

The Arc  
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To: Chair & Members of the Planning Committee

Monday, 9<sup>th</sup> February 2026

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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, 18<sup>th</sup> February, 2026 at 10:00 hours.

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

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

Yours faithfully,



Solicitor to the Council & Monitoring Officer

## **Equalities Statement**

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

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

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**PLANNING COMMITTEE  
AGENDA**

***Wednesday, 18<sup>th</sup> February, 2026 at 10:00 hours taking place in the Council Chamber, The Arc, Clowne***

<b>Item No.</b>		<b>Page No.(s)</b>
1.	<b>Apologies For Absence</b>	
2.	<b>Urgent Items of Business</b>	
	To note any urgent items of business which the Chairman has consented to being considered under the provisions of Section 100(B) 4(b) of the Local Government Act 1972.	
3.	<b>Declarations of Interest</b>	
	Members should declare the existence and nature of any Disclosable Pecuniary Interest and Non Statutory Interest as defined by the Members' Code of Conduct in respect of:	
	a) any business on the agenda b) any urgent additional items to be considered c) any matters arising out of those items and if appropriate, withdraw from the meeting at the relevant time.	
4.	<b>Minutes</b>	5 - 16
	To consider the minutes of the last meeting held on 21 <sup>st</sup> January 2026.	
	<b><u>APPLICATIONS TO BE DETERMINED UNDER THE TOWN &amp; COUNTRY PLANNING ACTS</u></b>	
5.	Application no. 25/00491/VAR - Willow Tree Family Farm, Langwith Road, Shirebrook	17 - 31
6.	Application no. 25/00509/FUL - Station Yard, Chesterfield Road, Pleasley	32 - 68
7.	Application no. 22/00478/FUL - Land Between St. Lawrence Avenue and Rotherham Road, North Of Langwith Road, Bolsover	69 - 131

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

8. Historic Environment Supplementary Planning Document - 132 - 195  
Consultation Draft
9. Quarterly Update on Section 106 Agreement Monitoring 196 - 208

# Agenda Item 4

## PLANNING COMMITTEE

Minutes of a meeting of the Planning Committee of the Bolsover District Council held in the Council Chamber on Wednesday, 21<sup>st</sup> January 2026 at 10:00 hours.

### PRESENT:-

#### Members:-

Councillor Catherine Tite in the Chair

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

Officers:- Sarah Kay (Interim Director of Planning, Devolution 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), Peter Sawdon (Principal Planner), Jack Clayton (Planner) and Matthew Kerry (Governance and Civic Officer).

Also in attendance at the meeting, observing, was Councillor Sandra Peake.

### PL58-25/26 APOLOGIES FOR ABSENCE

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

### PL59-25/26 URGENT ITEMS OF BUSINESS

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

### PL60-25/26 DECLARATIONS OF INTEREST

There were no declarations made at the meeting.

### PL61-25/26 MINUTES

Moved by Councillor Tom Munro and seconded by Councillor Sally Renshaw  
**RESOLVED** that the minutes of a meeting of the Planning Committee held on 10<sup>th</sup> December 2025 be approved as a true and correct record.

### PL62-25/26 APPLICATION NO. 25/00454/OUT - LAND AT HILL TOP FARM, CHESTERFIELD ROAD, NEW HOUGHTON

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 for the erection of 6 dwellings. The application had been referred to the Committee by Councillor John Ritchie for reasons outlined in the report.

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A site visit had taken place with details provided in the supplementary agenda – Councillor Catherine Tite was incorrectly stated to have attended the site visit. This was acknowledged as a mistake and the record amended accordingly.

A statement was read out on behalf of Councillor John Ritchie in favour of the application.

Stuart Hill (the applicant) spoke in favour of the application.

Members sought clarification on the design, access road, sustainability of location in terms of access to public transport and ownership of adjacent land.

Comments relating to the appearance of the proposals, the landscaping, and the understanding of feeling of concern of neighbouring settlements converging were also made

Giving weight to the remnants of a farmstead, including a dwelling that had occupied the site, Members concluded that the proposed development would not detract from the openness, character and appearance of this part of the countryside and put a motion on the table to approve the application, contrary to the officer recommendation. Recognising that such a decision would constitute a technical departure from the policies contained within the Development Plan, it was advised that the application should be advertised as such in the press and that delegated authority would need to be given to officers to approve the application with conditions to cover the issues raised by consultees and the design aspirations of Members, on the proviso that no further representations from the public were received as a result of the publicity. If comments were received, it was agreed that the application would be returned to the Committee for further consideration. Members accepted this advice and voted on the motion.

5 in favour

3 against

1 abstain

Moved by Councillor Steve Fritchley and seconded by Councillor Chris Kane

**RESOLVED** that delegated approval be given to the Development Management and Land Charges Manager and Principal Planners to grant planning permission with conditions to cover all matters raised, and conditions recommended by consultees, following advertisement of the application in the press as a departure from the development plan and subject to no further comments being received. Should representations be received as a result of the publicity undertaken, the item would be referred back to planning committee for further consideration.

*Councillor Rob Hiney-Saunders left the meeting at 10:52 hours.*

**PL63-25/26**

**APPLICATION NO. 25/00433/OTHER - LAND BETWEEN WELBECK ROAD AND OXCROFT LANE, BOLSOVER**

Committee considered a report in relation to the above application presented by the Development Management and Land Charges Manager, who gave details of the application and highlighted the location and features of the site and key issues. The application sought approval to make more than minor changes to obligations imposed on

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an earlier permission granted by the Committee and, as such, was not a matter that could be delegated to officers in accordance with the Council's scheme of delegation contained within its constitution.

In objecting to the proposals, Councillors Anne Clarke and Rowan Clarke also requested that the matter be heard and a decision taken by the Committee.

Details on the changes sought were detailed in the report.

Dominic Webb spoke via Microsoft Teams against the application.

Nick Clarke spoke against the application.

Paul Bulter (the Agent) spoke in favour of the application.

Clarifications were sought on whether an Equality Impact Assessment had been undertaken and the calculations used to determine the updated Section 106 contributions. The Agent explained how the updated Section 106 contributions had been calculated. The Development Management and Land Charges Manager advised that the equality impacts of the proposed modifications formed an integral part of the assessment of whether the obligations in their modified form would continue to serve the purposes of the original obligations equally well.

It was noted the original Section 106 obligations had been calculated in 2017.

It was reiterated the number of properties proposed had fallen from 950 to 811.

For the land allocated to the provision of an extra care facility, the Committee was informed that existing provisions allowed for the land to be provided as an extra care facility and / or affordable housing in circumstances where a provider could not be found.

Planning Officers, Derbyshire County Council and the developer were thanked for their hard work and respective due diligence on the application.

6 in favour

1 against

1 abstain

Moved by Councillor Tom Munro and seconded by Councillor Phil Smith

**RESOLVED** that application no. 25/00433/OTHER to modify the S106 agreement dated 22<sup>nd</sup> September 2021 be **APPROVED** to secure £5,235,408.84 (plus any further indexation where relevant) towards the following:

- Elmton Lane Contribution – £104,638
- New School Contribution – £3,528,988
- Road Network Contribution (per plot) – £335,046
- Primary Education Contribution – £712,598.78
- Secondary Education Contribution – £554,138.06

and to reduce the town park land area to 3.6ha and the extra care facility land to 0.8ha and extend the current clawback provisions / periods and scope of the contributions in favour of the education authority (land and financial contributions),

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with all other outstanding financial contributions to be deferred following viability review at an appropriate stage(s) in the future build out.

### PL64-25/26 APPLICATION NO. 25/00069/REM - LAND BETWEEN WELBECK ROAD AND OXCROFT LANE, BOLSOVER

Committee considered a report in relation to the above application presented by the Principal Planner, who gave details of the application and highlighted the location and features of the site and key issues. The application was deferred from the Committee's previous meeting to enable the applicant and Derbyshire County Council (DCC) to discuss an agreeable solution to the potential developer contributions and allow DCC to commission their own viability appraisal in respect of the linked request to modify the obligations contained in the legal agreement associated with outline permission 14/00080/OUTEA.

Details on further submissions / representations were detailed in the supplementary agenda.

There were no further changes to the recommendations of the report.

*Councillor Tom Munro left the meeting at 11:49 hours.*

Paul Bulter (the Agent) spoke in favour of the application.

Clarifications were sought on the provision of solar panels on properties, the number of bungalows, and the provision of allotments / green spaces.

7 in favour

0 against

Moved by Councillor Steve Fritchley and seconded by Councillor Phil Smith

**RESOLVED** that application no. 25/00069/REM be **APPROVED** following the completion of a DoV linked to the request under application 25/00433/OTHER and subject to the following conditions, which are provided below draft form, with the final wording to be agreed by the Development Management and Land Charges Manager and the Principal Planners:

#### **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)

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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 - Elmton Lane Crossing Detail

Documents submitted 20/11/2025:-

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

Documents submitted 02/12/2025:-

- Strata Oporto House Type (ref. BM-C4-0100-A2-01-P2)
- Additional Phasing Plan (ref. P24-2401\_DE\_044\_A)

[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.]

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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 are incorporated, 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 that are shown within the joint venture highway areas on the submitted phasing plan ref. P24-2401\_DE\_044\_A, 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.]

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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. No meter boxes shall be fixed to elevations fronting a highway without the prior written approval of the Local Planning Authority having been provided with details of the colour of such features beforehand.

[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 within each developer phase, 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.]

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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. 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 20<sup>th</sup> November 2025), a detailed scheme of noise attenuation measures, using the findings of the revised and agreed Noise Impact Assessment ref: P7884-R1-V5 dated 2nd December 2025 submitted under this condition, to include for adequate ventilation to avoid overheating, must have been submitted to and approved in writing by the Local Planning Authority. The approved scheme must be implemented in full prior to the occupation of any affected dwelling and must always 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 requiring noise mitigation measures under any scheme 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.

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[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 individual 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 20<sup>th</sup> November 2025, revised details for this area 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 approved by this reserved matters consent, 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 20<sup>th</sup> 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

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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.

*Councillors Sandra Peake and Deborah Watson left the meeting at 12:06 hours.*

## **PL65-25/26            6 MONTHLY APPEAL DECISIONS REPORT: JULY 2025 - DECEMBER 2025**

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

Within the latest reporting period, from July 2025 to December 2025, the Council had no appeals on major planning applications and 3 appeal decisions on non-major applications – 1 was dismissed and 2 were allowed, equating to 1.43% of the number of non-major applications determined within this period (below the 10% threshold).

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1 appeal decision was also made against the refusal to grant prior approval for the erection of a forestry building – this was dismissed.

The assessment period for the quality of decisions was 2 years up to and including the most recent quarter for which data on planning application decisions are available. No appeals had been made in respect of applications for major development over this period and only 6 appeals against decisions to refuse planning permission for non-major development had been allowed. This comprises only 1.02% of the total number of decisions on applications for such development, far exceeding the government target for no more than 10% of decisions being allowed at appeal.

The lack of appeals generally against decisions taken by the Committee indicated current decision making was sound and the Council's performance in successfully defending decisions at appeal was deemed good, with 60% of the total number of appeals received being dismissed.

It was recommended that the appeal performance and the report be noted and that members continued to be briefed on appeal decisions and performance on an ongoing 6 monthly basis to learn from the decisions made and ensure quality of decision-making met and exceeded UK Government targets.

The Council's and Committee's performance were noted.

Officers were thanked for the report.

Moved by Councillor Steve Fritchley and seconded by Councillor Phil Smith

**RESOLVED** that: 1) the quality of decision making / appeal performance and report be noted; and,

2) appeal decisions continue to be reported to Committee members every 6 months.

## PL66-25/26 6 MONTHLY ENFORCEMENT REPORT: JULY - DECEMBER 2025

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

From 1<sup>st</sup> July 2025 to 31<sup>st</sup> December 2025, 120 unauthorised activity enquiries were received (down 10% on the previous 6 month review):

- 2 were high priority cases raised by officers as part of survey work undertaken and, as such, which were both visited and / or investigated within a 24-hour period.
- 20 were medium priority; and,
- 98 were low priority cases.

For the medium and low priority cases, 99% of cases were visited within the target period set out in the Plan – this excluded 2 recent cases received which had not yet been visited.

This represented high performance and was a slight improvement on the previous 6-month reporting period.

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Of the 20 medium priority cases, 5 were currently pending consideration and 15 had been resolved and / or closed – investigations had begun on 19 out of the 20 cases within 2 weeks (95%).

Of the 98 low priority cases, 23 were currently pending consideration and 73 had been resolved and / or closed – all low priority cases (100%) had been investigated and / or visited within the 6-week target set out in the Plan, with only 2 recent cases awaiting a visit and / or investigation.

Site visit performance was overall very high from the Planning Team's dedicated Enforcement Officer, who currently undertook visits and carried out initial investigations for all new enquiries received.

Of the sole remaining cases open 2020 – 2022, Enforcement Notices had been served and were either subject of appeal or being monitored by officers.

During the review period, 4 Enforcement Notices had been served (details of which were set out in the report).

A high number of planning applications had been received on the back of action taken and there had been instances of voluntary compliance to regularise breaches of planning control without the need to take formal action.

Success was also reported with regard to securing developer contributions owing in respect of the Chesterfield Road, Barlborough development (Hawthorne Meadows) following the application and issuing of an Interim Injunction by the High Court in September 2024. This had resulted in the submission and approval of a DoV application and payment of all developer contributions owed and a plan for the delivery of the open space and affordable housing during the review period.

An update was provided on application no. 17/00640/OUT.

Moved by Councillor Catherine Tite and seconded by Councillor Steve Fritchley  
**RESOLVED** that: 1) the report be noted; and,

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

The meeting concluded at 12:15 hours.

**PARISH** Shirebrook Parish

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**APPLICATION** Variation of Condition 1 of application 22/00333/FUL (to extend the temporary permission until 31st of December 2030)  
**LOCATION** Willow Tree Family Farm Langwith Road Shirebrook Mansfield  
**APPLICANT** Mr Adam Hind C/o Agent  
**APPLICATION NO.** 25/00491/VAR      **FILE NO.**  
**CASE OFFICER** Mrs Karen Wake  
**DATE RECEIVED** 26th November 2025

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## **SUMMARY**

The application has been referred to Planning Committee as it seeks variations to a development allowed at appeal, following a decision taken by Planning Committee and because the final decision is considered to be of strategic importance given the objection received from Sport England.

The application is to vary a condition on the original planning permission. The original application was recommended for approval for a temporary 2 year period because the proposal includes keeping of animals on protected playing pitches. The application was reported to planning committee and the officer recommendation was overturned and the application was refused. The applicant appealed the decision, the appeal was allowed and planning permission was granted for a two year temporary consent.

The two year period has now expired, and an application has been submitted to vary the condition requiring the use of the playing fields to cease after two years. The current application seeks to vary the condition to allow the use of the playing fields to continue for a further five years.

The application is being recommended for approval. It is considered that the proposal complies with policies SS9: Development in the Countryside, WC 10 Tourism and the Visitor Economy, ITCR 6 Green Space and ITCR7: Playing Pitches, provided that no permanent structures are erected on the protected playing pitch land.

Derbyshire County Council have renewed the applicant's lease for a further five years and the additional time period will allow the use to continue whilst the results of a Playing Pitch Assessment commissioned by the council are being produced. That assessment will provide an up-to-date picture about which sports teams use which sites, and the status of reserve sites within the district. The results of this assessment will provide the evidence required about the need for this playing pitch in the future.

## **Site Location Plan**



## OFFICER REPORT ON APPLICATION NO. 25/00491/VAR

### SITE & SURROUNDINGS

Existing family farm which contains a number of single storey buildings and animal enclosures. The site sits behind the former education centre buildings which are listed buildings and access to the site is via a one way system through the education centre on to Langwith Road.

The site also contains two marquees which are joined together and are used in connection with the farm but are also used for shows, music events, weddings etc.

The southern part of the site is used for grazing some of the farms animals and are the former playing pitches owned by Derbyshire County Council.

To the north of the site is the football ground, sports pavilion and social club, to the west are dwellings, to the south are dwellings and an industrial estate and to the east is the railway line and embankment.

### BACKGROUND

The site was approved for use as a town farm in 2001 and various buildings in connection with the use of the site were approved in 2002.

More recently two marquees were erected on the site which have been used for various events. The keeping of animals has been extended onto the adjacent playing pitches which were outside the site approved for the original town farm. In 2022 a planning application was submitted for the retention of the marquees and the use of the former playing pitch for the keeping of animals (application 22/00333/FUL) The application was recommended for approval for a temporary 2 year period because the proposal included keeping of animals on

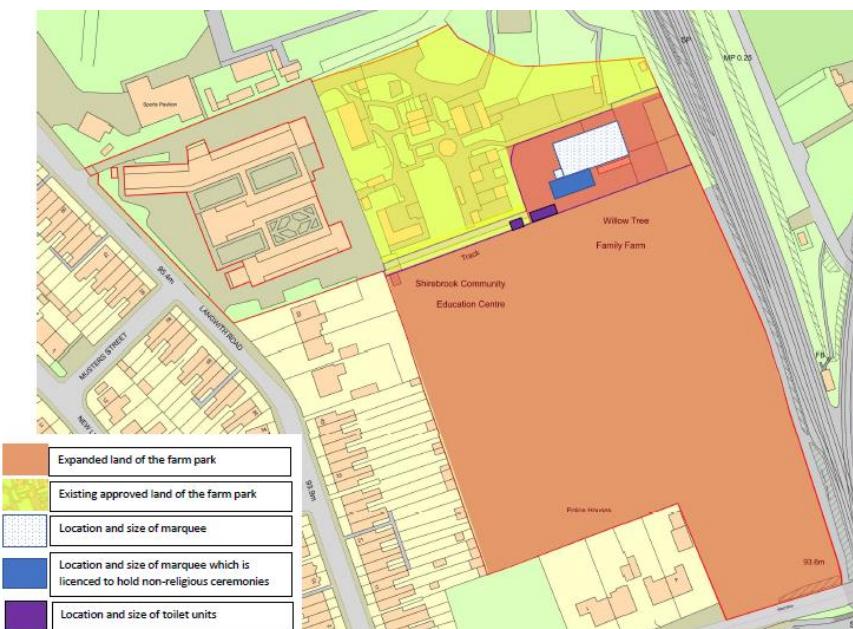
protected playing pitches and because the impact of the use of the marquees on the amenity of adjacent residents could then be monitored. The application was reported to planning committee and the officer recommendation was overturned and the application was refused. The applicant appealed the decision. The appeal was allowed and planning permission was granted for a two year temporary consent.

The two year period has now expired but Derbyshire County Council have renewed the applicant's lease for a further five years.

The council has commissioned a Playing Pitch Assessment to provide an up-to-date picture about which sports teams use which sites, and the status of reserve sites the council has but the assessment is not yet completed and therefore the results are unknown. The results of this assessment are necessary to provide the evidence required about the need for this playing pitch in the future.

## PROPOSAL

The application is to vary Condition 1 of application 22/00333/FUL (to extend the temporary permission until 31st of December 2030.) Application 22/00333/FUL was for the erection of 2 marquees and toilets re-surfacing of existing access lane in association with mixed use of the site and an extension of the family farm for the keeping of animals.



## AMENDMENTS

None

## EIA SCREENING OPINION

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

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

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

## HISTORY

01/00310/FUL	Granted Conditionally	Use of part of site for town farm and engineering works, environmental and access improvements to rest of site
02/00327/FUL	Granted Conditionally	Erection of a reception block (incorporating shop, cafe, toilets), office, stables, pig sties, barn, aviaries, workshop and ancillary buildings, creation of pond, play area and display/exhibition area, to form a town farm (revised scheme)
03/00735/DCCCON	No objections raised.	Erection of security fencing 2.4m high to various boundary lines (CD5/1003/121)
99/00116/DCCCON	No objections raised.	Widening of vehicular access (CD5/299/135)
03/00847/FUL	Granted Conditionally	Erection of a timber playhouse building, extensions to existing buildings to provide classroom, aviary, store and animal sanctuary
05/00757/FUL	Granted Conditionally	Installation of wind turbine
22/00333/FUL	Refused, appeal allowed and planning permission granted for a two year temporary consent	Erection of 2 marquees and toilets re-surfacing of existing access lane in association with mixed use of the site and an extension of the family farm for the keeping of animals

## CONSULTATIONS

### Bolsover District Council Conservation Manager

No objections. Given the distance from the Listed Building and the intervening built development, the proposal is not considered to have an impact on the setting of the Listed Building.

### Bolsover District Council Environmental Health

No objections as there have been no complaints received during the operation of the previous temporary consent

### Bolsover District Council Head of Leisure

No comments received.

### Bolsover District Council Planning Policy

The proposal complies with policies SS9: Development in the Countryside, WC 10 Tourism and the Visitor Economy, ITCR 6 Green Space and ITCR7: Playing Pitches, provided that no permanent structures are erected on the protected playing pitch land.

### Derbyshire County Council Archaeology

No comments received.

### Derbyshire County Council Highway Authority

No objection. It is noted that the original application was refused but was allowed at appeal. The Inspector did comment in their decision that the parking provision was considered suitable for the facilities proposed. The Highway Authority also did not object to the original application

### Sport England

Issued statutory objection to the application. Considers the proposal would lead to the loss of playing field for a further five years in an area where there is a deficiency in the provision of playing fields. There is no evidence presented with the application to provide a clear rationale why a second temporary permission should be granted. The proposed loss would not accord with any of the exceptions in Sport England's Playing Fields Policy, in paragraph 104 of the NPPF or in Policy ITCR7 (Playing Pitches) in the Local Plan for Bolsover District (2020) which all seek to protect existing playing pitches or playing field land. In providing any further information referred to above. Should the local planning authority be minded to grant planning permission for the proposal, contrary to Sport England's objection, then in accordance with The Town and Country Planning (Consultation) (England) Direction 2024, the application should be referred to the Secretary of State via the Planning Casework Unit.

No comments received to the re-consultation following the submission of further evidence/planning statement provided by the applicant's agent.

### Shirebrook Town Council

No comments received.

## **PUBLICITY**

Site notice, press notice and 53 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
- SS9 Development in the Countryside
- WC10: Tourism and the visitor economy
- SC1 Development within the Development Envelope
- SC2 Sustainable Design and Construction
- SC3 High Quality Development
- SC5 Change of Use and Conversions within the Countryside
- SC9 Biodiversity and Geodiversity
- SC11 Environmental Quality (Amenity)
- SC17 Development affecting Listed Buildings and their Settings
- ITCR7 Playing Pitches
- ITCR11 Parking Provision

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

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

- Chapter 2 (paras. 7 – 14): - Achieving sustainable development.
- Paragraphs 48 - 51: Determining applications.
- Paragraphs 56 - 59: Planning conditions and obligations.
- Paragraphs 85 - 87: Building a strong, competitive economy.
- Paragraphs 104-104: Promoting healthy and safe communities.
- Paragraphs 124 - 128: Making effective use of land.
- 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

#### **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.

#### 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.

#### The Historic Environment:

The Historic Environment Supplementary Planning Document (SPD) has been developed to provide guidance on the protection of the district's historic environment. The document defines how the best parts of the district's wider cultural heritage will be protected and conserved encompassing Conservation Areas, historic agricultural buildings, Listed Buildings and archaeology. On adoption the document will form part of the Bolsover District Local Development Framework and will support the Local Development Documents.

## ASSESSMENT

### Key issues

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

- the principle of the development
- the impact on the character and appearance of the area and the setting of the Listed Buildings
- the impact on residential amenity
- whether the development would be provided with a safe and suitable access; and
- the impact of the development on the local road network.
- Biodiversity

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

### Principle

The existing town farm has been operating on site for approx. 22 years. The marquees were erected during the coronavirus pandemic to allow for the facility to continue to operate during social distancing restrictions. The use of the marquees in connection with the town farm has then expanded into the provision of live music events, christenings, weddings etc and has been operating on this basis for approx. 4yrs. The marquees and their use for events was unauthorised for the first two years but has benefitted from a 2-year temporary planning consent for the last two years.

The original town farm and the marquees are within the settlement development envelope and the marquees are considered to be an extension of the existing business on site. The use is considered to support the local economy by providing employment opportunities suitable for local people in a sustainable location, close to the train station, bus stops and the town centre. On this basis this element of the proposal is considered to meet the requirements of policy SS1 of the Local Plan for Bolsover District.

The expansion of the town farm onto the former playing pitches owned by Derbyshire County Council is outside the development envelope in an area allocated as countryside on a protected playing pitch.

Policy SS9 (Development in the Countryside) is the adopted Local Plan's strategic policy that seeks to restrict urban forms of development in the countryside where these would not be appropriate or sustainable and not in accordance with the Local Plan's Spatial Strategy.

As such, policy SS9 states that development proposals in the countryside outside development envelopes will only be granted planning permission where it can be demonstrated that they fall within a number of stated categories, such as the re-use of previously developed land or the re-use of redundant buildings that make a positive contribution to the local area.

The stated categories include proposals that 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 (category b), or that are small scale employment uses related to local farming, forestry, recreation or tourism (category c).

On this basis the expansion of the town farm to keep animals and for occasional parking on the land in the countryside is considered to meet one or more of the categories listed in policy SS9.

Willow Tree Family Farm is also a tourist attraction and therefore Policy WC10: Tourism and the visitor economy also applies. The policy seeks to enhance existing tourist facilities, and whilst this is more of an extension to an existing facility its location within the town of Shirebrook, which is accessible by a choice of means of transport is considered to meet this policy. Policy ITCR7 (Playing Pitches) provides both protection for existing playing pitches from inappropriate development proposals and the policy framework to require new playing pitches and financial contributions for quality improvements to existing playing pitches from new developments.

In relation to Policy ITCR7 and its protection element, the supporting text outlines that the evidence base underpinning the operation of this policy, namely the Playing Pitch Strategy and Action Plan and the Playing Pitch Assessment (both August 2017), identifies that the Local Plan should protect all playing pitches and that disused pitches should be protected as a strategic reserve. As a result, the disused sports pitch at Station Road, which was disused in August 2017 and for a period prior to that and remained disused, until the family farm commenced use of the site was protected as one of these strategic reserve sites.

The Council has currently commissioned a Playing Pitch Assessment that will provide an up-to-date picture about which sports teams use which sites, and the status of reserve sites but this assessment has not yet been completed and so the results are not yet known.

From discussions with the landowner about the prospect of bringing the disused sports pitch back into use, it is known that they are not pursuing that and instead are seeking to find a more financially beneficial use for the site. The landowner has just renewed the lease for the site with the applicant, for a further period of five years.

The current proposal is to keep animals on the land under licence/lease from the landowner for a further five years. This is considered to be an acceptable temporary use that does not prejudice the former pitch coming back into use as a playing pitch in the future should it be found to be required/necessary to meet an identified need, provided that no permanent structures are erected on the protected playing pitch land.

A permanent planning permission for the proposed use would prevent the future control of the use of the site returning to a playing pitch which would, at this stage, be contrary to Policy ITCR7, however a 5 year temporary planning permission would allow for the allocation/protection of the pitch to be re-considered in the future when the need has been assessed/updated by the playing pitch assessment currently being carried out and as part of the ongoing review of such policies.

On this basis the proposal is considered to comply with the requirements of policies SS9: Development in the Countryside and ITCR7: Playing Pitches, provided that the permission is temporary and no permanent structures are erected on the protected playing pitch land and this can be controlled by condition. Subject to such conditions the proposal is considered to be acceptable in principle subject to compliance with other relevant local plan policies.

Issued statutory objection to the application. Considers the proposal would lead to the loss of playing field for a further five years in an area where there is a deficiency in the provision of playing fields. There is no evidence presented with the application to provide a clear rationale why a second temporary permission should be granted. The proposed loss would not accord with any of the exceptions in Sport England's Playing Fields Policy, in paragraph 104 of the NPPF or in Policy ITCR7 (Playing Pitches) in the Local Plan for Bolsover District (2020) which all seek to protect existing playing pitches or playing field land.

However, a renewal of the temporary consent for the use of the field for grazing and occasional parking for a further temporary period of 5 years with no permanent structures being erected on the site would provide a temporary use for the site (which prior to being used by the family farm was unused since before 2017) and would not prevent the use of the land returning to playing pitches at the end of five years, if the Playing Pitch Assessment commissioned by the council indicates that the site is required for a playing pitch in the future. On this basis, the proposal is not considered to result in the permanent loss of playing pitches. As such whilst not strictly in accordance with Sport England's playing field policy, paragraph 104 of the NPPF and policy ITCR7 of the adopted local plan in that it results in the loss of playing fields, the loss would be temporary and there has not been, and continues not to be at the present time, a known demand for the pitches to be brought back into use. As a consequence, the harm that would be caused to playing field provision if the application is approved is limited. This was the view taken by the Planning Inspector in the appeal decision which allowed the existing use for the last two years.

If the council are minded to approve the application contrary to the objection from Sport England, the council will not be able to determine the application themselves. Under The Town and Country Planning (Consultation) (England) Direction 2021 the Council will have to forward their recommendation to the Secretary of State via the National Planning Casework Unit, to allow them the opportunity to call in the application.

Sport England have also expressed concern about issuing a further temporary consent and consider that the requirements for issuing a further temporary consent have not been met. However, Section 72 of the Town and Country Planning Act 1990 states:

The local planning authority may grant planning permission for a specified temporary period only.

Circumstances where a temporary permission may be appropriate include where a trial run is needed in order to assess the effect of the development on the area or where it is expected that the planning circumstances will change in a particular way at the end of that period.

A temporary planning permission may also be appropriate to enable the temporary use of vacant land or buildings prior to any longer-term proposals coming forward (a 'meanwhile use').

It will rarely be justifiable to grant a second temporary permission (except in cases where changing circumstances provide a clear rationale, such as temporary classrooms and other school facilities). Further permissions can normally be granted permanently or refused if there is clear justification for doing so. There is no presumption that a temporary grant of planning permission will then be granted permanently.

In this instance it is considered that the review of the need for the site as a playing pitch in the future as part of the playing pitches assessment commissioned by the council provides the changing circumstances which provide a clear rationale as to why a further temporary consent is justifiable.

#### The impact on the character and appearance of the area and the setting of the listed buildings

The marquees and toilet block are proposed within the development envelope and within the existing built form of the site. They are seen against the existing buildings on site and are screened from the adjacent listed buildings by the existing buildings.

The use of the playing pitch for the keeping of animals is an appropriate use of the field in visual terms and the use of the field for overspill parking is a temporary measure during busy events such that the impact on the character and appearance of the area is minimal at this edge of settlement site. On this basis the proposal is not considered to harm the setting of the adjacent listed buildings and is considered to meet the requirements of Policy SC16 of the Local Plan for Bolsover District.

#### Impact on residential amenity

The site is adjacent to a number of residential properties. The marquees and toilet block are set away from adjacent dwellings such they are not considered harmful to the daylight to or outlook from adjacent dwellings. The extension of the town farm onto the former playing pitch is immediately adjacent to dwellings but is not considered to be harmful to the outlook from adjacent dwellings.

The proposed use of the marquees for music events, weddings etc is considered to result in

additional noise over and above what would be expected from the town farm and that noise would occur late at night. In addition, a noise report has been submitted with the original application which confirmed the noise levels produced on site were capable of causing disturbance to adjacent dwellings and suggested mitigation measures which could be installed/implemented to reduce the impact on neighbouring properties.

One of these mitigation measures was to install an automatic sound limiting device and preventing DJ's and acts using their own equipment, ensuring the sound system installed on site is used. However, the noise report stated that the music levels which would need to be set to make such a measure effective would be mean that the music level would not be high enough to retain a feeling of loudness even with a distributed sound system and that live music would be unlikely to be possible.

The alternative mitigation would be upgrading the sound insulation in the marquee with a heavyweight acoustic lining and the installation of a zone array distributed sound system which would reduce the noise levels coming from the marquee but maintain the feeling of loudness within the marquee allowing for live music to take place. The report suggested that if these measures were installed the noise levels from the marquee measured at the nearest dwellings would not exceed existing background noise levels.

In addition to one of the measures set out above, the report also suggests a noise management plan for the site including the outside seating area with restricted hours and restrictions to the number of people using the outside area after certain hours.

