted to the local planning authority for approval in writing. The supplementary Design and Access Statement shall seek to establish the design approach to inform any reserved matters proposals for that phase and should be compatible with the Design and Access Statement dated 14th February 2014 as supplemented and amended by the Design and Access Statement Addendum dated February 2016. Any subsequent reserved matters applications within that phase shall comply with the approved supplementary Design and Access Statement for that phase.

In respect of condition 4, it is considered that the submitted reserved matters meet outline planning permission aspirations and accords with the broad indications of the layout and distribution of dwellings of the originally approved Design and Access Statement, as required by the condition. Condition 5 has also been met in that a suitably robust Design and Access Statement was submitted with the planning application.

Significant work at both pre and post application stages has resulted in a resolved layout. The design quality has improved with later moderate changes to a point where the plan is supported by the Urban Design Officer, who recommends approval subject to conditions in

respect of design issues.

The scheme presents a well-coordinated design bringing out strong character areas and a strong sense of place. The layout has been strengthened throughout with improved access and walkability by the introduction of pedestrian priority junctions. Footpath links and cycleways along the tree-lined link road and a main avenue with dedicated verges provide a strong framework for the development. Suitably placed trees and hedge planting in secondary roads, private drives and courtyards, enhance the overall attractiveness of the layout and distinguishes between different areas. This provides an attractive walkable environment throughout the scheme. The park acts as a pivot point of public open space and is key to the identity of the whole of the Bolsover North development within the town. The placing of stone-faced houses overlooking the park will provide a strong character area to this part of the town and encourage visitors from other areas.

House types and mixes of styles have been thoughtfully placed to provide streets of varying character throughout the layout. The quality of the design will bring about a successful attractive new sector to Bolsover. The individual developers housing styles still prevail, with the overall mix and arrangement improved since previous iterations, having taken on board previous comments. This has resulted in a stronger overall masterplan.

In all circumstances, the improvements in layout, landscaping and the general distribution of house-type materials, provide the final uplift in design quality required. The street hierarchy and variations across different areas provide sufficient density variation to be acceptable. The use of stone around the park and at key junctions and the variations in brick types across different areas works well and to some extent adequately gives a locally distinctive design that creates a place with its own identity.

The materials would comprise: -

- Walls: a selection of red brick types, including plain and multi finishes, with render on selected plots. Re-constituted stone is proposed in key locations to improve overall design quality and aid the creation of character areas and navigability within the site.
- Roofs: a combination of red and grey tiles, including small format grey tiles and pantiles in key locations, again to aid the creation of character areas and navigability within the site.

The general distribution and use of materials will reflect the approach already taken in phase 1 and a condition is recommended to agree the final details of all materials.

Interfaces in some areas are strong, such as the relationship of houses to the park, the link road from the town and the main Avenue. The relationship of the extra care facility to the park has improved. The interface between the school and the park and houses has been accommodated in the layout and awaits details from the education authority. The relationship of these key buildings to the park and each other are defining strengths of overall masterplan.

The Town Park itself has been mainly resolved in design terms, including assimilating additional SuDS drainage within the park, as a way of accommodating the additional need for these, whilst providing a valuable amenity to enhance the overall character of the park itself. Given the outcomes of the viability assessment, there will be a need to reduce the extent that the Town Park can initially be delivered by the developers, but this will be based on the partial delivery of the designs included with this application. A condition to agree the final form of

this will be required but would need to include as a minimum a play area, landscape form, including the provision of the pond area, soft landscaping and key connections, including a lit cycle path connection through the park. Such a reduction is considered to be a necessary compromise to the initial proposal, due to the need to find a balanced response to the competing needs for the available S106 contributions and will represent the delivery of a reduced, but usable Town Park that can be developed further in the future; this could be through securing additional contributions from other development in Bolsover, or other bids for funding.

It is noted that not all issues raised by the Force Designing Out Crime Officer have been fully resolved, with concerns regarding the following (the planning officer response to each issue is included in italics immediately below each point): -

- More robust fencing to define public and private areas alongside plots S16/S17
 - *Whilst the desirability of a more robust fence is noted, in design terms, the post and rail fence proposed here is considered appropriate; given overall viability issues with the scheme, it is not considered that there is a case to justify a requirement for metal railings here.*
- Lack of security and privacy where there are areas where 1.2m fencing is proposed (plots S67/S93-98, S166/S207-220 and S221-230, SH30-35 and SH40-43/SH51).
 - *These fences are proposed to be sited alongside retained mature hedges, which provide additional boundary treatments to these plots sufficient to provide an appropriate level of privacy and security to those plots. The fencing is designed to enable daylight to the hedge in the interests of its long terms retention and health, as well as access for wildlife, which is designed to maintain their biodiversity function. No amendments are therefore considered necessary.*
- Re-location of garden gates to plots S208, S209 and S214 need moving to a more prominent position just behind the gate for the adjacent plot.
 - *This is a minor alteration to relocate the proposed gates to improve security and is proposed to be covered by a condition that is recommended.*
- Weak corner house designs do not provide natural surveillance of adjoining public areas (Plots SH82, PE230, 234, 243 and 247),
 - *It is agreed that this would aid natural surveillance within the layout but has not been agreed to by the applicants. They do not consider the design of this house type will cause an issue for the security / safety of residents and that a ground floor window would be a compromise / be a retrospective step for the design quality of the home. In this respect it is acknowledged that the inclusion of additional windows in dwellings does reduce flexibility for internal arrangements within dwelling for future occupants and on balance, it is not considered that the issue raised by the absence of this change is sufficient to require the amendment sought.*
- Need to enclose private driveways (low knee rail fence suggested) on plots PE247-253, PE254-258, PW344-348 and PW 307-311.
 - *This point is agreed; the absence of a fence in this location does not provide any definition of a split between public and private areas and will lead to trespass on the private driveway and a loss of amenity to residents of the affected plots, and is recommended for inclusion as a condition.*

Active England, whilst noting the more direct desire line chosen, has made comments about

the principle of a shared pedestrian and cycle route and the fact that part of the cycle route runs through the Town Park, with a preference being for this to be designed as a segregated path running alongside the link road to ensure that it is overlooked and lit to provide a safer alternative.

It is worth noting that Active England's involvement in this development proposals came late in the application process, after the pre-application stages, and several principles of the development were established at outline planning application stage, prior to the establishment of that organisation. Whilst noting the comments raised by them in respect of the Town Park, it is considered that the proposal would deliver an appropriate response to the provision of a dedicated cycle route through the application site. It is proposed that the path would be lit in any event, and this is subject to a recommended condition of the planning permission. Additionally, the provision of the dedicated pathway through the site will not preclude the use of the link road as an alternative route for cyclists and it is not considered that any additional amendments to the proposal in respect of the proposed cycle route and treatment are required.

The Leisure Officer, whilst welcoming of the overall provision and general arrangements for the Town Park has some reservations over the design, including (the planning officer response to each issue is included in italics immediately below each point): -

- Location of a tree in the middle of the main avenue and intersection of paths in the south-western corner of the park.
 - *This is an error in the document, as the tree that was originally proposed in this location has been removed, which is acknowledged elsewhere in that officer's comments.*
- Fact that the masterplan states that Composite Masterplan includes a note that 'Landscape is subject to further detail design', although there is no qualification as to what or where this refers to.
 - *A condition to control the final details of the park is recommended and has been agreed to by the applicants, such that control over the final details of the park is retained.*
- Use of timber edging to paths, but these should either have PCC edging or chamfered edges.
 - *As above in respect of proposed detail condition.*
- Loss of cycle/pedestrian link to Steel Lane.
 - *This issue is a balance between the competing objectives of the Force Designing Out Crime Officer (DOCO), the Leisure Officer and Urban Design Officer and whilst put to the applicants, has been rejected by them, where they emphasise the comments of the DOCO in justifying its removal. In this respect there would be a potential advantage to providing an alternative route for cyclists, but that said, dedicated provision is being proposed through the development, alongside the main spine road, and in part running through the town park, such that appropriate provision for cyclists is proposed. Should a link be provided here, it would need to be appropriately surfaced and lit, but not all of the land needed to do this is in the ownership and control of the applicant, and the legal status of Steel Lane for general access is unclear. Therefore, whilst noting the desirability of providing such a link, it is not considered that there are strong planning grounds to insist on its provision.*

- The interface between the cycle path running alongside the spine road and Longlands / Welbeck Road needs to be better defined – there need to be dropped kerbs and clear markings where the cycle path joins or crosses the highway. It also needs to be possible to access the cycle path when heading north along Welbeck Road as it runs on the eastern side of the road, i.e. the opposite side when heading north. The Bolsover North – Longlands / Welbeck Rd Landscape Proposals P24-1323_EN_005B only shows tactile paving in the form of blister surface for pedestrian crossing points at the various intersections.
 - *The sections of road to which this comment relate will all be located within the sections of highway that are to be adopted and therefore, there will be a requirements for the development to meet the objectives of the Highway Authority in respect of overall design and highway safety, such that there are not considered grounds to require any amendments as part of the determination of this reserved matters application.*

Condition 10 of the outline planning permission required details of bin storage areas to be provided, and these have been submitted and are appropriate. The Council's refuse team was consulted but have not made any comments.

In design terms the proposed location of a bus stop in the proposed green gateway feature to the east of the site will harm the overall character that was sought in the design of this area and so the bus stop detail is inappropriate and a condition to require amended bus stop details is proposed.

A further detail that will need to be the subject of further submission for agreement will be the final treatment of the gable wall to no. 44 Welbeck Road, following the required demolition of no. 42 Welbeck Road needed to enable the necessary widening of the highway at Longlands to the south of the site; a condition is proposed to facilitate this.

Based on the above discussion, whilst there are a few minor details that require resolution through the inclusion of proposed conditions, the overall scheme is a well-considered response to the original masterplan concept that has been appropriately amended to respond to changed requirements, based on a better understanding of site conditions and increased design requirements since the original grant of outline planning permission, resulting in an overall scheme that will provide a positive and well planned expansion to Bolsover, and striking an appropriate balance between the differing requirements of some consultees and viability and deliverability issues, it is considered that in design terms the proposal can be positively recommended.

Amenity

Condition 19 of the outline planning permission required the following: -

Any application for approval of reserved matters for the areas shown as Phases 1A and 5 in the originally submitted Design and Access Statement by Spawforths dated 14th February 2014 (in the vicinity of Farnsworth Farm to the east) shall include an assessment of an existing noise profile between the development site and neighbouring properties, for both airborne and impact sound. A report detailing this, and any recommended upgrading of the noise insulation for any new dwellings so as to prevent loss of amenity to the proposed residents from activities currently taking place in

surrounding areas, shall be submitted to and approved by the Local Planning Authority. All such recommendations in the approved report shall be undertaken prior to first use of the affected dwellings identified in this submission.

This condition was included to ensure that a reasonable level of amenity could be secured for future residents of the housing development located close to Farnsworth Farm to the east, which is a noise source, due to its use as a builder's merchant with areas of outside storage and associated vehicular movements associated with that use. A noise assessment was submitted with the original planning application and there has been subsequent discussions between the noise consultants. Whilst a final detail has not been fully agreed, the Environmental Health Officer is satisfied that a solution is available and has recommended the inclusion of a condition to require an amended and plot specific final noise assessment report, to include that final detail, all of which is to be agreed before the affected dwellings are constructed above foundation level, then implemented in full before occupation, and retained after that; in making his comments on this issue, he has had regard to the specific comments raised in representations in respect of the detailed content of the submitted noise report. Subject to the inclusion of such a condition to secure that final design, the objectives of condition 19 will be satisfied and a suitable level of amenity can be secured for future residents of the housing alongside Farnsworth Farm.

In terms of neighbouring amenity across the wider development, the layout generally accords with the Council's adopted guidelines for dwelling separation and space about dwellings. One exception is a shortfall to the southeastern corner where only 20.5m is available between a proposed dwelling on the site to one of the existing dwellings on Welbeck Glade; this was initially closer, but the development has been amended to increase the offset distances. Following the revisions, this would be 0.5m shorter than the Council's guidance would normally require but this is not considered to be so short as to result in any level of harm to privacy and amenity that would justify a refusal of planning permission. In reaching this conclusion, regard has been had to the fall-back position established by 'permitted development' allowances, which permits windows in two storey extensions to be positioned only 7m from a rear boundary, such that 14m separation is generally permitted nationally under those regulations. Given the minor shortfall and this fallback position, the proposed arrangement is considered to be acceptable in planning terms.

Further concerns have been raised by residents of Welbeck Glade regarding the proposed loss of landscaping on land to the rear of that property; similar comments have been raised more generally regarding the loss of landscaping elsewhere on site as a result of the development. Whilst noting these concerns, the principle of the uses for various parts of the site, including the portion of land to the rear of Welbeck Glade, for housing was established by the original grant of outline planning permission, along with specific provision for some areas of hedgerow retention. No such requirement for the retention of the landscaping or hedgerow to the rear of Welbeck Glade was deemed necessary as part of that grant of the outline permission. Whilst seeking to avoid the loss of existing landscaping where practical in new housing development, this is often necessary to ensure the ability to deliver an efficient layout in terms of land use, and this is balanced through landscape mitigation. As discussed elsewhere in the report the overall balance of landscaping loss to that being provided as mitigation is considered to be appropriate and as such, this issue does not give any grounds to require amendments or for a refusal of consent.

Comment is made about the impacts of the development on retained properties either side of the proposed link to be created to the site from Longlands. As previously mentioned, the principal of such a link, and indeed a requirement for it, was made as part of the original grant of outline planning permission. Whilst the relationship of the retained dwellings to their immediate surroundings will change, it is considered that the design of the link road will ensure an appropriate relationship to that road, with the provision of grass verges alongside the dwellings, will be provided (drawing extract below). Conditions to control the final details and provision of this are recommended for inclusion.



Representations raise concerns in respect of noise, dust and other disturbance during development, both in terms of impacts from the development already undertaken as well as from the future proposals; this includes comment about the misuse of Elnton Lane by construction traffic. Whilst acknowledging that some level of disturbance is inevitable as part of the delivery of a development of this nature, these are existing construction management

conditions on the outline planning permission, that require the subsequent approval of environmental management plans. Upon receipt of these documents, consultation is undertaken with the Environmental Health Officer to ensure that these will provide a suitable level of protection for the amenity of residents prior to any approval of them. Additionally, notwithstanding these planning controls, there are also additional statutory Environmental Health and Health and Safety legislation must also be adhered to by developers. Considering this, there is no requirement for any additional controls to be included as part of any reserved matters consent that may be granted. The use of Elmtun Lane during the earlier phases were investigated and action taken where appropriate. In some cases, this was unavoidable due to the delivery of services associated with the development along or across that lane; where damage has occurred, re-instatement works have been carried out, or a commitment has been received (enforceable under conditions of the existing consents) will be undertaken in due course, where any work is ongoing. General access along that lane for either construction purposes or longer-term access to individual properties is not permitted and would be covered though any management plan. Should any further unauthorised instances occur, these would have to be investigated at that time. Additionally, the use of a bridleway for unauthorised access is also covered by other legislation, including under the highways act that would be enforceable by the Highway Authority and/or the Police.

Mention is made of compensation to residents for disturbance, including in the form of works to adjacent properties, but no such provision is made through planning legislation for this, such that this is not material to the consideration of this application.

Mention is also made regarding the location of bin storage on plots, but this is not a level of detail that would be controlled as part of the grant of planning permission, as this would unreasonably restrict the personal choices of future occupants of dwellings. Sufficient bin storage space is available to all plots.

In respect of issues regarding deposition of waste on existing parts of the development, this is not material to the consideration of this application.

The comment regarding the impact of vehicle lights on nearby dwellings at any new junction is noted, but this is not an unusual or unacceptable arrangement and would not be sufficiently harmful to justify any amendments to the detail or a refusal in planning terms.

Any temporary restrictions to access private property is a private matter between the developer and the owner/tenants of any affected properties and is not a material planning consideration.

In conclusion, subject to the inclusion of the conditions discussed above, it is considered that adequate provision is made to protect the privacy and amenity of existing and proposed residents.

Access and Highway Safety

Most of the development, except for 58 dwellings to the west, would be accessed from the existing section of the spine road, now known as Bennet Way, that has already been formed as part of the first development phase. This road will be extended to link through with Longlands to the south, in accordance with the requirements of the strategic allocation and outline planning permission.

Also in accordance with the outline planning permission, the 58 dwellings to the west would be accessed from a new junction that would be formed onto Oxcroft Road to the west not providing vehicular access through to the wider development, so would not forming a link between Oxcroft Lane to the west and Marlpit Lane to the east, but would allow for pedestrian and cycle access.

These details comply with the requirements of condition 13 of the outline planning permission.

There are several footpaths that cross the site and appropriate provision to accommodate these or to divert them as close as practicable to their original alignments, have been made. Whilst noting the comments of the Ramblers Association, it is inevitable in the context of an urban extension such as this that the character of existing footpaths will be changed, but it is considered that the location and treatment of the routes proposed under these proposals are appropriate.

Whilst noting the comments from Active Travel England in respect of alternative treatment of Elmton Lane, the principles of impacts on that lane were established as part of the original grant of outline planning permission and as such cannot be re-considered through this proposal. This resulted in a contribution payment as part of the development to Derbyshire County Council as the Highway Authority as a contribution to that path. That contribution is payable once the development is over 300 dwellings.

Comment is also made by Active Travel England in respect of the design of pedestrian crossings and links, preferring the avoidance of guard rails, as well as details of cycle parking. In this respect, no guard rails are shown in the submitted documentation, with the Elmton Lane crossing proposing the use of a raised table to give some priority to the crossing at this point. The final design of any elements of these that will be contained within the adopted highway will be subject to final detail approval by Derbyshire County Council as the Highway Authority and the final details for elements for the cycle path and cycle parking within the town park will be controlled through the recommended condition to finalise details of this feature, but it is noted that no such barriers to the movement of pedestrians and cycles are proposed in the current designs. No additional controls in this respect are therefore considered to be necessary.

Derbyshire County Council as the Local Highway Authority (LHA) has stated that after extensive discussion and following revisions to the layout, it now has no objections to the application, including agreement to the latest revised phasing programme required by condition 7 of the outline planning permission and the latest revised Travel Plan, as required by condition 8 of the same planning permission. Those existing conditions require for the development to accord with their content.

Details of areas proposed for highway adoption have been provided and are appropriate in terms of the requirements of condition 12 of the outline planning permission.

In view of the above, the proposal is considered to be acceptable in respect of access and highway safety issues.

Heritage Impacts

The distance of the proposals from the Conservation Area and the nearest Listed Buildings, coupled with the domestic scale of the proposed buildings, means that there will be no harmful impacts on any built heritage assets.

Condition 14 (parts a-d) on the outline consent form a phase-specific requirement for archaeological investigation of a prehistoric-Romano-British field system and associated features identified by geophysical survey at the pre-application stage.

It is noted from the response of the Archaeologist that the content of the submitted written scheme of investigation (WSI) is not sufficient, but it is not a requirement of the original outline planning permission that this condition be fully discharged before the approval of any reserved matters applications. For this reason, if reserved matters approval is consented, the requirements of that condition will remain and would still need to be satisfied before development could commence. An advisory note regarding this is recommended for inclusion.

Landscaping and Ecology

| Key Biodiversity Information | |
|--|---|
| Reason if exempt from the biodiversity gain plan condition | Mandatory biodiversity net gain requirements do not apply to reserved matters applications. |

In respect of the outline planning permission, conditions 15 and 16 required the following: -

15 The Landscaping details submitted to accompany any reserved matters application for any phase or sub-phase of the development shall be accompanied by details for the proposed means of permanent management and maintenance for all public areas (anything not proposed to be contained within the curtilage of an individual property, i.e. the grounds of any dwelling; education establishment; or extra care facility) at all times following completion of that phase or sub-phase of the development, including timescales for implementation. The agreed details shall be implemented in accordance with those details and maintained in the manner approved at all times thereafter.

16 Any reserved matters application for layout and landscaping shall provide for the retention and creation of hedgerows generally as identified on Hedgerow Plan HP-01 Revision A. Unless approval to vary the detail is approved as part of any reserved matters submission(s), the hedgerows to be retained on site (as defined on Dwg. No. HG0750/HP-01 Rev. A) shall not be removed and shall be protected from damage during site preparation works and construction works by the erection of protective fencing set back at least 2m from the centreline of the hedge. There shall be no ground disturbance or storage of materials within the protected areas unless an exception is approved in writing by the Local Planning Authority.

In terms of wildlife and ecology matters, The Derbyshire Wildlife Trust has advised that: -

- Areas of Public Open Space appear well designed to maximise their biodiversity value. These include the large SuDS Pond, the pocket park/orchard, pocket park with wildflower meadow and linear POS at the boundaries of development parcels. Tree-lined streets are also a welcome feature.

- Plant and seed mixes appear largely suitable, although we would add that the site is located on the magnesian limestone and therefore mixes could be better tailored to reflect this. This will ensure that they will thrive in the soil conditions present and provide host plants to local wildlife, especially invertebrates, which require specific plant species to survive.
- Encourage a flowering lawn or clover lawn mix to be used in areas of 'Infrequently mown amenity grass' to provide additional benefits to pollinators. These are hardwearing and can still be mown short, as needed.
- The Bolsover North Hedgerow Plan seems to align with that produced at the outline stage in 2016, with some small discrepancies. A total of 2945 m of hedgerow will be retained across the site, with 1632 m removed. Approximately 888m of native hedgerow is proposed in POS and 3197 m of ornamental hedgerow in association with dwellings. Ornamental hedging around properties can still provide benefits to wildlife and we advise that these comprise native single species, such as beech, hornbeam, holly or yew, or non-native species with some value to wildlife¹. We are aware that Hedgerow Management Guidance for homeowners was produced for earlier phases of the development. After a review of the Bolsover North Hedgerow Plan, it would seem that few retained hedgerows are within residential curtilages in future phases, however we advise that the guidance should be rolled out across the site, in instances where it is applicable.
- I note that the Management Plan indicates that the small orchard present in the west of the site close to Oxcroft Road is to be maintained by the Management Company. I had thought that this orchard was managed by local people (possibly connected to the allotments) and as such its management might have fallen under Bolsover District Council's remit. If the Council could clarify that the Management Plan is correct on this point and if so, it will be important for the management company to liaise with local people who are familiar with the recent management of the orchard.

As already discussed in the design discussion earlier, the location and quantity of proposed landscaping is considered suitable in design terms and follows the principles established in the outline planning permission, and with a few small and acceptable differences, accords with the hedgerow retention and removals plan agreed with the outline planning permission (condition 16 requires any reserved matters scheme to generally accords with that plan, and the submitted details accord with this).

It is accepted that the quantum and general distribution of the proposed soft landscaping is appropriate, but that the final species will need to be amended to ensure that the benefits to biodiversity are improved in line with the comments of the Derbyshire Wildlife Trust and a condition and advisory note to achieve this are recommended.

The submitted landscape management plan is restricted solely to the identification of which organisations are envisaged would be responsible for management of the Town Park (Bolsover District Council, subject to satisfactory adoption process), and landscaped areas that are positioned outside of individual curtilage areas of each housing plot (a private management company for all such areas, excluding those areas in the public highway, would be utilised). Areas within proposed highway limits, that would include the proposed street trees, would be subject to separate adoption arrangements with the Highway Authority, who would become responsible for their ongoing management and maintenance.

This general split of responsibilities is considered appropriate in principle, but additional details over the final management regime for the Town Park and non-highway areas will need to be subject to later more detailed approval and a condition requiring this is proposed. Provision of the street trees will also need to be conditioned, along with a condition requiring alternative management arrangements if these trees are not adopted by the Highway Authority. A note drawing attention to the comments of the Derbyshire Wildlife Trust in respect of the form and content of any management plans is also proposed for inclusion.

In line with the approach taken on the earlier reserved matters consent ref. 23/00238/REM, a conditions is also proposed to provide ecology guidance to future purchasers of properties adjacent to retained hedgerows for the maintenance and upkeep of those hedgerows; it should be noted however, that the inclusion of these within the curtilage of individual dwellings has been reduced as far as practicable within the proposed layout to minimise potential harm to these by individual occupiers following the occupation of any dwellings.

Flood Risk and Drainage

Condition 21 of the outline planning permission requires: -

21. No development shall take place within any phase (or sub-phase as may be agreed in writing with the Local Planning Authority) until drainage plans for the disposal of foul sewage has been submitted to and approved in writing by the Local Planning Authority for that phase (or sub-phase). The scheme shall be implemented in accordance with the approved details before any development within any phase (or sub-phase) is first brought into use.

Condition 22 requires: -

22. No development shall take place within any phase (or sub-phase as may be agreed in writing with the Local Planning Authority) until a scheme for the improvement or extension of the existing sewerage system has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented as approved. No occupation of dwellings within any phase (or sub-phase) until the scheme for improvement or extension of the existing sewerage system for that phase (or sub-phase) has been completed in accordance with any approved details.

Yorkshire Water has raised no objection to the details submitted noting appropriate proposals for the disposal of foul water discharge, and based on this comment, it is considered that the requirements of conditions 21 in respect of foul drainage have been satisfied.

Yorkshire Water has also raised no objections to the submitted surface water drainage proposals, although the key consultee in respect of such matters is Derbyshire County Council as the Lead Local Flood Authority (LLFA).

Whilst full and final details of the surface water drainage scheme are not finalised, this is accounted for by condition 23 of the outline planning permission that will have to be complied with prior to the commencement of any development within this phase should it be permitted. That said, the LLFA has requested, and has been provided with, sufficient information to demonstrate that it will be possible to deliver a final scheme that will be able to deliver the necessary drainage, with appropriate filtration for water quality, within the areas shown on the submitted drawings, sufficient to enable that no additional land will be needed for this

purpose, therefore enabling the determination of the remainder of the reserved matters to which this application relates. An advisory note has been proposed, that is recommended for inclusion.

In respect of the comments raised by a neighbour on the issue of legal rights to discharge a cesspit onto parts of the development site. Whilst acknowledging that the layout includes the relevant land area as part of a garden on the Persimmon section of the development and the risk to that drainage facility and amenity that could arise from this, this is a private legal matter and a matter that will require approval under the Building Regulations; for this reason, this is not considered to raise any insurmountable issues for which there is not a reasonable prospect of private resolution, and so this does not affect the consideration of this application. Any planning consent does not override the separate need for compliance with Building Regulations or the need to resolve any private legal issues and the developer must obtain those permissions and consents to be able to build the layout that is submitted under this planning application should it be approved. If for any reason, a private agreement cannot be found then the developer would have to apply to this Council as the Local Planning Authority to consider any necessary amendments to any approved detail.

Other

Whilst the above assessment covers most issues raised in consultation responses and through representations, the following discussed issues that are not addressed:

- Chesterfield Royal Hospital has sought S106 contributions, however, new S106 contributions cannot be sought at Reserved Matters stage.
- A comment has been made about the retention of an old streetlight. The light in question is within the public highway and is the responsibility of Derbyshire County Council as the Local Highway Authority and could be removed at any time; this item has no protected status through the planning process.
- Blocking of private driveways is a private issue, and in some circumstances can be a criminal issue enforceable by the police and is not a material planning consideration. Any other issues regarding private access, or impacts such as power outages etc, and maintenance rights is also a private matter.
- Comments regarding temporary impacts from the Phase 1 development on Elmtun Lane have been noted. Any impacts on a public footpath or driveway must be subject to appropriate consents from the Highway Authority and this control should not be duplicated through any planning consent, and this would include the condition of those footpath/bridleways. Where works have resulted in unforeseen impacts, such as the need to remove additional hedgerow, this work was agreed with the Planning Department and is subject to re-instatement works.
- Any promises/commitments made by a developer to individual property owners or residents made by developers cannot be enforced by the Local Planning Authority, unless they achieve a material planning objective.
- Any damage to property by the developers is a private civil matter.
- Any incorrect deposit of materials or waste may not be a planning issue and would not be permitted by any planning consent; should this occur, this would have to be investigated on a case-by-case basis to establish whether there was any breach of planning control.
- On-site security is covered through health and safety regulations and is not a material

- planning consideration.
- Impact on property values is not a material planning consideration.

CONCLUSION / PLANNING BALANCE

The principle of development on this site is already established through the strategic Local Plan allocation and the previous grant of outline planning permission.

The submitted reserved matters are considered to accord with the parameters of the original outline planning permission and the Design and Access Statement approved by that permission.

Whilst there are a few technical details that still need to be fully resolved, these are minor in nature and are not considered significant to reaching a resolution in respect of this proposal and it will be possible to include conditions on any consent issued to deal with these to make the development otherwise acceptable.

