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To: Chair & Members of the Planning  
Committee

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

Dear Councillor,

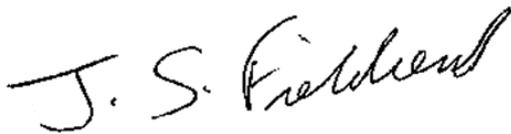
**PLANNING COMMITTEE**

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> March, 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.

### **Access for All statement**

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

**PLANNING COMMITTEE  
AGENDA**

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

Item No.		Page No.(s)
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>	4 - 16
	To consider the minutes of the last meeting held on 18 <sup>th</sup> February 2026.	
	<b><u>APPLICATIONS TO BE DETERMINED UNDER THE TOWN &amp; COUNTRY PLANNING ACTS</u></b>	
5.	<b>Application no. 25/00454/OUT - Land at Hill Top Farm, Chesterfield Road, New Houghton</b>	17 - 33
6.	<b>Application no. 25/00446/FUL - 8 Main Street, Shirebrook, Mansfield, NG20 8AW</b>	34 - 47
7.	<b>Application no. 25/00329/FUL - Land and buildings to the rear of 41 Appletree Road, Stanfree</b>	48 - 66
	<b><u>REPORTS OF THE INTERIM DIRECTOR OF PLANNING, DEVOLUTION AND CORPORATE POLICY</u></b>	
8.	<b>Review of Procedure for Publishing Details of Planning Applications Received in the Press</b>	67 - 70

## PLANNING COMMITTEE

Minutes of a meeting of the Planning Committee of the Bolsover District Council held in the Council Chamber on Wednesday, 18<sup>th</sup> February 2026 at 10:00 hours.

### PRESENT:-

Members:-

Councillor John Ritchie in the Chair

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

Officers:- Jim Fieldsend (Director of Governance and Legal Services & Monitoring Officer), Chris Whitmore (Development Management and Land Charges Manager), Julie-Anne Middleditch (Principal Planning Policy Officer), Matt Connley (Leisure Facilities Planning & Development Manager) (from minute no. PL71-25/26), Dan Oakley (Community Arts Development Officer) (from minute no. PL71-25/26), Angelika Kaufhold (Governance and Civic Manager) and Matthew Kerry (Governance and Civic Officer).

Also in attendance at the meeting, observing, was Councillor David Bennett.

### PL67-25/26 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Chris Kane and Sarah Kay (Interim Strategic Director of Economic Growth).

### PL68-25/26 URGENT ITEMS OF BUSINESS

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

### PL69-25/26 DECLARATIONS OF INTEREST

There were no declarations made at the meeting.

### PL70-25/26 MINUTES

Moved by Councillor Steve Fritchley and seconded by Councillor Phil Smith  
**RESOLVED** that the minutes of a meeting of the Planning Committee held on 21<sup>st</sup> January 2026 be approved as a true and correct record.

### PL71-25/26 APPLICATION NO. 25/00509/FUL - STATION YARD, CHESTERFIELD ROAD, PLEASLEY

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 material change of use of land known as Station Yard,

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Pleasley (formerly Pleasley West Railway Station) to accommodate 7 residential static caravans as permanent homes including parking, turning and amenity areas within the site.

The application had been referred to the Committee for determination following a call-in request from Councillor Tom Kirkham.

Additional information was contained in the Supplementary Agenda – Update Sheet.

Matt Williams spoke in favour of the application.

Antony Marshall spoke in favour of the application.

Questions were raised on the following matters: the mature trees present on site (there was no intention to remove); the results of recent felling / tree pruning activity; the maintenance of the access road (offers / contributions to resurface after completion had been made); foul water disposal (the system would be connected directly to Chesterfield Road, if feasible); alternate access; the installation of park homes (these would be delivered as ‘twin units’ and transported via the same HGV as clearing efforts); and mitigation efforts during construction.

Moved by Councillor Steve Fritchley and seconded by Councillor Tom Munro

**RESOLVED** that application no. 25/00509/FUL be **APPROVED** subject to the following planning 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 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

## PLANNING COMMITTEE

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.

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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

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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.

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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.

## PLANNING COMMITTEE

### 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.

## PLANNING COMMITTEE

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

## **PLANNING COMMITTEE**

- 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.

The meeting was adjourned at 11:04 hours for a comfort break and reconvened at 11:18 hours.

### **PL72-25/26            APPLICATION NO. 25/00491/VAR - WILLOW TREE FAMILY FARM, LANGWITH ROAD, SHIREBROOK**

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 variations to a development allowed at appeal, following a decision taken by the Committee and because the final decision was considered to be of strategic importance given the objection received from Sport England.

The Leisure Facilities Planning & Development Manager answered questions on the local demands for sports fields.

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The Development Management and Land Charges Manager clarified that the application had been advertised in the press, but not explicitly as a departure and that it was a matter of judgement as to whether the proposal constituted a departure from the local plan.

It was requested that it be noted that the Playing Field Strategy commissioned by the Council was due to be completed September 2026.

Clarification was sought on the length of the lease.

Moved by Councillor Phil Smith and seconded by Councillor Tom Munro

**RESOLVED** that application no. 25/00491/VAR 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.

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### 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.

### **PL73-25/26            APPLICATION NO. 22/00478/FUL - LAND BETWEEN ST. LAWRENCE AVENUE AND ROTHERHAM ROAD, NORTH OF LANGWITH ROAD, 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 was considered by the Committee at its meeting of 1<sup>st</sup> October 2025, 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 Section 106 legal agreement containing the planning obligations as detailed in the report.

The item was being brought back to the Committee’s attention for Members to note and consider a typographical error in the report of 1<sup>st</sup> October 2025 and confirm that it had no impact on the resolution made.

A further typographical error was noted in the Planning Policy and Strategic Housing consultation comments cited in the original case officers report – it was clarified the development would number 217 dwellings.

When put to a vote, Councillor Rob Hiney-Saunders abstained.

Moved by Councillor Phil Smith and seconded by Councillor Tom Munro

**RESOLVED** that Planning Committee Members noted the typographical error in the Consultation section of the previous Committee Report and endorsed that it did not change the resolution at the 1<sup>st</sup> October 2025 Planning Committee meeting.

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### PL74-25/26 HISTORIC ENVIRONMENT SUPPLEMENTARY PLANNING DOCUMENT - CONSULTATION DRAFT

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

The Historic Environment Supplementary Planning Document (2006) (the 'SPD') was a guidance document for all involved in making decisions on planning matters related to the historic built environment as well as the general public / developers who might want to submit a formal enquiry or application.

Since the adoption of the SPD, there had been significant changes in national heritage policy and guidance and changes within the Council's Local Plan – the SPD must reflect these changes in national and local policy to ensure it continued to support the development management process in line with current policies and practice.

The consistent and proper application of the Local Plan was supported by the SPD reflecting its policies. The developments in national and local policy since 2006 necessitated an update of the SPD to ensure it remained relevant, practical, and reflected current thinking and, critically, that the guidance aligned with the revised National Planning Policy Framework and the Local Plan.

The proposed updated SPD introduced guidance on retrofitting and balancing energy efficiency with heritage considerations. New sections of the SPD were also detailed in the report.

It was proposed that the consultation document was made available for 4 weeks between 23<sup>rd</sup> February 2026 and 23<sup>rd</sup> March 2026 in the ways as detailed in the report.

As part of the consultation, it was proposed an exhibition illustrating the key content of the consultation SPD was put on display at The Arc, Clowne, with a corresponding drop-in event for Members on the day Council would meet on 4<sup>th</sup> March 2026.

The proposed consultation draft of the SPD was attached at Appendix 1.

Moved by Councillor John Ritchie and seconded by Councillor Catherine Tite

**RESOLVED** 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; and,

- 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.

### PL75-25/26 QUARTERLY UPDATE ON SECTION 106 AGREEMENT MONITORING

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

## PLANNING COMMITTEE

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

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

The number of contributions within the 24-month threshold stood at 9, with full details provided in the report.

A further amended Appendix 1, the Infrastructure Contribution Sums for the 3-5 Years Spending Deadline, had been provided prior to the meeting.

A Member proposed if longer-term contracts should be sought when Section 106 Agreements were being negotiated in view of the upcoming Local Government Reorganisation (LGR). This was to ensure no contributions were lost when the Council was dissolved and the proposed North Derbyshire Unitary Council was established.

The Committee was informed that in other instances of LGR, Planning Teams had not changed and so continued to effectively manage Section 106 contributions (e.g. Cumberland Council had no change in the previous 6 years since).

Moved by Councillor Phil Smith and seconded by Councillor Steve Fritchley  
**RESOLVED** that Planning Committee note the contents of the report and highlight any concerns about the implementation of the Section 106 Agreements listed.

The Chair thanked all those in attendance.

It was asked that the Interim Strategic Director of Economic Growth and Monitoring Officer review and clarify the steps taken when an application is received that represented a departure from the local plan in terms of publicity requirements to a future meeting.

The meeting concluded at 12:10 hours.

**PARISH** Pleasley Parish

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**APPLICATION** Outline application for the erection of 6 dwellings with access from Chesterfield Road, with all matters reserved apart from access.  
**LOCATION** Land at Hill Top Farm Chesterfield Road New Houghton  
**APPLICANT** Mr Stuart Hill Glapwell Nurseries, Glapwell Lane Glapwell Chesterfield S44 5PY  
**APPLICATION NO.** 25/00454/OUT **FILE NO.** PP-14436450  
**CASE OFFICER** Mrs Karen Wake  
**DATE RECEIVED** 30th October 2025

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## SUMMARY

The application was originally referred to Planning Committee by Cllr Ritchie for the following reasons:

- The site has had a dwelling on it previously and there is evidence to see that on site, a tiled kitchen floor remains in situ, but the bungalow has been demolished. There was also a farm with brick and stone barns, not asbestos creations, so it wasn't an agricultural site between two villages.
- A previous application was made for a hotel on the site which was granted permission so I believe this application for a few properties stood back off the road looking similar to how the farm would have looked needs careful scrutiny.
- Lastly, is the fact that the same applicant has won appeals for the Nursery on Bolsover Road Glapwell and also for Budget Lane Scarcliffe, so we don't want to be looking at another lost appeal because of the costs involved to BDC.

The proposal is in outline with all matters reserved apart from access, for the erection of 6 dwellings with access from Chesterfield Road (A617). The site is outside the development envelope within an area of open countryside and an area allocated as an important open break in the local plan. The proposal is not on previously developed land as the previous use of the site was for agriculture.

The proposal is contrary to the requirements of policies SS1 (Sustainable Development) SS3 (Spatial Strategy and Distribution of Development) SS9 (Development in the Countryside) SS11 (Development in Important Open Breaks) SC2 (Sustainable Design and Construction) and SC5 (Changes of Use and Conversions in the Countryside.)

The application was recommended for refusal. Members were minded to approve the application contrary to officer recommendation and 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

The application has now been advertised by a press notice, and one representation has been

received from Cllr Tom Kirkham and so the application is referred back to planning committee for consideration and determination.

The representation made by Cllr Kirkham raised the following issues:

1. The development is contrary to the local plan and will open up an area of green belt for further development putting pressure on local services.

The site is not within an area allocated as Green Belt but it is in an area of open countryside and an area allocated as an important open break in the Local Plan. The application is also contrary to the requirements of the Local Plan policies set out above. These issues were considered in the original report, and the application was recommended for refusal for these reasons. The comments raised do not raise any new material planning issues that have not been considered in the original report which is set out below and there is no change to the officer recommendation.

The minutes of the 21 January 2026 Planning Committee on the item are as follows:

*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.*

*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.*

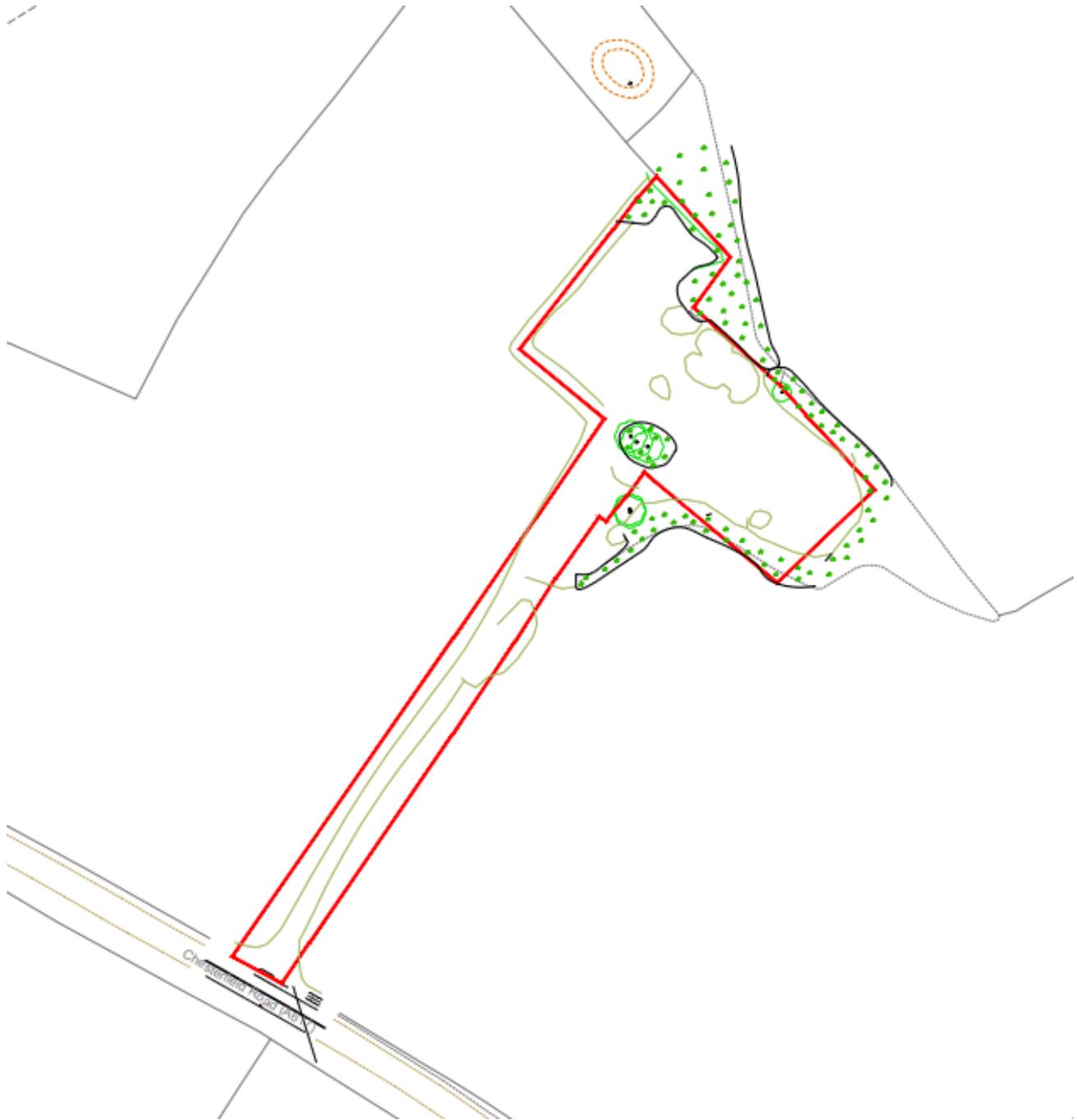
*5 in favour*

*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.*

## Site Location Plan



### **OFFICER REPORT ON APPLICATION NO. 25/00454/OUT**

#### **SITE & SURROUNDINGS**

The site is a former pig farm which contained a range of barns and a farmhouse (bungalow). The buildings were demolished many years ago, but the footprint of the buildings is visible on site. The site is in a slightly elevated position and is surrounded by fields. Access to the site is via a single width driveway from Chesterfield Road (A617.) There is currently some storage of materials on site, but this is unauthorised and is the subject of an ongoing enforcement

investigation.