The Environmental Health Officer reviewed the noise report and advised that the application be refused as the noise report does not offer sufficient comfort that, even if the mitigation measures are implemented, the proposal will not cause noise and disturbance for adjacent residents.

However, at that time the marquees had been operating without planning permission for 2 years and the Environmental Health Department had granted a licence for the use of the site for the sale of alcohol, performances of dance, films and plays, recorded music and live music, both indoors and outdoors. The hours of operation for the licence are 10am -11pm Monday –Sunday for performances and 10am -11.30pm for the sale of alcohol and 10am-midnight for the opening hours of the venue.

The applicant provided details of events held in the marquee during 2021 and 2022 and events had run on approx. 150 dates between August 2021 and the end of October 2022, approx. 50 of which had been held in an evening. During this time there had been only two noise complaints to the Environmental Health Department, both in November 2021.

The events are held as fund raising events to help the town farm which is a registered charity. The charity has potential improvements and ideas for development in the future and the marquees provide a funding source to enable the charities' development. Given that the site has been licenced by Environmental Health, the operation of the marquees had given rise to so few complaints, and the granting of planning permission would not exempt the use for Environmental Health legislation to prevent noise nuisance, it was considered reasonable to allow a two year temporary consent for the retention of the marquees and their use to allow the charity to continue raising money whilst allowing the council to monitor any complaints or

concerns raised by local residents should they occur in the future and would not prevent action under Environmental Health Legislation if the use of the site is causing nuisance. Furthermore, the temporary consent included the requirement for a noise management plan and opening hours restrictions in accordance with the advice set out in the noise assessment submitted during the course of the original application.

The proposed development has operated under that temporary consent for the last two years and the council has not received any noise or nuisance complaints about the development during that time. The variation of the condition on the temporary planning permission to allow the use to operate for a further five years is therefore not considered to result in a significant loss of privacy or amenity for residents of adjacent dwellings and is considered to meet the requirements of Policies SC2, SC3 and SC11 of the Local Plan for Bolsover District. It also will not exempt the use for Environmental Health legislation to prevent noise nuisance in the future should complaints be received in the future.

#### Access / Highway issues

The proposal utilises the existing access on site where there is a one-way system through the former education centre to the west of the site. There is some parking available on site and some of the former education centre parking is utilised. The proposal also includes the provision of a driveway and parking area within the site to provide additional parking.

The details of the access through the former education centre was disputed by the site owner during the consideration of the original application. Deeds and lease arrangements were provided by the site owner and the applicant, and it appeared that there was some disparity between the two. However, this was considered to be a private matter between the parties concerned and the lease for the site clearly identified rights to use the one-way access system currently in place. These access and parking arrangements have been used since 2001 when the town farm was granted planning permission and do not appear to have resulted in highway safety issues relating to the use of the site. There have been no objections to the continued use of the access from the owner of the adjacent education centre.

The charity utilises part of the playing pitch they lease for temporary parking if required for larger events and has an arrangement with the adjacent sports social club to rent their parking if required. In addition, any events held in the marquee which are not directly linked to the town farm use do not commence until after 4pm when the farm closes to prevent visitor overlap. It was considered that these arrangements were temporary in nature and may not be considered reasonable or acceptable for the permanent use of the site without the provision of more substantive evidence. However, these arrangements were considered to be sufficient for a temporary period while a more permanent arrangement was secured. In addition, the site is within walking distance of numerous town centre car parks with bus stops and the train station adjacent to the site such that access arrangements by means of transport other than by the car are available. The Highway Authority had no objections to such an approach during the consideration of the original permission and has no objections to the variation of the condition for the use to operate for a further five years. The Planning Inspector also raised no objections to these arrangements when considering the planning appeal for the original proposal and there have been no complaints about traffic/parking problems as a result of the operation of the use for the last two years. On this basis the operation of the use for a further

five years is not considered to be detrimental to highway safety and is considered to meet the requirements of policy SC3 and ITCR11 and paragraph 116 of the NPPF in this respect.

#### Ecology and Biodiversity Considerations

The variation of the condition to allow the existing use of the site to operate for a further five years is not considered to result in any impact on biodiversity over and above the existing situation and on that basis the proposal is considered to meet the requirements of policy SC9 of the adopted local plan.

Key Biodiversity Information	
Reason if exempt from the biodiversity gain plan condition	Variation to a condition on a planning application approved prior to the requirement for mandatory biodiversity net gain and retrospective application.

#### **CONCLUSION / PLANNING BALANCE**

The proposal is acceptable in principle in the proposed location, but the issue raised relating to the potential need for the re-use of the playing pitches cannot be fully addressed at this time and would need to be reconsidered following the results of the Playing Pitch Assessment currently underway before any permanent use of the site could be considered.

The town farm has been operating for approx. 22 years and the marquees have been in use for the last 4 years with only two complaints to the council when the use originally commenced. There have been no complaints to the council since. There also does not appear to have been any complaints relating to parking issues on or around the site.

The development provides for fund raising events / activities to help the town farm, which is a registered charity. Given that the site has been licenced by Environmental Health, the operation of the marquees has given rise to so few complaints, and the granting of planning permission would not exempt the use from Environmental Health legislation to prevent noise nuisance, it is considered reasonable to allow a further five year temporary consent for the retention of the marquees and their use in association with the town farm to allow the charity to continue raising money, whilst proposals for a more permanent use of the site, when the outcome of the Playing Pitch assessment is known, are established.

#### **RECOMMENDATION**

**That the current application be referred to the Secretary of State via the National Planning Casework Unit with a recommendation that the application be APPROVED subject to the following conditions:**

1. The use of the former playing pitch as an extension to the town farm and the use of the marquees for functions which do not directly form part of the use of the site as a town farm must be discontinued and the land restored to its former condition on or before 18<sup>th</sup> February 2031 in accordance with a scheme of work submitted at least two months before the expiry of the permission and approved in writing by the Local Planning Authority.

2. The use of the former playing pitch must be for the keeping of animals and occasional parking of vehicles in connection with the use of the site and there must be no permanent structures, buildings or fences erected on the site without the prior grant of planning permission.
3. Within 28 days of the date of this decision the noise management plan set out on page 19 of the Noise Impact Assessment (Nova Acoustics 20.10.2022) submitted to the Local Planning Authority on 20<sup>th</sup> October 2022 must be implemented on site in full and must remain in place for the length of this permission unless otherwise agreed in writing by the Local Planning Authority.

### **Reasons**

1. To allow for a more permanent solution to be found and to prevent the permanent loss of a playing pitch in accordance with Policies ITCR7, SC3 and SC11 of the Local Plan for Bolsover District.
2. To protect the character and appearance of the countryside and to prevent the permanent loss of a playing pitch in accordance with Policies SS9 and ITCR7 of the Local Plan for Bolsover District.
3. In the interest of residential amenity in accordance with Policies SC3 and ITCR7 of the Local plan for Bolsover District

### **Note**

The applicant is advised that the granting of planning permission does not provide exemption from the requirements of The Environmental Protection Act in terms of nuisance and if complaints are received the council will be required to investigate.

### **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.

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**PARISH** Pleasley Parish

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**APPLICATION** Change of use of land to enable the stationing of 7 caravans for residential occupation with associated gardens, vehicular access and parking

**LOCATION** Station Yard Chesterfield Road Pleasley Mansfield

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

**APPLICATION NO.** 25/00509/FUL      **FILE NO.** PP-14557944

**CASE OFFICER** Mr Mark Penford

**DATE RECEIVED** 15th December 2025

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## **SUMMARY**

This is a full planning application for the material change of use of land known as Station Yard, Pleasley (formerly Pleasley West Railway Station) to accommodate 7 residential static caravans as permanent homes including parking, turning and amenity areas within the site.

Planning consent was previously granted on 9th July 2025 (25/00162/FUL) for a change of use of the land to enable the stationing of 4 residential mobile home plots for travelling showpeople to occupy with associated access and landscaping, subject to conditions. However, the applicant has advised the District Council that the local community has not reacted positively to travelling showpeople occupying the approved development. This application is submitted for permanent residential accommodation by any persons because, notwithstanding the identified unmet need for travelling showpeople's accommodation in the district, the applicant's state that they do not want to provide accommodation for travelling showpeople in this environment.

The application has been referred to the Planning Committee for determination following a call-in request from Cllr Tom Kirkham on the following grounds:

- The planning application has a number of issues. The primary one is that it stated that the application is no longer for travelling showpeople and it is increasing the number of plots and vehicle standing areas.
- Vehicle access to the site was an issue with the original plan and this new one will put too much strain on the area.

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

## Site Location Plan



### **SITE & SURROUNDINGS**

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



*The site in April 2025*



*The site in January 2026*

## **BACKGROUND**

### BOL/1988/0192

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

consent at any time.



**1988 planning consent area**

#### 22/00137/FUL

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

#### 23/00460/VAR

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

#### 23/00583/OUT

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

#### 24/00277/LAWEX

An application for a Certificate of Lawfulness for the existing use of the site for the stationing of 2 mobile homes for permanent use by travelling showpeople was registered under office code 24/00277/LAWEX and withdrawn in October 2024. Council Officers were concerned that insufficient evidence had been submitted to confirm that the site had been used on a permanent all year-round basis for the stationing of two mobile homes for an uninterrupted

period of at least ten years. The planning merits of the proposal and the development plan policies were not engaged. The purpose was to establish if the proposed use of land for stationing two caravans was lawful in planning terms by virtue of being in continuous use/occupation for 10 years.

#### 25/00162/FUL

An application for the material change of use of the site to station four caravans for travelling showpeople, with the same application site area as currently being considered, was conditionally approved by the Planning Committee in July 2025. A planning condition was attached to ensure occupancy would only be by travelling showpeople to cater for a demonstrated unmet need within the district for such accommodation.

#### **PROPOSAL**

This is a full application for the material change of use of the site to site a total of seven caravans. Each caravan would benefit from two car parking spaces and a defined garden curtilage. The vehicular access to the site is proposed from the established existing access at the end of the private access road that serves Midland Cottages. Within the site a turning area is provided so that occupants can enter and exit in a forward gear.

Consistent with application 25/00162/FUL, there is no known operational development associated with the caravans. As such it is the change of use of the land to residential which requires planning permission and the individual design of the mobile homes cannot be considered. In this situation elevations and floor plans of the mobile homes are not required.

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

The applicants have an unfettered legal right over the privately owned access road serving Midland Cottages. Any dispute which may arise between local resident owners of the unadopted road and the applicant's site access rights, or any works that may or may not become necessary to the private road to facilitate the development, are a private legal matter and not within the remit of planning.



**Proposed Site Layout**

### Supporting documents

- Badger Survey prepared by Oak Ecology dated September 2025
- Covering Letter from Brimble Lea dated 12<sup>th</sup> December 2025
- Phase 1 Desk Study including Land Slope Stability Assessment by Solmek Ltd
- Phase 2 Site Investigation by Solmek Ltd
- Planning Statement prepared by Brimble Lea dated 12<sup>th</sup> December 2025
- Preliminary Ecological Appraisal and BNG Feasibility Report V3 by Oak Ecology dated 27/02/2025.
- Statutory Biodiversity Metric by Oak Ecology dated September 2025

### **AMENDMENTS**

None received.

### **PLANNING HISTORY**

BOL/1988/0192	Granted	For use of land for storage maintenance and repair of showmen's plant and equipment, together with winter living quarters (1 showman's caravan) (BOL 488/192)
22/00137/FUL	Withdrawn	Erection of 13 dwellings
23/00460/VAR	Granted	Removal of Condition 3 of planning permission BOL.488/192 To remove the named personal consent restriction
23/00583/OUT	Withdrawn	Use of land for the stationing of 2no residential mobile homes and construction of access road, plot bases and drainage.
24/00277/LAWEX	Withdrawn	Lawful Development Certificate for the existing use of the site for the stationing of 2no mobile homes for permanent use by Travelling Showmen

25/00162/FUL	Granted	Change of use of land to enable the stationing of 4 residential mobile home plots for travelling showpeople to occupy with associated access and landscaping
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## CONSULTATIONS

### **Bolsover District Council – Planning Policy**

26/01/2026

The proposal is located adjacent to the development envelope of Pleasley. Consequently, it is located in the countryside and strategic Policy SS9 will apply which identifies that the proposal should meet one or more of the categories identified in the Policy. The Policy is reflective of the intrinsic character and beauty of the countryside set out in the NPPF paragraph 187 b. It is not considered that the application meets any of the provisions of SS9 categories b) to g) inclusive. The site may fall within the category SS9 a), the change of use of previously developed land.

It is considered relevant that planning permission was granted on 9th July 2025 for a change of use of land to enable the stationing of 4 residential mobile home plots for travelling showpeople(25/00162/FUL). It was concluded in 25/00162/FUL that the site was previously developed land, and that it was identified as a sustainable location. The application differs in relation to the number of proposed caravans, and this aspect needs to be considered in relation to impact on the form, scale and character of the landscape. The impact on the character and appearance of the area and living conditions is also an importance aspect.

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

05/01/2026

Following consideration of the submitted Phase 1 Contamination Desk Study by Solmek Ltd and Phase 2 Contamination Site Investigation by Solmek Ltd raises no objection to the application on the grounds of land contamination. A land remediation strategy is required by planning condition to ensure the site is developed free from unacceptable levels of land contamination based on the recommendations of the Phase 2 report. A further condition will require implementation of the remediation scheme prior to occupation of any dwelling and submission of a validation report to ensure the scheme is provided in full.

### **Bolsover District Council – Senior Engineer**

Response not received.

Comments provided on application 25/00162/FUL remain relevant as follows:

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

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

26/01/2026

Confirms no objection to the collection of waste from the site provided waste is collected from that same place as agreed for application 25/00162/FUL at the end of Midland Cottages.

### **Derbyshire County Council – Countryside Services and Land Reclamation**

As per the previous comments, Countryside Services recommended that a slope stability assessment should be undertaken prior to the application being determined by planning condition to consider reliability or otherwise both generally and from the point of view of avoiding any risks for the County Council as landowner [of the banks and slopes that surround the site].

It is recognised that the slope stability has been assessed in the Phase 1 Desk Study under section “6.5 Preliminary Slope Stability Assessment”, the contents of this should be considered, particularly the notes in 6.5.4 General Comments and Recommendations, where there is mention of the trees indicating recent and historic movement of the slopes and in 6.5.6 Summary of Results and Recommendations where it states “the slope has the potential to fail”.

It is not for the Council to determine that the development can or cannot be built without risk from any impact from slope instability, but it is possible to confirm that in respect of our previous comments, the phase 1 and phase 2 reports do not offer a reliable conclusion to the stability of the slope above the development area. The County Council reverts to original comments emailed 16/05/25 for application 25/00162/FUL. The Phase 1 and 2 reports are a good starting point, but more work is needed to establish if the slopes are stable. It is expected to see ground investigations on the slopes themselves. It is difficult to tell if this has been done due to there being no topographical survey in either report making the locations of the GI difficult to relate to relative to the slopes.

### **Derbyshire County Council – Planning Policy and Monitoring**

Response not received.

### **Derbyshire County Council – Local Highway Authority**

20/01/2026

Confirms no objection to the application. Chesterfield Road is a cul de sac which is relatively wide and vehicle speeds are low. The junction of the private access road and Chesterfield Road has suitable emerging visibility in both directions. The private access road varies in width but is generally between 5 and 5.5m wide which allows two vehicles to pass. Parking vehicles are acknowledged but these do not restrict access to the application site at the end of the road. To consider a worst-case scenario, the development has been considered as seven caravans as permanent dwellings. Predicted trips generated by residential dwellings will increase movements across the access road however the increase is not considered to have an unacceptable impact on usability of the road or the adjacent highway network. The internal road, turning facility and two off-road parking spaces are acceptable. Refuse collection is carried out for the existing dwellings and it is presumed that this will continue.

The site is within recommended walking distances of bus stops, a school and some amenities in Pleasley and New Houghton. There are no justifiable grounds on which an objection could be maintained. Planning conditions are recommended to secure parking and turning and to agree the bin collection point.

28/01/2026

Manual for Streets covers a large number of highway and transport related topics but, in general terms, Manual for Streets is a guidance document which is used as the starting point for LHA officers and highway consultants etc. when assessing highway related aspects of developments.

NPPF paragraph 111 refers to the 2021 NPPF. The 2021 version has been superseded by the 2024 version. Paragraph 111 of the 2021 version reads as “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”. The 2024 version includes a similarly worded paragraph (116) which reads “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.” The LHA response to this application has clearly commented that the application is not considered to meet the conditions specified in paragraphs 111 or 116 of either version of NPPF to warrant a refusal of the application.

Where development proposals include private access roads, there is an aim for those roads to be laid out and constructed to adoptable standards; however, because they are to remain private, the LHA cannot always insist on such. The adoption of new roads is an agreement by two parties i.e. the LHA and the applicant/developer and neither party can make the other adopt a road. There are other legal mechanisms for roads to be adopted as publicly maintainable highway; however, it is assumed that providing specific details on those mechanisms is not appropriate at this time. The access road within the application site meets the guidance to allow the users to access individual properties within the application site as well as maintaining access for existing properties on Midland Cottages. There is no proposal to carry out any works to the existing access road i.e. Midland Cottages.

The junction of Midland Cottages and Chesterfield Road is the boundary between the publicly maintainable highway, that is Chesterfield Road, and the privately owned and maintained Midland Cottages. An assessment of the width of Midland Cottages has been undertaken to establish if vehicle movements generated by the development can use Midland Cottages to access the development site. At a width between 5m and 5.5m, Midland Cottages meets the guidance on appropriate access/road widths to allow road users to pass either parked vehicles or, if, and when meeting vehicles travelling in the opposing direction.

#### 29/01/2026

As Midland Cottages is private DCC would not look to adopt the new development site as it does not have a direct link to the public highway. For DCC to consider the adoption of the new site, Midland Cottages would need to be upgraded to adoptable standards and be offered for adoption, with all costs incurred by the owners of the access road i.e. Midland Cottages.

#### 04/02/2026

Midland Cottages is a private road with a variable width, and an alignment which is constrained and when combined with on-street parking, can make two-way vehicle movements difficult in places. In practice, the road already operates as a constrained, low speed environment where vehicles regularly need to yield to one another and driver interaction is part of how the road functions.

The proposal has been considered on a worst-case basis equivalent to up to seven residential dwellings. This would increase vehicle movements along Midland Cottages, but overall traffic levels would remain low, and whilst this will increase the likelihood of vehicles meeting and needing to give way, this in itself does not indicate that highway safety would be materially affected. In terms of pedestrian considerations, it is acknowledged that there is no dedicated footway and that pedestrians, including children and elderly residents, share the carriageway. However, this reflects the existing character of Midland Cottages rather than a change introduced by the development. Vehicle speeds are naturally low due to the constrained geometry, alignment and parking, which limits the severity of potential vehicle/pedestrian conflicts. On balance, whilst increased activity may lead to greater interaction, this is not considered to result in unacceptable highway safety risk.

The proposals are likely to increase the potential for waiting or reversing manoeuvres in the vicinity of the access with Chesterfield Road. However, Chesterfield Road functions as a lightly trafficked residential cul-de-sac, with no through traffic, and junction visibility is considered to be adequate. In this context, while occasional waiting or reversing are likely to increase, the likelihood and consequence of conflict on the public highway would remain low. In principle, an alternative access may be possible further along Chesterfield Road, closer to the turning head, and would be preferred. However, this would be subject to matters such as land ownership and engineering works given the challenging local topography. Concerns raised by residents are recognised and it is accepted that the proposal will intensify use of an already constrained private road, and an increase in waiting or reversing manoeuvres in the vicinity of the access with Chesterfield Road. However as often the case in these situations, in terms of the local Highway Authority's professional judgment it is not considered that refusal on highway safety grounds would be justified.

#### **Derbyshire Wildlife Trust**

21/01/2026

Following consideration of the submitting Preliminary Ecological Appraisal & Biodiversity Net Gain Assessment, Statutory Biodiversity Metric and Badger Report confirms no objection to the application. Impacts on protected species are likely to be low however precautionary methods of working to protect species will need to be agreed as part of the construction process under a Construction Environmental Management Plan (CEMP) condition. Impacts on badger are unlikely but precautionary mitigation will be necessary as part of the CEMP condition.

The biodiversity metric identifies two habitats and anticipates there will be no loss of woodland or trees as a result of development. The land is categorised as 'artificial unvegetated': unsealed surface, which does not have a value in the metric and therefore there will be no net loss of biodiversity. The creation of 0.1484ha of vegetated garden is sufficient to provide 10% biodiversity net gain and the trading rules of the submitted metric are satisfied. Planning conditions are recommended to secure the statutory biodiversity net gain plan, a species enhancement plan and a lighting scheme.

#### **Derbyshire County Council – Archaeologist**

27/01/2026

Is satisfied that the proposed works do not threaten any known or suspected archaeological interest. On this basis there is no archaeological requirement for the application.

**Pleasley Parish Council**10/01/2026

Confirms an objection on the basis of no sewage/sanitation services to the site and further issues with access on the road.

**Severn Trent Water Ltd**27/01/2026

No objection raised in relation to the disposal of surface water and foul sewage for the development. A pre-commencement planning condition is recommended to agree drainage plans for the disposal of surface water and foul sewage. Advisory notes recommended regarding any potential Severn Trent assets in the vicinity of the works.

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

**PUBLICITY**

Press notice posted and site notice published.

Individual residents notified.

Publicity expired 21/01/2026

**REPRESENTATIONS**

Eight resident representations have been received objecting to the development. Comments are summarised by topic area as follows:

Impacts on local character

- The development does not fit the characteristics of its immediate surroundings.
- No need for a further caravan site and its impacts on Pleasley.

Impacts on trees and landscape features

- We don't need any more trees being cut down.

Highway safety and parking

- The development will bring additional traffic to an unadopted single track road.
- The track is not suitable for two-way traffic, there is no footpath and additional traffic will increase the risk of health and safety to residents.
- Photographs of parked vehicles show at full capacity it will not facilitate two-way traffic.
- Some residents have two cars and have to park on Chesterfield Road.
- There is a lack of pavement and footway for the children.
- The road is not wide enough and would make the development dangerous.
- Seven residential caravans represents a major intensification of traffic, incompatible with the existing roads physical characteristics.
- Pedestrian safety including for children and old age pensioner's, vehicle interactions, and emergency/service access cannot be demonstrable as acceptable.
- The applicant's highway evidence ignores the sole access route and focuses only on the junction with Chesterfield Road and on-site layout.
- Based on the manual for streets 2007, the NPPF para 111, LHA residential access guidance and previous highway assessment by Bolsover District Council and absence of assessment of Midland Cottages.
- Midland Cottages is unsuitable to serve the development.

- Failure to comply with highways policy.
- The severe impacts on Midland Cottages have been completely disregarded in the Council's assessment.
- The applicants' highways assessment ignores the sole access route.
- Concerns regarding the Highway Authority's assessment of the application, lack of footpaths, impacts on children, oap's and lighting and traffic flow.
- Application BLA 372 26 for 2 bungalows was refused (1972) as the site access is well below the standards of the Highway Authority's street schedule width lacking footways, and substandard junction with the principal road and restricted visibility. The private drive already serves seven dwellings, and further development would create a precedent for further development. The refusal also referenced impact on the amenity space of Leyfield House.
- From 1972 to 2026 the private drive has significantly deteriorated, vehicles have gotten bigger and there are more residents on Midland Cottages.
- The Council is refusing to acknowledge the absence of footways as was done in 1972, and current Highways have failed to do so which is a significant health and safety risk.
- Absence of lighting.

#### Residential Amenity

- The amenities of residents of Midland Cottages residents were protected in the first planning permission BOL/1988/0192 given at Station Yard but then completely disregarded by Bolsover District Council for application 25/00162/FUL.
- Bolsover DC gave permission for 25/00162/FUL for four mobile homes without paying any attention to adverse impacts on amenities of the owners of Midland Cottages due to substantial intensification of use. Now the Council is doing the same for 25/00509/FUL.
- Why is Bolsover Council failing to acknowledge the negative impact this development is in its entirety from 1 winter showmen's caravan to substantial intensification and its impacts on the amenity, health and safety of residents.
- If the Council wants any development beyond 1 winter showmen's caravan it is advised the developer looks at an alternative access at the end of Chesterfield Road.

#### Drainage

- There are no sewers historically or current and connections would be impractical.
- The applicant's sewer would be running uphill away from Severn Trent sewers which is also impractical.
- Severn Trent have been cleaning drains at the end of Midland Cottages for months now because the systems cannot cope and smells are disgusting.
- The same manhole had to be dug up and replaced due to being broken due to its position close to the road.
- This is not the first time the same drain has broke, it keeps happening with the amount of traffic over it.
- It is reasonable to conclude an increase in traffic will cause more damage to drains, putting residents at an unjust disadvantage.

#### Other Matters

- Residents of Midland Cottages are responsible for maintenance.
- There are six cottages on the unadopted land which we all own a part of.

- Any commencement of development beyond 1998 consent for 1 winter showman caravan will set in motion a court injunction to stop all other development.
- HM Land Registry Document DY51867 shows only £30,000 was paid for the land. Adverts on the Dragon Driving site shows asking price of £670,000 with misrepresentations about amenities on the land and a presumption statement regarding the Council. A substantial profit, reasons for development and subjecting Midland Cottages to safety issues and unlawful infringements.
- The Council should look at using its own land for any development at Station Yard instead of attempting to impede on the property rights owned by residents of Midland Cottages.
- Bolsover District Council should ensure the developer knows local resident rights.
- Planning Permission does not override private rights owned by Midland Cottages residents and the District Council has a duty to make this fact clear when giving planning permission.
- There is already a caravan site less than a mile away.

*All representations are available to view 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:

- SS1: Sustainable Development.
- SS3: Spatial Strategy and Distribution of Housing
- SS9: Development in the Countryside.
- SC2: Sustainable Design and Construction.
- SC3 High Quality Development.
- SC5: Changes of Use and Conversions in the Countryside
- SC7: Flood Risk
- SC9: Biodiversity and Geodiversity.
- SC10: Trees, Woodlands and Hedgerows
- SC11: Environmental Quality (Amenity).
- SC14: Contaminated and Unstable Land.
- ITCR11: Parking Provision (Appendix 8.2)

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

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

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

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

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

A draft NPPF (December 2025) is currently being consulted on. (National Planning Policy Framework: proposed reforms and other changes to the planning system). It does not constitute Government policy or guidance and, as a consultation document, it may also be subject to change. Consequently, it is considered it has little weight at this time.

### Supplementary Planning Documents

*Successful Healthy Places: A Guide to Sustainable and Healthy Housing Layout and Design:*  
To provide a guide to those promoting developments on how they can create sustainable places that deliver a good quality of life for the people that live there and preventing poor design that comes at a cost to the environment. This requires that our neighbourhoods are designed around the linked concepts of good place making and sustainability.

#### *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.

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

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

## **ASSESSMENT**

### **Key issues**

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

- Principle of Development
- Impacts on the Countryside and Landscape Features
- Design and Character

- Residential Amenity
- Highway Safety
- Biodiversity
- Contamination and Land Stability
- Flooding and Drainage
- Sustainability Considerations
- Other Matters

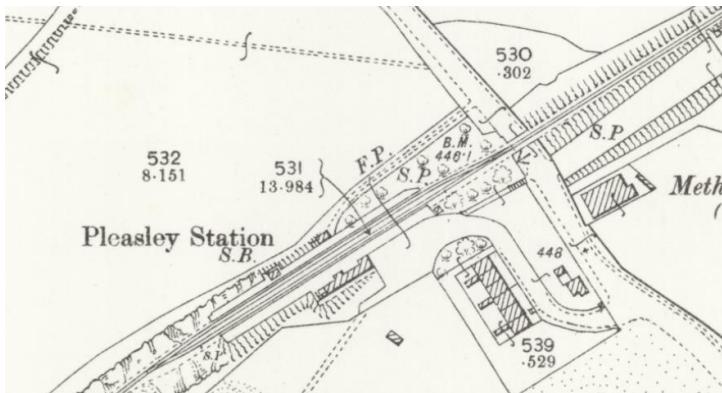
These issues are addressed in turn in the following sections of the report:

### **Principle of Development**

In order to achieve sustainable development policy SS3 of the Adopted Local Plan sets out a spatial strategy based on a settlement hierarchy where development is firstly distributed to the districts small towns; the emerging towns followed by the defined larger villages as defined on the policies map. The spatial strategy directs development in accordance with this hierarchy with more development being directed to the most sustainable towns and villages. The site is on the edge of the development envelope of Pleasley defined under Policy SC1 of the Adopted Local Plan and is within the countryside.

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

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



**The site from historic OS maps 1892-1914 showing the station, demonstrating previously developed land.**

The framework's updated definition of previously developed land excludes land “*that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape*”. As set out for application 25/00162/FUL, the site has been cleared of all structures and debris and is partially greened over, but remnants of hard surfacing may still be seen. As of 2023 the site was in a derelict and untidy condition with a static caravan and a tourer caravan on site together with numerous derelict vehicles and built-up waste. It is not considered that in this time, consistent with the previous planning application, that the site could be reasonably viewed as having fully blended into the landscape and to have reverted to a greenfield site.

In relation to criteria (a) the implementation of the 1988 planning permission for a single caravan for winters accommodation and storage of showpeople's equipment and the historic uses of the site is that the site is established as previously developed land in planning terms. Plots 1 and 2 of the current proposal extend out of 1988 application site area. However historic maps demonstrate this land was also previously developed in association with the former train station with the two plots being positioned over the former railway line and its embankments. The application site red line remains the same as planning application 25/00162/FUL and this is a significant material planning consideration in that the site may still be developed as four permanent homes for travelling showpeople. The historic use of the site as a train station and previous planning permission has established the site as previously developed.

There are no policy implications for the loss of the existing travelling showpeople's site of one caravan as Policy LC6 of the Adopted Local Plan only safeguards the travelling showpeople's sites defined under this policy, which are three sites in Pinxton. The site is appropriate for new housing development in principle in accordance with policy SS9 (a) subject to all material planning considerations.

### **Impacts on the Countryside and Landscape Features**

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

The site borders greenspace (Pleasley Pit Country Park) protected by Policy ITCR6 of the Adopted Local Plan. However, the application site does not encroach onto the greenspace,

there is no conflict with Policy ITCR6 and the development would not cause harm to the greenspace.

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

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

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

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

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



***The site in 2023***



**The site in 2022**

The application site is visually contained by trees and vegetation that surround it, which are proposed for retention. As such the development would be screened by the vegetation and not cause any harm to the rural character of the environment as a result. Although details of the precise mobile homes are unknown and cannot be secured, they will be low lying within the landscape, ensuring the development is not prominent.

Four caravans could be sited in accordance with the 2025 consent and a travelling showpeople's yard could be established in accordance with the 1988 consent that could include storage of travelling showpeople's equipment alongside one caravan. Although seven caravans are now sought for consent, increasing the amount of development, the site's character as a caravan site is established as acceptable in principle in a large part by the 1988 and 2025 permissions. Large areas of the site will remain soft landscaped and absent of development, demonstrating the site is capable of accommodating seven mobile homes without resulting in a cramped and contrived form of development.

It should be noted some trees are within the control of the County Council outside the site area which affords additional protection to enclosure of the site from wider landscape views. The County Council has previously advised that it would not give consent to remove trees surrounding the site outside of the applicant's control. An advisory note is recommended as per the previous planning approval to make the applicant/future occupants aware. The application raises no issues in respect of its countryside or landscape impacts and is considered in accordance with the above policies that protect the rural environment.

## **Design and Character**

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

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

The proposed site plan shows the layout of the development. The site would have a private access road leading to a turning head towards the southwest. As set out for the previous

application, a mobile home site would be of a different character to the existing residential area, which consists of residential dwellings of different house types and from varying construction periods. However, the development would still be of a residential character and not of a significant scale to dominate the existing neighbourhood. As stated above the tree and vegetation screening will also enclose the site and not cause any change in character to the existing residential area of Pleasley.

