

PARISH South Normanton Parish

APPLICATION Employment development comprising the erection of two Class B2/B8 employment units with ancillary office floorspace, car parking, service yards and site works with details of access, layout and scale submitted for approval.

LOCATION Land To The West Of Cartwright Lane Alongside The Mansfield Road South Normanton

APPLICANT Mr Marcus Jolly Limes House Middle Street Burton Park Lincoln LN1 2RB

APPLICATION NO. 23/00562/OUT **FILE NO.** PP-12508380

CASE OFFICER Mr Jonathan Gaynor

DATE RECEIVED 3rd November 2023

SUMMARY

This is an outline application for the erection of two Class B2/B8 employment units with ancillary office floorspace, car parking, service yards and site works with details of access, layout and scale submitted for approval. Details of appearance and landscaping are reserved for subsequent approval. The development proposed a total of 38,196 square metres of gross internal floorspace, comprising 12,888m² of warehouse and 1,112m² of office in unit 1 and 22,600m² of warehouse and 1,596m² of office in unit 2.

The application site comprises approximately 12.2ha, split roughly between Bolsover District and Ashfield District. As such, planning applications have been submitted to both respective local planning authorities.

The site is situated within the countryside and the proposal is contrary to policy SS9 of the Local Plan for Bolsover District. An assessment has therefore been made as to whether the benefits of the development outweigh the loss of the agricultural land and small countryside gap. The site is sandwiched between similar units in Bolsover District to the west and the South Fulwood Industrial Estate in Ashfield District to the east. The visual benefit of the site as countryside is therefore limited. The land is low agricultural grade and the footpath through the site and derelict dwellings near the site on cartwright Lane appear to have been subject to anti-social behaviour and fly-tipping.

The proposal will bring economic benefits and can be conditioned to secure skills and employment opportunities, as well as good sustainability credentials with regard to the build. Effective landscaping can mitigate loss of the countryside land and rerouting the footpath within this landscaping along with the likely increased footfall may increase use of the land for recreation and leisure, and deter anti-social behaviour.

It has been demonstrated that there is a longer-term need for such development in the east Midlands area, particularly close to the Strategic Road Network. The site is well positioned along the A38 with easy access to the M1 motorway.

Taking all of the above into account, a finely balanced recommendation to grant outline

Site Location Plan



The site comprises approximately 12.2 hectares of farmland to the north of the A38, bound by the recently completed Panattoni Park / Park 38 development to the west and the Fulwood Industrial Estate to the east. To the north is Normanton Brook and a land forming a railway tip which has previously had unimplemented temporary planning permission for a storage use. The proposed scheme is in essence a phase 2 to the Panattoni Park. The site is irregular in shape as it excludes areas for biodiversity enhancement for the 'phase 1'. The site encompasses approximately 7.6 hectares of land in Bolsover District at the west side and 4.7 hectares in Ashfield District at the east side. The site levels drop significantly from the southern to the northern by approximately 25 metres.

The site is in a small countryside break between the settlement of South Normanton to the west and industrial estate to the east, with the larger Ashfield District settlements of Sutton-in-Ashfield and Kirkby-in-Ashfield further east. The East Midlands Designer Outlet is to the south beyond the A38.

PROPOSAL

This is an outline application for the erection of two Class B2/B8 employment units with ancillary office floorspace, car parking, service yards and site works with details of access, layout and scale submitted for approval. Details of appearance and landscaping are reserved for subsequent approval. The development proposed a total of 38,196 square metres of gross internal floorspace, comprising 12,888m² of warehouse and 1,112m² of office in unit 1 and 22,600m² of warehouse and 1,596m² of office in unit 2.

Phase 1 to the west already has a newly created access from the roundabout between the Berristow Lane and Cartwright Lane exits, and this proposal utilises that new access continuing it into this site. There is currently a footpath through the middle of the site that will be re-routed around the fringe as part of the development. While appearance is a reserved matter, it is expected that the development will reflect phase 1. This outline application seeks to establish the principle of development for employment use on the site.

As the application involves land across two authorities, both Bolsover District Council and Ashfield District Council are processing the application.

Supporting Documents

Drawings

- Site Location Plan Drawing Ref 22688-200-P-00
- Existing Site Plan Drawing Ref 22688-201-P-00
- Existing Site Sections Drawing Ref 22688-202-P-00
- District Boundaries Plan Drawing Ref 22688-203-P-00
- Proposed Masterplan Drawing Ref 22688-300-P-02
- Proposed Site Sections Drawing Ref 22688-301-P-00
- Proposed Masterplan B2 Drawing Ref 22688-302-P-02
- Highways General Arrangement Drawing Ref SNE-BWB-HGW-OO-DR-TR-101
- HGV Tracking Drawing Ref SNE-BWB-HGW-OO-DR-TR-110
- Large Car Tracking Unit 1 Drawing Ref SNE-BWB-HGW-OO-DR-TR-111
- Large Car Tracking Unit 2 Drawing Ref SNE-BWB-HGW-OO-DR-TR-112

Documents

- Design and Access Statement Corstorphine + Wright July 2023
- Planning Statement Q+A Planning Ltd October 2023
- Transport Assessment BWB Consulting October 2023
- Framework Travel Plan BWB Consulting October 2023
- Air Quality Assessment BWB Consulting October 2023
- Flood Risk Assessment BWB Consulting October 2023
- Sustainable Drainage Statement BWB Consulting October 2023
- Phase 1 Geo-Environmental Assessment BWB Consulting October 2023
- Coal Mining Risk Assessment BWB Consulting October 2023
- Ecological Appraisal BSG Ecology October 2023
- Biodiversity Metric Calculation BSG Ecology October 2023
- Arboricultural Report Wharnccliffe October 2023
- Geophysical Survey Report Magnitude Surveys February 2024

- Noise Impact Assessment BWB Consulting March 2024
- Archaeological Assessment BWB Consulting July 2024
- Archaeological Assessment Heritage Appendices BWB Consulting June 2024
- Economic Benefits Statement Q+A Planning October 2024
- Supplementary Note in Relation to Policy SS1 - 'Sustainable Development' (received 27 February 2025)

AMENDMENTS

Following consultation with the Senior Urban Design Officer, unit 2 nearest the A38 has been turned around so that the service yard faces into the site and does not front the A38. Also, given that the site is within a countryside location in planning policy terms and therefore contrary to policy SS9 (Development in the Countryside) of the Local Plan for Bolsover District, an Economic Benefits Statement has been provided to support justification for a departure from the development plan in this instance by demonstrating wider overriding benefits. A supplementary note has also been provided to demonstrate how the proposal responds to the criteria set out in policy SS1 (Sustainable Development) of the Local Plan for Bolsover District.



EIA SCREENING OPINION

Given the type, scale, location, characteristics of the development and characteristics of the potential impact, the proposals are not considered to be EIA development considering the

schedules set out in the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

HISTORY

17/00232/SCREEN	Environmental Assessment Not Required	Mixed use retail, leisure and employment development
18/00471/OUT	Granted Conditionally	Rear part of a mixed use retail, leisure and employment development comprising the erection of Class B8 employment units with provision for trade counter and/or Class D2 gymnasium uses with all matters except for means of access reserved for subsequent approval (on land also known as Wincobank Farm, North of Cartwright Lane)
20/00295/OUT	Granted Conditionally	Employment development comprising the erection of Class B8 employment units with ancillary office floorspace, car parking and service yards with details of access, layout and scale submitted for approval.
21/00248/DISCON	Discharged	Discharge of Condition 5a (Written Scheme of Investigation) of Planning Permission 20/00295/OUT
21/00261/DISCON	Discharged	Discharge of Condition 11(Non-Licensed Great Crested Newt Method Statement April 2021 - BSG Ecology) of planning permission 20/00295/OUT
21/00405/VAR	Granted Conditionally	Variation of Condition 4 (approved plans), 8 (Construction Phase Environmental management plan), 9 Ecological mitigation and management plan, 11 (Great crested newt licence), 14 (Surface Water Drainage Details), 26 (Badger Licence & mitigation) of Planning Permission 20/00295/OUT
21/00634/DISCON	Discharged	Discharge of condition 12 (contamination) and 13 (coal mining risks) of planning permission 21/00405/VAR
21/00635/REM	Granted Conditionally	Application for Approval of reserved matters of appearance and landscaping (following outline planning permission 20/00295/OUT as varied by permission

