

## **PLANNING COMMITTEE**

Minutes of a meeting of the Planning Committee of the Bolsover District Council held in the Council Chamber on Wednesday, 14<sup>th</sup> May 2025 at 10:00 hours.

### **PRESENT:-**

Members:-

Councillor Tom Munro in the Chair

Councillors Rob Hiney-Saunders, John Ritchie and Phil Smith.

Officers:- Jim Fieldsend (Director of Governance and Legal Services & Monitoring Officer), Sarah Kay (Assistant Director of Planning and Planning Policy), Chris Whitmore (Development Management and Land Charges Manager), Chris McKinney (Senior Devolution Lead for Planning Policy, Strategic Growth and Housing), Angelika Kaufhold (Governance and Civic Manager) and Matthew Kerry (Governance and Civic Officer).

Also in attendance at the meeting, observing, were Councillors David Bennett and Cathy Jeffery (from minute no. PL166-24/25).

### **PL163-24/25      APOLOGIES FOR ABSENCE**

Apologies for absence were received on behalf of Councillors Chris Kane, Duncan McGregor, Janet Tait, Deborah Watson and Carol Wood.

### **PL164-24/25      URGENT ITEMS OF BUSINESS**

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

### **PL165-24/25      DECLARATIONS OF INTEREST**

Members were requested to declare the existence and nature of any disclosable pecuniary interests and/or other interests, not already on their register of interests, in any item on the agenda and withdraw from the meeting at the appropriate time.

There were no declarations made at the meeting.

### **PL166-24/25      MINUTES**

Moved by Councillor Phil Smith and seconded by Councillor John Ritchie  
**RESOLVED** that the minutes of a meeting of the Planning Committee held on 16<sup>th</sup> April 2025 be approved as a true and correct record.

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### PL167-24/25 UPDATE REPORT FOLLOWING RESOLUTION TO APPROVE APPLICATION CODE REF. 17/00640/OUT - LAND NORTH OF CLOWNE, INCLUDING SECTION OF TOWN CENTRE, HICKINWOOD LANE, CLOWNE

The Development Management and Land Charges Manager presented the report to update the Committee on events that had taken place since the resolution to approve planning application code ref. 17/00640/OUT on 17<sup>th</sup> September 2024.

Attention was brought to the supplementary document containing a response from the Bolsover Governance & Planning Association which sought reassurances regarding the application.

The report and supplementary document sought to detail the progress made on residual matters relating to the S.106 agreement and provide an update on the materiality of the changes to the National Planning Policy Framework (NPPF) made in December 2024 on the decision that was taken, the validity of the viability appraisal work that was undertaken in August 2024, and the duty under Regulation 30 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 to inform the public and the secretary of state of the final decision.

The intention of the report was to inform the Committee of the progress made – it was not to propose changes or deviation from the 17<sup>th</sup> September 2024 resolution.

The S.106 legal agreement contained planning obligations including:

Infrastructure Type	Contribution
Highways	<ul style="list-style-type: none"><li>• The delivery of Treble Bob Roundabout Scheme</li><li>• The delivery of the M1 Jct 30 Interim and Full Schemes</li><li>• Active Travel &amp; Passenger Transport Strategy</li><li>• Travel Plan</li></ul>
Affordable Housing	<ul style="list-style-type: none"><li>• 10% Provision and Tenure Type</li></ul>
Education	<ul style="list-style-type: none"><li>• The transfer of serviced and accessible land to Derbyshire Country Council (DCC) Education</li><li>• The delivery of a new primary school by the applicant or a full contribution of £9,500,000 to Derbyshire Council Education for the delivery a new Primary School</li><li>• Secondary School Contribution of £8,258,879</li></ul>
Health Care	<ul style="list-style-type: none"><li>• £1,800,000 contribution towards to the Integrated Care Board to improve health care facilities.</li></ul>

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Open Space	<ul style="list-style-type: none"> <li>• Open Space Management Provisions</li> </ul>
Ecology	<ul style="list-style-type: none"> <li>• Provision for delivery of Skylark mitigation</li> </ul>
Viability	<ul style="list-style-type: none"> <li>• Viability Reappraisal to establish the amount (if any) which is available for calculation of the Deferred Contributions.</li> </ul>
Deferred Contributions	<ul style="list-style-type: none"> <li>• SEND Contribution: Payment of £1,463,597 towards the provision of Special Educational Needs and Disability (SEND)</li> <li>• Library Contribution: Payment of £126,840.00 towards local library stocks and measures to increase capacity.</li> </ul>

Significant progress had been made on drafting the obligations within a S.106 agreement in favour of both the Council and DCC to secure contributions as listed above. The latest draft of the agreement was attached at Appendix 1.