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

## **Residential Amenity**

Policy SC3 (n) of the Adopted Local Plan requires development to ensure a good standard of amenity is maintained for the occupants of existing neighbouring properties as well as the future occupants of new development, including levels of privacy and light, position and avoiding overbearing relationships and the provision of adequate amenity space.

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

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

The proposed siting of the mobile homes, the single storey nature of development and existing trees/vegetation would prevent loss of privacy, overshadowing or massing impacts to existing residents. Each dwelling is provided with garden areas with the smallest being approximately 103sqm. These sizes in excess of the 70sqm required by the adopted SPD 'Successful Healthy Places' for two to three bed dwellings and therefore demonstrate that there would not be overdevelopment of the site, particularly when demonstrating that adequate car parking is provided that meets the Local Plan's minimum parking standards. Future occupants would be provided with a good level of outlook and natural light from each mobile home and a good standard of residential amenity consistent with the layout of many caravan sites across the UK.

It is appreciated that there would be an intensification in use of the site from four no. approved caravans to seven in total. Based on an average of two cars per caravan the number of vehicles could increase from eight to fourteen. This in turn will increase comings and goings of vehicles along the private access drive of Midland Cottages. However, the intensification in use of the drive and comings and goings is not considered significant in terms of noise increase and disturbance to justify a recommendation of refusal. The District Council's Principal Environmental Health Officer has been consulted and raises no noise concerns.

This revised application is no longer providing accommodation for travelling showpeople and

in this situation the condition attached to 25/00162/FUL which restricted occupancy to such persons is no longer necessary. Although the planning agent has offered to agree to a planning condition which prevents occupancy of the site by such persons, a condition of this nature would not be reasonable and would fail to meet the six tests of planning conditions. The condition would be discriminatory by excluding travelling showpeople from occupying the site. The planning system does not discriminate against a person's background, characteristics nor can any weight be given as to how individuals might behave as a result of their characteristics or background. In planning terms this is residential accommodation for any persons and no weight may be given to who the individual occupiers are. The application is for residential accommodation in a residential area and of an appropriate scale such that it is considered appropriate to the character and function of the area and is compatible with it, in accordance with Policy SC1 (a) and (c) of the Adopted Local Plan.

It should be noted that the site layout does not provide for traditional travelling showpeople's yards necessary to store travelling showpeople's equipment and is not reflective a travelling showpeople's site.

The use of the caravans for holiday let purposes cumulatively is recognised to potentially having a greater impact on the residential amenities of the existing residents. This would be from a potential increase in comings and goings of various family groups, shorter stays and potentially from larger family numbers/group stays occupying multiple caravans that would not be consistent with permanent occupancy of residential dwellings. A planning condition is considered necessary to ensure the caravans are occupied as permanent homes and not as holiday-let accommodation in the interests of protecting residential amenity from adverse noise and disturbance.

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

### **Highway Safety and Refuse Collection**

Policy SC3 (e) of the Adopted Local Plan requires development proposals to provide well-designed streets and spaces which are safe in highways terms. Paragraph 115 of the framework states developments should ensure safe and suitable access to sites can be achieved for all users. Paragraph 116 of the framework states that development should only be refused on highways grounds if there would be unacceptable impacts on highway safety, or where residual cumulative impacts on the road network, following mitigation, would be severe.

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

The Adopted Local Plan's minimum parking standards advise that 2 car parking spaces are provided for 2-3 bed dwellings and 3 car parking spaces provided for 4 and above bed dwellings. As the application cannot secure the types of caravans, the precise number of bedrooms per caravan are unknown. Static caravans or lodges (which meet the definition of a caravan) typically have between two and three bedrooms. The application is proposing two

car park spaces per mobile home on hard surfacing exceeding 5m x 2.6m for each vehicle. This is fully in accordance with off-road parking provision required for two-three bed dwellings by Appendix 8.2 to Policy ITCR11 of the Adopted Local Plan.

Local residents have raised a number of highway safety concerns including intensification in use of the site, lack of public footpaths and risk of accidents as summarised in this report. Residents consider the local Highway Authority and the District Council has not appropriately considered the application, taken on board their concerns and all matters relating to vehicular and pedestrian safety. The Development Management and Land Charges Manager has met with local residents to listen to the community.

In response to resident objection Officers have contacted the local Highway Authority on several occasions, raising local concern with the Highway Authority to ensure a robust highway safety assessment of the application. To demonstrate this, the County Council's Senior Transport Planner Engineer and the Highways Planning Liaison Manager have both considered the application in their professional view and a number of consultation responses have been secured.

Although there would be intensification in use of the site, consistent with the previous approval, the local Highway Authority has maintained no objection to the use of the unadopted road to serve the seven dwellings without the need to bring the road up to adoptable standards. The Highway Authority considers the width of the private road is suitable for the amount of development proposed.

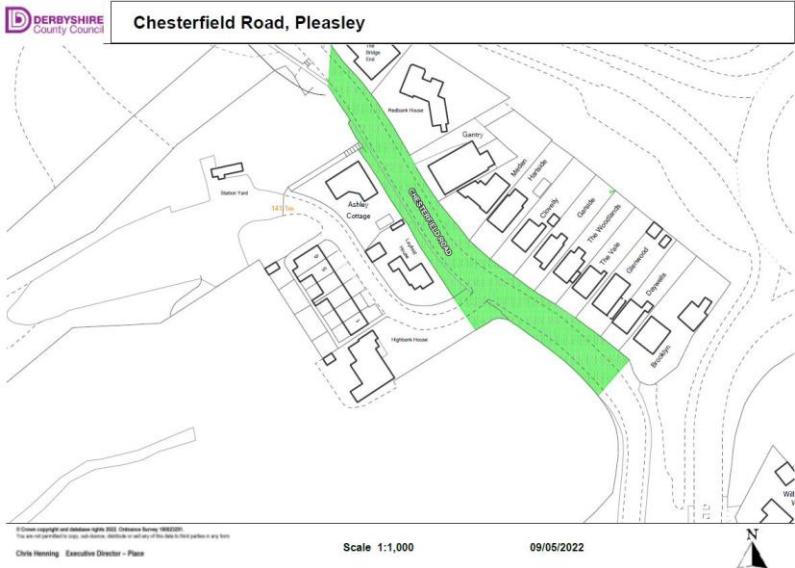
It is appreciated that there would be additional vehicular usage of the private road that could result in additional wear and tear. In turn, those responsible for maintenance of the private road would remain unchanged. Whilst there is some sympathy for this situation, there are no planning grounds on which to prevent the development from coming forward due to the nature of the existing unmade access road being retained in its current condition. The local Highway Authority has confirmed that the County Council would not adopt the new development site, as it does not have a direct link to the public highway. For the County Council to consider the adoption of the new site, Midland Cottages would need to be upgraded to adoptable standards and be offered for adoption. All costs associated with upgrading the unadopted road would need to be met by the existing owners.



***The vehicular access 2025***



***The vehicular access January 2026***



### ***The extent of the public highway***

The future occupiers would be able to utilise their access rights over Midland Cottages but would not have consent to carry out other works, such as upgrading the road. Only the individual owners could approve these works and seek adoption by the County Council.

The development area provides a turning space allowing all vehicles to enter and exit the site in a forward gear in the best interests of highway safety. The site's extant permission for four caravans is a material consideration, and it is not considered that an additional three dwellings would create such significant additional trip generation as to cause a highway safety issue along the private road.

The Local Highway Authority has considered the application on the "worst case scenario" of seven dwellings. The increase in traffic levels are considered to remain low. Although vehicles may meet and need to give way, this is confirmed by the Local Highway Authority to not result in a highway safety issue.

The absence of a footway is also recognised by the Local Highway Authority and that pedestrians including children and the elderly share the road with vehicles. However, the local Highway Authority confirms this is already the character of the road and, as vehicle speeds would be low due to the geometry of the road, this limits the severity of conflict. An increased interaction between pedestrians and vehicles is confirmed to not result in a highway safety concern.

Residents have stated that an alternative vehicular access should be provided from Chesterfield Road to the site closer to the turning head, preventing the usage of Midland Cottages. However, this would require significant engineering works due to the elevated levels of the site above the public highway and challenging topography. Furthermore, it would result in the loss of trees presently to be retained, which are required to secure acceptable impacts on the character of the area and biodiversity.

The Local Highway Authority also confirms that there would be the potential for waiting or reversing manoeuvres in the vicinity of the access with Chesterfield Road. However,

Chesterfield Road functions as a lightly trafficked residential cul-de-sac, with no through traffic, and junction visibility is adequate with a safe and suitable access provided in accordance with paragraph 115 (b) of the NPPF. Whilst waiting/manoeuvring may increase at the junction with Chesterfield Road, this is also confirmed to not raise a highway safety issue.

Residents have referenced a 1972 planning application refusal for 2 dwellings adjacent Leyland House on grounds that the access to this site was below the standard local highways authority's street schedule, lacking footways, with a substandard junction with the principal road with restricted visibility. This is a historic planning application, guidance changes over time and the current application is required to be considered on its own merits.

In terms of refuse collection, as with application 25/00162/FUL, the District Council's Waste and Recycling Manager has confirmed that the District Council's refuse vehicles could access the private road for bin collection purposes. Future occupants would present their bins towards outside the entrance of the site to the north of 6 Midland Cottages. The application has demonstrated the site is serviceable and internal swept path analysis of the site for refuse vehicles has not been necessary. The precise bin presentation/collection scheme is recommended to be defined on a plan and agreed by planning condition in consultation with the District Council's Waste and Recycling Manager and the Local Highway Authority.



***The junction of Midland Cottages with Chesterfield Road – January 2026***

The key test of paragraph 116 of the NPPF is that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.

As stated above the application has been considered on the worst case scenario of seven dwellings by the Local Highway Authority and consideration has been given to the cumulative impacts of the existing and proposed dwellings. No severe impacts have been identified to justify refusal of the application on highways grounds. The application is as such considered in accordance with Policy SC3 (e) of the Adopted Local Plan by providing a safe form of development in highways terms and with Paragraphs 115 and 116 of the framework by not having unacceptable impacts on highway safety.

## Biodiversity

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

Paragraph 187 (d) of the framework states planning decisions should minimise impacts on and provide net gains for biodiversity.

### Protected Species

To consider impacts on protected species the application is submitted with a Preliminary Ecological Survey (PEA) and Badger Survey both of which have been considered by Derbyshire Wildlife Trust. The PEA identifies the site comprises two habitat types of open woodland and artificial unvegetated unsealed surface. The Wildlife Trust agree with the PEA in that the habitat does not meet the definition of open mosaics habitat. Given the scale and type of development, the Wildlife Trust considers the impacts on protected species to be low. Impacts on Badger are also confirmed to be unlikely. In order to prevent harm to protected species during construction, a pre-commencement of development condition is necessary to agree a Construction Environmental Manager Plan (CEMP) and to agree any external lighting prior to installation.

### Biodiversity Net Gain

It is now mandatory for planning applications to secure a 10% net-gain for biodiversity, unless falling within one of the exemptions approved by the Government. The application is submitted with an updated Biodiversity Net Gain Feasibility Report prepared by Oak Ecology dated February 2025 (Version 3) and a revised Biodiversity Metric dated 3<sup>rd</sup> October 2025.

The submitted biodiversity metric has identified the two habitats set out above and anticipates no loss of trees and vegetation to facilitate the development. The land category as artificial unsealed is of negligible biodiversity value having been used for the storage of vehicles and machinery. Although a small part of the site is within a local wildlife site, the Wildlife Trust considers that the area within it that is to be developed does not make any significant contribution to the local wildlife site and does not support any ecological features found within it. Protective measures are required by the Wildlife Trust to ensure the trees are protected during construction to deliver the 10% net gain. This may be secured through the CEMP condition.

The site has baseline habitat units of 0.59, post development 0.88 habitat units would be created, resulting in a 48.15% net change to deliver the necessary onsite Biodiversity Net Gain. The assessment was based on the retention of woodland and the land surrounding the four mobile homes to be changed into vegetated gardens with typical amenity species associated with residential gardens.

Key Biodiversity Information	
If Biodiversity Gain Plan Condition Applies	
Biodiversity Metric Used	Statutory Biodiversity Metric

Overall Net Unit Change	Habitat Units	Hedgerow Units	River Units
	0.59	0	0
	Total % change	Total % change	Total % change
	48.15%	0%	0%

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

### **Contamination and Land Stability**

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

#### Contamination

For the previous application the District Council's Principal Environmental Health Officer (PEHO) required pre-commencement planning conditions to secure a Phase I Contaminated Land Assessment (desk study) and Phase II Site Investigation. The contaminated land assessment would include a desk study which details the history of the site and the likely presence of potentially hazardous materials and substances on the site including an assessment of the risks to human health. Should it be necessary, a scheme of remediation would be required in order to ensure that any risks to human health would be avoided.

This application has been submitted with the Phase I and Phase II reports, which have been considered by the PEHO. The PEHO has confirmed that a contamination land remediation strategy is required based on the recommendations of the Phase II site investigations report. The necessary remediation strategy, which will ensure the site is developed free from unacceptable levels of contamination, will be required by condition before development commences. A further condition will require the approved remediation scheme to be provided in full prior to occupation of the dwellings and a scheme of validation submitted to the District Council to ensure the remediation is provided in accordance with that approved.

#### Land Stability

The County Council's presently owns, and its Countryside Services team is responsible for the management of the Pleasley Pit Country Park. The Countryside Services team commented on planning applications 22/00137/FUL, 23/00583/FUL and 25/00162/FUL concerning the application site. In all of its comments the County Council identified the need to further examine the disused colliery waste tips and embankments that abut the site to the south-east or south-west side.

The Country Park was created in the late 1990s by a project to reclaim the derelict former

Pleasley Colliery Site and the nearby railway land. The Countryside Service Managers have identified the necessity for further examination of the disused colliery waste tips and the railway embankments that abut the site. To the north-west are the remains of a disused colliery waste tip, which was inspected by the County Council between 1986 and 1998. Much of this tip was reprofiled during the reclamation works and is now a gently sloping area dominated by open limestone grassland bordered by deciduous tree belts. The slope which borders the site to its south-east appears to have been originally formed sometime between 1900 and 1920. This is the highest elevated slope and the earliest to be developed. The slope which borders the site to its south-west appears to have been formed at a later date following the closure and decommissioning of the railway.

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

To appropriately consider the land stability of the site planning condition 18 was attached to application 25/00162/FUL to secure a Land Slope Stability Assessment before development commences, and to provide remediation (if necessary) prior to first occupation of the site. The applicant has decided to submit a preliminary assessment, which is set out in section 6.5 of the submitted Phase I Report.

DCC Countryside Services has considered the submitted report and, whilst considering it to be a good starting point, more work is needed to establish if the slopes are stable and whether mitigation is required to make the development stable. The County Council would expect to see ground investigations on the slopes themselves, and it is unknown whether this has been done in the absence of a topographical survey.

This matter has been raised with the applicant's planning agent, who has confirmed that, notwithstanding the submitted information, a revised Land Slope Stability Assessment will be submitted before development commences. As such, the additional information required by the County Council may still be secured by planning condition, as was the case for application 25/00162/FUL and is not necessary before determination of the application. This is fully in accordance with the Adopted Local Plan's land stability policy SC14, which states "*Where necessary, the developer will be required to carry out further investigations and undertake any necessary remedial measures to ensure that contaminated or unstable land issues are addressed prior to the commencement of the development*".

The County Council has been made aware of Officer's recommendations for a condition which requires this land stability report to be submitted prior to commencement of development and no objection has been received to the approach, that is fully consistent with application 25/00162/FUL.

With the conditions attached to this recommended there are no concerns in relation to land contamination and land stability in accordance with Policy SC14 of the Adopted Local Plan

and land stability considerations.

## **Flooding and Drainage**

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

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

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

The site is within flood zone 1, which is an area defined by the Environment Agency as being as lowest risk of flooding. The site is not identified as being at risk of flooding from surface water. As the site is not susceptible to flooding there are no concerns in relation to impacts of flooding/surface water on any future occupants. In relation to the impacts on the surrounding residents, the condition required by Severn Trent Water Ltd will consider surface water disposal for the site.

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

In relation to the disposal of foul waste local residents are concerned the existing system on Midland Cottages is at full capacity and unsuitable for further development. Any connection to the foul system requires separate consent from Severn Trent Water Ltd under Sections 106 to 109 of the Water Industry Act 1991.

Therefore, this is a separate regime to planning within the full control of Severn Trent Water Ltd. If Severn Trent Water will not give consent to connect to the foul drainage system (whether that be because of capacity issues or another technicality) the applicant may propose an alternative disposal method.

Severn Trent Water Ltd has been consulted on this planning application and raises no objection subject to a pre-commencement of development condition to secure a surface water and foul sewage disposal scheme. The individual owners of the private road serving Midland Cottages have a foul connection on the private road. It is understood the existing residents have control over this. As the manhole is in private ownership it is unlikely occupants, who object to the application, would give consent to the applicants to connect to the manhole, although this is a private matter.

For the avoidance of doubt the applicants land bounds the public highway of Chesterfield Road without requiring third party land to connect to the foul system at manhole 1500. Furthermore, the applicants have also identified that there is a sewer connection within the development site, the reason why a trench has been dug through the site to identify this.

The applicants' consultant is undertaking a full track-and-trace of this connection and will then liaise with Severn Trent Water Ltd in terms of using this connection for the development, with remedial work if necessary. The detail will follow as part of the pre-commencement condition recommended by Severn Trent Water, consistent with condition 6 of planning permission 25/00162/FUL. The application is considered in accordance with Policy SC7 of the Adopted Local Plan.

## **Sustainability Considerations**

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

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

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

Purchasing the mobile homes and layout of the necessary access road and soft landscape provision will benefit the local economy/construction companies. Future occupants would spend in the local economy, benefitting local shops and other amenities/services in the area. The economic objective is met.

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

The development will provide seven new permanent homes in a sustainable location.

The site has good access to local amenities and services including walking distance to convenience stores (Lucy's), primary school (Antony Bek) and a doctor's surgery (Pleasley Surgery). The site is also within walking distance to public houses such as The White Swan and Nags Head within Pleasley village and New Houghton Social Club. St Michael's Church in Pleasley is accessible by foot, as are other recreational amenities at Pleasley Pit Country Park and Pleasley Vale.

Very close bus services would take future occupants into larger towns such as Chesterfield, Bolsover town or Mansfield, which combined have an excellent supply of amenities and services to meet day to day needs without the need to rely on a private motor vehicle. The scale of development would not dominate the community or adversely impact their health, social or cultural well-being. The social objective is met.

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

The site is within an area of countryside; however, the site is well enclosed by trees and vegetation which is to remain and the site adjoins the development envelope of Pleasley. As such no harm is identified to the countryside and rural character of the area. The site makes the effective use of a brownfield site by utilising previously developed land. The development has secured 10% biodiversity net gain, has demonstrated how the site is serviceable for waste and recycling collection, and the District Council's Principal Environmental Health Officer raises no concerns regarding pollution/land contamination or noise. There are no policies in the adopted Local Plan which makes the applicants make a contribution towards a low carbon economy through renewable energies. The environmental objective is met.

## **Other Matters**

Any contravention of the access rights of the private road or whether the nature of the access exceeds those rights as permitted within title deeds is a private legal matter between the local residents and the applicants. If any infringement of access rights was to occur, the owners of Station Yard could seek legal advice, outside of the planning system as could the existing residents. Any additional wear and tear caused to the private access road and implications on cost of maintenance would similarly be a private matter to be resolved between the local residents and the applicants.

## **Conclusion/Planning Balance**

The application has demonstrated compliance with all criteria, which releases the countryside site for housing as the application re-uses a previously developed site in a demonstrated sustainable location. A significant material planning consideration is that the same site area has planning permission for four caravans as permanent homes for travelling showpeople with the same application site area, which has established in principle the character of the site.

The application raises no concerns regarding impacts on the rural character of the environment, design and character, residential amenity, biodiversity, land contamination and

stability, highway safety, flooding and drainage. The application has demonstrated a sustainable form of development which meets the three objectives of sustainability set out under paragraph 8 of the framework. It is therefore recommended that the application is conditionally approved.

## RECOMMENDATION

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

### **Conditions**

1. The development shall be begun before the expiration of three years from the date of this permission.
2. There shall be no more than seven caravans stationed on the site at any one time. The caravans shall meet the legal definition of a caravan under Section 29(1) of the Caravan Sites and Control of Development Act 1960 as amended in 1968 and 2006 (or of any Act revoking and re-enacting or amending that Act with or without modification).
3. That seven caravans hereby approved shall be occupied as a person's sole, or main place of residence and shall not be occupied for holiday let purposes.
4. The development hereby permitted shall be carried out in accordance with the following approved drawings and documents unless specifically stated otherwise in the conditions below:

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

Proposed Site Layout Plan - drawing number 25019-1 Rev C dated 18/02/2025

5. Prior to the commencement of the development hereby permitted, a scheme of foul drainage and surface water disposal must be submitted and approved by the local planning authority. Prior to the occupation of the development the approved drainage schemes must be implemented fully in accordance with the agreed scheme and be maintained thereafter.

6. Prior to the installation of any lighting fixtures, a detailed lighting strategy must be submitted to and approved in writing by the Local Planning Authority to safeguard bats and other nocturnal wildlife. This must provide details of the chosen luminaires, their locations and any mitigating features such as dimmers, PIR sensors and timers. Once agreed the lighting scheme must be implemented fully in accordance with the agreed details and be maintained thereafter.

7. No development shall take place (including demolition, ground works, vegetation clearance and movement of plant, machinery and materials) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) must include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction.
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.

- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

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

8. No dwelling must be occupied until full details of both hard and soft landscape works with an associated implementation plan, management schedule and monitoring, has been submitted to and approved in writing by the Local Planning Authority. The hard landscaping details must include the proposed hard surfaced materials. The soft landscape works must include a planting plan; schedules of any plants and trees, noting species, plant/tree sizes and proposed numbers/densities to demonstrate how the 10% biodiversity net gain will be provided in accordance with the submitted metric. All planting must be implemented in accordance with the approved details in the first available planting season. The created and/or enhanced habitat specified must be managed and maintained fully in accordance with the agreed landscaping plan.

9. Prior to first occupation of the hereby approved development:

a) A Biodiversity Enhancement Plan must be submitted to and approved in writing by the Local Planning Authority. The Plan must clearly show positions, specifications and numbers of features, which will include (but are not limited to) the following:

- external bird boxes x 3
- external bat box x 1
- fencing gaps 130 mm x 130 mm to maintain connectivity for hedgehogs in all gardens.
- details of wildlife friendly landscaping to include a list of the plants to be used to benefit pollinating insects.

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

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

10. The hereby approved seven no. static caravans shall not be occupied until the off-road parking for each mobile unit is provided in full. Once provided the parking shall be maintained free from obstruction thereafter.

11. Prior to first occupation precise details of a bin presentation and collection point must be defined on a plan and submitted to and approved in writing by the Local Planning Authority. Once approved the bin collection point shall be implemented and maintained thereafter.

12. Before the commencement of the development hereby approved a Remediation Strategy, based upon the recommendations of the Phase 2 Site Investigation Report reference M25-086, shall be submitted to and approved in writing by the local planning authority. The remediation works shall ensure that the development will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The developer shall give at least 14 days notice to the Local Planning Authority (Environmental Health Division) prior to commencing works in connection with the remediation scheme.

13. No dwelling hereby approved shall be occupied until:

- a) The approved remediation works required by 12 above have been carried out in full in compliance with the approved methodology and best practice.
- b) If during the construction and/or demolition works associated with the development hereby approved any suspected areas of contamination are discovered, then all works shall be suspended until the nature and extent of the contamination is assessed and a report submitted and approved in writing by the Local Planning Authority and the Local Planning Authority shall be notified as soon as is reasonably practicable of the discovery of any suspected areas of contamination.
- c) Upon completion of the remediation works required by 1 above a validation report prepared by a competent person shall be submitted to and approved in writing by the Local Planning Authority. The validation report shall include details of the remediation works and Quality Assurance/Quality Control results to show that the works have been carried out in full and in accordance with the approved methodology. Details of any validation sampling and analysis to show the site has achieved the approved remediation standard, together with the necessary waste management documentation shall be included.

14. Prior to the first occupation of the site, a detailed scheme of boundary treatment for the site must be installed fully in accordance with a scheme which has first been submitted to and approved in writing by the Local Planning Authority. The agreed boundary treatment scheme shall then be maintained thereafter.

15. Notwithstanding the submitted Phase 1 Desk Study - Section "6.5 Preliminary Slope Stability Assessment", prior to the commencement of development a geotechnical professional must carry out and submit a revised slope stability assessment report to the Local Planning Authority for approval in writing of the slopes which surround the application site. The report must demonstrate that the site is safe and stable for the development proposed and provide remediation, if necessary. The assessment must give consideration to the following:

- a) Avoiding disturbance to the slopes that might impact stability, including to the toe of the slope, which may have been removed in certain places on the site.
- b) Any proposed excavations made in the ground in front of the toe of the slopes to incorporate appropriate temporary/permanent works and/or control measures to minimise the risks of them becoming unstable.
- c) Consider the impacts of the construction phase including the management of surface water run-off to prevent it reaching or accumulating within or alongside the slopes.

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

### **Reasons for Conditions**

1. To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To define the terms of this permission as proposed, and to prevent environmental harm and adverse impacts and on residential amenity through intensification in use of the site, in accordance with Policy SC3 of the Adopted Local Plan for Bolsover District.
3. In the interests of protecting residential amenity in accordance with Policy SC3 and SC11 of the Adopted Local Plan for Bolsover District.
4. To define the terms of this permission as proposed, and to prevent adverse impacts on residential amenity in accordance with Policy SC3 of the Adopted Local Plan for Bolsover District.
5. This is a pre-commencement of development condition which is necessary in the interests of preventing unsatisfactory surface water run-off and enabling an adequate means of foul disposal in accordance with Policy SC7 and SC11 of the Adopted Local Plan for Bolsover District.
6. In the interests of safeguarding bats and other protected species from harmful light glare in accordance with Policy SC9 of the Adopted Local Plan for Bolsover District.
7. This is a pre-commencement of development condition necessary to prevent harm to protected species during the construction phase in accordance with Policy SC9 of the Adopted Local Plan for Bolsover District.
8. In the interests of securing 10% biodiversity net-gain in accordance with Policy SC9 of the Adopted Local Plan for Bolsover District.
9. In the interests of securing sufficient biodiversity enhancement on site in accordance with Policy SC9 of the Adopted Local Plan for Bolsover District.
10. In the interests of securing sufficient off-road parking in the best interests of highway safety in accordance with Policy ITCR11 of the Adopted Local Plan for Bolsover District.
11. In the interests of defining an acceptable bin collection point in the best interests of highway safety in accordance with Policy SC3 of the Adopted Local Plan for Bolsover District.
12. This is a pre-commencement of development condition necessary to ensure the site is developed free from unacceptable levels of land contamination in accordance with Policy SC14 of the Adopted Local Plan for Bolsover District.

13. To ensure the site is developed free from unacceptable levels of land contamination in accordance with Policy SC14 of the Adopted Local Plan for Bolsover District.

14. In the interests of protecting the rural character of the area and the privacy of existing and future occupants in accordance with Policy SC3 of the Adopted Local Plan for Bolsover District.

15. This is a pre-commencement of development condition necessary to ensure the site is made safe and stable for future occupants in accordance with Policy SC14 of the Adopted Local Plan for Bolsover District.

### **Statement of Decision Process**

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

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

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

The planning agent has agreed in writing to the conditions attached to this consent.

### **Notes**

1. 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.

2. Bolsover District Council's Senior Engineer advises as follows:

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

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

Authority.

- c) The developer should provide detailed proposals of the disposal of foul and surface water from the site and give due consideration to the use of SUDS, which should be employed whenever possible.
- d) Where SuDS features are incorporated into the drainage design it is strongly recommended that the developer provides the new owners of these features with sufficient details for their future maintenance.
- e) It is essential that any work carried out does not detrimentally alter the structure or surface of the ground and increase or alter the natural flow of water to cause flooding to neighbouring properties. The developer must also ensure any temporary drainage arrangements during construction gives due consideration to the prevention of surface water runoff onto the public highway and neighbouring properties.

3. In relation to Condition 5 Severn Trent Water Ltd refers to Planning Practice Guidance and Section H of the Building Regulations 2010 -detail surface water disposal hierarchy. The disposal of surface water by means of soakaways should be considered as the primary method. If this is not practical and there is no watercourse available as an alternative, other sustainable methods should also be explored. If these are found unsuitable satisfactory evidence will need to be submitted before a discharge to the public sewerage system is considered. No surface water to enter the foul or combined water systems by any means.

With regard to network capacity, this response only relates to the public waste water network and does not include representation from other areas of Severn Trent Water, such as the provision of water supply or the protection of drinking water quality.

Before undertaking any work on site, all applicants must determine if Severn Trent has any assets in the vicinity of the proposed works. This can be done by accessing Severn Trent records at [www.digdat.co.uk](http://www.digdat.co.uk)

Severn Trent Water advise that if its statutory records do not show any public sewers within the area specified, there may be sewers that have been recently adopted under The Transfer of Sewer Regulations 2011. Public sewers and Water mains have statutory protection and may not be built close to, or diverted without consent, consequently the applicant/developer must contact Severn Trent to discuss the proposals. Severn Trent will seek to assist you in obtaining a solution which protects both the public sewer and the proposed development.

4. In relation to Condition 6, Derbyshire Wildlife Trust advises dependent on the scale of proposed lighting, a lux contour plan may be required to demonstrate acceptable levels of light spill to any sensitive ecological zones/features. Guidelines can be found in Guidance Note 08/23 - Bats and Artificial Lighting at Night (BCT and ILP, 2023). Such approved measures will be implemented in full.

5. In relation to the surface water disposal scheme to be agreed under condition 5, The Local Highway Authority advises that drainage arrangements should be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development should be

allowed to discharge into any highway drain or over any part of the public highway.

6. The applicants/developer are made aware that the County Council does not wish for any structural assets such as retaining walls or similar to be built upon County Council land as the County Council would not assume any maintenance responsibilities or liabilities associated with their function. The development site is surrounded on three sides by the Country Park. The Country Park is at a higher level to the development and the existing tree cover may prompt future requests by potential occupants to remove tree and vegetation growth. Occupants should be aware that the tree cover surrounding the properties cannot be removed at any point in the future regardless of claims to any impact on the house structure and/or the residential use of that dwelling, other than for health and safety reasons.

7. The applicant is encouraged to erect lockable gates at the site entrance and to display contact details of a person(s) whom to contact in the event of an incident when the plots are not occupied.

### **Statement of Decision Process**

*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.*

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

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

### **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.*

## CORRECTION OF TYPOGRAPHICAL ERROR CONTAINED WITHIN REPORT TO 1<sup>ST</sup> OCTOBER 2025 PLANNING COMMITTEE MEETING RELATING TO APPLICATION CODE REF. 22/00478/FUL

**PARISH** Old Bolsover Parish

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<b>APPLICATION</b>	Residential development of 217 homes with associated open space, vehicular access roads, landscaping and infrastructure (including street connection to Foxglove Drive and Buckthorn Drive)	
<b>LOCATION</b>	Land Between St Lawrence Avenue And Rotherham Road North Of Langwith Road Bolsover	
<b>APPLICANT</b>	Mrs Marlena Przewuska Unit 3 Turnberry Park Cramphorn House LS27 7LE United Kingdom	
<b>APPLICATION NO.</b>	22/00478/FUL	<b>FILE NO.</b> PP-11518051
<b>CASE OFFICER</b>	Mr Jonathan Gaynor	
<b>DATE RECEIVED</b>	14th September 2022	

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### SUMMARY

This application was considered by Planning Committee at the meeting of 01 October 2025 (agenda item 5), where it was resolved that delegated authority be given to the Development Management and Land Charges Manager or Principal Planners to **grant** planning permission subject to prior entry into a S.106 legal agreement containing the following planning obligations:

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

And subject to the conditions listed at the end of the Committee Report appended below.

**No changes are proposed to the development that received the resolution above.** The sole reason the item being brought back to Planning Committee is for Members to note and consider a typographical error in the Committee Report presented at that meeting ( appended to this report) and confirm that it has no impact on the resolution made.