## **BACKGROUND**

The site previously contained a pig farm with farmhouse. The buildings on site were demolished between 2010 and 2013 and only the concrete bases of the buildings remain.

In 1992, an outline planning application for a golf academy with 9 hole golf course and a country club hotel was refused and the subsequent appeal dismissed. The reason for this was that it was considered to have harmful impact on the character of the open countryside and would reduce the effective gap between Glapwell and New Houghton which would be harmful to the relationship between settlements. It was also considered to result in a loss of High Quality (Grade 2) agricultural land.

In 1994, outline planning permission was granted for the erection of a hotel on the site. The reason for approval was that the hotel created jobs and boosted tourism, and these reasons were considered to outweigh the impact on the countryside given that the proposal would involve the removal of the derelict buildings which were on site at the time. The planning permission was granted subject to a S106 agreement requiring the hotel to be contained within the existing built footprint on the site and the surrounding land within the applicant's ownership to be restricted to agricultural or forestry use.

A reserved matters application for a 46 bed hotel was approved in 1999. The hotel was mainly single storey with a two storey element.

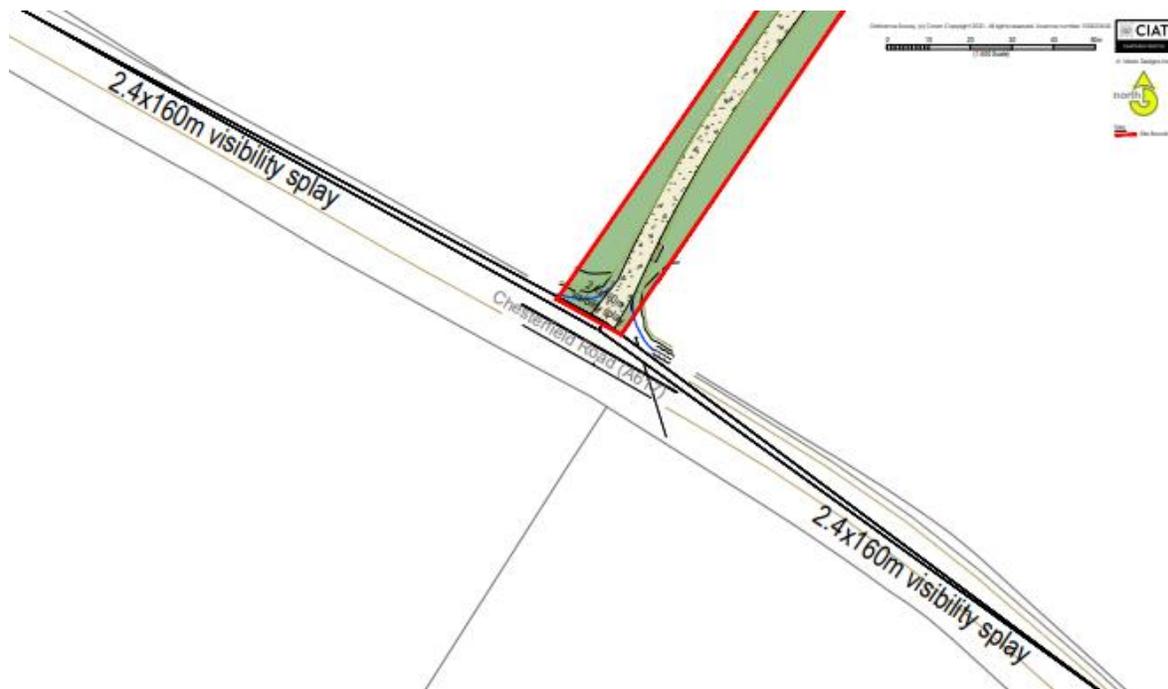
In 2015, planning permission was refused for residential development (180 dwellings) on the land to the southeast of the site. At the time the application was determined, the Local plan policies were considered "out of date" as the council did not have a five year housing land supply and as such the Framework has a presumption in favour of sustainable housing development. However, the development was considered to be in an unsustainable location, harmful to the character of the countryside and the important open break and resulted in a loss of quality agricultural land and this outweighed the benefit of the proposed housing.

The Inspector agreed and the appeal was dismissed despite the lack of a five year supply of housing.

## **PROPOSAL**

The application is in outline with all matters reserved apart from access for the erection of 6 dwellings. The proposal utilises the existing access onto Chesterfield Road (A617.)

Access Plan



**AMENDMENTS**

None

**EIA SCREENING OPINION**

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

**HISTORY**

BOL/1992/0369	Granted Conditionally	Hotel at Hill Top Farm (BOL 992/369)
BOL/1991/0096	Refused	9 hole golf course, driving range, practice area and country club hotel (BOL 391/96)
97/00070/VAR	Permitted	Variation of Condition 1 of planning permission 992/369 (Erection of a hotel) to allow for a further year for the submission of Reserved Matters
98/00084/VAR	Permitted	Variation of Condition 1 and 2 of planning permission BOL992/369 (for the erection of an hotel) to allow a further year for the submission of reserved matters
99/00171/REM	Granted Conditionally	Erection of a hotel, car parking, associated landscaping & access improvements

**HISTORY ON ADJACENT SITE**

15/00124/OUT	Refused, dismissed on appeal	Residential development
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## **CONSULTATIONS**

### Parish Council:

- No comments received.

### DCC Highways:

- No objections subject to a condition requiring the access to be provided on site in accordance with the submitted plans before dwellings are occupied.

### DCC Archaeology:

- No comments received.

### National Trust:

- No comments received.

### Environmental Health Officer:

- No objections in principle. Advise a condition requiring submission of a phased contamination and remediation scheme where necessary and a condition restricting hours of construction and deliveries being restricted to 7.30am -6pm Monday to Friday, 7.30am to 1pm Saturday and no time on Sundays or public holidays.

### Derbyshire Wildlife Trust:

- BNG metric appears to have been completed accurately, and a good level of detail is provided in the BNG Assessment report. However, why there will be a delay in starting habitat creation and enhancement is queried. A net loss of -0.26 habitat units (7.81%) is predicted, which are likely to be purchased from a Habitat Bank. Onsite gains have been maximised within the current layout, and they should be classed as significant and therefore require a Habitat Management and Monitoring Plan (HMMP). Significant onsite gains should be secured via legal agreement.

In addition to the statutory biodiversity gain condition, advise conditions requiring:

- No clearance in nesting season (1st March and 31st August inclusive) unless preceded by a nesting bird survey.
- As part of reserved matters application, update badger surveys are undertaken, and a Badger Mitigation Strategy then be submitted to the LPA for approval and then implemented.
- Site clearance shall be undertaken in a manner by which to safeguard common amphibians, reptiles and hedgehogs. And a short statement of compliance be submitted upon completion of clearance works to discharge this condition, including records of any wildlife encountered.
- Prior to the installation of lighting fixtures, a detailed lighting strategy be submitted for approval and implemented as approved
- Prior to building works commencing above foundation level, a Species Enhancement Plan be submitted for approval and implemented as approved and a statement of good practice submitted once installed.
- A Habitat Management and Monitoring Plan (HMMP) to be submitted approved and implemented prior to the commencement of the development.

### Planning Policy:

- The site is located between New Houghton and Glapwell. It does not fall within or adjacent to any of the settlement tiers set out within Policy SS3, the spatial strategy, as such it is development within the countryside.
- It is not considered to be a sustainable location and is contrary to Policy ITCR 10: Supporting Sustainable Transport Patterns.
- The site is excluded by both the Local Plan and the NPPF from being previously developed land and therefore does not meet any of the criteria in Policy SS9: Development in the Countryside.
- It is not considered to meet the provisions set out in Policy SS11: Development in Important Open Breaks and other policies relating to the character of the area as it will have a harmful impact on openness and the character and appearance of the area. On this basis, it is considered that the proposed development would conflict with the Local Plan as a whole.

### **PUBLICITY**

Site notice, 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
- SS3 - Spatial Strategy and Distribution of Development
- SS9 - Development within the Countryside
- SS11 - Important Open Break
- SC3 - High Quality Development
- SC5 - Changes of Use and Conversions in the Countryside
- SC8 - Landscape Character
- SC9 - Biodiversity and Geodiversity
- SC11 - Environmental Quality (Amenity)
- SC14 - Contaminated and Unstable Land
- ITCR 10- Supporting Sustainable Transport Patterns.
- ITCR11 - Parking Provision

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

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

- Chapter 2 (paras. 7 – 14): - Achieving sustainable development.
- Paragraphs 48 - 51: Determining applications.
- Paragraphs 56 - 59: Planning conditions and obligations.
- Paragraphs 85 - 87: Building a strong, competitive economy.

- Paragraphs 109 - 118: Promoting sustainable transport.
- Paragraphs 124 - 128: Making effective use of land.
- Paragraphs 131 – 141: Achieving well-designed places.
- Paragraphs 187, 193 and 195: Conserving and enhancing the natural environment.

### Supplementary Planning Documents

Successful Healthy Places: A Guide to Sustainable Housing Layout and Design, Adopted 2025:

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

Local Parking Standards:

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

Biodiversity Net Gain Design Note:

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

## **ASSESSMENT**

### **Key issues**

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

- the principle of the development in terms of sustainability, impact on the countryside and impact on the important open break
- the landscape and visual impact of the proposed development
- residential amenity
- whether the development would be provided with a safe and suitable access and the impact of the development on the local road network
- Ecology and biodiversity

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

### **Principle**

#### Sustainability of location

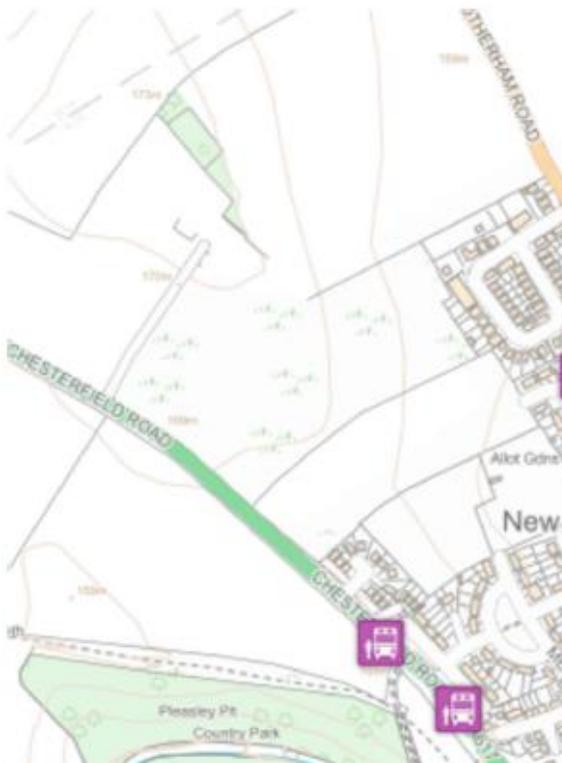
Policy SS3: Spatial Strategy and Distribution of Development sets out the spatial strategy and distribution of development in Bolsover District to meet the local housing need as set out in the Local Plan. It identifies a settlement hierarchy comprising small towns, emerging towns,

large villages and small villages which have development envelopes as defined on the policies map. It directs development in accordance with this hierarchy, with more development being directed to the most sustainable towns and villages.

This site is located in the countryside between two of the small villages of New Houghton and Glapwell, but closer to New Houghton. However, it is not located in close proximity to the development envelope or existing built-up area of New Houghton. Consequently, it is not considered to be a sustainable location in relation to the spatial strategy set out in Policy SS3.