RECOMMENDATION

Subject to the approval of the parallel application ref. 25/00433/OTHER for the amendment to the S106 associated with the outline planning permission ref. 14/00080/OUTEA, and subject to the completion of any Deed of Variation, this reserved matters application is recommended for approval, subject to the following conditions, which are provided below draft form, the final wording to be agreed by the Planning Manager: -

Conditions

1. Unless otherwise required and/or approved under other conditions of this consent, or conditions of outline planning permission 14/00080/OUTEA that are still to be complied with, the development hereby permitted shall be carried out in accordance with the following approved drawings and documents: -

Documents submitted with the original reserved matters application: -

- House Type Pack (Persimmon)
- GTC-E-SS-0012-R2 1 OF 1 - Strata - Close Coupled Substation Pyramid Roof Detail General Arrangement

Documents submitted 08/08/2025: -

- House Type Pack (Stancliffe Homes)

Documents submitted 08/10/2025: -

- P2612 - V - 1001 REV B - Visibility Splays and Forward Visibility in Line With 20mph Speed Limit
- P2612 - V - 1002 REV B - Visibility Splays and Forward Visibility in Line With 20mph Speed Limit

Documents submitted 16/10/2025: -

- P24-1323_EN_001H - Town Park Landscape Masterplan
- P24-1323_EN_002G - Town Park Detailed Hard and Soft Landscape Proposals
- P24-1323_EN_003F - Wider Site Landscape Masterplan

- P24-1323_EN_004F - Hedgerow Plan
- P24-1323_EN_005B - Longlands Welbeck Rd Landscape Proposals
- P24-2401_DE_015_S - Planning Layout (Stancliffe)
- P24-2401_DE_016_G - Materials Plan (Stancliffe)
- P24-2401_DE_017_F - Boundary Treatments Plan (Stancliffe)
- P24-2401_DE_025_R - Planning Layout (Persimmon)
- P24-2401_DE_026_F - Materials Plan (Persimmon)
- P24-2401_DE_035_E - Key Dimensions
- HTP-V01 - Strata Updated House Type Pack July 2025

Documents submitted 30/10/2025: -

- P24-2401_DE_003_N - Composite Masterplan (B&W)
- P24-2401_DE_003_N - Composite Masterplan (Colour)
- P24-2401_DE_005_W - Planning Layout (Strata)
- P24-2401_DE_006_F - Materials Plan (Strata)
- P24-2401_DE_007_F - Boundary Treatments Plan (Strata)
- P24-2401_DE_027_F - Boundary Treatments Plan (Persimmon)
- P24-2401_DE_028_F - Composite Materials Plan
- P24-2401_DE_029_E - Composite Boundary Treatments
- P24-2401_DE_032_E - Management Plan
- P24-2401_DE_033_F - Highways Adoption Plan
- P24-2401_DE_041_B - Highways Materials Plan

Document submitted 04/11/2025: -

- BOL2-ELCD-001 Rev. A - Elmtan Lane Crossing Detail

Documents submitted 20/11/2025: -

- Revised spine road delivery plan.
- Revised spine road delivery programme.

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

2. The submitted hard and soft landscaping details submitted with the planning application, containing full details and specifications for all soft landscaping including replacement hedges, full details of all means of enclosure, highway and footpath surfacing and a detailed specification for the permanent management and maintenance for all public areas, are not hereby approved, and the requirements of conditions 15 and 16 of outline planning permission ref. 14/00080/OUTEA are not hereby discharged. Revised details must have been submitted to and approved in writing by the Local Planning Authority in accordance with the general requirements of conditions 15 and 16 of outline planning permission ref. 14/00080/OUTEA prior to the commencement of any development, which may be agreed on a phased basis, subject to prior written agreement with the Local Planning Authority on such phasing areas to ensure that all sub-areas, including individual developer areas, Town Park and SuDS/Landscape zones outside of these areas.

[REASON: To ensure that satisfactory landscaping is provided within a reasonable period and managed for the long term in the interests of visual amenity and biodiversity and in compliance with Policies SS1(h and i), SC2(d, h and i), SC3(a, b e, f and i). SC9 and SC10 of the Local Plan for Bolsover District.]

3. Prior to the erection of any dwelling above foundation level within any developer phase, a phasing programme for the implementation of all the proposed street trees within that phase that must include all trees along the existing/proposed spine road closest to that developer's phase, must have been submitted to and approved in writing by the Local Planning Authority; this must include a programme of management and maintenance for up to the point at which the highway (including the street trees) is adopted. The street trees must then be provided and maintained in accordance with that programme and management and maintenance scheme at all times, up to the date of their adoption by the Highway Authority.

[REASON: To ensure that satisfactory landscaping is provided within a reasonable period and managed for the long term in the interests of visual amenity and biodiversity and in compliance with Policies SS1(h and i), SC2(d, h and i), SC3(a, b e, f and i). SC9 and SC10 of the Local Plan for Bolsover District, with specific regard to the requirement to provide street trees within the National Planning Policy Framework.]

4. In terms of any soft landscaping within individual dwelling curtilages, if within a period of five years from the date of the planting of any tree or shrub, that tree or shrub may die, be removed, uprooted or become seriously damaged it must 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.

[REASON] To ensure that any soft landscaping is suitably maintained in the interests of visual amenity and biodiversity and in compliance with Policies SS1(i), SC2(h and i), SC3(a, b and e), SC9 and SC10 of the adopted Local Plan for Bolsover District.

5. Retained hedgerows must be protected and maintained at all times during the course of the development, and at all times thereafter. Additionally, prior to the occupation of any dwelling that adjoins a retained hedgerow, details of an information pack to advise new homeowners on hedgerow management must have been submitted to and approved in writing by the Local Planning Authority. The hedgerow guidance should include the following:

- Wildlife importance of hedgerows for insects, birds, amphibians, and small mammals
- Ideal management to maintain the hedgerows for the benefit of wildlife.
- Additional actions homeowners can take in their gardens to assist the hedgerow wildlife.

The approved hedgerow guidance document must be issued to the initial purchaser of each new dwelling.

[REASON] To ensure the ongoing management and maintenance of the retained hedgerow in the interests of visual amenity and biodiversity, and in compliance with Policies SS1(i), SC2(h and i), SC3(a, b and e), SC9 and SC10 of the adopted Local Plan for Bolsover District and the requirements of the National Planning Policy Framework.

6. Notwithstanding the submitted details, full details of all external walling and roofing

materials following the principles established on the submitted materials plans must have been submitted to and approved in writing for each dwelling, prior to the construction of that dwelling above foundation level. Only the details approved under this condition must be implemented as part of the development.

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

7. All meter boxes should where practicable be located on elevations not fronting a highway and if located on such elevations, should be colour coded to tone in with the background material of each plot.

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

8. Prior to any works commencing, except for the installation of any protective fencing for retained landscaping, archaeological works and site clearance works, details of the finished floor levels for all dwellings must have been submitted to and approved in writing by the Local Planning Authority and the scheme as constructed must fully accord with any approved details.

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

9. Prior to their installation, full details of any proposed Pumping Stations or Sub-Stations must have been submitted to and approved in writing by the Local Planning Authority, and the completed development must be carried out only in accordance with those approved details.

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

10. Notwithstanding the submitted noise report, this is not approved for the purposes of condition 19 of the outline planning permission ref. 14/00080/OUTEA. Prior to the development on any plot above foundation level within the eastern section of the Persimmon development (shown as phases 4 – 11, coloured green, on the phasing programme submitted on the 20th November 2025), a revised noise assessment must have been submitted to and approved in writing by the Local Planning Authority, that must include a revised scheme of noise attenuation, using the findings of any revised and agreed Noise Impact Assessment submitted under this condition, to include for adequate ventilation, that may require mechanical ventilation, where adequate noise control cannot be provided in an open window scenario. The approved scheme must be implemented in full prior to the occupation of any affected dwelling and must be retained thereafter.

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

the adopted Local Plan for Bolsover District.

11. Prior to occupation of each dwelling identified as requiring noise mitigation measures by any assessment approved under the terms of condition 10 above, the scheme as approved and implemented must be validated in respect of that dwelling by a competent person and a validation report must have been submitted to and approved in writing by the local planning authority in respect of that dwelling.

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

12. Notwithstanding the submitted details, prior to the occupation of plots S208, S209 and S214, revised details of the proposed position of the pedestrian gates to access the rear gardens of those plots into a more prominent location visible from the public domain, must have been submitted to and approved in writing by the Local Planning Authority. The gate to each property must be erected in accordance with the details approved under this condition prior to its occupation and must be maintained as such thereafter.

[REASON] In the interests of crime prevention and in accordance with the requirements of Policy SC3 (f) of the Local Plan for Bolsover District.

13. Prior to the occupation of the dwellings on plots PE247-253, PE254-258, PW344-348 and PW 307-311, fencing or other appropriate means of enclosure (low knee rail fence suggested) must have been provided to define the boundary between public and private areas alongside the entire length of any private driveway alongside each affected plot, all provided in accordance with details that must previously have been submitted to and approved in writing by the Local Planning Authority, which must be retained as approved at all times thereafter.

[REASON] In order to clearly identify the boundary between public and private domains in the interests of crime prevention and in accordance with the requirements of Policy SC3 (f) of the Local Plan for Bolsover District and to ensure a satisfactory standard of external appearance in compliance with Policies SS1(h), SC1(a and e), SC2(g and i), and SC3(a, b and e) of the adopted Local Plan for Bolsover District.

14. Prior to the occupation of any dwelling within or adjoining any developer phase, details of lighting to any proposed footpaths and private driveways, excluding any areas that would form part of any adopted street, must have been submitted to and approved in writing by the Local Planning Authority, which must include an implementation programme for its installation. The approved scheme must be implemented in accordance with the approved programme and maintained as approved at all times thereafter.

[REASON] In the interests of crime prevention and in accordance with the requirements of Policy SC3 (f) of the Local Plan for Bolsover District and to ensure a satisfactory standard of external appearance in compliance with Policies SS1(h), SC1(a and e), SC2(g and i), and SC3(a, b and e) of the adopted Local Plan for Bolsover District.

15. Prior to the development of the section of the link road closest to Longlands (shown blue on the approved phasing plan and programme submitted on 20th November 2025, revised

details for this must have been submitted to and approved in writing by the Local Planning Authority and the approved scheme must be provided in accordance with that detail.

[REASON] In order to enable revised detail to account for minor discrepancies on that plan in respect of the need to retain existing access points to adjacent properties and to control the final detail of this area to ensure a satisfactory standard of external appearance and amenity and in compliance with Policies SS1(h), SC1, SC2(h and i), and SC3(a, b, e and n) of the Local Plan for Bolsover District.

16. Prior to the commencement of the demolition of 42 Welbeck Road, details for the treatment for gable wall at 44 Welbeck Road must have been submitted to and approved in writing by the Local Planning Authority, and the scheme must be implemented as approved.

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

17. Notwithstanding the submitted details, prior to the occupation of any dwelling within this phase of development, revised details for the location and treatment of proposed bus stops must have been submitted to and approved in writing by the Local Planning Authority, to include details of their delivery in line with the parameters of the approved phasing programme for the delivery of the spine road, as submitted on the 20th November 2025, and the approved details must be implemented in accordance with this approved detail.

[REASON] To provide a suitable location and treatment of any proposed public transport facilities, in the interest of the character and appearance of the development, as well as the amenities of residents, and in compliance with Policies SS1(h), SC1, SC2(h and i), and SC3(a, b, e and n) of the Local Plan for Bolsover District.

Statement of Decision Process

In compliance with the National Planning Policy Framework the Council has negotiated amendments, including partial withdrawal of elements of the original submission, and sought additional submissions in respect of site layout, highway safety, crime prevention, flood risk, ecology and noise to seek compliance with the outline planning permission, policies of the adopted Local Plan for Bolsover and the NPPF.

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 Blackwell Parish

| | | | |
|------------------------|--|-----------------|-------------|
| APPLICATION | Demolition of 6 prefabricated concrete panel garages and the erection of 4 apartments with associated parking and amenity spaces | | |
| LOCATION | Garage Site To The West Of 283 Alfreton Road Blackwell | | |
| APPLICANT | Mr. C. Hardy c/o Agents c/o Agents England | | |
| APPLICATION NO. | 25/00184/FUL | FILE NO. | PP-13929707 |
| CASE OFFICER | Mr Mitchel Smith | | |
| DATE RECEIVED | 14th April 2025 | | |

SUMMARY

This is a full planning application for the demolition of six prefabricated, concrete panel garages to allow for the erection of four apartments with associated parking and amenity spaces. Each apartment will contain a bedroom, bathroom, living room and kitchen. Amenity and parking spaces are proposed to the front and rear of the proposed building.

The application has been referred to planning committee given more than twenty separate households had objected to the proposal.

Officers maintain a recommendation that the proposal is approved conditionally.

BACKGROUND

This application was considered by Planning Committee members at the October meeting, and it was determined that the decision would be deferred pending amendments to the scale of the building and the available parking provision. The applicant therefore provided a revised scheme, decreasing the overall footprint of the building, setting it back slightly, and so the principal elevation would be in-line with the adjacent property and also providing two additional parking spaces to the front of the site. As such, necessary statutory and public consultations have been undertaken.

Given the small alterations to the proposal, Members will note this report is largely the same as the initial recommendation report. There has been a significantly lower number of representations received during the latest public consultation, but the objections first received have still been considered in the assessment of the revised scheme.

Site Location Plan



OFFICER REPORT ON APPLICATION NO.25/00184/FUL

SITE & SURROUNDINGS

The application site is situated within the development envelope of Blackwell and to the north, east and south of the site are a number of residential properties, while to the west is an area designated as an important open break.

The site is on the cusp of a residential settlement whereby the properties are predominantly two-storey and brick finished. There are a number of deviations to the scale, design and appearance of the other properties within the wider setting.

The application site is predominantly hardstanding, bound by a mix of timber and concrete fences, serving the surrounding residential properties. Towards the south-western boundary of the site are six, prefabricated, concrete garages containing up-and-over doors.



PROPOSAL

The application is seeking planning permission for the removal of the garages to be replaced by four apartments, each containing a bedroom, living room, shower, kitchen and storage space.

Since the initial proposal the footprint of the flats has been reduced, now proposed to be 15m in length, re-locating the porch to the side of the property. At the widest section towards the rear of the building, the development measures 7.9m, falling to 6.8m towards the principal elevation.

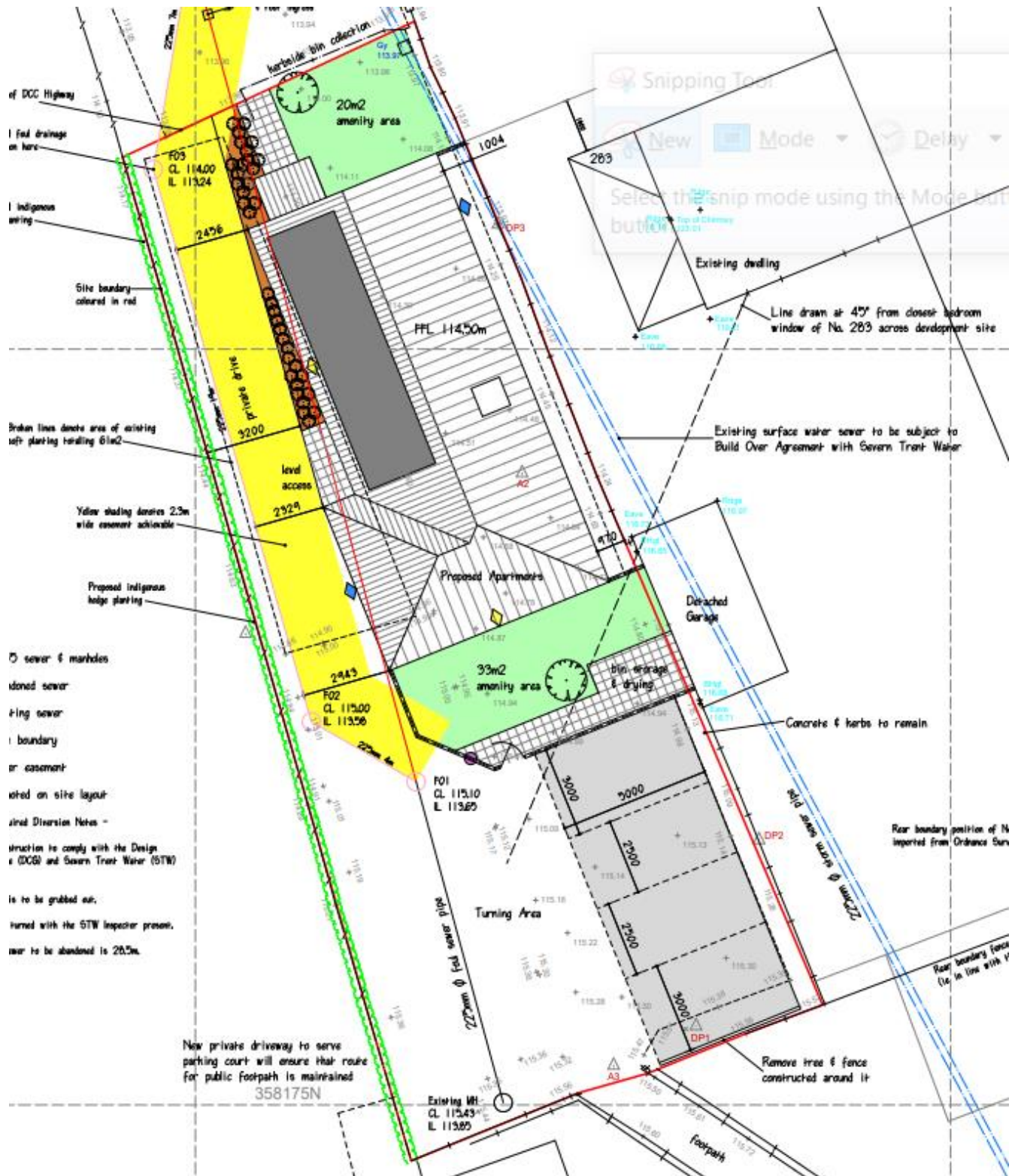
Two parking spaces are proposed to the front of the building and a further four towards the rear which are accessed via a driveway to the side of the building. Amenity spaces are proposed to the front and rear along with sections of hard and soft landscaping throughout, including hedgerow planting towards the western border.

Solar panels are proposed to the roof encompassing 27m² of the roof pane. Bat and bird boxes and a mammal gap have also been included throughout the application site.

Revised scheme received on the 14th November 2025:



Previous scheme considered at the October Planning Committee:



Supporting Documents

Relating to the initial design:

- Design and Access Statement, received on the 14th April 2025

- Preliminary Ecological Report, received on the 14th April 2025

AMENDMENTS

- **09/06/2025:** Amended block and elevation plans
- **25/06/2025:** Coal Mining Risk Assessment
- **14/08/2025:** BNG Metric
- **23/09/2025:** Revised block, elevation, floor and topographical plans
- **14/11/2025:** Revised block, elevation, and floor plans

Summary of Submissions

- Application form, received on the 14th April 2025
- Location plan, received on the 14th April 2025
- Design and Access Statement, received on the 14th April 2025
- Preliminary Ecological Report, received on the 14th April 2025
- Coal Mining Risk Assessment, received on the 25th June 202
- BNG Metric, received on the 14th August 2025
- Floor, Elevation and Site layout plans, received on the 14th November 2025

EIA SCREENING OPINION

The proposals that are subject to this application are not EIA development.

HISTORY

There is no relevant planning history for this site.

CONSULTATIONS

Statutory consultees were invited to consider the application on 22/04/2025 requiring comments to be provided by 13/05/2025. Given the revisions to the application, several reconsultations with statutory bodies have taken place.

Blackwell Parish Council

- **13/05/2025:** Have the following objections:
 - Current drainage infrastructure is struggling.
 - Social infrastructure: problems getting doctor's appointments.
 - Highways: concerns over safe access.
 - Environmental concerns: loss of wildlife.
 - Flood: hardstanding and surface water could present issues when raining.
 - Additional concerns: one bed apartments not in keeping with setting, loss of privacy and light, removal of public footpath.

Coal Authority

- **04/07/2025:** No objection to the proposed development subject to the imposition of planning conditions requiring a scheme of intrusive investigations, remediation and/or mitigation works to ensure the suitability of the site.

DCC Highways

- **07/05/2025:** requested that the application is amended to reflect the change of use to the land.
- **08/05/2025:** Officers responded stating that this was not necessary as the proposal title

accurately reflected the development proposed.

- **15/05/2025:**

Site Access – visibility into the serviced road and Alfreton Road is considered acceptable in both directions.

Internal Layout – It is presumed that the existing footpath is to be retained, providing a route for pedestrians, aiding connectivity. There are some concerns about the potential conflict between vehicle and pedestrian movements in the site, due to the central driveway being limited to 3.2m, however this is not sufficient to warrant an objection. 4 parking spaces are proposed, in line with DCC's parking guidance for new developments.

Conditions / Informatives – development not occupied until access, parking and turning facilities have been provided; no works shall commence until a Stopping Up Order has been granted.

Derbyshire Wildlife Trust:

- **09/09/2025:** the metric details that 0.089ha of 'moderate' condition modified grassland will be lost. The only habitats present within the metric pertain to bare ground, a sparse area of scattered scrub and one individual tree which falls within a neighbouring garden. Having reviewed the public representations, it is apparent that mature tree clearance has taken place, this is not certain or based on the information submitted. Clarifications are advised regarding this issue.
- **09/09/2025:** it would appear that the purchase of credits is not for the correct amount. The metric does appear to have been completed correctly and in line with the submitted Preliminary Ecological Assessment. On-site gains should be considered prior to exploring off-site options such as habitat banks or other off-site land to satisfy the biodiversity net gain hierarchy.
- **16/09/2025:** the applicant has purchased 0.04 units of neutral grassland to offset the loss of modified grassland at the site. However it appear that 0.05 units are required given the habitat bank is outside of the LPA / NCA area and therefore the Spatial Risk Multiplier takes this into account. The site is so small and the losses insignificant that the baseline from ProHort can be accepted. Additional units are required and it is recommended that a finalised metric is submitted but this is not mandatory at this stage.

Engineers

- **12/05/2025:**

1. The sewer records show a public sewer within the area of the proposed work (plan enclosed). The applicant should also be made aware of the possibility of unmapped public sewers which are not shown on the records but may cross the site of the proposed works. These could be shared pipes which were previously classed as private sewers and were transferred to the ownership of the Water Authorities in October 2011. If any part of the proposed works involves connection to / diversion of / building over / building near to any public sewer the applicant will need to contact Severn Trent Water in order to determine their responsibilities under the relevant legislation.
2. All proposals regarding drainage will need to comply with Part H of the Building Regulations 2010. In addition, any connections or alterations to a watercourse will need prior approval from the Derbyshire County Council Flood Team, who are the Lead Local Flood Authority.
3. 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.

Environmental Health

- **09/05/2025:** Development is situated within an area defined as a high development risk by the UK Coal Authority and should be accompanied by a coal mining risk assessment. Standard contaminated land conditions are also recommended.

Health and Safety Executive

- **23/10/2025:** Provided that the proposed development does not constitute as 'vulnerable' buildings, HSE has no comments to make.

Since Members considered the application at the previous Planning Committee meeting, the applicants amended the proposal and consultations have been undertaken. It was not considered necessary for a full re-consultation given the extent of the alterations and the outcome of the previous responses, as such, the relevant consultee responses are summarised below:

DCC Highways

- **19/11/2025:** No objections subject to conditions.

Environmental Health

- **24/11/2025:** Recommends the same conditions as set out in the previous response.

PUBLICITY

The application has been advertised by way of a site notice and neighbour notification letters have been sent.

Prior to initial proposal being considered at the previous Planning Committee meeting, the public round of consultations prompted 36 representations from 24 separate households, 16 of which were provided in the form of a petition. The representations have been summarised below:

Principle

- Overdevelopment and over intensification contrary to policy SC1.
- Not sustainable development.
- Bolsover has already achieved a 5 year housing supply, and no neighbouring / nearby authority has required BDC to help deliver their objectives.

Visual Appearance

- Out of character for the local area.
- Use of materials will appear overbearing in comparison to the surrounding dwellings.
- The development does not conform to the existing building line.

Residential Amenity

- Substandard internal and external space.
- Overbearing.

- Loss of privacy / overlooking implications.
- Overshadowing issues introduced.

Biodiversity

- Loss of trees and natural screening.
- Reduced separation between properties and the countryside.
- Disturbance to natural habitats of animals.
- Tree works conducted prior to the application being submitted.
- Difficult to see where the shrubs, trees and hedgerows are to be placed.

Highway/Access

- Access from Alfreton Road is narrow with poor visibility, additional residents will worsen access and safety.
- Fire engine access is 3.7m generally, proposed access is 3.2m with no pedestrian pavement.
- Inadequate parking and turning facilities and increased congestion.

Other Matters

- Land ownership dispute / neighbouring fencing has been in situ for 25 years.
- Development sets a precedent for future overdevelopment.
- No formal highways report provided to demonstrate it meets safety standards.
- Lack of clarity on occupancy.
- Rainwater / drainage concerns.
- Lack of meaningful community consultation by developer.
- Sewage and drainage concerns.
- Detrimental effects of prolonged construction.
- The plans show a 45° line but a 25° line has not been included.
- Plans indicate the inclusion of solar PV panels, however no provision for water storage cylinders or battery storage systems. What type of space heating is proposed? Note that there is no provision of electric vehicle charging.
- Picture (from Site & Surroundings section) is not a true representation of the plot. It seems to have been taken in a way for the site to appear much larger than it actually is.
- Horse riders known to use the existing footpath, has this been factored into the development design?
- It has been admitted in the report that the development fails to meet the guidelines of several standards. The report should be an impartial view, but it seems to be biased in favour of the development. No alternative designs or amendments resolving any of the issues raised were proposed. Instead, any issue is deemed 'acceptable', any adverse impact called 'slight' and failure to meet guidelines seems to be excused.

Revised plans have been provided by the applicant and therefore further public consultation has been undertaken. At present, one representation has been received which raises concerns already mentioned in the above summary. Any additional neighbour comments received following publication of the committee report will be provided to Members in an update report.

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
- SS11 – Important Open Breaks
- LC3 – Type and Mix of Housing
- SC1 – Development within the Development Envelope
- SC2 – Sustainable Design and Construction
- SC3 – High Quality Development
- SC9 – Biodiversity and Geodiversity
- SC11 – Environmental Quality (Amenity)
- ITCR11 – Parking Provision

National Planning Policy Framework (“the Framework”)

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

- Chapter 2 (paras. 7 – 14): - Achieving sustainable development.
- Paragraphs 48 - 51: Determining applications.
- Paragraphs 56 - 59: Planning conditions and obligations.
- Paragraphs 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 207 - 221: Conserving and enhancing the historic environment.

Supplementary Planning Documents

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

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

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 of the development on the surrounding neighbouring properties;*
- *whether the development would be provided with a safe and suitable access and impact on the local road network;*
- *the impact on biodiversity and proposed enhancements;*
- *ground contamination and stability; and*
- *other matters*

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

Principle

Officers maintain, for the same reasons set out in the previous report, that the principle of the development is acceptable.

Objections have been received which state the proposal does not constitute sustainable development and given the scale of the building would result in over intensification of the land, which would be contrary to policy SC1 of the Local Plan.

In order to support sustainable development, proposals must accord with the settlement hierarchy, set out in policy SS3, which is as follows:

- 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

Policy SC1 considers development proposals in development envelopes to be suitable providing they are appropriate in scale and design, and functional to the area, are compatible with and does not prejudice any existing or intended use of adjacent sites and would not present any unacceptable environmental impacts; the remaining provisions are not relevant to this type of development proposal. The application site is situated within a predominantly residential area and forms part of the development envelope of Blackwell.

The National Planning Policy Framework (NPPF or Framework) sets out at para.73 '*that Small and Medium sized sites can make an important contribution to meeting the housing requirement of an area*'. The developments proposed are contained to the application site, and while the building itself is large in scale, it is considered to be proportionate to the scale of the application site and necessary for the proposed residential function. The proposal does not prejudice any existing or adjacent sites and does not amount to unacceptable environmental impacts.

The site is within walking distance to local shops and facilities and there are several bus stops within the vicinity providing access to larger towns and cities such as Pinxton, Mansfield and Derby. The site is therefore within a sustainable location where residential development is acceptable.

Overall, it is considered that the proposal constitutes sustainable development in accordance with policies SS1, SS3 and SC1 of the Local Plan for Bolsover District.

An objection states that the Council are currently providing a 5-year housing supply, implying there is no need for additional residential housing. While the Council, at present, are meeting 5-year housing targets, this is not a justified reason to warrant a refusal of planning permission.

Landscape and visual impact of the proposed development

Representations opposed to the development stating it was out of character for the local area, due to nature, scale and materials proposed.

Policy LC3 of the Local Plan states that proposals for new housing should seek to ensure an appropriate mix of dwelling types, and sizes, taking account of existing imbalances in the housing stock, site characteristics, the characteristics of adjoining development, and viability and market considerations. Policy SC3 requires proposals create good quality, attractive and connected places which respond positively to local context, established character and local distinctiveness.

The application site is within a residential setting, in which the immediate surrounding properties are two-storey, brick finished and contains tiled, gable roofs but there are deviations to the design of the properties. The wider setting varies considerably, whereby a number of single-storey dwellinghouses are present; hipped roofs are also more frequent and the type and colour of brick varies largely. As such, the streetscene is not considered to conform to a uniform design, scale and/or appearance.

The proposed building will be finished in red brick, containing 'silver pearl' render panels, and grey concrete interlocking roof tiles. The materials proposed are considered to reflect the characteristics of the surrounding buildings and therefore compliment the appearance and

finish of such properties.

