

**PARISH**Old Bolsover Parish

---

**APPLICATION**

Outline planning application with access detail only, for mixed-use development comprising of up to 6,500 sqm of employment units, retention of existing 2,270 sqm offices, 2 retail units (total gross area up to 3,200 sqm, one being for discount food retail), and a drive-thru take-out unit including associated parking, infrastructure and access.

**LOCATION**

Bolsover Business Park Woodhouse Lane Bolsover

**APPLICANT**

Welbeck Estates Limited C/O Agent P&DG Pure Offices, Lake View Drive Sherwood Park, Nottingham, NG15 0DT

**APPLICATION NO.**

23/00180/OUT

**FILE NO.** PP-12005600**CASE OFFICER**

Mr Chris Whitmore

**DATE RECEIVED**4th April 2023

---

**SUMMARY**

This application has been referred to planning committee because it is considered that the final decision on the application is of strategic importance to the District.

The application has also been called in by Bolsover North and Shuttlewood Ward Cllr. Donna Hales. In doing so, Cllr. Hales cites the following concerns:

- Impacts on Bolsover town centre businesses as there are a number of vacant shop premises.
- The request for housing development does not fall within local plan/development envelope (SC1).
- There are concerns about the potential effects on current businesses on the existing site.
- Potential impacts on residents surrounding the area and effects on biodiversity etc SC9/10.
- The East gate entrance, which exits onto Woodhouse Lane has incredibly poor visibility on exiting the site. There would undoubtedly be increased vehicular activity which would impact on existing infrastructure/traffic congestion.
- Require detailed information about S106 contributions.

The site is allocated for employment use and is currently under-utilised, with a significant amount of floorspace left vacant due to either not being financially viable to rent out or within buildings that do not meet modern employment standards. The application, as amended, proposes up to 6500 sqm of replacement employment floorspace in a range of more modern purpose-built units, the retention of 2,270 sq. m of employment floorspace and 2 retail units (total gross area up to 3,200 sqm, one being for discount food retail). Such development maximises the employment potential of the site and proposes a mix of units, in addition to the building to be retained that will meet the needs of a wide range of businesses and will facilitate new employment and job creation. These are significant economic benefits deriving from the development.

While the development would draw trade away from Bolsover town centre, the magnitude of

impact has been demonstrated to be below 'significant adverse' in practice and there would be benefit in providing additional customer choice, in respect of grocery and bulky comparison goods shopping in the area.

The application proposes to retain the Former Colliery Headquarters building which contributes positively to the history and context of the site. The loss of the remaining Bolsover colliery buildings, which are deemed non-designated heritage assets, will result in less than substantial harm to the significance of the conservation area and associated listed buildings that would be outweighed by the public benefits from the regeneration of the site, job creation and other benefits to be derived.

The development will not result in significant harm to the character, quality, distinctiveness or sensitivity of the landscape and would deliver net gains for biodiversity and sustainable drainage improvements.

When considered in the round the sustainability costs and benefits of the proposal are considered to weigh in favour of the development and a recommendation or approval is put forward on this basis.

## **SITE & SURROUNDINGS**

The application site comprises part of Bolsover Business Park which is located on the western edge of Bolsover. The site extends to 8.5ha and includes Bolsover Colliery land and remnant buildings, including the former pithead baths, goods sheds, headquarters building and former manager's house, known as Portland House. A wide range of small to medium sized businesses operate from the site, from within the former colliery buildings and series of new buildings of varying types and designs.

To the east of the site is Woodhouse Lane, which is lined by residential dwellings on its eastern side. The A632 (Station Road) runs along the southern boundary of the site, which is the main arterial route into the centre of Bolsover Town from the west.

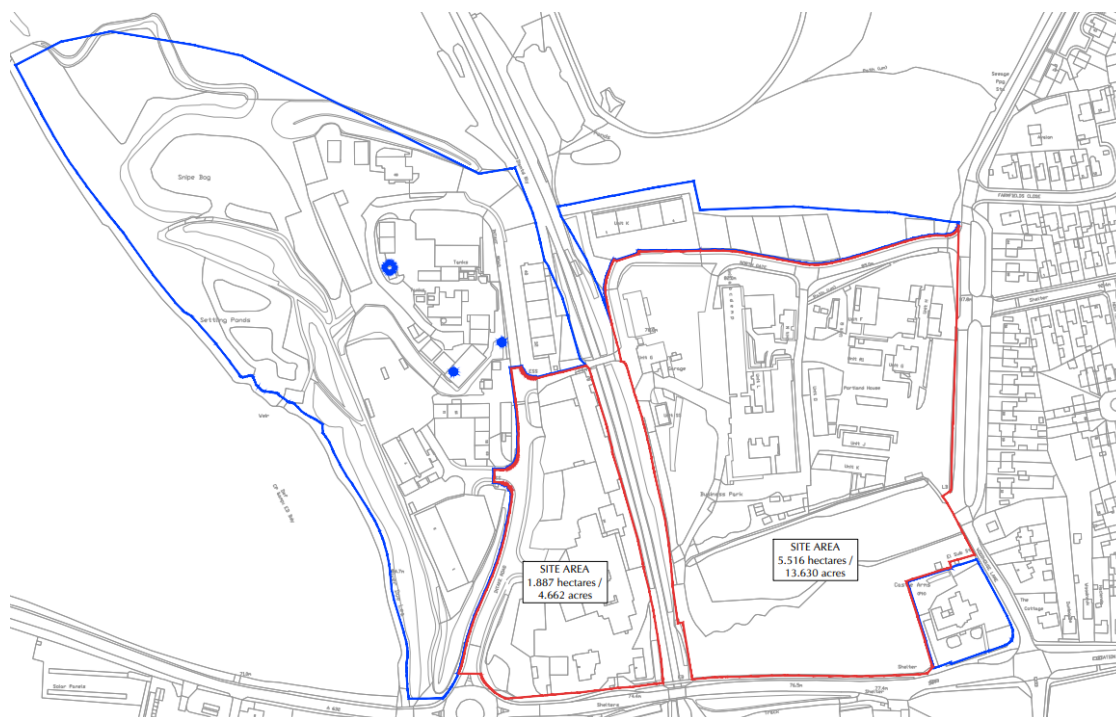
The surrounding area to the east is largely residential in nature. To the north and west is further employment development. Access to the former pithead baths and goods sheds is off Intake Road, which is serviced off the roundabout arm to the southwest. Access to the businesses within and surrounding the headquarters building and Portland House is achieved from Woodhouse Lane, with two ingress and egress points to the northeast and southeast. There is a footbridge link over the former railway line, which provides a connection across the site from east to west.

The railway cutting and a small area of land to the west is shown to be in an area at high risk of surface water flooding. The river Doe Lea is 40m to the west of the site at its closest point. The site includes two undulating fields to the south, which abut the A632 (Station Road). The land rises generally from west to east, with the land on the western side of the former railway line set at a lower level.

To the east of the fields is an Indian restaurant on land controlled by the applicant, located at the Station Road and Woodhouse Lane junction. Further south is pockets of industrial / commercial development surrounding by countryside, beyond which is Carr Vale Nature

Reserve. The boundary of Bolsover Conservation Area is also to the south of the site. The Conservation Area includes the Grade II listed model village and nearby villas built by the Bolsover Colliery Company to house its workforce.

The site is visible in views from Bolsover Castle; a Grade I Listed designated heritage asset to the east on higher ground. The full extent of the site is shown edged red below:



This application seeks outline planning permission with access detail only, for mixed-use development comprising of up to 6,500 sqm of employment units, retention of existing 2,270 sqm offices, 2 retail units (total gross area up to 3,200 sqm, one being for discount food retail), and a drive-thru take-out unit including associated parking, infrastructure and access.

[illegible]

In May 2024 an alternative development option (Option D) was presented to the Local Planning Authority for consideration. Drawing 9586-CPMG-01-00-D-A-0001 Rev P01 below is based on this development option, which shows the retention of the headquarters building:





Through negotiations with the applicant, the housing component of the application has been omitted and the amount of new employment floorspace increased further to maximise employment opportunities within the site. This has resulted in a revised layout that includes some large employment units and no development on the undeveloped land to the southeast of the existing employment site, with the exception of surface water drainage infrastructure. The amended layout below (Site Layout reference: 9586-CPMG-01-00-D-A-0003 Rev.P2 - 06 March 2025) sets out the development for which planning permission is now sought:



In support of the application, the applicant advises that the development will provide a mix of purpose built, sustainable and energy efficient employment spaces and retail units which will generate local employment and income into Bolsover. The mix and amount of employment floorspace is enhanced further in the revised layout, which provides for the following breakdown of uses:

#### **ACCOMMODATION SCHEDULE**

(Areas are approximate)

##### **Industrial**

Unit 1:	500 sq.m / 5,382 sq.ft	B2-B8
Unit 2:	160 sq.m / 1,722 sq.ft	B2-B8
Unit 3:	160 sq.m / 1,722 sq.ft	B2-B8
Unit 4:	170 sq.m / 1,830 sq.ft	B2-B8
Unit 5:	170 sq.m / 1,830 sq.ft	B2-B8
Unit 6:	240 sq.m / 2,583 sq.ft	B2-B8
Unit 7:	150 sq.m / 1,615 sq.ft	B2-B8
Unit 8:	150 sq.m / 1,615 sq.ft	B2-B8
Unit 9:	200 sq.m / 2,153 sq.ft	B2-B8
Unit 10:	150 sq.m / 1,615 sq.ft	B2-B8
Unit 11:	116 sq.m / 1,249 sq.ft	B2-B8
Unit 12:	180 sq.m / 1,938 sq.ft	B2-B8
Unit 13:	900 sq.m / 9,688 sq.ft	B2-B8
Unit 14:	900 sq.m / 9,688 sq.ft	B2-B8
Unit 15:	286 sq.m / 3,078 sq.ft	B2-B8
Unit 16:	330 sq.m / 3,552 sq.ft	B2-B8
Unit 17:	223 sq.m / 2,400 sq.ft	B2-B8
Unit 18:	223 sq.m / 2,400 sq.ft	B2-B8
Unit 19:	223 sq.m / 2,400 sq.ft	B2-B8
Unit 20:	223 sq.m / 2,400 sq.ft	B2-B8
Unit 21:	223 sq.m / 2,400 sq.ft	B2-B8
Unit 22:	223 sq.m / 2,400 sq.ft	B2-B8
Unit 23:	223 sq.m / 2,400 sq.ft	B2-B8

total 6323 sq.m

##### **Offices**

(Former Colliery Headquarters)

Ground Floor:	1,480 sq.m / 15,930 sq.ft
First Floor:	790 sq.m / 8503 sq.ft

E(c)-E(g)

##### **Retail**

R1:	1,060 sq.m / 11,410 sq.ft
R2:	1,980 sq.m / 21,313 sq.ft

E

L1:	85 sq.m / 915 sq.ft
-----	---------------------

Although reserved matters, the indicative layout and landscape strategy propose to retain boundary vegetation where possible and to construct a series of surface water attenuation features for the management of surface water, including below ground storage and a series of basins to the south of the site as set out on the revised site layout plan.

Units 1 - 23 and the existing headquarters building to be retained will be accessed via a 7.3m wide access road off Woodhouse Lane.

The retail buildings will be accessed via two 6.5m wide roads off Intake Road. The footbridge link connecting the two sites is shown to remain.

The application is accompanied by supporting documentation / information, including:

- Indicative Layout Plan
- Surface Water Drainage Strategy Plan
- Landscape and Visual Impact Assessment

- Landscape Strategy
- Planning and Retail Impact Statement
- Design and Access Statement
- Transport Assessment and subsequent addendum
- Travel Plan
- Business Retention Strategy
- Land Contamination Assessment
- Flood Risk Assessment
- Ecological Appraisal
- Bat Survey Report
- Heritage Impact Assessment
- Statement of Community Involvement
- Phase 1 Geotechnical & Geo-environmental Site Investigation
- Retail Impact Assessment, and subsequent addendums.
- Business Retention & Economic Strategy

All of these documents and plans form part of the public file and have been examined and commented on by consultees and a retail impact expert appointed by the Local Planning Authority. They are referred to, where necessary, and pertinent in the assessment section of this report.

## **AMENDMENTS**

Alternative development proposals have been presented to officers during the consideration of the application which has culminated in the submission of an amended plan (9586-CPMG-01-00-D-A-0003 Rev.P2 (CPMG, 06 March 2025)) which omits housing development, excludes development from the fields / undeveloped land to the southeast of the existing employment site / north of the A632 (with the exception of surface water drainage infrastructure), retains the headquarters building; a non-designated heritage asset and increases the amount and mix of employment development.

## **EIA SCREENING OPINION**

The proposals that are the subject of this application are not Schedule 1 development, but they can be construed as industrial estate development projects and/or an urban development project described in criteria 10 a) and b) of Schedule 2 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and exceed the applicable thresholds within both criteria.

Having regard to the selection criteria in Schedule 3 of the Regulations it has been determined that the development does not constitute environmental impact assessment development.

This conclusion was reached having regard to criteria identified in Schedule 3 relating to the characteristics of the development, National Planning Practice Guidance, the sensitivity of its location and the characteristic of its potential impact.

It was not considered that the effects arising from the development upon environmental considerations would be significant for the purposes of the (Environmental Impact Assessment) Regulations 2017.

## RELEVANT HISTORY

None relevant to the application site and development proposals.