21/00405/VAR)

22/00022/DISCON	Discharged	Discharge of condition 18 (employment scheme) of planning permission 21/00405/VAR
22/00024/DISCON	Discharged	Discharge of Condition 14 (Surface Water Drainage) and 17 (Foul Sewage Disposal) of Planning Permission 21/00405/VAR
22/00025/DISCON	Discharged	Discharge of Condition 6 (Construction Management Plan) & 15 (Surface water run-off during construction) of Planning Permission 21/00405/VAR
22/00080/FUL	Granted Conditionally	Earthworks associated with employment development on adjacent site in accordance with approved plans and s278 details
22/00194/DISCON	Discharged	Discharge of Condition 5 (Archaeology) of planning permission 21/00405/VAR
22/00396/DISCON	Discharged	Discharge of Condition 13 (Mine Shaft Treatment Completion Report) of planning application 21/00405/VAR (following partial discharge of condition 13 under application 21/00634/DISCON).
22/00416/MINAM	Granted Unconditionally	Minor amendment to application 21/00635/REM - Introduction of sub station within the service yard of unit 1 and amendments to landscaping plan
22/00495/DISCON	Discharged	Discharge of Condition 23 (Lighting Amenity Impacts) of planning permission 21/00405/VAR
23/00191/DISCON	Discharged	Discharge of Condition 22 (Noise Mitigation) of planning application 21/00405/VAR
23/00196/DISCON	Discharged	Discharge Condition 16 (Drainage Verification Report

and Management Co detail) of planning permission
21/00405/VAR

23/00397/FUL	Granted Conditionally	Installation of sprinkler tanks alongside Units 1 & 2
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CONSULTATIONS

Amber Valley Borough Council –
No comments to make.

Ashfield District Council –

The applicant has submitted applications to both Ashfield District Council and Bolsover District Council for the development as it would represent a 'cross-boundary' application. Having reviewed the possible constraints within the District of Ashfield, the Council has the following comments to make to Bolsover on this consultation request:

1. The site is within designated Countryside (Local Plan Policy EV2), and consideration would need to be given to whether the proposal would represent an 'appropriate' form of development in this location.
2. A significant portion of the site along the western edge falls within safeguarded land associated with HS2.
3. A high-pressure gas pipeline runs through sections of the site to the south and east.
4. A public right of way runs through the middle of the site, running north-south and north-east-southwest.
5. There are local wildlife sites within close proximity, with protected species having been identified previously on these sites.
6. Some areas of the site are within a coal mining 'high risk' area.
7. Potential highway impacts.
 - a. No highway related consultation comments have yet been received by Ashfield District Council in relation to our outline planning application V/2023/0628.
 - b. Would query the consultation comments you have received from National Highways, who raise no objections to your application. National Highways have registered a holding objection to a nearby planning application within the District off Ashfield due to concerns over capacity issues of the M1 Motorway and the A38 dual carriageway.

The above matters would need to be weighed against the benefits and/or need for the proposed development, and it should be ensured that the necessary reports/consultations have been received/undertaken.

Blackwell Parish Council –
No objections.

Bolsover District Council (Arts Officer) –
No comments received.

Bolsover District Council (Engineers) –

1. Subject to acceptance of the SuDS design by DCC (LLFA), we must ensure the developer submits an Operation and Maintenance Plan (in accordance with section 32 of the SuDS Manual) which provides details of the arrangements for the lifetime management and maintenance of the SuDS features together with contact details.
2. The sewer records do not show any public sewers within the curtilage of the site. However, the applicant should be made aware of the possibility of unmapped public sewers which are not shown on the records but may cross the site of the proposed works. These could be shared pipes which were previously classed as private sewers and were transferred to the ownership of the Water Authorities in October 2011. If any part of the proposed works involves connection to / diversion of / building over / building near to any public sewer the applicant will need to contact Severn Trent Water in order to determine their responsibilities under the relevant legislation.
3. All proposals regarding drainage will need to comply with Part H of the Building Regulations 2010.
4. It is essential that any work carried out does not detrimentally alter the structure or surface of the ground and increase or alter the natural flow of water to cause flooding to neighbouring properties. The developer must also ensure any temporary drainage arrangements during construction gives due consideration to the prevention of surface water runoff onto the public highway and neighbouring properties.

Bolsover District Council (Environmental Health) –

No objections to the proposals in principle. I would advise that a noise impact assessment to evaluate the impact of noise upon neighbouring sensitive receptors, in particular the care home adjacent to the access road, should be undertaken, and the scope of this should include other committed development adjacent to the proposed site. The air quality assessment should also be revisited to ensure that committed development is also factored into the 'with development' scenario. Conditions recommended.

Bolsover District Council (Leisure) –

The development as proposed will affect the alignment of Sutton in Ashfield FP41, which runs from Cartwright Lane, South Normanton in Bolsover district to Nunn Brook Road, Huthwaite in Ashfield district. This path also connects to the Blackwell Trail, which runs from Westhouses to Huthwaite.

I note that the Proposed Masterplan (drawing no. 22688-300 Rev P-01) shows the 'indicative line of new PRow' heading east from Cartwright Lane and south of unit 2, before heading north along a line just west of the Fulwood Industrial Estate off Common Lane, Huthwaite.

Where the realigned PRow runs to the west of the industrial estate it is very close to the 'leisure route' that was developed by Nottinghamshire County Council along an infilled section of the former Great Central Railway. This has become overgrown and fallen into disrepair in recent years, mainly due to the route having been blocked further south. However, this route is still used by pedestrians as there is evidence on the ground which shows that the blockage is simply being bypassed to gain access to the onward informal route under the A38.

However, it would be possible to connect the realigned PRow to this 'leisure route' north of Export Drive and to Export Drive where there is an existing shared use pedestrian / cycle path. If the realigned PRow were suitably surfaced and of a suitable width it would provide a much better alternative connection to Huthwaite than the existing suboptimal cycle path running from Cartwright Lane alongside the A38 which is very narrow, unfenced and in close proximity to a very busy road.

Ideally such a path would be 2.5 to 3.0m wide with a sealed surface (tarmac or Flexi-Pave™).

I also note that there is significant provision of cycle parking (42 spaces for unit 1 and 72 spaces for unit 2, a total of 114 spaces) with access along the 3m wide combined footway/cycleway linkage into development formed as part of phase 1. However, it is not clear from the submitted plans and documents that this combined footway/cycleway linkage will continue into phase 2.

If FP41 were upgraded as suggested to a path suitable for use by cyclists and connected to Export Drive, additional cycle access could be created on the east side of the development (much closer to the proposed cycle parking) as well as providing a more direct link for employees from the east of the proposed development, i.e. Huthwaite / Sutton in Ashfield. I do note the potential difference in levels between the realigned PRow and the proposed units, but this should not be insurmountable.

The submitted Travel Plan (page 13-14) and Transport Assessment (page 24-25) both make the following assessment regarding cycle access:

“3.21 In terms of infrastructure, there are shared pedestrian/cycle facilities available at the A38 / Berristow Lane / Carter Lane East / Cartwright Lane roundabout connecting the site with the East Midlands Designer Outlet to the south. Furthermore, cyclists can benefit from a cycle infrastructure provision along the A38 leading towards Sutton-in-Ashfield. There is also a cycle trail available to the north of the site providing connection with Hilcote, South Normanton and Alfreton, which is shown in Figure 7”.

Whilst the facilities named above do exist on the ground, they are not particularly useful for onward travel as the roundabout facilities don't actually connect to the designer outlet (you are forced onto the road just before another roundabout, which is part of the access to / from the A38) and there is no signage suggesting that there is a cycle route along Cartwright Lane / alongside the A38 (there is an 'End of Cycle Route' sign just after the roundabout). The cycle trail (Blackwell Trail) to the north of the site cannot currently be accessed from the site by cycle, only by pedestrians using FP41. Additional pedestrian / cycle links are suggested.