While Officers did not consider the scale of the building to be unacceptable, Members raised this as a concern. The revisions to the proposal have reduced the overall footprint of the building and re-sited it in line with the neighbouring property (no.283). The constrained scale of the wider site is acknowledged, but the development is considered to be of an appropriate scale relevant to the site but also provides sufficient, functional space for potential residents.

The application site borders a designated important open break. While development is visible from the open break, it is not situated within the designated area and therefore the impact on the District's openness is minimal, and therefore accords with policy SS11 of the Local Plan.

Overall, it is considered that the proposal introduces a suitable use to a redundant garage site. The revised scheme addresses the scale concerns previously raised, and has been designed to resemble a detached, two-storey dwellinghouse when viewed from public spaces. The development is contemporary in design and does not introduce visual harm to the character and appearance of the streetscene. The development is compliant with the provisions of policies LC3, SC2 and SC3 of the Local Plan and the 'Achieving well-designed places' section of the Framework.

Residential Amenity

A number of representations were received, objecting to the proposal stating that the development does not provide sufficient internal or external spaces for potential residents and that the siting and scale of the building would result in significant amenity harm to the surrounding properties.

Policy SC11 states that development, which is 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 relevant assessment and if necessary, appropriate mitigation must be put in place. Policy SC3(n) ensures that a good standard of amenity is maintained for both existing and future residents.

There are no residential properties to the west. The principal elevation of the proposed building is over 40m, and on the opposing side of a highway, from the neighbouring properties to the north, and therefore will not introduce any amenity harm to these properties.

The development proposes several openings on both ground and first-floors, on all elevations. The windows on the rear elevation measure 14.6m to the boundary of the residential properties to the south and are sited 29m to the elevations of nos.16 and 18 which contain habitable room windows facing the application site. The windows on the proposed side elevation, which look towards no.283 to the east, serve bathrooms, which are not habitable rooms as per the guidance contained in the adopted Successful Places guidance. The proposed openings on the opposing elevation look out to green space to west. In terms of privacy provision, all openings of the development proposed are compliant with the separation distances of the adopted Successful Places design guidance.

Further daylight assessments have been undertaken following the re-siting of the building. The initial proposal resulted in a slight impact to a window of an outlier extension belonging to no.283, however this was not a primary window, and the impact was not considered to result

in significant amenity harm. The revised siting further alleviates the potential overshadowing impact to no.283 and therefore provides betterment to a situation which was already compliant with relevant guidance. As such, no significant overshadowing harm will be introduced.

The revised scheme projects further into the application site given the re-positioning, but does not present overbearing harm in this instance. The neighbouring property comprises an amenity space measuring around 22m in length. Given the suitably large garden space, and that the neighbouring detached garage will mitigate some of the presence of the development, it is considered that the potential overbearing impacts will be acceptable.

An objection received relates to the internal and external spaces provided to potential residents. As outlined in the 'Technical housing standards – nationally described space standard', a one bedroomed property, for 1 person must include a minimum floor space of 39m², the standards note a reduction to 37m² is acceptable whereby a shower room is proposed instead of a bathroom, of which is confirmed by the proposed site plans. As such, the revised scheme is compliant with the nationally adopted space standards.

With regard to external spaces, the revised scheme has omitted sections of the outdoor communal space in order to provide additional on-site parking spaces. The Successful Places design guidance states that 100m² (25m² per flat) of outdoor amenity space should be provided. The initial proposal included 53m² of amenity space, however 15m² of this has been lost to make way for the parking. Therefore, only 38m² of outdoor amenity space is provided. The Successful Places SPD acknowledges that deviations from the guidance can be considered acceptable on more constrained sites. While the lack of amenity space is not ideal, it is not a justified reason to withhold planning permission given the availability of green space elsewhere within the locality, which are within walking distance from the application site.

Overall, a harmful relationship between the application site and surrounding neighbouring properties will not be introduced with regard to potential overlooking, overbearing and overshadowing impacts. The proposal also provides acceptable levels of internal spaces and supplies some level of outdoor amenity space. As such, the application is considered compliant with policies SC3 and SC11 of the Local Plan and Successful Places design guidance.

Highways & Access

Given the nature of the development, the Local Highway Authority (LHA) were consulted on the application.

The site is located off Alfreton Road, a classified road subject to a 30mph speed limit, with access to the site being taken from a service road, running parallel to Alfreton Road. Visibility into the service road and Alfreton Road is considered acceptable in both directions by the LHA.

An existing footpath connects the southern boundary of the application site to Deamon Street, forming a strip of adopted highway. The connection is to be retained by way of maintaining connectivity for pedestrians. An informative note will be included ensuring the applicants divert the existing adopted highway to facilitate the development.

Objections were received which raised conflict between the vehicular and pedestrian movements in the site, due to the central driveway being limited to 3.2m, however the LHA confirmed the access width is sufficient to allow two vehicles to pass. With regard to pedestrian safety, the vehicles maintain suitable visibility, and given the function of the road, vehicles speeds will be low such that pedestrian safety is not significantly harmed.

The initial scheme proposed four parking spaces to the rear of the site, which fell short of the Parking Standards of the Local Plan. Officers did not consider this to be unacceptable given the LHA stated the parking provision was in accordance with Derbyshire County Council's Parking Guidance for New Developments. Notwithstanding this, Members of the Planning Committee deferred the decision subject to alterations to available parking. As such, applicants provided an amended scheme which included an additional two spaces to the site frontage, providing a total of six off-street parking spaces which now accords with the provisions and parameters set out in the Local Plan's Parking Standards.

The LHA were consulted on the revised scheme, and raised no objections subject to the imposition of conditions requiring the parking to be provided in accordance with the revised plans and for development not to take place until a Stopping Up order had been granted. The first condition is considered reasonable and necessary, however Stopping Up orders are outside the planning remit, and addressed under separate legislations enforced by the LHA; as such, this will be included as an informative note, as previously mentioned.

Overall, the proposed development is compliant with policy ITCR11 and the Parking Standards of the Local Plan.

Ecology and Biodiversity Considerations

Numerous objections stated that several trees had been felled prior to the submission of the application. This matter was queried with the applicants who confirmed that the trees formed part of the neighbouring land and while they were felled to facilitate future development, did not form part of the application site. The trees were also not protected by a Tree Preservation Order and given the site is not situated within a conservation area, are not protected by the LPA. Objectors also raised concerns that development would impact on local wildlife and habitats. However, the site itself is predominantly hardstanding and offers little ecological and biodiversity value. The disturbances to wildlife are noted but this is not considered to be for a prolonged period of time and is to an extent that is expected as will all types of development.

As of April 2024, all development proposals, unless in accordance with a statutory exemption, must provide a mandatory 10% uplift in biodiversity. After some deliberation, the applicants provided a metric outlining an on-site baseline of 0.04 habitat units stating -0.02 (66.4%) of these would be lost as part of the development, this comprises a small section of unsealed surface towards the north-western border of the site. Details confirming the purchase of BNG credits was also provided in order to facilitate the mandatory uplift.

The application saw several consultations with Derbyshire Wildlife Trust (DWT); specific details of which were discussed in the previous report.

The final consultation with DWT approved the on-site baseline (0.04 habitat units) provided by ProHort, but stated additional credits would need purchasing given the applicants had not

taken into account the Spatial Risk Multiplier given the chosen habitat bank is situated outside of the LPA / NCA area, as such, 0.05 credits are required.

DWT recommended that a final metric, outlining the purchase of credits and finalising the 10% BNG is provided to the LPA, post-decision, forming part of the requirements of the standard biodiversity condition. Given the chosen method of BNG is to purchase credits and the previous recommendation from DWT, it was not necessary to re-consult them on the minor changes of the revised scheme.

Soft landscaping and tree and hedgerow planting are proposed throughout the site, including mountain ash, silver birch trees, and indigenous hedgerows with various shrubs; a mammal gap, bird box and bat box are also proposed, these are also welcomed features in order to facilitate biodiversity enhancements onsite, and in accordance with policy SC9 of the Local Plan for Bolsover District. Conditions will be imposed ensuring the trees and shrubs are planted in accordance with the necessary scheme.

Land Stability

As set out in policy SC14, development proposals will not be permitted unless it can be demonstrated that any contaminated and unstable land issues can be addressed by appropriate mitigation to ensure that the site is suitable for its intended use and does not result in unacceptable risks to human health, and the built and natural environment.

The Coal Authority (CA) concurs with the recommendation of the Coal Mining Risk Assessment (CMRA), which sets out that coalmining legacy potentially poses a risk to the proposed development and therefore intrusive site investigation works should be undertaken prior to the commencement of the development in order to establish the exact situation regarding coal mining legacy harm. Subject to the imposition of conditions requiring ground investigation works, the CA have no objections to the proposal.

Environmental Health (EH) also recommended planning conditions which required the undertaking of groundwork investigations in order to identify any potential contaminated land. Should this be founded, it must be assessed by a competent person, and a mitigation scheme provided to and for approval by the Local Planning Authority.

EH were also consulted on the revised scheme and recommended the same conditions, set out on the previous response.

The conditions recommended by the CA and EH are necessary and reasonable in order to ensure the site is suitable for the intended use, as in accordance with policy SC14 of the Local Plan.

Other Matters

The above assessment is considered to address the planning matters of the proposed development and reflects on the objections / representations received throughout the planning process. Members will be familiar with this section of the previous report and the update report provided prior to the Planning Committee meeting. No additional concerns have been raised in the recent public consultation, as such, comments were made in respect of the following:

- Land ownership dispute / neighbouring fencing has been in situ for 25 years.
- **Officer comment:** Numerous objections mention a land ownership dispute. This matter was queried with the agent who confirmed the application has been made in accordance with land boundaries within the applicant's ownership. The LPA are satisfied that the red line plan has been provided correctly such that the application was correctly validated and processed. Notwithstanding this, land ownership would be private legal matter, outside the remit of planning controls.
- Development sets a precedent for future overdevelopment.
- **Officer comment:** The proposal is not considered to be overdevelopment of the site and sets no precedent for future development. Planning applications are considered on their individual planning merits and the acceptability with regard to local and national planning policies.
- No formal highways report provided to demonstrate it meets safety standards.
- **Officer comment:** This is not a requirement of the planning application. The Local Highway Authority were consulted on the application and raised no objections, subject to conditions, to the application.
- Lack of clarity on occupancy.
- **Officer comment:** The future occupancy of the flats is not a planning consideration. The approval or refusal of the development is not based on the type of the occupants.
- Sewage and Rainwater / drainage concerns.
- **Officer comment:** The site is predominantly hardstanding and sections of soft landscaping and proposed throughout the site, as such this will be a betterment in terms of drainage and surface rainwater concerns. The Council's engineers were consulted on the application along with Environmental Health and neither raised objections to the sewage/foul drainage, informative notes have been included.
- Lack of meaningful community consultation by developer.
- **Officer comment:** The developer is not required to undertake community consultation. The application was advertised by way of site notice and surrounding neighbouring properties were sent letters outlining the development proposed. This process is above that required by planning legislation.
- Detrimental effects of prolonged construction.
- **Officer comment:** There is expected to be some disturbance during the construction phase, but this is not considered to be prolonged. The comments are also not specific as what 'detrimental effects' they are concerned about.
- The plans show a 45° line but a 25° line has not been included.
- **Officer comment:** The plans are not required to show either the 25o and / or 45o angles in terms of national validation requirements. With regard to amenity impacts, as set out in the relevant section of the report, Officers have conducted such assessments and determined the proposal to be acceptable.
- Policy SS3 states it would support one residential dwelling, but there are several

dwellings built within the surrounding setting, some of which are larger scale consisting of 23 houses and 20 flats.

- **Officer comment:** As set out in the above 'Principle' section of the report, policy SS3 includes the settlement hierarchy and does not state that it support only one residential dwelling. The principle of the development is considered to be acceptable. While other developments may have been approved within the surrounding area, these are not considered to impact on this application. The proposal has been considered on its individual merits and a recommendation for approval has been put forward.
- Plans indicate the inclusion of solar PV panels, however no provision for water storage cylinders or battery storage systems. What type of space heating is proposed? Note that there is no provision of electric vehicle charging.
- **Officer comment:** The provision of water storage cylinders, battery storage systems and space heating are not planning considerations for this application. The installation of EV charging is not a requirement but the Local Planning Authority (LPA) would welcome this, it is however noted that this could be completed by exercising permitted development rights.
- Picture (from Site & Surroundings section) is not a true representation of the plot. It seems to have been taken in a way for the site to appear much larger than it actually is.
- **Officer comment:** The image used in the report is taken from the start of the application site (red line) and has not been taken to make the site appear larger in scale. Notwithstanding this, Members were able to visit the site during the Committee Site Visits on Friday 24th of October.
- Horse riders known to use the existing footpath, has this been factored into the development design?
- **Officer comment:** The access to the rear of the site measures 3.2m while the connecting footpath measures 1.3m in width. It is not noted to have been a consideration but the access to the rear of the site is significantly wider than the public footpath and therefore will not present an issue.
- It has been admitted in the report that the development fails to meet the guidelines of several standards. The report should be an impartial view, but it seems to be biased in favour of the development. No alternative designs or amendments resolving any of the issues raised were proposed. Instead, any issue is deemed 'acceptable', any adverse impact called 'slight' and failure to meet guidelines seems to be excused.
- **Officer comment:** The report provides an assessment of the proposed development against the necessary local and national planning policies and adopted guidance, it has not been written in a way which is biased towards any outcome.

The report acknowledges that proposal falls short of the recommended parking standards of the Local Plan and the amenity space provisions of the Successful

Places guidance. The report also states that both these documents acknowledge that deviations from the stated provisions can be considered acceptable.

In terms of parking provisions, Paragraph 116 of the National Planning Policy Framework states that “development should only be prevented or refused on highway 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”. Derbyshire County Council’s Local Highway Authority were consulted on the application and raised no concerns with the proposed parking provisions, noting it was compliant with their Parking Guidance for New Developments. As such, it is considered to be illogical and unjustified to refuse planning permission on this basis.

With regard to amenity spaces, as previously stated the officer report acknowledges the shortfall of the amenity space but realises additional space would be at the detriment of the proposed parking spaces. The Successful Places guidance states that deviations to the provisions can be considered acceptable on more constrained sites. It is also noted that this is a guidance document and does not hold the same influence of planning application decisions as local and national planning policies.

CONCLUSION / PLANNING BALANCE

The revised scheme is considered to be a suitable residential scheme which contributes, albeit on a small scale, to the Council’s housing supply. The building is in-keeping with the surrounding locality and does not introduce any significant harmful amenity impacts to the surrounding residential properties. The revised scheme proposes additional parking provision which is compliant with the Local Plan’s Parking Standards. It would be preferred that additional amenity space is provided but it is acknowledged that the constraints of the site, would result in parking being removed, which Members initially raised concerns with.

As such, a recommendation for conditional approval is put forward to Members of the Planning Committee.

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 hereby permitted must be carried out in accordance with the following:
 - Proposed site layout, elevations and floor plans (dwg no. PA/24-023 SK 80 01 E) received on the 14th November 2025.
 - Preliminary Ecological Appraisal Report received on the 14th April 2025.
 - Coal Mining Risk Assessment received on the 25th June 2025.
3. No development shall take place above foundation level of the apartment block until such time that samples of the materials and finishes (brick, roof tile, render) have been submitted to and approved in writing by the Local Planning Authority.
4. The development hereby approved must not become occupied until a detailed scheme for the boundary treatment of the site, including position, design and materials, and to include all boundaries or divisions within the site, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme must be completed before the building is first occupied or such other timetable as may first have been approved in writing with the Local Planning Authority.
5. The development hereby approved must not become occupied until full details of both hard and soft landscape works including a programme for implementation have been submitted to and approved in writing by the Local Planning Authority, and the works must be carried out as approved.
6. If within a period of five years from the date of the planting of any tree or shrub that tree or shrub may die, be removed, uprooted or become seriously damaged it must 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.
7. Prior to the installation of lighting fixtures, a detailed lighting strategy must be submitted to and approved in writing by the Local Planning Authority to safeguard bats and other nocturnal wildlife. This should provide details of the chosen luminaires, their locations and any mitigating features such as dimmers, PIR sensors and timers. Dependent on the scale of proposed lighting, a lux contour plan may be required to demonstrate acceptable levels of light spill to any sensitive ecological zones/features. Guidelines can be found in Guidance Note 08/23 - Bats and Artificial Lighting at Night (BCT and ILP, 2023). Such approved measures will be implemented in full.
8. Prior to building works commencing above foundation level, a Species Enhancement Plan must be submitted to and approved in writing by the Local Planning Authority. Approved measures must be implemented in full and maintained thereafter. The Plan must clearly show positions, specifications and numbers of features.
9. The development hereby approved must not be occupied until the access, parking and

turning facilities have been provided as shown on drawing (dwg no. PA/24-023 SK 80 01 E) received on the 14th November 2025.

10. No development shall commence (excluding demolition) until;

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

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

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

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

- a) A Phase I contaminated land assessment (desk-study) shall be undertaken and approved in writing by the local planning authority.
- b) The contaminated land assessment must include a desk-study with details of the history of the site use including:

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

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

13. Before the commencement of the development hereby approved:

Where the site investigation identifies unacceptable levels of contamination, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be submitted to and approved in writing by the local planning authority. The submitted scheme 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 days notice to the Local Planning Authority prior to commencing works in connection with the remediation scheme.

14. The development hereby approved must not become occupied until:

- a) The approved remediation works required by condition 13 above, have been carried out in full in compliance with the approved methodology and best practice.
- b) If during the construction and/or demolition works associated with the development hereby approved any suspected areas of contamination are discovered, which have not previously been identified, then all works shall be suspended until the nature and extent of the contamination is assessed and a report submitted and approved in writing by the local planning authority and the local planning authority shall be notified as soon as is reasonably practicable of the discovery of any suspected areas of contamination. The suspect material shall be re-evaluated through the process described in condition 12 and satisfy 14a above.
- c) Upon completion of the remediation works required 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.

Reasons for Condition(s)

- 1. To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2. To ensure that the development takes the form as envisaged by the Local Planning Authority, and for the avoidance of doubt.
- 3. To ensure a satisfactory appearance of the completed development. In the interests of visual amenity and in compliance with policies SS1 and SC3 of the adopted Local Plan.
- 4. To ensure a satisfactory appearance of the completed development and to ensure that adequate privacy is provided for new and existing residents. In the interests of amenity and in compliance with policies SS1 and SC3 of the adopted Local Plan.

5. To ensure a satisfactory appearance of the completed development. In the interests of visual amenity and in compliance with policies SS1, SC3 and SC9 of the adopted Local Plan.
6. To ensure that the landscaping for the proposed development can establish. To ensure a satisfactory appearance of the completed development. In the interests of visual amenity and in compliance with policies SS1, SC3 and SC9 of the adopted Local Plan.
7. To ensure that bats and other nocturnal species are not adversely affected by artificial light. In the interests of biodiversity and in compliance with policies SS1, SC2 and SC9 of the adopted Local Pla
8. In the interests of biodiversity net gain, and the enhancement / creation of other nature conservation interests. In compliance with policies SS1, SC3 and SC9 of the adopted Local Plan.
9. To ensure conformity with submitted details. In the interests of highway safety and to ensure that the layout provides sufficient access for vehicles. In compliance with policies SS1, SC2, SC3, and ITCR10 of the adopted Local Plan.
10. The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 187, 196 and 197 of the National Planning Policy Framework and policies SS1, SC2. and SC14 of the adopted Local Plan.
11. The undertaking of intrusive site investigations is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 187, 196 and 197 of the National Planning Policy Framework and policies SS1, SC2. and SC14 of the adopted Local Plan.
12. To protect future occupiers of the development, buildings, structures/services, ecosystems and controlled waters, including deep and shallow ground water. In the interests of residential amenity and ground conditions, and in compliance with policies SS1, SC3, and SC14 of the adopted Local Plan.
13. To protect future occupiers of the development, buildings, structures/services, ecosystems and controlled waters, including deep and shallow ground water. In the interests of residential amenity and ground conditions, and in compliance with policies SS1, SC3, and SC14 of the adopted Local Plan.
14. To protect future occupiers of the development, buildings, structures/services, ecosystems and controlled waters, including deep and shallow ground water. In the interests of residential amenity and ground conditions, and in compliance with policies SS1, SC3, and SC14 of the adopted Local Plan.

Note(s):

1. Stopping Up/Diversion of Adopted Highway

You are advised that to facilitate the development an order must be obtained to divert the adopted highway under sections 247 of the Town and Country Planning Act 1990. Contact the National Transport Casework team. As part of the consultation process, associated with such applications, the Highway Authority and other interested parties will be given the opportunity to object to the proposed stopping-up. It should be noted that the Highway Authority's acceptance of the proposals for planning purposes does not preclude an objection being raised by the Authority at this stage.

2. Ground Investigations

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Mining Remediation Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Application forms for Mining Remediation Authority permission and further guidance can be obtained from The Mining Remediation Authority's website at: www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property What is a permit and how to get one? - GOV.UK (www.gov.uk)

3 Shallow Coal Seams

In areas where shallow coal seams are present caution should be taken when carrying out any on site burning or heat focused activities. To check your site for coal mining features on or near to the surface the Coal Authority interactive map viewer allows you to view selected coal mining information in your browser graphically. To check a particular location either enter a post code or use your mouse to zoom in to view the surrounding area

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

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

6. 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.

7. This application will require the approval of a biodiversity gain plan before development commences, and as such you must adhere to the statutory requirements of the Biodiversity

Gain Plan Advice Note provided below.

Statement of Decision Process

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

Equalities Statement

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

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

Human Rights Statement

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

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

PARISH Tibshelf Parish

| | | | |
|------------------------|--|-----------------|-------------|
| APPLICATION | Installation and Operation of Energy Storage System (ESS) including Energy Storage Units, Substation, Site Access, Landscaping & Associated Infrastructure | | |
| LOCATION | Hurst Farm Mansfield Road Tibshelf Alferton | | |
| APPLICANT | LIGHTSOURCE SPV 18 LIMITED C/O Agent | | |
| APPLICATION NO. | 25/00302/FUL | FILE NO. | PP-13968279 |
| CASE OFFICER | Mr Jonathan Gaynor | | |
| DATE RECEIVED | 11th July 2025 | | |

SUMMARY

The application requires planning committee consideration in accordance with the officer scheme of delegation, as it is recommended for approval but is contrary to countryside policies in the Council's Local Plan.

This planning application seeks temporary planning permission for an Energy Storage System (ESS) at land at Hurst Farm, Tibshelf. The ESS will operate for a period of forty years before the development is decommissioned and the land returned to its former state, except for the substation and associated infrastructure that will remain a permanent feature to be adopted by the Distribution Network Operator (DNO).

The ESS stores electricity in batteries and releases it into the network when needed, helping balance supply and demand and supporting the growth of renewable energy generation by increasing the capacity that is available to store energy that is generated. The proposed development is projected to have a storage capacity of 99.9MWac.

The applicant provides that the location of the proposed development is the result of extensive engagement with National Grid Electricity Distribution (NGED) to ensure that the proposal can be delivered, in addition to policy and other feasibility considerations through a robust site selection process.

The key consideration is whether the weight that should be afforded to the economic and environmental benefits of the proposed development outweighs the visual and heritage impacts; countryside location and setting of Hardwick Hall.

On balance, the location of the site, topography of the land and proposed design and planting limits the visual impact to few points around Hardwick Hall. The impact on heritage assets is therefore considered on the low end of 'less than significant'. While detached from the farm complex and resulting in a degree of visual industrialisation of the countryside location, it is read to some extent in the context of the existing pylons and power lines, and the M1 motorway which is adjacent. The conflict with countryside policies of the Local Plan and harm identified is considered to be outweighed by benefits of the development, having regard to the importance of energy security, the importance of supporting the provision and use of renewable energy, national policy and guidance and related appeal decisions.

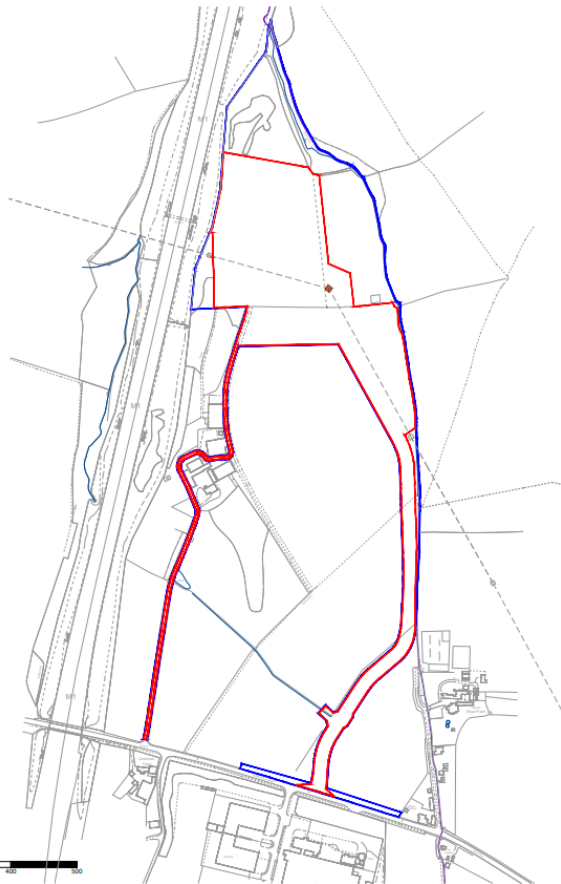
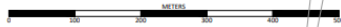
Site Location Plan



Area 79,558 m² (19.66 acres)

KEY:
Red Line - Planning Application
Boundary
Blue Line - Landlord's Property

ISO full bleed A3 (420.00 x 297.00 MM)



| | | | |
|--|---------|------------|-------------|
| GBR_Hurst Farm_AD - SLP_07 | | | |
| DA | | 22.07.2025 | |
| DESIGNED | CHECKED | APPROVED | DATE |
| PROJECT NAME & ADDRESS | | | |
| Location: Mansfield Rd, Tibshelf, Chesterfield, Derbyshire | | | |
| Postcode: DE55 5NP | | | |
| Appl No | AD | 1.0000 | Sheet 1 |
| Drawing Number | | AD-SLP | STATUS |
| | | | Preliminary |
| lightsourcebp | | | |
| lightsources Renewable Development Limited, 7th Floor, 33 Holborn, London, EC1N 2HT General: +44 (0) 20 200 0755 Web: www.lightsourcebp.com info@lightsourcebp.com | | | |

OFFICER REPORT ON APPLICATION NO. 25/00302/FUL

SITE & SURROUNDINGS

The site comprises approximately 7.9 hectares of agricultural land at Hurst Farm, Tibshelf. The farm building complex sits at the end of a long access road off Mansfield Road, to the east of the M1 motorway. The main part of the application site comprises a detached and distinct agricultural field to the north of the farm complex, with topography that drops from west to east. The remainder of the site comprises sections of agricultural fields linking back to Mansfield Road from which the primary access will be carved. The existing farm access is included within the site as a secondary / emergency access. Public rights of way run through and adjacent to the site (Footpaths 35 and 36). Agricultural fields generally surround the site, with areas of scrub, the M1 motorway to the west and Sawpit Lane Industrial Estate beyond Mansfield Road to the south.

BACKGROUND

Prior to the submission of this application, the applicant engaged in pre-application advice and requested an Environmental Impact Assessment screening opinion from the Local

Planning Authority, that determined an Environmental Impact Assessment was not required. The pre-application advice set out the heritage and landscape constraints, that have been explored through the submissions accompanying the planning application.

PROPOSAL

The application proposes the 'Installation and Operation of Energy Storage System (ESS) including Energy Storage Units, Substation, Site Access, Landscaping & Associated Infrastructure'. This comprises the following elements:

- 1 x 132kv Substation including LSbp Switch and Control Room and NGED Control Room along with associated infrastructure comprising cabling, Generator, Glass-Fibre Reinforced Polyester (GRP) Enclosure, CCTV and lighting;
- 19 x Energy Blocks (comprising 4 x BESS Enclosures);
- 19 x MV Skid (comprising 2 x Power conversion systems (PCS) and 1 x Medium Voltage (MV) transformer);
- 1 x Monitoring House;
- 4 x Back-Up Generator;
- 1 x Storage Unit;
- 1 x Toilet;
- 1 x Glass-Fibre Reinforced Polyester (GRP) Enclosure;
- 6 x Spares Containers;
- 1 x Electric Vehicle Charger 4 x Auxiliary Transformers;
- 76 x BESS Lighting Pole;
- 16 x CCTV;
- Security Fencing and Access Gates;
- Drainage Infrastructure;
- Access and Tracks;
- Cable Connection; and,
- Landscaping.

The ESS stores electricity in batteries and releases it when needed, helping to balance energy supply and demand. The proposed development is projected to have a storage capacity of 99.9MWac. The planning application seeks temporary permission for a period of 40 years from the date it is first brought into use. All proposed above ground elements, with the exception of the substation and associated infrastructure, will be removed as part of the decommissioning phase at the end of the 40 year period and the land returned to its pre-development state. The substation and associated infrastructure will remain a permanent installation adopted by the Distribution Network Operator (DNO).