Policy SS1 Sustainable Development requires development to be located in close proximity to trip generators with the aim of reducing the need to travel by non-sustainable modes of transport. Policy ITCR10: Supporting Sustainable Transport Patterns, supports new development where the provision of services are located to support sustainable transport patterns and the use of the district's sustainable transport modes. The image below shows the nearest bus stop to the site. The stop is approximately 640 metres away, on the other side of the road to the pavement of the A617, making it difficult for occupiers of the proposed houses to access public transport. The location is even further from the nearest convenience store and primary school in New Houghton village with part of the route being along the busy A617. Therefore, it is considered that housing in this location is unlikely to support sustainable transport patterns, as most journeys would be reliant on the private car.

#### Bus stops closest to the site



#### Development in the countryside

Development proposals in the countryside are considered against Local Plan Policy SS9: Development in the Countryside. For development to be acceptable it must fall within one or more of the categories set out in the Policy and it will be required to respect the form, scale

and character of the landscape, through careful location, design and use of materials. These categories 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

Under category SS9 a) development may be acceptable if it “involves a change of use or the re-use of previous developed land, provided the proposed use is sustainable and appropriate to the location.” The site was previously used as a pig farm, but the farm buildings and farmhouse were demolished between 2010 and 2013. Only the surface infrastructure associated with the previous use remains on site. This cannot be regarded as previous developed land as both the Local Plan and NPPF 2024, Annex 2, specifically excludes: “*land that is or was last occupied by agricultural or forestry buildings.*” Therefore, the site does not meet Policy SS9 a). The proposal is not considered to meet any of the other criteria of the Policy b) to g) and consequently the development proposal is contrary to Policy SS9 of the adopted local plan.

Policy SC5: Change of Use and Conversions in the Countryside allows for conversions of buildings and the change of use of land within the countryside provided they meet a number of criteria. Most of these criteria relate to the conversion of a building. The criteria relevant to the change of use of land are that utilities can be provided and there is access to a metalled road without road improvements incompatible with the character of the area and the proposal does not add to flood risk concerns. In this instance the development can be provided with a safe access and does not add to flood risk concerns. However, policy SC5 also requires changes of use of land to be in keeping with the original character of the building or land and enhance the fabric and character of any adjacent buildings, or the landscape type generally.

In this instance, a group of dwellings in a remote position, clearly separated from adjacent settlements is not considered to enhance the character of the landscape, contrary to the requirements of policy SC5 and this issue is considered later in the assessment.

#### Character and appearance of the area

The application site is currently open with the former buildings having been demolished and is surrounded by agricultural fields. It is also isolated from the nearest settlements as it is not physically on the edge of New Houghton. Together Policies SS1 i) SS9, SC2 h) SC3 j) SC5b) and SC8 of the Local Plan require that development protect, create, and/or enhance the local landscape and the wider countryside and responds to the established character and local distinctiveness of the surrounding landscape. Similarly, the NPPF (paragraph 187) recognises the intrinsic character and beauty of the countryside and seeks to ensure that developments

are sympathetic to local character. The site is located within an important open break under Policy SS11 of the adopted local plan. This policy places an emphasis on maintaining the open character which contributes to the separation of settlements and their individual identity and sense of place. The openness of the site is therefore an important consideration of the effect of the development on the character and appearance of the area. In this case the former farm buildings on the site have been demolished. Consequently, the proposed development would have a detrimental impact on maintaining the open character between Glapwell and New Houghton and would be contrary to Policy SS11.

The NPPF in paragraph 83 promotes sustainable development in rural areas providing housing is located where it will enhance or maintain the vitality of rural communities. However, the proposed development is not located on the edge of a settlement and if it is not a sustainable location it will not meet NPPF paragraph 84 which identifies that planning decisions should avoid development of isolated homes in the countryside.

The Written Ministerial Statement “Building the homes we need” 30th July 2024, set out a focus on facilitating housing delivery, particularly in areas which have the greatest need, with an emphasis on brownfield sites. It also highlighted changes to restore and raise housing targets. These changes were subsequently introduced through the NPPF, December 2024, and Planning Practice Guidance, in the revised standard method for determining local housing need and the reintroduction of at least a 5% buffer in the land supply.

Relevant to this is the Council’s Five-Year Housing Land Supply position. The Council published its annual position statement in July 2025, which responds to the Local Housing Need target based on the standard method in national planning guidance. Based on this assessment, the Council has 5.69 years supply of deliverable housing for the period 2025/26 to 2029/30. In this situation full weight should be given to the policies of the local plan and the Council remains in a position where housing development may be resisted within countryside locations. Whilst acknowledging the limited public benefit from the delivery of additional dwellings, this is not considered to outweigh the substantive policy conflicts that arise.

#### Conclusion on the principle of the development

The application site is located between New Houghton and Glapwell. It does not fall within or adjacent to any of the settlement tiers set out within Policy SS3, the spatial strategy, as such it is development within the countryside. It is not considered to be a sustainable location and is contrary to Policies SS3 and ITCR 10: Supporting Sustainable Transport Patterns.

The site is excluded by both the Local Plan and the NPPF from being previously developed land and therefore does not meet any of the criteria in Policy SS9: Development in the Countryside. It is not considered to meet the provisions set out in Policy SS11: Development in Important Open Breaks and other policies set out above relating to the character of the area, in particular policies SC2h, SC5 and SC8 as it will have a harmful impact on openness and the character and appearance of this rural area. On this basis, it is considered that the proposed development would conflict with the Local Plan as a whole.

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

The site is remote from nearby settlements and is within an area of open countryside and an area allocated as an important open break. The site is in a prominent position on gently undulating land surrounded by fields. The site falls within the National Character Area

Southern Magnesian Limestone Character area and the Limestone Farmlands Landscape character type. The Southern Magnesian Limestone Character Area is characterized by discreet towns and villages set amidst arable fields. Although many of the settlements associated with former collieries have expanded in size, beyond development envelopes the landscape remains rural in character. When considering development proposals within the Limestone Farmlands Landscape Character type, it is considered important to maintain this visual relationship between settlement and countryside and protect the key characteristic of a nucleated settlement pattern.

In this instance, the former farm buildings were demolished a number of years ago and the bases of the buildings are not visible in the landscape. Any new dwellings on the site will be extremely prominent and incongruous, causing harm to the character and distinctiveness of the landscape, contrary to the requirements of policy SC8 of the adopted Local Plan.

The indicative plans submitted show a farmhouse and barns style arrangement, designed to look like converted rural buildings. However, only the access is a matter to be considered as part of this outline application. All other matters are reserved and cannot be considered as part of this application and as such the reserved matters application may include a materially different layout and design which could be much more domestic in character. Even if a reserved matters application came forward in a design similar to the indicative plans, given that the site has been vacant for a number of years, any buildings will still appear prominent and have a harmful urbanising impact on the landscape and detracting from the objective of maintaining an open character which contributes to the separation of settlements, contrary to the requirements of policies SS11 and SC8 of the adopted local plan.

#### Residential amenity

The appearance, layout and scale of the development are reserved matters. The development therefore cannot be assessed against the council's Successful Healthy Places Supplementary Planning Document to consider whether the development provides an adequate standard of amenity for future occupiers. However, the site would appear to be large enough to accommodate six dwellings which meet the requirements of this guidance in terms of distances between windows, distances between windows and private gardens and garden sizes etc.

The site is set well away from any existing dwellings and is not considered to result in any harm to the privacy or amenity of these dwellings.

The Environmental Health Officer has requested a condition restricting hours of construction and deliveries being restricted to 7.30am -6pm Monday to Friday, 7.30am to 1pm Saturday and no time on Sundays or public holidays. Given the distance of the development from existing dwellings, such a condition is considered unnecessary and unreasonable.

#### Access/Highways

Access is not a reserved matter and is to be considered as part of this application. The proposal utilises the existing access onto Chesterfield Road. It includes a bin store adjacent to the site entrance and provides 2.4m x 160m visibility splays.

The Highway Authority has confirmed that the existing access can achieve appropriate emerging visibility in both directions on to Chesterfield Road and the access is of an

appropriate width to accommodate two-way movements. The Highway Authority has no objections to the proposal subject to a condition requiring the provision of 2.4m x 160m visibility splays. The design and site layout is a reserved matter, but the site is considered large enough to be able to accommodate parking and turning areas for six dwellings. Subject to the condition suggested above, the proposal is not considered to be detrimental to highway safety in accordance with policy SC3 of the adopted local plan and paragraph 116 of the NPPF

Ecology and Biodiversity Considerations

A Preliminary Ecological Appraisal and a BNG Assessment have been submitted with the application.

The site comprises the location of former farm buildings, an area of scrub and an access track. Habitats are of relatively low ecological value.



Derbyshire Wildlife Trust has confirmed that the BNG metric appears to have been completed accurately, and a good level of details is provided. A net loss of -0.26 habitat units (7.81%) is predicted. These units are likely to be purchased from a Habitat Bank with some onsite gains which could be secured.

Conditions required by Derbyshire Wildlife Trust (set out above) could ensure the protection of species on site during and after construction and ensure there is no net loss of biodiversity in accordance with policy SC9 of the adopted local plan.

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
	-0.26	0.00	0.00
	Total % change	Total % change	Total % change
	-7.81%	0.00	0.00

Contamination

The site is on an area previously occupied by a working farm and contains areas of made ground. There is therefore potential for contamination, however, subject to a condition requiring submission of a phased contamination and remediation scheme, the site is

considered capable of accommodating dwellings and is considered to meet the requirements of policy SC14 of the adopted local plan.

## **CONCLUSION / PLANNING BALANCE**

Whilst the site may be capable of accommodating six dwellings without causing harm to residential amenity, highway safety or biodiversity, the limited public benefit that would arise from this small number of additional dwellings is not considered sufficient to outweigh the visual harm caused to the character of the landscape and the openness of this Important Open Break, contrary to the requirements of policies SS11 and SC8 of the adopted local plan. The site is excluded by both the Local Plan and the NPPF from being previously developed land and does not meet any of the criteria in Policy SS9, nor does it meet the requirements of policy SC5, of the adopted local plan.

The application site is located between New Houghton and Glapwell. It does not fall within or adjacent to any of the settlement tiers set out within Policy SS3, the spatial strategy, as such it is development within the countryside. It is not considered to be a sustainable location and is contrary to Policy ITCR 10: Supporting Sustainable Transport Patterns.

On this basis, it is considered that the proposed development would conflict with the Local Plan as a whole and is therefore recommended for refusal.

### Comments on the reason for referral to planning committee

NPPF 2024, Annex 2, specifically excludes: "land that is or was last occupied by agricultural or forestry buildings" from being previously developed land. The site did have a dwelling on it many years ago, but this was a small single storey farmhouse associated with the overall agricultural use of the site. Case law would indicate that where a dwelling is used solely in association with the surrounding farm, it can be treated as previously part of the overall agricultural use of the site. Although the planning history is limited in respect of this site, an application submitted in 1991 indicates that all buildings onsite were part of a single pig farm that was vacated in 1989, resulting in the proposed demolition of all of the buildings including the dwelling, as part of the wider proposals contained in that application; the application form states the site was vacant at the time of the application. On this basis, no parts of this site are regarded as previously developed land and even if the former dwelling could be classed as previously developed land, this would only cover the dwelling and would not extend to the entirety of the application site in any event, and this does not alter the overall conclusions in the previous assessment in respect of the proposed housing development on it.

A previous application was approved for a hotel on the site, but this was approved in 1994 under an earlier adopted local plan. The reason for approval was that the hotel created jobs and boosted tourism, and these reasons were considered to outweigh the impact on the countryside given that the proposal would also involve the removal of the derelict buildings which were on site at the time.

The current proposal must be considered against the development plan which comprises policies in the current Local Plan and the National Planning Policy Framework. The current proposal doesn't create jobs or boost tourism and as such there are no public benefits which could be considered to outweigh the harm caused to the rural character of the area or the openness of this important open break or allow for residential development in an

unsustainable location. Where there are no material considerations to indicate otherwise, Section 54A of the Town and Country Planning Act requires determination in accordance with the development plan.

The fact that the same applicant previously won appeals for the Nursery on Bolsover Road Glapwell and on Budget Lane Scarcliffe, is not considered relevant to the current proposal. Each application must be determined on its individual merits and provided the council has determined the application in accordance with the development plan and has followed correct procedures during the processing of the application, even if an appeal is made and that appeal is allowed, the council will have acted reasonably and as such, there would be no reason for costs to be awarded against the council.

**RECOMMENDATION – Notwithstanding the Planning Committee resolution on the 21<sup>st</sup> January 2026 Officers maintain that the current application be REFUSED for the following reasons:**

1. The development is harmful to the character of the landscape and the openness of this designated Important Open Break between settlements. This harm is not considered to be outweighed by the limited public benefits that would arise from this small number of additional dwellings. It does not fall within or adjacent to any of the settlement tiers set out within Policy SS3, the spatial strategy, as such it is development within the countryside. It is not considered to be a sustainable location and is contrary to Policies SS1 and ITCR 10. The site is excluded by both the Local Plan and the NPPF from being previous developed land and therefore does not meet any of the criteria in Policy SS9: Development in the Countryside. It is not considered to meet the provisions set out in Policy SS11: Development in Important Open Breaks or other policies, including Policy SC5: Change of Use and Conversions in the Countryside SC8 (Landscape Character) and SC2 (Sustainable Design and Construction), relating to the character of the area as it will have a harmful impact on openness and the character and appearance of this rural area. On this basis, it is considered that the proposed development would conflict with the Local Plan as a whole.

### **Equalities Statement**

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

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

### **Human Rights Statement**

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

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

**PARISH** Shirebrook Parish

**APPLICATION** Change of use of the first and second floors from ancillary accommodation (previously used in association with the existing ground-floor takeaway) to a 3-bedroom House in Multiple Occupation (Use Class C4).