## PROPOSAL

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

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

## AMENDMENTS

In considering and commenting of the draft s106 agreement, Derbyshire County Council have noted a typographical error in the Committee Report relating to the availability of capital funding for school places. They advise:

*We would also like to point out a fundamental error in the Committee Report. The report states "However, it is noted clear that this alternative source of funding will ultimately be available". We believe the correct wording should be "However, it is **not** clear that this alternative source of funding will ultimately be available. We believe this should be corrected to accurately reflect the factual position as the current wording reverses the meaning of the sentence and may have misled the reader at the Committee Meeting. Committee members will also need to be informed of this fundamental error.*

The paragraph in the Committee Report reads:

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

As Derbyshire County Council raises, the paragraph should read:

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

As the typographical error only features in the summary of consultee comments section, and

it is clear from the Planning Policy comments where the error exists that the statement is based on information from Derbyshire County Council, it is not considered that the typographical error has any material bearing on the recommendation made. The assessment section of the report is considered to remain accurate and the recommendation remains unaltered.

## **CONCLUSION**

The typographical error in the Committee Report is not considered to have misled Members, given that it features on a single occasion within the summary of consultee comments section and not within the assessment section, where consideration of the matter is clearly set out.

For robustness of decision-taking, the purpose of reporting this matter back to Planning Committee is for Members to note the typographical error and ensure that it has not in any way impacted on the resolution made at the previous committee meeting.

## **RECOMMENDATION**

**It is recommended that Planning Committee Members note the typographical error in the Consultation section of the previous Committee Report and endorse that it does not change the resolution at the 01 October 2025 Planning Committee meeting.**

## APPENDIX: COMMITTEE REPORT FOR APPLICATION REFERENCE 22/00478/FUL

<b>PARISH</b>	Old Bolsover Parish
<b>APPLICATION</b>	Residential development of 217 homes with associated open space, vehicular access roads, landscaping and infrastructure (including street connection to Foxglove Drive and Buckthorn Drive)
<b>LOCATION</b>	Land Between St Lawrence Avenue And Rotherham Road North Of Langwith Road Bolsover
<b>APPLICANT</b>	Mrs Marlena Przewuska Unit 3 Turnberry Park Cramphorn House LS27 7LE United Kingdom
<b>APPLICATION NO.</b>	22/00478/FUL
<b>CASE OFFICER</b>	Mr Jonathan Gaynor
<b>DATE RECEIVED</b>	14th September 2022
<b>FILE NO.</b>	PP-11518051

### SUMMARY

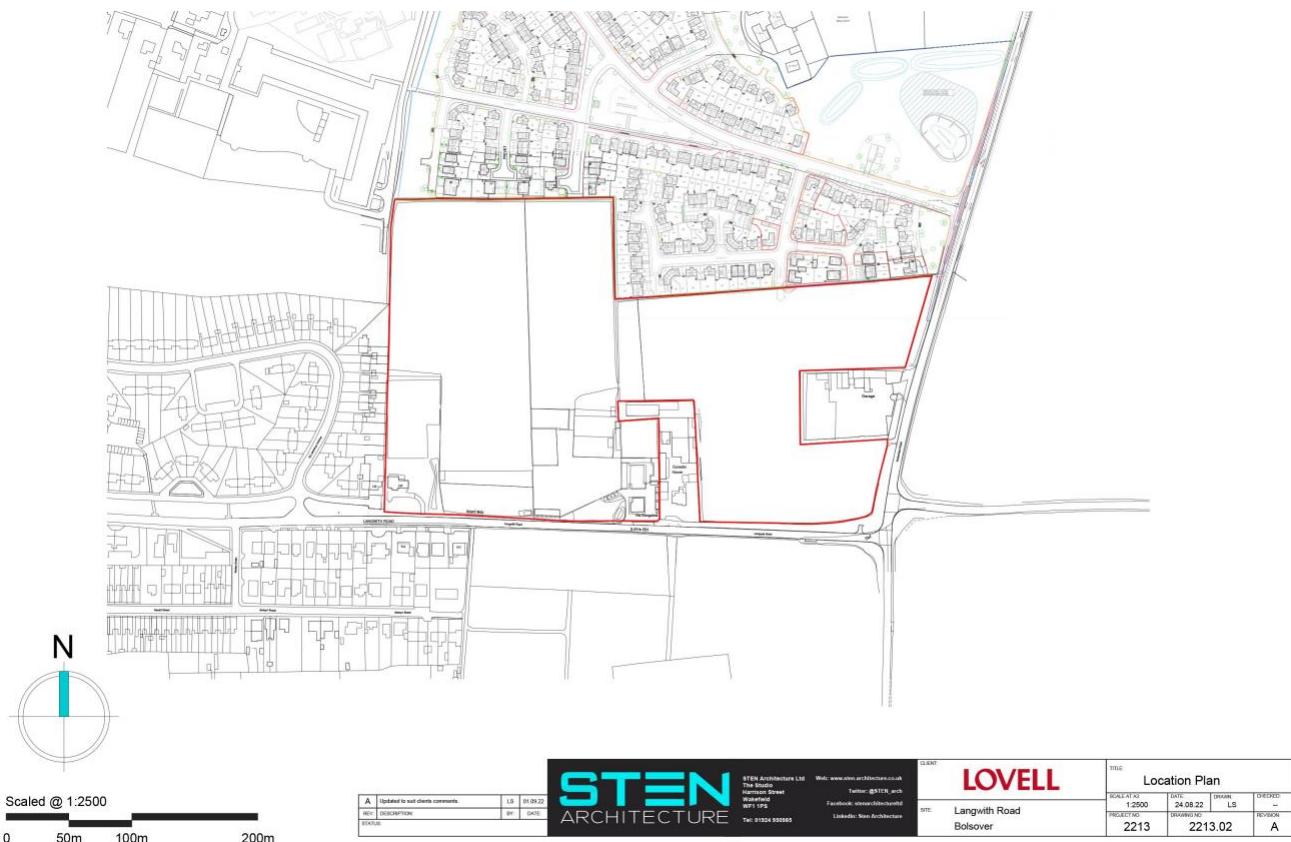
The application is for a residential development of 217 dwellings on an approximately eight hectare site to the east of Bolsover, accessed from Langwith Road, Foxglove Drive and Buckthorn Drive. The site forms part of a housing allocation in the adopted Local Plan, along with the recently completed scheme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

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

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

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

## Site Location Plan



## OFFICER REPORT ON APPLICATION NO. 22/00478/FUL

### SITE & SURROUNDINGS

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

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

### BACKGROUND

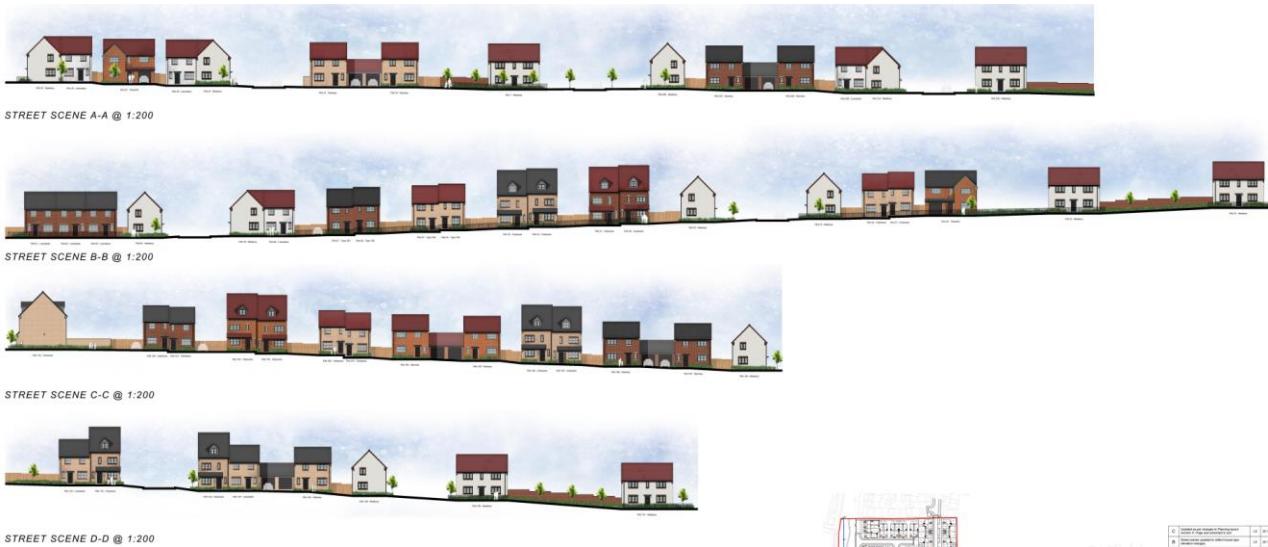
The application site forms the southern half (excluding some parcels of land on the perimeter) of a residential allocation in the Local Plan for Bolsover District. The northern half has recently been built out by a different developer.

## PROPOSAL

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

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





## Supporting Documents

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

- Boundary Treatment Plan 2213.06 Rev C 05 December 2024
- Refuse Plan 2213.07 Rev C 05 December 2024
- Tenure Plan 2213.08 Rev D 05 December 2025
- Parking Plan 2213.09 Rev C 05 December 2024
- Planning Drawings Various Boundaries 2213.B.01 17 August 2022 (received 13 December 2024)
- Planning Drawings Single Garage 2213.G.01 25 July 2022 (received 13 December 2024)
- Planning Drawings Twin Garage 2213.G.02 25 July 2022 (received 13 December 2024)
- Planning Drawings Type 1209 End/Mid Elevations 2455.1209.01 08 November 2024
- Planning Drawings Type 932 End/Mid 2455.932.01 08 November 2024
- Planning Drawings Fairhaven End/Mid 2455.FAI.01 08 November 2024
- Planning Drawings Type 764 End/Mid 2455.GOV.01 08 November 2024
- Planning Drawings Lansdown End/Mid 2455.LAN.01 08 November 2024
- Planning Drawings Newbury Detached 2455.NEW.01 08 November 2024
- Planning Drawings Osbourne Pair 2455.OSB.02 08 November 2024
- Planning Drawings Ramsey Detached 2455.RAM.01 08 November 2024
- Planning Drawings Tilsworth 2455.TIL.01 08 November 2024
- Transport Assessment (AMA) 21541-001 October 2022
- Interim Travel Plan (AMA) 21541-002 September 2022
- Highways Technical Note (AMA) 21541 10 December 2024
- Revised Design and Access Statement (Issue 2) November 2024
- Assessment of Financial Viability (Bielby Associates) 13 December 2023
- Archaeological Evaluation (Written Scheme of Investigation) (CFA Archaeology) November 2022
- Watercourse Survey 22029 SK10 &11 Received 11 November 2022
- Planning Statement (PB Planning) September 2022
- Project Management Plan (PMP) 00.1a Issue 48 July 2022
- Tree Constraints Plan (root3) R3-536-03-AR-02 17 May 2022
- Tree Protection Plan (root3) R3-536-03-AR-03 25 August 2022
- Bat Report (root3) R3-536-02-EC-02 21 July 2022
- Ecological Impact Assessment (root3) R3-536-02-EC-01 Rev A 25 July 2022
- Geoenvironmental Appraisal (Lithos) 4350/1 July 2022
- Geophysical Survey Report (Magnitude Surveys) MSSK1317 July 2022

## AMENDMENTS

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

## EIA SCREENING OPINION

The proposals that are the subject of this application are not Schedule 1 development but they are an urban development project as described in criteria 10b of Schedule 2 of The

## Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

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

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

## HISTORY

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

## CONSULTATIONS

### Bolsover District Council (Arts Officer)

No comments received.

### Bolsover District Council (Engineers)

1. Subject to acceptance of the SuDS design by DCC (LLFA), we must ensure the developer submits an Operation and Maintenance Plan (in accordance with section 32 of the SuDS Manual) which provides details of the arrangements for the lifetime management and maintenance of the SuDS features together with contact details. (a copy to be kept by Engineering Services )
2. The sewer records do not show any public sewers within the curtilage of the site. However, the applicant should be made aware of the possibility of unmapped public sewers which are not shown on the records but may cross the site of the proposed works. These could be shared pipes which were previously classed as private sewers and were transferred to the

ownership of the Water Authorities in October 2011. If any part of the proposed works involves connection to / diversion of / building over / building near to any public sewer the applicant will need to contact Severn Trent Water in order to determine their responsibilities under the relevant legislation.

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

4. It is essential that any work carried out does not detrimentally alter the structure or surface of the ground and increase or alter the natural flow of water to cause flooding to neighbouring properties. The developer must also ensure any temporary drainage arrangements during construction gives due consideration to the prevention of surface water runoff onto the public highway and neighbouring properties.

#### Bolsover District Council (Environmental Health)

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

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

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

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

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

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

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

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

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

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

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

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

*A further revised Noise Impact Assessment was received.*

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

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

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

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

I appreciate these suggestions will be somewhat unwelcomed by the applicant, but I can't see

we have any other option.

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

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

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

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

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

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

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

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

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

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

Bolsover District Council (Leisure)  
Open Space

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

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

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

- a) 1.86 ha. of Formal Green Space (Amenity green space, Recreation Grounds, and Equipped Play Areas) per 1,000 population
- b) 1.2 ha. of Semi-natural green space per 1,000 population
- c) In settlements where the current provision for either formal or semi natural green space exceeds minimum standards a reduction will be made in the relevant requirement to reflect the percentage of the development site that is within 400 metres walking distance from the edge of existing publicly accessible formal and/or semi-natural green space of at least 0.5 hectares in size.

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

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

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

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

## **Playspace**

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

### **LEAP (Locally Equipped Area for Play):**

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

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

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

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

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

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

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

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

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

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

#### **New Green Space:**

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

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

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

### Built & Outdoor Sports Facilities

Policy ITCR7: Playing Pitches states that “If improvements to existing pitches are needed, new residential development of more than 10 dwellings will be expected to make financial contributions to the improvement of playing pitches and / or their ancillary facilities. The Playing Pitch strategy and assessment will be used to consider the most appropriate site for enhancements. The site must be well-related to the development. The Council will prioritise contributions to achieve minimum quality standards of ‘average’ for playing pitches.

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

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

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

### Maintenance Sum

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

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

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

### **Connectivity**

I note that the Planning Layout (drawing no. 2213.01) appears to show a network of shared cycle / pedestrian paths within the proposed development, including a connection to the service road running to the north of Langwith Road, which is welcomed. This also connects

into the existing development to the north allowing cycle access between Langwith Road and Mooracre Lane and into the network of quieter estate roads on the eastern side of Bolsover town centre.

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

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

#### Bolsover District Council (Planning Policy and Strategic Housing)

#### **Local Plan for Bolsover District (Adopted March 2020)**

The following policies are considered relevant to the application:

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

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

#### Material Considerations

#### **Supplementary Planning Documents**

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

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

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

## Legislation

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

## **Description**

### Proposal

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

### **Policy**

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

Policy SS1: Sustainable Development sets out the factors that will inform the assessment of whether a development contributes to sustainable development. The

development will also need to reflect the requirements set out in Policy SC2 Sustainable Design and Construction, and Policy SC3: High Quality Design. Under these policies the following are required:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **Conclusion**

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

### *Supplementary comments received:*

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

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

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

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

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

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

National planning guidance contained within Planning Practice Guidance Viability and the Department for Education (DfE) non-statutory guidance Securing Developer Contributions For Education (August 2023) emphasise that developer contribution should be sought to contribute towards school places arising from housing development. However, paragraph 80 states that "We recognise that local planning authorities can reduce education contributions

due to development viability and their own prioritisation of infrastructure types, sometimes agreeing with the developer a lower total amount for education in a planning obligation.”

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

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

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

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

#### Bolsover District Council (Streetscene)

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

#### Derbyshire County Council (Archaeology)

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

The current proposal site has had a second geophysical survey as part of the current application, with comparable though slightly more detailed results, showing similar field system archaeology with some possible enclosures or house gullies, of probable Iron Age/Roman date. The site clearly therefore has a similar level of archaeological potential, with the possibility of extending and refining the results of the previous phase of excavation, and

contributing towards the ongoing research topics around the chronology and social context of these field systems and the associated settlement patterns.

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

Derbyshire County Council (Strategic Infrastructure):

- **Primary Level** - The proposed development falls within and directly relates to the normal area of Bolsover Infant and Primary School and Bolsover CoE Junior School. The proposed development of 217 dwellings would generate the need to provide for an additional 52 pupils (22 infants and 30 junior). The analysis of the current and future projected number of pupils on roll, shows that the normal area primary schools would not have sufficient capacity to accommodate the 52 primary pupils arising from the proposed development. The County Council therefore requests a financial contribution of **£1,079,939.12** towards the provision of additional education facilities at Bolsover Infant and Nursery School and Bolsover C Of E Junior School
- **Secondary Level** - The Bolsover School has a current net capacity of 900 pupils and had 908 pupils on roll as at January 2025. The latest projections show the expected number of pupils to be 910 in 5 years time. The analysis of the current and future projected number of pupils on roll, shows that the normal area secondary school would not have sufficient capacity to accommodate the 43 secondary pupils arising from the proposed development. The County Council therefore requests a financial contribution of **£1,345,623.51** towards the provision of additional education facilities at The Bolsover School
- **SEND** – Request **£180,516.41** towards SEND places.
- **Libraries** – A stock only contribution only contribution of **£15,292.42** is requested.
- **Broadband** - developers should look to provide for NGA broadband infrastructure services as an integral part of the development scheme at the outset.
- **Local Authority Collected Waste** The County Council is currently reviewing its approach to assessing the impact of housing development on waste services.
- **Public Health and Adult Social Care** Our recently published All-Age Accommodation Strategy notes a modest need to develop 'care ready' type housing for rent or affordable retirement living properties; none of the proposed dwellings meet this type of need.
- **Employment and Skills** The County Council would wish to work collaboratively to support the District/Borough Councils to identify where activities or contributions are required to deliver employment and skills development where they are supported by policies in the local plan.
- **Monitoring fees** In line with the revised Community Infrastructure Levy Regulations 2010 (as amended) Regulation 122 2(a), the County Council will seek a monitoring fee towards the monitoring and reporting of S106 contributions.

*Further to a meeting held with the County Council on 09 September 2025 in respect of the implications for the provision of strategic infrastructure and services, the County Council*

*reiterated its concerns about the proposed s106 contributions particularly in terms of those suggested for Education. It reserves the right to appoint a suitably qualified person to undertake a further independent viability review of the documentation and confirms that as set out in their Developer Contributions Protocol in paragraph 4.22 the County Council may consider lodging an objection to the application on the grounds that the development is unsustainable.*

#### Derbyshire County Council (Flood Team)

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

#### Derbyshire County Council (Highways)

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

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

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

The latest S106 request is:

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

## Derbyshire Wildlife Trust

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

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

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

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

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

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

In addition, we would expect the scheme to incorporate features including integral nest boxes, bat boxes, hedgehog gaps and other species enhancements. This could be detailed on the landscape plans at this stage or secured through a suitably worded condition. Our previous letter referred briefly to swallow mitigation, as nests will be lost from Buildings 3 and 4.

Consideration should be given to whether suitable covered structures could be incorporated within the scheme, such as log stores, car ports or porches. Could a covered structure be provided close to the attenuation basin, such as a pergola or shelter or some bespoke structure in conjunction with the pumping station? The attenuation basin may provide a source of mud for nest building when conditions are damp and a suitable feeding area.

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

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

#### Update Survey

A site visit in February 2025 has confirmed that onsite habitats and their condition remain largely similar to those recorded in 2022. Update bat surveys are required on Buildings 1 to 5 due to the time elapsed since previous survey work. These must be undertaken prior to determination. Other protected species constraints remain the same.

#### BNG

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

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

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

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

#### Species Enhancements

We note that species enhancements have been added to the Landscape Plan Rev. D, which

are welcomed and would avoid the requirement for a separate species enhancement condition. We have the following comments:

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

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

*Following receipt of revisions:* Further to our letter dated 17th April 2025, the Biodiversity Impact Assessment and metric have been updated to Revision D. Our previous two comments on the metric calculations have been addressed. This results in a loss of -10.41 habitat units (-32.85%). It is indicated that offsite units will be purchased to deliver at least 1% gain.

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

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

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

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

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

be sufficient.

#### Integrated Care Board (NHS)

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

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

It is unlikely that NHS England or NHS Derby and Derbyshire CCG would support a single handed GP development as the solution to sustainably meet the needs of the housing development and that the health contribution would ideally be invested in enhancing capacity/infrastructure with existing local practices. The closest practices to this development, which include the site in their catchment area are;

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

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

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

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

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

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

#### Old Bolsover Town Council

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

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

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

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

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

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

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

#### Police Force Designing Out Crime Officer

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

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

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

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

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

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

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

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

#### Scarfcliffe Parish Council

Scarfcliffe Parish Council strongly object to this application on the following Material Considerations,

Highways, the A632 (Langwith Rd) that runs to the north of our Parish between the Rotherham Rd and Mansfield Rd junctions is not capable of coping with the extra short term HGV construction movements and the long-term household car and van movements from the residents of the proposed site.

#### Severn Trent Water

No comments received.

#### Yorkshire Water

##### **Waste Water**

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

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

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

In summary, the report states that

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

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

## **PUBLICITY**

The application has been publicised by press notice, site notices and letters to 57 adjacent properties. 42 representations have been received, which include 41 objections and 1 representation from Chesterfield Royal Hospital setting out the S106 impact on health to be

considered and that initial modelling suggests that the impact of this development is up to £328k.

Below is a summary of issues raised in the objections:

- Loss of light to neighbouring properties
- Loss of privacy to neighbouring properties
- Loss of green space and lack of green space on the proposed development
- Cumulative impact with all other development approved in Bolsover
- Increased pressure on local infrastructure
- Increased congestion
- Increased number of road traffic accidents
- More potholes
- Limited parking within Bolsover
- Overburdened education and healthcare facilities
- Lack of leisure facilities and activities for younger people in the immediate area
- Noise and dust during construction
- Impact on local wildlife
- Plans indicate a lack of pedestrian connectivity on Langwith Road
- Langwith Road Junction would be better as a roundabout
- Told some Council bungalows would be built on the site which are much needed
- Bus route good but dangerous at junction to Lawson Road
- Drains struggling and there have been problems on adjacent Hedgerows development
- Seems to be well above 10% affordable housing – will this affect existing house prices
- How will the ancient protected hedgerow be maintained if fencing is erected
- Internal nest bricks should be used instead of the boxes proposed
- Foxglove Drive shouldn't be a through road
- Potential for a rat run through the Keepmoat development – can traffic calming measures / measures to stop cutting through be put in place?
- Present buildings have already encroached too far and are an eyesore
- No safe crossing near the development
- Noise and fumes from extra traffic
- New schools, doctors, dentists and leisure facilities should be built before
- Flooding concerns around balancing lagoon
- Attenuation basin will be inadequate
- Bolsover can't cope with all these new builds
- Layout and density seems excessive with lack of open/green space
- Parking bays small in relation to modern cars, leading to road/kerb parking
- Sewerage should not be discharged into the Keepmoat pumping station as it is already inadequate and potentially a serious health hazard
- Concerned about environmental impact
- Increased flood risk to existing properties
- Increased traffic will make it unsafe for children to play out
- Already houses that aren't selling – no local demand
- Reduced existing property values
- Wasn't consulted on the proposal

- It will spoil the rural elements of the town
- How long will construction traffic be for and will it be allowed along Foxglove Drive
- Increased air pollution
- Bolsover will become overpopulated, high crime, urban sprawl, that visitors won't come to see
- Cul-de-sacs on Keepmoat Hedgerows development should not be opened up as through roads
- Pedestrian access only between the estates to allow easy access to the secondary School
- Estate roads are privately managed so through roads would be unfair given residents pay the management fee
- If vehicular connection from the Hedgerows development is to be made, can it be towards the end of the construction to minimise mud, dust and congestion?
- Will the connection from the Hedgerows development delay the final road surface of that development?
- Number of houses has increased since 2013 plans with no nursery or care home
- The development encroaches into neighbouring property
- Unable to maintain neighbouring property
- More trees and grassland needs planting
- Suggest further development in Bolsover is suspended until a full study is done of the impact of these developments on existing residents, and the strain they are putting on the local infrastructure
- Palterton is taking the brunt of the traffic
- Bolsover is losing its charm of a friendly community
- Bolsover has no swimming baths or leisure centre
- Noise pollution from water pump and increased home insurance cost from being near the water lagoon
- Increase in anti-social behaviour due to lack of recreational amenities for children
- Due to a lack of green space proposed, new residents will likely use green spaces on the Hedgerows development, that residents of that development pay a management fee for
- Langwith Road junction is busy and poorly lit, not suitable for a housing estate so close. The junction is not suitable and would need widening
- There's accidents on the Palterton junction on Mansfield Road pretty much every week
- Langwith Road near the proposed estate is tight, access is limited and has a constant flow of large vehicles. A new road so close to a busy junction is a terrible idea
- The town is underfunded and cannot sustain more houses, it lacks the facilities of a larger town
- The development is outside settlement boundaries and countryside policies should apply
- Bolsover has already exceeded its share of housing
- Significant investment would be needed in road infrastructure

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

## **POLICY**

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

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

- Policy SS1: Sustainable Development
- Policy SS2: Scale of Development
- Policy SS3: Spatial Strategy and Distribution of Development
- Policy LC1: Housing Allocations
- Policy LC2: Affordable Housing Through Market Housing
- Policy LC3: Type and Mix of Housing
- Policy SC1: Development Within the Development Envelope
- Policy SC2: Sustainable Design and Construction
- Policy SC3: High Quality Development
- Policy SC4: Comprehensive Development
- Policy SC7: Flood Risk
- Policy SC9: Biodiversity and Geodiversity
- Policy SC10: Trees, Woodlands, and Hedgerows
- Policy SC11: Environmental Quality (Amenity)
- Policy SC12: Air Quality
- Policy SC13: Water Quality
- Policy ITCR5: Green Space and Play Provision
- Policy ITCR7: Playing Pitches
- Policy ITCR9: Local Transport Improvement Schemes
- Policy ITCR10: Supporting Sustainable Transport Patterns
- Policy ITCR11: Parking Provision
- Policy II1: Plan Delivery and the Role of Development Contributions
- Policy II2: Local Employment and Skills.

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

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

- Chapter 2: Achieving sustainable development.
- Chapter 4: Decision-making
- Chapter 5: Delivering a sufficient supply of homes
- Chapter 8: Promoting healthy and safe communities
- Chapter 9: Promoting sustainable transport
- Chapter 11: Making effective use of land

- Chapter 12: Achieving well-designed places
- Chapter 14: Managing the challenge of climate change, flooding and coastal change
- Chapter 15: Conserving and enhancing the natural environment.

### Supplementary Planning Documents

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

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

#### *Local Parking Standards:*

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

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

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

#### *Affordable Housing:*

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

### Planning Practice Guidance

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

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

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

*The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and viability evidence underpinning the plan is up to date, and site circumstances including any changes since the*

*plan was brought into force, and the transparency of assumptions behind evidence submitted as part of the viability assessment.*

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

Paragraph: 008 Reference ID: 10-008-20190509

Revision date: 09 05 2019

***"How should viability be reviewed during the lifetime of a project?"***

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

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

Paragraph: 009 Reference ID: 10-009-20190509

Revision date: 09 05 2019

## **ASSESSMENT**

### **Key issues**

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

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

- the principle of the development;
- whether the proposal represents comprehensive development;
- landscape, visual impact and design of the proposed development;
- whether the development would be provided with a safe and suitable access and the impact of the development on the local road network;
- residential amenity;
- public open space and impact on biodiversity;

- drainage;
- impact on local infrastructure and amenities (including viability); and,
- other matters raised in representations.

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

### Principle

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

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

### Comprehensive development

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

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

### Landscape, visual impact and design of the proposed development

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

Garage and Dunedin House, forming a visual edge and providing some existing urbanising context in views towards the site.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The proposal provides two parking spaces for 2 and 3 bedroom dwellings and three spaces

for 4 bedroom dwellings (including sufficiently sized garage spaces) in accordance with the parking standards set out in Appendix 8.2 of the Local Plan.

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

### Residential amenity

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

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

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

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

enhanced glazing and ventilation measures has been proposed for the dwellings nearest to the site. The Environmental Health Officer has recommended conditions requiring full accordance with the measures set out in the report and verification that the measures have been installed prior to occupation.

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

With regard to the proposed layout of the site itself, the dwellings and outdoor amenity spaces are orientated in terms of position, location of windows and doors, and location of gardens, to not result in unacceptable overlooking, overshadowing or overbearing impacts. Some rear gardens are smaller than the guidance set out in the Successful Places Supplementary Planning Document, but some are also larger and the overall balance across the site is considered acceptable.

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

#### Public open space and impact on biodiversity

Open space and playing paying pitches:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### Biodiversity:

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

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

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

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

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

## Drainage

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

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

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

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

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

## Impact on local infrastructure and amenities (including viability)

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

Despite the above, it is understandable that the existing local community has concerns about

the growth of the town and its impacts.

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

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

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

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

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

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

The assessment demonstrated that the development could provide 10% affordable housing on site and a total commuted sum contribution of £950,000. The Council had this assessment independently reviewed in March 2024, which actually concluded that the development could only viable provide £700,000 and therefore the applicant's offer was good. Given the time that

has lapsed since that review, the loss of one dwelling and change to the mix of house types across the site, and some updated costs provided by the applicant, it was considered that the position may have changed and the applicant agreed for the Council to have the viability position reviewed again. This concluded that evidence suggests sales price inflation has outpaced build cost inflation so the scheme could now viably provide 10% affordable housing on site and contributions totalling £850,000.

Given the proposal is now for 217 dwellings and it is usual for the formulas used by consultees to calculate their requests to change according to the Retail Price Index each financial year and / or changing capacity circumstances, up to date contribution requests have been sought. There are two major increases. Firstly, the addition of contributions under Local Plan policy ITCR7 were not included in the applicant's assessment, and secondly, Derbyshire County Council have revised their assessment of school capacity. In 2024, they reduced their ask by around £660,000 as analysis of the current and future projected number of pupils on roll at Bolsover C of E Junior School, together with the impact of approved planning applications showed that the normal area primary school would have sufficient capacity to accommodate the infant pupils arising from the proposed development. However, they have stated that the current position represents the need for more capacity, which increased the request to beyond circa £300,000 above their initial request.

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

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

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

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

Viability is clearly a significant negative of the proposal and consideration has to be given as to whether the proposal still represents sustainable development and whether the benefits of the development coming forward on the site outweigh the negatives of not providing full

infrastructure requirements, such that a recommendation to approve the development should still be made.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

In light of the above information and the shortfall between the conclusions of what the development has been requested to contribute to policy obligations and infrastructure provision and what the development is deemed to viably afford to contribute, it is considered that central to this case is whether the proposal would achieve sustainable development.

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

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

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

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

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

The Derbyshire County Council Protocol includes a recognition that there can be viability issues (paragraph 4.16 to 4.23). In relation to this, it is noted that Planning Practice Guidance Viability and the Department for Education (DfE) non-statutory guidance Securing Developer

Contributions for Education (August 2023) emphasise that developer contribution should be sought to contribute towards school places arising from housing development. This reflects that housing development should mitigate its impact on community infrastructure, including schools and other education and childcare facilities. Paragraph 11 acknowledges that the Basic Need Grant, the free schools programme and other capital funding do not negate housing developers' responsibility to mitigate the impact of their development on education.