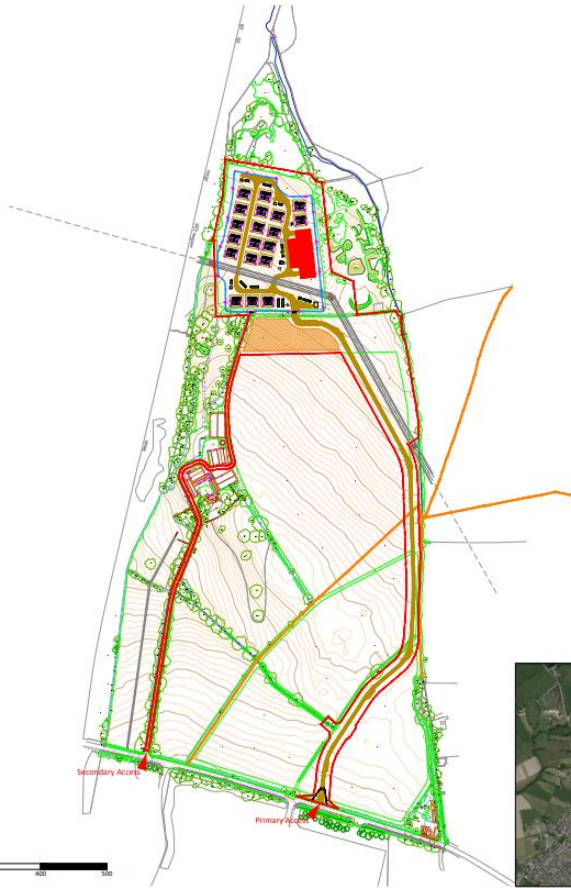
The site will include a temporary construction and decommissioning compound, the formation of an access track from Mansfield Road (with the existing farm track forming a secondary / emergency access), connection to the 132kw overhead line that runs east-west over the site and delivery of biodiversity net gain through the creation and improvements of habitats and planting.



Area 79,558 m² (19.66 acres)

| | |
|--|------------------------|
| | Site Boundary |
| | Site Access |
| | 132 kV Substation |
| | BESS Enclosure x 2 |
| | MV Skid |
| | Monitoring House |
| | Storage |
| | GRP |
| | Backup Generator |
| | BESS Security Fence |
| | DNO Generator |
| | DNO GRP |
| | EV Charger |
| | Parking |
| | Access Road |
| | Access Gates |
| | CCTV |
| | BESS Lightning |
| | Toilet |
| | Entrance wall and gate |
| | Public Right of Way |

ISO full bleed A3 (420.00 x 297.00 MM)



Scale 1:25000



| DATE | CHECKED | APPROVED | DATE |
|---|---------|----------|---------|
| 22.09.2025 | | | |
| PROJECT NAME & ADDRESS | | | |
| Location: North Farm | | | |
| Postcode: DE55 5TZ | | | |
| NOTES | | | |
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| Page Size | A3 | Scale | 1:25000 |
| Sheet | 1 | | |
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| DRAWING NUMBER | | | |
| LP2-POL | | | |
| STATUS | | | |
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| lightsourcebp | | | |
| lightsource Renewable Development Limited, 27th Floor, 22 Holborn, London, EC1N 2TJ General: +44 (0) 203 200 0755 Web: www.lightsourcemap.com info@lightsourcemap.com | | | |



| | |
|--|------------------------|
| | Site Boundary |
| | Site Access |
| | 132 kV Substation |
| | BESS Enclosure x 2 |
| | MV Skid |
| | Monitoring House |
| | Storage |
| | GRP |
| | Spares Container |
| | Backup Generator |
| | Auxiliary Transformer |
| | BESS Security Fence |
| | DNO Generator |
| | DNO GRP |
| | EV Charger |
| | Parking |
| | Access Road |
| | Access Gates |
| | CCTV |
| | BESS Lightning |
| | Toilet |
| | Entrance wall and gate |
| | Public Right of Way |

Supporting Documents

- Location Plan GBR_Hurst Farm_AD - SLP_07 – Drawing no. AD-SLP, received 23 July 2025
- Preliminary Design Layout GBR_Hurst_LP2-PDL-BESS_05 – Drawing no. LP2-PDL, received 10 October 2025
- Planning Statement, received 11 July 2025
- Design and Access Statement, received 11 July 2025
- Economic Impact Assessment, received 11 July 2025
- Heritage Impact Assessment – Report ref. PR0219, received 11 July 2025
- Landscape and Visual Appraisal – Report ref. 0001 V1, received 11 July 2025
- Settings Impact Assessment – Report ref. PR0219, received 11 July 2025
- Coal Mining Risk Assessment – Report ref. 350829 R01 (01), received 11 July 2025
- Agricultural Land Classification (Issue 3), received 11 July 2025
- Noise Assessment – Report ref. 243787-BWB-ZZ-XX-T-YA-0003_NIA Rev. P03, received 11 July 2025
- General Arrangement of Site Access - Drawing no. HFD-BWB-GEN-XX-DR-TR-101 S2 Rev. P7, received 10 October 2025
- General Arrangement of Access from Site to Road – Overview – Drawing no. HFD-BWB-HML-00-DR-TR-100 S2 Rev. P8, received 10 October 2025
- Landscape Strategy Plan – Drawing no. NT16771-020 Rev. P07, received 10 October 2015
- Archaeological Evaluation Report – Report ref. 25020 Version V1.3, received 10 October 2025
- Ecological Impact Assessment – Report ref. 16625_R04c_ECG Rev. C, received 10 October 2025
- Ecological Impact Assessment Tree Retention and Removal Plan – Drawing no. 16625-P05d, received 11 July 2025
- Ecological Impact Assessment Bat Static Location Plan – Drawing no. 16625/P07, received 11 July 2025
- Highways Technical Note – Report ref. HFD-BWB-GEN-XX-RP-TR-0001 Rev. P04, received 10 October 2025
- Geophysical Survey Report – Report ref. 2025-47, received 31 July 2025
- Indicative Drainage Strategy Sheet 1 of 3 – Drawing no. 243787-BWB-ZZ-XX-D-W-0001 S2 Rev. P07, received 30 July 2025
- Indicative Drainage Strategy Sheet 2 of 3 – Drawing no. 243787-BWB-ZZ-XX-D-W-0002 S2 Rev. P04, received 11 July 2025
- Indicative Drainage Strategy Sheet 3 of 3 – Drawing no. 243787-BWB-ZZ-XX-D-W-0003 S2 Rev. P05, received 30 July 2025
- Swept Path Analysis – Abnormal Indivisible Load – Drawing no. HFD-BWB-HGN-XX-DR-TR-131 S2 Rev. P1, received 30 July 2025
- Swept Path Analysis – Abnormal Indivisible Load – Drawing no. HFD-BWB-HGN-00-DR-TR-113 S2 Rev. P1, received 11 July 2025

- Swept Path Analysis – Large Tipper – Drawing no. HFD-BWB-HGN-00-DR-TR-114 S2 Rev. P1, received 11 July 2025
- MV Skid Elevations UK_EPD_MV Skid_00 – Drawing no. UK_EPD_MVS, received 30 July 2025
- Archaeological Desk-Based Assessment – Report ref. PR0219 (5th Issue), received 30 July 2025
- Biodiversity Gain Plan – Report ref. 16625_R05_NB, received 30 July 2025
- Climate Change Statement, received 27 July 2025
- Biodiversity Metric, received 16 July 2025
- Flood Risk Assessment – Report ref. 243787-BWB-ZZ-XX-T-W-0002_FRA S2 Rev. P01, received 16 July 2025
- Sustainable Drainage Statement – Report ref. 243787-BWB-ZZ-XX-T-W-0001_SDS Rev. P03
- Indicative SuDS Sections – Drawing no. 243787-BWB-ZZ-XX-D-W-0004 S2 Rev. P01, received 11 July 2025
- Topographical Surveys, received 11 July 2025
- Tree Constraints Plan – Drawing no. 16625/P04c, received 11 July 2025
- Existing and Proposed Ground Levels – Main Access GBR_Hurst-Existing and Proposed Ground Levels - Main Access Track_00 – Drawing no. 01, received 11 July 2025
- Proposed Ground Levels GBR_Hurst-Proposed Ground Levels_00 – Drawing no. 01, received 11 July 2025
- Proposed Ground Profiles – Energy Storage System Area GBR_Hurst_Proposed Ground Profiles – Energy Storage System Area_00 – Drawing no. 01, received 11 July 2025
- Proposed Ground Profiles – Substation GBR_Hurst_Proposed Ground Profiles – Substation_00 – Drawing no. 01, received 11 July 2025
- Emergency Access – Drawing no. HFD-BWB-GEN-XX-DR-TR-112 S2 Rev. P3, received 11 July 2025
- Auxiliary Transformer GBR_EPD_Auxiliary Transformer_02 – Drawing no. GBR_EPD_AUX, received 11 July 2025
- BESS CCTV GBR_EPD_BESS CCTV_00 – Drawing no. GBR_EPD_BCC, received 11 July 2025
- BESS Lighting GBR_EPD_BESS Lightning_00 – Drawing no. GBR_EPD_BLG, received 11 July 2025
- BESS Security Fence GBR_EPD_BESS Security Fence_02 – Drawing no. GBR_EPD_BSF, received 11 July 2025
- BESS Security Gate GBR_EPD_BESS Gate_02 – Drawing no. GBR_EPD_BSG, received 11 July 2025
- DNO Generator GBR_Hurst_EPD_DNO Generator_00 – Drawing no. GBR_EPD_DNO GEN, received 11 July 2025
- DNO GRP GBR_Hurst_EPD_DNO GRP_00 – Drawing no. GBR_EPD_DNO GRP, received 11 July 2025

- EV Charger GBR_Hurst_EPD_EV Charger_00 – Drawing no. GBR_EPD_EVC, received 11 July 2025
- Entrance Wall and Gate GBR_EPD_Entrance Wall and Gate_00 – Drawing no. GBR_EPD_EWG, received 11 July 2025
- Backup Generator GBR_EPD_Backup Generator 20_00 – Drawing no. GBR_EPD_G20, received 11 July 2025
- GRP GBR_EPD_GRP_00 – Drawing no. GBR_EPD_GRP, received 11 July 2025
- Monitoring House / Communication Building GBR_EPD_Monitoring House/Communication Building_01 – Drawing no. GBR_EPD_MH/CB, received 11 July 2025
- Indicative Road Section GBR_EPD_Indicative Road Cross Section_01 – Drawing no. GBR_EPD_RCS, received 11 July 2025
- Spares Container GBR_EPD_Spares 40' Container_01 – Drawing no. GBR_EPD_S40, received 11 July 2025
- Storage GBR_EPD_Storage_00 – Drawing no. GBR_EPD_STG, received 11 July 2025
- Substation GBR_Hurst_EPD-Substation_00 – Drawing no. GBR_EPD_SUB, received 11 July 2025
- Toilet GBR_EPD_Toilet_01 – Drawing no. GBR_EPD_TLT, received 11 July 2025
- BESS Enclosures UK_EPD_BESS Enclosures_00 – Drawing no. UK_EPD_BSS, received 11 July 2025
- MV Skid UK_EPD_MV Skid_00 – Drawing no. UK_EPD_MVS, received 11 July 2025
- Outline Battery Safety Management Plan – Report ref. ARC-1198-003-R1 Issue 2, received
- Arboricultural Impact Assessment – Report ref. 16625_R03d, received 11 July 2025
- Tree Survey Schedule – Report ref. 16625_TSS, received 11 July 2025
- Archaeological Written Scheme of Investigation – Report ref. PR0219 (4th Issue), received 11 July 2025

AMENDMENTS

Various amendments received in response to consultee comments, including revisions to landscaping, arrangement of trees on access road and passing points on access road.

EIA SCREENING OPINION

The proposals that are the subject of this application are not Schedule 1 development but they are considered to constitute an industrial installation for the production of electricity as described in criteria 3(a) of Schedule 2 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

As the area of the development exceeds the threshold of 0.5 hectares as set out in column 2 of Schedule 2 it requires screening under the EIA regulations.

In a screening decision dated 9th January 2025 the Local Planning Authority concluded that, having regard to the characteristics, location and types and characteristics of the potential impacts as set out in Schedule 3, the proposed development did not constitute Environmental Impact Assessment development.

HISTORY

| | | |
|-----------------|--------------------------|--|
| 03/00119/HEDGE | Hedge Replacement Notice | Remove existing thorn hedge to field OS3626 (70m length) and plant replacement to west of public footpath (190m length) |
| 99/00121/FUL | Granted Conditionally | Single storey extension to rear |
| 99/00208/FUL | Granted Conditionally | Erection of replacement barn |
| 07/00017/FUL | Refused | Change of use to motorcross track for racing on 14 days per year, including pits area and formation of jumps, holes and corners and creation of two ponds. |
| 24/00575/SCREEN | EANRQD | Request for EIA Screening Opinion - Energy Storage System (ESS), project substation and associated infrastructure. |

CONSULTATIONS

Bolsover District Council (Planning Policy) –

The Government has set challenging targets to reach net zero and has stated, in EN-1, that “Storage has a key role to play in achieving net zero and providing flexibility to the energy system...”. This is reflected in NPPF paragraph 168 which identifies that significant weight should be afforded to the need for the battery storage.

The proposed development is sited within the countryside as defined by the Local Plan for Bolsover District. Under Strategic Policy SS9 there is the possibility of category b of the Policy being applicable, but I am not aware of any evidence being presented to support that the proposed development is necessary for the efficient or viable operation of an existing farm unit. Therefore, it is not considered that the proposed development meets any of the categories set out within the Policy.

Policy support is provided for mitigating and adapting to climate change and the transition to net zero by 2050 through Policy SS1 I and Policy SC6. Policy SC6 is considered to be a key policy in relation to the application. It identifies that development proposals for generation of renewable energy, which includes battery storage, will be granted unless individually or cumulatively there would be harm or have adverse impacts to the criteria set out in the Policy. The criteria includes the visual appearance and character of the area and harm to the historic environment.

If the proposal can meet the criteria of Policy SC6: Renewable and Low Carbon Energy and other relevant policies of the Local Plan for Bolsover District, then the proposal would be deemed to be in accordance with the Development Plan and should be approved.

Bolsover District Council (Heritage Conservation) –

Assessment Following a review of the documents submitted and subsequent site visit the impact of the development from the following viewpoints was assessed: -

- Old Hall viewing platform – there are wide sweeping vistas across the landscape towards the site. The upper part of the site was clearly visible.
- Hardwick Hall roof – the intervening vegetation obscured views from the roof viewing platform (it is not clear what extent the views would be more prominent in summer)
- Terrace Range (café courtyard) adjacent to the Stable Yard and outbuildings GII* also within the Registered Park and Gardens – there are partial views of the site from the terrace, but this view would be more prominent in winter. This area is an important part of the visitor experience, and the sweeping views play an important part of the experience.
- Views from the site back towards Hardwick Old Hall, New Hall and Registered Park and Garden – there are clear views across the intervening landscape to the Old Hall, New Hall and Registered Park and Garden
- The proposed development would be visible in long views of the upper elevation of Hardwick Old Hall from footpath 35.

The analysis concluded that the proposed site is set within the context of open countryside and rolling agricultural land and the change of use from open field to a battery energy storage facility with associated utilitarian structures would inevitably change the character of the site and be seen as an urbanising feature in the landscape.

As evidenced above, Hardwick's prominence in the landscape is a highly important element of its overall significance as a symbol of courtly power and wealth. The location of Hardwick consciously exploits the local topography; the two Halls are located on the edge of an elevated scarp, and both Hall are very prominent elements in views from a swathe of the surrounding countryside. Historic evidence supports the case that the ridgetop siting for the Halls was intentional, and the aspect and strong visual prominence of the location was considered to be a distinct advantage. This in turn suggests that the ridgetop setting plays an integral role in the historic significance and that any changes to the surroundings will impinge on that significance.

There is clear evidence to suggest that there will be some intervisibility between the designated heritage assets and the proposal site and given the industrial nature of the development and the urbanising impact of this on the landscape setting, it is considered that the development would impinge on the setting of Hardwick Old Hall, Hardwick Hall and the Registered Park and Garden and would cause harm to the significance of these assets. The

level of harm is considered to be less than substantial and towards the lower end of the scale.

NPPF paragraph 215 specifies that where a development would result in less than substantial harm to the significance of a designated heritage asset, then this harm should be weighed against the public benefits of the proposal.

I concur with the comments provided by the Urban Design Officer and would support the recommendations put forward including: -

- Removal of upper 3 units from the scheme (highest and most prominent part of the site)
- Additional planting
- Colour of units to be green as opposed to white.
- Additional assessment of lighting strategy and luminance
- Potential for grass planting between battery storage units
- Perimeter fencing to be green.

Bolsover District Council (Urban Design) –

As the only way to mitigate the industrial character of the development is to ensure more trees, I am happy that the applicant has added in more mature species that will increase the height of the screening. This could also be conditioned as suggested by the applicant to ensure that all landscaping features are shown on detailed specifications and drawings, rather than left to annotation on the planning layout drawing. As the trees are planted around the lower part of the site and at an upper growth rate of 80cm per year, it could take 25 years for tree growth to meet 20m high. It would not be effective for quite some time.

It is therefore more important, given that the applicant states that the three upper units are essential to the feasibility of the scheme, that the upper three units are coloured a pale green, as they will clearly be seen. Given their industrial character, I would like a condition to ensure that a muted green colour is approved, as suggested by the applicant. I would, however, suggest that this is not a matter of procurement as they have been used elsewhere. I welcome that the applicant suggests including other equipment and agree that the compound fence at 2.5m high can be conditioned to ensure details and colour are acceptable.

My previous reference to the National Grid's Horlock Rules guidance was due to these rules being referred to previously in earlier discussions. Whilst the site itself is not within a nationally designated site, it is within open countryside, it is within the visibility threshold of threshold of Hardwick Hall registered park and garden, and earlier settings studies indicated this area to be part of the special landscape that influenced this wider setting.

I concede that the lighting strategy is appropriate but suggest a condition that will restrict any permanent use during evening hours. It is stated that these would be motion sensory lights but any change to permanent in the future would result in an unwelcome visual impact.

No sections have been delivered as requested. These would help understand the level changes and needs for reinforcement/retaining walls if required. I am not clear whether the engineering constraints will require reinforced earth platforms or whether retaining will be needed for the platforms or indeed they will be required simplifying into three platforms as shown in earlier iterations of the layout. This could be dealt with by a suitable condition. Whilst I would not like to see the whole site to be hard surfaces, I also would like to see the detail of how this can be achieved.

Regarding the access road, I welcome the more informal hedgerow tree planting. I have no objection to the addition of passing places. A condition regarding the materials of the access track is suitable. I also agree that allowing for the existing PRow to run parallel with the access track, minimising (as part of possible) any users of the PRow needs to interact with the access track, is a sensible solution.

Recommendation: Subject to the conditions regarding design requirements I have no objection to the scheme. I do, however, still have reservations regarding its potential visibility.

Bolsover District Council (Climate Change) –

No comments received.

Bolsover District Council (Streetscene and Waste) –

No comments received.

Bolsover District Council (Environmental Health) –

I have no objections in principle, however I'd appreciate further information in regards noise. The application does have a potentially significant impact upon the property identified as NSR 1 in the assessment, however this is discounted partially on the basis that the occupiers are connected with the development. Confirmation of this is sought, and also whether any mitigation scheme, which could reduce these impacts, has been considered.

I will recommend a condition requiring the applicant to demonstrate that the levels quoted in the assessment are not exceeded in my finalised response. The applicant is encouraged to discuss this with their acoustician so that suitable wording can be agreed. *This has now been agreed.*

I will also recommend our standard contaminated land condition owing to potential contamination on site from areas that have been previously quarried, and also potential risks highlighted by the Coal Authority.

Derbyshire County Council (Archaeology) –

The site has no known archaeology besides a disused sandstone quarry (Derbyshire HER MDR13827) just to the west, and a detector find of a Late Iron Age or Roman bronze mount (Portable Antiquities Scheme) reported again just to the west of the proposal boundary. The applicant's archaeological consultants carried out a geophysical survey of the site at an early stage and identified field systems and enclosures of a type usually associated with later prehistoric or Roman activity. In consultation with myself the applicants then commissioned an archaeological evaluation of the site with trial trenching, and the results of this form part of the current application.

In summary, the site contains archaeological features over much of its area, though there is some disturbance in the northern part where the site had been used for moto cross or similar. The features were typical of field system or enclosure ditches, with no finds encountered in the evaluation. The geophysics suggests that there may be more than one phase of use, with foci that might represent settlement or more intensive activity, within a wider landscape of fields. Radiocarbon dating was carried out on material from some of the features, and this supported the interpretation of a multi-phase site, with Iron Age, Roman and Saxon dates

returned.

The site is likely therefore to contain archaeological remains of regional importance. These are not sufficiently important to constitute an objection to development, but would certainly be a material consideration and should the proposals gain consent would require either excavation and recording within the development footprint, or 'preservation by design' where development groundworks are modified to avoid impacts (or perhaps a combination of both approaches). This would be in line with NPPF para 218, and a planning condition should therefore be attached to secure the archaeological work.

Derbyshire County Council (Lead Local Flood Authority) –
The LLFA has no objection subject to recommended conditions.

Derbyshire County Council (Local Highway Authority) –
The application includes the submission of Transport Assessment which mainly discusses the highway impact during the construction phase; the operational phase of the facility is predicted to generate minimal vehicle movements, which is considered to be usual for such facilities.

Site Access - It is noted that the proposed 'primary access' to Mansfield Road will require the provision of visibility splays of 2.4m x 160m based on the posted speed limit of 50 mph (it is recognised that the speed limit does change from 40 mph to 50 mph in the vicinity of the proposed access). The requirement for stopping sight distances commensurate with a vehicle approach speed of 50 mph is considered to be appropriate. The provision and maintenance of the visibility splays will have a significant impact on the hedge boundary which will need to be removed/lowered/set back.

The proposed access dimensions, informed by swept path analysis, are considered appropriate to accommodate the predicted and likely vehicle movements during the construction phase of the facility.

The 'secondary access' which currently serves Hurst Farm is proposed for emergency use only. It is not clear how this is to be controlled as there appears to be no means to control of the use of this access by any of the construction worker vehicles. There doesn't appear to be any assessment carried out of the achievable visibility splays at this access. As this stage, the use of this access for emergency vehicles only would be accepted on faith. It is requested that the applicant/agent addresses this concern prior to consent being granted.

Internal Layout - The proposed internal access is to be constructed to a width of 4m, according to the TA. The submitted plans indicate passing places at intervals along the access route. However, it is not clear if the passing places can be clearly seen by oncoming vehicles or how many vehicles the passing places can accommodate. Further analysis/details are required on this issue to fully understand the potential for conflict between opposing vehicles using the access track.

Trip Generation - The predicted trip generation during the construction phase is based on figures presented by the applicant/agent. The LHA has no real way to assess the predicted trips generated by the proposed facility; however, it is considered that the figures presented do appear to be a reasonable and realistic prediction. It is considered that the predicted trip

rates would not have an unacceptable impact on the highway network during the construction phase. It is noted that it is predicted that abnormal loads will be required during the construction phase and that analysis has been carried out on suitable routes for these abnormal loads.

The proposed routing for the abnormal loads identified as 'route 2' in the TA is considered to be the most appropriate route.

PROW - It is noted that the applicant has had feedback from DCC's PROW team regarding the impact of the internal access road on the existing public footpaths which run through the site. I refer you to the comments made by PROW officers in relation to the required maintenance of a 2m width to maintain existing alignments of the public footpaths.

Can the applicant please provide the additional information/analysis of the proposed access width and passing places prior to determination of the application to ensure that the LHA can fully assess the suitability of the proposed access track.

Further to previous comments and following the receipt of additional information and revised plans, it is now considered that there are no LHA objections to the application.

Based on the analysis of the information submitted and a review of Local and National policy the Highway Authority concludes that there would not be an unacceptable impact on Highway Safety or a severe impact on congestion. There are no justifiable grounds on which an objection could be maintained. Conditions relating to access, parking and turning to be provided, visibility splays and construction management plan requested.

Derbyshire County Council (Policy) –
No comments received.

Derbyshire County Council (Public Rights of Way) –
Comments contained within highways response.

Ashfield District Council –
Subject to Bolsover District Council giving full consideration to all consultee responses and relevant material planning considerations, Ashfield District Council has no objections to the development hereby proposed.

Historic England –
Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application.

We suggest that you seek the views of your specialist conservation and archaeological advisers. You may also find it helpful to refer to our published advice at <https://historicengland.org.uk/advice/find/>

National Trust –
No comments received.

HS2 Ltd –

No comments received (however, HS2 Safeguarding Zones have now been removed within the District).

Severn Trent Water –

The above site is out of Severn Trent Water's waste water area, and therefore we have no comment to make.

National Grid –

No comments received.

Tibshelf Parish Council –

Concerns have been raised regarding the route for the construction traffic. The application states that they are going to go through Huthwaite with HGVs - there is no access for HGVs that way - the only other route is via Chesterfield Road that will mean up to 20- 30 HGVs passing through for months, every day of the week except Sunday.

Coal Authority –

Part of the site falls within the defined Development High Risk Area.

The Planning Team at the Coal Authority concurs with the conclusions of the Coal Mining Risk Assessment report; that coal mining legacy potentially poses a risk to the proposed development and that investigations are required, along with possible remedial measures, in order to ensure the safety and stability of the proposed development. No objection subject to recommended conditions.

Derbyshire Wildlife Trust –

Since our previous letter dated 1st October 2025, an updated EcIA (Rev. C, 25 th September 2025) has been submitted including the final results of outstanding survey work. This includes the results of the breeding bird and bat activity surveys.

We do not wish to make any changes to our previous comments and the recommended conditions remain applicable. However, we do have some concerns regarding the tree planting along the access track and whether this may reduce the success of ground nesting species in the offsite fields to the west.

Breeding bird surveys have demonstrated that the area is used by a farmland bird assemblage, including skylarks. The introduction of numerous trees along the access track is likely to create predator perches, which may reduce the suitability of the offsite fields to breeding skylark. The proposals will already result in the loss of the onsite land to ground nesting birds and we do not want to adversely impact the offsite field as well. We seek confirmation of whether the tree planting along the access is absolutely necessary or whether this could be omitted or significantly reduced?

Derbyshire Fire and Rescue –

We have no objections relating to the proposal. Whilst Derbyshire Fire and Rescue Service (DFRS) is not a statutory consultee in relation to this proposed project, we welcome opportunities to work and engage with developers to ensure projects are delivered safely and

that operators meet the statutory responsibilities that we enforce.

As BESS sites fall outside the scope of the Building Regulations, thus removing the Service's opportunity to comment under Approved Document B, we would recommend that the developer and operator apply relevant sector specific guidance to ensure safe practice is employed in the construction, operation and decommissioning of the site.

Once the site is occupied, the site as a whole; including the battery storage containers and ancillary buildings will fall into the scope of the Regulatory Reform (Fire Safety) Order 2005. This places certain fire safety duties on the person responsible for the site which includes carrying out and regularly reviewing the fire safety management plan and the fire risk assessment to protect relevant persons by identifying fire risks and removing or reducing them to as low as is reasonably practicable.

To assist developers, responsible persons and Fire and Rescue Services with the requirements of BESS sites, the NFCC have produced a guidance document which can be found at <https://nfcc.org.uk/wp-content/uploads/2023/10/Grid-Scale-Battery-Energy-Storage-System-planning-Guidance-for-FRS.pdf>. This guidance gives advice on how to reduce the risk of fire and fire spread and the requirements for firefighting purposes. *Summary of guidance provided in comments.*

Once the site is near to completion, DFRS must be notified, and arrangements made with us, so that fire crews may visit the site to familiarise themselves with the location, site access, site layout, available water supplies and access information.

Yorkshire Water –

Surface water is proposed to be drained to watercourse - Yorkshire Water fully endorse this means of surface water disposal. Condition recommended to agree and complete satisfactory outfall to protect the local aquatic environment and Yorkshire Water infrastructure.

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

PUBLICITY

The application has been publicised by way of press notice, site notice and letters to seven adjacent properties. One representation has been received from the landowner in support of application summarised below:

- The proposed development will provide us with an additional income stream, supporting the diversification of activities at Hurst Farm. This would help the farm become more resilient to volatile energy prices and future market conditions, supporting its viability and therefore the continued agricultural use of land at Hurst Farm.
- The applicant has carefully designed the proposed development in consultation with us so that it's compatible with the ongoing agricultural use of Hurst Farm. This includes aligning the main access track with field boundaries, where possible, to reduce severance of retained agricultural land and including a crossing of the main access track, with a break to proposed landscaping and drainage swales, for my combine

harvester to allow for the continued agricultural use of the southeasternmost field of Hurst Farm. Moreover, the energy storage has been sited in the northernmost field of Hurst Farm, which has historically been the hardest to farm and is relatively detached from the rest of the farming unit.