**LOCATION** 8 Main Street Shirebrook Mansfield NG20 8AW

**APPLICANT** Mr Muhammad Qureshi 5 Harrison Road Mansfield Nottinghamshire NG18 5RG United Kingdom

**APPLICATION NO.** 25/00446/FUL **FILE NO.** PP-14435813

**CASE OFFICER** Mr Mitchel Smith

**DATE RECEIVED** 24th October 2025

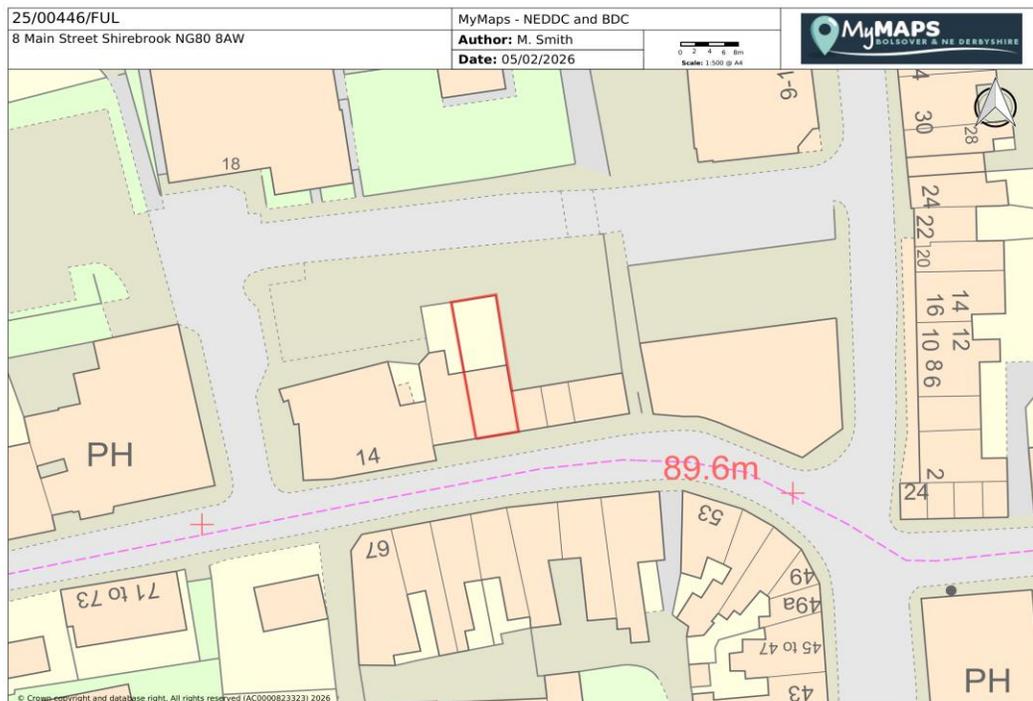
## SUMMARY

This is a full planning application for the change of use of the first and second floors from ancillary accommodation (previously used in association with the existing ground-floor takeaway) to a 3-bedroom house in multiple occupation (HMO) which falls within use class C4. The plans indicate that the HMO will provide three rooms with en-suites and a shared kitchen space.

Cllr Jane Yates has requested that the application be referred to Planning Committee given there as numerous other HMOs within the surrounding area.

The application is recommended for conditional approval.

## Site Location Plan



## OFFICER REPORT ON APPLICATION NO.25/00446/FUL

### SITE & SURROUNDINGS



The application site comprises a semi-detached building, which operates as a hot food takeaway. The principal elevation contains a red shop front advertising the takeaway named 'Flavings'. The first floor is finished in white tiles, and a tiled gable roof is present.

The rear of the building contains a UPVC door and three windows. To the rear of the site is a public car park.

Main Street is made up of various business and commercial properties including several hair salons / barbers, dental services, shops, public houses, estate agents and cafes. Numerous buildings within Main Street provide residential accommodation to the first-floors.

The site is situated within the development envelope of Shirebrook, and is also a designated town centre location.

### PROPOSAL

The application is seeking planning permission for the change of use of the first and second floors a three-bedroom house in multiple occupation (HMO) (use class C4). Three rooms are proposed, each with an en-suite; two rooms are proposed on the first-floor of the building along with a share kitchen. The third room will be situated on the second-floor. There are no physical alterations proposed to the application building.

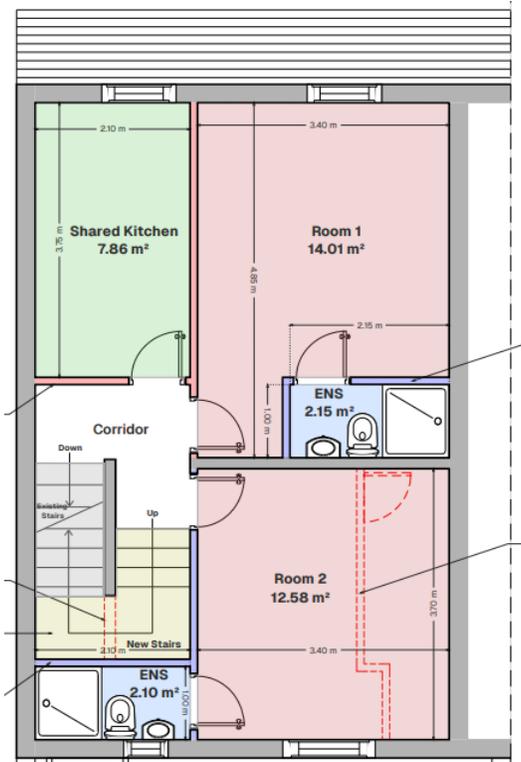


Figure 1 - First-floor layout plan

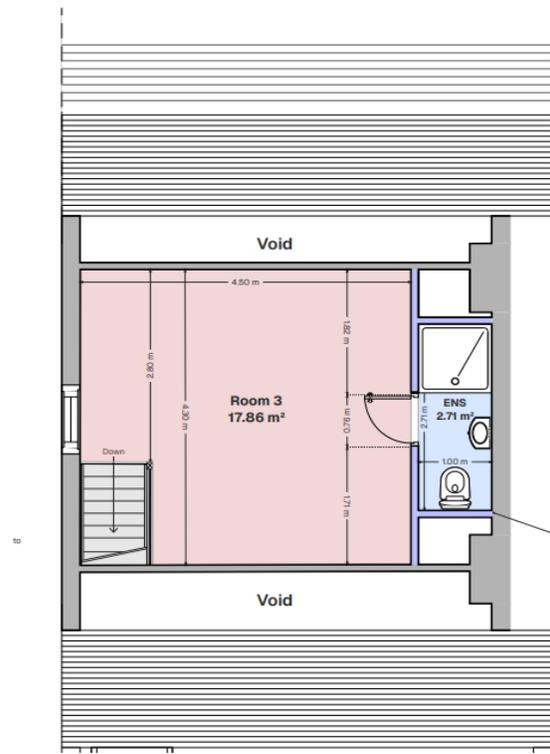


Figure 2 - Second-floor layout plan

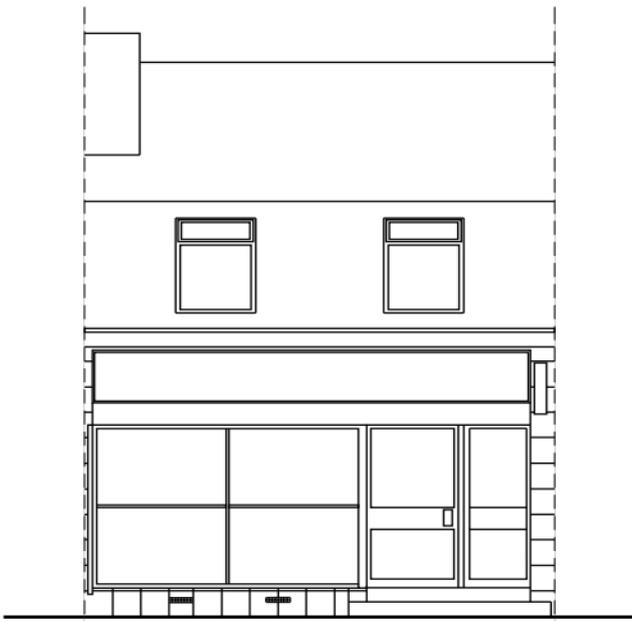


Figure 1 - Front Elevation

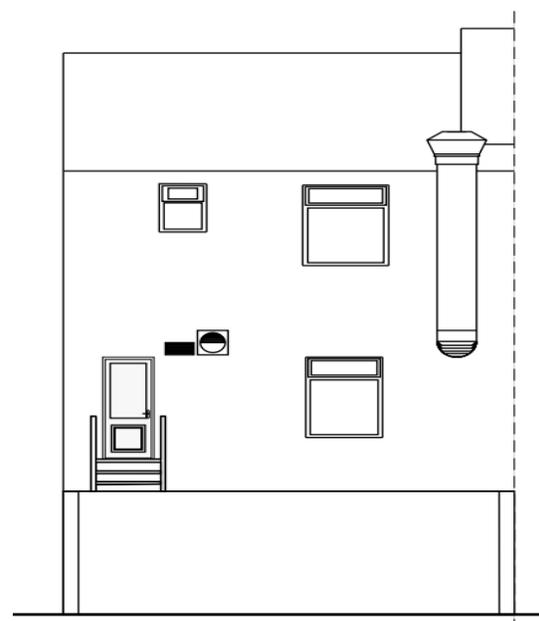


Figure 2 - Rear Elevation

### Supporting Documents / Summary of Submissions

- Existing and Proposed Site Plan – 24/10/2025
- Existing Front and Rear Elevations – 24/10/2025
- Proposed Floor Plans – 24/10/2025
- Noise Impact Assessment – 11/11/2025

- Odour Impact Assessment – 11/11/2025
- Supplementary Odour Impact Assessment – 28/01/2026

## AMENDMENTS

- 11/11/2025: Submission of Noise and Odour Impact Assessment as required by Environmental Health.
- 28/01/2026: Supplementary Odour Impact Assessment

## EIA SCREENING OPINION

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

## HISTORY

BOL/1992/0271	Granted Conditionally	Erection of external staircase (BOL 692/271)
BOLADV/1991/019	Granted Conditionally	Static internally illuminated fascia sign and static internally illuminated projecting sign (BOL 1091/A19)
BOL/1989/0591	Granted Conditionally	Proposed change of use from showroom to hot food takeaway facility (BOL 1089/592)
20/00313/OTHER	Granted Conditionally	Extension to Local Development Order to support the Shop Front Repairs Grants Scheme
24/00326/LDOCC	Granted	Alterations to shop front to include raising front shop window, new doors and new shutter (20/00313/OTHER)

## CONSULTATIONS

Statutory consultees were invited to consider the application on 28/10/2025 and 12/11/2025 requiring comments to be provided by 18/11/2025 and 03/12/2025.

### Derbyshire County Council Highways

- 17/11/2025: No objections.

### Environmental Health

- 06/11/2025: Requires a noise and odour assessment to ensure suitable mitigation of amenity impacts can be provided.
- 11/11/2025: Noise detail acceptable. More details required with regard to odour.
- 02/02/2026: Approval of the additional submission and recommended conditions requiring a scheme for the extraction, dispersal and control of cooking odour, all

elements of inlet and extract systems and implementation of the mitigation measures recommended in the noise impact assessment.

Shirebrook Town Council

No comments received.

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

**PUBLICITY**

The application has been advertised by way of a site notice, and four surrounding buildings have been contacted. A total of 17 representations has been received from 16 individuals. One representation stated they felt HMOs can have a detrimental effect on neighbouring properties, however this HMO is much better than having one in a residential area given the surrounding facilities (parking and shops).

A summary of the representations received has been provided below:

Principle

- Oversaturation of HMOs within Shirebrook.
- Results in increased number of transient people and reduced availability of family housing.
- Additional strain on medical services and schools.
- Increase of anti-social behaviour and crime levels.
- Contrary to NPPF paras.62, 92, 111, 130(f), 185 and Local Plan policies: LC3, D1, ITCR4, and ITCR5, and Planning Practice Guidance (PPG).

Visual Impact

- HMOs result in visual implications to Shirebrook.

Residential Amenity

- Limited space to the rear.
- Noise disturbance – no mitigation (soundproofing).
- Flawed odour impact assessment.

Highways/Access

- Contributes further to issues with parking congestion.
- Silent on public transport and active travel.

Other Matters

- Concerns over the future residents of the HMO and whether appropriate checks have undertaken prior to their occupation.
- HMOs contributing to antisocial behaviour and fly tipping
- Assumptions of the age, gender, race and ethnicities of future residents.
- Fire safety.

## **POLICY**

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

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

- SS1 Sustainable Development
- SS3 Spatial Strategy and Distribution of Development
- LC3 Type and Mix of Housing
- WC5 Retail, Town Centre and Local Centre Development
- SC1 Development within the Development Envelope
- SC2 Sustainable Design and Construction
- SC3 High Quality Development
- SC9 Biodiversity and Geodiversity
- SC11 Environmental Quality (Amenity)
- ITCR10 Supporting Sustainable Transport Patterns
- ITCR11 Parking Provision

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

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

- Chapter 2 (paras. 7 – 14): - Achieving sustainable development.
- Paragraphs 48 - 51: Determining applications.
- Paragraphs 56 - 59: Planning conditions and obligations.
- Paragraphs 109 - 118: Promoting sustainable transport.
- Paragraphs 131 – 141: Achieving well-designed places.

### 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.

## ASSESSMENT

### **Key issues**

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

- *local and national planning policy;*
- *the principle of the development;*
- *the landscape and visual impact of the proposed development;*
- *the impact on residential amenity;*
- *whether the development would be provided with a safe and suitable access and the impact on the local road network;*
- *biodiversity considerations;*
- *other matters;*

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

#### Local and National Planning Policy

Several of the representations received stated that the proposed scheme was contrary to numerous local planning policies along with sections of the Framework, and Planning Practice Guidance (PPG). The following assessment will discuss the planning merits of the proposal and include consideration of the relevant local and national planning policy. Within the objections, there are several references to policy 'D1', however this is not a planning policy of the Local Plan for Bolsover District nor is it present with the NPPF or PPG. Given the context of the objection, it is perceived that this refers to policy SC3 – High Quality Development. References are also made to policies ITCR 4 and 5, however these are not relevant to this application and therefore have not been considered within the following assessment.