Bolsover District Council (Planning Policy and Strategic Housing) –

From an assessment of the principle of this proposal, it is considered that the proposal would be contrary to the policies of the Local Plan for Bolsover District.

Therefore, I would recommend that the proposal should be refused from this point of principle unless:

a) the economic benefits of the proposal are judged to outweigh the loss of further countryside to development over and above that planned through the Local Plan site allocations; and

b) the proposal is able to demonstrate a high degree of performance against the factors set out in Policy SS1: Sustainable Development.

In the event that the above two points were satisfied, it is considered that a decision-taker may be able to conclude that the material considerations in this case could indicate a decision to approve.

Bolsover District Council (Senior Urban Design Officer) –

Initial recommendation to refuse on townscape and landscape grounds, but following revisions: I have viewed the updated masterplan and I agree that this is a much-improved layout with the service areas to Unit 2, now located at the rear of the building which will reduce any impact on the A38 corridor. The result will be a more characterful public frontage with office accommodation seen from the front to give more architectural interest. The corridor and views from the public footpath to the east will be improved also with a landscape strip that will frame the building.

The applicant previously agreed to send a montage with colour options for the buildings as we previously considered the extension of the white cladding would be accumulatively too stark along this corridor. I had suggested a more recessive colour and suggested a treatment of striped browns and greens to give more interest to the building but also reflect its position within this narrow green gap between two industrial estates.

Cadent Gas –

No objection but request an informative note in relation to their intermediate pressure gas pipeline running in the south and east boundary of the site.

Coal Authority –

The Coal Authority's Planning & Development Team concurs with the recommendations of the Coal Mining Risk Assessment; that coal mining legacy potentially poses a risk to the proposed development and that investigations are required, along with possible remedial measures, in order to ensure the safety and stability of the proposed development. No objection subject to conditions being imposed on any planning permission granted.

Derbyshire County Council (Archaeology) –

The submitted Geophysical Survey of the site shows that the site contains probable field systems and possibly also settlement of pre-industrial date – comparison with the neighbouring site suggests that these may be of prehistoric (Iron Age) or Roman date. These archaeological remains are likely to be locally or regionally important and have potential to contribute to research questions concerning the chronology and development of field systems across north-eastern Derbyshire in later prehistory and into the Roman period.

This archaeological interest should be addressed at the post-consent stage by planning conditions to secure a scheme of archaeological investigation and recording in line with NPPF para 211 (now para 218). This will comprise an initial phase of field evaluation by trial trenching to establish preservation, character and significance, and (where significant remains are present) a second phase of mitigation excavation to record and advance understanding of the archaeological remains insofar as they will be impacted by the proposed development.

Derbyshire County Council (Flood Team) –

We are recommending an objection on the proposed development as it is not possible to provide an informed comment until such a time that the applicant has submitted further information to resolve the following concerns:

- The applicant has discounted infiltration to groundwater as an option for drainage discharge at the site, based on BGS data and a Phase 2 Geo-Environmental Assessment conducted on the adjacent site. However, the assessment from the adjacent site has not been provided so it is not clear what the results from this were and how relevant they are to the proposed development site. In the absence of detailed site-specific information available for the site, we'd expect the applicant to continue to consider infiltration as a potential discharge location, until more detailed site-specific testing is undertaken at detailed design stage.
- Discharge to the Normanton Brook has been proposed by the applicant. However, no information has been provided on the downstream connectivity and capacity of any surface water drainage features between the site and this watercourse. It is therefore not clear that drainage from the site will reach the Normanton Brook without having adverse impacts on downstream development or third party land. We also note that the proposed swale immediately downstream of the site drainage system is not located within the site's application boundary so it is not clear how this will be delivered.
- The proposed attenuation basin is located on sloping land and existing ground levels in this area are, in places, substantially lower than the proposed basin top-of-bank and invert levels. It is not clear how ground levels in this area are proposed to be modified to accommodate this basin at the required level.
- The proposed drainage system relies on pipes that are buried at significant depth (3-4m of cover) to convey water from the proposed drainage basin to towards the site outfall. Additionally, these are located close to proposed buildings. No evidence has been provided to demonstrate that consideration has been given to whether it will be feasible to inspect and maintain these pipes and undertake any required repairs, whilst avoiding damage to the nearby building.
- The following concerns have been identified within the drainage calculations provided by the applicant and these require amendment to demonstrate that the drainage system will operate as proposed and in line with guidance:
 - A CV value of 0.75 has been used in the calculations. Derbyshire County Council Drainage Guidance requires that this is set to 1.
 - A MADD Factor value of 2 has been used. Derbyshire County Council Drainage Guidance requires that this is set to 0.
 - The calculations of greenfield run-off rates and greenfield runoff volume do not appear to have used the same SAAR value.
 - Only a limited range of storm durations have been tested. In particular, we would expect 15 and 30 minute storm durations to be included in the analysis to demonstrate how the proposed drainage system will respond to intense rainfall events.
 - The 1 in 1-year event has not been tested in the model and it is therefore not clear whether the proposed system will meet the requirements of the national non-statutory technical standards for sustainable drainage systems (Defra, 2015).

- The drainage calculations show flooding in some locations in the 1 in 100-year with climate change event. No information has been provided on how this will be managed to avoid flooding of buildings on site and to prevent run-off from leaving the site in this event.

As a statutory consultee for surface water the minimum details required on all major planning applications are as follows:

- Site plan and impermeable area
- Topographic survey of the site
- Appropriate evidence to support how the site will drain, including confirmation of where the surface water will outfall to (photographs / maps / a confirmation letter from a water company)
- Basic calculations of the greenfield/brownfield runoff and discharge rates
- A quick storage estimate to show the required storage volume of surface water on site and an indication of the likely location
- Calculations should include allowances for the current Environment Agency guidance for climate change and urban creep
- Basic ground investigation (desktop survey as a minimum)
- Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate (as per National Planning Policy Framework). A range of sustainable drainage techniques must be considered prior to or in conjunction with the planning layout.
- How the sustainable drainage systems integrate with the open space and green infrastructure should be described and what multifunctional benefits they provide should be stated, as per paragraph 59 of planning practice guidance (Aug 2022).

These details are required at the early planning stage to demonstrate that the proposed site is able to drain and that due consideration has been given to the space required on site for surface water storage.

Please note the level of detail submitted should be proportionate to the size and scale of the development.

Derbyshire County Council (Highways) –

It is noted that the trip rates and growth forecast factors have been agreed with National Highways and Nottinghamshire County Council and Derbyshire County Council has no reason to dispute the agreed assessment parameters which have been used to inform the impact assessment of the proposed development. The TA includes junction analysis of the A38/Berristow Lane/Carter Lane East/Cartwright Lane roundabout junction with the analysis indicating that the junction will operate well within capacity in the future year scenario. The TA also includes assessment of other junctions within Nottinghamshire; it is assumed that NCC will comment on the acceptability of the modelling outputs at those junctions within Nottinghamshire. However, the assessments undertaken indicate that those junctions assessed will operate within capacity in the future year scenario.

The application proposes a large number of on site parking spaces for both of the proposed

units are based on NCC's parking standards. The number of spaces does seem very high; however, it is presumed that you will assess if the spaces accord with your own parking standards.

There are no reasons to raise issue with the conclusions made in the TA.

The internal access roads which serve the existing and proposed units are not intended to be adopted as publicly maintainable highway; however, the swept path analysis does indicate that proposed layout is suitable to accommodate those vehicles predicted to access the proposed premises. It is also noted that the internal 2 access roads do not include any trees within the 'street' layout. Derbyshire County Council would encourage the internal layout to include trees within the street scene which would accord with paragraph 131 of the NPPF and with Derbyshire County Council's commitments and aspirations to combat climate change and reduce carbon emissions.