Paragraph 13 of this national guidance identifies that while Basic Need capital allocations and other DfE capital funding such as the High Needs Provision Capital Allocations can be used for new school places that are required due to housing development, the DfE would expect this to be the minimum amount necessary to maintain development viability, having considered all infrastructure requirements. In paragraphs 78 and 80 the guidance also acknowledges that Section 106 planning obligations must be mutually agreed between the developer and the planning authority, so it is for the parties to the agreement to determine the precise terms of it, taking into account wider issues such as viability and the Community Infrastructure Levy Regulation 122 tests in each case. Paragraph 80 states that *"We recognise that local planning authorities can reduce education contributions due to development viability and their own prioritisation of infrastructure types, sometimes agreeing with the developer a lower total amount for education in a planning obligation."*

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

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

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

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

Paragraph 59 of the National Planning Policy Framework states that:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

While it is clearly finely balanced given the gap between the contributions requested and the contributions to be provided, it is, on balance, considered that there is more benefit to the development coming forward than not. Given the provisions of national policy and the adopted Local Plan to take viability into account and deviate from policy requirements where justified, the proposal’s viability has been thoroughly and independently assessed and the proposal is still considered to represent sustainable development in the round and would not be considered contrary to the development plan, having regard to all infrastructure requirements. A decision also has to be made as to where the £850,000 commuted sum should be directed. The Council’s adopted Infrastructure Study and Delivery Plan provides a basis for this decision by setting out a hierarchy as shown earlier in this report.

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

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

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

### Other issues

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

- Loss of light to neighbouring properties – *The development is not considered to result in unacceptable loss of light to any neighbouring properties.*
- Loss of privacy to neighbouring properties - *The development is not considered to result in unacceptable loss of privacy to neighbouring properties.*
- Loss of green space and lack of green space on the proposed development – *The latest proposal provides more green space. The existing land is privately owned and*

*not publicly accessible.*

- Cumulative impact with all other development approved in Bolsover – *The site is allocated for housing within the adopted Local Plan.*
- Increased pressure on local infrastructure – *Discussed above within the report.*
- Increased congestion – *The Local Highway Authority does not object subject to conditions.*
- Increased number of road traffic accidents - *The Local Highway Authority does not object subject to conditions.*
- More potholes – *Not a material planning consideration.*
- Limited parking within Bolsover – *Bolsover is one of the district's larger and most sustainable locations.*
- Overburdened education and healthcare facilities – *Discussed above within the report.*
- Lack of leisure facilities and activities for younger people in the immediate area – *This is not a reason to refuse planning permission.*
- Noise and dust during construction – *Some noise and dust is to be expected and is not a reason to refuse planning permission, but excessive noise and dust is controlled under Environmental Health legislation.*
- Impact on local wildlife – *Derbyshire Wildlife Trust are satisfied subject to conditions and biodiversity gain being sought.*
- Plans indicate a lack of pedestrian connectivity on Langwith Road – *A footpath spans the site along Langwith Road in the proposals.*
- Langwith Road Junction would be better as a roundabout – *The Local Highway Authority does not object subject to conditions.*
- Told some Council bungalows would be built on the site which are much needed – *The site is privately owned and the plans have not included bungalows.*
- Bus route good but dangerous at junction to Lawson Road - *The Local Highway Authority does not object subject to conditions.*
- Drains struggling and there have been problems on adjacent Hedgerows development – *The Lead Local Flood Authority does not object subject to conditions.*
- Seems to be well above 10% affordable housing – will this affect existing house prices – *Only 10% affordable housing is proposed. The impact on surrounding house prices is not a material planning consideration.*
- How will the ancient protected hedgerow be maintained if fencing is erected – *Conditions such as a landscape and biodiversity enhancement plan / planting retention schemes can be imposed.*
- Internal nest bricks should be used instead of the boxes proposed – *This can be conditioned.*
- Foxglove Drive shouldn't be a through road – *Policy seeks comprehensive development of the site as discussed above in the report.*
- Potential for a rat run through the Keepmoat development – can traffic calming measures / measures to stop cutting through be put in place? – *The final highway design / surface will be agreed with the Local Highway Authority.*
- Present buildings have already encroached too far and are an eyesore – *The Council has to allocate sufficient land for housing. It has directed most growth to the more sustainable settlements of the district.*
- No safe crossing near the development – *The development will connect with existing footpaths on Langwith Road.*

- Noise and fumes from extra traffic – *The site has been allocated for this form of development in the adopted Local Plan. There are no Air Quality Management Areas (AQMAs) in the vicinity.*
- New schools, doctors, dentists and leisure facilities should be built before - *Requests for contributions are sought based on policy and consultee responses. Where viability is an issue, consideration has to be given to whether the proposal still represents sustainable development with a reduced offer against the benefits of the proposal. This is done above.*
- Flooding concerns around balancing lagoon – *The Lead Local Flood Authority does not object subject to conditions.*
- Attenuation basin will be inadequate – *The Lead Local Flood Authority does not object subject to conditions.*
- Bolsover can't cope with all these new builds – *The direction of development set out in the Local Plan was found sound at its Examination in Public.*
- Layout and density seems excessive with lack of open/green space – *More public open space and less dwellings in the latest proposal.*
- Parking bays small in relation to modern cars, leading to road/kerb parking – *There is no basis to demand larger spaces.*
- Sewerage should not be discharged into the Keepmoat pumping station as it is already inadequate and potentially a serious health hazard – *The Lead Local Flood Authority and Yorkshire Water do not object subject to conditions.*
- Concerned about environmental impact – *Conditions / legal agreement to provide no net loss of biodiversity.*
- Increased flood risk to existing properties – *The Lead Local Flood Authority does not object subject to conditions.*
- Increased traffic will make it unsafe for children to play out - *The Local Highway Authority does not object subject to conditions.*
- Already houses that aren't selling – no local demand – *The Council must meet its nationally set housing targets or will risk having to accept poor schemes in less sustainable locations.*
- Reduced existing property values – *This is not a material planning consideration.*
- Wasn't consulted on the proposal – *The planning application has been publicised and consulted on in accordance with the Council's Statement of Community Involvement, which exceeds that which is set out in legislation.*
- It will spoil the rural elements of the town – *The impact on landscape is discussed above.*
- How long will construction traffic be for and will it be allowed along Foxglove Drive – The Local Planning Authority cannot control the speed of the development being built out and the Local Highway Authority have not requested any construction vehicle routing. It is however anticipated that development will commence from Langwith Road.
- Increased air pollution – *The development of the site represents a planned approach and there are no Air Quality Management Areas In the vicinity.*
- Bolsover will become overpopulated, high crime, urban sprawl, that visitors won't come to see – *The development of the site represents a planned approached and there is no evidence that it will lead to high crime or deter visitors.*
- Cul-de-sacs on Keepmoat Hedgerows development should not be opened up as through roads – *The Keepmoat development only forms the northern part of the*

*housing allocation and policy requires comprehensive development of such sites.*

- Pedestrian access only between the estates to allow easy access to the secondary School – *The Keepmoat development to the north and application site form one housing allocation within the Local Plan. It is simply being delivered by two different developers. It is unfortunate if purchasers of properties near connections have been led to believe otherwise.*
- Estate roads are privately managed so through roads would be unfair given residents pay the management fee – *This is a private matter and affected residents can contact the developer / management company.*
- If vehicular connection from the Hedgerows development is to be made, can it be towards the end of the construction to minimise mud, dust and congestion? A Project Management Plan will be conditioned and excess mud, dust and congestion is controlled by other legislation. The Local Highway Authority have not required a construction traffic routing plan or phasing plan, but it is anticipated that the development will commence from Langwith Road.
- Will the connection from the Hedgerows development delay the final road surface of that development? *This is outside of the control if the Local Planning Authority and may be dictated by the Local Highway Authority.*
- Number of houses has increased since 2013 plans with no nursery or care home – *Responses from Derbyshire County Council (responsible for education and adult social care) are set out above and discussed within the report.*
- The development encroaches into neighbouring property – *This is a matter to be resolved by the parties involved in the dispute.*
- Unable to maintain neighbouring property - *This is a matter to be resolved by the parties involved in the dispute.*
- More trees and grassland needs planting – *The latest proposal includes more public open space and street trees. Biodiversity control can also be conditioned.*
- Suggest further development in Bolsover is suspended until a full study is done of the impact of these developments on existing residents, and the strain they are putting on the local infrastructure – *The site is allocated for housing in the adopted Local Plan, which is supported by an extensive evidence base.*
- Palterton is taking the brunt of the traffic – *The Local Highway Authority does not object to the proposal.*
- Bolsover is losing its charm of a friendly community – *There is no link between this development and the friendliness of the community.*
- Bolsover has no swimming baths or leisure centre – *Access to leisure facilities are available at Clowne and Creswell, with Clowne also having a swimming pool.*
- Noise pollution from water pump and increased home insurance cost from being near the water lagoon
- Increase in anti-social behaviour due to lack of recreational amenities for children
- Due to a lack of green space proposed, new residents will likely use green spaces on the Hedgerows development, that residents of that development pay a management fee for
- Langwith Road junction is busy and poorly lit, not suitable for a housing estate so close. The junction is not suitable and would need widening
- There's accidents on the Palterton junction on Mansfield Road pretty much every week
- Langwith Road near the proposed estate is tight, access is limited and has a constant flow of large vehicles. A new road so close to a busy junction is a terrible idea

- The town is underfunded and cannot sustain more houses, it lacks the facilities of a larger town
- The development is outside settlement boundaries and countryside policies should apply
- Bolsover has already exceeded its share of housing
- Significant investment would be needed in road infrastructure

## CONCLUSION / PLANNING BALANCE

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

The proposal is considered acceptable in scale and design, and all other planning considerations apart from its ability to fully meet all requested contributions towards infrastructure.

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

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

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

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

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

supply and make the maximum amount of financial contributions that can be viably made to meet a number of local infrastructure capacity needs. This is particularly the case given the weight to be given to the Ministerial Statement about the need for housing and the Council's own five-year housing land supply position.

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

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

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

## **RECOMMENDATION**

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

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

**AND subject to the following conditions:**

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

- Updated Ecological Walkover R3-536-03-EC-03 06 March 2025
- Arboricultural Survey and Impact Assessment R3-536-03-AR-01 Received 17 December 2024
- Refuse Vehicle Swept Path Analysis 22029-DCE-XX-XX-D-C-160 Rev P01 02 December 2024
- Visibility Splays 22029-DCE-XX-XX-D-C-161 Rev P02 11 December 2024
- Bus Swept Path Analysis 22029-DCE-XX-XX-D-C-162 Rev P01 02 December 2024
- Cross Section 2213.05.01 Rev A 20 November 2024
- Cross Section 2213.05.02 Rev A 20 November 2024
- Boundary Treatment Plan 2213.06 Rev C 05 December 2024
- Refuse Plan 2213.07 Rev C 05 December 2024
- Tenure Plan 2213.08 Rev D 05 December 2025
- Parking Plan 2213.09 Rev C 05 December 2024
- Planning Drawings Various Boundaries 2213.B.01 17 August 2022 (received 13 December 2024)
- Planning Drawings Single Garage 2213.G.01 25 July 2022 (received 13 December 2024)
- Planning Drawings Twin Garage 2213.G.02 25 July 2022 (received 13 December 2024)
- Planning Drawings Type 1209 End/Mid Elevations 2455.1209.01 08 November 2024
- Planning Drawings Type 932 End/Mid 2455.932.01 08 November 2024
- Planning Drawings Fairhaven End/Mid 2455.FAI.01 08 November 2024
- Planning Drawings Type 764 End/Mid 2455.GOV.01 08 November 2024
- Planning Drawings Lansdown End/Mid 2455.LAN.01 08 November 2024
- Planning Drawings Newbury Detached 2455.NEW.01 08 November 2024
- Planning Drawings Osbourne Pair 2455.OSB.02 08 November 2024
- Planning Drawings Ramsey Detached 2455.RAM.01 08 November 2024
- Planning Drawings Tilsworth 2455.TIL.01 08 November 2024
- Transport Assessment (AMA) 21541-001 October 2022
- Interim Travel Plan (AMA) 21541-002 September 2022
- Highways Technical Note (AMA) 21541 10 December 2024
- Revised Design and Access Statement (Issue 2) November 2024
- Archaeological Evaluation (Written Scheme of Investigation) (CFA Archaeology) November 2022
- Planning Statement (PB Planning) September 2022
- Project Management Plan (PMP) 00.1a Issue 48 July 2022
- Tree Constraints Plan (root3) R3-536-03-AR-02 17 May 2022
- Tree Protection Plan (root3) R3-536-03-AR-03 25 August 2022
- Bat Report (root3) R3-536-02-EC-05 17 July 2025
- Ecological Impact Assessment (root3) R3-536-02-EC-01 Rev A 25 July 2022
- Geoenvironmental Appraisal (Lithos) 4350/1 July 2022
- Geophysical Survey Report (Magnitude Surveys) MSSK1317 July 2022

3. No development shall take place until a Written Scheme of Investigation for archaeological work has been submitted to and approved by the local planning authority in writing, and until any pre-start element of the approved scheme has been completed to the written satisfaction of the local planning authority. The scheme shall include an

assessment of significance and research questions; and

- a. The programme and methodology of site investigation and recording
- b. The programme for post investigation assessment
- c. Provision to be made for analysis of the site investigation and recording
- d. Provision to be made for publication and dissemination of the analysis and records of the site investigation
- e. Provision to be made for archive deposition of the analysis and records of the site investigation
- f. Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation

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

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

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

the approved details.

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

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

## **Statement of Decision Process**

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

## **Equalities Statement**

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

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

## **Human Rights Statement**

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

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

## Bolsover District Council

### Meeting of the Planning Committee on 18<sup>th</sup> February 2025

#### Historic Environment SPD – Consultation Draft

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

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

#### PURPOSE / SUMMARY OF REPORT

- To seek Member approval for public consultation on the update of the Historic Environment Supplementary Planning Document [Consultation Draft – February 2026].

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#### **REPORT DETAILS**

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

- 1.1 In accordance with the Council's approved Local Development Scheme (April 2024) and Regulations 11 to 16 of the Town and Country Planning (Local Planning) (England) Regulations 2012, work is ongoing on the preparation of a number of Supplementary Planning Documents (SPDs) to provide more detailed advice or guidance on policies of the Local Plan for Bolsover District (March 2020).
- 1.2 The Historic Environment SPD (2006) is a guidance document for all involved in making decisions on planning matters as they relate to the historic built environment as well as the general public / developers who may want to submit a formal enquiry or application.
- 1.3 Since the adoption of the Historic Environment SPD in 2006, there have been significant changes in national heritage policy and guidance and changes in local plan policy with the adoption of the Local Plan for Bolsover District (2020). Although the Local Plan for Bolsover District reflects the changes in national heritage policy and guidance, the Historic Environment SPD of 2006 does not. To remain effective and relevant, the SPD must reflect these changes in national and local policy to ensure that it continues to support the development management process as it relates to the historic built environment in line with current policies and practice.

### National Heritage Policy

- 1.4 The key change in national heritage policy is a significance-led approach to heritage management. This was first set out by English Heritage (now Historic England) in Conservation Principles (2008) and later formalised in Planning Policy Statement 5: Planning for the Historic Environment (2010).
- 1.5 PPS5 required planning applications affecting heritage assets to include a Heritage Statement explaining the asset's significance and assessing the potential impact of the proposal. The principles embodied in PPS5 were subsequently incorporated into the National Planning Policy Framework (2012 and later revisions) and PPS5 was subsequently withdrawn. The accompanying Practice Guide (last updated in 2019) continues to provide relevant guidance for the historic built environment alongside the NPPF.
- 1.6 Since the publication of the SPD in 2006, Historic England have published a number of Good Practice and Advice Notes including, 'Managing Significance in Decision Taking in The Historic Environment' (2015) which provides guidance on assessing and applying heritage significance in planning decisions. Also 'The Setting of Heritage Assets (2015 second edition)' which outlines how to evaluate and manage the impact of development on the setting of heritage assets. In addition, an Advice Note on Statements of Heritage Significance (2019) advises on preparing clear statements to support heritage impact assessments.

### National Climate Change Policy

- 1.7 The broader legislative and policy landscape within which heritage is considered has also evolved significantly since the SPD was adopted in 2006. Advances in technology, particularly those related to energy efficiency and conservation have also influenced what is now deemed acceptable in terms of alterations to heritage assets.

### Local Planning Policy

- 1.8 In accordance with National Policy, the policies of the Local Plan for Bolsover District (2020) focus on conserving the significance of historic assets and their settings. They require development to respect and enhance the character, context, and visual integrity of conservation areas, listed buildings, scheduled monuments, registered parks and gardens, and locally important heritage assets. It is acknowledged in the Local Plan that heritage assets contribute to the overall Plan aim of sustainability.

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

- 2.1 The consistent and proper application of the Local Plan is supported by the SPD reflecting its policies. The developments in National and Local Policy since the current SPD was adopted necessitates an update of the Historic Environment SPD (2006) to ensure it remains relevant, practical, and reflects current thinking and critically that the guidance aligns with the NPPF

and the current Local Plan. The proposed updated SPD thereby introduces guidance on retrofitting and balancing energy efficiency with heritage considerations.

- 2.2 Two new sections are also added, one on Historic Parks and Gardens and another on Setting. Historic Parks and Gardens are significant heritage assets in many ways; they preserve cultural heritage, provide biodiversity and green space, and contribute to community well-being. They also support education, tourism, and environmental sustainability, making their protection essential for not only heritage reasons.
- 2.3 The setting of historic assets provides the context that defines their significance and character. An asset's setting shapes how the asset is experienced and understood. The preservation of visual relationships, historical associations, and sense of place is key. Protecting the setting ensures that development does not harm the asset's integrity or diminish its heritage value. Historic England produced guidance on The Setting of Heritage Assets in its 2023 edition.
- 2.4 A further new section entitled Applying for Consent provides focused and up to date advice and signposting on the required information on submitting a preliminary enquiry or planning application. In this the SPD will support the Bolsover Local Validation Checklist by linking to it and offering detailed supplementary guidance.
- 2.5 By clarifying what heritage significance is and also setting out the evaluation of heritage impact, including defining levels of harm, justification requirements, and mitigation strategies, the proposed revised Historic Environment SPD aims to improve the understanding of heritage protection and encourage constructive engagement from applicants, communities, and consultees such as Parish and Town Councils.
- 2.6 The aim of the document is to provide an easily accessible framework that sets out why heritage assets are important, whilst signposting the reader to the significant amount of guidance available from Historic England, other Council documents and the Government. The new section on Applying for Consent is a key update that aims to convey the detailed consideration that the Council applies to the proposed development of all heritage assets.
- 2.7 The Development Management and Land Charges Team have been involved from the early stages of the update to ensure that in the reformatting and new content it will provide a useful document that can be easily navigated by all of those that use it.

#### Proposed public consultation arrangements

- 2.8 The Town and Country Planning (Local Planning) (England) Regulations 2012 set out that before a local planning authority adopts a SPD it must carry out public consultation for at least 4 weeks and make the document publicly available in a number of ways.

2.9 In addition, the Council's Statement of Community Involvement [SCI] outlines how the Council will seek to consult and involve people in the preparation of Local Plans and other planning documents, such as SPDs. The proposed consultation on the Historic Environment SPD is to be carried out in line with the requirements of the Regulations and the principles of the adopted SCI.

2.10 Those that have registered an interest on the Council's planning policy consultation database that have stated a wish to be notified of forthcoming Policy documents will be contacted directly by email and letter. Parish Council's will be notified so that their pages can link to the consultation.

2.11 It is proposed that the consultation document is made available for 4 weeks between 23<sup>rd</sup> February and 23<sup>rd</sup> March in the following ways:

- a digital copy of the Historic Environment SPD and consultation questionnaire will be available to read and print off on the Council's Supplementary Planning Documents webpage;
- a link on the webpage will direct people to a digital version of the consultation questionnaire that can be completed online;
- paper copies of the Historic Environment SPD and consultation questionnaire will be made available at the district's libraries and Contact Centres throughout the 4 weeks of the consultation period.

2.12 As part of the consultation, it is proposed that an exhibition illustrating the key content of the consultation SPD is put on display at The Arc with a corresponding drop-in event for Members on the day of the Full Council 4<sup>th</sup> March.

2.13 The proposed consultation draft version of the SPD is included as an Appendix to this report for Member consideration and approval is sought to commence public consultation on the document.

2.14 The detailed arrangements for the final content of consultation material will be agreed by the Assistant Director: Planning, in consultation with the Chair and Vice Chair of Planning Committee.

2.15 The outcome of this consultation exercise will be considered and reported, together with an updated SPD in light of the consultation feedback, to Planning Committee on the 15<sup>th</sup> April 2026 with the intention to put the Revised Historic Environment SPD to Full Council for adoption on 20<sup>th</sup> May 2026.

### **3 Reasons for Recommendation**

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

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

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

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#### **RECOMMENDATION**

That Planning Committee:

- 1) approve the contents of the proposed consultation draft Historic Environment Supplementary Planning Document as discussed in the report and attached as Appendix 1;
- 2) gives delegated authority to the Interim Strategic Director for Economic Growth, in consultation with the Chair and Vice Chair of Planning Committee, to agree the final arrangements of the proposed consultation exercise on the Historic Environment Supplementary Planning Document.

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

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#### **IMPLICATIONS:**

<b>Finance and Risk</b>	<b>Yes</b> <input type="checkbox"/>	<b>No</b> <input checked="" type="checkbox"/>
<b>Details:</b> The recommendations within this report do not have a significant financial implication for the Council.		
	On behalf of the Section 151 Officer	
<hr/>		
<b>Legal (including Data Protection)</b>	<b>Yes</b> <input type="checkbox"/>	<b>No</b> <input checked="" type="checkbox"/>
<b>Details:</b> No legal implications are anticipated to arise from this report.		
	On behalf of the Solicitor to the Council	
<hr/>		
<b>Staffing</b>	<b>Yes</b> <input type="checkbox"/>	<b>No</b> <input checked="" type="checkbox"/>
<b>Details:</b> There are no human resources implications arising from this report.		
	On behalf of the Head of Paid Service	
<hr/>		
<b>Equality and Diversity, and Consultation</b>	<b>Yes</b> <input type="checkbox"/>	<b>No</b> <input checked="" type="checkbox"/>
<b>Details:</b> There are no specific direct or indirect negative impacts on any person with a protected characteristic or any group of people with a shared protected characteristic arising from this report.		
<hr/>		

<b>Environment</b>	<b>Yes</b> <input type="checkbox"/>	<b>No</b> <input checked="" type="checkbox"/>
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**Details:** There are no specific environmental implications arising from this report, albeit the Historic Environment SPD will make a notable contribution to preserving and enhancing the historic built environment.

## **DECISION INFORMATION:**

<b>☒ Please indicate which threshold applies:</b>	<b>Yes</b> <input type="checkbox"/>	<b>No</b> <input checked="" type="checkbox"/>
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**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:

The design guidance contained within the Historic Environment SPD will cover the whole District.

<b>Yes</b> <input type="checkbox"/>	<b>No</b> <input checked="" type="checkbox"/>
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<b>(a)</b> <input type="checkbox"/>	<b>(b)</b> <input checked="" type="checkbox"/>
-------------------------------------	--

<b>(a)</b> <input type="checkbox"/>	<b>(b)</b> <input checked="" type="checkbox"/>
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<b>All</b> <input checked="" type="checkbox"/>
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<b>Is the decision subject to Call-In?</b>	<b>Yes</b> <input type="checkbox"/>	<b>No</b> <input checked="" type="checkbox"/>
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*(Only Key Decisions are subject to Call-In)*

If No, is the call-in period to be waived in respect of the decision(s) proposed within this report? *(decisions may only be classified as exempt from call-in with the agreement of the Monitoring Officer)*

<b>Yes</b> <input type="checkbox"/>	<b>No</b> <input checked="" type="checkbox"/>
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<b>Yes</b> <input type="checkbox"/>	<b>No</b> <input checked="" type="checkbox"/>
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**Consultation carried out:**

*(this is any consultation carried out prior to the report being presented for approval)*

**Leader**  **Deputy Leader**  **Executive**  **SLT**   
**Relevant Service Manager**  **Members**  **Public**   
**Other**

Portfolio Holder for Growth and internal stakeholders.
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## **Links to Council Ambition: Customers, Economy, Environment, Housing**

### Environment

- Ensuring all area, neighbourhoods and streets in the district, irrespective of housing tenure or type, are places where people want to live, feel safe, and are proud to live.

### Economy

- To attract more visitors and inward investment to the area, a focus for a new place narrative.

## **DOCUMENT INFORMATION:**

<b>Appendix No</b>	<b>Title</b>
1	Historic Environment SPD Update [Consultation Draft 2026]

### **Background Papers**

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

DECEMBER 2024



# The Historic Environment Supplementary Planning Document Update

Consultation Draft November 2025

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# Preface

This draft update of the Historic Environment Supplementary Planning Document (SPD) first adopted in 2006 is being prepared in accordance with Regulations 11 to 16 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

In accordance with National Planning Practice Guidance this SPD builds upon and provides more detailed advice or guidance on policies in the adopted local plan. As such it is a material consideration in decision-making.

The guidance contained in this update supports Policies SC16 – SC21 of the Local Plan for Bolsover District (March 2020) by providing advice on the conservation and enhancement of the historic built environment.



## Policy Context

# Policy Context

## National

Central Government Guidance on the Historic Built Environment is contained within Section 16 of the National Planning Policy Framework (2024), Conserving and Enhancing the Historic Environment. The guidance advises that heritage assets should be conserved in a manner appropriate to their significance.

As set out in the NPPF, if development causes harm to the significance of heritage assets it must be clearly justified. Substantial harm is only considered acceptable in exceptional cases and must be outweighed by significant public benefits or proven lack of alternatives. Less than substantial harm should be weighed against public benefits.

## Local

The National Policy embodied in the NPPF is taken forward at a Local level in the Local Plan for Bolsover District (March 2020). The policies that address the conservation of the Historic Environment are included in Chapter 7, Sustainable Communities.

**SC16** – Development Within or Impacting Upon Conservation Areas

**SC 17** – Development affecting Listed Buildings and Their Settings

**SC18** – Scheduled Monuments and Archaeology

**SC19** – Bolsover Area of Archaeological Interest

**SC20** – Registered Parks and Gardens

**SC21** – Non Designated Local Heritage Assets

## Purpose of document

The purpose of the SPD is to provide guidance to developers, architects, agents and landowners when considering development that will impact on an historic asset.



## 1.0 Introduction

# Introduction

This Supplementary Planning Document (SPD) has been developed to provide guidance on the protection of the District's historic environment. The document defines how the best parts of the District's wider cultural heritage encompassing Conservation Areas, Listed Buildings, historic agricultural buildings, Historic Parks and Gardens and archaeology will be protected and conserved. The document forms part of the Bolsover District Local Development Framework and supports the Local Development Documents.



## Document layout

**Local Distinctiveness**, detailing the important historic landscapes and historic landscape features of the District.

**Conservation Areas**, guidance on development in conservation areas and the key considerations.

**Listed Buildings**, guidance on the definition, selection and classification of listed buildings. Guidance on alterations, fixtures and fittings, extensions and repairs.

**Historic Agricultural Buildings**, guidance on rural buildings, the conversion of farm buildings into residential use, extensions to buildings and design considerations including general features, roofs, openings, curtilage and nature conservation.

**Historic Parks and Gardens**, guidance on criteria for designation and description of registered Parks and Gardens in Bolsover District.

**Archaeology**, guidance on areas of archaeological importance, scheduled monuments, medieval settlements, the assessment of planning applications that affect archaeology including archaeological appraisal, desk-top study, site evaluation and mitigation and the portable antiquities scheme.

**Setting**, guidance on the importance of setting in assessing significance of heritage assets

**Applying for Consent**, guidance on validation, heritage impact assessment and the evaluation of Significance.

**Appendices**, comprising plans of settlements with potential for medieval archaeology, a list of scheduled monuments and a list of conservation areas and their designation dates.

## 2.0 Local Distinctiveness



## Description of Bolsover: local distinctiveness

2.1 The district falls into areas of well defined landscape character and quality. These areas are shaped by the local geology, which has determined the pattern of use of the landscape, the age and distinctive character of the historic settlements.

### Limestone Farmlands

2.2 The northern half of Bolsover is distinguished by the underlying geology of magnesian limestone and is known as the Limestone Farmlands. Within Derbyshire this was covered by extensive broad-leaved forest but was cleared for farming. The Limestone Farmlands are characterised by an elevated, gently rolling plateau dominated by intensive arable farming, large limestone woodlands (e.g., Whitwell Wood), and scattered remnants of magnesian limestone grassland. It is a strongly rural, open landscape with hawthorn hedgerows, stone walls, and, in some areas, significant ecological interest.

2.3 The limestone plateau is dissected by a number of spectacular gorges cut by melt water at the end of the last ice age. These gorges contain some of the earliest archaeological remains in Britain including traces of Neanderthal occupation. The presence of a ready supply of water in these steep sided river valleys meant that the pattern of human activity is closely linked to these gorges up until the 20th century.

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2.4 The limestone escarpment also clearly had strategic importance with its wide vantage points as there is evidence of very early human activity. There are traces of Bronze Age and Mesolithic activity within the town of Bolsover and for a time there was also Roman occupation. Many of the settlements in the north of the district feature in Domesday (1087). In the 11th century William Peveril built the first Bolsover Castle which led to the development of Bolsover town one of only two medieval planned market towns in Derbyshire. This can still be witnessed in the town's surviving gridiron street pattern.

2.5 The strong pattern of development in the ridge settlements of Palterton and Bolsover, is also rooted in medieval origins; plots of land comprising furlongs were subdivided into paddocks and then further subdivided into the characteristic "strips" of land, running from the main street to the back street. In many instances buildings have their long axis gable-end onto the street, and have maintained their narrow enclosed paddocks following the linear plots with access to outbuildings at the rear.

2.6 By the early and mid-19th century the fertile and free-draining soils of the magnesian limestone led to large-scale intensive arable and the development of model-type farms. The Welbeck Estate (Duke of Portland) was responsible for much of the development of the

model farms. A number of farm groups within the north of the district have been designated as a conservation area. Many of these date from the first half of the 19th century and a number are based on 19th century model farming principles. It is the character of the existing farm groups, their scale, massing, utilitarian appearance and historic uses which makes these important within the landscape. See Farmsteads Conservation Area Appraisal.

2.7 Coal mining was late to develop in this part of the district because of the technical difficulties of reaching the deep coal seam reserves under the magnesian limestone. This was achieved in the late 19th century with the introduction of deep mining. A consequence of this was the creation of purpose-built settlements in response to the large scale of late 19th century mining operations. The purpose-built industrial housing were complete settlements, with all the trappings of the industrialists' aspirations and commitment to their new workforce; Co-operative stores, schools and buildings for social gatherings.

2.8 The district has two of the best-preserved model villages of their type, New Bolsover and Creswell, both built by Bolsover Colliery Company. Well-planned terraced housing is also prevalent within other ex-mining communities particularly Whaley Thorns and Shirebrook Model Village and Hilcote. The district also has one of only 2 surviving sets of colliery headstocks in the County at the former Pleasley Colliery (a scheduled ancient monument). Settlement in this northern

area of the district includes Bolsover and Palterton which sit on the ridge of the magnesian limestone escarpment with Scarcliffe, Stony Houghton, Upper Langwith, Elmton and Whaley on the plateau beyond. Many of these settlements feature in the Domesday Book of 1087. Scarcliffe and Bolsover are strongly nucleated settlements and share this characteristic with Shirebrook, Whitwell and Barlborough. The smaller villages such as Whaley, Elmton and Belpth started small with a nucleus but as common land was enclosed in the 1850's, they developed in a more random fashion. They are now dominated by mid C19 farms and farmworkers houses. To the west of the ridge are the slopes of the escarpment with the undisturbed remains of early field enclosure.

2.9 The limestone gorges are all characterised by a strong sense of enclosure within the U-shaped valleys, with exposed limestone rock faces and caves, and a natural species-rich habitat that includes the ancient woodland, a dense deciduous forest that once covered the limestone plateau. Within this landscape the textile mills of Pleasley Vale were located on the site of an earlier 18th century corn mill. They expanded significantly in the 19th century with the growth of textile manufacturing. By 1860 the complex comprised three huge mill buildings and associated structures. The Pleasley Mills were first developed for cotton spinning, following the example of other mill owners in Derbyshire in the Derwent Valley, and later for the production of Viyella.

2.10 The limestone gorges were the subject of a detailed archaeological evaluation (Arcus – March 2004) which provides a useful source of information of the surviving archaeological remains. Creswell Crags is the northernmost location in the UK for detailed evidence of Upper Palaeolithic human activity and is of international significance. Further to the north is Markland and Hollinhill Grips, comprising limestone ditches, an Iron Age promontory fort (located on the route of the ancient Packman Way) and prehistoric caves. Clowne Crags, a smaller outcrop of magnesian limestone is centred around the village of Clun (now Clowne) which was first recorded in 1036.