## CONSULTATIONS

### 1. Old Bolsover Town Council (19<sup>th</sup> May 2023 and 19<sup>th</sup> July 2024):

**Object** for the following reasons:

1. The development is outside the housing provision set out in the Local Plan; Policy LC1: Housing Allocations, Policy SS4: Strategic Site Allocation - Bolsover North and is contrary to Policy SS2: Scale of Development, which has already set out sufficient land to accommodate the delivery of dwellings and employment land.
2. The impact to the Town Centre while existing properties remain vacant in the town is contrary to objective set out in the Local Plan; Objective P: Town Centres To sustain and improve retail, service and leisure provision in town and local centres. This will create distinctive places and sustain and enhance the vitality and viability of the District's town centres and larger villages. Furthermore, the effectiveness of the regeneration funding allocated to the town could be compromised.
3. The impact to existing tenants on the site.
4. The impact to historical buildings on the site contrary to Policy SC21 : Non-Designated Local Heritage Assets. The Council would reinforce the comments submitted by Derbyshire County Council's archaeologist and Historic England in relation to the heritage assets on the site.

The Town Council also reinforce the concerns raised by the Economic Development Team at Bolsover District Council regarding the impact to the town centre, the connectivity to the town centre and the potential loss of employment land.

### 2. Local Highway Authority (Derbyshire County Council):

28th April 2023 – Expressed concern that the application was not accompanied by a Transport Assessment and advised that such an assessment should be submitted to meet national planning policy. Reservations were also expressed as to why six accesses to the residential element of the site off Woodhouse Lane were required.

12<sup>th</sup> May 2023 – With regard to the accesses of Intake Road the Local Highway Authority advised that no provision for cycle storage has been made despite many of the objectives in the submitted TP being linked to encouraging cycling. The same issue was raised in respect of the access off Woodhouse Lane. It was also questioned why the access road was 7.3m wide and why no vehicle tracking had been shown.

The Local Highway Authority referred the need for appropriate levels off street parking to be provided generally and sought clarification on the following matters:

- The carriageway narrowing and footway provision works to Woodhouse Lane.
- The adoption of internal roads
- The requirement to provide street trees.
- The ability of large refuse vehicles to service the site and the need for bin dwell areas.



- Measures to prevent surface water run-off from entering the public highway from any areas at a higher level.
- Methods to permanently close any redundant vehicular and pedestrian accesses
- Pedestrian crossing locations or tactile paving within the site.
- Local design guide and requires 1 in 30 for the first 10m for a priority junction and 1 in 20 for the remainder of the site. It also applies different gradient for footways and cycleways.
- Consideration of “Inclusive mobility” and “LTN 1/20” both of which address key considerations to promote active travel and ensure that persons with protected characteristics are catered for.

In conjunction with the above, detailed comments (dated May 2023) concerning the Travel Plan, which set out numerous suggestions / amendments and update comments from the Sustainable Travel Team at the Local Highway Authority were received.

27<sup>th</sup> June 2024 – Clarification sought on the following matters:-

#### *Travel plan*

Provision of EV charge points and cycle storage on the commercial development, and (ii) provision of walkways on the residential development.

Reiterate that a Travel Plan Monitoring fee of £1,265.00 pa x five years - total £6,325.00 is required.

#### *Comments on the Transport Assessment (TA) dated June 2024*

Parking bay sizes have not been annotated on any revised drawing.

Clarification required on the inspections carried out and mechanism for adopting Intake Lane and the type of development to come forward.

Unclear on the mechanism for securing traffic calming works to Woodhouse Way approved under application code ref. 16/00463/OUT, which are essential to ensuring pedestrian access to the site without walking in the carriageway. ‘Proposed Option D’ no longer shows a footway.

Comments also made on the width of and the priority crossings to be provided at the access to the business park and housing development off Woodhouse Lane. It was advised that inclusive mobility should be considered. The Local Highway Authority also questioned whether the street trees to be provided would be acceptable and if highways within the site are to be adopted.

10<sup>th</sup> January 2025:

From a highway aspect the proposals are now considered acceptable, but it should be noted that in order to implement the scheme a separate construction approval processes with the HA will need to be progressed – this scrutinises construction details and will be necessary in order for the HA to enter into any Section 184/38/278 Agreements for any works, so street

lighting/highway drainage design will need to be formally approved by the HA as part of any Section 278/38 Agreements pursued for these works, but it is likely that amendments will be required to the proposals submitted and therefore no formal HA approval is given at this stage.

The construction of the works will inevitably lead to considerable disruption in the area which will affect several existing dwellings, so a Construction Management Plan (CMP) will therefore be an essential element, to be secured by Condition. The submitted Travel Plan (TP Rev B) dated December 2024 is a live document that evolves with the site and will require continual monitoring, especially through the early years of the development, so the HA would wish to be involved in this process to ensure the aspirations of the TP and development accords with the assumptions made at this stage within the transport modelling.

Responsibility for the monitoring of the TP ultimately rests with the developer and any fee paid to Derbyshire County Council will cover reasonable costs incurred by the Authority in the processing of submitted progress reports, undertaking site visits, and attending meetings as appropriate, to ensure the TP meets its agreed targets. Whilst the revised information is generally acceptable in highway safety terms there are, a number of issues that would require further input before the proposals would be fully acceptable in terms of highway adoption but it is considered that the remaining issues may be addressed by appropriate Conditions/Informative Notes appended to the consent issued for this development and on this basis the HA recommend Section 106 content (to cover travel plan monitoring), conditions and information notes.

### 1<sup>st</sup> May 2025: Comments on the addendum to the Transport Assessment

Note that the application removes the residential element of the development and replaces it with additional employment units (increases the total employment use to 6,500 sqm as opposed to the original 5000sqm) but also removes the previously proposed 35 residential dwellings. They confirm that the Local Highway Authority has no objections, subject to conditions and financial obligations as set out in their consultation comments dated 10<sup>th</sup> January 2025.

Having reviewed the recommended conditions, it is however considered that condition 5 is no longer appropriate as none of the internal roads are to be adopted as publicly maintainable highway, therefore, the requirement for details of 'street trees' within the public highway is not relevant.

Also, condition 6 requires a highway improvement to be undertaken on Woodhouse Lane. This improvement relates to a different application and a different development and is covered by condition in the relevant consent. It is considered that the requirement for the improvement on Woodhouse Lane would not be necessary for this application to be acceptable to the LHA and therefore would not meet the relevant tests in the NPPF.

### 3. Bolsover District Council Senior Engineer – 18<sup>th</sup> April 2023:

Subject to acceptance of the SuDS design by DCC (LLFA), we must ensure the developer submits an Operation and Maintenance Plan (in accordance with section 32 of the SuDS Manual) which provides details of the arrangements for the lifetime management and maintenance of the SuDS features together with contact details. (a copy to be kept by

Engineering Services).

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 Yorkshire Water in order to determine their responsibilities under the relevant legislation.

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

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.

#### 4. Lead Local Flood Authority (LLFA) (Derbyshire County Council):

18<sup>th</sup> March 2025 - 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 technical information, required to confirm that the principles set out in the outline drainage strategy provided by the applicant will meet relevant local and national requirements.

25<sup>th</sup> April 2025 - Derbyshire County Council as the Lead Local Flood Authority (LLFA) has reviewed the additional information submitted for this application, which was received on 24/04/2025. The LLFA has no objection subject to conditions and advisory footnotes.

#### 5. Coal Authority – 25<sup>th</sup> April 2023:

The Coal Authority considers that the content and conclusions of Phase 1 Geotechnical & Geo-environmental Site Investigation (7 March 2023) are sufficient for the purposes of the planning system in demonstrating (based on the professional opinion of Eastwood Consulting Engineers) that the application site is safe and stable for the proposed development (NPPF paras. 183 and 184). The Coal Authority has **no objection** to the proposed development.

They recommend that it would be add a footnote to contact the Coal Authority should any coal mining features are unexpectedly encountered during development.

The Coal Authority also recommends that the local planning authority consider any gas hazards that may exist and that the developer seeks the advice of a technically competent person to ensure that a proper assessment is 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. Development Control Archaeologist - 25<sup>th</sup> April 2023:

### **Holding objection.**

In terms of below ground archaeology further archaeological works will be necessary. This office was consulted pre-application in 2015 on the southern portion of the site where we advised “the proposal area is a previously undeveloped site of just over 2ha, and given the multi-period archaeological interest in Bolsover and its environs I advise that there is potential for previously undiscovered below-ground archaeology within the site. Any planning application should therefore include the results of archaeological evaluation, to comprise geophysical survey in the first instance (detailed magnetometry) supplemented by trial trenching where indicated by the geophysics results.”

I would see therefore that though a HIA has been produced further archaeological work remain necessary, pre-determination, to determine the significance of impacts on heritage assets in greater depth. In terms of below ground archaeology this should be in the form of geophysical survey in the first instance followed by archaeological evaluation trenching as appropriate on the portion of land to the west of the Castle Arms and this work should be undertaken in accordance with an approved WSI for archaeological works. This in accordance with the provisions of para 194 of NPPF.

This application does not therefore meet the information requirement at NPPF para 194 and should not therefore be granted consent in its current form.

## 7. Environmental Health (BDC) – 24<sup>th</sup> April 2023:

No objections to the proposals in principle, subject to conditions to investigate and remediate any contamination found on site, agree a sound insulation scheme in respect of the proposed dwellings, secure dust suppression measures and control construction time and deliveries to site.

## 8. Economic Development (Bolsover District Council) – 15<sup>th</sup> May 2023:

In principle, the redevelopment of Bolsover Business Park to provide new employment units is welcomed to address the poor condition of the existing units that are past their useful economic life. The Department recognises the need for the Landlord to make investment in to the site, however, it cannot support the change of uses on this site to include for 2 retail units, a drive-thru, and the 35 dwellings also proposed for this site, as these all contribute to the reduction in overall employment land available for redevelopment.

The lack of alternative provision demonstrated within the report supports the Policy and the need to protect this employment space from development for alternative uses. The proposal will provide an additional 587m<sup>2</sup> of commercial units to what is currently on the site; however the proposed retail units would result in an overall net loss of 2,600m<sup>2</sup> of office / industrial use. This loss of employment space would be detrimental to the sustainability and growth of the local SME base and would contract economic growth for the town of Bolsover.

Advise that the retail development is neither located to minimise its impact on the town's amenities, nor is it accessible by appropriate levels of public transport. They advise that it is

disconnected from the town, and its location will largely serve the car-user. It will not, it is considered, support the retail and service functions of the town, as it will, it is claimed, largely draw out service users and reduce the 'footfall' on the town. This footfall is considered to be important to a town centre such as Bolsover, as it supports the independent retailers and other services within the town.

The Business Growth Team advise that they cannot support a proposal which negatively impacts on the vitality of the town. It would be contrary to the business case made as part of the recent Levelling Up Fund application for investment into the town and the need to support investment in the high street to grow the town centre's offer.

#### 9. DCC Strategic Infrastructure 2<sup>nd</sup> May 2023:

- **Primary Level** - Analysis of the current and future projected number of pupils on roll, together with the impact of approved planning applications shows that the normal area primary school would have sufficient capacity to accommodate the 4 infant and 4 junior pupils arising from the proposed development.
- **Secondary Level** - Analysis of the current and future projected number of pupils on roll, together with the impact of approved planning applications shows that the normal area secondary school would not have sufficient capacity to accommodate the 7 secondary pupils arising from the proposed development. The County Council therefore requests a financial contribution of £208,074.79 towards the provision of 7 secondary places at The Bolsover School + education facilities.
- If viability issues arise, there may be some flexibility in the payment triggers.
- If the development cannot enable the necessary provision, the proposed development may not provide for a sustainable form of development.
- **Broadband** - developers should look to provide for NGA broadband infrastructure services as an integral part of the development scheme at the outset.
- **Local Authority Collected Waste** The County Council is currently reviewing its approach to assessing the impact of housing development on waste services.
- **Public Health and Adult Social Care** Our recently published All-Age Accommodation Strategy notes a modest need to develop 'care ready' type housing for rent or affordable retirement living properties; none of the proposed dwellings meet this type of need.
- **Employment and Skills** The County Council would wish to work collaboratively to support the District/Borough Councils to identify where activities or contributions are required to deliver employment and skills development where they are supported by policies in the local plan.
- **Monitoring fees** In line with the revised Community Infrastructure Levy Regulations 2010 (as amended) Regulation 122 2(a), we will seek a monitoring fee towards the monitoring and reporting of S106 contributions.

#### 10. Safeguard Planning Manager HS2 – 3<sup>rd</sup> May 2023:

It is evident that the proposed employment and residential plots are located outside of the published safeguarding area. However, please note there is a minor overlap with HS2 safeguarded interests in the area of existing/proposed vegetation in the southwest corner of the retail plot adjacent to Station Road (identified as required for highways works associated



with the high-speed railway) and also a Utilities Construction Zone area (shown shaded purple on map extract) along Intake Road.

Whilst there is no objection in principle to the application proposals it is requested that appropriately worded pre-commencement planning conditions are attached to any outline planning consent to ensure practicalities associated with respective construction programmes in this location can be managed.

#### 11. Integrated Care Board – 30<sup>th</sup> May 2023:

The development falls under their threshold for requesting a S106 contribution.

#### 12. Derbyshire Wildlife Trust:

13<sup>th</sup> June 2023 - Several buildings have been assessed to have some level of potential for roosting bats and therefore nocturnal surveys are required. All surveys for protected species should be submitted prior to determination.

Reptile surveys have been recommended in the Ecological Appraisal (Rachel Hacking Ecology, March 2023). This may record GCN in terrestrial habitats. Mitigation for these species will be dependent on the results of the reptile surveys, however there is likely to be some requirement for precautionary measures during site clearance and consideration should be given to any requirement for GCN licencing.

Advise that a greater focus should be given to grassland retention and enhancement to retain habitat for reptiles and amphibians in the southern part of the site.

Biodiversity net gain comments:

A net gain of +7.03 (52.81%) habitat units, +0.47 (6.53%) hedgerow units and +0.01 (0.22%) watercourse units is currently predicted and trading rules are satisfied.

A significant percentage of the post-development units are achieved through woodland and urban trees, however this may not be the best outcome for the species using the site i.e. herptiles. The metric may need re-running should proposals change to incorporate more open habitats.