The TA states that an existing PRoW within the site is to be diverted. DCC's PRoW records do not indicate that there are any public footpaths or bridleways which run through the site. It would be useful for the applicant/agent to check with DCC's PRoW team via ETC.PROW@derbyshire.gov.uk.

Based on the details submitted, there are no objections to the application subject to conditions.

Derbyshire County Council (Policy / S106) –
No comments received.

Derbyshire Wildlife Trust –

We have reviewed the Ecological Appraisal (BSG, October 2023) and the accompanying biodiversity metric (V4.0) (BSG, October 2023). Habitat surveys were undertaken at an appropriate time of year and we welcome the detailed explanations provided in Sections 2.17 – 2.22 to aid our understanding of the metric assessment.

Areas of the site that overlap with the previously consented adjacent development have been included in the baseline habitats, reflecting the target habitats secured as part of the adjacent permission. These areas are limited in size and current proposals fully compensate for impacts. The main mitigation area, secured as part of the 106 Agreement for the adjacent application, remains unaffected.

A net gain of +1.65 habitat units (+6.29 %) and +3.04 hedgerow units (+17.63 %) is predicted. We are pleased to see that proposed trees have not been overvalued within the metric (i.e. trees are recorded as 'small') but we do recommend that a number of 'medium' size native trees are provided in suitable open locations to allow them to establish into large specimen trees and compensate for the loss of the mature ash trees.

Trees 3 and 6 have low suitability for roosting bats and should be subject to an inspection prior to felling or pollarding works, depending on the chosen option. Whilst no setts are present on site, badgers are known to be present locally and therefore best practice working methods should be secured via a CEMP (see Sections 4.14). We consider that this and the Phase 1 development will significantly alter the immediate landscape for the known (offsite)

badger sett. However, some green space will be created / retained and green corridors have been maintained from the sett as part of Phase 1. No major barriers are present to offsite habitats in the north and we anticipate that badgers will utilise foraging habitat in this direction.

Based on the knowledge of GCN obtained during Phase 1 surveys and current assessment / surveys, we support the proposal to register the site under District Level Licencing (DLL). At least two ponds approx. 250 m from the site have tested positive for GCN in 2020 / 2022. We consider that sufficient information is available to determine the application but advise that a condition is secured for a GCN Mitigation Strategy detailing the chosen approach to licencing / reasonable avoidance measures. We welcome a well-designed balancing pond on site suitable for amphibians.

Whilst ground nesting birds are ruled out in the Ecological Appraisal, we do have some residual concerns that the two main fields could be used by species such as skylark, particularly if management practices change in the interim. We advise that as part of the nesting bird condition, the two main fields are stripped outside the nesting season (March – August) unless preceded by a walkover to check for ground nesting birds. Conditions are recommended.

Health and Safety Executive –

The proposed development site which you have identified does not currently lie within the consultation distance (CD) of a major hazard site or major accident hazard pipeline; therefore at present HSE does not need to be consulted on any developments on this site. However, should there be a delay submitting a planning application for the proposed development on this site, you may wish to approach HSE again to ensure that there have been no changes to CDs in this area in the intervening period.

HS2 Ltd –

As you may be aware, on 4th October 2023 the Prime Minister announced the cancellation of this section of high-speed rail between Birmingham to Leeds. The Network North: Transforming British Transport Command Paper states that safeguarding throughout Phase 2b is to be amended by Summer 2024 to allow for safeguarding needed for Northern Powerhouse Rail, and at this time it is not fully understood what land will remain in safeguarding.

However, we have reviewed the proposal for the above application and can confirm that we have no objections in planning terms. However, please be minded should the local authority grant planning permission, it is requested the following informative is included on the decision notice for awareness:

“Informative: The applicant is advised that part of the application site falls within land that is currently safeguarded for construction and/or operation of HS2 Phase 2b (Crewe to Manchester and Birmingham to Leeds). Although the Government have announced the cancellation of this section of high-speed rail line, Safeguarding Directions are still in place. However, in line with the commitments made in the accompanying Network North Command Paper, safeguarding is to be amended for HS2 Phase 2b by summer 2024 to allow for any safeguarding needed for Network North schemes.

As such, the applicant is advised to closely follow ongoing progress of the Network North

programme for any updates at: <https://www.gov.uk/government/publications/network-north>.”

National Highways –

National Highways were consulted on this proposal at the scoping stage and in March 2023 provided advice including recommendations for higher trip rates to be adopted due to the age of the data used by the applicant. We have compared the trip rates in the current TA to those proposed at the scoping stage, and the adopted trip rates are higher, but more in line with our recommendations. We consider that this provides a robust assessment of likely traffic generation, and as presented in TA Table 11, this results in 85 two-way vehicle trips in the AM peak and 105 in the PM.

The advice at the scoping stage concluded that impacts of 55 two-way vehicles in the worst case AM peak shall route via M1 junction 28. As these vehicles are all expected to distribute evenly across the multiple approaches and exits of J28 we do not consider that the impacts will result in any material change to junction performance.

We expect the traffic impacts to remain unchanged and therefore recommend that no objections be raised to the application.

Pinxton Parish Council –

No comments received.

Severn Trent Water –

No comments received.

South Normanton Parish Council –

No comments received.

National Grid Electricity Transmission Asset Protection Team –

There are no National Grid Electricity Transmission assets affected in this area. This response is only in reference to National Grid Electricity Transmission assets only. National Grid Electricity Distribution (formerly WPD) and National Gas Transmission (formerly National Grid Gas) should be consulted separately where required.

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

PUBLICITY

The application has been publicised by site notice, press notice (Derbyshire Times) and letters sent to seven adjacent properties / businesses. One representation was received:

My main objection to this development is the great increase in the amount of traffic, both private cars and commercial vehicles which will be entering and exiting the development presumably 24 hours a day. They will be using the same access road already there for the two units already constructed and the two takeaways. There is surely going to be an increase in both noise and fumes. I also note that the two units already constructed have as I am aware of not yet been occupied, so why have more units standing empty.

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

POLICY

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

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

- Policy SS1: Sustainable Development
- Policy SS2: Scale of Development
- Policy SS3: Spatial Strategy and Distribution of Development
- Policy SS9: Development in the Countryside
- Policy WC2: General Principles for Economic Development
- Policy WC3: Supporting the Rural Economy
- Policy SC2: Sustainable Design and Construction
- Policy SC3: High Quality Development
- Policy SC5: Change of Use and Conversions in the Countryside
- Policy SC7: Flood Risk
- Policy SC8: Landscape Character
- Policy SC9: Biodiversity and Geodiversity
- Policy SC10: Trees, Woodland and Hedgerows
- Policy SC11: Environmental Quality (Amenity)
- Policy SC12: Air Quality
- Policy SC13: Water Quality
- Policy SC14: Contaminated and Unstable Land
- Policy SC18: Scheduled Monuments and Archaeology
- Policy ITCR3: Protection of Footpaths and Bridleways
- Policy ITCR10: Supporting Sustainable Transport Patterns
- Policy ITCR11: Parking Provision
- Policy II2: Employment and Skills

National Planning Policy Framework ("the Framework")

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

- Paragraphs 7 - 12: Achieving sustainable development.
- Paragraphs 39, 46: Decision Making.
- Paragraph 48: Determining applications.
- Paragraphs 56 - 58: Planning conditions and obligations.
- Paragraphs 85, 87: Building a strong, competitive economy.
- Paragraph 96: Promoting healthy and safe communities.

- Paragraphs 109, 110, 115 - 118: Promoting sustainable transport.
- Paragraphs 124, 125, 129: Making effective use of land.
- Paragraphs 131, 135 – 137, 139 - 141: Achieving well-designed and beautiful places.
- Paragraph 161, 164, 166: Meeting the challenge of climate change.
- Paragraph 181, 182: Planning and Flood Risk.
- Paragraphs 187, 193: Conserving and enhancing the natural environment.
- Paragraphs 196 - 201: Ground conditions and pollution.
- Paragraph 207, 218: Conserving and enhancing the historic environment.