- I have read the representation from John Mills (Environmental Health Officer) dated 6 August 2025 and confirm that I have reviewed the Noise Assessment (June 2025) submitted with the planning application and accept its conclusions. The Noise Assessment correctly identifies that we own and occupy Hurst Farmhouse and have entered into a voluntary land agreement with the applicant in relation to the proposed development on my freeholding.
- With planting as proposed by the applicant, the energy storage will be well-screened from our home at Hurst Farm, Mansfield Road, Tibshelf Alfreton, DE55 5NG; and
- Our amenity will not be adversely impacted during either the construction or operation of the proposed development.

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 SS9: Development in the Countryside
- Policy WC2: General Principles for Economic Development
- Policy WC3: Supporting the Rural Economy
- Policy SC2: Sustainable Design and Construction
- Policy SC3: High Quality Development
- Policy SC5: Change of Use and Conversion in the Countryside
- Policy SC6: Renewable and Low Carbon Energy
- Policy SC7: Flood Risk
- Policy SC8: Landscape Character
- Policy SC9: Biodiversity and Geodiversity
- Policy SC10: Trees, Woodland and Hedgerows
- Policy SC11: Environmental Quality (Amenity)
- Policy SC14: Contaminated and Unstable Land
- Policy SC17: Development affecting Listed Buildings and their Settings
- Policy SC18: Scheduled Monuments and Archaeology
- Policy SC20: Registered Parks and Gardens
- Policy ITCR1: Strategic Green Infrastructure Network
- Policy ITCR3: Protection of Footpaths and Bridleways
- Policy ITCR10: Supporting Sustainable Transport Patterns

Tibshelf Neighbourhood Plan (“the Neighbourhood Plan”)

The Tibshelf Neighbourhood Plan has been prepared by Tibshelf Parish Council, examined by an independent Examiner and passed at a local referendum with 84.5% voting in favour of the Plan. It includes a number of policies on housing, employment, the environment and community facilities. Bolsover District Council formally ‘made’ the Plan on 15th May 2023 and from this point on forms part of the Development Plan for Bolsover District. In this case, the most relevant Neighbourhood Plan policies include:

- ENV3: Dark Skies
- ENV4: Biodiversity and Nature Conservation
- BE2: Building Design Principles for Development Outside Tibshelf Conservation Area
- T1: Transport, Highway, Safety and Parking

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 - 13: Achieving sustainable development.
- Paragraph 39: Decision-making
- Paragraph 48: Determining applications.
- Paragraphs 56 - 58: Planning conditions and obligations.
- Paragraphs 85 - 87: Building a strong, competitive economy.
- Paragraphs 102, 105: Promoting healthy and safe communities.
- Paragraphs 115, 116: Promoting sustainable transport.
- Paragraphs 135, 137, 140: Achieving well-designed places.
- Paragraph 161, 163, 168: Meeting the challenge of climate change.
- Paragraph 170, 181, 182: Planning and Flood Risk.
- Paragraphs 187, 193: Conserving and enhancing the natural environment.
- Paragraphs 196 - 201: Ground conditions and pollution.
- Paragraphs 202, 207, 208, 210, 212, 213, 215, 219: Conserving and enhancing the historic environment.

National Policy Statements (NPS)

The National Planning Policy Framework provides that National policy statements form part of the overall framework of national planning policy, and may be a material consideration in preparing plans and making decisions on planning applications. Relevant NPS’ include:

- EN-1: Overarching National Policy Statement for Energy
- EN-3: National Policy Statement for Renewable Energy Infrastructure
- EN-5: National Policy Statement for Electricity Networks Infrastructure.

Supplementary Planning Documents

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.

Other Material Considerations

Planning (Listed Buildings and Conservation Areas) Act 1990

Section 66 requires local planning authorities to have special regard to the desirability of preserving a listed building or its setting when considering whether to grant planning permission.

The Setting of Heritage Assets Historic Environment Good Practice Advice in Planning Note 3 (Second Edition) 2017

Provides guidance on how to assess and manage the impact of development on a heritage asset's surroundings

Historic England 2021 *Commercial renewable energy development and the historic environment* Historic England Advice Note 15. Swindon. Historic England.

Describes the potential impacts on the historic environment of commercial renewable energy proposals

The Environment Act (2021)

Sets the framework for environmental governance that influences how such infrastructure is regulated.

Ten Point Plan for a Green Industrial Revolution (2020)

Sets out the approach government will take to build back better, support green jobs, and accelerate the path to net zero.

The National Infrastructure Strategy (2020)

Lays the groundwork for transitioning to a low-carbon, resilient energy system, where the proposed infrastructure plays an important role.

Energy White Paper 'Powering our Net Zero Future' (December 2020)

Sets out how "the UK will clean up its energy system and reach net zero emissions by 2050" and recognises the requirement to invest in energy infrastructure for resilience and reliability. It supports the technologies required for increasing renewable energy generation.

British Energy Security Strategy (2022)

Recognises the need to put in place a long-term solution to address the UK's underlying vulnerability to international oil and gas prices by reducing dependence upon imported oil and gas.

Department for Energy Security and Net Zero – Powering Up Britain (March 2023)

Sets out the UK's vision to power the UK with a need to both manage the short term risks and act for the long term. This includes becoming more energy independent and energy secure as a nation.

National Grid Electricity System Operator's (NESO) 'Beyond 2030 – A national blueprint for a decarbonised electricity system in Great Britain' report (March 2024)

Sets out that the electricity network has only required small upgrades and is now reaching capacity. Britain's electricity needs are expected to substantially rise and grid-scale storage is becoming increasingly important in managing peaks and troughs in the network, particularly in supporting decarbonisation of the system.

Future Energy Scenarios (FES) ESO Pathways to Net Zero Report (July 2024)

Energy storage is identified as becoming increasingly important as the country moves towards a net zero system and there is a greater need for flexibility in how energy is stored and transferred back to the grid to support the increased roll-out of renewable sources of energy and balance the grid.

Clean Power 2030 Action Plan: A new era of clean electricity (December 2024)

Sets out how the government will work with the clean power sector to achieve its clean power goal by 2030. It recognises that successful delivery will require rapid deployment of new clean energy capacity across the whole of the UK, utilising once-in-a-generation levels of energy investment – an estimated £40 billion on average per year between 2025-2030. Ambitions to develop 43-50 GW of offshore wind, 27-29 GW of onshore wind, and 45-47 GW of solar power will need to be complemented by flexible capacity, including 23-27 GW of battery capacity.

Planning Practice Guidance

National Planning Practice Guidance offers guidance on identifying planning considerations around renewable and low carbon energy.

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 heritage assets
- the impact on biodiversity
- whether the development would be provided with a safe and suitable access and the impact of the development on the local road network; and
- the impact on residential amenity.
- contamination and ground stability.

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

Principle

Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that planning applications must be determined in accordance with the development plan, unless material considerations indicate otherwise. In this context, the development plan is the Local Plan for Bolsover District (2020) and the Tibshelf Neighbourhood Plan (2023).

The site is located outside of a development envelope as defined on the Local Plan Policies map and is therefore considered open countryside in policy terms. The Local Plan's strategic policy concerning development in the countryside is policy SS9, which states:

“Development proposals in the countryside outside development envelopes will only be granted planning permission where it can be demonstrated that they fall within one or more of the following categories:

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

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

The proposed development does not fall within any of the criteria of policy SS9. However, in this case, other Local Plan policies and material considerations are relevant that need to be afforded weight in the decision-making process.

Policy SC5 relates to changes of use and conversions in the countryside. This policy sets out that:

“Where planning permission is required, proposals for the conversion of an existing building or structure, or the change of use of land, to a new use, will be permitted provided they comply with all of the following criteria:

- a) The building is worthy of retention, structurally sound and capable of conversion without substantial reconstruction*
- b) The conversion or change of use, is in keeping with the original character of the building or land and enhances the fabric and character of any adjacent buildings, or the landscape character type generally*
- c) The number of units and/or density of development is appropriate to the*

building's location

d) The building would have an existing curtilage or a curtilage can be created which does not adversely affect the landscape character type, the building itself or any adjacent structure

e) Utilities can be provided and the building has adequate access to a metalled road without creating traffic hazards and without involving road improvements incompatible with the character of the area

f) The development proposed does not add to flood risk concerns."

Given the development results in the introduction of industrial apparatus and long access road to the main part of the site within the open countryside, it is not considered to accord with the requirements of policy SC5.

Policy SC6 relates specifically to renewable and low carbon energy developments. While the proposed development doesn't specifically generate electricity, it is considered to support use of renewable energy by improving the efficiency of energy produced from renewable sources. Many sources of renewable energy are dependent on particular conditions, such as sun or wind. Without methods of storing the energy produced during the times where conditions allow, the energy produced would be wasted if there isn't the demand to use all of the energy at that time. Having battery energy storage systems provides a way of capturing energy when it is produced and saving that energy for times when it is needed. This makes renewable energy production more effective and therefore helps support its growth in accordance with the national ambitions and aims set out above that respond to the climate crisis. It is therefore considered that policy SC6 is applicable to this proposal.

The parts of policy SC6 relevant to this proposal set out that:

"Development proposals for the generation of renewable energy (except large wind turbines) will be granted unless either individually or cumulatively with other renewable energy development, there would be

- a) Significant harm to the visual appearance and character of the area*
- b) Significant harm to the amenity of local residents, either individually or cumulatively with other renewable energy development particularly from noise, dust, odour, traffic or visual intrusion*
- c) Significant harm to the ecology of the area, in particular in relation to protected species and to any sites of biodiversity value, ancient woodland, and veteran trees*
- d) Harm to the historic environment, including the effect on the significance of heritage assets and their setting and significant harm to important views associated with valued landscapes and townscapes*
- e) Significant adverse impacts on airport radar and telecommunications systems*

Where significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, planning permission will be refused.

In determining planning applications for renewable energy generation, significant weight will be given to the achievement of wider environmental and economic benefits.

Proposals should include details of associated developments including access roads and ancillary buildings; and transmission lines which should be located below ground wherever possible in order to reduce the impact on the open countryside. Planning applications will also need to include a satisfactory restoration scheme which will be implemented following decommissioning.”

With regard to criteria ‘a)’, ‘b)’, ‘c)’ and ‘e)’, it is noted that the threshold for harm or adverse impact is ‘significant’. It is accepted that there will be harm to the visual appearance and character of the area and potential harm to the amenity of the occupants of Hurst Farm as a result of the development, however, subject to the proposed mitigation, this harm is not considered to amount to ‘significant’. There is no evidence of any harm in respect of criterion ‘e)’. It is noted that the threshold for criterion ‘d)’ is lower at only ‘harm’, although this could be considered somewhat diluted by the proceeding paragraph that further qualifies reasons for refusal which would need to be considered in addition to the criteria above that provide reasons for support rather than reasons to refuse.

This policy is clearly capable of impacting on the principle of the development subject to accordance with the criteria and consideration of the mitigation proposed, and detailed assessments of the respective impacts are set out in the relevant sections of the report below.

The landscape and visual impact of the proposed development

While adjacent to the M1 motorway, the site is within a countryside setting comprising agricultural land and close to two public rights of way, with one of those crossing the proposed access road.

The location of the site within the larger agricultural holding has been chosen for its proximity to overhead electricity lines and the design of the proposal takes account of existing screening with hedges and scrub around that particular parcel of land and locating the substation on the eastern boundary where the land falls away to a lower level.

Requests have been made to the applicant about the ability to have the equipment finished in a recessive green colour to help assimilate it into its setting or at least reduce its prominence in the landscape and distant views. It was confirmed that in terms of the substation, the customer switch and control room can be green or brown brick built, but the colour of the transformer could not be confirmed at this stage, although they are typically grey. Parts of the substation to be adopted by the Distribution Network Operator must be designed in accordance with relevant standards, in agreement with NGED. The applicant therefore cannot confirm the colour at this stage, although again confirmed they are typically grey. The applicant confirmed that the BESS enclosure, MV Skid, monitoring house, storage, GRP, spares containers, backup generator and BESS security fence can all be coloured green. A condition can be imposed to agree the final colour of equipment should planning permission be granted.

The applicant was also asked whether the area between the equipment within the compound could be grassed to further reduce or break up the appearance of built form in distant views. However, the National Fire Chiefs Council (NFCC) guidance for Fire and Rescue Services (FRS) on Grid Scale Battery Energy Storage Systems (BESS) sets out that sites should be laid out to prevent a fire spreading to the Energy Storage Units by providing a bridge or path

between the units to transmit flaming or radiant heat. Grass would increase the risk of a bridge between Energy Storage Unit fires. The guidance states that “*Areas within 10 metres of BESS units should be kept clear of combustible vegetation and all other vegetation within the curtilage of the site should be kept in a condition such that it does not increase the risk of a fire on the site*”. Having vegetated areas between the units is therefore not appropriate. The applicant has suggested a suitably coloured permeable gravel surface (shown on the Landscape Strategy Plan), the final details of which can be submitted to the Council for approval under a condition prior to the commencement of development.

The Council’s Senior Urban Design Officer (UDO) has been consulted and considers that the visual impacts of the development will be greater than suggested in the submitted Landscape and Visual Impact Assessment. In response to concerns raised, the applicant has submitted revised landscape proposals that include the planting of more mature trees to provide better screening, which the UDO welcomes, while acknowledging that it would take a significant amount of time before trees reach a height that will provide effective screening. Informal planting of trees along the access track is also welcomed, but a condition regarding materials of the access track is recommended as above. Questions about lighting around the site have been clarified by the applicant. The lighting will only be operational for the limited times operatives are on the site. This can be controlled by condition.

The UDO also enquired as to whether the southern 3 clusters of BESS enclosures and associated MV Skids could be omitted from the scheme as they will be the most prominent in distant views from Hardwick Hall. The omission of these units would significantly reduce the storage capacity of the site and therefore dilute the benefits. It would also require renegotiations with the Distribution Network Operator which could jeopardise feasibility of the scheme. Given the visual impact that will arise from the proposal generally, it is considered that there is more benefit in retaining the higher storage capacity compared to the limited reduction in visual impact by removing them and resultant overall benefits of the development. The UDO emphasises the need to carefully consider and control the colour of equipment and fencing. Subject to relevant conditions, the UDO has reservations about the schemes potential visibility but does not object to the development.

The development in the main is proposed for a temporary 40-year period, with only the substation and associated apparatus to be retained after that to be adopted by the Distribution Network Operator. It is proposed that the rest of the development will be removed and site restored to its former state. A condition can be imposed to agree details of the restoration to ensure a satisfactory situation following the development.

The impact on heritage assets

Intrinsically linked to the landscape and visual impact of the development is the impact on heritage assets. The site sits within distant views from a number of vantage points around Hardwick Hall. Through pre-application discussions and an accompanied site visit with the applicant, Bolsover District Council, National Trust and Historic England it was agreed that the development had the potential to impact on the following heritage assets: -

- Hardwick Hall Registered Park and Gardens (Grade I, NHLE 1000450)
- Hardwick Old Hall (Scheduled Monument, NHLE 1015889 and Listed Building Grade I, NHLE 1052337)

- Hardwick Hall (Listed Building Grade I, NHLE 1051617)
- Range of Outbuildings and Stables, and walls enclosing a courtyard to south of Hardwick Hall (Listed Building Grade II*, NHLE 1051634)

In heritage terms the main issue for consideration is the impact of the proposed development on the significance and setting of designated heritage assets.

As confirmed by the PPG, “What matters in assessing whether a proposal might cause harm is the impact on the significance of the heritage asset affected by the proposal (PPG 18a-018). As the National Planning Policy Framework makes clear, significance derives not only from a heritage asset’s physical presence, but also from its setting.

The NPPF uses the term “harm”, when discussing the impacts of a development on the significance of a heritage asset. The assessment of the overall impacts of the proposed development on the significance of heritage assets is evaluated by taking into account both the significance of the heritage asset, and the nature and extent of the predicted impact on that significance. If a proposal would change the setting of a heritage asset in a way which is considered harmful, it is essential that clear reasoning is provided on why the change would lead to harm.

The NPPF identifies three levels of harm: substantial harm, total loss or less than substantial harm to its significance. The PPG states that substantial harm is a “high test” (PPG Paragraph 18a-018). This means that less than substantial harm can encompass impacts that range from just below substantial harm, down to just above negligible, which is a considerable range of impacts. Furthermore, in paragraph 18a-018 the PPG also clarifies that: “Within each category of harm (which category applies should be explicitly identified), the extent of the harm may vary and should be clearly articulated.”

The NPPF (2024) defines significance (for heritage policy) as:

“The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting.”

The NPPF (2024) defines the setting of heritage assets as:

“The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.”

The Historic England publication ‘The setting of Heritage Assets’ (2017) at paragraph 20 states that, “where that experience is capable of being affected by a proposed development (in any way) then the proposed development can be said to affect the setting of that asset.”

The National Trust Hardwick Hall Setting Study (Atkins) 2016 provides a detailed and comprehensive assessment of the significance of the assets and the importance of the landscape setting at Hardwick. It is clear that the prominent location on the edge of a

Magnesian Limestone Ridge above the head of the Doe Lea Valley was strategic, including in terms of being seen from, and overseeing the, surrounding landscape.

The application is accompanied by a Heritage Impact Statement (HIA) and Settings Impact Assessment (SIA) which fulfils the requirements set out in paragraph 207 of the NPPF. The documents clearly describe the significance of the heritage assets and considers the impacts of the works on the significance of the assets.

It was found that there is potential for the proposed development to result in a low level of less than substantial harm to the heritage assets noted above if the new structures were to be white or another reflective colour. This is because a highly reflective material could result some distraction to important views from the registered park and garden.

However, it was also found that if the proposed new structures were to be of a hue which was consistent with the farm buildings at Hurst Farm, then any harm would be reduced to a negligible level. This is because the new buildings would be experienced as additional farm buildings rather than industrial in nature and would therefore be in keeping with the character of the rural setting of the registered park and garden and the key buildings within it. This is also due to the fact that the new substation would be placed at the lowest point within the study site and would be screened from any views.

The presence of heritage signage and wayfinding where the public right of way no. 35 crosses the main access track would ensure that the significance of the Hardwick Hall heritage assets is understood and appreciated.

The Heritage Conservation Manager agrees with the recommendation that the new structures should be of a hue that blends into the rural landscape and surrounding buildings (not being white) but disputes the conclusion that this change would remove the harm and result in the buildings being viewed as part of the farm complex resulting in a negligible impact. The HIA, at Table 2, defines negligible harm as ‘a change to a heritage asset or its setting that involves no loss of significance or harm’. The site is some distance away from the existing farm buildings and the industrial nature of the associated equipment and paraphernalia means that it has a very different character to the traditional farm arrangement.

The Heritage Conservation Manager has established the following viewpoints:

- Old Hall viewing platform – there are wide sweeping vistas across the landscape towards the site. The upper part of the site was clearly visible.
- Hardwick Hall roof – the intervening vegetation obscured views from the roof viewing platform (it is not clear what extent the views would be more prominent in summer)
- Terrace Range (café courtyard) adjacent to the Stable Yard and outbuildings GII* also within the Registered Park and Gardens – there are partial views of the site from the terrace, but this view would be more prominent in winter. This area is an important part of the visitor experience, and the sweeping views play an important part of the experience.
- Views from the site back towards Hardwick Old Hall, New Hall and Registered Park and Garden – there are clear views across the intervening landscape to the Old Hall, New Hall and Registered Park and Garden
- The proposed development would be visible in long views of the upper elevation of

Hardwick Old Hall from footpath no. 35.

The analysis concluded that the proposed site is set within the context of open countryside and rolling agricultural land and the change of use from open field to a battery energy storage facility with associated utilitarian structures would inevitably change the character of the site and be seen as an urbanising feature in the landscape.

As evidenced above, Hardwick's prominence in the landscape is a highly important element of its overall significance as a symbol of courtly power and wealth. The location of Hardwick consciously exploits the local topography; the two Halls are located on the edge of an elevated scarp, and both Halls are very prominent elements in views from a swathe of the surrounding countryside. Historic evidence supports the case that the ridgetop siting for the Halls was intentional, and the aspect and strong visual prominence of the location was considered to be a distinct advantage. This in turn suggests that the ridgetop setting plays an integral role in the historic significance and that any changes to the surroundings will impinge on that significance.

There is clear evidence to suggest that there will be some intervisibility between the designated heritage assets and the proposal site and given the industrial nature of the development and the urbanising impact of this on the landscape setting, it is considered that the development would impinge on the setting of Hardwick Old Hall, Hardwick Hall and the Registered Park and Garden and would cause harm to the significance of these assets. The level of harm is considered to be less than substantial and towards the lower end of the scale.

NPPF paragraph 215 specifies that where a development would result in less than substantial harm to the significance of a designated heritage asset, then this harm should be weighed against the public benefits of the proposal.

The Heritage Conservation Manager concurs with the comments of the Senior Urban Design Officer, supporting recommendations to remove the three upper units from the scheme (southernmost units on the highest and most prominent part of the site), provide additional planting, secure the colour of units to be green, seek additional assessment of a lighting strategy and luminance, explore the potential for grass planting between the battery storage units, and for the perimeter fencing to be green. These elements have been explored and incorporated where feasible, or with the applicants being open to conditions where relevant.

To summarise the heritage situation, the proposal is considered to have a 'less than substantial' harm on heritage assets and at the low end of that scale. In accordance with national policy, this impact needs to be weighed against the public benefits of the proposal.

The impact on biodiversity

Derbyshire Wildlife Trust has been consulted on the application and comment that habitats to be lost are largely of low ecological value, except for hedgerow. They do however note that hedgerow losses have been minimised and compensated for adequately, and that the landscape proposals are likely to result in meaningful habitat enhancements on site, with an increase in habitat diversity.

Protected species impacts can be mitigated for through best practice working measures

which should be set out in a CEMP: Biodiversity. A farmland bird assemblage uses the habitats on site, including notable species such as skylark, grey partridge, yellowhammer, greenfinch and linnet. Derbyshire Wildlife Trust anticipates that the impacts will not be significant, providing mitigation is implemented. The suggested seasonal restrictions to works combined with nesting bird checks can be included as an informative note on the decision notice, but cannot be included as conditions given other legislation protects protected species and nesting birds. The suggestion that a wild bird mix could be included within the landscaping in suitable places along site boundaries, to increase foraging opportunities and provide cover for species such as grey partridge can be required.

Derbyshire Wildlife Trust advise that Great Crested Newts and water vole are likely absent. The known badger setts can be retained and protected. Significant impacts on bats are not expected. The attenuation basin, new woodland and grassland planting will be located outside the security fencing and therefore accessible to local wildlife. Appropriate native species are specified in the landscape proposals. The access track is not to be fenced off along its route and therefore the landscape will not be significantly fragmented for wildlife, apart from the hard surfacing of the track itself. A Species Enhancement Plan condition is recommended to secure appropriate enhancements.

It has been confirmed with the applicant that lighting will only be used when operatives are on site and not left on at other times. A suitable lighting strategy can be secured by condition.

Proposals will result in net gains of +4.35 habitat units (25.47%), +2.58 hedgerow units (52.51%) and +0.01 watercourse units (30.67%). Gains are delivered through the planting of hedgerow and trees along the access track and habitat creation and enhancement around the main area of the site in the north. As the application is subject to mandatory 10% net gain, Derbyshire Wildlife Trust advise that a 30-year Habitat Management and Monitoring Plan (HMMP) should be secured via condition, as per BNG guidance. Guidance advises that significant onsite gains are secured via a legal agreement and the Local Planning Authority should consider whether a HMMP condition is sufficiently robust or whether another mechanism such as a Section 106 Agreement is also required.

Derbyshire Wildlife Trust do have some concerns regarding the tree planting long the access track and whether this may reduce the success of ground nesting species in the offsite fields to the west. The introduction of numerous trees along the access track is likely to create predator perches, which may reduce the suitability of the offsite fields to breeding skylark. The proposals will already result in the loss of the onsite land to ground nesting birds and they do not want to adversely impact the offsite field as well. They seek confirmation of whether the tree planting along the access is absolutely necessary or whether this could be omitted or significantly reduced. It is considered that this can be resolved via imposition of a condition to explore improvements to this situation in collaboration with the existing acceptable landscaping and BNG details, only superseding those details where they relate to the trees along the access track.

With the imposition of conditions to secure the benefits discussed above, the proposal is considered acceptable with regard to biodiversity in accordance with policy SC9 of the Local Plan.

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

A new access is proposed off Mansfield Road to serve the proposed development, with the existing farm access included within the site area as a secondary / emergency access. The new access track will extend approximately 400m. Immediately east of the new access at Mansfield Road, the speed limit changes from 40mph to 50mph. 2.4m x 160m visibility splays are shown to be achievable in both directions on land that is either within the applicant's control and/or the adopted highway. With regard to the secondary / emergency access, a swept path analysis has been submitted to demonstrate that there would be no issues with the movement and navigation of a fire truck when using this track in an emergency situation. A Public Right of Way (PRoW) (No. 35) crosses over the main access track before joining PRoW No. 36 that runs north/south parallel to the main access track. To encourage users to continue to use the current PRoW No. 36 rather than the proposed access track, the proposal incorporates a clear delineation between the two.

The construction of the proposed development is estimated to take 12-18 months. A temporary construction compound will be required during this phase, which will be the allocated location for construction vehicles, off-loading materials and all other construction activities. This will be located to the immediate south of the ESS area and to the west of the proposed access track, as shown hatched in orange on the submitted site layout plan.

The Transport Technical Note submitted with the application includes a trip generation assessment outlining the expected type and number of vehicles accessing the site during the construction phase of the proposed development. It assumes that approximately 40 individuals will travel to and from the site daily during this stage. Over the full 18-month construction period, the assessment estimates a total of 86 two-way trips by Heavy Goods Vehicles (HGVs) and 36 two-way trips by Light Goods Vehicles (LGVs). The assessment reflects a worst-case scenario, with up to 10 HGV deliveries anticipated during Phases 1 and 2. The movement of construction vehicles and any associated impacts will be managed and mitigated through the implementation of a Construction Environmental Management Plan (CEMP), which can be secured via a planning condition.

Once the development is built-out, there will be limited site presence during its operation. And therefore it is considered that the projected vehicle trips associated with the operation of the ESS are minimal, with maintenance visits typically involving around two staff on a monthly basis. These visits are usually carried out using LGVs or four-wheel drive vehicles. It is expected that no more than two staff members will be on-site at any one time during the operational phase. Consequently, no adverse transport or trip generation impacts are anticipated during this stage.

An adequate amount of space has been retained between the access route and the existing hedge line to the east to ensure that the alignment of PRoW Footpath 36 is retained. Suitable signage is proposed to be installed during the construction phase where PRoW Footpath 35 crosses the primary access route to notify users of the PRoW network that works are underway. The Transport Technical Note indicates that no safety concerns are expected for users of the PRoWs, as the anticipated use of the access track is minimal. The Transport Technical Note concludes that the proposed development can be served safely and will not have a 'severe' impact on the operation of the local highway network, in accordance with

paragraph 116 of the NPPF.

The Local Highway Authority notes that the requirement for stopping sight distances commensurate with a vehicle approach speed of 50 mph is considered to be appropriate. The provision and maintenance of the visibility splays will have a significant impact on the hedge boundary which will need to be removed / lowered / set back. The proposed access dimensions, informed by swept path analysis, are considered appropriate to accommodate the predicted and likely vehicle movements during the construction phase of the facility. Concern was raised about control over the secondary access and how this would be limited to emergency use only and not used by construction traffic. While the updated Highways Technical Note acknowledges that the impact on the intensity of this use is considered 'negligible' due to only being used for emergencies, a condition could be imposed to prevent any other use of that access in relation to the proposed use. In any case, it is likely to be inconvenient for the farm complex and not well suited for any kind of regular use.

The Local Highway Authority notes that predicted trip generation during the construction phase would not have an unacceptable impact on the highway network and that analysis has been carried out in relation to the abnormal loads expected and suitable routes for these. The proposed routing for the abnormal loads identified as 'route 2' in the Transport Assessment is considered to be the most appropriate route. This involves a route from J28 of the M1 through Huthwaite along Chesterfield Road to the site. Access width details and information on passing places have been provided as requested by the Local Highway Authority.

The Local Highway Authority notes that the applicant has had feedback from Derbyshire County Council's Public Rights of Way team regarding the impact of the internal access road on the existing public footpaths which run through the site. The comments request maintenance of a 2m width to maintain existing alignments of the public footpaths.

Subject to recommended conditions, the develop is considered acceptable in relation to its access and impacts on the highway network.

The impact on residential amenity

The nearest residential property is the farmstead of Hurst Farm, which will be approximately 280m from the fence of the ESS area. This property is occupied by the owners of the land holding on which the development is proposed. A letter of support has been received from the landowners setting out that the proposed development provides an additional income stream that will support the ongoing operation of farm activities at the site and improve the farm's resilience. The letter sets out how they have worked with the applicant to ensure that the proposal remains compatible with ongoing farm operations and is mainly situated on land that is the hardest to farm. The landowners agree with the findings of the submitted Noise Impact Assessment in that the development will not result in significant noise impacts on the property and they consider that the proposed planting will adequately screen the development from their residential property.

In terms of screening, the residential farmhouse is to the south of the built form of the farm complex and therefore the development is effectively screened by other farm buildings. Views of the access track and perhaps the temporary compound may be possible but with the proposed planting, including along the access track, the impact is considered acceptable.