We advise that bird boxes are in line with British Standard BS 42021:2022 for integral nest boxes, with additional bat and external boxes also provided. Advise that such enhancements can be secured via condition.

Advise that other conditions are likely to include a lighting plan, CEMP, LBEMP and control / eradication protocol for Japanese knotweed - once all protected species surveys have been undertaken and the scope of development agreed.

#### 13<sup>th</sup> January 2025:

*Bats:*

The submitted Bat Survey Report (Ramm Sanderson, October 2024) provides the results of nocturnal bat surveys for Buildings B, D, K and Ni, based on the initial building assessment undertaken in June 2023 by Rachel Hacking Ecology.

Survey work recorded 2 No. summer days roosts in Building D, each of a single common pipistrelle bat. These were both located behind fascia boards above windows on the western elevation. The report refers to demolition of Building D, however it now appears that this building will be retained and converted to residential use. The Bat Survey Report should therefore be updated to reflect this and provide appropriate mitigation details, specifically whether the roosts can be retained in situ and licensing is still required.

The report currently provides broad enhancement details. We would anticipate full enhancement details being secured via a specific species enhancement condition for the application based on the final layout, to include bat box provision in new buildings and on retained trees (along with other species features).

*Reptiles (inc. GCN):*

DWT note that the layout of the south-eastern dwellings has been somewhat revised but they are still proposed within the scheme. The existing southern hedgerow would seem like a natural boundary to the northern development area and it is disappointing that plans still propose to fragment this to create a new road to access a new row of 6No. dwellings. This will reduce the existing area of grassland and bring dwellings closer to the existing scrub and line of the watercourse, increasing the risk of human disturbance to these habitats and the wildlife that use them. The herptile survey should inform the design of the scheme, however DWT cannot see that this has yet been undertaken.

*BNG:*

Whilst DWT acknowledge that this application is not subject to mandatory 10% Biodiversity Net Gain (BNG), there is still a requirement to achieve at least some level of gain under the NPPF (2023 at time) and Bolsover Local Plan Policy SC9. We understand that landscaping will likely be agreed at the Reserved Matters stage but we would draw attention to our previous comments and add that the existing BNG assessment should be updated based on the final agreed layout at that time.

25<sup>th</sup> February 2025:

Note that the updated PEA includes the reptile survey data from May 2023.

Advise that their comments in respect of bat enhancement / mitigation remain and had not been addressed.

DWT advise to minimise the risk to herptiles during site works, a CEMP, which includes methods for site clearance should be agreed through condition.

With regard to BNG they advise that they do not currently have enough information to advise if the predicted net gains are reasonable.

Further information, in terms of how uncommon orchid species in the grassland to be retained will be managed was also requested.

## 12. Heritage Conservation Manager (BDC) – 15<sup>th</sup> June 2023:

This is a prominent site on the approach to the historic town of Bolsover with uninterrupted views of Bolsover Castle on the escarpment above.

The proposed development site comprises part of the former Bolsover Colliery and surviving buildings and part of the former Doe Lea branch of the Bolsover Colliery mineral railway.

One of the issues raised in the HIA is the potential for some of the surviving buildings to be considered of heritage interest and meet the criteria for designation as non-designated heritage assets. The DCC archaeologist is also of the view that “any buildings extant within the curtilage of the PDA that are related to mineral extraction, or the history of mineral extraction are considered heritage assets.”

Bolsover District Council has a policy for identifying non designated heritage assets within conservation areas but does not have a local list. Given that this site lies outside the boundary of the Bolsover Conservation Area the former colliery buildings have not been formally identified as part of the appraisal process. The NPPF Planning Policy Guidance provides advice on how non designated heritage assets are identified but it also recognises that “in some cases, local planning authorities may also identify non-designated heritage assets as part of the decision-making process on planning applications” Paragraph: 040 Reference ID: 18a-040-20190723

In this case, I am of the opinion that the following buildings on the site meet the criteria for consideration as non-designated heritage assets and should be considered as such for the purposes of the assessment of the impact of the development on heritage assets:-

- Portland House – former Managers house
- Former Headquarters/ office building
- Former pithead baths
- Former goods shed

In this respect, consideration should be given in the first instance to the retention and re-use of all or some of these heritage assets as part of the re-development of the site. The total loss of these assets would be considered to cause harm (less than substantial) and in accordance with NPPF guidance paragraph 202 this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

### *Impact on setting of Bolsover Castle / SAM/ Registered Park and garden:*

The fact that the Terrace and Viewing Platform were designed to exploit the views across the vale is of exceptional significance for Bolsover Castle. The proposed development will result in a change in the format and arrangement of buildings on the site together with associated requirements for retail signage etc it is considered that the proposal will have an impact on the wider setting of the Castle and registered park and garden, and this will amount to less than substantial harm.

## *Bolsover Conservation Area*

There is an historical association between the Model Village and the surviving historic buildings found on the application site. The proposed re-development of the site will sever that relationship and as a result is considered to cause harm to the significance and wider setting of the Model Village. The level of harm is considered to be less than substantial.

**Recommendation:-** the proposed development is considered to cause harm (less than substantial ranging) to a number of designated and non-designated heritage assets as set out above. The applicant is requested to consider the potential re-use of some the non-designated assets on the site to mitigate the level of harm caused. In accordance with NPPF guidance paragraph 202 the harm caused should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

### 13. Historic England - 9<sup>th</sup> May 2023:

Advise that there would be some harm to the significance of the scheduled, Grade I listed Bolsover Castle as a result of changes to its setting albeit a lower end of less than substantial harm. We note the indicative site layout plan submitted with the application suggests an area of open space could be included as any proposal which would help mitigate impact. However, this could change at reserved matters should this outline application be approved.

The surviving Bolsover Colliery buildings, on part of the application site, contribute to the significance of the nearby designated assets as set out above. As such the complete demolition of these non-designated assets would cause harm to the significance of the conservation area and associated listed buildings, albeit at a lower level of less than substantial harm.

We note that the access is included for approval at this stage of the planning process and would wish to highlight that this may not provide for a heritage led approach to any reserved matters scheme should the outline application be approved.

Historic England has concerns regarding the application on heritage grounds as the proposal would result in a loss of non-designated assets that contribute to the significance of the setting of the Bolsover Conservation Area.

Should the Council consider that public benefits of the proposal outweigh the harm to the heritage assets, Historic England refer the Council to its own expert heritage advisors to consider matters for appropriate conditions in respect of the non-designated industrial heritage. They advise that there could be opportunity to consider a heritage-led masterplan at reserved matters stage.

### 31<sup>st</sup> May 2024:

Historic England advise that they commented on the outline planning application in May 2023 and had concerns regarding the destruction of non-designated heritage assets comprising Bolsover Colliery. They welcome the retention of the former Bolsover Colliery HQ building

within the amended scheme. However, they maintain their position regarding the destruction of other non-designated assets within the site and the harm that would arise to the significance of nearby designated assets as a result of this.

#### 14. Planning Policy BDC 19<sup>th</sup> July 2023:

The application is not supported by sufficient supporting information in relation to the existing business retention strategy and would appear to put the business park at risk. No evidence is provided to demonstrate that the land or buildings are no longer suitable for employment uses. For these reasons, the application is contrary to policy WC2: General Principles for Economic Development.

Furthermore, in relation to the retail elements the impact test for the foodstore has not been undertaken properly. It is based on an out-of-date household survey and parts of the PPG checklist are missing. The impact test for the other retail unit has been omitted, and that is a reason for refusal as stated in paragraph 91 of the NPPF.

The sequential test has not been met. Despite the stated operational requirements, the applicant has not demonstrated any flexibility in respect of the requirements of the foodstore or of the other retail unit – the space for which could currently be met in the vacant floorspace that is available in Bolsover town centre.

Furthermore, the site is poorly connected to the town centre in view of the distance from the town centre and the very steep slope to access it. The proposed foodstore and other retail unit through its size and location will have a significant negative impact on the vitality and viability of Bolsover town centre and for these reasons the proposal is contrary to Policy WC 5 and the NPPF.

Based on the above summary, it is considered that the application should be refused or withdrawn to allow a more informed and appropriate strategy to be prepared, in partnership with the Council, for the investment in the business park to help securing its role as an economic driver in Bolsover District.

#### 15. Planning Policy DCC – 13<sup>th</sup> July 2023:

Detailed comments have been received from the County Council on the acceptability of the proposals having regard to the relevant provisions of the development plan and national planning policy.

Comments have been made in respect of the following areas, which have not already been assessed by other consultees:

##### *Principle*

The re-use of a large proportion of the site for non-employment uses to include two retail units, a drive-through and 35 residential units would not accord with the general allocation in the (Local plan for Bolsover District 2020) BDLP as an existing and protected employment site, particularly taking into account the fact that the local plan is up-to-date having only been adopted in 2020. The submitted Planning and Retail Statement makes reference to the fact



that the use of the site for mixed-use development, as proposed, has been promoted to the District Council through the local plan process. It can be assumed, therefore, that in allocating the site as an existing employment site, the District Council did not consider that the site was suitable for allocation as a mixed-use development.

It is considered that the retail proposals would be contrary to the provisions of national policy for town centres and retailing in the NPPF and adopted BDLP on the basis that the proposals would not satisfy the requirements of the sequential test and would be likely to have an adverse harmful impact on the vitality and viability of Bolsover town centre.

#### *Retail development*

It is considered that the applicant's sequential assessment is not robust and that the requirements of the sequential test have not been demonstrated satisfactorily as it would appear that there is a sequentially preferable alternative available site within Bolsover town centre that has the potential to accommodate the proposed foodstore, albeit with some flexibility required to its scale and format.

It is considered that the retail proposals would be likely to adversely harm the health and vitality and viability of Bolsover town centre, contrary to the provisions of national policy in the NPPF and local policies in the adopted BDLP, which seek to ensure that new retail developments do not have adverse on the vitality and viability of town centres. With regard to other town centres, there is likely to be some impact level of trade draw and impact on Clowne but it is expected that the vast majority of the impact would fall on the Tesco and Aldi stores, which are both significantly overtrading so the levels of impact would be unlikely to have any significant implications for the health and viability of Clowne town centre.

#### *Residential development*

The acceptability of housing development on the site is finely balanced as the site could provide for new housing development in a reasonably sustainable location, located in the District's most sustainable settlement and as part of a mixed\_use employment, retail and housing development on previously developed land for which there is much support in terms of national and local plan policy. On the negative side, the District Council is able to demonstrate a 10-year housing land supply so there is no justification for housing on the site in terms of land supply shortage. It may be that the balance of the assessment could be tilted in favour of housing development on the site if it included an element of affordable housing in accordance with BDLP Policy LC2. If that is the case, then the District Council is requested to seek clarification and confirmation on this issue from the application prior to the determination of the application.

#### *Employment development*

The proposed retail uses would not appear to be in the spirit of being classed as employment generating uses in the context of Policy WC2: General Principles for Economic Development of the BDLP and if that is the case then there would be a net loss of employment land on the site created by the application proposals.

### *Open Space:*

Using the current policy formula the commuted sum would be £37,240 (35 dwellings x £1064 per dwelling). This amount is based on 2023 prices and should be index linked to the RPI in terms of timing of payment.

A contribution will be sought to improve the following area of green space, which currently falls below the 60% quality standard:

Recreation Ground: Houfton Road Recreation Ground (within 800m walking distance).

### *Built & Outdoor Sports Facilities:*

As the proposed development is not of sufficient scale to require any dedicated on site built / outdoor sports facilities, it is recommended that a suitable commuted sum is negotiated in lieu of any formal on site requirement.

Using the current policy formula the commuted sum would be £45,360 (35 dwellings x £1 per dwelling). This amount is based on 2021 prices and should be index linked to the RPI in terms of the timing of payment.

Such a commuted sum would be invested in improving the playing pitches and their ancillary facilities at Castle Leisure Park.

We would expect to receive a commuted sum for a period of 10 / 15 years following completion of the development for any land adopted by the district council.

### *Other comments:*

There are numerous references in the submitted documentation to the former Bolsover Branch Line, many erroneously stating that this is already an active travel corridor / multi-user trail.

The former Bolsover Branch line is currently undeveloped, although it is identified as a future greenway in both the Local Plan for Bolsover District (March 2020) and as part of Derbyshire County Council's Key Cycle Network (KCN).

Redevelopment of the former Bolsover Branch Line as a multi-user trail to the north of the development site is currently not possible due to the ongoing redevelopment of former Coalite site, which has removed a section of the former railway either side of Buttermilk Lane.

Additional pedestrian links are also highlighted, most of which also don't currently exist on the ground. All of these would be beneficial and should, wherever possible, include access for cyclists and people with disabilities.

There is no reference in any of the documentation to the recently developed A632 Greenway (new tarmac surfaced cycle path alongside the A632) linking the Stockley Trail / Intake Road to Markham Vale and beyond, despite this having been developed by Derbyshire County

Council in 2021/22.

The Cycle section of Travel Plan is particularly poor as there are no references to the existing cycle routes within the immediate vicinity of the development site (A632 Greenway and Stockley Trail) due to the use of National Cycle Network data, suggesting that this section of the plan was no more than a desktop exercise.

It is recommended that, as part of the development, there should be a contribution to the development of the former Bolsover Branch Line either as a planning condition or financial contribution, particularly as the application uses the former railway corridor as a benefit / selling point. This should include (at least) the section that runs through the development site (although this is outside the red line boundary), with a link into the retail block between Station Road (A632) and R1 Proposed Retail with an onward link to Intake Road and the A632 Greenway as well as a connection to the reclaimed colliery open space to the north of the proposed development.