Supplementary Planning Documents

Local Parking Standards:

This document relates to Policy ITCR11 of the Local Plan by advising how the parking standards contained in appendix 8.2 of the local plan should be designed and implemented with development proposals. This SPD does not revise the standards contained in the Local Plan but does provide suggested new standards for parking matters not set out in the Local Plan, such as cycle parking. 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;
- Landscape and visual impact;
- Highway impacts and whether the development would be provided with a safe and suitable access;
- Contamination and land stability;
- Archaeology;
- Drainage and flood risk;
- Biodiversity and ecological impacts;
- HS2 safeguarding zone; and
- Whether material considerations overcome conflict with Local Plan policies

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

Principle

The proposal comprises two large commercial units for general industry or storage and distribution outside of but adjacent to the development envelope of South Normanton. While adjacent to the development envelope and recently completed similar units to the west that are inside the development envelope, and although South Fulwood Industrial Estate in Ashfield District is to the east, the site is defined as countryside in planning policy terms, and the development proposal therefore needs to be considered against the criteria provided by policy SS9: Development in the Countryside, which is the Local Plan's strategic policy for development outside of development envelopes.

Policy SS9 sets out circumstances where development proposals in countryside locations may be considered acceptable. The policy states that development proposals in the countryside outside development envelopes will only be granted planning permission where it can be demonstrated that they fall within one or more of 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; or,
- g) The building is of exceptional quality or innovative design.

The proposal does not accord with any of the categories provided by policy SS9 and therefore the principle of development does not accord with the development plan.

Landscape and visual impact

The site is currently a parcel of agricultural land sandwiched between employment uses to the west within the development envelope of the settlement of South Normanton and the South Fulwood Industrial Estate to the east in Ashfield District. Being adjacent to the busy A38, the site does provide a visual break and distinction between the two areas, although this has been eroded somewhat by the units to the west which were allocated in the Local Plan for Bolsover District, and extensions to the car park at the East Midlands Designer Outlet and other units to the south of the A38 in Ashfield District that have recently been developed. As such, while the development of the site would inevitably result in landscape and visual impacts, the impacts are considered limited within the existing context of the wider surroundings.

Initially, the Council's Senior Urban Design Officer recommended that the application be refused on townscape and landscape grounds, on the basis that the expansion of the scheme will lead to a loss of settlement identity and impact on views from open countryside. She considered that the additional phase of warehousing will be prominent at this height (despite significant levelling) and result in a long monotonous frontage along the A38. This cumulative effect tips the balance between acceptable design and reduced quality of placemaking on

approach into South Normanton. She stated that if the applicant can propose amendments to reduce this effect and maintain settlement identity by further minimising the impact of the development and providing more character, then she would be happy to explore with them how this can be achieved.

One of the issues was that the service yard of unit 2 was fronting the A38, which meant that the unit was set back from the A38 and further back than the unit to the west such that it could be considered to prevent a continuous or monotonous frontage, however having the service yard outward facing was not considered acceptable. Revised plans were received reversing the layout of unit 2 while still retaining some setback and space for landscaping. The Senior Urban Design Officer was reconsulted and confirmed that the layout was much improved and would reduce any impact on the A38 corridor. The result will be a more characterful public frontage with office accommodation seen from the front to give more architectural interest. The corridor and views from the public footpath to the east will be improved also with a landscape strip that will frame the building. It was suggested that white cladding would be cumulatively too stark alongside the other completed units to the west and that more recessive colours of perhaps striped browns and greens could give more visual interest and reflect its position in the small gap between the two industrial areas. Landscape and appearance of the development are however reserved matters for later approval, but from the layout and scale submitted as part of this outline application, it is expected that sufficient landscaping and suitable design elements could be achieved that would make the development acceptable in its context. As such, it is considered that the development could be acceptable in landscape and visual terms, in accordance with those elements of policies SS1, SC2, SC3, and SC8 of the Local Plan for Bolsover District.

Highway impacts and whether the development would be provided with a safe and suitable access

Access is proposed from an extension to the new access road constructed to serve the two recently completed warehouse and distribution units to the west, utilising the new arm from the roundabout between the Berristow Lane and Cartwright Lane exits.

National Highways have been consulted and offer no objections to the proposed development. Derbyshire County Council Highways also have no objections subject to conditions being imposed. They note that trip rates and growth forecast factors have been agreed with National Highways and Nottinghamshire County Council and they have no reason to dispute the agreed assessment parameters. The Transport Assessment includes junction analysis of the A38/Berristow Lane/Carter Lane East/Cartwright Lane roundabout junction with the analysis indicating that the junction will operate well within capacity in the future year scenario. With regard to other junctions assessed within the Transport Assessment that are in Nottinghamshire, Nottinghamshire County Council Highways have indicated that the modelling allows for valid comparisons of the before and after situations, and while the flows do have an impact on the performance of both the Common Road and Pinxton Lane junctions, the impact is relatively low. They acknowledge that the junctions are being pushed towards their Practical Reserve Capacity limit, but that any possible mitigation would only make a minimal difference and may be difficult to argue successfully. This in essence indicates that they would not sustain an objection to the development.

Derbyshire County Council Highways did query the high level of proposed parking provision,

but this is commensurate with adopted parking standards for the proposed uses.

The application proposes two different site layout plans with regard to the parking provision. This is because the application is for a flexible B2/B8 use and each use has a different parking requirement. Discussion has taken place as to whether the larger parking provision should be required or whether an appropriately worded condition could be imposed to allow for the lower parking provision plan for each respective unit to be implemented until and unless either of the units are in a B2 use, which requires the higher provision. It is considered that this approach would provide an acceptable way forward, allowing for potentially less 'wasted' land with unused parking if a B2 use is not implemented.

While the internal access roads are not proposed to be adopted as publicly maintainable highway, Derbyshire County Council Highways notes that the submitted Swept Path Analysis indicates that the proposed layout is suitable for the vehicles predicted to be accessing the units. They also encourage trees to be incorporated within the streetscene, however landscaping is a matter reserved for later determination.

The application proposes to divert a public right of way (FP41) shown to run through the centre of the site to the site's perimeter. Its relocation around the development is considered acceptable.

Given the above, the proposal is considered to accord with policies ITCR10 and ITCR11 of the Local Plan.

Contamination and land stability

The Council's Environmental Health team raise no objections to the proposals in principle. They initially advised that a noise impact assessment should be required to evaluate the impact of noise upon neighbouring sensitive receptors, in particular the care home adjacent to the access road, and the scope of this should include other committed development adjacent to the proposed site. They also requested that the air quality assessment should be revisited to ensure that committed development is also factored into the 'with development' scenario. Following the submission of further information, the Environmental Health Officer was satisfied.

The Coal Authority's Planning & Development Team concurs with the recommendations of the Coal Mining Risk Assessment; that coal mining legacy potentially poses a risk to the proposed development and that investigations are required, along with possible remedial measures, in order to ensure the safety and stability of the proposed development. They raise no objection subject to conditions being imposed on any planning permission granted.

With the imposition of the suggested conditions, it is considered that contamination and land stability considerations can be acceptably addressed in accordance with Local Plan policies SS1, SC2 and SC14.

Archaeology

Derbyshire County Council's Archaeologists have been consulted and they note that the submitted Geophysical Survey of the site shows that the site contains probable field systems

and possibly also settlement of pre-industrial date. Comparison with the neighbouring site suggests that these may be of prehistoric (Iron Age) or Roman date. These archaeological remains are likely to be locally or regionally important and have potential to contribute to research questions concerning the chronology and development of field systems across north-eastern Derbyshire in later prehistory and into the Roman period. They advise that the archaeological interest should be addressed by the imposition of conditions to secure a scheme of archaeological investigation and recording in line with the National Planning Policy Framework. This will comprise an initial phase of field evaluation by trial trenching to establish preservation, character and significance, and (where significant remains are present) a second phase of mitigation excavation to record and advance understanding of the archaeological remains insofar as they will be impacted by the proposed development.