The Environmental Health Officer has been consulted and requested further information in relation to the resulting impact and to confirm the occupiers are connected to the proposed development. A further response from the noise consultants was submitted that explains that:

“the noise impact assessment shows an initial adverse impact at night at NSR 1 [the farm house] based on the exceedance of the rating level over the background sound level based on worst-case operation mode of the BESS units. In line with the BS4142 methodology this impact has been modified due to the context of the site including that the initial adverse impacts only identified for one of the three potential bedrooms and the financial involvement of the occupiers with the scheme. Given that there is a low impact, it is considered that the predicted noise is below the LOAEL and so it is not considered that any mitigation would be warranted in line with the outcomes presented in PPG [Planning Practice Guidance].”

A condition is suggested by the noise consultant to control the noise level to not exceed that predicted in the Noise Impact Assessment. The Environmental Health Officer has confirmed they are satisfied with the information.

The Noise Impact Assessment identifies that other noise sensitive receptors are dwellings to the east of Wharf Lane and dwellings on Shepherd's Lane. The dwellings at Wharf Lane are approximately 100m from the access track but 630m from the ESS area. The dwellings at Shepherd's Lane are approximately 610m from any part of the site. Noise from the proposed development is expected to have a low impact at both of these locations based on the initial consideration of the rating level compared to background sound levels.

The Noise Impact Assessment concludes that the noise of the proposed development is acceptable, complies with the relevant policy and guidance and therefore needs not be a determining factor in the granting of planning approval for the proposed development.

Given the distance from any other residential properties to the ESS area, any potential views from these properties are expected to be minimal. It is accepted that properties along Wharf Lane will likely have views of the access track, but on completion of the construction phase and proposed planting, this view is not considered unacceptable and the limited presence of site operatives after the development is completed is also not expected to result in significant noise / nuisance.

Given the connection with the nearest noise sensitive receptor, and with relevant conditions imposed, the development is considered acceptable with regard to residential amenity.

Contamination and land stability

Part of the site is within the Coal Authority Development High Risk Area. The Coal Authority records that the site is in an area of likely historic unrecorded coal workings at shallow depth. If shallow coal workings are present then these may pose a potential risk to surface stability and public safety. The application is accompanied by a Coal Mining Risk Assessment report and the Coal Authority note that it concludes that unrecorded underground coal mine workings at shallow depth may be present beneath the site.

The report makes recommendations for ground investigations to be carried out on the site in order to establish the extent of any unrecorded shallow mine workings and to inform any remedial works and mitigation measures needed to ensure the site is safe and stable.

The Coal Authority states that the intrusive site investigations should be designed and undertaken by competent persons and should be appropriate to assess the ground conditions on the site in order to establish the coal mining legacy present and the risks it may pose to the development and inform any remedial works and/or mitigation measures that may be necessary.

The Coal Authority advises that wherever coal resources or coal mine features exist at shallow depth or at the surface, there is the potential for mine gases to exist and these risks should be considered by the Local Planning Authority. The Environmental Health Officer has also been consulted and recommends a standard contamination condition given a previous use of the northern part of the site for motor cross and considering the comments of the Coal Authority. With the Coal Authority and Environmental Health recommended conditions, the proposal is considered acceptable with regard to contamination and land stability. Conditions relating to drainage details will also be required at the request of the Lead Local Flood Authority and Yorkshire Water, which is also a consideration of land stability where SuDS are proposed where any mine workings may be present beneath the site.

Other matters

Fire risk

While fire risk is clearly a significant consideration of development of this nature, the detail of managing and mitigating such risk generally sits outside of the planning process as a matter for the technical design of apparatus and operational management procedures implemented by the operators. It is clear that regard has been given to this consideration from the details submitted with the application, including an Outline Battery Safety Management Plan (OBSMP) and the information provided in the Planning Statement, and with Derbyshire Fire and Rescue Service (DFRS), while not a statutory consultee, having no objections to the proposal. DFRS have provided signposting to relevant guidance for the developer and requested notification when the construction is nearing completion, so that fire crews may visit the site to familiarise themselves with the location, site access, site layout, available water supplies and access information. It is still considered necessary and reasonable to impose a condition requiring a detailed Battery Storage Management Plan (BSMP), including Emergency Plans and Risk Assessments, to be submitted prior to the development being brought into use and implemented in accordance with the approved document thereafter.

Commencement timescale

While it is usual for most planning permissions to require development to commence within three years, there are provisions for a longer timeframe to be imposed where considered reasonable. In this instance, the applicant has requested seven years due to the technical arrangements that need to be completed upon receiving planning permission and procurement of the apparatus. This is considered reasonable given the nature of the project.

CONCLUSION / PLANNING BALANCE

While the proposal conflicts with Local Plan policies SS9 and SC5, relating to development within and changes of use in the countryside, the proposal is considered to accord with policy SC6, relating to renewable and low carbon energy.

Policy SC6 provides for significant weight will be given to the achievement of wider environmental and economic benefits when considering application for renewable energy generation, and supports the granting of planning permission unless there would be significant harm to the visual appearance and character of the area, significant harm to the amenity of local residents, significant harm to ecology or harm to the historic environment.

While the proposed development does not directly generate renewable energy, it does provide for the storage of energy produced by renewable sources that would otherwise be wasted if the full demand does not exist at the time it is generated. In that respect, the proposal supports the effectiveness of renewable energy developments and benefits that can be obtained from renewable energy production, making growth of that sector more viable and supporting energy resilience and the climate change objectives. As such, the proposal is considered to fall within the spirit of policy SC6.

It is therefore necessary to assess whether the weight that should be afforded to the economic and environmental benefits of the proposed development outweighs the visual and heritage impacts given the countryside location and setting of Hardwick Hall.

The location of the site, topography of the land and proposed design and planting is considered to limit the visual impact of the development to isolated vantage points around Hardwick Hall. The impact on heritage assets is therefore considered on the low end of 'less than significant'. While detached from the farm complex and resulting in a degree of visual industrialisation of the countryside location, it is read to some extent in the context of the existing pylons and power lines, and the M1 motorway which is adjacent. The visual harm is, to some extent, mitigated for by the design and proposed landscaping / screening, as required by policy SC6.

On balance, the conflict with countryside policies of the Local Plan and harm identified is considered to be outweighed by benefits of the development, having regard to the importance of energy security, the importance of supporting the provision and use of renewable energy, national policy and guidance on the subject and related appeal decisions.

RECOMMENDATION

The current application be APPROVED subject to the following conditions:

1. The development must be begun before the expiration of seven 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:
 - Location Plan GBR_Hurst Farm_AD - SLP_07 – Drawing no. AD-SLP, received 23 July 2025
 - Preliminary Design Layout GBR_Hurst_LP2-PDL-BESS_05 – Drawing no. LP2-PDL, received 10 October 2025
 - Planning Statement, received 11 July 2025
 - Design and Access Statement, received 11 July 2025
 - Economic Impact Assessment, received 11 July 2025
 - Heritage Impact Assessment – Report ref. PR0219, received 11 July 2025
 - Landscape and Visual Appraisal – Report ref. 0001 V1, received 11 July 2025
 - Settings Impact Assessment – Report ref. PR0219, received 11 July 2025
 - Coal Mining Risk Assessment – Report ref. 350829 R01 (01), received 11 July 2025
 - Noise Assessment – Report ref. 243787-BWB-ZZ-XX-T-YA-0003_NIA Rev. P03, received 11 July 2025
 - General Arrangement of Site Access - Drawing no. HFD-BWB-GEN-XX-DR-TR-101 S2 Rev. P7, received 10 October 2025
 - General Arrangement of Access from Site to Road – Overview – Drawing no. HFD-BWB-HML-00-DR-TR-100 S2 Rev. P8, received 10 October 2025
 - Landscape Strategy Plan – Drawing no. NT16771-020 Rev. P07, received 10 October 2015
 - Archaeological Evaluation Report – Report ref. 25020 Version V1.3, received 10 October 2025
 - Ecological Impact Assessment – Report ref. 16625_R04c_ECG Rev. C, received 10 October 2025
 - Ecological Impact Assessment Tree Retention and Removal Plan – Drawing no. 16625-P05d, received 11 July 2025
 - Ecological Impact Assessment Bat Static Location Plan – Drawing no. 16625/P07, received 11 July 2025
 - Highways Technical Note – Report ref. HFD-BWB-GEN-XX-RP-TR-0001 Rev. P04, received 10 October 2025
 - Geophysical Survey Report – Report ref. 2025-47, received 31 July 2025
 - Indicative Drainage Strategy Sheet 1 of 3 – Drawing no. 243787-BWB-ZZ-XX-D-W-0001 S2 Rev. P07, received 30 July 2025

- Indicative Drainage Strategy Sheet 2 of 3 – Drawing no. 243787-BWB-ZZ-XX-D-W-0002 S2 Rev. P04, received 11 July 2025
- Indicative Drainage Strategy Sheet 3 of 3 – Drawing no. 243787-BWB-ZZ-XX-D-W-0003 S2 Rev. P05, received 30 July 2025
- Swept Path Analysis – Abnormal Indivisible Load – Drawing no. HFD-BWB-HGN-XX-DR-TR-131 S2 Rev. P1, received 30 July 2025
- Swept Path Analysis – Abnormal Indivisible Load – Drawing no. HFD-BWB-HGN-00-DR-TR-113 S2 Rev. P1, received 11 July 2025
- Swept Path Analysis – Large Tipper – Drawing no. HFD-BWB-HGN-00-DR-TR-114 S2 Rev. P1, received 11 July 2025
- MV Skid Elevations UK_EPD_MV Skid_00 – Drawing no. UK_EPD_MVS, received 30 July 2025
- Archaeological Desk-Based Assessment – Report ref. PR0219 (5th Issue), received 30 July 2025
- Biodiversity Gain Plan – Report ref. 16625_R05_NB, received 30 July 2025
- Climate Change Statement, received 27 July 2025
- Biodiversity Metric, received 16 July 2025
- Flood Risk Assessment – Report ref. 243787-BWB-ZZ-XX-T-W-0002_FRA S2 Rev. P01, received 16 July 2025
- Sustainable Drainage Statement – Report ref. 243787-BWB-ZZ-XX-T-W-0001_SDS Rev. P03
- Indicative SuDS Sections – Drawing no. 243787-BWB-ZZ-XX-D-W-0004 S2 Rev. P01, received 11 July 2025
- Topographical Surveys, received 11 July 2025
- Tree Constraints Plan – Drawing no. 16625/P04c, received 11 July 2025
- Existing and Proposed Ground Levels – Main Access GBR_Hurst-Existing and Proposed Ground Levels - Main Access Track_00 – Drawing no. 01, received 11 July 2025
- Proposed Ground Levels GBR_Hurst-Proposed Ground Levels_00 – Drawing no. 01, received 11 July 2025
- Proposed Ground Profiles – Energy Storage System Area GBR_Hurst_Proposed Ground Profiles – Energy Storage System Area_00 – Drawing no. 01, received 11 July 2025
- Proposed Ground Profiles – Substation GBR_Hurst_Proposed Ground Profiles – Substation_00 – Drawing no. 01, received 11 July 2025
- Emergency Access – Drawing no. HFD-BWB-GEN-XX-DR-TR-112 S2 Rev. P3, received 11 July 2025
- Auxiliary Transformer GBR_EPD_Auxiliary Transformer_02 – Drawing no. GBR_EPD_AUX, received 11 July 2025
- BESS CCTV GBR_EPD_BESS CCTV_00 – Drawing no. GBR_EPD_BCC, received 11 July 2025
- BESS Lighting GBR_EPD_BESS Lightning_00 – Drawing no. GBR_EPD_BLG, received 11 July 2025

- BESS Security Fence GBR_EPD_BESS Security Fence_02 – Drawing no. GBR_EPD_BSF, received 11 July 2025
 - BESS Security Gate GBR_EPD_BESS Gate_02 – Drawing no. GBR_EPD_BSG, received 11 July 2025
 - DNO Generator GBR_Hurst_EPD_DNO Generator_00 – Drawing no. GBR_EPD_DNO GEN, received 11 July 2025
 - DNO GRP GBR_Hurst_EPD_DNO GRP_00 – Drawing no. GBR_EPD_DNO GRP, received 11 July 2025
 - EV Charger GBR_Hurst_EPD_EV Charger_00 – Drawing no. GBR_EPD_EVC, received 11 July 2025
 - Entrance Wall and Gate GBR_EPD_Entrance Wall and Gate_00 – Drawing no. GBR_EPD_EWG, received 11 July 2025
 - Backup Generator GBR_EPD_Backup Generator 20_00 – Drawing no. GBR_EPD_G20, received 11 July 2025
 - GRP GBR_EPD_GRP_00 – Drawing no. GBR_EPD_GRP, received 11 July 2025
 - Monitoring House / Communication Building GBR_EPD_Monitoring House/Communication Building_01 – Drawing no. GBR_EPD_MH/CB, received 11 July 2025
 - Indicative Road Section GBR_EPD_Indicative Road Cross Section_01 – Drawing no. GBR_EPD_RCS, received 11 July 2025
 - Spares Container GBR_EPD_Spares 40' Container_01 – Drawing no. GBR_EPD_S40, received 11 July 2025
 - Storage GBR_EPD_Storage_00 – Drawing no. GBR_EPD_STG, received 11 July 2025
 - Substation GBR_Hurst_EPD-Substation_00 – Drawing no. GBR_EPD_SUB, received 11 July 2025
 - Toilet GBR_EPD_Toilet_01 – Drawing no. GBR_EPD_TLT, received 11 July 2025
 - BESS Enclosures UK_EPD_BESS Enclosures_00 – Drawing no. UK_EPD_BSS, received 11 July 2025
 - MV Skid UK_EPD_MV Skid_00 – Drawing no. UK_EPD_MVS, received 11 July 2025
 - Outline Battery Safety Management Plan – Report ref. ARC-1198-003-R1 Issue 2, received
 - Arboricultural Impact Assessment – Report ref. 16625_R03d, received 11 July 2025
 - Tree Survey Schedule – Report ref. 16625_TSS, received 11 July 2025
 - Archaeological Written Scheme of Investigation – Report ref. PR0219 (4th Issue), received 11 July 2025
3. Notwithstanding the details contained in the plans approved under condition 2, no development shall take place until full details of the final positioning, design, materials and colour of any above-ground buildings, structures and boundary treatments have been submitted to the Local Planning Authority and approved in

writing. The approved details shall be implemented in full and maintained as such thereafter.

4. The rating level of noise emitted from the BESS site shall not exceed the rating levels predicted in the Noise Impact Assessment prepared by BWB, dated 27/06/2025, as measured or calculated in accordance with BS 4142:2014+A1:2019. Within one month of the site becoming fully operational the site operator shall undertake measurements of noise from the site and through measurement and/or calculation assess the level of noise in terms of compliance with this condition. The results shall be submitted to the Planning Authority.
5. Development other than that required to be carried out as part of an approved scheme of remediation must not commence until:
 - a) A Phase I contaminated land assessment (desk-study) shall be undertaken and approved in writing by the local planning authority.
 - b) The contaminated land assessment shall include a desk-study with details of the history of the site use including:
 - the likely presence of potentially hazardous materials and substances,
 - their likely nature, extent and scale,
 - whether or not they originated from the site,
 - a conceptual model of pollutant-receptor linkages,
 - an assessment of the potential risks to human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments,
 - details of a site investigation strategy (if potential contamination is identified) to effectively characterise the site based on the relevant information discovered by the desk study and justification for the use or not of appropriate guidance. The site investigation strategy shall, where necessary, include relevant soil, ground gas, surface and groundwater sampling/monitoring as identified by the desk-study strategy

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

6. Before the commencement of the development hereby approved:

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

remediation.

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

7. No buildings hereby approved shall be occupied until:
 - a) The approved remediation works required by condition 6 above have been carried out in full in compliance with the approved methodology and best practice.
 - b) If during the construction and/or demolition works associated with the development hereby approved any suspected areas of contamination are discovered, which have not previously been identified, then all works shall be suspended until the nature and extent of the contamination is assessed and a report submitted and approved in writing by the local planning authority and the local planning authority shall be notified as soon as is reasonably practicable of the discovery of any suspected areas of contamination. The suspect material shall be re-evaluated through the process described in conditions 5b to 6 above and satisfy 7a above.
 - c) Upon completion of the remediation works required by conditions 6 and 7a above a validation report prepared by a competent person shall be submitted to and approved in writing by the local planning authority. The validation report shall include details of the remediation works and Quality Assurance / Quality Control results to show that the works have been carried out in full and in accordance with the approved methodology. Details of any validation sampling and analysis to show the site has achieved the approved remediation standard, together with the necessary waste management documentation shall be included.
8. Prior to commencement of the development hereby approved, full details of the surfacing to be used on the access track and BESS compound must have been submitted to and approved in writing by the Local Planning Authority. The development must be implemented in accordance with the approved details and maintained as such thereafter.
9. Prior to the installation of external lighting fixtures, a detailed lighting strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy should be designed to safeguard bats and other nocturnal wildlife, as well as protect visual amenity. The strategy shall provide details of the chosen luminaires, their locations and any mitigating features such as dimmers, PIR sensors and timers. The strategy shall provide for lighting to only be in use while site operatives are on site to minimise the durations of use. 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 shall refer to the recommendations in the Ecological Impact Assessment (EclA) (Tyler Grange, July 2025). It shall also explain how proposals have been designed in compliance with Guidance Note 08/23 - Bats and Artificial Lighting at Night (BCT and ILP, 2023). The approved measures shall be implemented in full and maintained as such thereafter.
10. No development shall take place (including demolition, ground works, vegetation clearance and movement of plant, machinery and materials) until a Construction

Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall be produced by an ecologist and shall expand upon recommendations in the Ecological Impact Assessment (EclA) (Tyler Grange, July 2025). It shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of “biodiversity protection zones”.
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction to retained habitats, amphibians, water voles, nesting birds, hedgehog, bats and badger.
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP 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.

11. Prior to building works commencing above foundation level, a Species Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall clearly show positions, specifications and numbers of features, in line with those recommended in the Ecological Impact Assessment (EclA) (Tyler Grange, July 2025), as well as details of a wild bird mix to be included in landscaping at suitable places around the site boundary. The development shall be implemented in accordance with the approved details.
12. Notwithstanding the landscaping details hereby approved, an additional strategy / details relating to trees along the access track shall be submitted to and approved in writing by the Local Planning Authority, taking account of Derbyshire Wildlife Trust’s comments on the potential for predatory birds using such trees and the need to avoid this issue. The approved supplementary details shall be implemented in collaboration with the other approved landscaping details, superseding them where there is an overlap.
13. A Habitat Management and Monitoring Plan (HMMP) shall be submitted to, and be 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 shall be consulted to ensure all appropriate information is included. The HMMP shall identify the habitats to be retained, created and / or enhanced on the site over the mandatory 30-year period and specify the appropriate management prescriptions to secure the predicted condition targets, as per the approved biodiversity metric for the application. The HMMP shall also set out a monitoring schedule to ensure targets are met and remedial actions to take if not. Guidance on producing a HMMP can be found here: <https://www.gov.uk/guidance/creating-a-habitat-management-and-monitoring-plan-for-biodiversity-net-gain>

14. Prior to commencement of the development hereby permitted details of a construction management plan shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the demolition/construction period. The plan/statement shall include but not be restricted to:
- Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
 - Advisory routes for construction traffic;
 - 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.
15. The existing access to Hurst Farm, shown as 'secondary access' on the Preliminary Design Layout GBR_Hurst_LP2-PDL-BESS_05 – Drawing no. LP2-PDL, received 10 October 2025, shall be used only in the case of an emergency and for no other purposes associated with the construction or operation of the development hereby permitted.
16. The development hereby approved shall not be brought into use until the access, parking and turning facilities have been provided as shown on the revised submitted drawing(s).
17. The development hereby approved shall not be brought into use until visibility splays are provided from a point 0.6m above carriageway level at the centre of the access to the application site and 2.4 metres back from the near side edge of the adjoining carriageway, (measured perpendicularly), for a distance of 160m metres in each direction measured along the nearside edge of the adjoining carriageway and offset a distance of 0.6 metres from the edge of the carriageway. These splays shall thereafter be permanently kept free of all obstructions to visibility over 0.6m in height above carriageway level.
18. Full details of the point of connection between the approved development and the local distribution network shall be submitted to and approved by the Local Planning Authority prior to the connection being made. The connection shall be designed to be as visually inobtrusive as possible, preferably with cabling being laid underground. The development shall be implemented in accordance with the approved details.
19. No development shall take place until a detailed design and associated management and maintenance plan of the surface water drainage for the site, in accordance with the principles outlined within:

- a. Alex Eaton, BWB Consulting, June 2025, Flood Risk Assessment, Revision P03.
 - b. A Shademani, BWB Consulting, April 2025, Indicative Drainage Strategy Sheets 1-3, Drawing numbers: NT16771-020, 243787-BWB-ZZ-XX-D-W-0002 & 243787-BWB-ZZ-XX-D-W-0003, Revision P05.
 - c. A Shademani, BWB Consulting, April 2025, Indicative SuDS Sections, Drawing Number: 243787-BWB-ZZ-XX-D-W-0004, Revision P01.
 - d. A Shademani, June 2025, Sustainable Drainage Statement, Revision P03.
 - e. And DEFRA's national standards for sustainable drainage systems (June 2025), have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.
20. No development shall take place until a detailed assessment has been provided to and approved in writing by the Local Planning Authority, to demonstrate that the proposed destination for surface water accords with the drainage hierarchy as set out in paragraph 56 Reference ID: 7-056-20220825 of the planning practice guidance.
21. 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.
22. 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
1. The programme and methodology of site investigation and recording
 2. The programme for post investigation assessment
 3. Provision to be made for analysis of the site investigation and recording
 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
 5. Provision to be made for archive deposition of the analysis and records of the site investigation
 6. Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation.
- No development shall take place other than in accordance with the approved archaeological Written Scheme of Investigation.
23. The development shall not be brought into use until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological Written Scheme of Investigation approved under condition 22 and the provision to be made for publication and dissemination of results and archive deposition has been secured.

24. No above ground development shall commence until (excluding demolition of existing structures and site clearance);
- a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past shallow coal mining activity; and
 - b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

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

25. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.
26. Planning permission is granted for a temporary period only and shall cease to have effect 40 years following the date of receipt of the Final Operational Notification (FON) from the District Network Operator (DNO) (or equivalent organisation). The FON shall be submitted to the local planning authority within 14 working days of the date of its receipt from the DNO.
27. Eighteen months before the end of the 40-year period taken from the FON date submitted under condition 26, a scheme of restoration shall be submitted to and approved in writing by the local planning authority including:
- 1. details of the retention of the substation and associated apparatus to be adopted by the DNO, retention of any approved boundary treatment(s), retained and new landscape planting, and biodiversity enhancements to remain in perpetuity; and,
 - 2. a written scheme of restoration for returning the site to an arable field on cessation of energy storage at the site.

The approved scheme of restoration shall be implemented and completed within 12 months of the end of the 40-year period taken from the date submitted under condition 26.

28. Notwithstanding the Outline Battery Safety Management Plan (OBSMP) submitted with the application, the development shall not be brought into use until a detailed Battery Safety Management Plan (BSMP) has been submitted to and approved in writing by the Local Planning Authority. The BSMP shall include Emergency Plans and Risk Assessments which will include the interfaces with external first responder organisations. The development shall be implemented in accordance with the approved BSMP.

Reasons for Conditions

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. In the interests of proper planning and to define the scope of the permission.
3. To ensure an acceptable visual impact in accordance with policies SS1, SC2, and SC3 of the Local Plan for Bolsover District.
4. To ensure an acceptable residential amenity in accordance with policy SC11 of the Local Plan for Bolsover District.
5. To protect future occupiers of the development, buildings, structures / services, ecosystems and controlled waters, including deep and shallow ground water, in accordance with policy SC14 of the Local Plan for Bolsover District.
6. To protect future occupiers of the development, buildings, structures / services, ecosystems and controlled waters, including deep and shallow ground water, in accordance with policy SC14 of the Local Plan for Bolsover District.
7. To protect future occupiers of the development, buildings, structures / services, ecosystems and controlled waters, including deep and shallow ground water, in accordance with policy SC14 of the Local Plan for Bolsover District.
8. To ensure an acceptable visual impact in accordance with policies SS1, SC2, and SC3 of the Local Plan for Bolsover District.
9. To safeguard wildlife and visual and residential amenity, in accordance with policies SS1, SC9, SC3 and SC9 of the Local Plan for Bolsover District.
10. In the interest of biodiversity and safeguarding wildlife in accordance with condition SC9 of the Local Plan for Bolsover District.
11. In the interest of biodiversity and safeguarding wildlife in accordance with condition SC9 of the Local Plan for Bolsover District.
12. In the interest of biodiversity and safeguarding wildlife in accordance with condition SC9 of the Local Plan for Bolsover District.
13. In the interest of biodiversity and safeguarding wildlife in accordance with condition SC9 of the Local Plan for Bolsover District and the mandatory BNG provisions.
14. In the interests of safe operation of the adopted highway in the lead into development both during the demolition and construction phase of the

development in accordance with policy ITCR10 of the Local Plan for Bolsover District.

15. In the interests of highway safety in accordance with policy ITCR10 of the Local Plan for Bolsover District.
16. In the interests of highway safety in accordance with policy ITCR10 of the Local Plan for Bolsover District.
17. In the interests of highway safety in accordance with policy ITCR10 of the Local Plan for Bolsover District.
18. To ensure an acceptable visual impact in accordance with policies SS1, SC2, and SC3 of the Local Plan for Bolsover District.
19. To ensure that the proposed development does not increase flood risk and that the principles of sustainable drainage are incorporated into this proposal, and sufficient detail of the construction, operation and maintenance/management of the sustainable drainage systems are provided in accordance with policy SC7 of the Local Plan for Bolsover District.
20. To ensure that surface water from the development is directed towards the most appropriate waterbody in terms of flood risk and practicality by utilising the highest possible priority destination on the hierarchy of drainage options in accordance with policy SC7 of the Local Plan for Bolsover District.
21. To ensure surface water is managed appropriately during the construction phase of the development, so as not to increase the flood risk in accordance with policy SC7 of the Local Plan for Bolsover District.
22. In the interests of preserving and / or understanding and recording potential significant archeological features in accordance with policy SC18 of the Local Plan for Bolsover District.
23. In the interests of preserving and / or understanding and recording potential significant archeological features in accordance with policy SC18 of the Local Plan for Bolsover District.
24. To ensure the safety and stability of the proposed development in accordance with policy SC14 of the Local Plan for Bolsover District.
25. To ensure the safety and stability of the proposed development in accordance with policy SC14 of the Local Plan for Bolsover District.
26. To define the scope of the permission.

27. To ensure a satisfactory restoration of the site following the development in accordance with policies SS1, SC2 and SC3 of the Local Plan for Bolsover District.

28. In the interests of safety of the public and environment in accordance with policies SC2, SC3 and SC9 of the Local Plan for Bolsover District.

Statement of Decision Process

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

Equalities Statement

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

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

Human Rights Statement

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

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

PARISH Glapwell Parish

APPLICATION New boundary fence and gates (retrospective)
LOCATION 48 Rowthorne Lane Glapwell Chesterfield S44 5QD
APPLICANT T Roper 48 Rowthorne Lane Glapwell Derbyshire S44 5QD
APPLICATION NO. 25/00421/FUL **FILE NO.** PP-14379995

CASE OFFICER Jack Clayton
DATE RECEIVED 3rd October 2025

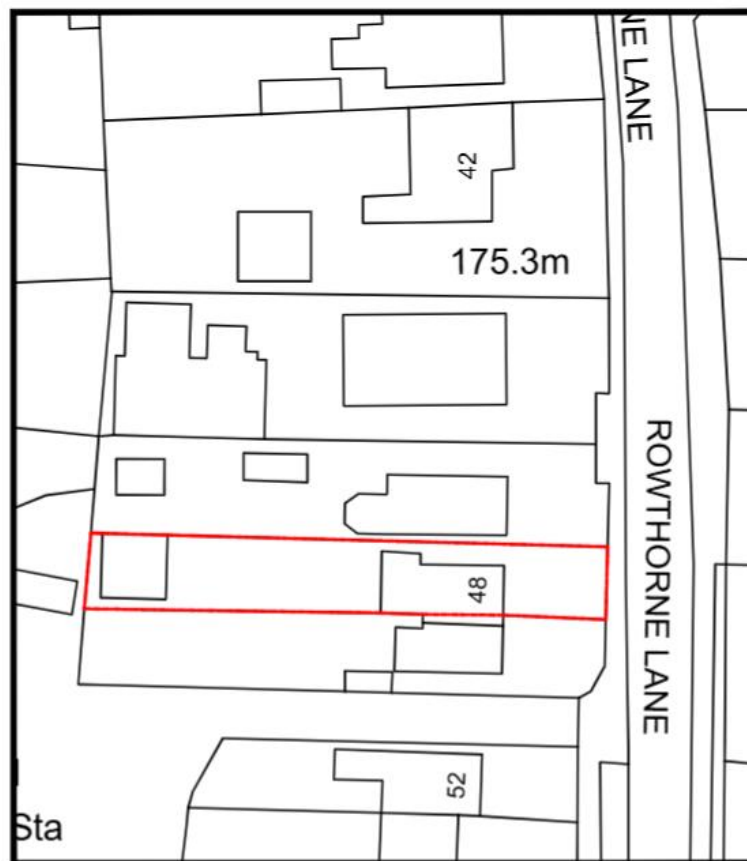
SUMMARY

This is a domestic development seeking retrospective planning permission for a front boundary treatment which consists of fencing panels and a gate finished in solid accoya timber in dark grey. The development has taken place adjacent to the classified highway to the west of Rowthorne Lane, Glapwell. The key issues to address in this report are the visual impacts of the proposed development on the streetscene and highway safety hazards.