Ideally, the section to the south of the A632 (effectively a northerly continuation of the railway path section of the Stockley Trail) should also be developed as this would provide access for pedestrians, cyclists and mobility scooter users from the south west side of Bolsover (Carr Vale, New Bolsover and the Bainbridge Road / Valley Road estate).

#### 17. Environment Agency – 7<sup>th</sup> June 2023:

From a flood risk perspective, the development falls within flood zone 1 and therefore we have no fluvial flood risk concerns associated with the site. The Environment Agency point the District Council to their standing advice in respect of flood risk management and advise that there are no other environmental constraints associated with the site.

### **PUBLICITY**

The application has been publicised by way of a site and press notice.

166 residents and local businesses were notified about the application.

As of the 2<sup>nd</sup> May 2025 ten representations have been received by the Local Planning Authority, including representations on behalf of the Campaign to Protect Rural England (CPRE) and Chesterfield Royal Hospital.

Half (5) of the representations received object to the proposals and the other half (5) are neutral, with one expressing support in principle. The comments raise the following matters:

#### *Principle*

- Objection to a housing proposal due to its conflict with the Bolsover Local Plan.
- Concern that housing proposals will encroach on undeveloped land.

#### *Economic impact*

- Business Disruption Risk: The development could potentially disrupt existing businesses and lead to closures, impacting employment and the local economy.
- Consideration of Riverside Way Availability: The Riverside Way site, under contract with a discount supermarket operator, should be considered in economic planning decisions.
- Prioritising Existing Retail Spaces: Utilising empty retail spaces in Bolsover first could prevent adverse effects on the town centre's economy.
- Rent and Rate Concerns: Increased rent and rates may lead to business closures, affecting economic stability.
- Need for Tenant Support: Businesses require a transition period and support for relocation to minimise economic disruption.
- Comprehensive Property Analysis: Evaluating all commercial properties, including those not listed on major websites, is essential for informed economic decisions.
- Potential Impact on Town Centre: There is uncertainty around how new retail developments might economically impact the existing town centre.

### *Environmental Impact*

- Ensure construction work includes dust minimisation strategies, focusing on tool selection and damping methods.
- Preserve sensitive landscapes and maintain the countryside as a climate change buffer, aligning with NPPF guidelines.
- Propose the presence of an environmental health officer from the council to oversee job methods, particularly asbestos-related work.
- Advocate for accessible, nature-rich green spaces to address the climate emergency and enhance wellbeing.
- Develop a comprehensive landscape management plan for the business park, with emphasis on green space, tree preservation, and wildlife conservation.
- Mandate asbestos surveys and safe removal by qualified contractors if demolition is involved.
- Retain existing large trees on the site to support wildlife habitats and nesting.
- Address the destruction of major wildlife habitats due to tree-cutting activities.

### *Impact on Existing Businesses*

- Concern that the grant from Bolsover Council during the COVID pandemic would be ineffectual if businesses are not relocated within the park.
- Anxiety about the fate of businesses during the period when old premises are demolished, but new ones are not yet developed.
- Criticism directed at the applicant for not offering tenants relocation opportunities as promised.
- Suggestion to consider Riverside Way's availability in the relocation decision-making process.
- Reminder to consider businesses outside the planning application that are part of the business park.

### *Highways Impact*

- Woodhouse Lane experiences high traffic volumes and is unsuitable for heavy vehicles due to its narrowness.
- The development of the Enterprise Park is expected to exacerbate traffic issues on Woodhouse Lane.
- The deteriorating condition of Woodhouse Lane, worsened by increased traffic, requires urgent repairs.
- Frequent accidents at the junction between Woodhouse Lane and Station Road highlight the need for safety improvements.
- Concerns are raised about increased traffic and noise disturbing the area's peaceful nature.
- Limited visibility for larger vehicles exiting the park onto Woodhouse Lane poses a safety risk.
- Planned changes to the main access road could negatively impact customer access.

### *Accessibility*

- Ensure bus stops are easily accessible for improved transportation options.
- Include good, wide, user-friendly walkways for safe and easy pedestrian movement.
- Provide information about changes to the north gate entrance to understand impacts on accessibility.
- Advocate for accessible green spaces to promote inclusivity and tackle the climate emergency.

### *Other Matters*

- Objection to the loss of green space due to the housing proposal.
- Concerns over inaccurate claims about property vacancy rates in the business park.
- Request for clear development timescales to reduce local impact.
- Concerns about potential road use issues and nuisance to residents during planning permissions.
- Safety concern regarding proposed landscaping on the horse field, which could distract drivers.
- Emphasis on the importance of services to local people and negative impacts of development.
- Request for site owners to hire a road sweeper for cleanliness on Woodhouse Lane during the project.
- Support for development that considers local needs, especially in open countryside or greenfield sites.

In commenting on the application, Chesterfield Royal Hospital advise that initial modelling suggests that the impact of this development is up to £47K.

## **POLICY**

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

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

- SS1: Sustainable Development
- SS2: Scale of Development



- SS3: Spatial Strategy and Distribution of Development
- LC2: Affordable Housing through Market Housing
- LC3: Type and Mix of Housing
- WC2: General Principles for Economic Development
- WC5: Retail, Town Centre and Local Centre Development
- WC9: Hot Food Takeaways
- SC1: Development within the Development Envelope
- SC2: Sustainable Design and Construction
- SC3: High Quality Development
- SC7: Flood Risk
- SC8: Landscape Character
- SC9: Biodiversity and Geodiversity
- SC10: Trees, Woodland and Hedgerows
- SC16: Development within or Impacting Upon Conservation Areas
- SC21: Non-designated Local Heritage Assets
- ITCR2: The Multi-User Trails Network
- ITCR4: Local Shops and Community Facilities
- ITCR5: Green Space and Play Provision
- ITCR 9: Local Transport Improvement Schemes
- ITCR10: Supporting Sustainable Transport Patterns
- ITCR11: Parking Provision
- II1: Plan Delivery and the Role of Developer Contributions
- 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 – 14: - Achieving sustainable development.
- Paragraphs 48 - 51: Determining applications.
- Paragraphs 56 - 59: Planning conditions.
- Paragraphs 96 - 108: Promoting healthy and safe communities.
- Paragraphs 109 - 118: Promoting sustainable transport.
- Paragraphs 124 - 128: Making effective use of land.
- Paragraphs 131 – 141: Achieving well-designed places.
- Paragraph 161, 163, 164, and 166: Meeting the challenge of climate change.
- Paragraph 170 - 182: Planning and Flood Risk.
- Paragraphs 187, 193 and 195: Conserving and enhancing the natural environment.
- Paragraphs 196 - 201: Ground conditions and pollution.
- Paragraphs 207 - 221: Conserving and enhancing the historic environment.

#### Supplementary Planning Documents and Advice Notes:

##### *Local Parking Standards Supplementary Planning Document (January 2024):*

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**

1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission are determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for the purposes of the Act is the Local Plan for Bolsover District (2020). The National Planning Policy Framework (NPPF) (2024) is a material consideration in respect of this application.
2. Paragraph 11 d) of the National Planning Policy Framework requires that where there are no relevant policies, or if the most relevant Local Plan policies for determining a planning application are 'out of date' planning permission should be granted, unless policies including those related to designated and other heritage assets or archaeological significance provide a strong reason for refusing permission or the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the framework as a whole.
3. The term "out-of-date" is defined in Footnote 8 of the NPPF. The Local Plan is considered out of date where there is a lack of five-year supply (or four-year supply for authorities which are progressing a new Local Plan in accordance with Paragraph 226 of the NPPF) or where the Housing Delivery Test indicates that the delivery of housing was below 75% of the requirements for the past three years. The Local Plan for Bolsover (2020) is not considered to be out-of-date as defined in Footnote 8.
4. There are other ways that a Local Plan or specific policy may be considered to be out of date, such as if it no longer performs its intended role, or if certain material considerations mean that the policy can no longer be relied upon or given weight. These matters need to be considered through individual planning applications, and the level of weight given to them is a matter for the decision-taker.
5. Having regard to the consultation responses and representations received and the relevant provisions of the development plan and guidance contained within the National Planning Policy Framework, the main issues to assess are:
  - The principle of the development
  - The impact of the retail component of the application on the vitality of and viability

of Bolsover Town Centre

- Impact on designated and other heritage assets of archaeological significance
- Landscape and visual impact of the proposed development
- Impact on wildlife and biodiversity.
- Highway and pedestrian safety, connectivity impact on the local road network and parking provision
- Developer contributions and open space provision
- Residential amenity considerations and compatibility of uses, and;
- Other issues, including drainage and contamination.

#### The principle of the development

6. Achieving sustainable development is a fundamental aim and vision of the Local Plan for Bolsover, which was adopted in March 2020 and the NPPF. Policy SS1 sets out the criteria against which the Council will consider the sustainability of a proposal. It is recognised that proposals may be able to positively address some of the criteria in Policy SS1, to a greater or lesser degree, but not others. The Policy does not require any proposal to achieve a benefit against every criterion, but it seeks to provide a basis on which to recognise the various sustainability costs and benefits of a proposal, which will then be considered by the Council in the overall 'Planning Balance'.
7. In order to contribute to sustainable development in the Bolsover District Policy SS1 advises that development proposals should support the local economy by providing employment opportunities suitable for local people, promote the efficient use of land and the re-use of previously developed land in sustainable locations, locate development in close proximity to trip generators with the aim of reducing the need to travel by non-sustainable modes of transport, reduce the need for energy in new development and ensure that it can use energy efficient through the life time of the development, promoting high standards of low carbon and energy efficient design and renewable energy production where possible and appropriate, support the hierarchy of centres and / or enhance their role as a focus for new services and facilities, protect and enhance the character, quality and settings of towns and villages and heritage assets through an appropriate mix of good quality, well-designed development and protect, create and / or enhance the character, quality and diversity of the District's green infrastructure and local landscapes, the wider countryside and ecological and biodiversity assets amongst other considerations.
8. To support the hierarchy of centres and / or enhance their role as a focus for new services and facilities the Local Plan gives a clear steer on the scale and direction of development. Policy SS2 states that the Local Plan will accommodate new growth and investment in Bolsover District by making provision for sufficient land to meet its housing needs and to accommodate 92 hectares of employment land across the period 2015 to 2033. As part of the review of the Local Plan the latest employment land evidence indicates that the land allocated in the local plan for employment is required to meet the District's employment needs over the plan period.
9. Policy SS3 seeks to direct growth towards the District's more sustainable settlements, such as Bolsover, in order to take advantage of their greater employment opportunities,

better transport links and services and facilities.

10. The site lies within the development envelope of Bolsover, with the land to the south being undeveloped. Policy SC1 states that development within development envelopes will be permitted where it is appropriate in scale, design and location to the character and function of the area, is compatible with, and does not prejudice any existing or intended use of adjacent sites and would not have an unacceptable environmental impact.
11. With the exception of the fields to the south of the site and west of the Indian restaurant the land is entirely covered over by an existing employment allocation, protected by Policy WC2.

#### *Employment development*

12. Local Plan Policy WC2: General Principles for Economic Development supports the sustainable growth of the district's economy by both:
  - encouraging proposals which help create a higher wage, higher skilled, low carbon economy which develops, retains and enhances local skills;
  - protecting a series of identified existing employment sites that are important and act as key economic drivers for the District.
13. As stated earlier in the assessment section of this report, the latest evidence base indicates that the land allocated in the local plan for employment is required to meet the District's employment needs over the plan period. The industrial estates and business parks in the district are home to a large proportion of jobs in the district and an important element of the district's employment portfolio. The release of employment land without clear and convincing justification would create a demand for additional employment land over the plan period. In a small town such as Bolsover employment land is important to ensure settlement sustainability and help reduce travel out of the area and by unsustainable means to access employment opportunities.
14. Policy WC2 indicates that the protection will be sustained unless it can be shown that the land or building is no longer physically suitable for employment uses and there is no realistic prospect of re-use or redevelopment for such uses by providing evidence that the site has been marketed for a reasonable period of time; details of enquiries received for the site; and evidence to demonstrate the site is not financially viable for continued employment development.
15. The revised application proposes up to 6500 sqm of replacement employment floorspace in a range of more modern purpose-built units, the retention of 2,270 sq. m of employment floorspace within the former colliery headquarters building and 2 retail units (total gross area up to 3,200 sqm, one being for discount food retail). The application site currently accommodates a wide range of business, retail, leisure, commercial and industrial units. The applicant advises that only 5714 sq. m is occupied by businesses and only 2328 sq. m is re-useable. The applicant explains in supporting information that the site has become under-utilised and a number of buildings have been left vacant due to either not being financially viable to rent out or do not meet EPC ratings and

standards. It is advised that there are currently 82 units on the site but 41 are not lettable so 50% of the units are not viable for letting.

16. The amended scheme maximises the employment potential of the site and proposes a mix of units, in addition to the existing floorspace within the Former Headquarters Building that will meet the needs of a wide range of businesses and will facilitate new employment and job creation. The amount and nature of new employment to be provided is considered to comply with the relevant provisions of the development plan in this respect.
17. It is recognised that while not a traditional 'B' use, the retail units also provide a form of employment on the site. The suitability of retail use must be considered in conjunction with the requirements of Policy WC5 in respect of new development so as to not undermine the purpose and viability of the Town Centre and any other service centres. The impact of the retail development of the application on the vitality of and viability of Bolsover Town Centre is considered in a later section of this report.
18. The application is accompanied by a Business Retention Strategy. This strategy has been developed following a survey of existing tenants, the results of which have not been provided due to being commercially sensitive. Of the tenants surveyed it is understood that 60% are likely to remain within the new development with the percentage of employees retained to be approximately 75%. These estimates are, however, subject to numerous variables, including the cost of rent. The applicant points to the layout providing a range of comparative spaces to accommodate existing businesses and allow them to move up and provide for new start-up businesses. This has been enhanced further with the increase in employment floorspace and greater range of retail units.
19. Alongside the potential retention of existing employment it is also advised that there will be opportunities for new higher quality and higher skilled jobs, and these will be in addition to the existing employee numbers on the business park.
20. Whilst it is acknowledged that there will be occupiers who require cheap rate accommodation that is not to modern standards, the applicant advises that there is alternative low-grade accommodation available elsewhere in the district e.g. across Station Road. The applicant advises that the modest reduction in inefficient, poor-quality employment floorspace is not a reason to prevent significant investment in the regeneration of a legacy industrial brownfield site in an area where policy supports a move to high skilled, high waged employment opportunities, which is a District objective as set out in the Local Plan. Conditions to secure employment schemes to maximise employment opportunities, skills and training as part of the construction and delivery of the units are recommended to help deliver this policy objective.