Ashfield District Council who are also considering the same application given the site spans both districts reported that initially, Nottinghamshire County Council's Archaeologists requested intrusive investigations prior to determination of the application. However, they are now also satisfied that the matter can be dealt with post determination by way of conditions.

The proposal is therefore considered to accord with the provisions of Local Plan policy SC18.

Drainage and flood risk

The site is in flood zone 1 which is the lowest risk of flooding. The Lead Local Flood Authority has been consulted and has requested further information to resolve their concerns. The concerns relate to the method of drainage discharge, the location of discharge, the land levels of the proposed attenuation basin, the proposed depth of pipes and the drainage calculations used in the submission.

The application is only in outline and the applicant has provided a response including proposed conditions to deal with drainage. This information is currently being considered by the Lead Local Flood Authority. As such, a recommendation to grant planning permission would be subject to the response from the Lead local Flood Authority and any conditions they consider necessary.

Biodiversity and ecological impacts

The application was received prior to the introduction of the mandatory 10% biodiversity net gain requirement, however Local Plan policy SC9 still requires proposals to conserve and enhance biodiversity, and provide net gains where possible. The policy requires applications to be accompanied by sufficient information to be able to assess the implications on biodiversity and support will be given where significant harm can be avoided or mitigated where that is not possible, and where there will be no harm to: the conservation status of key species; nationally, regionally or locally designated sites; key or irreplaceable habitats; and, harm to linkages connecting designed sites and key habitats.

Derbyshire Wildlife Trust has been consulted and has reviewed the Ecological Appraisal (BSG, October 2023) and the accompanying biodiversity metric (V4.0) (BSG, October 2023) submitted with the application.

They confirm that habitat surveys were undertaken at an appropriate time of year and note

that areas of the site that overlap with the previously consented adjacent development (immediately to the west) have been included in the baseline habitats, reflecting the target habitats secured as part of the adjacent permission, but these areas are limited in size and the current proposals fully compensate for impacts. The main mitigation area secured as part of the S106 Agreement for the adjacent application remains unaffected.

A net gain of +1.65 habitat units (+6.29 %) and +3.04 hedgerow units (+17.63 %) is predicted. Derbyshire Wildlife Trust recommends that a number of 'medium' size native trees are provided in suitable open locations to allow them to establish into large specimen trees and compensate for the loss of mature ash trees. Landscaping is a reserved matter but it is considered that it is possible to achieve acceptable landscaping on the site.

Derbyshire Wildlife Trust identifies that two trees have low suitability for roosting bats and should be subject to an inspection prior to felling or pollarding works, depending on the chosen option and that whilst no setts are present on site, badgers are known to be present locally and therefore best practice working methods should be secured via a Construction and Environmental Management Plan. They consider that this proposal and the Phase 1 development will significantly alter the immediate landscape for the known (offsite) badger sett. However, some green space will be created / retained and green corridors have been maintained from the sett as part of Phase 1. No major barriers are present to offsite habitats in the north and they anticipate that badgers will utilise foraging habitat in this direction.

Based on the knowledge of Great Crested Newts obtained during Phase 1 surveys and current assessment / surveys, Derbyshire Wildlife Trust support the proposal to register the site under District Level Licencing (DLL). At least two ponds approximately 250m from the site have tested positive for Great Crested Newts in 2020 / 2022. Derbyshire Wildlife Trust consider that sufficient information is available to determine the application but advise that a condition is secured for a Great Crested Newt Mitigation Strategy detailing the chosen approach to licencing / reasonable avoidance measures. They would welcome a well-designed balancing pond on site suitable for amphibians.

Whilst ground nesting birds are ruled out in the Ecological Appraisal, Derbyshire Wildlife Trust do have some residual concerns that the two main fields could be used by species such as skylark, particularly if management practices change in the interim. They advise that as part of a nesting bird condition, the two main fields are stripped outside the nesting season (March – August) unless preceded by a walkover to check for ground nesting birds.

Given the submitted information and comments of Derbyshire Wildlife Trust, the proposal is considered to be able to accord with Local Plan policies SS1, SC3, SC9 and SC10.

HS2 safeguarding zone

On the 4th October 2023 the Prime Minister at that time announced the cancellation of the section of high-speed rail between Birmingham to Leeds. The Network North: Transforming British Transport Command Paper stated that safeguarding throughout Phase 2b was to be amended by Summer 2024 to allow for safeguarding needed for Northern Powerhouse Rail, and at that time it was not fully understood what land would remain in safeguarding. To date, the Safeguarding Directions have not been withdrawn or amended and therefore still remain in place, despite the earlier commitments.

Most of the western half of the site falls within land that is therefore currently safeguarded for construction and/or operation of HS2 Phase 2b (Crewe to Manchester and Birmingham to Leeds). HS2 Ltd, as the agent acting for the Department for Transport on the matter, have been consulted on the application and based on the current position, have no objections, subject to an informative note advising the applicant to closely follow ongoing progress of the Network North programme and any updates.

Given that HS2 Ltd have confirmed they have no objections based on the current position despite Safeguarding Directions remaining in place at this time, the proposal is not considered contrary to Local Plan policy ITCR10 in terms of the scheme conflicting with HS2 prospects and therefore the fact that the site is currently impacted by the safeguarding zone does not present a reason for refusal.

Whether material considerations overcome conflict with Local Plan policies

The strategic Local Plan policy for development in the countryside is policy SS9. As set out in the 'Principle' section of this assessment, this proposal does not accord with any of the criteria where development may be considered acceptable in the countryside, and therefore there is conflict with local planning policy.

S38(6) of the Planning and Compulsory Purchase Act 2004 states that: "If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise". This legislates that the Local Plan is the starting point for any decision and the application should be refused if it doesn't accord with the Local Plan unless there is an overriding planning consideration that should be afforded more weight.

In this case, the applicant has submitted an Economic Benefits Statement that sets out a need for such development, particularly on or near to the strategic road network. It also sets out that Bolsover and Ashfield Districts have lower than national average employment and skills rates, and that the development would provide jobs that could benefit local residents and the local and wider economies. Further information was provided to demonstrate how the proposal contributes to the sustainability criteria set out in Local Plan policy SS1 (Sustainable Development). This additional information includes an Assessment of Benefits with an emphasis on the job opportunities both direct and indirectly that will be generated both during the construction phase, through the occupation of the units and the local supply chain and secondary spending. It is estimated that 17.2 full-time jobs would be created during the construction phase of the project, excluding likely further employment associated with highways and utilities works. Once built and occupied, the proposal is estimated to create 650 jobs in operation, spread across the two units, including warehouse and office employment. Additionality analysis shows that there will be a net gain of 694 jobs when multiplier effects from the development are taken into account.

These considerations need to be weighed against the loss of the countryside that would result from the development. The site comprises a small countryside gap on the north side of the A38 separating the recently completed and similar development Panattoni Park, described as 'phase 1' to the proposed development, to the west in Bolsover District, and the South Fulwood Industrial Estate to the east in Ashfield District. This gap between settlements has to

some extent been eroded on the south side of the A38 in Ashfield District by further development at the Castlewood Business Park. Furthermore, the Local Plan for Bolsover District identifies 'Important Open Breaks' in policy SS11 to prevent development that would detract from the objective of maintaining an open character which contributes to the separation of settlements and their individual identity and sense of place. Given this site was not designated as an Important Open Break, it may be considered that any coalescence in this location would not have an unacceptable impact on individual settlement identity and sense of place as commercial and industrial uses are on both sides.

The main opportunity where the gap is experienced is when driving along the A38 and it is reasonable to remark that it would likely not be noticed or appreciated given the falling land levels and hedgerow / trees that line the highway. Furthermore, amendments to the layout of the proposed unit closest to the A38 and scope for significant landscaping have overcome the Urban Design Officer's concerns. While a footpath runs through the centre of the site currently, the approach along Cartwright Lane is secluded and unappealing, with two boarded up / derelict dwellinghouses and evidence of anti-social behaviour and fly-tipping. The improvement of any publicly accessible areas through new landscaping, in addition to natural surveillance from the unit's offices and from increased occupancy and usage by staff, would likely improve the usability and perception of the space.