Call in Request

The application is referred to Planning Committee for determination due to a call-in request from Cllr John Ritchie who wishes to discuss the Highway Authority's recommendation.

Site Location Plan



OFFICER REPORT ON APPLICATION NO. 25/00421/FUL

SITE & SURROUNDINGS

The subject site is a two-storey, semi-detached dwellinghouse to the west of Rowthorne Lane, Glapwell. The property is finished in render, white uPVC windows and doors, and concrete roof tiles. To the rear of the property is a landscaped garden which consists of various outbuildings which do adhere with the applicant's permitted development rights and is enclosed by a circa 1.80m timber fence.

Fronting the property is a hard surfaced driveway which gently slopes towards the property where an Aco Drain diverts any surface water to an existing drain. The driveway is large enough to accommodate two off-street vehicular parking spaces. Also fronting the property, is a front boundary treatment which consists of solid grey fencing panels and a gate which is between 1.54 and 1.88m high. This is an unauthorised development which this application is seeking the retention of.

The subject site is located in an established residential estate, in the development envelope of Glapwell, where adjacent properties vary greatly in style, design and size.

BACKGROUND

The applicant recently had permission granted for planning application reference number 25/00267/FUL which proposed a single-storey rear extension. However, during the site visit for this application two unauthorised developments at the site were identified - a canopy on the principal elevation and the aforementioned front boundary treatment. The applicant was invited to amend their application to seek the retention of these unauthorised developments. However, the applicant's agent only included the retention of the canopy and declined the opportunity to include the retention of the fence and gates at that time, following which, this planning application was submitted to regularise the development.

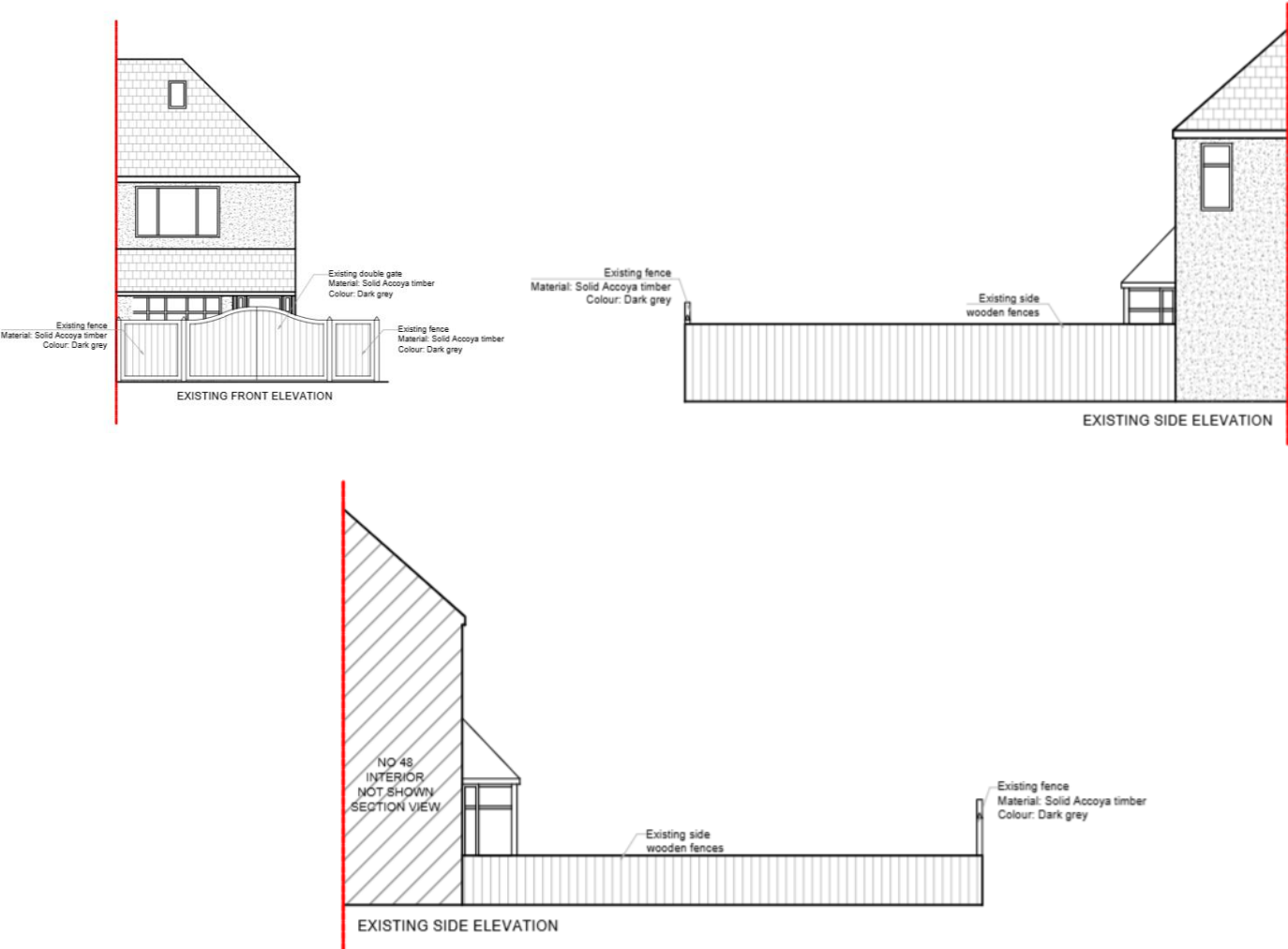
It was also noted that the existing timber boundary treatments on northern side elevation of the driveway would have required planning permission, but this has been neither applied for nor granted. However, information available on Google Earth shows that the construction of these developments had been completed by May 2019. Therefore, sufficient time had passed since the works were substantially completed (4+ years) before the 25th of April 2024 to render the development as immune from any planning enforcement action by the Council, and so this matter has not been pursued further.

PROPOSAL

The application is seeking retrospective approval for the front boundary treatment which consists of dark grey accoya timber. The fence panels are 1.55m in height and the gate is between 1.55m and 1.88m due to its curved nature as demonstrated by the photograph on the overleaf. The production of Accoya is based on the process of wood acetylation to enhance its durability

As previously stated, due to the age of the timber fence on the northern boundary it is exempt from enforcement action and the boundary treatment on the southern boundary is under 1.00m and therefore compliant with the relevant provisions of the Town and Country Planning

(General Permitted Development England) Order 2015 (as amended). As such, it is just the front boundary treatment under assessment in this application.



SUPPORTING DOCUMENTS

Design and Access Statement prepared by Studio Charette

AMENDMENTS

No formal amendments have been received.

SUMMARY OF SUBMISSIONS

For clarification this recommendation is based on the following plans:

- Existing (Retrospective) Layout – Received on the 3rd of October 2025.
- Proposed (Retrospective) front and side elevations – Received on the 3rd of October 2025.
- Pre-existing front and side elevations – Received on the 3rd of October 2025.
- Pre-existing layout – Received on the 3rd of October 2025.

HISTORY

| | | |
|--------------|--------------------------|--|
| 99/00538/FUL | Granted Conditionally | Erection of a first floor extension to rear and erection of conservatory to rear |
| 25/00267/FUL | Granted Conditionally | Retention of the canopy and porch to the front and proposed single storey orangery to the rear |

CONSULTATIONS

Glapwell Parish Council – no representations have been received.

Highway Authority (Derbyshire County Council) – recommends refusal on the following grounds:

The proposed development would severely restrict emerging vehicular and pedestrian visibility onto the highway network due to the height of the gates and fencing resulting in an unacceptable impact on the highway safety which is contrary to paragraphs 115 and 116 of the National Planning Policy Framework.

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

PUBLICITY

The application has been publicised by way of a site notice and letters sent to four adjacent residential properties – no representations have been received.

POLICY

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

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

- SS1 Sustainable Development
- SC1 Development within the Development Envelope
- SC2 Sustainable Design and Construction
- SC3 High Quality Development
- SC11 Environmental Quality (Amenity)
- ITCR11 Parking Provision

National Planning Policy Framework (“the Framework”)

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

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

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 landscape and visual impact of the proposed development*
- *residential amenity.*
- *whether the development would be provided with a safe and suitable access and impacts on highway safety.*

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

Principle

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

The application site is located within the settlement development envelope of Glapwell where Policy SC1 of the Adopted Local Plan supports the development subject it being appropriate in scale, design and location to the character and function of the area (a), accords with other policies of this plan (s) and does not have an unacceptable environmental impact (e).

Landscape and visual impact of the proposed development

The materials used for the front-boundary treatment are Accoya timber, solid grey panels varying from 1.55m to 1.88m in height.

The gates and fence by reason of their siting, height and appearance comprise a prominent feature within the streetscene that are harmful to the character and appearance of this part of Glapwell. They are not compatible in scale with the main dwellinghouse. When these factors are coupled together the proposals do not integrate well in their setting and appear as an unattractive incongruous addition.



The Council acknowledges that there are variations in front boundary treatments along Rowthorne Lane, however these are considered to be constructed from materials which respect the character of the main dwelling, or are proportionate in scale to the size of the property frontage, as identified on the images below:





Policy SC2 of the Local Plan states the Council will permit development proposals where it 'protects and enhances the distinctiveness, character, townscape and setting of settlements'. Policy SC3 of the Adopted Local Plan requires developments to achieve good quality, attractive, durable, and connected places through well designed locally distinctive development that will integrate into its setting. Paragraph 135 of the National Planning Policy Framework also requires high quality design which is visually attractive as a result of good architecture, and which respects local character and history. As such, proposals are only

considered suitable where they 'respond positively to the context and contributes to local identity and heritage in terms of height, scale, massing, density, layout and materials', 'provide a positive sense of place through well designed streets and spaces which are safe, attractive and appropriate to their context' and 'accord with and respond to the established character and local distinctiveness of the surrounding landscape'.

The development is not considered to accord with the above provisions and therefore is contrary to the respective planning policies. The front boundary treatment does not respect the style of dwellinghouse and its stark and contrasting form is not considered to provide a positive sense of place within the public realm, given its visual prominence.

Overall, it is considered that the development results in an incongruous feature in the street scene that is not compatible with its context, causing visual harm to the character and appearance of the street scene and therefore is contrary to policies SC2 and SC3 of the Local Plan and the 'Achieving well-designed places' section of the Framework.

Access/Highways

Given the nature of the development Derbyshire County Council Highway Authority has been consulted and has undertaken a full assessment of this planning application. The proposed gates and fencing remove all emerging visibility from the site access due to the height, and solid construction of the gates and fencing and the proximity of both to the highway and highway boundary i.e. footway. In effect, the achievable emerging visibility from the access on to Rowthorne Lane (a classified highway) is nil on both directions. This is reinforced from the photos taken during a site visit below:





The situation imposed by the installation of the gates and fencing is considered to be unacceptable, children passing by who are walking or cycling cannot be seen due to the lack of visibility. Furthermore, the gentle slope of the driveway means that the height of the gates actually have a greater distance to the top of the gates/fence than at street level.

As discussed above, the proposed development significantly restricts emerging vehicular and pedestrian visibility on to the highway network due to the height of the gates and fencing, and as such, results in an unacceptable impact on highway safety which is contrary to paragraphs 115 and 116 of the NPPF. Therefore, the Highway Authority is recommending refusal on this basis.

The Council acknowledge that visibility is impeded to some extent by the fencing panels on the side boundaries, but as already stated above, these are now immune from enforcement action, and it is considered that should the fence/gate which is now subject to this application be removed, or reduced to an acceptable height, then pedestrian and vehicular visibility could be achieved to a satisfactory standard.

Furthermore, Local Plan Policy ITCR11 parts c) and d) state the following: '*provide a safe and*

secure environment and *'minimise conflict with pedestrians and / or cyclists'*. Given the substantial safety concerns outlined above the proposal is also considered to be contrary to policy ITCR11. Moreover section 5.10 of the adopted Supplementary Planning Document 'Local Parking Standards' states *'Private drives also need to be safe and provide an acceptable level of amenity'*. It is considered that the addition of the front boundary treatment to the property has resulted in the driveway becoming unsafe, and as such the proposal is also contrary to the Local Parking Standards. Overall, the impact is considered to be unacceptable on a national and local scale as it is contrary to paragraphs 115 and 116 of the NPPF, Local Plan policy ITCR11 and Section 5.10 of the Local Parking Standards.

Residential Amenity

There are negligible impacts on residential amenity to adjacent properties, as the development does not create any privacy, daylight or overbearing impacts to neighbours and does not reduce the available outdoor amenity space to occupiers of the dwelling.

Ecology and Biodiversity Considerations

| Key Biodiversity Information | |
|--|-------------------------|
| Reason if exempt from the biodiversity gain plan condition | Householder development |

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

CONCLUSION / PLANNING BALANCE

The application proposes the retrospective approval of a front-boundary treatment which consists of gates and fencing between 1.55-1.88m in height constructed from dark grey solid accoya timber. The design and scale of the front-boundary treatment is at odds with its context appearing overbearing and out of place within the street scene. This is contrary to the criteria of SC2 and SC3 of the Local Plan and the 'Achieving well-designed places' section of the Framework.

The development results in a significant negative impact to highway safety, removing all emerging visibility from the site access due to the height of the gates and fencing and the proximity of both to the highway and highway boundary i.e. footway, onto Rowthorne Lane, a Classified Highway. This is contrary to paragraphs 115 and 116 of the NPPF, Local Plan policy ITCR11 and Section 5.10 of the Local Parking Standards.

The applicant would be able to erect a boundary enclosure up to 1m in height under permitted development. This would provide enhanced visibility, despite being compromised by existing fencing on the side boundaries. Reducing the height of the front boundary treatment would also reduce its prominence. The applicant could also erect a gate comprised of railings which would again allow some visibility splays to be achieved, and the materials would be less dominant within the streetscene.

RECOMMENDATION

The current application be REFUSED for the following reasons:

1. The gates and fence by reason of their prominent siting, height and appearance are not in scale or character with the existing dwelling house and represent overly prominent and incongruous features within the streetscene. The proposal fails to respect the urban setting or respond positively to its context and is detrimental to the visual amenity of the area. The development is therefore contrary to policies SC1(a), SC2 (i) and (o), SC3b of the adopted Local Plan and paragraph 134 of the Framework which requires developments to be visually attractive and sympathetic to the surrounding built environment.
2. The gates and fence by reason of their height and solid construction significantly restrict vehicle and pedestrian visibility splays to an unacceptable standard, due to their proximity to the adopted highway, causing detriment to highway safety, and increasing risks to pedestrians and cyclists using the footway. This is contrary to paragraphs 115 and 116 of the framework, Local Plan policy ITCR11 (c) and (d) and Section 5.10 of the Local Parking Standards. The development is considered to represent a socially unsustainable form of development which fails to meet the social objective of sustainability as set out in paragraph 8b of the framework.

Statement of Decision Process

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. Officers provided the applicant with the opportunity to address issues raised during the consideration of the application by contacting their agent which was respectfully declined. The proposal without any amendments or alterations is not policy compliant. Officers have sought to be proactive by taking the planning application to the nearest available Planning Committee for determination.

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 Shirebrook Parish

APPLICATION Variation of condition 2 (Biodiversity gain plans), condition 3 (landscape plans), condition 4 (approved plans), condition 5 (samples of materials) and condition 6 (approved plans) of planning permission 24/00356/FUL

LOCATION Shirebrook Market Place Shirebrook

APPLICANT Shirebrook Town Council C/o Agent

APPLICATION NO. 25/00441/VAR **FILE NO.** PP-14408429

CASE OFFICER Mrs Karen Wake

DATE RECEIVED 20th October 2025

SUMMARY

The application has been referred to Planning Committee as it proposes more than minor changes to proposals that have been previously approved by planning committee.

The original application was referred to committee by the Development Management and Land Charges Manager due to the decision being of strategic importance to the district and in the interests of openness and transparency, as the District Council has been involved in the inception of the scheme and are involved in its delivery.

The application concerns a new building to provide a flexible community space, public toilets, and a storage area for market stalls.

The application is recommended for approval.

Site Location Plan



OFFICER REPORT ON APPLICATION NO. 25/00441/VAR

SITE & SURROUNDINGS

The site is the northwest corner of Shirebrook marketplace. The marketplace is surrounded by buildings in a variety of commercial/retail uses, many of which have residential uses above. The marketplace has a variety of surface treatments and contains a number of trees as well as a recently erected sculpture/mining memorial. Works have commenced on the regeneration of the marketplace and the construction of the building has commenced on site.

BACKGROUND

Shirebrook Town Council in partnership with Bolsover District Council are seeking to significantly improve the physical and environmental quality of the marketplace to make this important civic space more vibrant and welcoming, and the retail beating heart of Shirebrook. The development forms part of the Shirebrook Market Place: REimagined project.

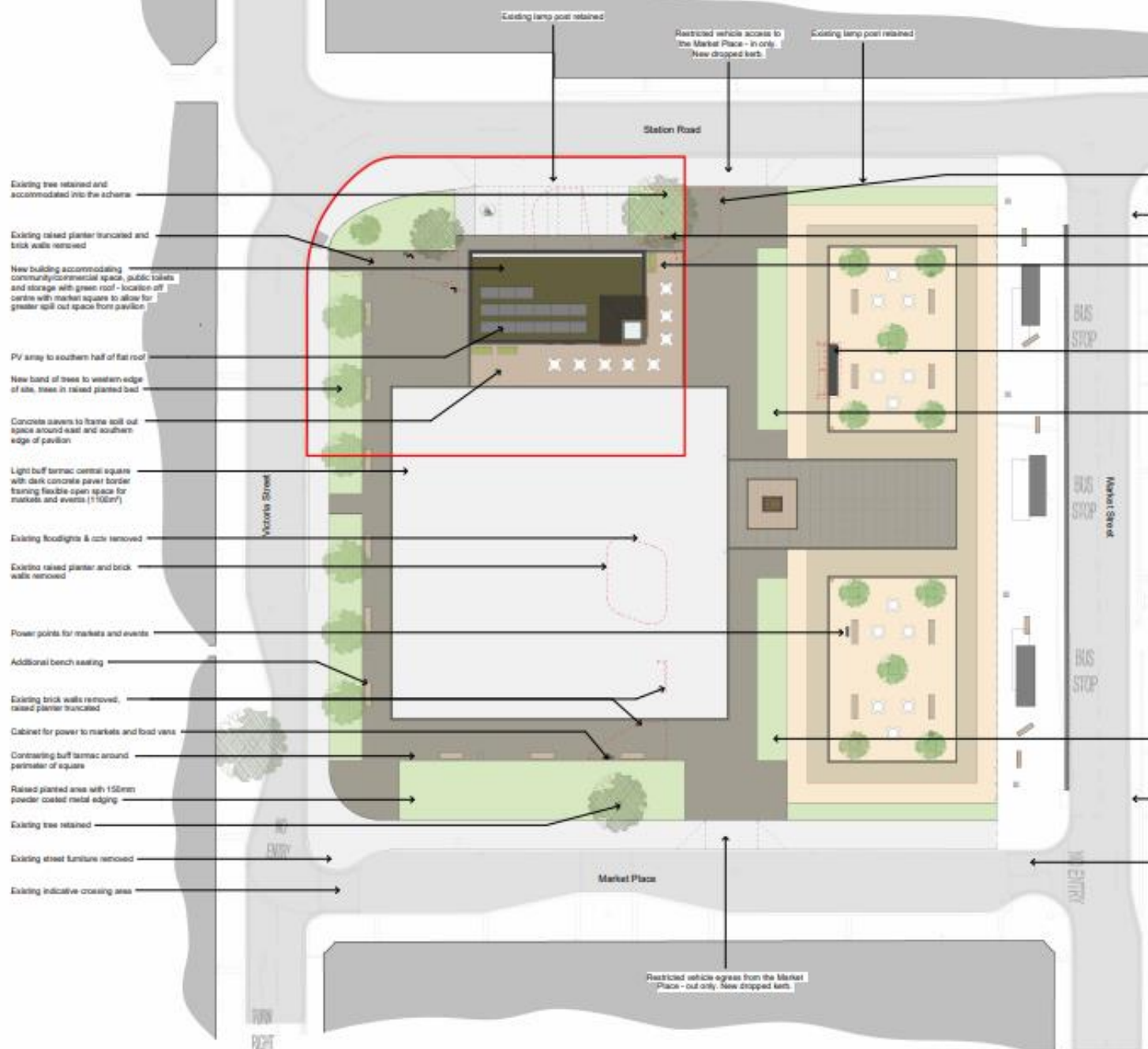
Planning permission has previously been granted for a new building to provide a flexible community space that can be used for a variety of uses, including co-working, community events, cafe, and tourist information centre. The building also provides improved provision of public WCs, market stall storage, market supervisor office, and a Wi-Fi hub. The community hub will be run / managed by Shirebrook Town Council.

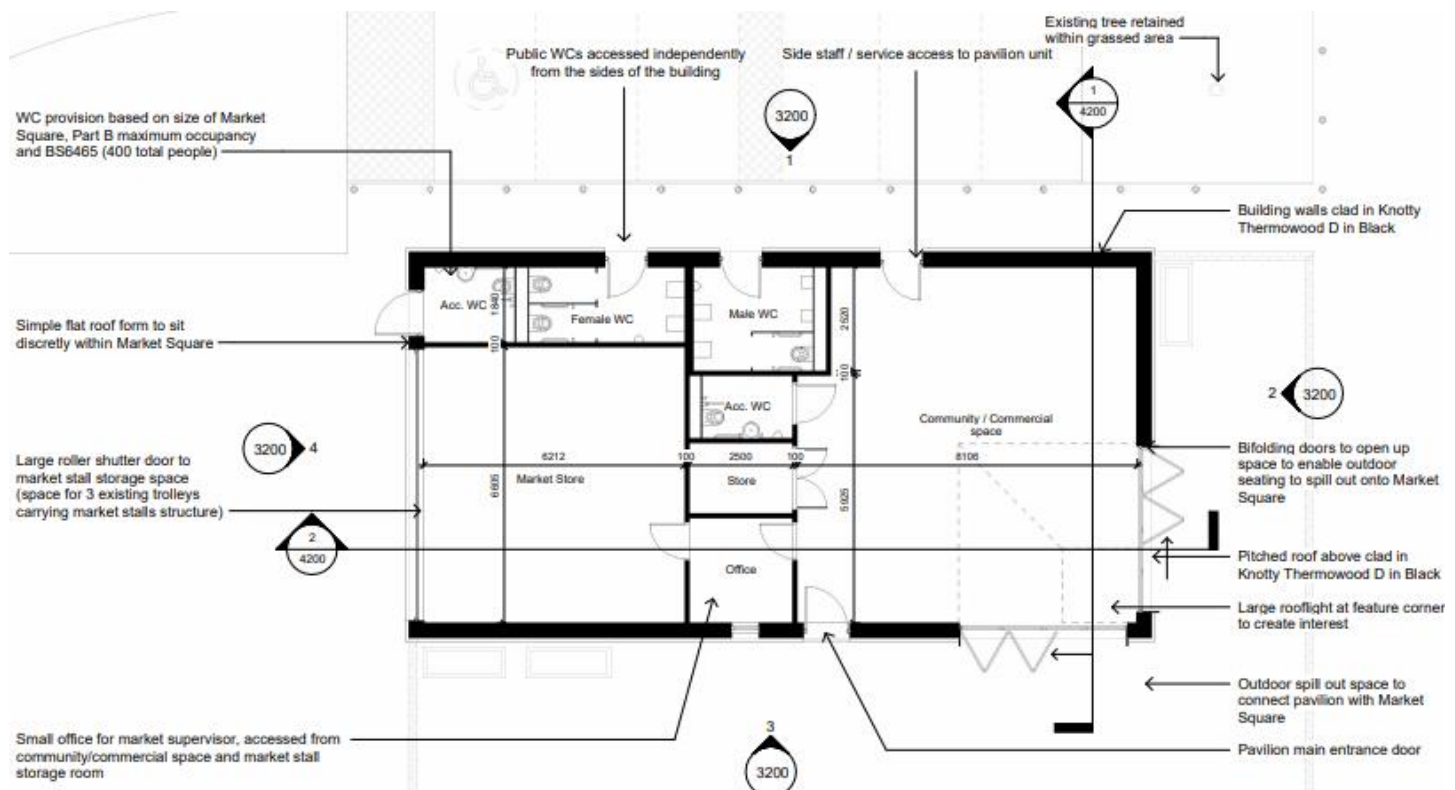
There is a Local Development Order for Shirebrook Market Place which gives planning permission for numerous works, including a small community building. The construction of a community building within the marketplace was therefore considered to be acceptable in principle, however, the building proposed was of a different nature (in terms of being a building in mixed use) and larger than that which could be construed as being permitted under the Local Development order, hence why a full planning application was submitted and subsequently approved.

PROPOSAL

The current application seeks to vary conditions on the original planning permission for the erection of the new building. This is due to design changes being made during the construction phase in response to the construction method, budget limitations, and Building Control and Biodiversity net gain requirements. The following list identifies the amendments to the approved scheme:

- Site layout amended to increase overall green space and soft landscaping
- Landscape surface finishes amended to provide more robust finish to the market area
- Charred timber cladding to be replaced with fire-treated Knotty Thermowood D in Black
- Solar array added on sedum roof of pavilion building
- Security shutter housing to be mounted externally, but to be concealed and integrated with powder coated metal surround that frames the bi-folding doors
- Bronze screen to roller shutter omitted due to cost limitations
- Rainwater goods with anti-vandal cover to be mounted externally on the north elevation
- Building plinth slightly reduced in height, and now slightly proud of the timber cladding
- Building plinth to be finished in Bathstone Forticrete, rather than Sandstone Forticrete.
- All powder coated metal to be finished in RAL 7042 Traffic Grey A







AMENDMENTS

None

EIA SCREENING OPINION

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

HISTORY

| | | |
|----------------|-----------------------|--|
| 08/00127/FUL | Granted conditionally | Installation of a CCTV surveillance scheme |
| 19/00451/OTHER | Granted conditionally | Local Development Order for shop front repairs |
| 20/00313/OTHER | Granted conditionally | Extension to Local Development Order to support the Shop Front Repairs Grants Scheme |
| 20/00494/OTHER | Granted conditionally | Local Development Order to facilitate and enable regeneration of Shirebrook Market Place |
| 21/00620/ADV | Granted conditionally | Advertisement for a digital screen |
| 22/00536/LDOCC | Granted | Prior Approval for memorial statue and associated groundworks related to Local Development Order (20/00494/OTHER) to facilitate and enable regeneration of Shirebrook Market Place |
| 24/00356/FUL | Granted conditionally | Erection of a new pavilion building to provide a flexible community space that can be used for a variety of uses, |

including co-working, community events, cafe, and tourist information centre. The building will also provide increased provision of public WCs, market stall storage, market supervisor office, and a wifi hub. The community hub will be run / managed by Shirebrook Town Council

CONSULTATIONS

Town Council

No comments received.

Derbyshire County Council Highways

Whilst it is noted that a number of parking spaces have been removed from the revised layout plan, which would have been beneficial, there are no objections. A note advising the applicant of the need to obtain a section 184 license to create a dropped crossing to any parking area should be included in any permission.

Senior Engineer

Nothing to add to the comments on the original application which were:

The sewer records show a public sewer within the curtilage of the site. The applicant should also be made aware of the possibility of unmapped public sewers which are not shown on the records but may cross the site of the proposed works. These could be shared pipes which were previously classed as private sewers and were transferred to the ownership of the Water Authorities in October 2011. If any part of the proposed works involves connection to / diversion of / building over / building near to any public sewer the applicant will need to contact Severn Trent Water in order to determine their responsibilities under the relevant legislation. All proposals regarding drainage will need to comply with Part H of the Building Regulations 2010. In addition, any connections or alterations to a watercourse will need prior approval from the Derbyshire County Council Flood Team, who are the Lead Local Flood Authority.

Senior Urban Design Officer

Is content that the PV arrays will not impact on the biodiversity matrix and have now been considered. The architect concedes that the appearance will be more cluttered with rainwater goods and extra door but explains the limitations of the budget and construction have led to this adaptation. A greener scheme will enhance the overall appearance and provides an uplift overall which is a bonus to the scheme. Concern remains about the use of the Fortiscrete bathstone which having viewed a sample still gives the appearance of a coloured breeze block rather than stone appearance. Something finer grained and smooth would have been more appropriate and contemporary. The architect indicates it is too late to change because of construction and therefore we can agree to the bathstone in order to be expedient rather than cause any delays in the project.

Whilst there has been a reduction in design quality of the scheme, the architects have studied the materials and made choices based on durability and not just appearance. Recommends approval.