The impact of the retail component of the application on the vitality of and viability of Bolsover Town Centre

21. The application proposes two retail units (up to 3200 sqm, with one being for discount food retail) and a small drive thru (Sui Generis) with a floorspace of 85 sq. m.

22. Local Plan Policy WC5: Retail, Town Centre and Local Centre Development supports retail development within town centres. The policy states that when considering out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. A sequential test and retail impact assessment are required for applications in out of centre locations for over 500 m<sup>2</sup> of retail space. Only shops which do not harm the vitality and viability of the town centre will be approved.
23. Policy WC5 and paragraph 91 of the NPPF requires “applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered”.
24. Paragraph 92 of the Framework states that when considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.
25. Paragraph 94 of the NPPF sets out a twin impact test, stating that ‘when assessing applications for retail and leisure development outside town centres, which are not in accordance with an up-to-date plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500 sq.m of gross floorspace). This should include assessment of:
  - the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
  - the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider retail catchment (as applicable to the scale and nature of the scheme).’
26. Paragraph 95 indicates that, where an application fails to satisfy the sequential test or is likely to have a significant adverse impact on one or more of the above factors, it should be refused.
27. Following concerns regarding the robustness of the Retail Impact Assessment contained within the Planning Statement the applicant submitted a Supplementary Retail Statement by Lichfields (dated May 2024). The District Council commissioned a retail impact assessment expert to review this statement.
28. The District Council’s retail impact expert has reviewed the sequential alternative sites identified by the applicant (and undertook their own additional research) and do not believe that there is any site which is situated in a sequentially preferable location and is both available and suitable to support the proposed use at this time. In this respect, the expert concludes that the proposal accords with the requirements of the NPPF sequential test.
29. With regard to the impact test a number of defects and concerns were raised. In assessing the significance of impacts arising from development, it is necessary to reflect upon the advice set out in the Town Centres Planning Practice Guidance (PPG). In this

regard, paragraph 018 states that:

*'A judgement as to whether the likely adverse impacts are significant can only be reached in light of local circumstances. For example, in areas where there are high levels of vacancy and limited retailer demand, even very modest trade diversion from a new development may lead to a significant adverse impact.'*

30. It should also be recognised that impacts will arise with all retail developments, but that these will not always be unacceptable, not least because development often enhances choice, competition, and innovation. It is therefore necessary to differentiate between those developments that will have an impact and those that will undermine the future vitality and viability of established centres, i.e. have a 'significant adverse' impact.

31. Paragraph 015 of the Town Centres PPG is also of relevance in considering how the impact test should be applied. It states that:

*'As a guiding principle impact should be assessed on a like-for-like basis in respect of that particular sector (e.g. it may not be appropriate to compare the impact of an out of centre DIY store with small scale town centre stores as they would normally not compete directly). Retail uses tend to compete with their most comparable competitive facilities.'*

32. In this instance, the application proposal seeks to provide:

- a foodstore which is capable of meeting some main food shopping needs;
- a comparison goods retail unit; and
- a drive thru unit.

33. The types of retail uses accommodated at the site will impact on the patterns of trade diversion arising from the development in practice.

34. The retail impact expert based their appraisal on the proposal's compliance with the two key impact tests identified by paragraph 94 of the NPPF.

35. The District Council's retail impact expert pointed to the failure of the Supplementary Retail Statement to recognise the allocation of £15m of Levelling Up Regeneration Fund monies which is to be spent by March 2026 within the District boundary.

36. Key projects of relevance to Bolsover town centre include:

- *Project 1: Public Realm*

*Public realm improvements in Bolsover town and across key town centres to include: hard and soft landscaping; street furniture and signage; improved welcome entry points; improved lighting and safety considerations; resurfacing and reconfiguration of the market square; green routes and planting; and visual wayfinding.*

- *Project 2: Shopfront Improvement Scheme*

*The scheme will provide capital funding to support: new shopfronts; repair and*

*replacement of shopfronts; new and replacement signage and awnings; and other physical work which improves the visual aspect of the front elevation of a property.*

- *Project 3: Former Co-operative Building, Town End, Bolsover*

*Proposed acquisition, demolition and clearance of the former Co-operative Food store. This will enable the creation of a new public boulevard and urban green space.*

- *Project 5: Bolsover Community Business Centre*

*Proposed acquisition and refurbishment of the White Swan public house and conversion into community building. This will provide flexible accommodation to allow access to finance, health and wellbeing support services, as well as workspace to bring together CVS/non-profit organisations and community groups.*

- *Project 8: Creative Makers Retail Outlet*

*Investment into the existing retail unit at 36 and 26a Market Place, Bolsover to provide a 'pop-up' marker space for local artists and creatives. The funding will provide for the acquisition of the freehold of the property and its refurbishment.*

37. Notwithstanding the above, it was opined that each of the above investments was wholly different in nature to that proposed at the application site. None of the above was considered to relate to the proposed retail development. It was considered that the successful implementation of the above investment should not be contingent on whether planning permission is granted for the Bolsover Business Park application proposals.
38. With regard to the second test, namely the impact of the proposals on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment a number of concerns were raised in respect of the Supplementary Retail Statement by Lichfields (dated May 2024). In particular, the following defects were identified:
- the submitted assessment failed to identify how convenience goods expenditure has been apportioned between main and top-up food shopping;
  - the assumed inflow allowances are higher than expected and are not appropriately justified;
  - the assumed sales densities for both convenience and comparison goods floorspace appeared too low;
  - the submitted assessment identifies zonal trade draw but this was largely meaningless as trade diversion had not been presented on a zonal basis;
  - the assumption that 10% of the turnover of the proposal would be drawn from outside the Study Area was considered to be flawed; and
  - not all the destinations subject to trade diversions were identified in the assessment.
39. To address these defects, the applicant submitted a Retail Addendum Briefing Note dated November 2024, prepared by Lichfields. This was further reviewed by the District Council's retail impact expert.



40. The expert advised that the submitted assessment failed to demonstrate that there would be no significant adverse impact arising from the proposed development at Bolsover town centre. Furthermore, the scale, nature, and format of the development was such that the magnitude of impact arising at the centre merited further consideration.
41. In arriving at the above conclusion, the retail expert noted the following concerns with the methodology
- the underestimation of the turnover of the proposal;
  - the overestimation of the application proposal turnover drawn as inflow from outside the defined Study Area;
  - the underestimation of the level of diversion which would occur from local facilities, including the Morrisons at Oxcroft Lane in Bolsover; and
  - the level of trade diversion forecast from stores outside of the Study Area.
42. The applicant addressed the above concerns in a Further Retail Addendum Briefing Note dated March 2025 and prepared by Lichfields.
43. The applicant reduced the proportion of proposal turnover that is derived from 'beyond the Study Area' to 5% and recalibrated the impact of the development on existing retail operators within Bolsover town centre.
44. This Further Retail Addendum Briefing Note was reviewed by the District Council's retail expert. In further comments received on the 23<sup>rd</sup> April 2025 they have advised that the most substantial trade diversion will occur at the Morrisons store at Oxcroft Lane. They agree that lesser impacts would arise at the B&M and Farmfoods stores, and that the impact on other local traders will not be of material consequence (given that the application proposal is fundamentally different in character and scale to such retailers).
45. With regard to the impacts on the Morrisons store, the post-implementation convenience goods turnover of £20.85m reflects strong trading performance and is such that the store will continue to trade well above company average subsequent to the implementation of the proposal. Given the above, it is not considered that there would be any loss in town centre convenience goods provision as a consequence of the proposal. The foodstore most substantially impacted (i.e. Morrisons) would continue to trade strongly going forward.
46. They advise that the comparison goods impacts arising from both the foodstore and second unit comparison floorspace would be limited to moderate, as a consequence of a proposed bulky goods condition.
47. The District Council's retail expert does not anticipate that there will be a substantive loss of linked trips arising from the proposal. They advise that although some shoppers will be tempted away from the centre to undertake grocery shopping, the offer associated with a foodstore of the scale proposed is relatively limited and does not replicate the wider retail, service and leisure offer contained within Bolsover town centre. They continue that the proposed bulky goods unit would principally trade against other

out of centre retailers and that shoppers would still have a need to visit Bolsover town centre, albeit the linking of any such trips would likely take place by car rather than on foot.

48. With regard to the current health of the town centre, the District Council's retail expert acknowledges that the town centre has been the subject of significant changes in recent years as a consequence of the Morrisons/Sykes Field Retail Park scheme being delivered. They advise that the vacancy rate in respect of available units is not a cause for concern and the centre now accommodates a satisfactory range of retailers and service providers.
49. In summary, District Council's retail expert has found that:
- Bolsover town centre is relatively vital and viable and has a low vacancy rate in respect of the proportion of vacant units;
  - whilst the proposal will divert approximately £5.97m of expenditure from Bolsover town centre, this diversion principally occurs from the Morrisons store, which they anticipate will continue to trade strongly going forward; and
  - the application proposal will not replicate the overall town centre offer and there will still be a general need to visit the centre to make some types of comparison goods purchases and to visit service providers (through linked trips by car or at other times).
50. Having regard to the above, the development would have a negative impact on Bolsover town centre, however the magnitude of impact that would arise would be below 'significant adverse' in practice and there would be benefit in providing additional customer choice, in respect of grocery and bulky comparison goods shopping in the area, which is advocated by national planning policy.
51. To ensure that there will be no unacceptable impacts on Bolsover town centre it will be necessary to impose restrictive conditions relating to gross and net sales areas, as the impacts have been assessed based on this amount of retail, and to restrict the comparison unit to the sale of bulky goods, namely DIY goods, garden goods, furniture, carpets and floor coverings, electrical goods, camping, boating and caravanning goods, motor and cycle goods only.
52. With such restrictions the development would conform with to the second part of the impact test as articulated by paragraph 94 of the NPPF and by Local Plan Policy WC5 'Retail, Town Centre and Local Centre Development'.

#### Impact on designated and other heritage assets of archaeological significance

53. Policy SC16 of the Local Plan for Bolsover (2020) deals with development within or impacting upon conservation areas. It states that such development will be permitted where they preserve or enhance the character and appearance of the area and its setting.

54. It goes on to state that applications will be considered in relation to how well the design and location of the proposal has taken account of the development characteristics and context of the conservation area, in terms of important buildings and important open spaces, landscapes, walls, trees and views into or out of the area and the form, scale, size and massing of nearby buildings, together with materials of construction.
55. Policy SC17 of the Local Plan for Bolsover (2020) states that proposals for alterations to, or changes of use of listed buildings will be supported where they protect the significance of the heritage asset (including its setting), including impacts on the character, architectural merit or historic interest of the building.
56. The National Planning Policy Framework at Chapter 16 sets out the manner in which impacts on heritage assets should be assessed.
57. Paragraph 207 states “where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.”
58. Paragraph 210 states that in determining applications, local planning authorities should take account of:
  - a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
  - b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
  - c) the desirability of new development making a positive contribution to local character and distinctiveness.
59. Paragraph 215 of the Framework states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
60. Paragraph 216 of the Framework states that “the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”
61. In addition to the above policy requirements there are separate legal duties in respect of heritage assets. In exercising planning functions, Local Planning Authorities must ‘have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses’ (Section 66(1)) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Similar provisions are contained within the Act at section 72 in respect of conservation areas.
62. As can be seen from the consultation responses received from Historic England, the Development Control Archaeologist (County Council) and the District Council’s Heritage

Conservation Manager concern has been raised with regard to the assessment of the development on archaeology and its impact on designated and non-designated heritage assets.

63. The application site is located within the setting of the Grade I listed Bolsover Castle and to the north of Bolsover Conservation Area; both of which are designated heritage assets. The existing employment site contains buildings that are low lying and are contained within the landscape and by existing landscape features. The land to the south remains undeveloped and contributes to the setting of the castle, in terms of its rural context and association with its historic deer park.
64. The application proposals no longer seek to extend development beyond the confines of the existing employment site. A condition which prohibits such development and restricts the maximum height of buildings to two stories will ensure that there will be no harm to the setting Grade I listed Bolsover Castle.
65. With regard the impact on other heritage assets, the surviving Bolsover Colliery buildings, on part of the application site are considered to contribute to the significance of Bolsover Conservation Area and Grade II listed model village. Historic England advise that the area of Bolsover Conservation Area nearest to the site includes the Grade II listed model village and nearby villas built by the Bolsover Colliery Company to house its workforce. The village was a pioneering development at the time of its construction in 1891 and was built to improve the quality of living for the workers of the colliery. The site is inextricably linked to the village as the instigator of its construction and historic use. The County Council make similar comments on the value of the former colliery buildings on site. Photographs of these buildings are provided below:







66. The loss of the surviving Bolsover colliery buildings, which are deemed non-designated heritage assets and to contribute the significance of the nearby designated assets would cause harm to the significance of the conservation area and associated listed buildings, albeit again at the lower level of less than substantial harm. Again, this harm must be weighed against the benefits of the proposal and a balanced judgement reached on the loss of non-designated heritage assets.