The triggers within the agreement had been drafted to reflect the assumptions that fed into the viability review modelling work undertaken on behalf of the Council, including:

- Treble Bob Improvement: £5,293,907 – trigger point was prior to occupation of any phase of development;
- M1 Jct. 30: £535,764 – trigger point was prior to occupation of any phase of development;
- Healthcare Contribution: £1,800,000 – trigger point proposed was the occupation of the 600<sup>th</sup> unit for the entire contribution;
- Travel Plan: £50,000 – divided into the ten instalments triggered on year 6 of the development;
- Primary School: £9,500,000 – divided into 3 instalments on occupation of the 375<sup>th</sup>, 600<sup>th</sup> and 800<sup>th</sup> dwelling; and,
- Secondary School: £8,258,679 divided into 3 instalments on occupation of the 375<sup>th</sup>, 600<sup>th</sup> and 800<sup>th</sup> dwelling instead of 10 equal payments from the occupation of 1,030 dwellings.

As there was a possibility that external funding could be secured to deliver the Treble Bob and M1 junction improvement works, it was important that this was appropriately captured in the eighth schedule (Basis of Viability Review).

The applicant had advised that the development would come forward in phases and could include some on site provision in the earlier phases. Derbyshire Wildlife Trust (DWT) had expressed that such provision would need to be controlled by condition / legal agreement.

It was envisaged that an agreement would have been reached between parties on a final draft towards the end of May 2025. Following agreement to the content, there would be a

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short delay distributing the final agreement to all signatories for engrossment. Following resolution of the above matters, and engrossment of the agreement, it was recommended that the Council, as the Local Planning Authority, would proceed to issue the decision.

Despite the changes to the NPPF in December 2024, in the case of application 17/00640/OUT the development plan was not considered to be out of date. The site and proposed development were allocated in the Local Plan (dated 2020), and it remained that the development was considered acceptable when considered against the policies contained within the report and all other material considerations.

The assessment of project viability had concluded in August 2024, with the Council's viability expert's latest report dated 2<sup>nd</sup> August 2024.

The findings / conclusions within viability reports usually remained valid for 6 months. It was therefore considered appropriate to consider whether economic conditions had changed since February 2025 in a manner that would be favourable to the Council to justify a further review of project viability. Worsening viability had not been raised by the applicant since the resolution.

The Council had sought advice from its viability expert and they had advised there was some flexibility on the 6 month 'shelf-life' which had been aided by recent (November 2024 and February 2025) cuts in the Bank of England's base rate. Build cost inflation also remained.

However, as the global economic picture remained currently uncertain, this undermined any positive gains that could favour the Council – the maintenance of the status quo was appropriate.

Taking the above into consideration, if an agreed position was reached on the S.106 obligations by the end of May 2025 or soon after and ahead of circulation to the landowners for engrossment, the Council's viability expert had advised that the findings in the 2<sup>nd</sup> August 2024 assessment could be safely relied upon.

However, it would still be some time before development commenced on site and the S.106 agreement contained provisions for viability to be reviewed at five year intervals or prior to the occupation of the 800<sup>th</sup> dwelling, which would enable the Council to establish whether the project had been profitable enough at that stage for the deferred contributions to be made.

Under regulation 30 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, there was a duty to inform the public and the Secretary of State of final decisions.

Given the time that had passed since the resolution to approve application 17/00640/OUT in September 2024, the recommendation was to enable Members to review the latest draft of the S.106 agreement, note the progress made and residual concerns to be addressed, to be satisfied that any final decision taken would remain within the scope of the original resolution, and to consider and comment on the changes to the NPPF and the validity of the viability appraisal work in terms of whether this had any bearing on the resolution.

The recommendation also enabled the Committee to consider / review the statement of

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decision on the environmental effects and the publicity arrangements for notifying the Secretary of State, the public, and the developer and consultation bodies on the final decision prior to being issued by the Council.

To a question on SEND contributions in comparison with other education contributions for application 17/00640/OUT, the Monitoring Officer informed S.149 of the Equality Act 2010 stated that parties needed to consider equality to eliminate discrimination.