In terms of the loss of agricultural land, national policy and guidance seeks to protect the best and most versatile (BMV) agricultural land. BMV agricultural land is graded 1 – 3a. The site has an agricultural land classification of grade 4: poor quality agricultural land. The site is also less than 20 hectares and therefore below the threshold to consult Natural England on its loss when not in accordance with an approved development plan. The loss of the land for agricultural purposes is therefore not considered particularly harmful.

This does not detract from the policy conflict but consideration of the quality and importance of the local landscape does help attribute whether its loss would be lesser than the benefit of the proposed development.

The applicant is accepting of conditions to secure employment and skills benefits, as well as achieving a 'very good' BREEAM rating, which would represent good sustainability credentials. There is a general need for strategic logistics in the East Midlands area, and this location is well placed for the Strategic Road Network. Bolsover District the Council has commissioned an updated Economic Needs Assessment Study (2025) jointly with Chesterfield Borough Council and North East Derbyshire District Council. The Study included a consideration of the demand for employment land at a local and strategic level to 2033 to establish whether needs had changed significantly for the plan period of the Local Plan, and to 2044 to inform any future plan-making. The Study concludes that in relation to the local employment land requirements there is a significant surplus of supply over the demand to 2033. In relation to the years beyond the current plan period to 2044, other than based on a scenario using past take up rates, there would be a small shortfall in local needs varying from 1.47 ha to 2.27 ha. In relation to Strategic Logistics, the Study identifies these as being a unit under Class B8 of the Town and Country Planning (Use Classes) Order 1987 as amended, which comprises 9,000 sq. m or more. The Study confirms that the M1 corridor is a prime location for new strategic logistics development and identifies that there are opportunities to capture more of the jobs, investment and productivity the sector supports within the Study area by allocating sufficient land in the right locations.

It is noted that this proposal is for B2 or B8 uses, so it not guaranteed to come forward for storage and distribution, although the location is still suited to general industry and will bring the other benefits listed above. Over the longer term to 2044, the Study sets out that the results of the analysis supports *“a conclusion that there could be a residual need for the three North Derbyshire Districts to provide between 2 and 3 further strategic B2/B8 parks of at least 25 hectares in size, or between 1 and 2 larger logistics parks of which one could be 50 ha or more in size.”*

While this need could be catered for elsewhere (outside of the district), the proposal would secure benefits within the district to help meet future needs and is not expected to impact on the occupation of already committed sites.

On balance, it is considered that the benefits of the development would outweigh the policy conflict.

CONCLUSION / PLANNING BALANCE

While the site is situated within the countryside in policy terms, it is flanked on both the east and west by employment uses, such that its value in landscape terms and contribution to the wider character and appearance of the countryside is limited. A visual gap could be maintained by effective landscaping and improved usability of the public footpath could be achieved through improvements conditioned through the granting of planning permission. Economic, employment and skills benefits will be brought through the construction and operation of the development, and the site represents a suitable location for such development with regard to accessibility to the Strategic Road Network, contributing towards an expected future need within the East Midlands area.

The application is in outline with appearance and landscaping reserved for future consideration, but it is considered acceptable details with regard to these matters can be achieved.

The benefits listed above can be secured through planning condition at outline stage and would, it is considered, outweigh the conflict with Local plan policy SS9. A recommendation of approval is put forward on this basis.

RECOMMENDATION

Upon no objections being received from the Lead Local Flood Authority (LLFA), that delegated authority be given to the Development Management and Land Charges Manager or Principal Planners to APPROVE the development subject to the following conditions and any other conditions recommended by the LLFA,

1. Approval of the details of the appearance and landscaping (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development to which this permission relates shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
3. 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:
 - Proposed Masterplan Drawing Ref 22688-300-P-02
 - Proposed Site Sections Drawing Ref 22688-301-P-00
 - Proposed Masterplan B2 Drawing Ref 22688-302-P-02
 - Highways General Arrangement Drawing Ref SNE-BWB-HGW-OO-DR-TR- 101
 - HGV Tracking Drawing Ref SNE-BWB-HGW-OO-DR-TR-110
 - Large Car Tracking Unit 1 Drawing Ref SNE-BWB-HGW-OO-DR-TR-111
 - Large Car Tracking Unit 2 Drawing Ref SNE-BWB-HGW-OO-DR-TR-112
 - Design and Access Statement Corstorphine + Wright July 2023
 - Planning Statement Q+A Planning Ltd October 2023
 - Transport Assessment BWB Consulting October 2023
 - Framework Travel Plan BWB Consulting October 2023
 - Air Quality Assessment BWB Consulting October 2023
 - Flood Risk Assessment BWB Consulting October 2023
 - Sustainable Drainage Statement BWB Consulting October 2023
 - Phase 1 Geo-Environmental Assessment BWB Consulting October 2023
 - Coal Mining Risk Assessment BWB Consulting October 2023
 - Ecological Appraisal BSG Ecology October 2023
 - Biodiversity Metric Calculation BSG Ecology October 2023
 - Arboricultural Report Wharnccliffe October 2023
 - Geophysical Survey Report Magnitude Surveys February 2024
 - Noise Impact Assessment BWB Consulting March 2024
 - Archaeological Assessment BWB Consulting July 2024
 - Archaeological Assessment Heritage Appendices BWB Consulting June 2024
 - Economic Benefits Statement Q+A Planning October 2024

4. No development shall take place until a Written Scheme of Investigation for archaeological work has been submitted to and approved by the local planning authority in writing, and until any pre-start element of the approved scheme has been completed to the written satisfaction of the local planning authority. The scheme shall include an assessment of significance and research questions; and
 - a. The programme and methodology of site investigation and recording
 - b. The programme for post investigation assessment
 - c. Provision to be made for analysis of the site investigation and recording
 - d. Provision to be made for publication and dissemination of the analysis and records of the site investigation
 - e. Provision to be made for archive deposition of the analysis and records of the site investigation
 - f. Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation
5. No development shall take place other than in accordance with the archaeological Written Scheme of Investigation approved under condition 4.
6. The development shall not be occupied until the site investigation and post investigation reporting has been completed in accordance with the programme set out in the archaeological Written Scheme of Investigation approved under condition 4 and the provision to be made for publication and dissemination of results and archive deposition has been secured.
7. Before the commencement of the development hereby approved:

The site investigation strategy as identified in the Desk Study report Ref SNE-BWB-EGT-XX-RP-LE-0004_Ph1 submitted with the application shall be undertaken by a competent person in accordance with the current UK requirements for sampling and analysis.

Where the site investigation identifies unacceptable levels of contamination, a detailed remediation scheme to bring the 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.

8. No buildings hereby approved shall be occupied until:

- a) The approved remediation works required by 7 above have been carried out in full in compliance with the approved methodology and best practice.
 - b) If during the construction and/or demolition works associated with the development hereby approved any suspected areas of contamination are discovered, then all works shall be suspended until the nature and extent of the contamination is assessed and a report submitted and approved in writing by the local planning authority and the local planning authority shall be notified as soon as is reasonably practicable of the discovery of any suspected areas of contamination. The suspect material shall be re-evaluated through the process described in the Phase I contaminated land assessment (desk-study) ref SNE-BWB-EGT-XX-RP-LE-0004_Ph1 submitted with the application and through the process described in 7 above.
 - c) Upon completion of the remediation works required by 7 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.
9. Before the commencement of construction works including any demolition in connection with the development hereby approved, a programme of measures to minimise the spread of airborne dust from the site during the construction phases, shall be submitted to and approved in writing by the Local Planning Authority and include a dust risk assessment. The construction shall be undertaken in accordance with the approved scheme.
10. No vegetation clearance shall 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. This includes site strip of the two main onsite fields. If nesting birds are recorded, 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. If ground nesting birds are recorded, suitable mitigation and compensation shall be agreed with the LPA.
11. Prior to commencement of works on site (including vegetation clearance), a statement shall be submitted to the LPA confirming the approach to safeguarding great crested newts during development. If this includes licensing, confirmation of the licence being granted by Natural England / a signed Impact Assessment and Conservation Payment Certificate (IACPC) shall also be submitted. All works shall proceed strictly in accordance with the approved strategy / licence.