67. The applicant has submitted a Heritage Impact Assessment with the application, upon which the consultees have based their comments. Revisions to the layout and supplementary comments on the heritage impacts were submitted by the applicant on the 8<sup>th</sup> May 2024.
68. The amended scheme has since omitted development on the open land to the north of the A632, whilst still retaining the headquarters building which would, alongside the former railway cutting, retain a meaningful but still fragmentary connection between the location of the former colliery and the New Bolsover Village.
69. The Heritage Impact Assessment does not consider that the pit baths share the same historical genesis and its loss is not considered to result in harm. Retention of Portland House and the good shed would, it is considered, do little to embellish the tenuous relationship that exists. Accounting for the retention of the colliery headquarters building, the degree of harm brought about by the demolition of other colliery buildings upon the setting and significance of the Bolsover Conservation Area, it is considered that the impact would be negligible at most.
70. This assessment indicates some harm. Historic England welcomed the retention of the former Bolsover Colliery HQ building within the amended scheme. However, they maintain their position regarding the destruction of other non-designated assets within the site and the harm that would arise to the significance of nearby designated assets as a result of this. They refer to their previous advice in this respect. Similar concerns have been expressed by the District Council's Heritage Conservation Manager.
71. The loss of the remaining Bolsover colliery buildings, which are deemed non-designated heritage assets and to contribute the significance of the nearby designated assets would cause less than substantial harm to the significance of the conservation area and associated listed buildings. As required by national planning policy, this needs to be weighed against the public benefits to be derived.
72. Whilst it is acknowledged that there will be some public benefits associated with the development through the regeneration of the site and job creation, this is tempered by the unwarranted nature of the housing development and the loss of the colliery buildings to accommodate retail development that will undermine and adversely affect the vitality and viability of the town centre.
73. The Development Control Archaeologist has advised in terms of below ground archaeology that further archaeological works are necessary prior to the determination of the application. They advise that prior to the submission of the application the applicant was informed that "the proposal area is a previously undeveloped site of just over 2ha, and given the multi-period archaeological interest in Bolsover and its environs that there is potential for previously undiscovered below-ground archaeology within the site and that any planning application should therefore include the results of archaeological evaluation, to comprise geophysical survey in the first instance (detailed magnetometry) supplemented by trial trenching where indicated by the geophysics results.
74. The applicant considers that a standard and reasonable approach is to impose a pre-

commencement condition requiring further site investigation before development proceeds and that they are willing to work with the Council's archaeological advisor to agree an appropriate strategy for further assessment and mitigation as part of the detailed design stage. They have since omitted the development housing from the undeveloped land. The potential requirement for sustainable urban drainage infrastructure on the land and relatively small area this would cover is such that a Written Scheme of Investigation in respect of any below ground archaeology is considered to be proportionate in this case.

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

75. Policy SC1 of the Local Plan is supportive of development where it is appropriate in scale, design and location to the character and function of the area. Policy SC2: Sustainable Design and Construction permits development that protects and enhances the distinctiveness, character, townscape and setting of settlements and conserves and enhances heritage assets and their setting amongst other considerations.
76. Policy SC3 seeks to deliver high quality development which responds positively to the context and contributes to local identity and heritage in terms of height, scale massing, density, layout and materials and which protects important local and longer distance views of important landmarks or landscapes, such as Bolsover Castle. The policy also requires development to respond to the established character and local distinctiveness of the surrounding landscape.
77. Policy SC8 of the Local Plan states that proposals for new development will only be permitted where they would not cause significant harm to the character, quality, distinctiveness or sensitivity of the landscape, or to important features or views, or other perceptual qualities such as tranquillity unless the benefits of the development clearly outweigh the impacts.
78. The application seeks outline planning permission, with all matters reserved other than access. In setting broad scale parameters the indicative layout indicates that the employment units will be a mixture of single and two storey buildings surrounding the existing Colliery Headquarters Building.
79. The applicant advises that the layout balances the retention and enhancement of landscape, the strengthening of key environmental features along with the need to redevelop a purpose-built business park, retail opportunity and additional housing along an enhanced gateway into Bolsover. It is advised that the design of the indicative layout and road network enables the siting of landmark dwellings at key visual nodes, maximising legibility, the creation of active frontages, and opportunities for natural surveillance through the orientation of employment units and dwellings.
80. Occupying a gateway location on the western approach into Bolsover, the applicant advises that the proposed development will create a locally distinctive and visually interesting scheme which will readily integrate into the local context and provided an attractive landscaped frontage to Station Road (A632). This approach to layout and design would need to be considered in the context of minimising the impact on key visual receptors, including views from Bolsover Castle. Through careful consideration of

the reserved matters, it is considered that development could come forward in a manner that would not result in harm to the character and context of this part of the settlement, subject to constraints on the extent of development.

81. The application is accompanied by a Landscape and Visual Appraisal, which considers the landscape and visual effects of the development.
82. A slight adverse effect is predicted on the landscape character, reducing to potentially beneficial if the recommended design principles are implemented and proposed woodland framework established to break up the mass of the business park.
83. The appraisal advises that the landscape has been impacted upon in the last thirty years by the further development of the business park. The majority of the site lies within the 'urban' landscape character classification. Small peripheral parts of the site lie within the local landscape character type 'Wooded Farmlands'.
84. The landscape strategy submitted with the application aims to restore the woodland setting and enhance the character of this landscape.
85. Recommendations including minimising external lighting and the use of dark and natural in finish (timber, dark metal etc.) materials to ensure that the buildings are visually recessive are recommended. It is also recommended that signage should respect and match the materiality and form of the proposed buildings.
86. In the long term, with appropriate landscape mitigation and restoration is predicted to reduce visual amenity effects to slight adverse with the completion of construction. It is considered that some beneficial effects would be possible with planting reinforcing existing woodland boundaries, creating 'green connections' through the development and providing an additional degree of visual screening.
87. It is recognised that the most sensitive visual receptors within the study area are those from Bolsover Castle, rights of way users and residential receptors. These visual receptors generally experience an expansive view either west from Bolsover or from the east of the study area towards Bolsover. The omission of the housing development on currently undeveloped land and the restriction on the height of development (which will need to be controlled by condition) is such that development would not result in significant harm to the character, quality, distinctiveness or sensitivity of the landscape.

#### Impact on wildlife and biodiversity

88. The application was submitted to Bolsover District Council prior to the 10% mandatory Biodiversity Net Gain requirements coming into force at the beginning of 2024. As such, in accordance with policy SC9 of the adopted Local Plan, it is expected that a development of this nature will provide no net loss of biodiversity and will seek to provide net gains where possible. These provisions are supported by the NPPF, paragraph 187 (paragraph 180 in an earlier iteration) of which advises that planning decisions should provide net gains for biodiversity.



89. The Local Planning Authority also has a duty to protect European Protected Species (EPS) under the Conservation of Habitats and Species Regulations 2017 (as amended). Government advice at paragraph 99 of the Office of the Deputy Prime Minister Circular 06/2005 states that it is essential to establish the extent to which EPS may be affected by a proposal.
90. An Ecological Appraisal (Rachel Hacking Ecology, March 2023), which included a Biodiversity Net Gain (BNG) assessment was submitted with the application. This was assessed by the Derbyshire Wildlife Trust.
91. In consultation comments dated 13<sup>th</sup> June 2023, Derbyshire Wildlife Trust (DWT) advised that several existing buildings had been assessed to have some level of potential for roosting bats and therefore nocturnal surveys were required. DWT also advised that that habitats on site were suitable for grass snake (and that a record existed) and Great Crested Newts. Reptile surveys had been recommended. It was recommended that a greater focus should also be given to grassland retention and enhancement to retain habitat for reptiles and amphibians in the southern part of the site.
92. With regard to biodiversity impacts, Derbyshire Wildlife Trust requested a copy of the metric and post development habitat plan to have certainty that the predicted net gain of habitat (+7.03, 52.81%), hedgerow (+0.47, 6.53%) and watercourse (+0.01, 0.22%) units can be delivered.
93. Following receipt of these comments and further consultation comments dated 25<sup>th</sup> February 2025, the applicant has undertaken bat surveys and method statement for how this protected species will be safeguarded during construction works.
94. With respect to reptiles and amphibians, including Great Crested Newts (GCN), the applicant has advised the Preliminary Ecological Appraisal (PEA) updated by Rachel Hacking Ecology in June 2023, along with the letter dated 6th February 2025, confirms that no reptiles or amphibians were recorded during surveys undertaken in May 2023. They have advised that clearance works will be undertaken in accordance with a Construction Environmental Management Plan (CEMP: Biodiversity), which will secure appropriate safeguards for any species that may be present. The applicant is also open to considering District Level Licensing (DLL) for Great Crested Newts to provide further flexibility and ensure that, should any individuals be encountered, this can be managed efficiently without unnecessary delays to the development.
95. In relation to BNG, the applicant has submitted updated BNG metric information along with UKHabs plans showing both baseline and post-development habitats. The proposed mitigation and enhancement measures set out in the PEA, such as the retention and enhancement of the southern grassland, improved hedgerow planting, and the installation of bat and bird boxes will contribute towards achieving measurable net gains in biodiversity.
96. In respect of the botanical interest within the site, the updated PEA (June 2023) included an enhanced botanical survey of Target Note 17 (TN17), the northern of the two southern grassland fields. This identified a population of approximately 99 orchid spikes,

primarily marsh orchid with some common spotted orchid. The revised scheme now removes the six dwellings previously proposed in this area, ensuring that the orchid population will be retained. Future management of this area can be managed by condition.

97. The above information seeks to address Derbyshire Wildlife Trust's concerns and provide them with the information they require to be able to recommend support of the application and set out any necessary conditions. They have been consulted on this new information. In order to ensure compliance with Policy SS9 of the development plan and that the District Council can meet its legal duty any recommendation to grant planning permission would need to be subject to confirmation being received from Derbyshire Wildlife Trust that all ecological and BNG matters have been satisfactorily addressed.

Highway and pedestrian safety, connectivity impact on the local road network and parking provision

98. The application seeks approval for access. Access covers accessibility for all routes to and within the site, as well as the way they link up to other roads and pathways outside the site.
99. Policy SS1 'sustainable development' of the Local Plan seeks to locate development in close proximity to trip generators with the aim of reducing the need to travel by non-sustainable modes of transport. Policy SC3 seeks to deliver high quality development and requires proposals to provide a positive sense of place through well designed streets and spaces which are safe, attractive and appropriate to their context.
100. Policy ITCR2 'The Multi-User Trails Network' states that planning permission will be granted for proposals providing that they would not prejudice the use of existing Multi-User Trails which includes a greenway along the former Bolsover branch line.
101. Policy ITC10 of the Local Plan 'Supporting Sustainable Transport Patterns states that planning permission will be granted where new development and the provision of services are located so as to support sustainable transport patterns and the use of the District's sustainable transport modes. The policy requires development that will likely have significant amounts of movements to be accompanied by Transport Statement or Assessment and Travel Plan. The policy goes on to state that all development proposals should provide convenient, safe and attractive access via footpaths, footways, bridleways, cycle paths and public realm areas. Policy WC2 requires that proposals likely to create over 50 jobs to be accompanied by site specific travel plans to promote sustainable travel choices.
102. The site is accessed to the north and south off the A632; a main arterial route into the Town from the west. The retail element of the proposals will be accessed off Intake Road, with modifications to existing access points into the site. The business park and housing elements of the proposals are to be accessed off the existing southern gateway entrance to the site off Woodhouse Lane, which again is to be modified to encourage and facilitate walking and cycling.
103. The application is accompanied by a Travel Plan and Transport Assessment, which was

amended following the omission of the housing development and increase in employment development. The County Council in their capacity as the Local Highway Authority have reviewed the highway related information submitted with the application. In their earlier consultation responses, a number of highway issues were raised. The applicant has submitted revised drawings/information to address these.

104. The travel plan has been amended to incorporate the comments made by the Sustainable Travel Team at the County Council, however, the provision of some of the measures contained therein are unclear based on the submitted application drawings (provision of walkways to front doors and cycle parking). It is, however, considered that such provision could be effectively controlled by condition. The Travel Plan seeks to appoint a Travel Plan Coordinator for the commercial elements of the proposals. Other measures include reducing the need to travel, promotion of car share websites/datasets, personalised travel planning, a travel notice board and walking and cycling facility awareness to minimise car borne journeys and promote travel choice. These measures are considered to be acceptable. The Local Highway Authority have requested a financial contribution of £6,325 to monitor the Travel Plan over a 5 year period, which would need to be secured by a s106 agreement.
105. Parking provision for vehicles and cycles is to be provided in accordance with appendix 8.2 of the Local Plan, as required by Policy ITCR11. The parking should relate well to the proposed Development, be well designed, taking account of the characteristics of the site and the locality, provide a safe and secure environment, minimise conflict with pedestrians and / or cyclists, make provision for service and emergency access and accord with guidance contained within the Local Parking Standards Supplementary Planning Document (January 2024). The development provides for parking in line with Bolsover District Council requirements. The retail development provides marginally less parking than required, however, the applicant advises that it is likely visitors coming to the retail site will visit both units in one trip. Given the accessibility of the site, and implementation of measures contained within the Travel Plan an acceptable level of parking will be provided.
106. With regard to the impacts of the development on the local road network and highway safety, Paragraph 116 of the National Planning Policy Framework advises that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.
107. The Local Highway Authority have advised that this level of movement can be accommodated by the local road network without severe impacts.
108. The Leisure Facilities Planning and Development Manager has expressed concerns regarding the lack of information / proposals to link to existing and proposed multiuser trails running within and outside of the development site. This is unfortunate, however, is a matter that could still be explored and delivered through the redevelopment of the site and approval of reserved matters. The proposed development would not prejudice these opportunities. A condition is recommended to maximise connectivity to footpath and cycle infrastructure, including existing and proposed multi-user trails, to facilitate travel to

the site by means other than the private motor vehicle as part of any approval of reserved matters submission, to achieve this objective.