PUBLICITY

Site notice and 30 neighbours notified. No comments received.

POLICY

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

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

- SS1 Sustainable Development
- SC1 Development within the Development Envelope
- SC2 Sustainable Design and Construction
- SC3 High Quality Development
- SC9 Biodiversity and Geodiversity
- SC11 Environmental Quality (Amenity)
- WC5 Retail, Town centre and Local centre Development
- 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.

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

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 (2020) and the supplementary planning documents referred to above. The policies in the National Planning Policy Framework (2023) as set out in the Policy section of this report are also material considerations in respect of this application.

Having regard to the above and the relevant provisions of the development plan and national policy, it is considered that the key issues in the determination of this application are:

- the principle of the development
- the impact on the vitality and viability of the town centre
- the design and visual impact of the proposed development
- 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
- Biodiversity

These issues are addressed in turn below.

Principle

The site is within Shirebrook marketplace which is the heart of the town centre. The principle of a community building being acceptable within the marketplace as part of the regeneration works proposed is established by the Local Development Order which grants planning permission for a number of developments, one of which is small buildings for community uses including toilet blocks, changing rooms, information points etc subject the prior approval of the details by the council. The proposed building is considered larger than what was granted planning permission by the Local Development Order, but the principle of this larger building/use is established by the earlier planning permission and is considered to be an appropriate town centre use. The only issues for consideration in this instance are the amendments to the design, materials and site layout

Impact on the vitality and viability of the town centre

Part of the building is to be used to replace the existing town centre toilets and to provide a storage area for market stalls which currently have to be stored away from the marketplace. The improved storage facility and public toilets are considered to be an enhancement to the existing marketplace and are considered to enhance the vitality and viability of the town centre and its popular market.

The proposed community hub is considered to provide additional and enhanced facilities for local residents and visitors to the town centre and the additional opening hours proposed are considered to help encourage visitors and shoppers to come to the town centre on non-market days and to stay in the town centre after the market closes which will potentially improve the footfall and customer base for existing town centre businesses. The proposal is

therefore considered to enhance the vitality and viability of the town centre in accordance with Policy WC5 of the adopted Local Plan.

Design and visual impact of the proposed development

The building has been designed by an established and well respected architect firm. The design is intended to create a simple, yet striking addition to the marketplace. The proposed building is designed with a tall corner feature creating a 'lofty' space, whilst also creating a memory of the distinctive 'pithead' form. The use of charred timber effect boarding is envisaged to create a modern aesthetic with a clear reference to the production of coal and the industry which has played such a significant role in the evolution of Shirebrook Town. A green roof is proposed for the long, lower part of the building, creating opportunities for wildlife at the heart of the square, and the addition of solar panels to the roof provides a source of renewable energy for the building.

The pavilion will provide public WC facilities with separate female and male WCs, and a disabled WC with baby changing, accessed from the north and west elevations. These WCs will replace the existing minimal facilities within the square. A large store will be located and accessed from the west for use as a market stall storage space, with room for the 3 existing trolleys and stalls currently in use on market days. A small office space for the market supervisor will be located adjacent to this store, with a view over the public square to the south. The rest of the building will be used as a community hub, providing a flexible space for co-working initiatives, community events, etc.

The amendments to the proposal include:

- Site layout amended to increase overall green space and soft landscaping
- Landscape surface finishes amended to provide more robust finish to the market area
- Charred timber cladding to be replaced with fire-treated Knotty Thermowood D in Black
- Solar array added on sedum roof of pavilion building
- Security shutter housing to be mounted externally, but to be concealed and integrated with powder coated metal surround that frames the bi-folding doors
- Bronze screen to roller shutter omitted due to cost limitations
- Rainwater goods with anti-vandal cover to be mounted externally on the north elevation
- Building plinth slightly reduced in height, and now slightly proud of the timber cladding
- Building plinth to be finished in Bathstone Forticrete, rather than Sandstone Forticrete.
- All powder coated metal to be finished in RAL 7042 Traffic Grey A

The landscaping amendments proposed are considered to enhance the overall appearance of the site. The amendments proposed to the building are considered to have weakened its overall design but the alterations have been justified by the need to use materials which are more robust than those originally proposed, the need to comply with Building Regulations and budget constraints. The current proposal is considered to represent a compromise which balances each of these issues whilst still delivering a scheme which is considered to enhance the appearance of the marketsquare and provide material public benefits.

The whole scheme has been well considered and, subject to conditions requiring compliance with the amended plans and approved materials and landscaping, the proposal is considered to be an appropriate response to the site and its context and is considered to enhance the appearance of the marketplace in accordance with Policy SC3

of the Local Plan for Bolsover District.

Residential amenity

There are a number of flats around the marketplace. The proposal is not considered to result in any additional noise or disturbance or loss of privacy for residents of adjacent dwellings over and above the existing situation or what would reasonably be expected in a town centre location. The proposal is therefore not considered harmful to the amenity of adjacent residents and is considered to meet the requirements of policies SC3 and SC11 of the adopted Local Plan in this respect.

Access/Highways

The proposed community building is within the existing marketplace at the heart of the town centre. The building does not have its own parking proposed but the marketplace is adjacent to existing town centre car parks and the town centre is well served by buses and within walking distance of the train station. The proposed community hub is therefore sustainably located where it can be reached by residents and visitors by a number of modes of transport.

The storage element of the building is for the market stalls which are to be used in the market area adjacent to the building. The stalls are currently stored outside of the marketplace and have to be brought into and out from the marketplace by vehicle every market day. The storage of the stalls on site is therefore considered to result in less vehicular movements within the marketplace than currently exists.

For the above reasons 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 in this respect.

A note can be added to any decision notice to advise the applicant of the need to obtain a Section 184 licence for a footway crossing.

Biodiversity

The proposal involves the loss of some existing planting. Two trees are being retained. The proposal includes replacement/improved planting, 3 new trees and the building has a green roof. The proposal provides a 10% net gain for biodiversity and as such, subject to a condition requiring the provision and retention of this landscaping and the submission of a biodiversity gain plan to show how the biodiversity is to be provided and retained for a minimum of 30 years, the proposal meets the statutory requirements for biodiversity net gain and the requirements of Policy SC9 of the adopted Local Plan.

| Key Biodiversity Information | | | |
|---|--|----------------|-------------|
| If Biodiversity Gain Plan Condition Applies | | | |
| Biodiversity Metric Used | Statutory biodiversity metric completed by Futures Ecology Updated 07.07.2025 original produced 15.07.2025 | | |
| Overall Net Unit Change | Habitat Units | Hedgerow Units | River Units |
| | 0.01 | 0.0 | 0.0 |
| | Total % | Total % | Total % |

| | | | |
|--|--------|--------|--------|
| | change | change | change |
| | 10.68% | 0.0 | 0.0 |

CONCLUSION / PLANNING BALANCE

In conclusion, whilst the amended design of the building is considered to have lost some of the quality of the original, this because of budget constraints and the need to comply with Building Regulations and the amendments have been necessary to be able to deliver the scheme. The proposal is part of a comprehensive scheme that will benefit the space, uplifting the square to give a more modern, cosmopolitan feel to it. This will complement existing shops around it and provide an attractive space for people to visit and linger in, rather than to just use the square for shopping. The facility will benefit the marketplace area and result in an enlivened space. On balance, the scheme represents an appropriate response to the site and its context and the public benefits it provides are considered to outweigh the loss of design quality proposed. A recommendation of approval is put forward on this basis.

RECOMMENDATION

The current application be APPROVED subject to the following conditions:

1. The soft landscaping must be provided on site in accordance with plan no CC_DD_SMP001 Rev 1 before the building hereby approved is first occupied and must be maintained as such thereafter.
2. The development must be carried out in accordance with drawing numbers:
 - 2201 Rev P08 Proposed Floor Plan
 - 2200 Rev P14 Proposed Site Plan
 - 4200 Rev P03 Proposed Building Sections
 - 3200 Rev C09 Proposed Site Elevations
3. The development shall be constructed in accordance with the approved materials as outlined in LMA-0001 Shirebrook Events Centre - Material Palette (Oct 2025) and must be maintained as such thereafter.
4. The external paving and planters shown on DP-A-2200-S3-P14 - Proposed Site Plan must be provided on site in accordance with approved plan before the building hereby approved is first occupied and must be maintained as such thereafter

Notes

1. BNG1
2. The Biodiversity Gain Plan required by the deemed condition should be prepared in accordance with the Biodiversity Metric submitted with the application prepared by Futures Ecology and include a timeline for delivery of on-site measures.
3. The applicant is advised of the need to obtain a section 184 license from the Highway Authority to create a dropped crossing to any parking area

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.

Bolsover District Council

Meeting of the Planning Committee on 10th December 2025

QUARTERLY UPDATE ON SECTION 106 AGREEMENT MONITORING

Report of the Assistant Director: Planning & Planning Policy

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|-----------------------|---|
| Classification | This report is Public |
| Report By | Julie-Anne Middleditch Principal Planning Policy Officer |

PURPOSE / SUMMARY OF REPORT

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

REPORT DETAILS

1. Background

- 1.1 Section 106 agreements are legal agreements between the Council and landowners / developers that are often completed alongside applications for planning permission for major developments. They are needed to deal with the additional pressures on infrastructure that result from the new development. They are only required where the effects of the development would otherwise be unacceptable in planning terms and where they cannot be dealt with by conditions of the planning permission.
- 1.2 Implementation of Section 106 Agreements in a timely manner alongside the build-out of the approved developments is important as failure to achieve this will mean important infrastructure improvements lag behind the impact of the development.
- 1.3 Furthermore, if the Council fails to spend monies provided through the Section 106 Agreement within a set period, often within 5-years of entering into the agreement, there is a risk to the Council that the developer would be entitled to request the money back. Although the risk is relatively low, it is one that the Council must take seriously due to both the negative impact on the affected local community and the consequential reputational impact on the Council.
- 1.4 To manage and mitigate this serious risk the Council has an approved procedure for recording and monitoring Section 106 Agreements. The S106 Monitoring Procedure governs the work of the Council's cross-departmental Section 106 Monitoring Group.
- 1.5 Following the quarterly Section 106 Monitoring Group meetings, officers provide a progress report to the Planning Committee in respect of the monitoring of Section 106 Agreements. In line with the approved Procedure the progress report is required to highlight any sums at risk of clawback that need spending within 24

months, as well as a summary of the sums being held by infrastructure type that are in years three, four and five.

- 1.6 Accordingly, this report is the quarterly progress report following the meeting of the Section 106 Monitoring Group held on 24th July 2025.

2. Details of Proposal or Information

- 2.1 The Council's Section 106 Agreement Monitoring Procedure requires sums within 24 months of their deadline to be highlighted for Member's attention.
- 2.2 Members will recall that in the report provided to Planning Committee in September, eleven sums were identified as being within their 24-month deadline as of the July Monitoring Group meeting.
- 2.3 As reported to the Monitoring Group meeting on 30th October 2025 there are now ten remaining sums within their 24-month deadlines (details below).

Spend Date within 12 months (by 30th October 2026)

| Action Plan | Finance Spreadsheet | Site | Infrastructure and amount | Amount remaining | Date |
|--------------------|----------------------------|--|----------------------------------|--|-------------|
| Item 3 | Line 84 | Spa Croft, Tibshelf | Art £10,176.20 | £7,863.70 No change | 31.3.26 |
| Item 10 | Line 71 | Creswell Road, Clowne | Outdoor Sport £26,207 | £0 Spent | 3.3.26 |
| Item 11 | Line 96 | Land at Thornhill Drive, South Normanton | Art £10,757 | £10,757.25 No change | 24.6.26 |
| Item 12 | Line 98 | Land at Thornhill Drive, South Normanton | Open Space £30,400 | £30,400.07 No change | 24.6.26 |
| Item 13 | Line 97 | Land at Thornhill Drive, South Normanton | Outdoor Sport £22,843 | £2,004.60 Reduced by £3,267.64 | 24.6.26 |
| Item 14 | Line 99 | Land at Thornhill Drive, South Normanton | Health £11,784.56 | £11,784.56 No change | 24.6.26 |

- 2.4 Since last reported to Planning Committee the Skatepark at Clowne has been constructed and the Creswell Road, Clowne Outdoor Sport sum has thereby been spent. There has also been a further spend against the Outdoor Sport contribution from the development at Thornhill Drive South Normanton

Spend Date within 2 years (by 30th October 2027)

| Action Plan | Finance Spreadsheet | Site | Infrastructure and amount | Amount remaining | Date |
|-------------|---------------------|---|-----------------------------|---------------------------------------|---------|
| Item 17 | Line 101 | High Ash Farm, Clowne | Art £12,695.12 | £12,695.12 No Change | 30.5.27 |
| Item 18 | Line 102 | Land West of Homelea and Tamarisk | Outdoor Sport £19,026.71 | £19,026.71 No change | 30.6.27 |
| Item 19 | Line 104 | Land rear of 17-95 Alfreton Road, Pinxton | Outdoor Sport £29,697.04 | £29,697.04 No change | 1.7.27 |
| Item 20 | Line 105 | Land West of Homelea and Tamarisk | Open Space £15,973 | £15,973 No change | 30.6.27 |
| Item 21 | Line 106 | Blind Lane, Bolsover | Open Space £100,821 | £100,821 No change | 10.6.27 |

- 2.5 Since the last Planning Committee, there has been no further spend against these sums. No further sums have come within the 2 years spend threshold.
- 2.6 The updates for the above items as discussed at the Section 106 Monitoring Group are set out below for Member's information.

| Item | Development site, relevant S106 sum and spend by date | Responsible officer ¹ |
|----------|---|--|
| 3 | <p>Spa Croft, Tibshelf – Art £10,176.20 of which £7,864 remaining (31.03.26)</p> <p>Project: Stone Sculpture</p> <p><u>Action from previous quarterly meeting</u> To work with the Artist to ensure that applications are submitted as a priority.</p> <p><u>Update between July and October Meeting</u> CADO advised by DMCO that the site is within the Tibshelf Conservation Area, requiring a</p> | <p>CADO</p> <p>CADO</p> <p>CADO</p> |

¹ Acronyms: DMLCM = Development Management and Land Charges Manager; CADO = Community Arts Development Officer; = Leisure Facilities Planning & Development Manager; PPPO = Principal Planning Policy Officer; CLE = Chartered Legal Executive; SDLPPSG&H = Senior Devolution Lead for Planning Policy, Strategic Growth and Housing; PPDM = Principal Planner Development Management; PA= Principal Accountant; HOL = Head of Leisure; DMCO = Development Management Case Officer; P&SM = Partnership and Strategy Manager

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| | <p>Statement of Heritage Significance before validation. Conservation Manager assisted with drafting. Heritage statement submitted on 10th October by the Artists and planning application validated. DCC Highways raised the need for a site line survey.</p> <p><u>October meeting update</u> CADO has completed the site line survey and passed it onto the artist for submission to DCC. Once Planning Permission has been secured the third payment will be due.</p> <p><u>Agreed Action</u> Report to next meeting</p> | <p>CADO</p> <p>CADO</p> |
| 10 | <p>Creswell Road, Clowne – Outdoor Sport (SP) Planning Ref: 14/00603/FUL £26,207 (3.3.26)</p> <p>Project: Skatepark</p> <p><u>Previous Action</u> Report to next meeting</p> <p><u>Update between July and October meeting</u> Works commenced on the skatepark at the end of July. Confirmation in October that the skatepark was completed</p> <p><u>Agreed Action</u> Remove from Action Plan</p> | <p>LFPDM</p> <p>LFPDM</p> <p>LFPDM</p> <p>ALL</p> |
| 11 | <p>Land at Thornhill Drive, South Normanton – Art Planning Ref: 17/00148/OUT £10,757 (24.6.26)</p> <p>Project: Murals South Street Recreation Ground</p> <p><u>Previous Action</u> Revisit the S106 to assess compliance of the dinosaur artwork restoration and notify CADO.</p> <p><u>Update between July and October meeting</u> Meeting in September between CADO, PPPO and DMCO. Concerns raised in Development Management about refurbishing the dinosaur as being a suitable use of S106 funds; a new artwork preferred. CADO confirmed that money for the dinosaur could be sourced from elsewhere. CADO proposed a broader plan including community engagement and artwork in</p> | <p>CADO</p> <p>CADO</p> <p>CADO</p> <p>CADO/PPPO/ DMCO</p> |

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| | <p>nearby locations, as the developer is in support of the off-site use of their contribution. PPPO clarified that physical artwork is the priority and suggested artistic gates as a lasting, place-making solution though would require additional funding to support this.</p> <p><u>October meeting update</u> CADO has sourced other funding for the dinosaur. The entrances to the site are vehicular accesses and not appropriate for artistically inspired gateway schemes. The contribution is to be used for new murals on the site.</p> <p><u>Agreed Action</u> Report to next meeting</p> | <p>CADO</p> <p>CADO</p> |
| 12 | <p>Land at Thornhill Drive, South Normanton – Open Space Planning Ref: 17/00148/OUT £30,400 (24.6.26)</p> <p>Project: Pump Track</p> <p><u>Previous Action</u> To forward details of the proposal with measurements to PPODM so that the need for planning approval can be assessed.</p> <p><u>Update between July and October meeting</u> As of early October, the Pump Track project out to tender with time allowed for a planning application if required. No conclusion yet on whether it is permitted development as PPODM needing more information from LFPDM.</p> <p><u>October meeting update</u> Tender deadline tomorrow, 1st November.</p> <p><u>Agreed Action</u> To send LFPDM Part 12 of the GPDO to see if the proposal falls within permitted development.</p> | <p>LFPDM</p> <p>LFPDM</p> <p>LFPDM</p> <p>LFPDM</p> <p>LFPDM</p> |
| 13 | <p>Land at Thornhill Drive, South Normanton – Outdoor Sport Planning Ref: 17/00148/OUT £2,004.60 remaining (24.6.26)</p> <p>Project: Pump Track</p> <p><u>Previous Action</u> Report to next meeting.</p> <p><u>Update between July and October meeting</u></p> | <p>LFPDM</p> <p>LFPDM</p> <p>LFPDM</p> |

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| | <p>These remaining monies are to be used as a contribution towards the Pump Track project, Item 12 above.</p> <p><u>October meeting update</u> As item 12</p> <p><u>Agreed Action</u> Report to next meeting</p> | <p>LFPDM</p> <p>LFPDM</p> |
| 14 | <p>Land at Thornhill Drive, South Normanton – Health Planning Ref: 17/00148/OUT £11,784.56 (24.6.26)</p> <p>Project: Not confirmed</p> <p><u>Previous Action</u> To follow up with the ICB in two weeks to check on progress.</p> <p><u>Update between July and October meeting</u> A meeting between PPPO, SDLPPSG&H and the Integrated Care Board at the end of July was followed up with meeting notes sent in early August with a request for an update on the proposed meeting at the Practice that was to take place on the week of the meeting. No response received.</p> <p>An email to the ICB in early September requesting an update on discussions with the Practice. No response received.</p> <p>An email to the ICB near the end of September asking for confirmation that there has been no change with regard to the ICB engaging with the Practice and suggesting that there may still be time with 9 months left for the Feasibility Study suggested in July to be undertaken. No response received.</p> <p>Email from PPPO to SDLPPSG&H in early October to request escalation. An email to the ICB at the end of October requesting an update to report to the S106 Monitoring Group. No response received.</p> <p><u>October meeting update</u> Discussion in the group on the ongoing difficulties securing progress with health infrastructure due to the lack of communication from the ICB and the concern that there are further monies already in the Council's coffers</p> | <p>PPPO</p> <p>PPPO</p> <p>PPPO</p> <p>PPPO</p> |

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| | <p>for this Practice that should also be spent on increasing capacity.</p> <p><u>Agreed Action</u> To be escalated due to lack of progress/communication from the ICB.</p> | PPPO/ SDLPPSG&H |
| 17 | <p>High Ash Farm, Clowne – Art Planning Ref: 14/00057/OUTMAJ £12,695.12 (30.5.27)</p> <p>Project: Not confirmed</p> <p><u>Previous Action</u> To confirm with PPODM as DMCO that any proposed plans for the contribution conform with the requirements of the S106.</p> <p><u>Update between July and October Meeting</u> In August DMCO (PS) confirmed that a proposed artwork on The Edge would be suitably located and meet the aims of the public art contribution. However, there is also potential to use the contribution on the High Ash Farm land which may offer a better fit for the spending of the contribution as it sits within the application site.</p> <p>CADO states that the current intention is to focus the project around the newly installed amphitheatre at The Edge, delivering a physical artwork supported by community engagement, ideally in partnership with an arts organisation. Plans are at an early stage, with work scheduled to begin September 2025.</p> <p>Given time pressures and the need to use the funds within a reasonable period DMCO recommends proceeding with the Edge proposal <u>unless</u> the High Ash Farm acquisition progresses quickly.</p> <p><u>October meeting Update</u> CADO currently having conversations with artists.</p> <p><u>Agreed Action</u> Report to next meeting</p> | <p>CADO</p> <p>CADO</p> <p>CADO</p> <p>CADO</p> |
| 18 | <p>Land West of Homelea/Tamarisk – Outdoor Sport Planning Ref: 20/00209/FUL £19,026.71 (30.6.27)</p> | LFPDM |

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| | <p>Project: Tennis Courts</p> <p><u>Previous Action</u> Provide further details to PPODM to assess need for formal approval.</p> <p><u>Update between July and October meeting</u> Tender process completed, resulting in the identification of two potential suppliers.</p> <p>Progress is currently delayed due to ongoing discussions with the trustees of the former Clowne Town Tennis Club, who are the primary funders and require assurance that the facility will remain accessible following local government reorganisation. The Council's Legal Services are exploring the most suitable mechanism to secure this, potentially through a legal agreement or a charge on the title, similar to arrangements made for the 3G pitch.</p> <p>From a planning perspective, the sports use will be retained as the site transitions from a 5-a-side pitch to tennis courts, with resurfacing and floodlight upgrades included in the project scope. So, not a change of use.</p> <p><u>October meeting update</u> Paperwork currently with Legal Services to look at a possible charge on Land Registry. Work is targeted for Spring 2026, contingent on resolving these outstanding issues.</p> <p><u>Agreed Action</u> Report to next meeting</p> | <p>LFPDM</p> <p>LFPDM</p> <p>LFPDM</p> <p>LFPDM</p> |
| 19 | <p>Land rear of 17-95 Alfreton Road, Pinxton – Outdoor Sport Planning Ref: 17/00396/OUT £29,697.04 (1.7.27)</p> <p>Project: MUGA</p> <p><u>Previous Action</u> Report to next meeting</p> <p><u>Update between July and October meeting</u> The contribution could be used to provide a MUGA at Wharf Road as the obligation predates the current Local Plan. LFPDM in talks with the Parish Council.</p> <p><u>October Meeting Update</u></p> | <p>LFPDM</p> <p>LFPDM</p> <p>LFPDM</p> |

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|-----------|--|---|
| | <p>There are two instalments for this Outdoor Sports contribution that have been listed separately on the S106 Finance Spreadsheet in error (lines 104 and 123). They amount to a single contribution of £64,239.34. As the second 50% payment was received on 18 February 2025, the 'spend by' date should be 18 February 2030 and not 1 July 2027.</p> <p>Following wider consultation, the MUGA remains the suggested project.</p> <p><u>Agreed Action</u> Remove from Action Plan</p> | <p>LFPDM</p> <p>ALL</p> |
| 20 | <p>Land West of Homelea and Tamarisk – Open Space Planning Ref: 20/00209/FUL £15,973 (30.6.27)</p> <p>Project: Not confirmed</p> <p><u>Previous Action</u> Report to next meeting</p> <p><u>Update between July and October meeting</u> Work is underway to link The Edge green space with Arc Leisure Centre via a 550m multi-user trail. Estimated costs: £250k for a 2.5m path or £180k for a 2m path, including fencing, gates, and vegetation clearance. S106 funds could support fence removal from unauthorised equestrian land or act as match funding. Officers are considering Compulsory Purchase due to unclear land ownership.</p> <p><u>October meeting Update</u> HOL, LFPDM, SPPO and SDLPPSG&H have met to progress the project. Costs exceed available funds, so external funding is needed. Land ownership involves two parcels—DCC and Avant (under transfer for The Edge open space). A planning issue remains. If unresolved, S106 funds will be used for improvements at The Edge, e.g., additional play equipment</p> <p><u>Agreed Action</u> Report to next meeting</p> | <p>LFPDM</p> <p>LFPDM</p> <p>LFPDM</p> <p>LFPDM</p> |
| 21 | <p>Blind Lane, Bolsover – Open Space Planning Ref: 16/00463/OUT and 18/00481/REM £100,821 (10.6.27)</p> <p>Project: Not yet agreed</p> | <p>LFPDM</p> <p>LFPDM</p> |

| | | |
|--|---|-------|
| | <u>Previous Action</u> Report to next meeting | LFPDM |
| | <u>Update between July and October meeting</u> Consultation is underway with Castle Estate residents on how to spend the S106 contribution, with options including paths, play equipment, and environmental improvements. So far, 80 responses have been received. Youth clubs will be consulted directly to ensure a representative sample. | LFPDM |
| | <u>Update at October Meeting</u> Consultation completed and LFPDM's original ideas to be taken forward. In the process of contacting suppliers. A former garage site within the boundary of the open space needs a change of use application. | LFPDM |
| | <u>Agreed Action</u> Report to next meeting | LFPDM |

2.6 These updates demonstrate the monitoring carried out by Planning Officers and the progress being made by Spending Officers to ensure that S106 monies are spent in a timely manner alongside the build-out of the approved developments. However, in line with the Council's S106 Agreement Monitoring Procedure the relevant Spending Officers will attend the Committee to answer any questions to Members on the above Action Plan items.

2.7 In addition to these time sensitive items, the Procedure requires that Members are provided with summary information in relation to Section 106 Agreement monies held with deadlines beyond the 24-month period. Based on the position at the end of Quarter 2 (31st October 2025), the following 'summary of sums' can be provided for years three, four and five.

| Infrastructure type | Amount in later years | | |
|---------------------|-----------------------|-------------|-------------------|
| | Year 3 | Year 4 | Year 5 and beyond |
| Affordable Housing | £0.00 | £195,418.36 | £0.00 |
| Art | £0.00 | £99,328.11 | £117.46 |
| Outdoor Sport | £20,551.66 | £139,011.98 | £526,113.42 |
| Informal Open Space | £36,916.00 | £72,443.00 | £229,892.18 |
| Health | £0.00 | £0 | £124,789.55 |
| Highways | £0 | £0 | £569,000.00 |

| | | | |
|--------------|-------------------|--------------------|----------------------|
| | | | |
| Biodiversity | £0 | £0 | £8,029.96 |
| | £57,467.66 | £506,201.45 | £1,457,942.57 |

- 2.8 Since the last financial quarter, there has been no spending across the years for those contributions in years 3-5 aside from the Affordable Housing sum which has moved into year 4. The total of S106 contributions held by the Council across all infrastructure allocations at the end of October 2025 was £2,253,898.

3. Reasons for Recommendation

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

4 Alternative Options and Reasons for Rejection

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

RECOMMENDATION(S)

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

Approved by Cllr Tom Munro, Portfolio Holder – Growth

IMPLICATIONS:

Finance and Risk: Yes ☒ No ☐

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

On behalf of the Section 151 Officer

Legal (including Data Protection):Yes ☐No ☒

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

On behalf of the Solicitor to the Council

Environment:Yes ☐No ☒

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

Staffing:Yes ☐No ☒

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

On behalf of the Head of Paid Service

DECISION INFORMATION:☒ ***Please indicate which threshold applies:*****Is the decision a Key Decision?**

A Key Decision is an Executive decision which has a significant impact on two or more wards in the District or which results in income or expenditure to the Council above the following thresholds:

Revenue (a) Results in the Council making Revenue Savings of £75,000 or more or **(b)** Results in the Council incurring Revenue Expenditure of £75,000 or more.

Capital (a) Results in the Council making Capital Income of £150,000 or more or **(b)** Results in the Council incurring Capital Expenditure of £150,000 or more.

District Wards Significantly Affected:

(to be significant in terms of its effects on communities living or working in an area comprising two or more wards in the District)

Please state below which wards are affected or tick **All** if all wards are affected:

Yes ☐No ☒(a) ☐(b) ☒(a) ☐(b) ☒All ☒

| | |
|--|---|
| Is the decision subject to Call-In? <i>(Only Key Decisions are subject to Call-In)</i> | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> |
| If No, is the call-in period to be waived in respect of the decision(s) proposed within this report? <i>(decisions may only be classified as exempt from call-in with the agreement of the Monitoring Officer)</i> | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> |
| Consultation carried out: <i>(this is any consultation carried out prior to the report being presented for approval)</i> | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> |
| Leader <input type="checkbox"/> Deputy Leader <input type="checkbox"/> Executive <input type="checkbox"/> SLT <input type="checkbox"/> Relevant Service Manager <input type="checkbox"/> Members <input type="checkbox"/> Public <input type="checkbox"/> Other <input type="checkbox"/> | Portfolio Member for Growth |

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

DOCUMENT INFORMATION:

| Appendix No | Title |
|-------------|-------|
| | |

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

DECEMBER 2024