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## Estate Farmlands and Wooded Farmlands

2.11 The eastern edge of the district is characterised by the Estate Farmlands and Wooded Farmlands. Estate Farmlands are defined by planned, orderly landscapes with large estates, parkland, and geometric fields. Wooded Farmlands are characterized by ancient woodland, high tree cover, and irregular fields. There are a number of villages comprising farm-based settlements, developed as part of the historic estate of Hardwick Hall (now owned by the National Trust and Chatsworth Estate). These villages largely escaped recent mining activity because of the historic estate control over the land.

2.12 Settlement in this area developed mainly along the edge of commons and so the pattern of the settlement is a sinuous shape reflecting the piecemeal pattern

of enclosure. Rowthorne and Stainsby were ribbon settlements that share with Palterton the characteristic medieval pattern of buildings along a main street with long thin crofts behind them. Villages supported mixed farming and historically were surrounded by an estate-managed landscape but this is becoming more disparate as some of the farms have been sold and plots subdivided. The land is gently undulating and views into and between the settlements within it are therefore extremely important.

2.13 The traditional buildings are characterised by predominantly coal measures sandstone and slate or clay pantile roofs, often with an eaves course of stone-slate. Many have the Hardwick Estate distinctive identity marked by the National Trust (dark green) or Chatsworth Estate (blue green) colour schemes and by a common window pattern; timber-mullioned casements with single horizontal glazing bars. The local stone is a carboniferous sandstone that outcrops just below Hardwick Hall, although Rowthorne falls just on the limestone, reflected in the change in the local building stone.

2.14 Historic estates and their parkland landscape quality are recognised with the designation of conservation areas for Hardwick Hall, Carnfield Hall, Southgate House and Barlborough Hall. The tree cover associated with these conservation areas is high in ecological as well as landscape value. The long retention of these parks in single ownership has led to the survival of many archaeological and designed landscape features.

## Coalfield Village Farmlands and Estatelands

2.15 Within the south of the district the Coalfield Village Farmlands are characterised by undulating terrain, gentle ridges, and shallow valleys formed by coal measure geology. This landscape is a mix of agricultural land and 19th-century industrial development, featuring dispersed mining settlements, low-cut hedgerows, and scattered woodland, with increasing urban influence. The conservation areas of Old Blackwell, Newton and Tibshelf all fall within this geological area of the middle coal measures.

2.16 In this area coal deposits were historically closer to the surface, either shallow or outcrops and could be removed simply by opencast or bell-pit methods this led to the earliest known mining activity in the district which dates from the medieval period. A coal pit was mentioned in Tibshelf in 1330. However, the greatest concentration of activity was in the 17th century in Hardwick (1656), South Normanton and Pinxton (1669) and Blackwell (1673). The extraction of coal continued in the south of the district into the 20th century but largely ceased in the 1960's except for open casting.

## Building Materials

### Walls

2.17 The earliest standing buildings in the district used the stone immediately available to hand. The geology of the district is composed of two main building stones; magnesian limestone and coal measures sandstone.

These stones vary a great deal in colour and texture.

2.18 **Magnesian limestone** has a wide spectrum of colour and is often mistaken for sandstone. Limestone outcrops in the Whitwell and Belphe areas are pink, they become a creamier colour further south, and more yellow and gritty in texture towards Pleasley. In Palterton the stone outcrops in red, brown and yellow. In Bolsover, just a few miles further along the ridge, it outcrops in a creamy-yellow colour. These local differences are reflected in the colours of the earliest stone buildings.

2.19 In the mid-19th century improvements in transport meant that magnesian limestone could be used from further afield. In 1839 Bolsover Moor limestone was the preferred choice for the Houses of Parliament. The transportation of building materials provided villages, such as Whitwell and Palterton, which expanded in the 19th century, with buildings in a variety of colours of limestone. These more recent 19th century buildings tend to be constructed from more regular and larger blocks of creamy-coloured limestone, with square dressed lintels.

2.20 Sources of stone for building using magnesian limestone are now invariably from outside the district. Sources of local stone are unfortunately all second-hand, reliant upon the demolition of existing historic buildings

2.21 **Coal measures sandstone** within the district can be found to the western fringes and south-west of the

magnesian limestone plateau. Numerous small quarries once existed, but there are no sources of coal measures sandstone now quarried in the county apart from Hardwick Hall quarry which is only permitted for use by the National Trust.

2.22 The appearance of the stone varies according to the age of the building. Generally, the older the property, the narrower the courses, which will have been locally hewn from small outcrops. The older buildings are finished with large dressed flush quoins. Buildings from the 19th century are likely to have been built from stone transported from elsewhere. These buildings are built from larger quarried blocks without the same need for quoins.

2.23 Barlborough falls on the edge of the coal measures and the magnesian limestone plateau. Within Barlborough the building stone reflects this mixed geology of the area as both magnesian limestone and coal measures sandstone can be seen used in the same building.

2.24 **Mansfield White**, a sandy dolomitic limestone quarried in Mansfield to the south of the magnesian limestone, is used on many of the buildings within Pleasley. This stone is distinctive for its blue-green veining. This stone has also been used for many of the high-status buildings in the district and was the choice for Southwell Minster.

2.25 **Brick** is limited in its early use to the central and north parts of the district, undoubtedly because of the local availability of stone. The use of red brick was much

more common in the southern part of the district and here it is found in the late 18th century and throughout the 19th century, with farmyards containing generally a mixture of stone and brick.

2.26 There are a few instances where brick was used deliberately to stand out, such as the former Presbyterian Church of 1662 in Bolsover, where the use of brick combined with stone dressings was a deliberate and fashionable choice. Equally within Bolsover, there are instances where red brick was considered too strong a visual contrast with the local mellow stone and the yellow/white gault brick was used, imported from East Anglia in the late 19th century.

2.27 With industrialisation brick became more commonly used. New Bolsover Model Village (1894), for example, was built from the Colliery Company brickworks within the colliery site. Red brick is commonplace elsewhere in the late 19th century colliery villages and housing.

## Roofs

2.28 Roofing materials comprise a wide palette across the district. The historic use of magnesian limestone diminishing-course roofing slate has all but disappeared. One or two examples survive within Whitwell, Steetley and Bolsover. Similarly thatch roofs are also no longer a feature of the district's buildings, though within the southern part of the district thatch can be found used exclusively on cottages.

2.29 Graduated Westmoreland slate and Welsh slate has tended to replace these earlier types of roofing material on the more formal buildings and houses. Pantiles have however remained as a traditional roofing material for cottages and outbuildings. An eaves course of stone slate has often been inserted to the pantile roof to create a weathering "tilt" at the eaves and is seldom a vestige of an earlier stone slate roof.

### **Summary Advice**

It will be important that in selecting stone for new development in conservation areas, or the repair of historic buildings, that stone of the appropriate geological type, colour and texture is chosen to fit the locality.

The use of artificial materials for historic buildings, particularly for replacement roofs, will not be approved.



### 3.0 Conservation Areas



## Introduction

3.1 Further planning guidance on each conservation area is available in the form of Conservation Area Character Appraisals. [www.bolsover.gov.uk/conservation-areas](http://www.bolsover.gov.uk/conservation-areas)

3.2 There are at present 28 conservation areas within the district (see Section 10.0). In some conservation areas, additional controls have been added in the form of Article 4 Directions to control development. These are within Whitwell, Bolsover, Creswell, Belphe, Hardstoft, Hardwick and Rowthorne, the land west of Bolsover Castle and Creswell model village.

3.3 The appraisals identify the key buildings and features that contribute to their heritage significance.

3.4 Policy SC3 of the Bolsover District Local Plan (2020) as supported by the Successful Healthy Places SPD aims to deliver high quality places across the district as a whole and for development to respond positively to the context and contribute to local identity and heritage.

## Conservation Areas and the Impact of Development

### Settlement Pattern

3.5 Within the district of Bolsover there are a number of characteristic historic settlement patterns. Examples include the nucleated settlements, and the ribbon

settlements that incorporate evidence of medieval strip-farming and a back lane.

3.6 Historic settlement patterns will need to be preserved in any schemes for redevelopment or new development.

### Buildings

3.7 Buildings shape the townscape in several key ways. They establish the character and identity of a place through their architectural style, history and collective form. Their arrangement in street patterns, plot layouts, heights and proportions creates the rhythm and grain of a place, which new development should respect. Traditional materials and architectural details contribute strongly to local distinctiveness. Buildings also frame important views and vistas, so new proposals must preserve or enhance these visual qualities.

### Archaeology

3.8 Archaeology is a key consideration in those conservation areas that were medieval settlements as there is significant potential for archaeological remains. These are discussed in detail under Archaeology and are addressed by policies SC18 and SC19 of The Local Plan for Bolsover District (2020). The local authority will assess the potential for archaeology in determining the approach to development on any site by consultation with the Development Control Archaeologist. Where

there is significant potential that archaeology will be disturbed an evaluation may be required.

3.9 Spaces between buildings can be important to the character of the conservation area. These include village greens, areas of common land, rocky outcrops and green knolls, the garden setting of large historic houses, the agricultural setting of farmyards and churchyards. Large houses, with substantial gardens, are often part of the historic settlement pattern and part of the historic and architectural interest. Rectories, for example, often had large gardens, which reflected their historically high status within the village.

3.10 Open spaces within conservation areas are important to the setting of buildings and the character of the settlement. Policy SC16 of the Bolsover District Local Plan (2020) includes open spaces as a key characteristic of the character and appearance of conservation areas.

## Design

3.11 The district council welcomes innovative modern design, where this pays particular respect to the architectural language of the locality and the context, whether this is an urban or rural setting.

3.12 The district council will normally require a Design and Access Statement where new development is proposed in a conservation area. This will need to identify the context, consider important views, the topography of the land, the pattern of existing development (including pedestrian routes and connections and the density

of existing development), the scale of neighbouring buildings, and the local palette of materials. With all this taken on board, the Design and Access Statement should identify where it will add to the historic context in a positive way.

3.13 For detailed guidance about new design in a historic environment a good source is "[Buildings in Context – New development in historic areas](#)" CABE/ English Heritage 2001 and the guidance included in Design in the Historic Environment: Historic England Feb 2022.

Where new buildings are designed in a traditional form, certain details are required to be incorporated that reflect the distinctive character of the locality. Where these are not incorporated into a design, they will be added as conditions. These are:

- Traditionally detailed windows and doors
- Cast-metal rainwater goods
- Traditional flush eaves, without fascia boards
- Plain flush verges or raised coped gables, without barge-boards
- Coursed stonework, laid evenly coursed
- Stone lintels and cills
- Roofing materials of natural slate, red clay pantiles or red clay tiles

## Principles of Assessment

In assessing the effect of a proposal on the special character or appearance of a Conservation Area, particular regard will be given to:

- 1.** the design of the proposed development, both in general form and in detailing;
- 2.** the proposed materials of construction and the extent to which they conform to the prevailing traditional building materials and styles of the conservation area;
- 3.** the scale of the proposed development; and
- 4.** the relationship of the proposed development with existing buildings;
- 5.** the impact of the proposed development on important open spaces within the conservation area;
- 6.** the impact of the proposed development on known or potential archaeological remains;
- 7.** the relationship of the proposed development to the historic street pattern;
- 8.** the impact of the proposed development on views into, out from and within the conservation area, including views of important buildings; and where appropriate
- 9.** the impact of new uses on the area's special character or appearance
- 10.** the impact of the proposal on the historic landscape character

Proposals for the demolition of historic buildings or structures that make a contribution to the historic character of conservation areas will be resisted.

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## 4.0 Listed Buildings



## 4.0 Listed Buildings

4.1 Listed buildings are an important part of the cultural heritage of the district, and the Council is committed to them.

### What is a Listed Building?

4.2 The government (Department for Culture Media and Sport) produces a list of buildings of special architectural or historic interest that covers the whole of England. These are "listed" buildings. Each area of the country has its own list and the list for Bolsover has 191 entries (396 buildings). [historicengland.org.uk/listing/the-list](https://historicengland.org.uk/listing/the-list)

4.3 The list includes a wide variety of structures, representing the best of English buildings. It ranges from castles and cathedrals, and includes structures such as mileposts, statues and bridges. When a building is assessed for "listing", both its historic interest and its architectural interest are considered. Each building is looked at on the basis of a set of national criteria. If a historic building is not listed, it will usually be because it has not met the government standards but there are exceptions that have been over-looked and sometimes these will be individually "spot-listed".

4.4 A listed building includes the building itself (in the list description), any object or structure fixed to it or any structure within the curtilage (i.e. within the boundary) of the premises that pre-dates July 1948.

### How are they selected

4.5 Very broadly speaking the criteria for listing buildings are:

- all buildings built before 1700 which survive in anything like their original condition
- most buildings of 1700 to 1840, though selection is necessary
- between 1840 and 1914 only buildings of definite quality and character, and the selection is designed to include the principal works of the principal architects
- after 1914 only selected outstanding buildings are listed
- buildings that are less than 30 years old, only if they are of outstanding quality and under threat
- buildings that are less than 10 years old are not listed

4.6 In choosing buildings particular attention is paid to:

- age and rarity
- special architectural interest or social and economic interest (e.g. industrial buildings, railway stations, schools, planned social housing, almshouses, prisons, mills)
- technological innovation or virtuosity
- association with well-known characters or events
- group value, especially as examples of town planning (e.g. model villages, squares, terraces)

## How are buildings classified in importance

4.7 There are three categories of listed building that are classified in grades according to their importance; grade I, grade II\* and grade II.

**Grade I;** these are buildings of exceptional interest (only about 2% of listed buildings are in this grade) Bolsover has 7 grade I listed buildings

**Grade II\*;** these are particularly important buildings of more than special interest (only about 4% of listed buildings) Bolsover has 25 grade II\* listed buildings

**Grade II;** these are buildings of special interest, which warrant every effort being made to preserve them (94% of listed buildings) Bolsover has 363 grade II listed buildings

## Alterations

4.8 Most listed buildings, though not all, can accommodate some degree of sensitive alteration.

4.9 Any alterations that affect the character of a listed building either internal or external, will require Listed Building Consent. The test that the local authority will apply is whether the alterations proposed affect the building's special architectural or historic interest. In some cases repairs (such as re-roofing, cleaning or re-rendering) can also affect the special character and will require Listed Building Consent.

4.10 Interiors of listed buildings are also protected by law, as is the setting of the building. If work involves removing

any historic fittings or finishes, such as plaster, this will need Listed Building Consent. If in doubt, you should consult the Conservation Manager.

4.11 In formulating your proposal for alterations you should give special consideration to the historic character of the building. You are advised to seek the advice of an historic building specialist to assist you with your application. They should be able to assess the development of the building over time and advise you on the best solutions that avoid damage to the historic fabric.

4.12 As part of your submission for listed building consent you or your adviser will need to consider:

- The significance of the building, its intrinsic architectural, artistic, archaeological or historic interest and its rarity in both national and local terms
- The particular features of the building that contribute to its significance
- The impact of your proposals on that significance, including its overall character or any particular features
- The impact of your proposal on the setting of the building as part of that significance

4.13 Planning permission and/or Listed Building Consent will only be granted if proposals for alteration would preserve the special interest of the listed building and would not harm its significance as a heritage asset. To this end a Heritage Impact Statement including

a Statement of Significance, will be required to accompany any applications.

## General

- Listing includes the interior and exterior of the building, any object or structure fixed to it and any structure within the curtilage which pre-dates July 1948.
- It is a criminal offence to carry out any unauthorised work
- Owners of listed buildings have a duty of care to look after them

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## Historic Fixtures and Fittings

4.14 Historic buildings will have been added to and adapted over the years. Later additions to a historic building can be of particular interest. Georgian or Victorian plasterwork, for example, should not be removed to reveal timber beams underneath. Generally it will not be appropriate to strip back later historic features to reveal earlier phases of a building. Most works of "restoration" will need Listed Building Consent. If in doubt, consult the Conservation Officer.

4.15 Windows and doors are also an important part of the fabric of the building. They are important architectural and historic elements and tell us much about the evolution of a building. The fenestration (the arrangement and detail of windows) is often essential to its historic character and is key to identifying its

historical development. Windows evolved with fashion, style and technical know-how. For example, early sash windows in the early 18th century, with thick ovololo-moulded glazing bars, gave way to very slender glazing bars in the Georgian period and larger panes of glass in the later 19th century. Historic windows are important elements of buildings and tell us much about their evolution.

4.16 The specific material of an historic window is an integral part of the building's character. For that reason, replacement of historic windows with modern materials, such as uPVC, will not be approved. Alternative options to window replacement include:

- Refurbishing windows to add draught-proofing.
- Making use of existing internal shutters
- Installing secondary glazing
- Using thermally lined curtains or insulated internal blinds

4.17 Original doors and their surviving furniture should be retained and repaired if possible. Replacement doors should copy the original in terms of materials, detailed design and paint finish. Modern off-the-peg doors are not generally acceptable for use in listed building. Unpainted hardwood or stained or varnished softwood doors are rarely suitable.

4.18 Replacing any window in your property requires Building Regulations approval, even if a like-for-like replacement is being made.

4.19 Listed Building Consent or planning permission will not be approved where it results in the loss of important historic fixtures or fittings.

## Extensions

4.20 Extensions will only be permitted where the special character of the building can be preserved. Any proposal will need to consider the impact of an extension on the character of a building and on its setting and demonstrate this in a Heritage Impact Statement.

4.21 In formulating your proposal you should give special consideration to the historic form, building details, scale and context of the building. You are advised to appoint a suitably qualified historic building specialist to assist you with your application.

4.22 The scale of the extension should be subordinate to the host building. Particular attention should be paid to the proportions of the building, the detail of the roof and eaves, the bond of any historic brickwork or coursing of the stone masonry, the detail of the windows and any other particular features. Sufficient details should be illustrated on the drawings.

4.23 There are occasions when an extension will not be acceptable. This is particularly the case for very small or compact buildings, those that have a strong symmetrical design, those set-piece designs by famous architects, or those that have been overdeveloped in the past.

4.24 Planning permission and/or Listed Building Consent will only be granted if proposals for extension would preserve the special interest of the listed building.

There are three main considerations to bear in mind when considering an extension:

- How will the extension affect the aesthetic appearance of the building and its setting?
- How will the extension affect the original fabric of the building?
- How will the extension affect the plan form of the building?

## Maintenance and Repair

4.25 Prior to undertaking any work to repair an historic building it is important to understand the form and development of the building. It is generally advisable to obtain professional advice. Alterations and repairs to historic buildings require specialist skills in traditional building construction and repair.

4.26 The repair of old fabric is almost always preferable to the introduction of new materials, although sometimes it is not possible to achieve this. The old has patina and authenticity. These characteristics are irreplaceable.

4.27 Like for like repairs using traditional materials do not require consent.

4.28 It is essential that a traditionally constructed building is allowed to breathe. Traditional buildings do not normally have cavity walls and a waterproof outer skin. Most are built from solid masonry and they rely on the ability of the walls to breathe, so that any surface moisture evaporates quickly. A fully air-tight building could store up such problems as condensation and dry rot.

## Damp

4.29 A major concern for most historic building owners is damp. With traditional buildings there are a few key things to remember to avoid damp:

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- Clean out gutters, hoppers and catchpits twice a year, particularly after the leaf fall in the autumn
- Maintain all gutters, rainwater pipes and hoppers by painting (if cast – metal or timber), securing joints and checking the correct fall
- Ventilate, open windows and allow the building to air over the spring and summer months
- Re-point masonry (where necessary) using a lime mortar
- Maintain leadwork on the roof; lead flashings on chimney stacks and lead valleys
- Avoid a build-up of soil around the exterior walls. Try to keep the ground level outside the building lower than the ground level inside. This can be helped by a French drain. If you have penetrating damp because the higher land is not in your ownership, you may have to consider tanking the walls

- Never block up air vents to suspended floors
- Never cover up or bridge a damp proof course (this should be at least 6" above ground level)

4.30 Historic windows and doors do eventually need repair and sometimes replacement. Replacements will normally need to be custom made. All historic details should be duplicated so that the new window or door is an exact copy of the original with an approved design subject to Listed Building Consent.

## Mortars

4.31 When re-applying render it should be carried out in a lime mortar to enable the walls to breathe. Paints should be water-based or mineral-based so that any moisture is not sealed in.

4.32 When re-plastering internally it is always advisable to use a lime-based renovating plaster (or lime and hair plaster) rather than cement or Gypsum plaster, which are dense materials and do not match the flexibility and breathability of historic buildings.

4.33 Traditional buildings will require re – pointing at some time. It is important to match the original mortar if at all possible. Generally, 1:3 (hydraulic lime: sand) is desirable for repointing brickwork and stonework. Lime is important as it enables the wall to breathe and lengthens the life of the stone or brick. Washed or well-graded sand will provide the texture needed to match traditional mortars. In order to match up new mortar with old, care should be taken to select sand that is similar

and it may be necessary to experiment to get the right colour and texture. Mortars did not traditionally use red sand, although this is now widely available.

4.34 Further information on repairs can be obtained from the Institute of Historic Building's website [www.ihbc.org.uk](http://www.ihbc.org.uk) listed buildings checklist.

## Retrofit Advice

Improving the energy efficiency of heritage buildings requires careful planning to balance energy savings with the preservation of historic fabric. Key strategies include improving heating systems, adding insulation, draught-proofing windows and doors, and installing secondary glazing instead of modern double glazing.

A whole-building approach, focusing on a holistic and balanced solution that respects the building's character, is essential for successful energy retrofitting.

Historic England has produced an Advice Note to provide clarity in relation to proposals to reduce carbon emissions and improving the energy efficiency of historic buildings whilst conserving their significance and ensuring they remain viable places to live in the future. Available to download using the link below.

Adapting Historic Buildings for Energy and Carbon Efficiency | Historic England: [historicengland.org.uk/images-books/publications/adapting-historic-buildings-energy-carbon-efficiency-advice-note-18](http://historicengland.org.uk/images-books/publications/adapting-historic-buildings-energy-carbon-efficiency-advice-note-18)

A range of technical advice and guidance is also available

from Historic England on climate change mitigation and adaptation for resilience, including energy efficiency, retrofit, and Net Zero. This information can be accessed using the link below.

Energy Efficiency and Retrofit in Historic Buildings | Historic England: [historicengland.org.uk/advice/technical-advice/retrofit-and-energy-efficiency-in-historic-buildings](http://historicengland.org.uk/advice/technical-advice/retrofit-and-energy-efficiency-in-historic-buildings)

Works to improve the energy efficiency of historic buildings is highly likely to require formal consent. Advice on what would be required and how the impact would be evaluated is provided later in this chapter.

## New Buildings

4.35 A listed building (including its curtilage) is protected by law from inappropriate development. Any building work within the curtilage will need planning permission. There are no permitted development rights.

4.36 The legislation also protects the wider setting of listed buildings. Applications for development can be turned down on the grounds of damage to the setting.

4.37 There is no rule of thumb defining at what distance the proposed development has to be away from the listed building to affect setting. An assessment of setting is not just confined to views to the listed building but also views from the listed building.

4.38 The setting can be an integral part of a building's character. This could be a formal garden design if it is a house, or a designed parkland if it is a country house, or a space that served the building historically

(a churchyard to a church, a service yard to a textile factory or a farmyard to a farmhouse). The designed parkland also invariably sits within its own setting which also needs to be respected.

4.39 Setting can also extend to the relationship between a listed building and its neighbours (particularly important if the neighbours share common characteristics, such as a terrace), or it can extend further to incorporate views of the building if it is a landmark. Planning permission for development will not be granted where it would result in damage to the setting of a listed building.

## Buildings at Risk

4.40 Owners have a duty of care to look after their historic buildings. Listed buildings need to be regularly maintained. Preventive maintenance (such as cleaning out gutters and drains and replacing slates that have slipped) is the key to avoiding problems escalating out of control.

4.41 If an owner is not adequately keeping a listed building in good repair the Local Planning Authority, English Heritage and the Secretary of State all have powers to serve notice on the owner to prevent further deterioration or carry out full repairs. These powers are given under the Planning (Listed Buildings and Conservation Areas) Act 1990. They are called either an Urgent Works Notice (section 54) or a Full Repairs Notice (section 48). The serving of a Full Repairs Notice can lead to Compulsory Purchase of a listed building if repairs are not carried out.

4.42 Listed buildings are also protected by law from unauthorised work or demolition. Unauthorised work that results in damage to a listed building or loss of any historic features is a criminal offence.

4.43 The majority of historic buildings in England are well maintained. A number of historic buildings are "at risk" from dereliction, neglect and disuse. These are publicised in a national and county list of "Buildings at Risk". These range from buildings on the point of collapse to those needing some maintenance or with vacant upper floors.

4.44 The register enables the local authority to prioritise any action needed. It also enables the authority to look strategically at any patterns of neglect to identify areas needing pro-active initiatives (such as grant schemes and feasibility studies).

4.45 Derbyshire County Council are responsible for maintaining the Register for Buildings at Risk across the County. The entries are listed on a dedicated web page. The Historic England website enables the search of Heritage at Risk across England.

[apps.derbyshire.gov.uk/dotnet-applications/](http://apps.derbyshire.gov.uk/dotnet-applications/HistoricBuildings/default.aspx)  
[HistoricBuildings/default.aspx](http://historicengland.org.uk/listing/heritage-at-risk/search-register/)  
[historicengland.org.uk/listing/heritage-at-risk/search-register/](http://historicengland.org.uk/listing/heritage-at-risk/search-register/)



## 5.0 Historic Agricultural Buildings

## Introduction

5.1 The structures of farmsteads vary in scale and layout according to their former function.

5.2 There is constant change within the countryside as patterns of agriculture develop to meet new demands. The scale and methods of production have changed over the last 50 years so that historic farm buildings no longer have the capacity for storage of crops or new machinery.

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## Bolsover's Agricultural Buildings

5.3 The farm buildings in the **north of the district** are characterised by soft creamy magnesian limestone and either slate or pantiled roofs, sometimes hipped. Many of the farms within the Magnesian Limestone plateau were developed in the early to mid 19th century as farming expanded to accommodate new scales of production. In particular, farms were purpose-built for intensive cereal cropping/ arable production, creating large complexes.

5.4 Within the **south of the district** the low-lying farmland is poorly drained and supports dairy farming. This is reflected in the nature of the farm buildings within the historic settlements. Here, the farm buildings often comprise long ranges of single – storey or 1½ storey buildings, often pantiled with stone eaves, providing

cartsheds, cow-sheds and byres with some storage above. There are usually extensive ranges of small buildings.

5.5 Within the **eastern edge of the district** the farmsteads of the Estate Farmlands are defined by an ordered rural landscape shaped by historic estate ownership, particularly around Hardwick. Farmsteads are typically medium to large and follow regular courtyard layouts that reflect planned agricultural design. The model-type complexes are of large mass, are stone-built with slate roofs, sometimes elongated hipped catslide roofs and incorporate large full-height barn doors. Buildings use high-quality sandstone or estate brick with slate or tile roofs, giving them a unified and formal appearance. Development in this character type should respect the planned farmstead pattern, use locally appropriate materials, and maintain the landscape's strong sense of order and estate influence.

5.6 In contrast the Wooded Farmlands form an enclosed, intimate landscape of ancient woodland, irregular fields, and winding lanes. Historic farmsteads are smaller, more dispersed, and often irregular in layout, reflecting organic historic development. Buildings are usually vernacular sandstone with stone slate or tile roofs, blending naturally with the wooded setting. New development should reinforce the dispersed pattern, modest scale, and vernacular materials that

characterise this landscape, while preserving its strong sense of enclosure and woodland integration.

5.7 Many non-estate farms are no longer viable and they are being sold, sub-divided and reduced into smaller holdings that are attractive as smallholdings but not viable as farms. In this environment there is renewed pressure to find alternative uses for redundant agricultural buildings within former farms. The housing market puts pressure on the re-use of buildings that perhaps would ordinarily be overlooked.

## **Conversion**

5.8 The conversion of rural buildings in settlement frameworks is treated differently from buildings in the open countryside. Within settlements frameworks defined in the local plan, there is a presumption in favour of conversion provided that it preserves the character of the buildings and in the case of Conservation Areas, that it preserves or enhances the character of the settlement. It is the particular impact on the buildings themselves that is of material weight.

5.9 The design criteria for assessment of conversion schemes outside settlements is the same as those within settlements

5.10 The diversification of farms is supported by the district council where it ensures the survival of the farm and sustains agriculture as the primary land use.

5.11 Outside settlement frameworks, where permission is needed, the conversion of farm buildings into small

business use, commercial, light industrial, recreational and community uses will be supported, provided that this does not lead to the irreversible change of character in the historic buildings or the landscape and requirements such as safe highway access are met. Farm Tourism (camping, bed and breakfast, self-catering or camping barns) is appropriate where it supports the income of a working farm. These low-key uses have little impact on the character of the countryside. Where it is necessary to control the occupation of converted buildings, planning conditions will be used to limit use.

## **Residential Conversion**

5.12 The conversion of farm buildings to residential use can entail a significant number of changes.

5.13 Since 2015 the conversion of certain agricultural buildings into dwellings has been allowed without the need for planning permission under Class Q of the Town and Country Planning (General Permitted Development) Order (GPDO) 2015 . In order to qualify under Class Q, the building must be on an agricultural holding and have a prior agricultural use. Under Class Q the building operations must be reasonably necessary for the conversion rather than a "rebuild". For agricultural buildings that qualify for conversion under class Q, an application for Prior Approval will be required.

5.14 Applications for residential conversion of agricultural buildings that do not qualify under Class Q will require full planning permission.

## Extensions

5.15 In any scheme for conversion of farm buildings outside settlement frameworks, it will be essential that the development is feasible without the need for further extensions. Where development involves residential use, for example, garaging should be contained within the existing buildings. New detached garage blocks and attached conservatories will not be acceptable.

5.16 Planning permission would not normally be granted for extensions to agricultural buildings converted for residential or other use. Where planning permission is approved for conversion of farm buildings, permitted development rights will normally be withdrawn.

## Extent of Reconstruction

5.17 Many historic agricultural buildings have suffered neglect and structural damage as a result of lack of investment. It is essential that in any case for conversion, the building should be capable of conversion without the need for significant reconstruction. The condition of farm buildings is therefore an important consideration when assessing proposals for change of use.

5.18 The extent of reconstruction permitted will be at the discretion of the planning authority on the basis of the professional structural condition survey.

## Design Considerations

5.19 Agricultural buildings contain many distinctive features that are not repeated on other buildings. It will be important that these are retained in any proposals for

change of use. For example, doors are usually wider than domestic doors and open outwards, fitted within a rebate and fixed on hinge pins. It will be important that "taking – in" doors and stable doors are retained in any schemes for conversion. They can be used for additional security as external shutters.

5.20 Within the district there are several historic estates that own and manage farms. These estate buildings have house styles with distinctive building details and colour schemes. It is important that these local details are preserved in any conversion scheme.

5.21 The setting of farm groups is important. To protect the setting of historic farm groups, for development schemes that require planning consent, permission will not normally be given for the subdivision of farmyards. These will need to be treated as communal areas and landscaped accordingly retaining hard elements such as setts and brick – on-edge. Parking areas should avoid marked bays. The formation of new curtilages to create private gardens will require careful consideration and details must be submitted with the planning application.

5.22 Whilst enclosed spaces within farm complexes are often hard landscaped, the land surrounding the farm group is invariably open fields. In order to protect the setting of these farm groups in the landscape, the district will normally remove permitted development rights by way of a planning condition, on those schemes where planning permission is required for conversion to residential use.