#### Developer contributions

109. To aid plan delivery Policy II1 of the Local Plan advises that planning obligations will be sought where the implementation of a development would create a need to provide additional or improved infrastructure, amenities or facilities or would exacerbate an existing deficiency. Alongside infrastructure delivery, planning obligations will also be sought where the implementation of a development would necessitate the delivery of other policy objectives.
110. Following the omission of the residential development there is no requirement to make any education or open space contributions.
111. The application is accompanied by a Travel Plan which seeks to minimise car borne journeys and promote travel choice. In order to assess the effectiveness of this plan a period of monitoring is required. The Local Highway Authority have requested a financial contribution of £6,325 to monitor the plan over a 5-year period. Such a contribution is considered to be CIL regulations compliant and would need to be secured by a s106 legal agreement.

#### Residential amenity considerations and compatibility of uses

112. The application site is located close to existing housing development. Policy SC11 of the Local Plan advises states that development likely to cause, or experience, a loss of residential amenity as a result of light, noise, dust, odour or vibration, or a loss of privacy must be supported by a relevant assessment and if necessary, appropriate mitigation must be put in place. Applicants must demonstrate that a significant loss of amenity would not occur as a result of the development or throughout its construction and operation. Policy WC5 states in respect of retail development that it must be located and designed to minimise its impact on the amenity of adjoining or nearby properties and that any impact will be at an acceptable level. Finally, Policy SC3 'High Quality Development' states that development should ensure a good standard of amenity is maintained for the occupants of existing neighbouring properties as well as the future occupants of new development, including levels of privacy and light, position and avoiding overbearing relationships and the provision of adequate amenity space. Similar provisions are included in 'Hot Food Takeaways' Policy WC9 which seeks to minimise the impact of such development on residential amenity with added considerations relating to litter and opening hours, in addition to minimising anti-social behaviour and crime.
113. New employment development would be located within the confines of the existing employment site, where a wide range of business activities take place without restriction. The District Council's Environmental Health Team have raised no objection to the development in principle, subject to conditions to investigate and remediate any contamination found on site and secure dust suppression measures and an informative which recommends reasonable times for construction and deliveries associated with such activity. Such conditions and an informative are considered necessary and

reasonable. No concerns have been raised in respect of the drive thru take out unit based on its size and indicative location. The acceptability of the final layout of the development will be subject to residential amenity and visual impact considerations.

#### Other issues, including drainage and contamination

##### *Contamination and land stability*

114. Policy SC14 of the Local Plan states that development proposals will not be permitted unless it can be demonstrated that any contaminated or unstable land issues will be addressed by appropriate mitigation measures to ensure that the site is suitable for the proposed use, and does not result in unacceptable risks which would adversely impact upon human health, and the built and natural environment.
115. The application is accompanied by a Geotechnical and Geo-environmental Assessment by Eastwood Consulting Engineers.
116. The report advises that before more definite information regarding the properties on the ground and any contamination present can be given, an intrusive ground investigation will be required. It also recommends that cable percussion boreholes may be required to confirm the depth of the made ground, for pile design and for the installation of ground gas/groundwater monitoring wells and that geotechnical testing should be carried out on clay soils to determine their volume change potential.
117. The Environmental Health Team have raised no objections to the recommendations and have suggested conditions relating to contamination.

##### *Flood risk and drainage*

118. Policy SC7 'Flood Risk' states that all development proposals will be required to consider the effect of the proposed development on flood risk, both on-site and off-site, commensurate with the scale and impact of the development. With regard to surface water flood risk it must be demonstrated that there will be no net increase in surface water runoff for the lifetime of the development on all new development and that part of the development site is set aside for surface water management and uses measures to contribute to flood risk management in the wider area. Such measures should supplement green infrastructure networks and contribute towards mitigating the effects of climate change.
119. The application is accompanied by a Flood Risk and Drainage Strategy by BSP. The report recognises that there are a number of areas indicated to be at an increased risk of surface water flooding. Within the western development parcel there is a large area to the south which is shown to be at low risk (0.1% AEP) of surface water flooding; with a small area indicated to be at medium (0.1% AEP) to high (3.33% AEP) risk of surface water flooding at the known location of an existing Yorkshire Water sewage pumping station. As this area of the site is served by a combined sewer network, which is not represented in the EA's surface water model, BSP advise that it is likely that the extent of surface water flooding shown below does not occur in reality.

120. The report advises that in order to maintain the surface water flood flow paths across the southern area of the eastern development parcel, all development is to be restricted to the north of an unnamed watercourse. In accordance with best practice, they advise that external ground levels should comprise falls away from the proposed dwellings in order to encourage surface water runoff away from the dwellings and towards drainage features. In areas where there is an increased risk of surface water flooding, BSP advise that finished floor levels should be raised by a minimum of 150mm above external ground levels to prevent internal flooding.
121. A Sustainable Urban Drainage system for the site has been designed, having regard to Part H of the Building Regulations 2010. This is designed to attenuate surface water so that it does not discharge from the site at a rate greater than existing run off rates, with additional capacity built in for climate change (40%). A series of underground storage facilities and attenuation basins are shown. Such a scheme appears to be deliverable and, with the flood risk recommendations can be controlled by condition to ensure that the site is appropriately drained and will not result in flooding on site or increase the risk of flooding elsewhere.
122. The applicant has provided further technical evidence to demonstrate that an acceptable sustainable urban drainage scheme can be delivered on site to satisfy the Lead Local Flood Authority's requirements and they have subsequently raised no objections, subject to conditions.
123. The HS2 Safeguard Planning Manager has indicated that there is a minor overlap with HS2 safeguarded interests in the area of existing/proposed vegetation in the southwest corner of the retail plot adjacent to Station Road (identified as required for highways works associated with the high-speed railway) and also a Utilities Construction Zone area (shown shaded purple on map extract) along Intake Road. Conditions are recommended to ensure practicalities associated with respective construction programmes in this location can be managed.

#### *Other concerns raised*

124. Some concern has been raised in the representations received regarding the poor communication with existing businesses / tenants on the business park and implications of the development on them. Whilst these concerns are noted, the redevelopment of the site for a mixture of uses, including employment uses will generate new employment opportunities for existing and new tenants. The planning system cannot intervene in a free market. It concerns building and land use in the public interest and must be assessed against the relevant provisions of the development plan.
125. The concerns expressed regarding the safe removal of asbestos are also noted. Other environmental controls / regulations exist to ensure the safe removal of asbestos from the site as part of the construction process. A condition is recommended to minimise dust to protect residential amenity.

#### Summary

126. As stated at the beginning of this section of the report, achieving sustainable

development is a fundamental aim and vision of the Local Plan for Bolsover District, which was adopted in March 2020, and the NPPF. Policy SS1 sets out the criteria against which the Council will consider the sustainability of a proposal. It is recognised that proposals may be able to positively address some of the criteria in Policy SS1, to a greater or lesser degree, but not others. The Policy does not require any proposal to achieve a benefit against every criterion, but it seeks to provide a basis on which to recognise the various sustainability costs and benefits of a proposal, which will then be considered by the Council in the overall 'Planning Balance'.

127. The policies contained within the local plan are considered to be up to date and the tilted balance in favour of the development, in full or part, is not considered to be engaged. The decision taker is effectively required to undertake a flat balance, having regard to all relevant provisions of the development plan and any other material considerations.
128. The site is allocated for employment use and is currently under-utilised, with a significant amount of floorspace left vacant due to either not being financially viable to rent out or within buildings that do not meet modern employment standards. The application, as amended, proposes up to 6500 sqm of replacement employment floorspace in a range of more modern purpose-built units, the retention of 2,270 sq. m of employment floorspace and 2 retail units (total gross area up to 3,200 sqm, one being for discount food retail). Such development maximises the employment potential of the site and proposes a mix of units, in addition to the building to be retained that will meet the needs of a wide range of businesses and will facilitate new employment and job creation. These are significant economic benefits deriving from the development.
129. While the development would draw trade away from Bolsover town centre, the magnitude of impact has been demonstrated to be below 'significant adverse' in practice and there would be benefit in providing additional customer choice, in respect of grocery and bulky comparison goods shopping in the area.
130. The application proposes to retain the Former Colliery Headquarters building which contributes positively to the history and context of the site. The loss of the remaining Bolsover colliery buildings, which are deemed non-designated heritage assets, will result in less than substantial harm to the significance of the conservation area and associated listed buildings that would be outweighed by the public benefits from the regeneration of the site, job creation and other benefits to be derived.
131. The development will not result in significant harm to the character, quality, distinctiveness or sensitivity of the landscape and would deliver net gains for biodiversity and sustainable drainage improvements.
132. When considered in the round the sustainability costs and benefits of the proposal are considered to weigh in favour of the development and a recommendation or approval is put forward on this basis.

## RECOMMENDATION

Following written confirmation being received from Derbyshire Wildlife Trust that all ecological and BNG matters have been satisfactorily addressed, delegated authority be given to the Assistant Director of Planning and Planning Policy or Principal Planners to **GRANT** planning permission, subject to the following conditions, any conditions that Derbyshire Wildlife Trust recommend and the prior entry into a s106 legal agreement to secure a travel plan monitoring contribution:

1. Application for approval of all reserved matters must be made not later than the expiration of three years from the date of this permission. The development hereby permitted must be begun not later than the expiration of two years from the final approval of the reserved matters, or in the case of approval of such matters on different dates, the date of the final approval of the last such matter to be approved.

Reason:

This is a statutory period which is specified in Section 92 of the Town and Country Planning Act 1990.

2. An application for details of the following matters (hereafter referred to as the “reserved matters”) shall be submitted to and approved in writing by the Local Planning Authority before the commencement of any works:-
  - a) the scale of the development;
  - b) the layout of the development;
  - c) the external appearance of the development, and;
  - d) the landscaping of the site.

The development shall thereafter be implemented in accordance with the approved details.

Reason:

The application was made for outline planning permission and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 5(1) of the Town and Country Planning (Development Management Procedure) Order 2015.

3. The development hereby permitted shall be carried out in accordance with the following approved drawings (insofar as the general location of the different land uses and access arrangements) and documents unless specifically stated otherwise in the conditions below:
  - Location Plan (Rayner Davies Architects, 20 February 2023), reference: 1989(02)001 Rev.B
  - Site Layout (CPMG, 06 March 2025), reference: 9586-CPMG-01-00-D-A-0003 Rev.P2
  - Design and Access Statement (P&DG, received 02 May 2023) insofar as it relates



- to the approved site layout
- Landscape and Visual Appraisal (DSA, 07 March 2023) insofar as it relates to the approved site layout
- Heritage Impact Assessment (Marrons, March 2023), reference: 22-039 insofar as it relates to the approved site layout
- Flood Risk Assessment & Drainage Strategy (bsp Consulting, 22 April 2025), reference: BBPD-BSP-XX-XX-T-W-0001-P06\_Flood\_Risk\_Assessment
- Surface Water Drainage Strategy Plan (bsp Consulting, 22 April 2025), reference: BBPD-BSP-XX-XX-DR-W-0001 Rev.P06
- Phase 1 Geotechnical & Geo-environmental Site Investigation (Eastwood, 07 March 2023), reference: 47985-ECE-XX-XX-RP-C-0001
- Transport Assessment (M-EC Consulting, December 2024), reference: 21227-TRAN-0801 Rev B
- Transport Assessment Addendum (M-EC Consulting, April 2025), reference: 21227-TRAN-0803
- Travel Plan (M-EC Consulting, December 2024), reference: 21227-TRAN-0802 Rev B
- Proposed Access Design and Vehicle Tracking (M-EC Consulting), reference: 21227\_08\_020\_04 Rev.F
- Supporting Planning & Retail Statement (P&DG, March 2023)
- Business Retention & Economic Strategy (P&DG, May 2024)
- Supplementary Retail Statement (Lichfields, May 2024)
- Retail Addendum Briefing Note (Lichfields, 18 November 2024), reference: 67394/01
- Further Retail Addendum (Lichfields, 06 March 2025), reference: 67394/01
- BNG Metric (received 04 April 2025)
- Ecological Appraisal (Rachel Hacking Ecology, June 2023)
- Bat Survey Report (RammSanderson, February 2025) reference, and; RSE\_8359\_R1\_V2.

Reason:

For the avoidance of doubt and to set out the scope of the permission granted.

#### Use and General Restrictions

4. The development shall include the retention of the Former Colliery Headquarters building and be in accordance with the mix of new uses set out on Site Layout Plan dated 6<sup>th</sup> March 2025, numbered 9586-CPMG-01-00-D-A-0003 Rev P2. The units and/or floorspaces for each use shall not exceed the following:

Use	Maximum Floorspace
Convenience (Food Store) Retail	1 no. unit with a maximum gross internal area of 1,886 sq. m and maximum net sales area of 1,320 sq. m
Comparison (Bulky Goods) Retail	1 no. unit with a maximum gross internal floorspace of 1,150 sq. m and maximum net sales area of 805 sq. m.
Employment E(g) (i), (ii) and (iii), B2 and B8	6500 sq. m
Drive Thru (Sui Generis)	85 sq. m

5. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 and the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any Order revoking, re-enacting, or modifying those Orders, the 1 no. comparison retail unit shall be used for the retail sale of DIY goods, garden goods, furniture, carpets and floor coverings, electrical goods, camping, boating and caravanning goods, motor and cycle goods only and used for no other purposes, including any other activity within the same class of the schedule to the Use Classes Order.
6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no sub-division, addition, extension or enlargement of the 2 no. retail units hereby approved.
7. Notwithstanding the provisions of the Town and Country Planning (Uses Classes) Order 1987 and the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any Order revoking, re-enacting, or modifying those Orders the new employment floorspace shall be used for E(g) (i), (ii) and (iii), B2 and B8 use only and for no other purposes, including in the case of use class E (g) (i), (ii) and (iii) any other activity within the same class of the schedule to that Order.