#### Principle

Objections to the proposal have been received which state that there is already an oversaturation of HMOs within Shirebrook, and that additional accommodations would result in strain on local medical and school services and increase anti-social behaviour (ASB).

The introduction of a residential unit in the form of a 3-bed HMO would not, it is considered, be so significant as to have a detrimental impact on local services such as GP and school services.

In order to achieve sustainable development policies SS1 and ITCR10 require development proposals to be within close proximity to trip generators such that the district's sustainable transport modes can be effectively utilised. The site is situated within a designated town centre location, which is well connected in terms of public transport facilities. The nearest public transport facilities to the application site are as follows;

- Bus stops:
  - 40m south-west
  - 115m west
  - 2x 178m south-west
  - 2x 170m north

- 170m north-east
- Several surrounding the Market Place ~300m north east
- Train station: ~820m to the east

The site is within walking distance to local shops facilities, and as set out above, transport facilities which provide access to larger towns and cities including Pinxton, Mansfield, Sheffield, Derby and Nottingham.

Policy SS3 further seeks to provide sustainable development by setting out the spatial strategy for the distribution of development, firstly, to the small towns of Bolsover and Shirebrook and emerging towns of South Normanton and Clowne and then to larger villages of Creswell, Pinxton, Whitwell, Tibshelf and Barlborough. The application site is situated within the development envelope of Shirebrook and therefore is compliant with policies SS3, and SC1 subject to accordance with criteria (a) to (e).

Support will be given to development proposals, by policy SC1, provided the development is:

- A) Appropriate in scale, design and location to the character and function of the area;
- B) Does not result in the loss of a settlement's last remaining community building or facility of that type unless it can be demonstrated that it is no longer viable;
- C) Is compatible with, and does not prejudice any existing or intended use of adjacent sites;
- D) Accords with other policies of this Plan, or Neighbourhood Plan if applicable;
- E) Would not have an unacceptable environmental impact.

The proposal does not involve built development and there are a variety of other residential units within the immediate setting. This outlines an acceptance of residential accommodation within the location. The HMO does not result in a loss of a community building or service and there is no prejudice to adjacent sites. Accordance with planning policies will be discussed throughout the report; there is no Neighbourhood Plan for Shirebrook. The introduction of a HMO will not result in unacceptable environmental impacts. As such, the proposal is considered to comply with provisions A-E of policy SC1 of the Local Plan.

As per policy WC5, support will be given to proposals which maintain or enhance the vitality and viability of the town and local centres, providing they are of a suitable scale and nature to respect the character of the centre and assist in maintaining its retail and service function.

The current use of the building is a hot food takeaway, with the top two floors used as ancillary accommodation for the commercial use. The application form states that '*the upper floors have remained vacant and have never been occupied for residential purposes*'. Para.124 of Section 11 of the Framework sets out that '*decisions should promote an effective use of land in meeting the need for homes and other uses*'.

The surrounding mixed-use area is made up of several retail, commercial and residential uses. Providing accommodation through the grant of planning permission for the HMO would bring the upper floors of the takeaway into use, reducing the risk of the upper floors falling into a state of disrepair, while also providing additional accommodation. The use of a part vacant plot will contribute to the vitality and viability of the town centre location and is considered to be an effective use of land, in accordance with policy WC5 and section 11 of the NPPF.

Further objections state an oversaturation of HMOs and compliance with a 5-year housing land supply (5YHLS) means no further housing is required. While BDC are currently achieving a 5YHLS, it is noted that this is a minimum and is not a justified reason to refuse planning permission and there is an expectation that windfall housing development will come forward within the main settlements. The proposed HMO is consistent with a national drive for additional housing.

Policy SS1 states proposals should promote the social and economic wellbeing of Bolsover District's communities, contributing to reducing social advantages and inequalities as to create a positive image of the district. Policy LC3 requires proposals for new housing to seek an appropriate mix of types and sizes.

Accommodation on a smaller scale is to be expected within town centre, mixed-use locations. The proposal further contributes to Bolsover District's 5YHLS and is compliant with policy LC3 of the adopted Local Plan through providing a mix of housing type.

It is accepted that there are numerous other HMOs within the Shirebrook and the concerns and objections, including increased anti-social behaviour, raised by local residents are noted, however, there is no mechanism to prevent applications for such uses coming forward; likewise, there are no means to direct HMO uses to one specific location or to be distributed more widely across the district.

The planning system does not discriminate against the backgrounds and behaviour of future occupants; these are not material planning considerations. The assessment of the application is to determine the suitability of the application site to be used as a HMO. While the planning assessments cannot consider individual residents, the management of the HMO can be controlled. In order to control instances of antisocial behaviour a condition is proposed requiring a management plan to be submitted and approved by the LPA. The plan would deal with the vetting of occupants, day-to-day management and methods of dealing and reporting antisocial behaviour.

Overall, the principle of the development is acceptable, and the proposal is considered to comply with the provisions of policies SS1, SS3, LC3, WC5, SC1 and ITCR10 of the Local Plan for Bolsover District.

#### Visual impact of the proposed development

Objections consider that HMOs result in visual implications to Shirebrook; while these comments are noted, the proposed scheme is for the change of use of the site and does not include any exterior alterations to application building.

Policies SC2 and SC3 of the Local Plan require new development to make use of locally sourced materials, protect and enhance the distinctiveness of townscapes and achieve a high quality of design, according with an established character.

Section 12 (Achieving well-designed places) of the Framework, at para.139 states that *'development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design'*.

The relevant local and national policy has a particular focus on the introduction of development and how this should integrate with the surroundings and be of a high standard.

In this instance, there are no building alterations proposed; the application is seeking permission for the change of use of the existing first and second floor. On this basis, the proposed HMO does not introduce any visual amenity harm to the application building, streetscene or wider setting. Therefore, the proposal by way of not introducing harm, is compliant with policies SC2 and SC3 of the Local Plan for Bolsover District and the 'Achieving well-designed places' section of the Framework.

### Residential Amenity

In order to comply with policy SC11, development which is likely to cause, or experience, a loss of residential amenity as a result of light, noise, dust, odour or vibration, or a loss of privacy must be supported by a relevant assessment, and if necessary appropriate mitigation must be put in place.

Given no built development is proposed, there will be no harmful overbearing or overshadowing impacts introduced as a result of the proposed HMO.

Impacts on the privacy provision will also be acceptable. The rear facing habitable room windows overlook a public car park and the nearest building after the car park is a pharmacy which is around 30m away; the nearest residential property to the rear is significantly in excess of the separation distances outlined in the Council's adopted Successful Healthy Places (SHP) design guidance.

The front facing windows measure ~12m from the adjacent first floor windows which appear to serve habitable rooms. While this distance falls short of that within the SHP guidance, it is noted that the windows serving the application site could still be utilised as habitable rooms given the current planning use is ancillary accommodation to the takeaway. A highway is also situated between the application site and adjacent properties such that some mitigation is present.

Objections in relation to soundproofing of the site have been received. Given the ground-floor use as a hot food takeaway, Environmental Health (EH) were consulted on the application. Their initial response requested that the application is supported with an assessment of odour and noise from the commercial kitchen, in order to determine whether suitable mitigation of amenity impacts can be provided for future residents.

On the 11<sup>th</sup> December 2025, the applicant provided such details. EH stated the noise details were acceptable, but the report did not fully address odour concerns; an objection was also received which raised concerns with the submitted odour impact assessment (OIA), stating there were several methodological errors and inconsistencies. A second OIA was provided on the 28<sup>th</sup> January 2026, to which EH confirmed this was now acceptable. Conditions relating to the extraction and implementation of the noise mitigation are recommended and will be imposed on any granted permission to ensure compliance with policy SC11.

Policy SC3(n) ensures that a good standard of amenity is maintained for both existing and future residents. Objections state there is insufficient space to the rear of the site to accommodate additional residents. Appropriate openings are present on the first floor serving

the 'shared kitchen', 'room 1' and 'room 2', which allow daylight into the habitable rooms but also provide an outlook from the application building. 'Room 3', on the second floor, is served by a smaller window compared to the other two bedrooms. While it would be preferred that this window is larger in order to increase outlook and daylight into the bedroom, it is not considered so harmful to justify a refusal of planning permission.

With regard to amenity spaces, the SHP design guidance acknowledges that deviations from the guidance can be considered acceptable on more constrained sites. While no private amenity space is provided for future residents, it is again noted that the current rooms could be utilised for residential accommodation and do not benefit from private amenity spaces. Green spaces within the immediate vicinity are relatively sparse, but the Shirebrook town centre is bound by large open green spaces, recreational parks and a leisure centre and are all accessible to future residents which somewhat offsets the lack of amenity space to the application site.

Overall, a harmful relationship, no worse than the existing, would be introduced between the proposed HMO and adjacent buildings with regard to potential overlooking, overshadowing and overbearing impacts. The proposal also includes an acceptable level of amenity for future residents. The proposal is therefore compliant with the provisions of policies SC3 and SC11 of the adopted Local Plan for Bolsover District.

#### Access / Highways and Parking Provision

Objections received point to issues with traffic and parking congestion and note there is no reference to active travel and public transport within the application.

Policy ITCR10 requires proposals which are likely to have significant amounts of movements to be supported by either a) A Transport Statement or Transport Assessment, or B) A Travel Plan.

Policy ITCR11 of the Local Plan states that planning permission will be granted where there is appropriate provision for vehicle and cycle parking as set out in the Parking Standards (Appendix 8.2). The Parking Standards acknowledge that there may be circumstances where a departure from the standards may be acceptable provided this can be justified and does not lead to negative impacts on health and safety and amenity.

Para.116 of the NPPF states that '*development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios*'.

The Local Highway Authority (LHA) were consulted to determine whether the siting of the HMO would result in such harm. The response received raised no objections to the proposal stating that the scale of the premises, the proposed number of bedrooms and the locality of the site to the town centre, existing public transport facilities and access to the footway network results in no justified objection to the scheme; concluding that there would not be an unacceptable impact on Highway Safety or severe impact on congestion.

As discussed in the 'principle' section of this report, the site is located within the Shirebrook Town Centre, which is a sustainable location, and there is multiple public transport links

accessed via several bus stops and a train station, which are all within walking distance to the application site.

Given there has been no objection from the LHA, and the Parking Standards acknowledge a deviation from the guidance can be acceptable, it is considered that the proposal is acceptable with regard to the impact to the highway and parking provision.

### Ecology and Biodiversity Considerations

As of April 2024, development proposals unless in accordance with a statutory exemption are required to provide a 10% uplift in biodiversity. This application does not involve built development which would impact on more than 25m<sup>2</sup> of on-site habitat and therefore accords with the 'de-minimis' development exemption for mandatory biodiversity net gain.

Key Biodiversity Information	
Reason if exempt from the biodiversity gain plan condition	'De-minimis' development

Policy SC9 seeks to conserve or enhance biodiversity and geodiversity of the District where possible. Given the nature of the application site, there currently no biodiversity features present, the introduction of a HMO does not harm biodiversity and therefore is compliant with policy SC9.

### Other Matters

The above assessment is considered to address the planning matters of the proposed scheme and reflects on the objections / representations received throughout the consultation process. However, additional comments are made in respect of the following:

- No regard to fire safety / regulations.  
**Officer Comment:** Fire safety is not a material planning matter in this case having regard to the scale and nature of development proposed. This is a consideration under Building Regulations; while this does not form part of this assessment, an informative note will be appended to any approved planning permission reminding the applicant to ensure compliance with Building Regulations and Fire & Safety Regulations.

### Conclusion

The proposed development would introduce a unit of residential accommodation in the form of a small HMO in a sustainable location, making effective use of the upper floors of the application property. The development would be in full compliance with the relevant provisions of the development plan and national planning policies such that it is recommended that Members conditionally grant permission for the: *'Change of use of the first and second floors from ancillary accommodation (previously used in association with the existing ground-floor takeaway) to a 3-bed House in Multiple Occupation (Use Class C4)'*.

The granting of the C4 use limits the number of residents to a maximum of six; an advisory note reminding the applicant of this is recommended.

Planning conditions have been proposed which maintain appropriate amenity impacts for existing and future residents.

The number of objections from local residents is also noted. The concerns raised have been addressed in the officer assessment section of this report. While the planning system cannot consider the characteristics and behaviour of residents, it can ensure appropriate management practices are in place in order to limit the potential of ASB; this is reflected in condition 5, which requires the submission of a management plan.

## **RECOMMENDATION**

1. The development must be begun before the expiration of three years from the date of this permission.
2. The development must be carried out in accordance with the following plans and details submitted with the application:
  - Existing / Proposed Site Plan (KAP-SITE-001)
  - Existing Elevations (No External Changes) (KAP-EX-002)
  - Proposed Floor Plans (KAP-PRO-001)
  - Noise Impact Assessment
  - Odour Impact Assessment received on the 28<sup>th</sup> January 2026
3. Prior to the commencement of development, a scheme of extraction, dispersal and control of cooking odour, together with details of all elements of the inlet and extract systems must be submitted to and approved in writing by the Local Planning Authority. The approved scheme must be implemented in full prior to the occupation of the development hereby approved and must be permanently retained as such thereafter.
4. Notwithstanding the existing noise mitigation measures, prior to the occupation of the development hereby permitted, the mitigation measures recommended in noise assessment project number NALPRO241125.01 must be implemented in full. The extraction unit must be maintained to ensure that at no time noise from the system exceeds the internal plant noise levels provided in table 4.
5. Prior to the first occupation of the HMO accommodation hereby approved, a management plan for the accommodation which must include the vetting of occupants, day-to-day management of the site and methods for dealing with and reporting of incidents of anti-social behaviour must be submitted to and approved in writing by the Local Planning Authority. The accommodation must thereafter be managed in accordance with the approved details in perpetuity.

