

COMMITTEE UPDATE SHEET

SUPPLEMENTARY REPORT OF THE DEVELOPMENT MANAGEMENT AND LAND CHARGES MANAGER

This sheet is to be read in conjunction with the main report.

Applications to be determined under the Town & Country Planning Acts

Planning Site Visits held on 14th February 2025 commencing at 10:00 hours.

PRESENT: -

Cllrs. Ritchie, Munro, Wood, Hiney-Saunders, Watson, Tait and Smith.

Officers: Mr Chris Whitmore

SITES VISITED

1. 24/00361/FUL – Unit 1, 60 Brookhill Road Pinxton
2. 24/00551/FUL – 57A Alfreton Road, Newton

The meeting concluded at 11:05 hrs.

AGENDA ITEM 5 – ERECTION OF 2 INDUSTRIAL BUILDINGS FOR STORAGE ASSOCIATED WITH EXISTING RAILWAY MAINTENANCE BUSINESS AT UNIT 1, 60 BROOKHILL ROAD, PINXTON

Following the decision by Committee Members to defer the decision of this application from the previous Planning Committee to allow for a site visit to be undertaken, Officers have been made aware of a 'brief' conversation between the applicant and neighbour.

A potential compromise was suggested which included introducing a mono-pitch roof design.

In respect of the above, the applicant has provided the following response:

“Due to the required roof pitch, this would result in a building height exceeding the proposed 5.8m ridge. Additionally, we would like to highlight that, had this been a residential development, the SPD mandates a minimum separation distance of 12m between principal and secondary elevations, and residential buildings typically have ridges between 8-10m. This proposal exceeds that separation distance. The building is more comparable to a bungalow in terms of eaves and ridge height. Given the land’s downward slope and the building being set lower, the relationship is deemed acceptable.”

No revisions to the application have therefore been provided for consideration.

Officers maintain the recommendation that the application is granted conditionally as the impact of the proposed units on residential amenity does not warrant refusal on such grounds, having regard to the relevant provisions of the development plan and supplementary planning documents.

Recommendation:

No change to the recommendation of the main report.

AGENDA ITEM 8 LOCAL PLAN FOR BOLSOVER DISTRICT (MARCH 2020) - FIRST FIVE YEAR REVIEW REPORT

Amendments to The Local Plan for Bolsover District (March 2020) - First Five Years Review Report, are required for the following reasons

- a. The First Five Years Review Report identifies that a holding direction is in place in relation to the Clowne Garden Village application. However, the holding direction has been withdrawn. The special meeting of Planning Committee on 17th September 2024 resolved, in relation to planning application 17/00640/OUT (Land North Of Clowne Including Section Of Town Centre Hickinwood Lane, Clowne [Clowne Garden Village]), that the application be approved subject to prior entry into a s.106 legal agreement. The Secretary of State for Housing, Communities & Local Government issued a holding direction, dated 23 October 2024, under Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, whereby the Secretary of State directed the Council not to grant permission on this application without specific authorisation. A letter dated 11th February 2025 advised that the Secretary of State has decided not to call in the application with the Article 31 Direction issued pursuant to the Secretary of State's letter of 23 October 2024 being withdrawn.
- b. Footnote 1 (Page 86) refers to the legal challenge in the High Court in Mead Realisations Ltd v The Secretary of State for Levelling Up, Housing And Communities & Anor [2024] EWHC 279 (Admin) (12 February 2024). Reference was made to an appeal of the decision. The appeal has been determined as the Court of Appeal on 30th January 2025 upheld the decision of the High Court.

Amendments to The Local Plan for Bolsover District (March 2020) - First Five Years Review Report

The Local Plan for Bolsover District (March 2020) - First Five Years Review Report is set out in Appendix 1 to the Committee Report.

Proposed amendment are proposed to the paragraphs and footnote set out below identified through:

- words that have been are crossed through,
- addition text identified in blue font.

Paragraph 2.48, (Page 104).

Under Policy SS5, the strategic site allocation of Clowne Garden Village sets out a masterplan which anticipates development for 1,500 dwellings, 20 ha employment land and additional land which provides the opportunities adjacent to the town centre. The Council has passed a resolution to grant permission for outline planning application, which is was subject

to a holding direction from the Secretary of State for Ministry of Housing, Communities & Local Government, but the holding direction was withdrawn by a letter dated 11th February 2025 .

After paragraph 253, (Page 106).

Conclusion – Agree

In relation to the housing allocations set out in the Local Plan strategic policies and Policy LC1 Housing Allocation, the AMRs identifies the housing allocations in the Plan are overall on track. Development has been brought forward on the strategic site at Bolsover North (Policy SS4) in 2022/23. There has been a delay in the strategic site at Clowne Garden Village coming forward, particularly due to the Covid pandemic. However, Clowne Garden Village has a resolution to grant planning permission subject to the Secretary of State’s holding consideration, which on 11th February 2025 was withdrawn. The former Whitwell Colliery strategic site has outline permission and is on track to meet its planned delivery trajectory. In relation to employment sites, particularly for strategic B2 / B8, delivery has been seen at the Wincobank Farm and Coalite (Horizon 29) sites.

Paragraph 255, (Page 106).

2.55 In relation to the housing allocations set out in strategic policies and Policy LC1 Housing Allocation, the Annual Monitoring Report 2023/24 identifies the housing allocations in the Plan are ongoing although behind the target set out in the trajectory within the Local Plan for Bolsover District 2020. However, as set out development has commenced on the strategic site at Bolsover North (Policy SS4) in 2022/23. The strategic site at Clowne Garden Village (Policy SS5) is behind the Local Plan target timescale but this is not unusual for a large site allocation. A resolution to grant planning permission has been granted for the development, but it is was subject to a holding direction from the Secretary of State for Ministry of Housing, Communities & Local Government, which on 11th February 2025 was withdrawn. The strategic site at Whitwell Colliery Site (Policy SS6) is not anticipated under the trajectory in the Local Plan to come forward until 2026/27.

Footnote 1 (Page 86)

1 Mead Realisations Ltd v The Secretary of State for Levelling Up, Housing And Communities & Anor [2024] EWHC 279 (Admin) (12 February 2024) “There is no legal principle which prevents national policy in the NPPF being altered by a WMS and/or PPG”. The High Court essentially concluded that the NPPF and PPG have equal status (at [62]) and that it is permissible for the PPG to be more restrictive than the NPPF (at [71]). The judgement is subject to challenge in the Court of Appeal with no decision having been publish on 24th January 2025. The High Court judgement has subsequently been upheld by the Court of Appeal decision dated 30th January 2025.

Recommendation

Approval is granted for the final version of The Local Plan for Bolsover District (March 2020) - First Five Years Review Report to be amended in accordance with the alternations proposed in this update.