12.No development shall take place (including demolition, ground works, vegetation clearance and movement of plant, machinery and materials) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall be based on recommendations made in the Ecological Appraisal (BSG, October 2023) and 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 shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

13.A Landscape and Biodiversity Enhancement and Management Plan (LBEMP) shall be submitted to, and be approved in writing by, the LPA prior to the commencement of the development. The aim of the LBEMP is to provide details for the creation, enhancement and management of habitats and species on the site post development, in accordance with the proposals set out in the submitted Biodiversity Metric (BSG, October 2023). The LBEMP should combine both the ecology and landscape disciplines and shall be suitable to provide to the management body responsible for the site. It shall include the following:-

- a) Description and location of features to be retained, created, enhanced and managed, as per the approved biodiversity metric.
- b) Aims and objectives of management, in line with desired habitat conditions detailed in the metric.
- c) Appropriate management methods and practices to achieve aims and objectives.

- d) Prescriptions for management actions.
- e) Preparation of a work schedule (including a 30-year work plan capable of being rolled forward in perpetuity).
- f) Details of the body or organization responsible for implementation of the plan.
- g) A monitoring schedule to assess the success of the habitat creation and enhancement measures at intervals of 1, 2, 3, 5, 10, 15, 20, 25 and 30 years.
- h) Monitoring reports to be sent to the Council at each of the intervals above.
- i) A set of remedial measures to be applied if conservation aims and objectives of the plan are not being met.
- j) Detailed habitat enhancements for wildlife, in line with British Standard BS 42021:2022.
- k) Details of offset gullies and drop kerbs in the road network to safeguard amphibians.
- l) Detailed specifications for open water habitats to provide biodiversity benefits.
- m) Requirement for a statement of compliance upon completion of planting and enhancement works.

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

14. Prior to either of the units hereby approved being brought into use for Class B2 purposes, the access, parking provision and turning facilities for that unit shall have been fully implemented in accordance with drawing Ref. 22688-302 Rev P-02 and be free from impediment to its intended use as a parking area. Otherwise, the parking provision shall have been implemented in accordance with drawing Ref. 22688-300 Rev. P-02 and free from impediment to its intended use prior to the first use of the units hereby approved.
15. Prior to commencement of the development hereby permitted details of a construction management plan shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the demolition/construction period. The plan/statement shall include but not be restricted to:
 - Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);

- Advisory routes for construction traffic;
- Locations for loading/unloading and storage of plant, waste and construction materials;
- Method of preventing mud and dust being carried onto the highway;
- Arrangements for turning vehicles;
- Arrangements to receive abnormal loads or unusually large vehicles;
- Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

16. An electric vehicle infrastructure strategy and implementation plan shall be submitted to and approved in writing by the Local Planning Authority prior to the first use of any building hereby permitted. The plan shall contain details of the number and location of all electric vehicle charging points shall comply with BS EN 62196 Mode 3 or 4 charging and BS EN 61851, and Derbyshire Highway Design Guide. Buildings and parking spaces that are to be provided with charging points shall not be brought into use until associated charging points are installed in strict accordance with approved details and are operational. The charging point installed shall be retained thereafter unless replaced or upgraded to an equal or higher specification.
17. The Development hereby approved shall not be brought into use until the submitted Travel Plan that promotes sustainable forms of travel to the development site has been approved in writing by the Local Planning Authority in consultation with the Local Highway Authority. The submitted details shall use Modeshift STARS Business to carry out this process and include mechanisms for monitoring and review over the life of the development and timescales for implementation. The approved Travel Plan shall be implemented, monitored and reviewed in accordance with the approved details.
18. No development shall commence until;
 - a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past coal mining activity; and
 - b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

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

20. Subject to acceptance of the SuDS design by the Lead Local Flood Authority at Derbyshire County Council and prior to commencement of development, an Operation and Maintenance Plan (in accordance with section 32 of the SuDS Manual), which provides details of the arrangements for the lifetime management and maintenance of the SuDS features together with contact details, must be submitted to and approved in writing by the Local Planning Authority.
21. Before the development hereby approved commences, an Employment Scheme to enhance and maximise employment and training opportunities during the construction phase of the project shall be submitted to and approved in writing by the Local Planning Authority. The approved Scheme shall then be implemented in full unless in accordance with any such subsequent variations as shall have been formally submitted to and approved in writing by the Local Planning Authority.
22. Within 6 weeks prior to the approved development being first brought into operation, an Employment Scheme to enhance and maximise employment and training opportunities during first occupation, including a timetable for implementation, shall be submitted to and approved in writing by the Local Planning Authority. The approved Scheme shall then be implemented in full in accordance with the approved timetable unless in accordance with any such subsequent variations as shall have been formally submitted to and approved in writing by the Local Planning Authority.
23. Before occupation of the development hereby approved an external lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be designed to reduce light spill and shall have regard to the "Guidance Note 01/21, The Reduction of Obtrusive Light" produced by the Institution of Lighting Professionals. The approved lighting scheme shall be implemented in full before the lighting is first used and shall be retained thereafter.
24. A scheme for the details of footpath diversion and enhancement through the site, including cycleway provision where possible, shall be submitted to and approved by the Local Planning Authority. The scheme shall include details of a suitable bound material and details of connection onto Export Drive. The approved scheme shall be implemented in full prior to first occupation of either of the units hereby approved.
25. The development hereby approved shall be designed and constructed to a BREEAM rating of 'Very Good' or higher. Confirmation of this achievement shall be submitted to the Local Planning Authority within two months of the final rating being awarded.

Informatives:

1. Cadent own and operate an Intermediate pressure gas pipeline running in the south and east boundary of the application site. Cadent hold a deed of grant for an easement on this gas pipeline and no development including alterations of ground levels is permitted inside the easement without Cadent written permission. There are building proximity distances that must be adhered to from the Intermediate pressure gas pipeline. Cadent must be contacted and liaised with before any construction commences as there will be restrictions required for the siting of the units and construction processes in the vicinity of the easement.
2. The applicant is advised that part of the application site falls within land that is currently safeguarded for construction and/or operation of HS2 Phase 2b (Crewe to Manchester and Birmingham to Leeds). Although the Government have announced the cancellation of this section of high-speed rail line, Safeguarding Directions are still in place. However, in line with the commitments made in the accompanying Network North Command Paper, safeguarding is to be amended for HS2 Phase 2b by summer 2024 to allow for any safeguarding needed for Network North schemes.

As such, the applicant is advised to closely follow ongoing progress of the Network North programme for any updates at:

<https://www.gov.uk/government/publications/network-north>

3. Drainage arrangements shall be provided to ensure that surface water from the site does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.
4. The applicant should note that Permission is required from the Mining Remediation Authority's Permitting & Licensing Team before undertaking any activity, such as ground investigation and ground works, which may disturb Mining Remediation Authority property. Any comments that the Mining Remediation Authority may have made in a Planning context are without prejudice to the outcomes of a Permit application. Under the Coal Industry Act 1994 any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) require the prior written permission of the Mining Remediation Authority since these activities can have serious public health and safety implications. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain permission to enter or disturb our property will result in the potential for court action. Application forms for Mining Remediation Authority permission and further guidance can be obtained from the Mining Remediation Authority's website at: www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property.
5. Where SuDS are proposed as part of the development scheme consideration will need to be given to the implications of this in relation to the stability and public safety risks posed by coal mining legacy. The developer should seek their own

advice from a technically competent person to ensure that a proper assessment has been made of the potential interaction between hydrology, the proposed drainage system and ground stability, including the implications this may have for any mine workings which may be present beneath the site.

6. In areas where shallow coal seams are present caution should be taken when carrying out any on site burning or heat focused activities.
7. 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.
8. All proposals regarding drainage will need to comply with Part H of the Building Regulations 2010.
9. 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.

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.