## Key Principles for Converting Historic Farm Buildings

- 1. Significance led design** – Base all decisions on understanding the building's original agricultural purpose, form and materials.
- 2. Retain agricultural character** – Ensure the building still reads as a historic farm structure, not a standard house or commercial unit.
- 3. Minimum intervention** – Change only what is essential for a viable new use; preserve historic fabric and irregularities.
- 4. Respect original form and massing** – Keep the footprint, roof shape and scale; avoid extensions or dominant alterations.
- 5. Layout shaped by structure** – Plan interiors around existing bays, volumes and structural rhythms rather than domestic norms.
- 6. Controlled and justified openings** – Reuse existing openings; add new ones sparingly and only where structurally logical.
- 7. Treat large historic openings as infill** – Keep barn doors and cart entrances visually prominent, with glazing recessed as infill.
- 8. Preserve roof and structural features** – Keep trusses, frames and roof forms visible; avoid dormers and full width upper floors.
- 9. Use appropriate materials and detailing** – Repair with traditional materials; make new additions contemporary but restrained.

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- 10. Integrate services discreetly** – Route modern services with minimal impact and ensure they remain reversible.
- 11. Respect the wider farmstead setting** – Maintain historic yard patterns, openness and relationships; avoid suburbanising the surroundings.



## 6.0 Historic Parks and Gardens

# 6.0 Historic Parks and Gardens

## Introduction

6.1 Registered historic parks and gardens are nationally recognised designed landscapes of exceptional cultural and historical value. They reflect significant periods of garden design, often associated with notable designers and historic events. Designation supports their protection as heritage assets with the aim to safeguard their layout, features, and character.

6.2 **170** Registered parks and gardens are designated heritage assets under the National Planning Policy Framework, gaining similar protections to conservation areas, listed buildings and scheduled monuments. Inclusion on the Register does not create a separate consent process, but when assessing proposals greater weight is given to their conservation.

## Criteria for Registration

6.3 All sites included on the Register of Parks and Gardens must demonstrate special historic interest in a national context. Nine general criteria are used, grouped into two categories: Date and Rarity and Further Considerations.

### Date and rarity

6.4 The older and rarer a designed landscape, the more likely it is to qualify for registration. Key principles:

- Pre-1750: Significant original layout survives.
- 1750–1840: Enough remains to reflect design.

- Post-1840: Must be of special interest and intact; higher threshold for recent sites.
- Post-1945: Careful selection needed.
- Under 30 years: Only if outstanding and under threat.

### Further considerations

- Influential in shaping taste or referenced in literature.
- Early or representative examples of a style/type or by notable designers of national importance.
- Associations with significant people/events.
- Strong group value with other heritage assets.

### Specific Considerations

6.5 There are also specific considerations that contribute to the heritage significance of a Registered Park and Garden. Well-documented sites tend to achieve higher grades, especially when linked to listed buildings or garden structures. The design concept is more important than scenic beauty unless deliberately integrated. Authenticity matters: routine changes are acceptable, but unsympathetic restoration or full recreational use reduces significance. Poor condition does not prevent registration if the layout survives, although irreversible loss does.

6.6 Structural elements are key, with historic planting adding interest but not being a primary factor. Archaeological remains strengthen the case for

designation and significance including abandoned gardens which may be scheduled. Deer parks qualify if boundaries, interiors, and visual links to house survive, while sports grounds are assessed as part of the park, with related structures sometimes listed separately.

## Grading

6.7 Registered sites are divided into three grades:

- Grade I: Exceptional interest
- Grade II\*: More than special interest
- Grade II: Special interest

6.8 About 37% of registered landscapes are Grade I or II\*, compared to only 8% of listed buildings.

## Registered Parks and Gardens in Bolsover District

6.9 Bolsover District contains three designated historic parks and gardens on the Historic England Register:

- Bolsover Castle (Grade I) – An exceptional early 17th-century designed landscape featuring terraces, the Fountain Garden, and formal pleasure grounds. Its significance lies in the survival of its original layout, Renaissance-inspired design, and strong associations with Sir Charles Cavendish and architect Robert Smythson.
- Hardwick Hall (Grade I) – One of England's finest Elizabethan landscapes, combining extensive parkland with formal walled gardens, pavilions, and gatehouses. It exemplifies Elizabethan garden planning and is closely linked to Bess of Hardwick and Robert Smythson.

- Barlborough Hall (Grade II) – A well-preserved late 16th-century landscape with walled gardens and parkland integral to the Elizabethan mansion. Its group value with the hall and associated structures underpins its heritage importance.

6.10 A small section of the historic park and garden falls within Bolsover District but the majority of the park of Welbeck Abbey lies in Bassetlaw District.

## Bolsover Castle

6.11 Bolsover Castle's grounds are Grade I on the Historic England Register because they represent one of the most significant surviving examples of early 17th-century garden design in England. Key reasons include:

- Historic Integrity: The layout of terraces, the Fountain Garden, and associated features remains largely intact from its original design period (c.1608–1640).
- Design Innovation: The gardens showcase Renaissance-inspired concepts adapted to an English setting, emphasizing theatrical views and formal geometry.
- Associations: Strong links to Sir Charles Cavendish and architect Robert Smythson, figures central to Jacobean architecture and landscape design.
- Group Value: The gardens are integral to Bolsover Castle's architectural ensemble, enhancing its historic and aesthetic significance.

## Hardwick Hall

6.12 Hardwick Hall's grounds are Grade I because they represent one of the most important and best-preserved Elizabethan landscapes in England. Key reasons include:

- Historic Integrity: The park retains its 16th-century walled gardens, pavilions, and gatehouses, alongside later formal and pleasure grounds.
- Design Significance: It exemplifies Elizabethan garden planning, combining architecture and landscape in a unified composition.
- Associations: Strong links to Bess of Hardwick and architect Robert Smythson, central figures in Elizabethan design.
- Scale and Survival: Extensive parkland with medieval origins and 17th-century extensions remains largely intact.

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## Barlborough Hall

6.13 Barlborough Hall's grounds are Grade II because they are a well-preserved example of a late 16th-century designed landscape. Their significance lies in:

- Historic Layout: The survival of walled gardens and parkland from the original period.
- Architectural Associations: Strong links to the Elizabethan mansion and its historic setting.
- Group Value: The gardens complement the listed

hall and associated structures, enhancing the overall heritage importance.

6.14 These sites are protected as designated heritage assets under national planning policy, reflecting their historic integrity, design significance, and contribution to the district's cultural landscape.



## 7.0 Archaeology

## Introduction

7.1 Archaeological remains survive across the District. They comprise buried remains, scheduled monuments, the historic landscape including historic boundaries, field patterns and settlement patterns. This wealth of archaeological interest represents many periods (ranging from Ice Age sites to a late 19th century colliery). Until recently, there has been little systematic study of many of these areas.

7.2 Scheduled monuments have legal protection and have historically received more notice than other sites of archaeological importance. There are 13 scheduled monuments (see appendices), with two distinctive clusters – one around Bolsover, and a cluster within the limestone gorges.

7.3 Policies SC18 and SC19 of the Local Plan seek to protect scheduled monuments and archaeological sites and their setting.

## Historic Environment Record (HER)

7.4 Derbyshire Historic Environment Record (HER) maps both designated and undesignated heritage and archaeological sites across the county. These can be searched via the Derbyshire HER website, where a map search is available [her.derbyshire.gov.uk](http://her.derbyshire.gov.uk)

## Areas of Archaeological Importance

7.5 **The town of Bolsover** has been identified as an Area of Archaeological Interest.

7.6 Various remains have been uncovered. An excavation of the site of the former Council Offices in the town centre, revealed backland industrial activity associated with Roman occupation over a long period of time. On the same site and at the site of the Castle Visitor Centre pre-construction, Mesolithic and Bronze Age evidence has been found. A thorough archaeological assessment of Bolsover was undertaken by Arcus (University of Sheffield) in 1995 – “A Review of the area of archaeological interest at Old Bolsover”.

7.7 In view of the continuity of occupation for such a long period and the survival of the planned medieval street pattern, the town has a rich and complex history that warrants the special planning control over archaeology. As a result all applications for planning permission which fall within the Bolsover Area of Archaeological Interest must be accompanied by a field evaluation.

7.8 **Creswell Crags and the limestone gorges** form part of the southern Magnesian Limestone area that run along the eastern boundary of the district are of national archaeological importance for their Ice Age remains.

7.9 These gorges and valleys are cultural landscapes where the geology, archaeology, topography and

ecology are intertwined. They comprise a remarkable concentration of Ice Age archaeological and geological sites. The best known of these gorges is Creswell Crags, but a study (March 2004) revealed considerable more potential for Ice Age human activity and animal remains across all of the gorges and valleys within the district. The study identified the number of known or potential cave or rock shelter sites to have increased from 50 to 163. These are located within – Pleasley Vale, Ash Tree Gorge, Markland Grips, Holinhill Grips, Elmton and Whaley Valleys and Langwith Valley.

7.10 The existing scheduled monuments are the largest concentration of protected Ice Age remains in the UK. The boundaries of the protected monuments are tightly defined. Their setting is protected under the legislation.

7.11 The schedule does not reflect all the surviving evidence and the potential for early human activity. There have been a number of developments in gorges such as Pleasley Vale over the last 200 years which have damaged the archaeology. This is due to the fact that it is not just the caves, crags and rock shelters that are important but the lower slopes and floor of each gorge. These have high archaeological potential because they contain layers of deposited sediments, where drift geology may have buried archaeological remains.

7.12 The Creswell Crags Conservation Plan (2001) and the Creswell Crags Limestone Heritage Area Management Action Plan (March 2004) are important policy documents that the Council will take into account when

considering any proposals for development within these areas. A Conservation Statement and Management Action Proposals have been produced for each vale.

7.13 The following policies from the Conservation Plan have particular relevance to applications for new development:

**A.1.6** Preserve and enhance the integrity of the Creswell Crags landscape including the removal of intrusive 20th century infrastructure that detracts from the appearance of the site.

**A.4.2** Carry out a study to consider definition of a protected area around Creswell Crags to safeguard and enhance the high quality landscape setting and to protect the setting from degradation through inappropriate and piecemeal development.

7.14 The threats to these gorges are in the form of development such as:

- improvements to road networks
- drainage works
- engineering operations
- construction in association with agricultural buildings or industrial buildings
- recreational development (including sports fields and cycleways)
- large scale landscaping
- public utilities operations such as pipe or cable laying.

7.15 Their setting may be affected by landfill sites, mineral extraction, industrial development and other large-scale operations.

7.16 The Council will seek to protect and enhance the setting of the limestone gorges and the historic views both into and from within the gorges. If any development is proposed which affects these gorges or their setting, the Development Control Archaeologist at Derbyshire County Council and the Creswell Heritage Trust will be directly consulted.

7.17 In all cases where development is proposed within the limestone gorges, an archaeological appraisal will be required before an application is determined.

## Medieval Settlements

7.18 In addition to the two Areas of Archaeological Importance, the medieval settlements of the district are areas of special archaeological interest. Maps of these areas are included in the Appendices to this document.

7.19 Barlborough has been surveyed under an Historic England programme called "Extensive Urban Areas Surveys" which demonstrated the significance of the pattern of its historic development and surviving townscape.

7.20 Documentary records and experience of recent archaeological evaluation in settlements such as Clowne has shown that a large number of the small towns and settlements in the district have medieval origins and significant potential for surviving medieval

archaeology. There is heritage significance in the topography and the characteristics of the medieval settlement patterns that still survive.

7.21 The boundaries of the core medieval settlements have been identified (see plans in appendix) based on early map evidence prior to 19th century coal mining development. Together with the Sites and Monuments Record these boundaries provide a means of identifying archaeological potential.

7.22 Inside the core medieval settlements any development that is likely to disturb the ground will be referred to the Development Control Archaeologist at Derbyshire County Council so that proposals can be evaluated for their impact on archaeology.

7.23 The following settlements are identified as having significant potential for medieval archaeology:

- South Normanton
- Shirebrook
- Blackwell
- Elmton
- Tibshelf
- Clowne
- Glapwell
- Whitwell
- Palterton
- Scarcliffe
- Barlborough

## 8.0 Setting



## 8.0 Setting

### Introduction

8.1 The setting of a heritage asset is defined as the surroundings in which the asset is experienced. Its extent is not fixed. Setting includes visual and non visual factors such as noise, activity, and historic relationships. Elements of an asset's setting may enhance, detract from, or make a neutral contribution to its overall significance. Public access is not required for setting to contribute to the asset's significance.

8.2 In terms of physical extent, the setting of an asset sits somewhere between the surrounding landscape and the curtilage of an asset. The landscape is a wider area shaped by natural and human factors and broader than setting whereas the curtilage is a legal boundary around a building, usually smaller than its setting. The extent of setting cannot be permanently fixed or mapped because surroundings and knowledge of the asset and surroundings evolve.

### The contribution of Setting to Significance

8.3 Setting is not a defined as part of the heritage asset or designation. Its importance is in how it contributes to the significance of an asset or the ability to appreciate that significance. The key factors are:

8.4 **Change over time:** Settings evolve as surroundings change. Understanding this history helps predict how future development will affect significance. Original

settings often strongly contribute to significance, but later changes can also add value, such as a townscape shaped by phases of development. Conversely, inappropriate past changes may diminish significance, and thereby removing such intrusive elements can enhance it.

8.5 **Cumulative change:** Where significance has already been compromised by unsympathetic development, further change must be assessed carefully. Additional harm could sever remaining links to original settings, while positive change might restore historic landscapes or remove structures blocking key views. Screening intrusive developments can help their assimilation, though it is not a substitute for good design.

8.6 **Access and setting:** The contribution of setting does not depend on public access. Equally numbers of visitors are not a measure of significance. Significance is qualitative and can include tranquillity, remoteness, or local community value. Restricted access does not diminish importance; interpretation or improved access can enhance appreciation.

8.7 **Buried assets and setting:** Heritage assets that are not visible, such as archaeological remains or submerged sites, still have settings that influence significance. Strategic views, historic street patterns, and continuity of land use can reveal their presence. Even if obscured, the setting may retain associative or historical value.

8.8 **Designed settings:** Many heritage assets have settings deliberately created to enhance their presence or create drama (e.g. formal parks and gardens around country houses). These designed settings may themselves be designated heritage assets and often extend beyond the immediate boundary, including distant features or borrowed landscapes. Evaluation should consider immediate, wider, and extended settings, as large-scale development can affect significance even from afar.

8.9 **Setting and urban design:** In urban areas, setting interacts with townscape and design considerations. Attributes such as enclosure, street layout, lighting, and visual harmony influence how heritage assets are experienced. Protecting setting often aligns with good urban design principles.

8.10 **Setting and economic viability:** Sensitive development can support the sustainable use of heritage assets, while poorly designed or intrusive development can reduce economic viability. Balancing heritage and economic considerations is essential.

## Views and Setting

8.11 Views often express how setting contributes to significance. Important views include those designed as part of an asset's function, those with historical or cultural associations, and those linking multiple assets.

8.12 Designed, historic, associative, or culturally important views may be especially relevant, with some assets intentionally intervisible for functional or symbolic

reasons. Views may be static or kinetic (experienced while moving). Conservation Area Appraisals and Heritage Management Plans often identify key views, but additional views may also merit consideration.

8.13 Landscape assessment differs from setting assessment because not all parts of a landscape contribute to significance. Landscape assessment considers everything within a view, while setting focuses on elements that contribute to an asset's significance. Views that do not relate to significance fall under general amenity rather than heritage considerations. Amenity relates to general enjoyment, not heritage value.

## Development, Setting and Significance

8.14 **Identifying which heritage assets and their settings are affected.** This initial key step should identify the assets whose experience may be affected by development. The extent of the area of assessment varies depending on the scale and prominence of the proposal and the sensitivity of the asset to development.

8.15 This involves defining the surroundings where the asset is experienced and determining whether the development could influence that experience in any way. At the pre-application or scoping stage, it is good practice to indicate whether a proposal might affect the setting of specific assets or to define an "area of search" for potential impacts.

8.16 **Assessing the degree to which settings and views contribute to significance.** The next step is an evaluation of how setting and views support understanding of an asset's significance. The assessment should start with the asset's key attributes and then consider physical surroundings, associations, sensory factors, and how views reveal significance.

8.17 Mapping past and present relationships between the asset and its surroundings can help visualize contributions and identify opportunities for enhancement. Local Historic Environment Records and landscape character assessments are valuable sources of information.

8.18 **Assessing the effects of the proposed development.** The identification of whether development will harm or enhance significance should consider location, form, appearance, wider effects, permanence, and cumulative impacts. The issue is whether the development enhances or harms significance through the principle of development, its scale, or its design.

8.19 **Exploring ways to maximise enhancement and avoid or minimise harm.** Early discussion is crucial to identify opportunities for enhancement and reduce harm. Enhancement may involve removing intrusive features, restoring views/lost historic elements, or improving access or introducing new features or interpretation that improve public appreciation. Harm can be reduced through design changes, repositioning, or screening. However, screening should never substitute for good

design and must be carefully planned to avoid creating new visual intrusions with the consideration of long-term management measures secured through planning conditions or legal agreements.

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## 9.0 Applying for Consent

PUBLIC FOOTPATH

## 9.0 Applying for Consent

### Pre-Application Advice

From 1st October 2025 the Local Planning Authority introduced a (fee paying) Pre-Application Advice Service for all development enquiries, except for enquiries seeking clarification on whether planning permission is required and householder development.

This paid for service allows property owners, agents or anyone with land or property interests to obtain advice from the Authority prior to making a formal application. This ensures that effective and timely advice can be provided to those requiring access to the service.

Details of the fees and the target timeframe for responses based on the different categories of development are set out in the [Pre-App Planning Advice Note](#).

To submit your pre-application enquiry you will need to: Complete the pre-application advice form online – which includes an online payment facility.

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

### Local Validation Checklist

The Bolsover Local Validation Checklist for Planning Applications includes a list of local information requirements, which are required in addition to the national validation requirements set out in the Town and Country Planning

(Development Management Procedure) Order (2015), which are also set out in the Local Validation Checklist.

[www.bolsover.gov.uk/services/p/planning-development/the-application-process](http://www.bolsover.gov.uk/services/p/planning-development/the-application-process)

Please note that certain application types are not covered by this document, such as high hedge complaints, prior notification applications, applications or notice to carry out works to trees, environmental impact assessment development, hedgerow removal and others. You are recommended to contact the planning department at [dev.control@bolsover.gov.uk](mailto:dev.control@bolsover.gov.uk) to discuss specific validation requirements for these types of applications.

### Building Regulations

- 9.1 Some works of alteration to listed buildings will require Building Regulations approval. It is the responsibility of the applicant or their agent to investigate the need for consent under the Building Regulations.
- 9.2 There is flexibility under the Building Regulations to take account of the need to preserve the heritage significance of a listed building. Early consultation with building control inspectors and the Council's conservation officer will ensure that an acceptable solution is reached
- 9.3 The requirements under Part L and Part M relating to energy efficiency and access apply to listed buildings.

The specific requirement introduced by Part L is that reasonable provision shall be made for the conservation of fuel and power by limiting the heat loss through the fabric of the building. This only comes into effect if you are intending to carry out alterations that involve the replacement of fabric e.g. roof, windows, or a change of use.

9.4 The requirements of Part M of the Building Regulations 2010 addresses the need to provide accessible buildings for people with disabilities. With regard to historic buildings, the aim of the regulations is to improve accessibility wherever possible, taking into account the practical constraints and historic character of historic buildings.

9.5 If you are proposing a change of use or a change in plan form in association with an extension you will need to provide an **Access Statement**. This should be submitted with both your applications for planning permission and Building Regulations approval. The Access Statement should identify the key issues, the constraints and any compensatory measures where full access is impracticable.

9.6 For further advice see the Historic England webpage Building Regulations, Approved Documents and Historic Buildings [historicengland.org.uk/advice/technical-advice/building-regulations](https://historicengland.org.uk/advice/technical-advice/building-regulations)

9.7 Any Environmental Health requirements should be identified on any proposal drawings for Listed Building Consent.

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## Heritage Significance

Historic England have published an advice note that covers the National Planning Policy Framework requirement for applicants for heritage and other consents to describe heritage significance.

A Statement of Heritage Significance is a concise, objective document that identifies what is important about a heritage asset, such as a building or site and explains why it matters. It acts as a baseline assessment of a site's special interest.

Understanding the significance of heritage assets, in advance of developing proposals for buildings and sites, enables owners and applicants to receive effective, consistent and timely decisions.

The advice note explores the assessment of significance of heritage assets as part of a staged approach in which assessing significance precedes designing the proposal(s).

[historicengland.org.uk/images-books/publications/statements-heritage-significance-advice-note-12/heag279-statements-heritage-significance/](https://historicengland.org.uk/images-books/publications/statements-heritage-significance-advice-note-12/heag279-statements-heritage-significance/)

### Key Aspects of a Statement of Significance:

- Purpose:** Its main purpose is to help owners, developers, and decision-makers understand the heritage value of a site, helping to avoid or minimize harm during development or repair.
- Content:** It describes the asset's history, its physical, archaeological, architectural, and artistic interest, and how its setting contributes to its value.

3. **Value Assessment:** It articulates the “significance” (the value to this and future generations) through four key types of heritage interest:
  - **Evidential:** Potential to yield new knowledge.
  - **Historical:** Connection to past people, events, or phases.
  - **Aesthetic/Architectural:** Design, craftsmanship, or sensory stimulation.
  - **Communal:** Meaning for the community (e.g., social, spiritual).
4. **Proportionality:** The level of detail should be proportionate to the asset's importance and the complexity of the proposed changes.

## Heritage Impact Assessments

A Heritage Impact Assessment (HIA) is a document that assesses how a proposed development might affect a historic building, landscape, or archaeological site. It includes an assessment of the significance of the heritage asset (above), the potential impacts of the development, and a strategy to mitigate any negative effects. HIAs are required for planning applications involving designated heritage assets, such as listed buildings and conservation areas, and may also be needed for non-designated sites.

### What a Heritage Impact Assessment includes

**Assessment of significance:** An expert evaluation of the historical or archaeological importance of the heritage asset (see above).

**Proposed changes:** An outline of the specific works or development that is being proposed.

**Impact analysis:** An assessment of how the proposed changes could affect the heritage asset's significance.

**Mitigation strategy:** A plan to minimize or manage any negative impacts identified.

### When a Heritage Impact Assessment is needed

**Non-designated sites:** A local council may request an HIA if a development has the potential to affect a non-designated heritage asset.

### Why a Heritage Impact Assessment is important

It informs decision-makers about the potential risks and benefits of a proposal on a heritage asset. It helps ensure that proposals for change are appropriate and that what is important about the asset is sustained or enhanced. Good information upfront can speed up the planning process and lead to better overall design outcomes. It ensures the project complies with both national and local heritage policies.

## Key Aspects of a Heritage Impact Assessment:

- Purpose:** The main aim is to identify, prevent, or reduce any harm (mitigation) to a heritage asset's significance, including its physical fabric, setting, or character.
- Definition of Significance:** It assesses why the site is special (archaeological, architectural, artistic, or historic interest).
- Contextual Analysis:** The assessment covers not just the building itself, but also its "setting"—the surrounding environment in which it is experienced.
- Two-Part Process:** The assessment first establishes the significance of the asset, then moves on to evaluate the impact of proposed changes.
- Mitigation Strategies:** It outlines measures to minimize negative effects, such as choosing, alternative designs or, if damage is inevitable, ensuring the damage is recorded.

## Evaluation of Harm

In considering an application for development of any heritage asset, The District Council will make an assessment of 'harm'.

Evaluating harm to heritage assets involves identifying the significance of the asset, assessing the impact of a proposal on its significance, and categorizing the harm as substantial, less than substantial, or no harm. This process helps inform decisions by weighing potential harm against public

benefits, though development causing substantial harm is generally not supported.

**Identify potential harm:** Determine the likely impact of the proposed development on the heritage asset and its setting.

**Consider cumulative effects:** For ongoing developments, consider the cumulative impact of past and future changes on the asset.

**Document the impact:** Describe the nature and scale of any harm caused.

### Categories of Harm

**Substantial harm:** This is a considerable change that significantly harms or results in the loss of the special character of the asset.

**Less than substantial harm:** This includes any harm that does not meet the definition of substantial harm, including minimal or negligible impact.

**No harm:** The proposal has no negative impact on the heritage asset.

### The Balance of harm and benefit

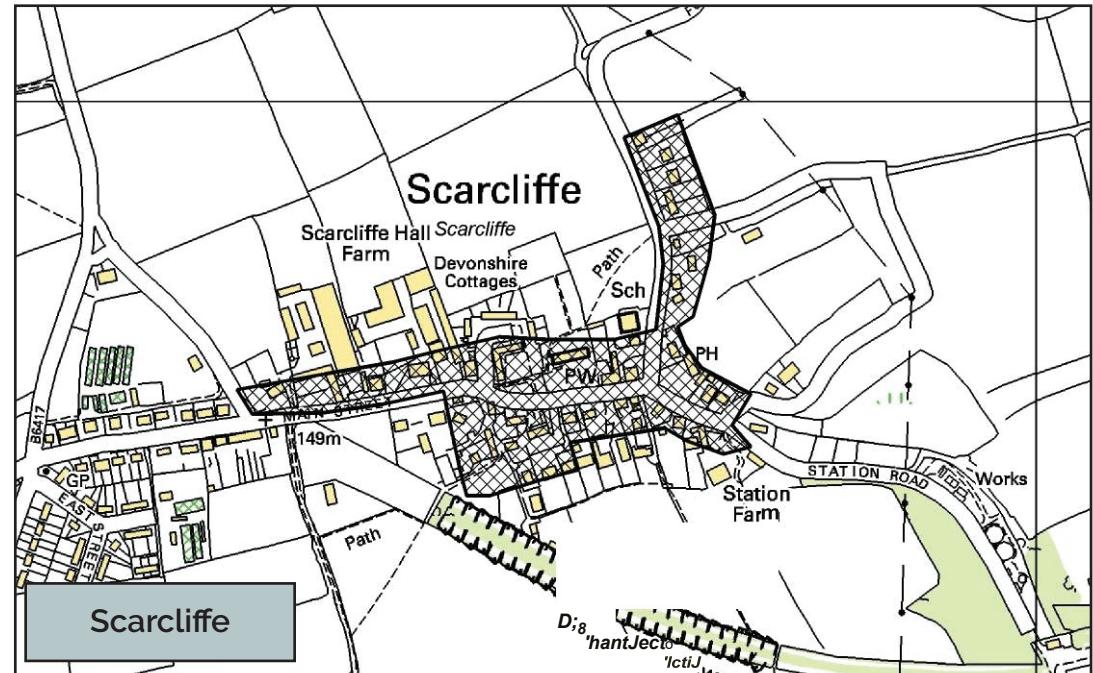
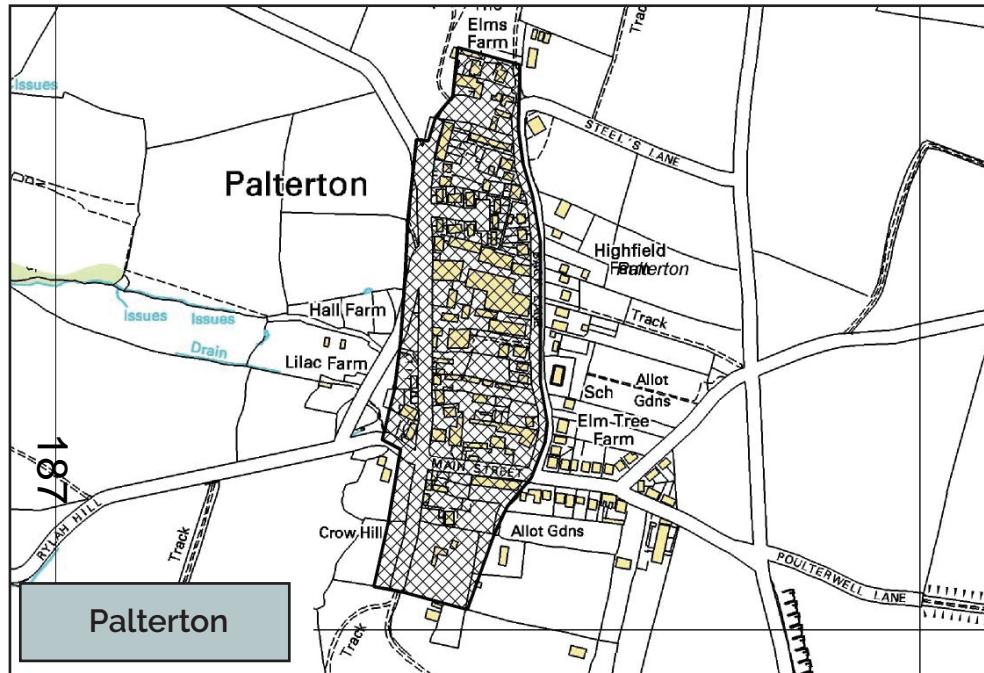
Weigh the identified harm against any public benefits of the proposal. These benefits can be heritage-related or economic, social or environmental benefits as described in the National Planning Policy Framework.