#### Highways

8. The Development hereby approved shall not be brought to use/occupied until the access, parking and turning facilities have been provided as shown on drawing 21227-08-020-04 Rev F.
9. The Travel Plan (TP Rev B) hereby approved, dated December 2024 shall be implemented and monitored in accordance with the regime contained within the Plan. In the event of failing to meet the targets within the Plan a revised Plan shall be submitted to and approved in writing by the Local Planning Authority to address any shortfalls, and where necessary make provision for and promote improved sustainable forms of access to and from the site. The Plan thereafter shall be implemented and updated in agreement with the Local Planning Authority and thereafter implemented as amended.
10. Prior to commencement of the development hereby permitted details of a Construction

Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the demolition/construction period. The plan/statement shall include but not be restricted to:

- Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- Advisory routes for construction traffic;
- Any temporary access to the site;
- Locations for loading/unloading and storage of plant, waste and construction materials;
- Method of preventing mud and dust being carried onto the highway;
- Arrangements for turning vehicles;
- Arrangements to receive abnormal loads or unusually large vehicles;
- Highway Condition survey;
- Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

#### Contamination and Air Quality

11. Before the commencement of the development hereby approved:

The site investigation strategy as identified in the Desk Study report Ref 47985-XX-XX-CO-C-0001 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.

12. No development hereby approved shall be occupied until:

- a) The approved remediation works required by condition 11 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 47985-XX- XX-CO-C-0001 submitted with the application and through the process described in condition 11 above.

- c) Upon completion of the remediation works required by condition 11 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.

- 13. Before the commencement of construction works, including any demolition in connection with the development hereby approved, a programme of measures to minimise the spread of airborne dust from the site during construction and demolition periods shall be submitted to and approved in writing by the Local Planning Authority. The construction shall be undertaken in accordance with the approved scheme.

#### Drainage

- 14. No development shall take place until a detailed design and associated management and maintenance plan of the surface water drainage for the site, in accordance with the principles outlined within:
  - a. Additional information in response to LLFA comments, Tom Hall, 17/04/2025, Revised Site Layout, NG, Revision P2, 06/03/2025, Surface Water Drainage Strategy Plan, Tony Goddard, Revision P06, 22/04/2025, Flood Risk Assessment & Drainage Strategy, Tom Hall, Revision P06, 22/04/2025.
  - b. And DEFRA's Non-statutory technical standards for sustainable drainage systems (March 2015), have been submitted to and approved in writing by the Local Planning Authority.
- 15. No development shall take place until a detailed assessment has been provided to and approved in writing by the Local Planning Authority, to demonstrate that the proposed destination for surface water accords with the drainage hierarchy as set out in paragraph 56 Reference ID: 7-056-20220825 of the planning practice guidance.
- 16. Prior to commencement of the development, the applicant shall submit for approval to the Local Planning Authority details indicating how additional surface water run-off from the site will be avoided during the construction phase. The applicant may be required to provide collection, balancing and/or settlement systems for these flows. The approved system shall be operating to the satisfaction of the LPA, before the

commencement of any works, which would lead to increased surface water run-off from site during the construction phase.

17. The site shall be developed with separate systems of drainage for foul and surface water on and off site.
18. No development shall take place until details of the proposed means of disposal of foul water drainage for the whole site, including details of any balancing works, off-site works and phasing of the necessary infrastructure have been submitted to and approved by the Local Planning Authority. Furthermore, unless otherwise approved in writing by the Local Planning Authority, no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.
19. No construction works shall commence until measures to protect the public sewerage infrastructure that is laid within the site boundary have been implemented in full accordance with details that have been submitted to and approved by the Local Planning Authority. The details shall include but not be exclusive to the means of ensuring that access to the pipe for the purposes of repair and maintenance by the statutory undertaker is retained at all times.

#### HS2 Safeguarding

20. No development shall commence, including any works of demolition, until a detailed Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include, but not be limited to, the following details (where appropriate):
  - i. a construction programme including a 24-hour emergency contact number;
  - ii. complaints procedures, including complaint response procedures;
  - iii. air quality mitigation measures, including dust suppression;
  - iv. parking of vehicles of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
  - v. arrangements to demonstrate how any concurrent construction with HS2 works shall not impede the construction of the HS2 works;
  - vi. arrangements to minimise the potential for noise and vibration disturbance,
  - vii. locations for loading/unloading and storage of plant and materials used in constructing the development;
  - viii. details showing the siting, design and maintenance of security hoardings;
  - ix. wheel washing facilities and measures to control the emission of dust and dirt during construction;
  - x. site lighting details;
  - xi. site drainage control measures;
  - xii. tree protection measures in accordance with BS 5837:2012;
  - xiii. details of ecological mitigation measures including an operational lighting scheme for bats;
  - xiv. details of specific mitigation in relation to breeding or foraging black redstart;
  - xv. details of biodiversity and arboricultural mitigation measures including a pre-commencement check by an ecological clerk of works (ECoW) to determine whether

nesting birds are present;

xvi. a scheme for recycling/disposing of waste resulting from demolition and construction works in accordance with the waste hierarchy and circular economy principles;

xvii. An Unexploded Ordnance assessment to be undertaken; xviii. Membership of the Considerate Constructors Scheme.

The development, including any works of demolition, shall only be carried out in accordance with the approved CEMP.

21. No development shall commence, including any works of demolition, until a detailed Construction Logistics Plan (CLP) has been submitted to and approved in writing by the Local Planning Authority. The CLP shall include information on:

i. forecast programme and construction trips generated;

ii. booking systems;

iii. consolidated or re-timed trips; and

iv. secure off-street loading and drop off facilities;

v. use of logistics and consolidation centres;

vi. re-use of materials on-site; vii. collaboration with other sites in the area;

viii. use of rail and water for freight; and

ix. implementation of a staff travel plan

x. any areas for the parking of vehicles of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction).

The development, including any works of demolition, shall only be carried out in accordance with the approved CLP.

### Biodiversity and Ecology

TBC

### Heritage and Archaeology

22. No excavation of land outside of the developed part existing employment site shall take place until a Written Statement of Investigation (WSI) has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include an assessment of the 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 the 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 suitably qualified, competent and experienced archaeological contractor or organisation to undertake the works set out within the Written Statement of Investigation.

No demolition works shall be undertaken other than in accordance with the Written Scheme of Investigation as approved by the Local Planning Authority.

The development shall not be operational/brought into use until the site investigation and post investigation assessment has been completed in accordance with the programme set out within the approved Written Scheme of Investigation and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

Any historic or archaeological features not previously identified which are revealed when carrying out the works hereby permitted shall be retained *in-situ* and reported to the Local Planning Authority in writing within 2 working days. Works shall cease in the area/part of the building affected until provision has been made for the retention and/or recording in accordance with details submitted to and approved in writing by, the Local Planning Authority.

23. An appropriate programme of building recording (including architectural/historical analysis) shall be carried out in respect of the former colliery buildings, including the pithead baths, goods sheds and former manager's house prior to their demolition. This record shall be carried out by an archaeologist/building recorder or an organisation with acknowledged experience in the recording of standing buildings which is acceptable to the Local Planning Authority. The recording shall be carried out in accordance with a written specification, and presented in a form and to a timetable, which has first been agreed in writing by the Local Planning Authority.

#### Other

24. 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.
25. Within 6 weeks prior to any new employment unit falling within Use Class E(g) (i) (ii) (iii), B2 and B8 hereby approved being brought into first use, an Employment Scheme to enhance and maximise employment and training opportunities at the premises, 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.
26. The development hereby approved shall not exceed 2 storeys in height and, other than the surface water drainage infrastructure, no development shall take place on the undeveloped fields to the southeast of the existing employment site and north of the A632.

27. Any future approval of reserved matters application shall seek to maximise connectivity to footpath and cycle infrastructure, including existing and proposed multi-user trails, to facilitate travel to the site by means other than the private motor vehicle.
28. Prior to works commencing on the superstructure of the retail and employment buildings hereby approved a scheme setting out the measures to be incorporated into construction of the units to help address and adapt to climate change shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

## **INFORMATIVES:**

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at:

[www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

The applicant is advised that construction work and deliveries associated with such activity shall be undertaken only between the hours of 7.30am to 6pm Monday to Friday and 7.30am to 1pm on Saturday. There shall be no construction work or deliveries associated with such activity to the site on Sundays or public holidays.

The applicant is advised that the application site is located partially within land that may be required to construct and/or operate Phase 2b of a high-speed rail line from the West Midlands to Leeds, known as High Speed Two. Powers to construct and operate High Speed Two are to be sought by promoting a hybrid Bill in Parliament. More information can be found at: <https://www.hs2.org.uk/in-your-area/local-community-webpages/eastern-leg/>

The development hereby approved includes the construction of new highway. To be considered for adoption and ongoing maintenance at the public expense it must be constructed to the Highway Authority's standards and terms for the phasing of the development. You are advised that you must enter into a highway agreement under Section 38 of the Highways Act 1980. The development will be bound by Sections 219 to 225 (the Advance Payments Code) of the Highways Act 1980. Contact the Highway Authority's Implementation Team at [development.implementation@derbyshire.gov.uk](mailto:development.implementation@derbyshire.gov.uk). You will be required to pay fees to cover the Council's costs in undertaking the following actions:

- Drafting the Agreement
- Set up costs
- Approving the highway details
- Inspecting the highway works.

You should enter into discussions with statutory undertakers as soon as possible to co-ordinate the laying of services under any new highways to be adopted by the Highway Authority. The Highway Authority's technical approval inspection fees must be paid before any drawings will be considered and approved. Once technical approval has been granted a Highway Agreement under Section 38 of the Highways Act 1980 must be completed and the bond secured.



The development hereby approved includes the carrying out of work on the adopted highway. You are advised that before undertaking work on the adopted highway you must enter into a highway agreement under Section 278 of the Highways Act 1980 with the County Council, which would specify the works and the terms and conditions under which they are to be carried out. Contact the Highway Authority's Implementation team at [development.implementation@derbyshire.gov.uk](mailto:development.implementation@derbyshire.gov.uk) allowing sufficient time for the preparation and signing of the Agreement. You will be required to pay fees to cover the Council's costs in undertaking the following actions: Drafting the Agreement A Monitoring Fee Approving the highway details Inspecting the highway works Planning permission is not permission to work in the highway. A Highway Agreement under Section 278 of the Highways Act 1980 must be completed, the bond secured, and the Highway Authority's technical approval and inspection fees paid before any drawings will be considered and approved.

The construction of a new access may require a footway crossing from the carriageway under the Highways Act 1980 - Section 184 and the Applicant is required to obtain the permission of Derbyshire Highways details can be found at [www.derbyshire.gov.uk/transport-roads/roads-traffic/licences-enforcements/vehicularaccess/vehicle-accesses-crossovers-and-dropped-kerbs.aspx](http://www.derbyshire.gov.uk/transport-roads/roads-traffic/licences-enforcements/vehicularaccess/vehicle-accesses-crossovers-and-dropped-kerbs.aspx) or email [highways.hub@derbyshire.gov.uk](mailto:highways.hub@derbyshire.gov.uk) before commencing any works on the highway.

Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.

It is expected that contractors are registered with the Considerate Constructors scheme and comply with the code of conduct in full, but particular reference is made to "respecting the community" this says: Constructors should give utmost consideration to their impact on neighbours and the public a. Informing, respecting and showing courtesy to those affected by the work; b. Minimising the impact of deliveries, parking and work on the public highway; c. Contributing to and supporting the local community and economy; and d. Working to create a positive and enduring impression, and promoting the Code. The CMP should clearly identify how the principal contractor will engage with the local community; this should be tailored to local circumstances. Contractors should also confirm how they will manage any local concerns and complaints and provide an agreed Service Level Agreement for responding to said issues. Contractors should ensure that courtesy boards are provided, and information shared with the local community relating to the timing of operations and contact details for the site coordinator in the event of any difficulties. This does not offer any relief to obligations under existing Legislation.

The development hereby approved, and any associated highway works required, is likely to impact on the operation of the highway network during its construction (and any demolition required). You are advised to contact the Highway Authorities Network Management Team at [www.derbyshire.gov.uk/transportroads/roadtraffic/roadworks/roadworks.aspx](http://www.derbyshire.gov.uk/transportroads/roadtraffic/roadworks/roadworks.aspx) before undertaking any work, to discuss any temporary traffic management measures required, such as footway, Public Right of Way, carriageway closures or temporary parking restrictions a minimum of eight weeks prior to any activity on site to enable Temporary Traffic Regulation Orders to be prepared and a programme of Temporary Traffic Management measures to be agreed.

All new streets must be tree lined as required in the National Planning Policy Framework. All proposed street trees must be suitable for transport corridors as defined by Trees and Design Action Group (TDAG). Details should be provided of what management systems are to be included, this includes root protections, watering and ongoing management. Street trees are likely to be subject to a commuted sum.

In respect of surface water drainage matters, the applicant's attention is drawn to the detailed informative set out in the consultation comments received from the Lead Local Flood Authority dated 25<sup>th</sup> April 2025.

Severn Trent Water have advised that any surface water run-off from hardstanding (equal to or greater than 800 square metres) and/or communal car parking area(s) of more than 50 spaces must pass through an oil, petrol and grit interceptor/separator of adequate design prior to any discharge to an existing or prospectively adoptable sewer.

This planning permission shall be read in conjunction with the accompanying legal agreement under Section 106 of the Town and Country Planning Act 1990 dated .....

### **Statement of Decision Process**

The Local Planning Authority have worked positively and proactively with the applicant to secure amendments to the proposals and additional information which have overcome concerns with regard to the impact of the development on the landscape, heritage, viability of Bolsover Town Centre and ecology.

### **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.