### **Reasons for Conditions:**

1. To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and in the interests of proper planning of the local area.
3. To ensure acceptable amenity impacts for existing and future residents and in compliance with policies SC3 and SC11 of the Local Plan for Bolsover District.

4. To ensure acceptable amenity impacts on existing and future residents and in compliance with policies SC3 and SC11 of the Local Plan for Bolsover District.
5. In order to reduce incidences of anti-social behaviour and to ensure appropriate management of the HMO.

### **Advisory Note:**

1. The applicant is reminded that the granting of planning permission for the house in multiple occupation (Use class C4) permits the use of the property by not more than six residents. Should the number of residents exceed six, this would constitute a breach in planning control.
2. It is advised that the applicants seek advice from other statutory bodies such as Building Control and Derbyshire Fire and Rescue Service, to determine whether other permissions or consents are required to operate the HMO.

### **Statement of Decision Process**

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

### **Equalities Statement**

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

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

### **Human Rights Statement**

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

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

**PARISH** Old Bolsover Parish

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**APPLICATION** Erection of two single storey 3 bedroomed detached dwellings and two 3 bedroomed semi-detached dwellings  
**LOCATION** Land and Buildings to The Rear Of 41 Appletree Road Stanfree  
**APPLICANT** Mr Stuart Chambers-Smith 41 Appletree Road Stanfree S44 6AJ  
**APPLICATION NO.** 25/00329/FUL **FILE NO.** PP-14209652  
**CASE OFFICER** Mrs Karen Wake  
**DATE RECEIVED** 28th July 2025

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## **SUMMARY**

The proposal is outside the development envelope within an area of open countryside. The proposed use is not fully compliant with Policy SS9 (Development in the Countryside) but meets the requirements of other relevant policies in the adopted local plan. A judgement is therefore necessary on the planning balance having regard to the issues relating to the development.

The application is recommended for approval subject to conditions.

## **Site Location Plan**



## **OFFICER REPORT ON APPLICATION NO. 25/00329/FUL**

### **SITE & SURROUNDINGS**

The site is made up of part of the rear garden of the existing dwelling to the northeast of the site, a former haulage yard which is currently used for storage purposes and a section of a

grassed field. The site contains several buildings and structures and is mainly hard surfaced. The site slopes down away from the road and has its own access which is separate from the access and parking for the existing dwelling.

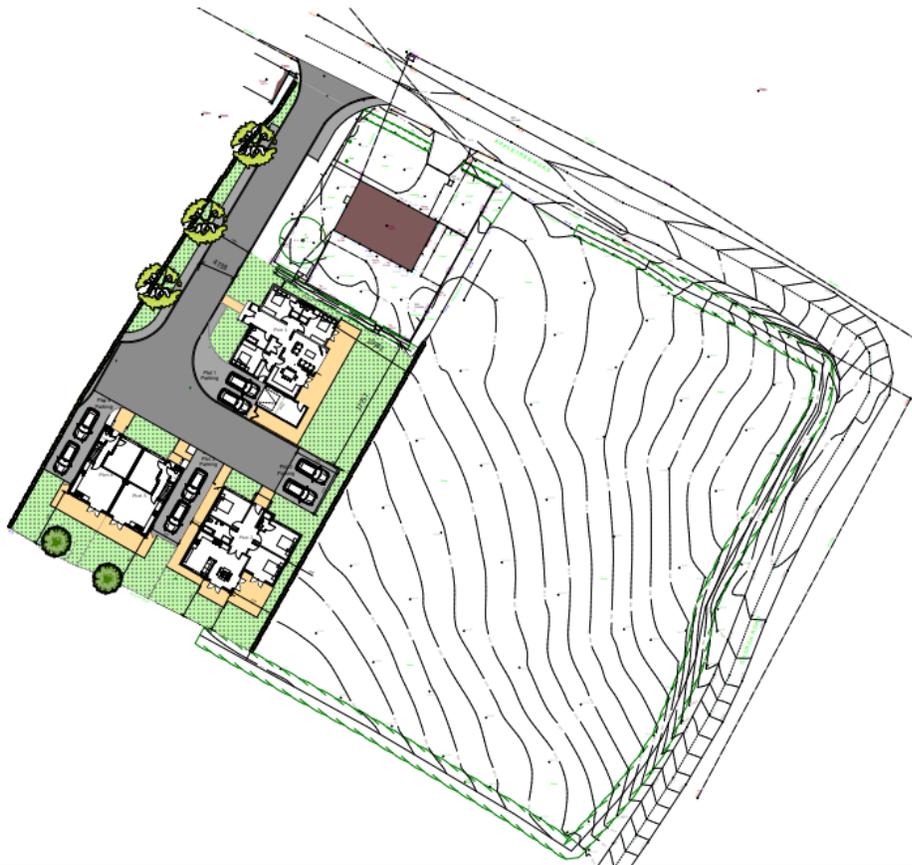
There is a mature hedge along the rear (southwest) boundary with a field beyond. On the northeast boundary is a mature hedge with the existing dwelling and garden beyond and on the east/southeast boundary is a post and wire fence with a field beyond. On the west/northwest boundary is a mature hedge and shrubs with a two storey dwelling and garden beyond.

## **BACKGROUND**

Outline planning permission was granted for up to three dwellings on part of the site in May 2024. The site of the 2024 application did not include the area of field in the southeast corner of the site which is currently included in the application now being considered.

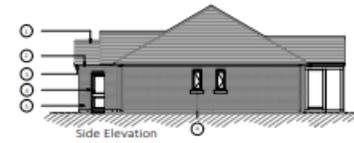
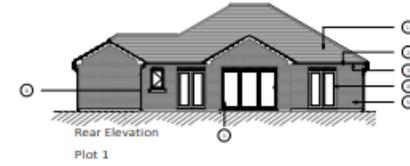
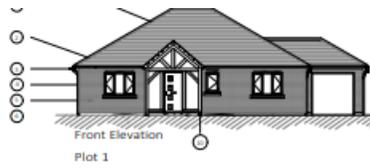
## **PROPOSAL**

The application is for full planning permission of the erection of 4 dwelling, 2 single storey detached dwellings and one pair of semi-detached two storey dwellings. Each of the dwellings have 3 bedrooms and 2 parking spaces. The dwellings are accessed via a shared driveway with a shared turning area.

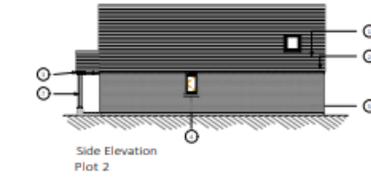
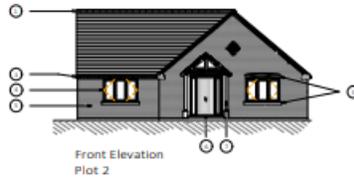




Ground Floor Plan  
Plot 1



Ground Floor Plan  
Plot 2





## AMENDMENTS

Supporting planning statement submitted  
 Revised BNG metric submitted.

## EIA SCREENING OPINION

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

## HISTORY

24/00143/OUT	Granted Conditionally	Removal of existing buildings, previously used for haulage yard and outline consent for up to 3 dwellings
12/00422/FUL	Granted Conditionally	Two storey extension to side

## CONSULTATIONS

Parish Council: No comments received.

DCC Highways: Based on the analysis of the information submitted and a review of Local and National policy, there would not be an unacceptable impact on Highway Safety or a severe impact on congestion. There are no justifiable grounds on which an objection could be maintained. Recommend conditions requiring the site frontage to be maintained clear of obstruction above 1m in height for the first 2m from the highway boundary, submission of a construction management plan, details of arrangements for storage of bins and collection of waste to be submitted for approval.

Environmental Health Officer: Due to sensitive end use, a phased contaminated land investigation condition should be included on any permission. Recommends condition restricting hours of operation to 7.30am-6pm Mon-Fri and 7.30am-1pm Sat and deliveries restricted to 10am-4pm Mon-Fri and condition requiring programme of measures to minimise the spread of airborne dust from the site during construction and demolition periods be

submitted for approval.

Senior Engineer: Comments have not been received as part of the consultation on the current application. However, comments received on the earlier outline application are still considered to apply. These comments were:

The sewer records do not show a public combined sewer 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. These could be shared pipes which were previously classed as private sewers and were transferred to the ownership of the Water Authorities in 2011. If any part of the proposed works involves connection to/diversion of/building over/building near to any public sewer the applicant should be advised to contact Severn Trent Water in order to determine their responsibilities under the relevant legislation. The applicant should be advised that 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.

Any work carried must 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.

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.

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.

#### Derbyshire Wildlife Trust

BNG offsite options could comprise either the purchase of units from a local habitat bank or habitat creation / enhancement on offsite land owned by the applicant or a third party. Whilst full details of the chosen approach can be provided in a post-determination Gain Plan, if offsite land requires securing, a legal agreement is likely to be required at this stage. If a habitat bank purchase is likely, the Local Planning Authority is advised to seek confirmation that the type and number of units can be delivered by the provider, to avoid delays when discharging the Gain Plan condition, however this is not mandatory. Given that the onsite gains will be minor and restricted to private gardens, a Habitat Management and Monitoring Plan (HMMP) is considered disproportionate. A landscape plan could be secured and the inclusion of native or beneficial garden planting, such as small trees and pollinator friendly shrubs, is encouraged where possible.

Advise conditions relating to best practice measures to require all works to be undertaken in a manner by which to safeguard common reptiles, amphibians and nesting birds, submission of a lighting scheme prior to installation and submission of a species enhancement plan.

#### **PUBLICITY**

Site notice and 4 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
- SS2 – Scale of development
- SS3 – Spatial strategy and distribution of development
- SS9 – Development in the countryside
- LC3 – Type and mix of housing
- SC2 – Sustainable design and construction
- SC3 – High quality development
- SC5 – Change of use and conversions in the countryside
- SC9 – Biodiversity and geodiversity
- SC11 – Environmental quality (Amenity)
- SC14 - Contaminated and unstable land
- ITCR10 – Supporting sustainable transport patterns
- ITCR11 – Parking provision
- Appendix 8.2 – Parking standards

### 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 124 - 128: Making effective use of land.
- Paragraphs 131 – 141: Achieving well-designed places.
- Paragraphs 187, 193 and 195: Conserving and enhancing the natural environment.
- Paragraphs 196 - 201: Ground conditions and pollution.

### Supplementary Planning Documents

#### *Successful Healthy Places Supplementary Planning Document Adopted 2025:*

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

#### *Local Parking Standards:*

This document relates to Policy ITCR11 of the Local Plan by advising how the parking standards contained in appendix 8.2 of the local plan should be designed and implemented with development proposals. This SPD does not revise the standards contained in the Local Plan but does provide suggested new standards for parking matters not set out in the Local

Plan, such as cycle parking. The design supersedes the parking design section included within the existing Successful Places SPD (2013).

*Biodiversity Net Gain Design Note:*

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

## **ASSESSMENT**

### **Key issues**

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

- the principle of the development
- the impact on the character of the area
- Residential amenity.
- whether the development would be provided with a safe and suitable access and impacts on highway safety.
- Biodiversity

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

### **Principle**

In the Local Plan for Bolsover District (March 2020) the village of Stanfree is identified as a small settlement in the countryside. As a village without a defined development envelope, Stanfree is considered to lie in the countryside where development proposals should be considered against policy SS9 of the Local Plan.

Policy SS9 states that development will only be granted planning permission where it can be demonstrated that the proposals fall within one or more of the policy categories, as identified below.

### ***Policy SS9: Development in the Countryside***

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

- a)** *Involve a change of use or the re-use of previously developed land, provided the proposed use is sustainable and appropriate to the location*
- b)** *Are necessary for the efficient or viable operation of agriculture, horticulture, forestry or other appropriate land based businesses, including the diversification of activities on an existing farm unit*
- c)** *Are small scale employment uses related to local farming, forestry, recreation or tourism*
- d)** *Secure the retention and / or enhancement of a community facility*

- e) Secure the retention and / or enhancement of a vacant or redundant building that makes a positive contribution to the character or appearance of the area and can be converted without complete or substantial reconstruction*
- f) Are in accordance with a made Neighbourhood Development Plan*
- g) The building is of exceptional quality or innovative design*

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

The adopted Local Plan defines Previously Developed Land as *“Land which is or was occupied by a permanent structure. This excludes land that is or has been occupied by agricultural or forestry buildings, land that has been developed for minerals extraction or waste disposal where provision has been made for restoration.”*

The National Planning Policy framework (2024) defines Previously Developed Land as, *“Land which has been lawfully developed and is or was occupied by a permanent structure and any fixed surface infrastructure associated with it, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed). It also includes land comprising large areas of fixed surface infrastructure such as large areas of hardstanding which have been lawfully developed. Previously developed land excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.”*

The application site is slightly larger than that approved in the outline application as it now also includes an area of field. The remainder of the site contains several buildings and structures and is mainly hard surfaced. On this basis, most of the site is considered to be previously developed land where a change of use to residential use may be considered acceptable in principle, but policy SS9 requires that it is only on the basis that the proposed use is *‘sustainable and appropriate to the location.’* The part of the site which is currently a grass field is not previously developed land.

However, policy SS9 is somewhat at odds with Policy SS3 of the adopted Local Plan which is the policy for spatial strategy and distribution of development in that it does not allow for infill development. Policy SS3 defines the village of Stanfree as a small settlement in the countryside, which has limited access to services and facilities such that in terms of the settlement hierarchy and the distribution of development steered by the local plan, Stanfree would be placed at the lower end of meeting the criteria of sustainable development.

Policy SS3 states that

*“The Small Settlements in the Countryside are considered to not be sustainable settlements and the Local Plan will not support urban forms of development beyond infill development and conversion of agricultural buildings where appropriate.”*

The Local plan defines Infill development as “Building on a relatively small site between existing buildings in a substantially built up area.”