## Appendices



PEPLE

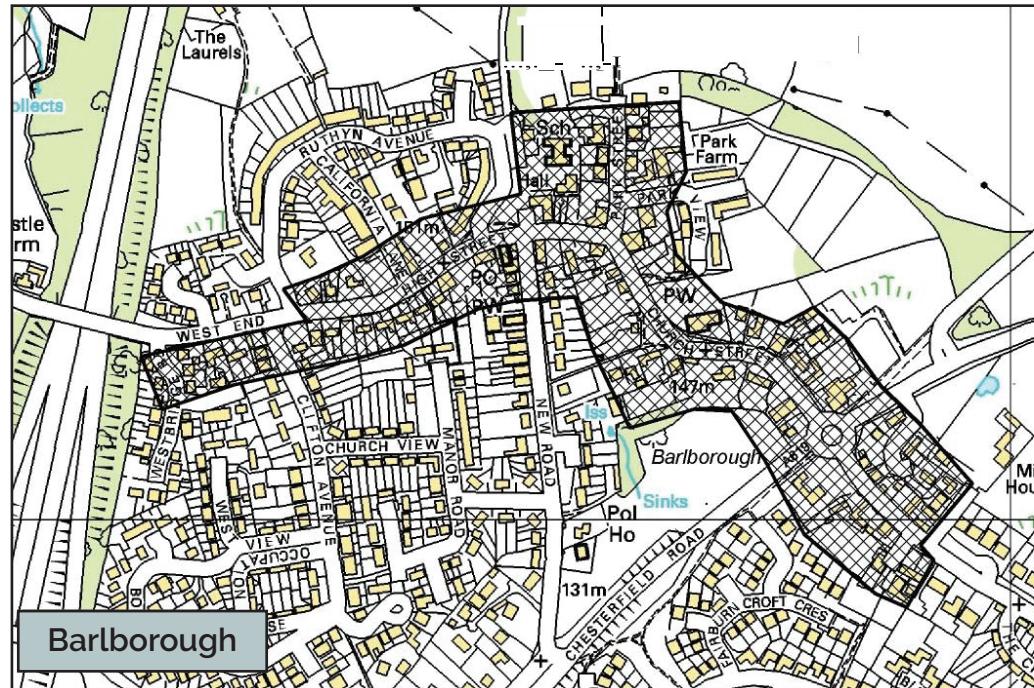
## 10.0 Appendix – Plans of Settlements with Potential for Medieval Archaeology



### Settlements with potential for medieval archaeology

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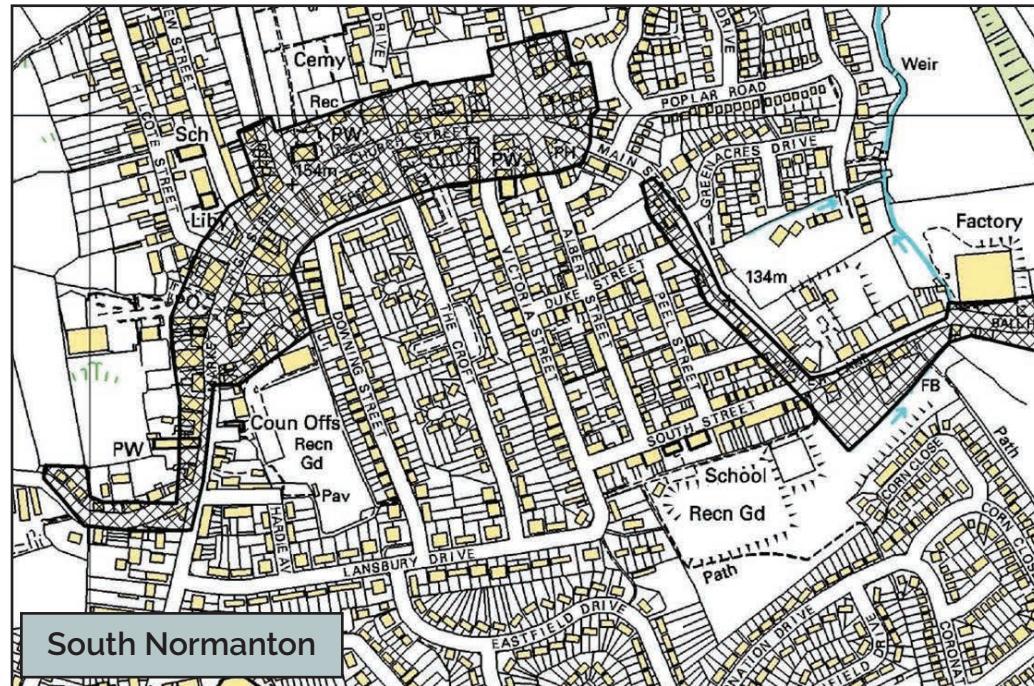
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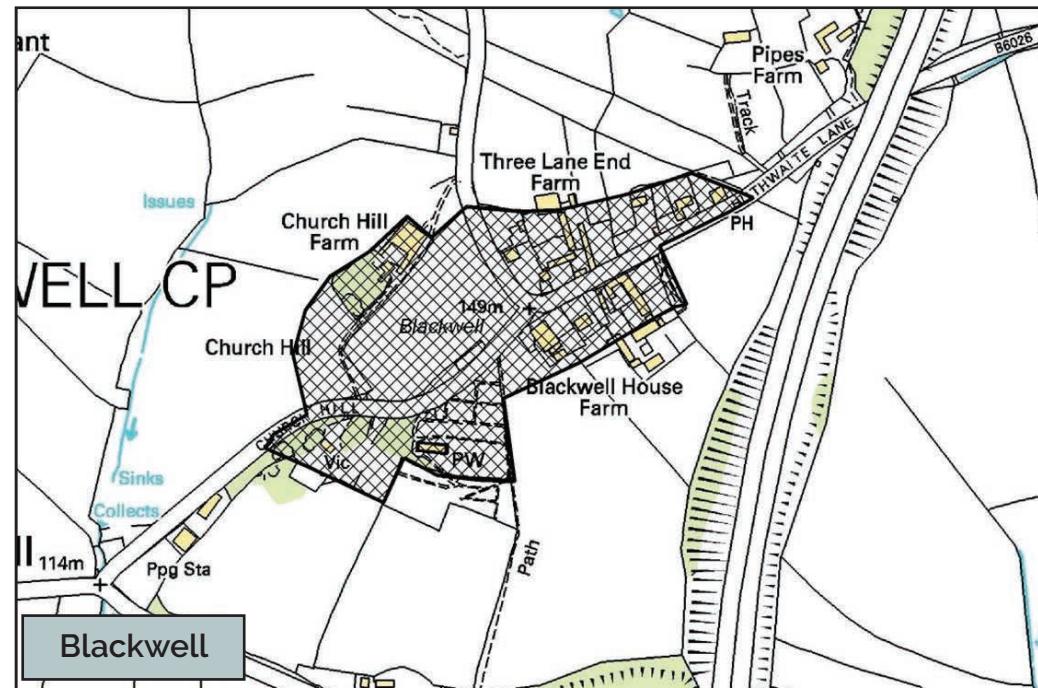
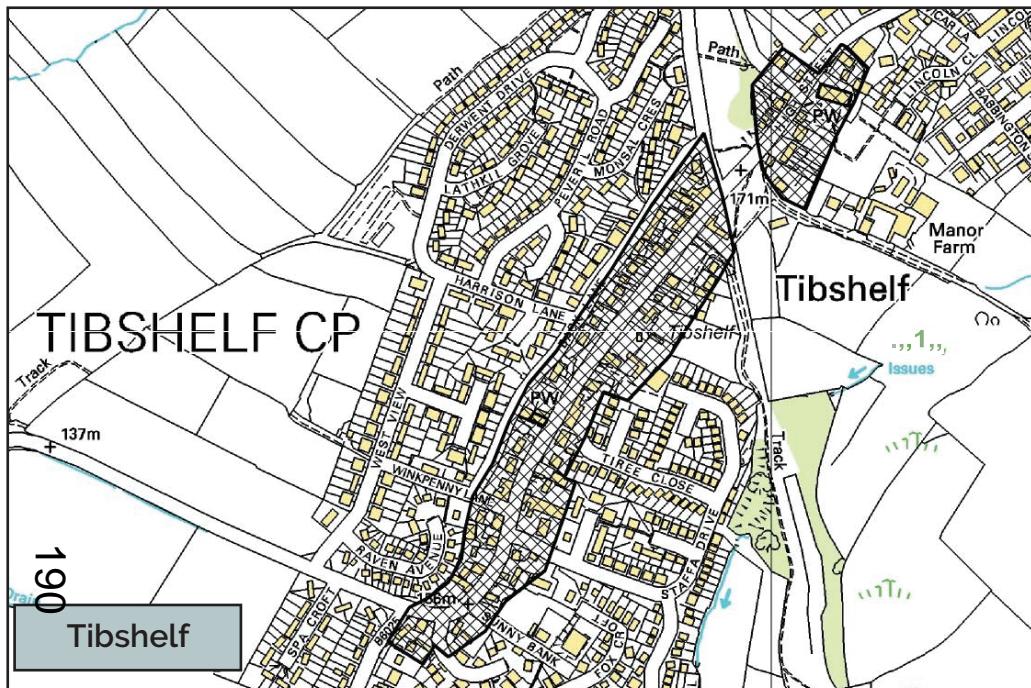
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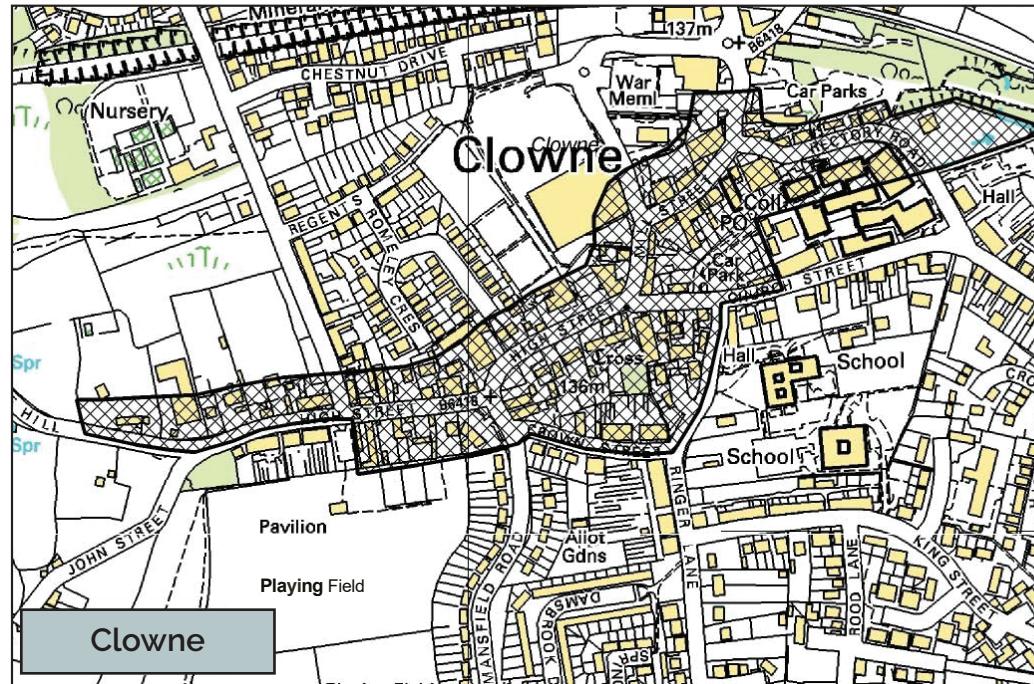
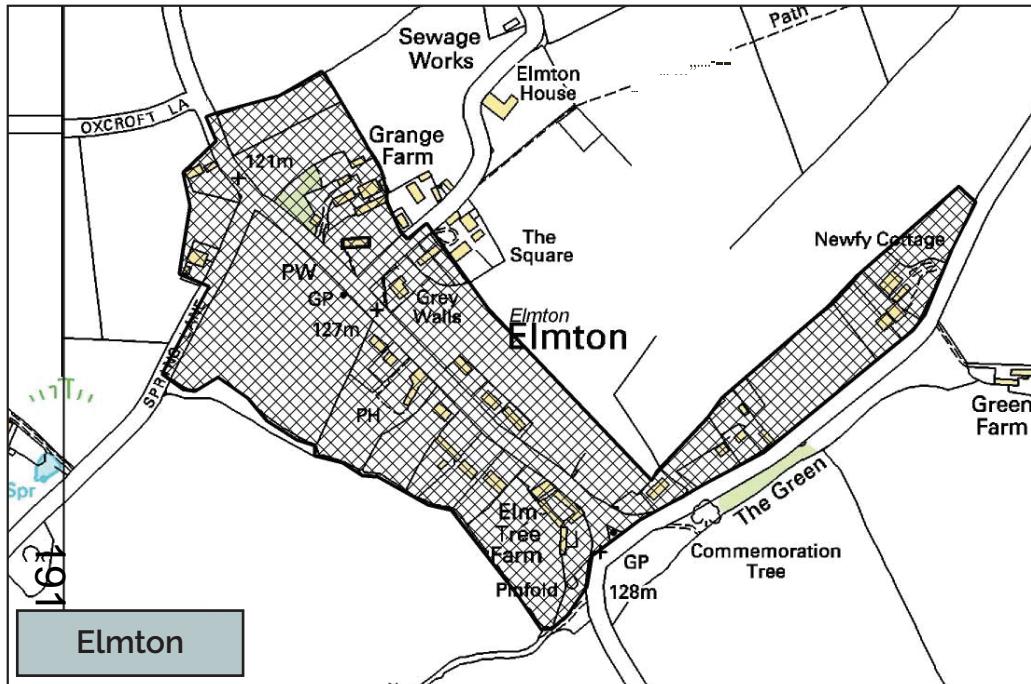
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**Ault Hucknall**

- Hardwick Old Hall
- Stainsby defended manorial complex including site of chapel

**Barlborough**

- Barlborough Cross, High Street, Barlborough

**Clowne**

- Market Cross, High Street, Clowne

**Elmton-With-Creswell**

- Markland Grips Camp

**Old Bolsover**

- Bolsover Castle
- Four watch towers (conduit houses) SW of town
- Entrenchments N and SE of town

**Pinxton /South Normanton**

- Pinxton Castle

**Pleasley**

- Pleasley Colliery

**Scarcliffe**

- Langwith Bassett Cave, Upper Langwith

**Whitwell**

- Creswell Crags (2 entries)
- Ash Tree Cave, Highwood Lane

**Astwith (area 14.91 ha)**

Designated 14th February 1990

**Apsley Grange (area 1.8 ha)**

Designated 20th December 1995

**Barlborough (total area 187.76 ha)**

Designated 1st February 1972

- Ext. No. 1 5th July 1978
- Ext. No. 2 1st April 1992
- Ext. No. 3 7th May 1997
- Ext. No. 4 22nd August 2001
- Ext. No. 5 11th September 2002
- Ext. No. 6 9th November 2020

**Belfp (area 2.6 ha)**

Designated 7th February 1979

**Bolsover (total area 70 ha)**

Designated 17th July 1971

- Ext. No. 1 5th July 1978
- Ext. No. 2 11th August 1982
- Ext. No. 3 28th September 1988

**Carnfield Hall (area 45 ha)**

Designated 8th November 1989

**Clowne**

Designated 4th May 2005

**Creswell Village and Model Village (area 20.2 ha)**

Designated 10th July 1991

**Creswell Crags (total area 29.3 ha)**

Designated 5th July 1978

- Ext. No. 1 10th July 1991
- Ext. No. 2 7th May 1997

**Nb. Add text to state that as at (date) Creswell Village and Craggs now one Conservation Area Elmton (total Area 22.2 ha)**

Designated 5th July 1978

- Ext. No. 1 10th July 1991

**Elmton with Creswell Farmsteads (area 18.9 ha)**

Designated 10th July 1991

- Ext. No. 1 13th October 2021

## **Hardstoft (total Area 23 ha)**

Designated 5th July 1978

- Ext. 14th February 1990

## **Hardwick and Rowthorne**

Designated 29th March 1974

- Ext. No. 1 8th July 1987 (total area 498 ha)

## **Markland and HollinHill Grips**

Designated 10th July 1991 (area 63.0 ha)

## **Newton (Area 3.74ha)**

Designated 9th January 2002

## **Old Blackwell (Area 17.5 ha)**

Designated 5th July 1978

## **Oxcroft Settlement**

Designated 21st December 2022

## **Palterton (Total area 10.9 ha)**

Designated 7th February 1979

- Ext. No. 1 13th November 1991

## **Pleasley Park and Vale**

Designated 11th February 1987 (area 132 ha)

## **Pleasley Village (area 3.5 ha)**

Designated 11th February 1987

## **Scarcliffe (area 8 ha)**

Designated 7th February 1979

## **Southgate House (area 28 ha)**

Designated 8th November 1989

## **Stainsby (area 25.4 ha)**

Designated 5th July 1978

## **Steetley (area 1.5 ha)**

Designated 21st February 1969

## **Stony Houghton (area 10 ha)**

Designated 5th July 1978

## **Tibshelf (area 4.4 ha)**

Designated 7th February 1979

- Ext. No 1 13th October 2021

## **Upper Langwith (total area 36.1 ha)**

Designated 7th February 1979

- Ext. No. 1 10th July 1991

## **Whaley (area 15.5 ha)**

Designated 5th July 1978

## **Whitwell (total area 24 ha)**

Designated 14th January 1971

- Ext. No. 1 7th February 1979
- Alteration No. 2 25th March 1987

**Bolsover District Council**

**Meeting of the Planning Committee on 18<sup>th</sup> February 2026**

**QUARTERLY UPDATE ON SECTION 106 AGREEMENT MONITORING**

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

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

**PURPOSE / SUMMARY OF REPORT**

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

**REPORT DETAILS**

**1. Background**

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

1.5 Following the quarterly Section 106 Monitoring Group meetings, officers provide a progress report to the Planning Committee in respect of the monitoring of Section 106 Agreements. In line with the approved Procedure the progress report is required to highlight any sums at risk of clawback that need spending within 24 months, as well as a summary of the sums being held by infrastructure type that are in years three, four and five.

1.6 Accordingly, this report is the quarterly progress report following the meeting of the Section 106 Monitoring Group held on 22<sup>nd</sup> January 2026.

## **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, ten sums were identified as being within their 24-month deadline as of the October Monitoring Group meeting.

2.3 As reported to the Monitoring Group meeting on 22<sup>nd</sup> January 2026 there are now nine remaining sums within their 24-month deadlines (details below).

### **Spend Date within 12 months (by 31<sup>st</sup> December 2026)**

Action Plan	Finance Spread sheet	Site	Infrastructure and amount	Amount remaining	Date
Item 3	Line 84	Spa Croft, Tibshelf	Art £10,176.20	£3,238.70 <b>A further £4,625 spent</b>	31.3.26
Item 11	Line 96	Land at Thornhill Drive, South Normanton	Art £10,757	£10,874.71 <b>Increased by £117.46 with the addition of the underspend from other contribution</b>	24.6.26
Item 12	Line 98	Land at Thornhill Drive, South Normanton	Open Space £30,400	£30,400.07 <b>No change</b>	24.6.26
Item 13	Line 97	Land at Thornhill Drive, South Normanton	Outdoor Sport £22,843	£3,267.64 <b>No change</b>	24.6.26
Item 14	Line 99	Land at Thornhill Drive, South Normanton	Health £11,784.56	£11,784.56 <b>No change</b>	24.6.26

2.4 Since last reported to Planning Committee there was further spend against the contribution for Art from the development at Spa Croft Tibshelf, leaving one final

payment to be made once the planning approvals have been secured. The sum against Art from the Land at Thornhill Drive development has increased slightly with the reallocation of underspend from development at The Brambles, Doe Lea (£1.11) and at Carter Lane West South Normanton (£116.35)

**Spend Date within 2 years (by 31<sup>st</sup> December 2027)**

Action Plan	Finance Spreadsheet	Site	Infrastructure and amount	Amount remaining	Date
Item 18	Line 101	High Ash Farm, Clowne	Art £12,695.12	£12,695.12 <b>No change</b>	30.5.27
Item 19	Line 102	Land West of Homelea and Tamarisk	Outdoor Sport £19,026.71	£19,026.71 <b>No change</b>	30.6.27
Item 21	Line 105	Land West of Homelea and Tamarisk	Open Space £15,973	£15,973 <b>No change</b>	30.6.27
Item 22	Line 106	Blind Lane, Bolsover	Open Space £100,821	£100,821 <b>No change</b>	10.6.27

- 2.5 Since the last Planning Committee, item 20 has been removed from both the Action Plan, and the 2 years spend table. This is due to an error in logging the contribution, as it was the first of two instalments. On receipt of the second and final instalment, the deadline for the spending of the contribution from the development at Land to the Rear of Alfreton Road Pinxton is February 2030.
- 2.6 There has consequently been a reduction in the number of sums within the 2 years threshold in Q3 from five to four sums. There has been no further spend against these sums. No further sums have come within the 2 years spend threshold.
- 2.7 The updates for the above items as discussed at the Section 106 Monitoring Group are set out below for Member's information.

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

Item	Development site, relevant S106 sum and spend by date	Responsible officer
3	<p><b>Spa Croft, Tibshelf – Art £10,176.20 of which £7,864 remaining (31.03.26)</b></p> <p><b>Project: Stone Sculpture</b></p> <p><u>Action from previous quarterly meeting</u> Report to next meeting</p> <p><u>Update between meetings</u> The Tibshelf Gateway Structure project has moved forward, with the required heritage statement submitted in October and the planning application validated. Planning permission has since been conditionally granted, and the project is now waiting for approval from Derbyshire County Council of the "Object in the Highway" Licence. The sculpture is complete and ready for installation, which is expected to take two days. The final S106 spend will cover installation and a £920 transfer to a local community group for complementary planting. Remaining funds total £3,238, with £2,312.50 allocated to Phase 3 and £925.50 left afterwards.</p> <p><u>January meeting update</u> CADO not at the meeting, the following update being provided in lieu.</p> <p>The project is now just awaiting the granting of an 'Object in the Highways license from DCC Highways dept. The recent involvement of SLT and Local Members with DCC Cabinet Members has now yielded a case number and request for siting information (sent 18/1/26). Application for license was made by the artist rather than BDC, but CADO is the signed officer, so DCC communications are now coming direct to CADO.</p> <p>Remaining funds are planned to be expended as follows: £2,312.50 - Phase 3 payment to artist post installation of sculpture. £920 - Payment to community group as contribution towards planting scheme / schedule. £5.67 - 'write off' amount Payments will be complete before end date.</p> <p>Issues with Highway Licenses taking some time to come forward, potentially up to 30 weeks, was discussed at the meeting.</p>	CADO CADO CADO CADO CADO

	<p><u>Agreed Action</u> To continue to chase the Highway License given that the deadline for spending the contribution is 8 weeks away.</p>	CADO
10	<p><b>Land at Thornhill Drive, South Normanton – Art Planning Ref: 17/00148/OUT £10,757 (24.6.26)</b></p> <p><b>Project: Murals South Street Recreation Ground</b></p> <p><u>Previous Action</u> Report to next meeting</p> <p><u>Update between meetings</u> The Thornhill Drive contribution will fund new murals. A revised three-phase project with Junction Arts will be delivered at South Street Recreation Ground, centred on a co-produced mural with Brigg Infants pupils to celebrate local identity and improve the space.</p> <p><u>January meeting update</u> CADO not at the meeting, the following update being provided the following in lieu.</p> <p>Work is continuing with Junction Arts to develop the 3-stage programme of exploration, consultation and creation for murals work on the site. Meeting in early February of 2026 to finalise planning for a start in March 2026. Timeline for project is March, April and May 2026. 1 month for each stage of the work.</p> <p><u>Agreed Action</u> Report to next meeting</p>	CADO CADO CADO CADO CADO

11	<p><b>Land at Thornhill Drive, South Normanton – Open Space Planning Ref: 17/00148/OUT £30,400 (24.6.26)</b></p> <p><b>Project: Pump Track</b></p> <p><u>Previous Action</u> To send LFPDM Part 12 of the GPDO to see if the proposal falls within permitted development.</p> <p><u>Update between meetings</u> The Thornhill Drive open-space contribution is progressing through the pump-track proposal, which went out to tender in early October. Clarification was sought on whether the scheme qualifies as permitted development, dependent on the height and volume of the raised track features. By December, the tender process had been completed and evaluated, with approval due from the parish council on 11<sup>th</sup> December. Parish-council approval pending before the contract is awarded. Once approved, the contract will be awarded and the final design agreed. Planning permission may not be required if the scheme meets permitted-development thresholds. Construction is anticipated for spring 2026, lasting around four weeks.</p> <p><u>January meeting update</u> Signed off by the Parish Council in December. Procurement delays have resulted in the matter being escalated.</p> <p><u>Agreed Action</u> Report to next meeting</p>	LFPDM LFPDM LFPDM LFPDM LFPDM
12	<p><b>Land at Thornhill Drive, South Normanton – Outdoor Sport Planning Ref: 17/00148/OUT £3,267.64 remaining (24.6.26)</b></p> <p><b>Project: Pump Track</b></p> <p><u>Previous Action</u> Report to next meeting.</p> <p><u>Update between meetings</u> The remaining outdoor-sport contribution for Thornhill Drive will be used to support the pump-track project referenced under item 11. The tender process has been completed and evaluated, with parish-council approval pending</p>	LFPDM LFPDM LFPDM

	<p>before the contract is awarded. LFPDM will report back at the next meeting.</p> <p><u>January meeting update</u> As item 11</p> <p><u>Agreed Action</u> Report to next meeting</p>	LFPDM LFPDM
<b>14</b>	<p><b>Land at Thornhill Drive, South Normanton – Health Planning Ref: 17/00148/OUT £11,784.56 (24.6.26)</b></p> <p><b>Project: Not confirmed</b></p> <p><u>Previous Action</u> To be escalated due to lack of progress / communication from the ICB.</p> <p><u>Update between meetings</u> The Thornhill Drive health contribution remains stalled due to an ongoing lack of engagement from the ICB.</p> <p><u>January meeting update</u> SDLPPSG&amp;H is working with senior leadership and political representatives, including the local MP's office, to secure ICB engagement and prevent the need to return unspent contributions.</p> <p><u>Agreed Action</u> Follow up following outcome of escalation</p>	PPPO PPPO/ SDLPPSG&H PPPO SDLPPSG&H PPPO
<b>17</b>	<p><b>High Ash Farm, Clowne – Art Planning Ref: 14/00057/OUTMAJ £12,695.12 (30.5.27)</b></p> <p><b>Project: Not confirmed</b></p> <p><u>Previous Action</u> Report to next meeting</p> <p><u>Update between meetings</u> CADO's current intention is to develop a project to be implemented in 2026 linking The Edge and High Ash Farm, potentially through sculpture trails and connections into the wider village. Conversations with artists and arts organisations are underway, with community involvement expected to shape the final design. CADO will report back at the next meeting.</p>	CADO CADO CADO

	<p><u>January meeting Update</u>  CADO not at the meeting, the following update being provided the following in lieu.</p> <p>Exploration time has been made with several artists / arts organisations around a 6-to-8-month programme starting in June of 2026 to look at how the new amphitheatre site can be made to incorporate new works of art to reflect the community / village links through the High Ash Farm, Edge and possibly even the Arc into the 'journeys' into the town itself. Consultation and exploration to start with Parish Council in April / May 2026. One other idea that has come forward is the decoration in mural form of several shipping containers on the Arc site leading towards the rear 3G pitches/ new tennis development. CADO to explore this option with the planning officer concerned with the High Ash farm site in the first instance.</p> <p><u>Agreed Action</u>  To contact the DMCO as a priority (PS) to discuss initial ideas</p>	CADO
17	<p><b>Land West of Homelea and Tamarisk – Outdoor Sport Planning Ref: 20/00209/FUL</b>  <b>£19,026.71 (30.6.27)</b></p> <p><b>Project: Tennis Courts</b></p> <p><u>Previous Action</u>  Report to next meeting.</p> <p><u>Update between meetings</u>  Legal Services are preparing an agreement and a charge on the title to secure long-term access for the Tennis Club. Once completed, contracts can be awarded, with construction targeted for spring 2026.</p> <p><u>January meeting update</u>  Legal Agreement close to completion but may require updated quotes / re-tender.</p> <p><u>Agreed Action</u>  Report to next meeting</p>	LFPDM LFPDM LFPDM LFPDM LFPDM LFPDM
18	<p><b>Land West of Homelea and Tamarisk – Open Space Planning Ref: 20/00209/FUL</b>  <b>£15,973 (30.6.27)</b></p>	LFPDM

	<p><b>Project: Not confirmed</b></p> <p><u>Previous Action</u> Report to next meeting</p> <p><u>Update between meetings</u> A recent appeal decision has reopened options for this contribution, including extending existing footpaths or using the funds for play-area improvements at The Edge or Arc. Land acquisition is still being progressed by Avant. A shorter internal path with play-area enhancements is now being considered as a potential project.</p> <p><u>January meeting Update</u> No further update</p> <p><u>Agreed Action</u> Report to next meeting</p>	LFPDM LFPDM LFPDM LFPDM
<b>19</b>	<p><b>Blind Lane, Bolsover – Open Space</b> <b>Planning Ref: 16/00463/OUT and 18/00481/REM</b> <b>£100,821 (10.6.27)</b></p> <p><b>Project: Upgrade to existing recreation area</b></p> <p><u>Previous Action</u> Report to next meeting</p> <p><u>Update between meetings</u> LFPDM is now developing the scheme based on the original improvement ideas and is contacting suppliers. Quotes are being obtained for paths, MUGA resurfacing, lighting, planting, landscaping, and play-area upgrades. Additional land from Avant and the former BDC garage site is being incorporated. A change-of-use application is required for a former garage site within the open-space boundary. Works are planned for spring–summer 2026.</p> <p><u>Update at January Meeting</u> Prices for path resurfacing have been received with prices for other components to be pursued.</p> <p><u>Agreed Action</u> Report to next meeting</p>	LFPDM LFPDM LFPDM LFPDM LFPDM

2.8 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.

- 2.9 In addition to these time sensitive items, the Procedure requires that Members are provided with summary information in relation to Section 106 Agreements monies held with deadlines beyond the 24-month period. Based on the position at the end of Quarter 3 (31<sup>st</sup> December 2025), the 'summary of sums' against each Parish and Infrastructure Type can be found as an Appendix to this report.
- 2.10 This is a change in the presentation of the data from previous Quarterly Update reports. It was felt that this new presentation would provide the information in a way that was more useful to monitoring in the way of providing early and ongoing information.

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

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

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

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

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### **RECOMMENDATION(S)**

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

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

## **IMPLICATIONS:**

<b><u>Finance and Risk</u></b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	<p><b>Details:</b> 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.</p> <p style="text-align: right;">On behalf of the Section 151 Officer</p>
<b><u>Legal (including Data Protection)</u></b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	<p><b>Details:</b> 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.</p> <p style="text-align: right;">On behalf of the Solicitor to the Council</p>
<b><u>Staffing</u></b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	<p><b>Details:</b> There are no human resources implications arising from this report.</p> <p style="text-align: right;">On behalf of the Head of Paid Service</p>
<b><u>Equality and Diversity, and Consultation</u></b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	<p><b>Details:</b> There are no specific direct or indirect negative impacts on any person with a protected characteristic or any group of people with a shared protected characteristic arising from this report.</p>
<b><u>Environment</u></b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	<p><b>Details:</b> Section 106 Agreements cover a range of policy and infrastructure requirements, albeit they do not specifically contribute to this subject.</p>

## **DECISION INFORMATION:**

<p><b><input checked="" type="checkbox"/> Please indicate which threshold applies:</b></p> <p><b>Is the decision a Key Decision?</b></p> <p>A Key Decision is an Executive decision which has a significant impact on two or more wards in the District or which results in income or expenditure to the Council above the following thresholds:</p> <p><b>Revenue</b> (a) Results in the Council making Revenue Savings of £75,000 or more or (b) Results in the Council incurring Revenue Expenditure of £75,000 or more.</p>	<p>Yes <input type="checkbox"/>    No <input checked="" type="checkbox"/></p> <p>(a) <input type="checkbox"/>    (b) <input checked="" type="checkbox"/></p>
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<p><b>Capital (a)</b> Results in the Council making Capital Income of £150,000 or more or <b>(b)</b> Results in the Council incurring Capital Expenditure of £150,000 or more.</p> <p><b>District Wards Significantly Affected:</b> (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 <b>All</b> if all wards are affected:</p>	<p><b>(a) <input type="checkbox"/></b> <b>(b) <input checked="" type="checkbox"/></b></p> <p><b>All <input checked="" type="checkbox"/></b></p>
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<p><b>Is the decision subject to Call-In?</b> (Only Key Decisions are subject to Call-In)</p> <p>If No, is the call-in period to be waived in respect of the decision(s) proposed within this report? (<i>decisions may only be classified as exempt from call-in with the agreement of the Monitoring Officer</i>)</p> <p><b>Consultation carried out:</b> (this is any consultation carried out prior to the report being presented for approval)</p> <p><b>Leader <input type="checkbox"/> Deputy Leader <input type="checkbox"/> Executive <input type="checkbox"/> SLT <input type="checkbox"/></b> <b>Relevant Service Manager <input type="checkbox"/> Members <input type="checkbox"/> Public <input type="checkbox"/></b> <b>Other <input checked="" type="checkbox"/></b></p>	<p><b>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></b></p> <p><b>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></b></p> <p><b>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></b></p> <p>Portfolio Member for Growth</p>
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<p><b>Links to Council Ambition: Customers, Economy, Environment, Housing</b></p> <p><b>Environment</b></p> <ul style="list-style-type: none"> <li>Ensuring all area, neighbourhoods and streets in the district, irrespective of housing tenure or type, are places where people want to live, feel safe, and are proud to live.</li> </ul> <p><b>Housing</b></p> <ul style="list-style-type: none"> <li>Enabling housing growth by increasing the supply, quality, and range of housing to meet the needs of the growing population.</li> </ul>	
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#### **DOCUMENT INFORMATION:**

<b>Appendix No</b>	<b>Title</b>
A	Infrastructure Contribution Sums 3-5 years Spending Deadline

<p><b>Background Papers</b> (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).</p>	
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Infrastructure Contribution Sums 3-5 years Spending Deadline (Q3 2025-26)								
Parish	Affordable Housing	Art	Outdoor Sport	Informal Open Space	Health	Highways	Biodiversity	PARISH TOTALS
Barlborough	£108,000.48		£189,101.72					£297,102.20
Clowne								
Whitwell								
Hodthorpe and Belfh	£195,418.36	£99,328.11	£139,011.98					£433,758.45
Old Bolsover			£81,613.53	£109,359.00	£12,277.20			£203,249.73
Elmton with Creswell					£48,039.70		£8,029.96	£56,069.66
Langwith								
Scarcliffe								
Glapwell								
Shirebrook			£41,988.19			£639,354.53		£681,342.72
Pleasley								
Ault Hucknall								
Tibshelf								
Blackwell								
South Normanton				£55,220.07	£30,892.35			£86,112.42
Pinxton			£65,774.96		£33,580.33			£99,355.29
<b>INFRASTRUCTURE TOTALS</b>	<b>£303,418.84</b>	<b>£99,328.11</b>	<b>£517,490.38</b>	<b>£164,579.07</b>	<b>£124,789.58</b>	<b>£639,354.53</b>	<b>£8,029.96</b>	<b>£1,856,990.47</b>