There is no definition in the Local Plan of what constitutes an “existing building”. Therefore, it is considered that the definition of building set out in the Town and Country Planning Act 1990 Section 336 should be applied. Section 336 defines that a building “*includes any structure or erection, and any part of a building, as so defined, but does not include plant or machinery comprised in a building.*” From case law, three key factors need to be considered:

1. Whether the development is of a size to be constructed on site, as opposed to being brought on to the site,
2. its degree of permanence, and
3. physical attachment.

No single matter is necessarily decisive, and a planning judgment should be reached on a fact and degree basis on whether there are “existing buildings” on at least two sides on the adjoining land to the application site.

What constitutes a relatively small site is also not defined in the Local Plan and is a matter of planning judgement when considered against several factors. These include the pattern of the settlement, does the open space contribute to the character of the area, the density of the development, whether it is out of context or conflicts with the character of the locality, and whether it intrudes into the open countryside.

In this instance, the site is considered to be relatively small but is not considered to be infill development as there are buildings to the north and west side of the site, but to the south and east is a field containing no authorised buildings. In addition, the site extends out into an area which is currently a grassed field and as such intrudes into open countryside. However, the area of field which is within the site does not extend past the line of the existing built form of the immediate area to either the north or west of the site, it squares off the area of the existing built form such that the encroachment into the countryside does not appear incongruous. When viewed from the adjacent open countryside the development would be seen against the existing built form and is not considered to appear out of character or have an urbanising impact on the rural character of the area given it follows the lines of the existing built form.

As identified above, policy SS3 of the adopted Local Plan defines the village of Stanfree as a small settlement in the countryside, which has limited access to services and facilities.

The proposal would include the creation of four new dwellings in the village of Stanfree, which is accepted as not being the preferred location for new growth in terms of its accessibility / sustainability. However, despite this, the village has continued to see small pockets of appropriate infill growth in recent years.

The application site is approx. 300m away from bus stops on Clowne Road that has two bus services: -

- Service 53/53A – this service runs between Mansfield and Halfway Tram Terminus in Sheffield, operating between 7:15 – 22:30 Monday to Saturday and 08:30 and 18:30

- on Sundays (service is every 1 or 2 hours depending on the time of day)
- Service 90 that runs from Creswell to Chesterfield, via the Markham Vale employment area, operating between 06:30 and 18:00 Monday to Friday (mainly every 30mins), 07:30 – 18:00 on Saturday (mainly every 30mins) and no service on Sundays.

These services provide access into the nearby towns, cities and employment areas at various times during normal working/daytime hours, with links to train stations to provide wider travel opportunities in Creswell, Chesterfield, Mansfield and Sheffield.

There is no direct access to services such as doctors or dentists, but these are located within the nearby towns that are accessible on the bus route.

There are playing fields located approximately 1.2km away and a primary school in Shuttlewood, located 1.9km away. There is secondary school provision within the towns of Clowne and Bolsover which are accessible by bus.

There is a small convenience shop/post office in Shuttlewood which is approximately 2.2km from the site.

Whilst the Council acknowledge that Stanfree has limited access to services and facilities, there is access to these by bus, with Clowne only 2km to the north.

The site is not within a sustainable settlement but given that it is proposing only four additional dwellings on what is predominantly previously developed land, immediately adjoining the built up area of Stanfree, and given that there have been recent approvals for limited infill developments within the village, it is considered that the location is acceptable and would not warrant a reason for refusal on sustainability grounds.

Screened in views from two sides by existing buildings and seen against these buildings when viewed from the open countryside, the proposal is not considered to appear visually intrusive into the open countryside such that, whilst the development does not strictly comply with all of the requirements of policies SS3 and SS9, it is considered to respect the form, scale and character of the landscape in this location.

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

As set out above, the site has buildings on two sides and for the most part the proposal removes existing buildings, some of which are in poor repair. The street scene is made up of predominantly two storey dwellings of various scale and design but there are also some single storey dwellings to the north of the site. The mix of single storey and two storey dwellings proposed are therefore not considered to appear out of character in the existing street scene. A mature hedge is proposed along the east side boundary which provides a softer boundary edge to divide the site from the remainder of the field, and the dwellings along the eastern boundary are single storey which also provides a less intrusive edge to the proposed built form. The site is partially screened in views from the north and west by existing buildings and will be seen against these buildings when viewed from the open countryside. The site is therefore considered to be seen within/immediately adjacent to the existing built form of this part of Stanfree and does not visually intrude into the open countryside to the side or rear of the site. The proposed dwellings are considered to be capable of being accommodated on the site without appearing out of character or unduly prominent within the

immediate street scene or the wider rural area. Subject to a condition requiring the use of appropriate materials, the development is considered to respect the form, scale and character of the existing landscape and is not considered to have a harmful or urbanising impact on the countryside, in accordance with policies SC2, SC3 and SS9 of the adopted local plan.

### Residential Amenity

The site is to the rear of an existing dwelling which has ground and first floor windows facing the site. There is just over 9m from the first floor windows of the existing dwelling to the boundary with the site. This is slightly short of the 10.5m required by the council's housing layout and design guidance, however, in part, these windows face the side of the single storey dwelling proposed and there are no principal room windows in the side of that dwelling. In part, the first floor windows of the existing dwelling face the garden of the proposed dwelling to the rear, however, the proposed dwelling has a large rear garden, the vast majority of which is more than 10.5m away from the existing dwelling such that the proposed dwelling directly to the rear of the existing is considered to have an adequate standard of amenity for its future occupiers and isn't considered to materially harm the privacy or amenity of residents of the existing dwelling.

There are no dwellings to the east or south of the site. To the west of the site are existing dwellings but these dwellings front the road and as such are set well forward of the proposed dwellings. There is a garden to one of these dwellings which runs adjacent to the site boundary. The proposed dwelling which is adjacent to that boundary has only a ground floor w.c window and a landing window facing that site such that the proposal is not considered to result in overlooking of the adjacent garden.

The proposed site layout meets the councils "Successful Healthy Places" guidance in terms of distances between windows, private garden space etc and is considered to provide adequate amenity standards for its future residents whilst protecting the privacy and amenity of adjacent dwellings, subject to a condition requiring installation and maintenance of appropriate boundary treatments. In this respect the proposal is considered to meet the requirements of Policies SC3 and SC11 of the Local Plan for Bolsover District and the guidance set out in the Successful Healthy Places Supplementary Planning Document adopted by the council.

The proposal will result in some noise and disturbance for residents of adjacent dwellings during construction, but this will only be for a relatively short period of time given the size of the site. Once constructed, the proposal is not considered to result in any additional noise or disturbance for adjacent residents over and above what would reasonably be expected in a village, or than would have been experienced when the site was used as a haulage yard.

The Environmental Health Officer has asked for conditions restricting hours of construction and a programme to restrict dust from the site. This is considered unnecessary because the control of noise and dust during demolition and construction is covered under The Control of Pollution Act 1974 and therefore shouldn't be conditioned on the planning permission. An advisory note can be added to any planning permission advising the applicant of the need to comply with the requirements of this Act.

### Access/Highways

The development includes a shared access and turning area. The road is quite straight at this point and is a relatively lightly trafficked road. Visibility splays cannot be achieved in the non-

critical direction due to the adjacent dwelling which fronts the road. However, given that the site was previously used as a haulage yard, the vehicle movements generated to and from the proposed dwellings is not considered to be greater than would reasonably be expected from the continued use of the site as a haulage yard. Given these circumstances, the Highway Authority have confirmed that a condition requiring the site frontage to be maintained clear of obstruction above 1m in height for the first 2m from the highway boundary will be adequate. The Highway Authority have also advised conditions requiring submission of a construction management plan and arrangement for bin collections to be agreed and this is considered reasonable and necessary given the size of the site, the narrow nature of the highway at this point and given the distance between the proposed dwellings and the highway. Adequate access, turning and parking is proposed for each dwelling to meet the council's parking standards, and this can be required by condition. The existing access and parking to the existing dwelling is unaffected by the proposal. Subject to the above conditions, the proposal is not considered to be detrimental to highway safety or have a severe impact on congestion. There are therefore no justifiable grounds to refuse the application on highway safety grounds and the proposal is considered to meet the requirements of policies SC3 and ITCR11 of the adopted local plan and paragraphs 115 and 116 of the NPPF in this respect.

#### Ecology and Biodiversity Considerations

A preliminary ecological appraisal has been submitted which found no evidence of bats or nesting birds. The report concluded that there was no evidence of the current or historic presence of bats was found on any of the buildings and there were no external features suitable for use by roosting or resting bats. The buildings as a whole were assessed to have negligible potential to support roosting bats and that bats were not currently considered to pose a constraint to works on the buildings and no further survey for bats is required.

The reports also concluded that there was no evidence of current or historic bird nesting found in the buildings during the survey, but there are access points suitable for such species on all the buildings and although unlikely, it is possible that birds could begin to use the buildings for nesting at any time in the current breeding season. The report therefore recommends that, if possible, works on the buildings should ideally avoid the nesting season for birds and if this is not possible, then a suitably qualified ecologist should check the building prior to work commencing to see if it is in use by nesting birds. If nesting birds are found to be present at this time, all works likely to cause disturbance should cease until the young have fledged and the nest is no longer in use. A note can be added to any decision to advise the applicant of these requirements.

The report also found that there were not considered to be any ecological constraints to the development of the site regarding any other protected or notable flora and fauna species.

Derbyshire Wildlife Trust have confirmed that the appraisal, as well as the amended BNG metric submitted are acceptable.

The Council has published a Planning Advice Note regarding Biodiversity Net Gain (BNG) to assist both the preparation of planning applications and the assessment of those applications by providing advice on the operation of policy SC9: Biodiversity and Geodiversity within the Local Plan for Bolsover District (March 2020).

To achieve this, the note provides advice on the background to the introduction of mandatory 10% Biodiversity Net Gain and how the Council will expect those preparing applications to approach this new legal requirement.

The Planning Advice Note advises that the Local Planning Authority consider that delivery of BNG should seek to contribute towards design quality and a sense of place. A holistic approach to BNG should align with achieving good design in terms of high-quality streets, open spaces, Green Infrastructure and soft landscaping. When considering how to secure BNG in association with development proposals, prospective developers should provide a higher value habitat (as defined by the Metric) that would be appropriate to its location and would not propose higher quality habitats in small, poorly located or compromised spaces. Applicants are expected to respond to the mandatory 10% BNG within their applications and proposals by demonstrating that they have taken the following sequential steps:

1. The applicant should try to accommodate the 10% net gain on land within the red line
2. If that can be demonstrated to not be possible, accommodate the 10% net gain on land in the applicant's ownership close to the application site ('blue land')
3. Then if neither sequentially preferable option can be demonstrated to be possible, then on land that will aid the delivery of the District's Local Nature Recovery Networks (as set out in the Council's Local Nature Recovery Action Plan)
4. Finally, if none of these sequentially preferable options can be demonstrated to be possible, then on land elsewhere where it would enhance a biodiversity or geodiversity asset or site.

The proposal results in a small loss for biodiversity (-0.05 units.) Whilst some native hedgerow is proposed on site, the site is not large enough to accommodate the required 10% gains on site, outside of private gardens and the applicant has confirmed this will be offset by the purchase of habitat units from a local DWT site, full details of which will be provided in the Biodiversity Gain Plan post decision. There is no mandatory requirement to provide details of the precise mechanisms of delivery prior to determination of the planning application, as these details have to be provided in the post-determination Gain Plan.

On the basis that the remaining details can be provided post-determination (and development cannot start until the mandatory details have been provided and discharged), along with conditions advised by Derbyshire Wildlife Trust relating to submission of a Landscape Plan and Management Schedule a lighting scheme and a Species Enhancement Plan, the proposal is considered to be in accordance with the mandatory BNG requirement and policy SC9: Biodiversity and Geodiversity within the Local Plan for Bolsover District.

Derbyshire Wildlife Trust have also asked for a condition requiring best practice site clearance measures be implemented but as the great crested newts, nesting birds and hedgehogs it is designed to protect are all already protected under separate legislation it is considered unnecessary and should be an advisory note rather than a condition.

If Biodiversity Gain Plan Condition Applies			
Biodiversity Metric Used			
Overall Net Unit Change	Habitat Units	Hedgerow Units	River Units
	-0.05	+0.25	n/an
	Total % change	Total % change	Total % change
	-26.13%		n/a

### Contamination

The site is a former haulage yard and is close to a former landfill site and as such there is potential for contamination on the site. The Environmental health officer has requested a condition requiring submission of a contamination investigation report and any remediation measures necessary to be carried out. Subject to such a condition, the proposal is considered to be capable of development which is safe for its intended use and meets the requirements of Policy SC14 of the Local Plan for Bolsover District.

### **CONCLUSION / PLANNING BALANCE**

On balance, the proposal is not considered to fully meet the criteria of development which would be acceptable in the countryside as a small part of the site is not previously developed land and is therefore contrary to policy SS9. However, the area of field which is within the site does not extend past the line of the existing built form of the immediate area to either the north or west of the site, it squares off the area of the existing built form such that the encroachment into the countryside does not appear incongruous. When viewed from the adjacent open countryside the development would be seen against the existing built form and is not considered to appear out of character or have an urbanising impact on the rural character of the area given it follows the lines of the existing built part of Appletree Road. The proposal is therefore considered to respect the form, scale and character of the existing landscape and is not considered to have a harmful or urbanising impact on the countryside, as required by Policy SS9. As set out above, the site is considered to be sufficiently sustainability for this scale of development, and it is noted that similar schemes have recently been approved in the immediate vicinity. The site is considered capable to accommodating the proposed dwellings without causing material harm to residential amenity or highway safety, in compliance with the policies SC3 and SC11 of the adopted local plan. A recommendation of approval is put forward on this basis.

### **RECOMMENDATION**

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

1. The development shall be begun before the expiration of three years from the date of this permission.
2. The development (including finished ground and floor levels) must be carried out in accordance with the plan number:
  - SLH-1-15-07-2025: Proposed floor plans and elevations
  - SLH-2-15-07-2025: Proposed floor plans and elevations
  - SLH-3-15-07-2025: Proposed floor plans and elevations
  - SLH-4A-15-07-2025: Proposed block plan

3. Before any other operations are commenced, space must be provided within the site for storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods vehicles, parking and manoeuvring of employees and visitors vehicles, laid out and constructed in accordance with detailed designs first submitted to and approved in writing by the Local Planning Authority. Once implemented the facilities shall be retained free from any impediment to their designated use throughout the construction period.
4. Before the construction of the dwelling above foundation level, samples of the materials to be used in all external wall and roof areas must be submitted to and approved in writing by the Local Planning Authority. The dwellings must be constructed in the approved materials and must be maintained as such thereafter.
5. Before the dwellings hereby approved are first occupied, a scheme for the boundary treatments within and around the site must be submitted to and approved in writing by the Local Planning Authority. The approved boundary treatments must be provided on site in accordance with the approved scheme before the dwellings are first occupied and must be maintained as such thereafter.
6. Prior to occupation of each of the dwellings hereby approved, the two parking spaces for that dwelling shown on the approved plans must be provided on site in accordance with the approved plans and must be maintained available for parking thereafter.
7. Before development first commences on site, a landscaping scheme including a programme of implementation and details of the maintenance and management of the landscaping (including any on site habitat creation) for a 30-year period must be submitted to the Local Planning Authority for approval. The landscaping scheme must be provided and maintained on site in accordance with the approved scheme.
8. Before any dwelling on the site is first occupied, the access and turning area shown on the approved plans must be provided on site in accordance with those plans and must be maintained as such thereafter.
9. Before any dwelling is first occupied, the site frontage must be made clear of obstruction over 1m in height for the first 2m back from the highway boundary. This area must be maintained free from obstruction over 1m in height thereafter.
10. Before any of the dwellings hereby approved are first occupied, details of arrangements for storage of bins and collection of waste must be submitted to and approved by the Local Planning Authority. The approved arrangements must be implemented on site before the dwellings are first occupied and the facilities retained for the designated purposes at all times thereafter.
11. Prior to building works commencing above foundation level, a Biodiversity Enhancement Plan must be submitted to and approved in writing by the Local Planning Authority. The approved enhancements must be implemented in full before the dwelling hereby approved is first occupied and must be maintained as such thereafter.

12. Prior to the installation of any external lighting fixtures, a detailed lighting strategy must be submitted to and approved in writing by the Local Planning Authority to safeguard bats and other nocturnal wildlife. This should provide details of the chosen luminaires, their locations and any mitigating features such as dimmers, PIR sensors and timers. The lighting scheme must be installed in accordance with the approved details and must be maintained as such thereafter.
13. Development other than that required to be carried out as part of an approved scheme of remediation must not commence until:
- a) A Phase I contaminated land assessment (desk-study) shall be undertaken and approved in writing by the local planning authority.
  - b) The contaminated land assessment shall include a desk-study with details of the history of the site use including:
    - the likely presence of potentially hazardous materials and substances,
    - their likely nature, extent and scale,
    - whether or not they originated from the site,
    - a conceptual model of pollutant-receptor linkages,
    - an assessment of the potential risks to human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments,
    - details of a site investigation strategy (if potential contamination is identified) to effectively characterise the site based on the relevant information discovered by the desk study and justification for the use or not of appropriate guidance. The site investigation strategy shall, where necessary, include relevant soil, ground gas, surface and groundwater sampling/monitoring as identified by the desk-study strategy

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

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

The developer shall give at least 14 days notice to the Local Planning Authority

(Environmental Health Division) prior to commencing works in connection with the remediation scheme.

15. No dwelling hereby approved shall be occupied until:

- c) The approved remediation works required by 14 above have been carried out in full in compliance with the approved methodology and best practice.
- d) If during the construction and/or demolition works associated with the development hereby approved any suspected areas of contamination are discovered, which have not previously been identified, then all works shall be suspended until the nature and extent of the contamination is assessed and a report submitted and approved in writing by the local planning authority and the local planning authority shall be notified as soon as is reasonably practicable of the discovery of any suspected areas of contamination. The suspect material shall be re-evaluated through the process described in condition 13b to 14 above and satisfy 15a above.
- e) Upon completion of the remediation works required by conditions 14 and 15a, 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.

### **Notes**

1. BNG 1
2. All works should be undertaken in a manner by which to safeguard common reptiles, amphibians, nesting birds and hedgehogs. Immediately prior to commencement, the footprint of works should be checked for any wildlife. If any active bird nest is discovered, works must be delayed until chicks have fledged. Active nests are protected by law. Any scrub or shrubs requiring removal should be cut by hand to ground level and removed from the footprint of works so as not to create habitat piles. If common amphibians or reptiles are discovered, they should be allowed to move away freely or can be carefully collected with gloved hand and clean container and moved to an area of safety. Should great crested newt be found at any point during construction works, works must cease immediately, and an ecologist will be sought. All rubble piles, leaf piles, compost heaps, dense vegetation and other general debris that could be used for shelter by hedgehogs shall be carefully cleared by hand to a location such as a skip, other container or raised pallets. This shall be undertaken prior to machinery entering site and avoiding the core hibernation period (November-February). If a hedgehog is discovered during clearance, it shall be moved immediately and carefully with gloved hands to an area of shelter such as beneath adjacent hedgerow/bushes. A short statement of compliance should be provided.
3. 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

4. prior approval from the Derbyshire County Council Flood Team, who are the Lead Local Flood Authority.
5. The applicant is advised that no demolition of buildings or structures should take place between 1st March and 31st August inclusive, unless preceded by a nesting bird survey undertaken by a competent ecologist no more than 48 hours prior to clearance. If nesting birds are present, an appropriate exclusion zone should be implemented and monitored until the chicks have fledged. No works should be undertaken within exclusion zones whilst nesting birds are present.
6. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.
7. The applicant is advised that no building demolition works should take place between 1st March and 31st August inclusive, unless preceded by a nesting bird survey undertaken by a competent ecologist no more than 48 hours prior to clearance. If nesting birds are present, an appropriate exclusion zone will be implemented and monitored until the chicks have fledged. No works shall be undertaken within exclusion zones whilst nesting birds are present. Comments: The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.
8. The applicant is advised that the biodiversity enhancement scheme submitted under condition 11 should include a Plan which clearly show positions, specifications and numbers of features, which will include (but are not limited to) the following:
  - universal nest boxes at ratio of 1:1, in line with British Standard 42021:2022.
  - integrated bat boxes (as stipulated within anticipated mitigation licence)
  - insect bricks / towers.
  - fencing gaps 130 mm x 130 mm to maintain connectivity for hedgehogs.
  - summary of ecologically beneficial landscaping (full details to be provided in Landscape Plans).A statement of good practice including photographs should be submitted to the local planning authority prior to the discharge of this condition, demonstrating that the enhancements have been selected and installed in accordance with the above.
9. The applicant is advised that, dependent on the scale of proposed lighting, details submitted to discharge condition 12 above, may need to include 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).
10. The applicant is advised they should take all relevant precautions to minimise the potential for disturbance to neighbouring residents in terms of noise and dust during the construction phases of the development. This should include not working outside regular day time hours, the use of water suppression for any stone or brick cutting and advising neighbours in advance of any particularly noisy works.
11. The granting of this planning permission does not indemnify against statutory nuisance action being taken should substantiated noise or dust complaints be received. For further information please contact the Environmental Health service.

12. The applicant is advised that to protect the amenities of occupiers of other premises in the vicinity attention is drawn to the provisions of Section 60 of the Control of Pollution Act 1974 in relation to the control of noise from demolition and construction activities. The applicant is also advised to seek approval for any proposed piling operations.
13. The applicant is advised that the granting of this planning permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints within the remit of the Environmental Protection Act 1990 be received. For further information please contact the Environmental Health section.

### **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> March 2026

#### REVIEW OF PROCEDURE FOR PUBLISHING DETAILS OF PLANNING APPLICATIONS RECEIVED IN THE PRESS

<b>Classification</b>	This report is Public
<b>Report By</b>	Chris Whitmore Development Management and Land Charges Manager

#### PURPOSE / SUMMARY OF REPORT

- To set out the departments intention to review the procedure for publishing details of planning applications received in the press.

#### REPORT DETAILS

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

- 1.1 Local planning authorities have discretion about how they inform communities and other interested parties about planning applications. Article 15 of the Development Management Procedure Order 2015 (DMPO) sets out minimum statutory requirements for applications for planning permission.
- 1.2 Bolsover District Council sets out more detail on how it will consult the community on planning applications in its Statement of Community Involvement (2022). In respect of press notices it states that the Council “*will publicise all major planning applications in accordance with national requirements.*” It goes on to states that it will “*publicise a press notice for some other types of application including applications that are in conservation areas or that affect the character or appearance of a listed building.*”
- 1.3 The DMPO requires that applications of the following nature must be advertised in the press:
  - Accompanied by and Environmental Statement
  - Major Development
  - Departure from a development plan
  - Affect a public right of way
  - Development affecting the setting of a listed building
  - Development affecting the character or appearance of a conservation area

- 1.4 The County Council currently make arrangements for notices to be published in local newspapers circulating in the locality on behalf of the Local Planning Authority.
- 1.5 Notices for planning applications received for development within Whaley Thorns, Nether Langwith, Upper Langwith, Langwith Junction, Langwith, Shirebrook, New Houghton, Stony Houghton, Pleasley and Whaley are currently published in the Mansfield Chad. Notices for applications received for development within Elmton with Creswell, Whitwell, Belph, Bakestone Moor, Hodthorpe and Steetly are published in the Worksop Guardian and notices for applications received for development in Ault Hucknall, Hardstoft, Astwith, Stainsby, Glapwell, Rowthorne, Bramley Vale, Palterton, Pinxton, Scarcliffe, Hillstown, Bolsover, Shuttlewood, Stanfree, Clowne, Barlborough, Doe Lea, Spinkhill, Tibshelf, Newton, Blackwell, Hilcote and South Normanton are published in the Derbyshire Times.
- 1.6 Notices for all applications that require a press advertisement are published in a local newspaper following registration, with the exception of development that does not accord with the development plan for the area. Only if the Local Planning Authority is minded to approve such an application would a notice be currently published in the press.
- 1.7 The 2025/26 annual budget for publishing notices for planning applications received in the press is £36,000. The cost of each notice can vary from £300-£800 per notice, depending on the newspaper the notice is to be published in, and its size.
- 1.8 The approach to publicising details of planning applications received across local planning authorities varies. Some authorities use companies that specialise in inserting press advertisements to publish notices and others condense all applications received that require a press notice into one notice to make cost / efficiency savings.
- 1.9 Such is the variation, that a review of our practices is considered to be appropriate to ensure that we are making best use of the budget allocated and to ensure that decision making is timely and not compromised by our current procedures.

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## **RECOMMENDATION(S)**

- It be noted that a review of the procedure for publishing details of planning applications received in the press will be undertaken within the next 3 months and that any changes will be reported to a future planning committee meeting.
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**IMPLICATIONS:**

<p><b><u>Finance and Risk</u></b>      Yes <input type="checkbox"/>      No <input checked="" type="checkbox"/></p> <p><b>Details:</b> The recommendations within this report do not have a significant financial implication for the Council.</p> <p style="text-align: right;">On behalf of the Section 151 Officer</p>	
<p><b><u>Legal (including Data Protection)</u></b>      Yes <input type="checkbox"/>      No <input checked="" type="checkbox"/></p> <p><b>Details:</b> No legal implications are anticipated to arise from this report.</p> <p style="text-align: right;">On behalf of the Solicitor to the Council</p>	
<p><b><u>Staffing</u></b>      Yes <input type="checkbox"/>      No <input checked="" type="checkbox"/></p> <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>	
<p><b><u>Equality and Diversity, and Consultation</u></b>      Yes <input type="checkbox"/>      No <input checked="" type="checkbox"/></p> <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>	

<p><b><u>Environment</u></b>      Yes <input type="checkbox"/>      No <input checked="" type="checkbox"/></p> <p><b>Details:</b> N/A</p>
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**DECISION INFORMATION:**

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

<b>District Wards Significantly Affected:</b> <i>(to be significant in terms of its effects on communities living or working in an area comprising two or more wards in the District)</i> Please state below which wards are affected or tick <b>All</b> if all wards are affected:	<b>All</b> <input checked="" type="checkbox"/>
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<b>Is the decision subject to Call-In?</b> <i>(Only Key Decisions are subject to Call-In)</i>  If No, is the call-in period to be waived in respect of the decision(s) proposed within this report? <i>(decisions may only be classified as exempt from call-in with the agreement of the Monitoring Officer)</i>  <b>Consultation carried out:</b> <i>(this is any consultation carried out prior to the report being presented for approval)</i>  <b>Leader</b> <input type="checkbox"/> <b>Deputy Leader</b> <input type="checkbox"/> <b>Executive</b> <input type="checkbox"/> <b>SLT</b> <input type="checkbox"/> <b>Relevant Service Manager</b> <input type="checkbox"/> <b>Members</b> <input type="checkbox"/> <b>Public</b> <input type="checkbox"/> <b>Other</b> <input type="checkbox"/>	<b>Yes</b> <input type="checkbox"/> <b>No</b> <input checked="" type="checkbox"/>  <b>Yes</b> <input type="checkbox"/> <b>No</b> <input checked="" type="checkbox"/>  <b>Yes</b> <input type="checkbox"/> <b>No</b> <input checked="" type="checkbox"/>
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<b>Links to Council Ambition: Customers, Economy, Environment, Housing</b>
Customers: Improving customer contact and removing barriers to accessing information.

**DOCUMENT INFORMATION:**

Appendix No	Title

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

DECEMBER 2024