SEND contributions would provide education provision to persons with protected characteristics and had been given due regard – an assessment had been completed and the Council had considered all options.

Therefore, the application presented in September 2024 did take into consideration SEND and it had satisfied the Council's statutory responsibilities.

To a question on viability, as well as responding to the representations received from an interested party, the Development Management and Land Charges Manager reiterated the Council's viability expert had advised that the findings in the 2<sup>nd</sup> August 2024 assessment could be safely relied upon.

It would be a number of years before development on the proposed site would take place and economic conditions would inevitably change. The viability review mechanism in the draft agreement would allow project viability to be reviewed at five year intervals.

To a question on the viability assessment period concluding at the end of May 2025, the Development Management and Land Charges Manager reiterated that through the viability consultation, if negotiations concluded in the next few months the August 2024 assessment would remain reliable and safe for all parties to proceed to complete the agreement.

A Member sought clarification on the viability assessment and the intervals of future review. The Development Management and Land Charges Manager informed viability reassessment would take place at five year intervals.

Moved by Councillor Tom Munro and seconded by Councillor John Ritchie

**RESOLVED** that: 1) approval is given to the general provisions contained within the draft S.106 agreement provided at Appendix 1, with delegated authority being given to the Assistant Director of Planning or the Development Management and Land Charges Manager to make any minor amendments to address the residual matters set out in this report and agree any management provisions in relation to farmland birds and proceed to complete the agreement;

2. Members note the changes to the National Planning Policy Framework and validity of the viability appraisal work that was undertaken and endorse that this does not materially impact on the resolution to grant planning permission at Planning Committee on the 17<sup>th</sup> September 2024; and,
3. Members approve the statement of decision at Appendix 3 on the environmental effects and the publicity arrangements to be followed as set out at Section 5 of this report.

In favour of the recommendation:

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Councillor Tom Munro  
Councillor John Ritchie  
Councillor Phil Smith

Against the recommendation:  
Councillor Rob Hiney-Saunders

### **PL168-24/25      APPLICATION NO. 23/00439/FUL - LAND AT THE REAR OF THE WHITE SWAN MARKET PLACE, BOLSOVER**

Committee considered a report in relation to the above application presented by the Development Management and Land Charges Manager, who gave details of the application and highlighted the location and features of the site and key issues. The planning application sought approval for 2 three-storey buildings and 1 two-storey building that would deliver 9 one-bedroom flats at the ground floor and 9 two-bedroom two-storey flats, that would be delivered on the second and third floors of the building.

The application had been deferred from the Committee's 16<sup>th</sup> April 2025 meeting to allow officers to negotiate further contributions if viability increased.

Stephen K. Haslam spoke in favour of the application (on behalf of Mitchell Proctor Architects, the agent).

To a question on the enforcement of contributions following any increased viability, the Development Management and Land Charges Manager noted this was a complex area as assumptions were prescriptive regarding viability and were included in the agreement – any profit margin above 20% was seen as reasonable and would result in a 70% / 30% split of shared additional profit, with the Council prioritised.

This protocol would also entice all developers to seek additional profits above 20%.

A Member stated the current site was not attractive and the proposed development was desirable, but shared reservations on the 20% profit threshold before additional contributions would be sought.

Moved by Councillor John Ritchie and seconded by Councillor Rob Hiney-Saunders

**RESOLVED** that application no. 23/00439/FUL be **APPROVED** upon no objections being received from the Lead Local Flood Authority (LLFA), subject to the following conditions, any other conditions recommended by the LLFA, and upon completion of a S.106 agreement to secure a viability review mechanism at a suitable stage in the build out of the site, to enable the education, open space and playing pitch developer contributions to be made in circumstances where the development proves to be more profitable than envisaged in the viability appraisal:

#### Conditions

1. The development shall be begun before the expiration of three years from the date of this permission.
2. The development hereby approved shall be implemented in accordance with the following plans unless specifically stated otherwise in the conditions below:

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- Revised Location Plan (received 17<sup>th</sup> January 2025);
  - Site Plan and Ground Floor Plan Plots 1-6 (Drawing no. 23 946 2 Rev. B, received 17<sup>th</sup> January 2025);
  - Ground Floor Plots 7-9 and First Floor Plots 10-15 (Drawing no. 23 946 3 Rev. A, received 28<sup>th</sup> March 2025);
  - Rooms in Roof Plots 10-15 and First Floor Plots 16-18 (Drawing no. 23 946 4 Rev. A, received 28<sup>th</sup> March 2025);
  - Elevations (Drawing no. 23 946 5 Rev. C, received 28<sup>th</sup> March 2025);
  - Sections (Drawing no. 23 946 6 Rev. A, received 28<sup>th</sup> March 2025);
  - Hard and Soft Landscaping (Drawing no. 23 946 7 Rev. D, received 17<sup>th</sup> January 2025).
3. 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.
4. Construction works on the site and deliveries to the site 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 work undertaken on site or deliveries to the site on Sundays or public holidays.
5. Prior to the first occupation of the dwellings hereby approved a scheme of sound insulation shall be submitted to and approved in writing the Local Planning Authority. The scheme shall be designed following the completion of a sound survey undertaken by a competent person. The scheme shall take account of the need to provide adequate ventilation, which will be by mechanical means where an open window would not achieve the following criteria. Unless otherwise agreed, the scheme shall be designed to achieve the following criteria with the ventilation operating:
- Bedrooms 30 dB LAeq (15 Minutes) (2300 hrs – 0700 hrs);
  - Living/Bedrooms 35 dB LAeq (15 Minutes) (0700 hrs – 2300 hrs);
  - All Other Habitable Rooms 40 dB LAeq (15 Minutes) (0700 hrs – 2300 hrs);
  - All Habitable Rooms 45 dB LAmax to occur no more than 6 times per night (2300 hrs – 0700 hrs);
  - Any outdoor amenity areas 55 dB LAeq (1 hour) (0700 hrs – 2300 hrs).

The scheme as approved shall be validated by a competent person and a validation report submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in full and retained thereafter.

6. Development other than that required to be carried out as part of an approved scheme of remediation must not commence until:
- a) A Phase I contaminated land assessment (desk-study) shall be undertaken and approved in writing by the local planning authority.

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- b) The contaminated land assessment shall include a desk-study with details of the history of the site use including:
- the likely presence of potentially hazardous materials and substances,
  - their likely nature, extent and scale,
  - whether or not they originated from the site,
  - a conceptual model of pollutant-receptor linkages,
  - an assessment of the potential risks to human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments,
  - details of a site investigation strategy (if potential contamination is identified) to effectively characterise the site based on the relevant information discovered by the desk study and justification for the use or not of appropriate guidance. The site investigation strategy shall, where necessary, include relevant soil, ground gas, surface and groundwater sampling/monitoring as identified by the desk-study strategy

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

7. Before the commencement of the development hereby approved:

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

The developer shall give at least 14 days' notice to the Local Planning Authority and Environmental Health Division prior to commencing works in connection with the remediation scheme.

8. No dwellings hereby approved shall be occupied until:

- a) The approved remediation works required by 7 above have been carried out in full in compliance with the approved methodology and best practice.
- b) If during the construction and/or demolition works associated with the development hereby approved any suspected areas of contamination are discovered, which have not previously been identified, then all works shall be suspended until the nature and extent of the contamination is assessed and a report submitted and approved in writing by the local planning authority and the local planning authority shall be notified as soon as is

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reasonably practicable of the discovery of any suspected areas of contamination. The suspect material shall be re-evaluated through the process described in 6b to 7 above and satisfy 8a above.

- c) Upon completion of the remediation works required by 7 and 8a above a validation report prepared by a competent person shall be submitted to and approved in writing by the local planning authority. The validation report shall include details of the remediation works and Quality Assurance/Quality Control results to show that the works have been carried out in full and in accordance with the approved methodology. Details of any validation sampling and analysis to show the site has achieved the approved remediation standard, together with the necessary waste management documentation shall be included.
9. The development hereby approved shall not be brought into use until the access facilities have been provided as shown on drawing 'Site Plan and Ground Floor Plan Plots 1-6' (Drawing no. 23 946 2 Rev. B, received 17 January 2025).
  10. No dwelling in the development hereby approved shall be occupied until sheltered, secure and accessible bicycle parking has been provided in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority. The storage area shall be maintained for this purpose thereafter.
  11. Prior to commencement of the development hereby permitted details of a construction management plan shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the demolition/construction period. The plan/statement shall include but not be restricted to:
    - Parking of vehicles of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
    - 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.
  12. Prior to their use on the development, details of the below shall be submitted to and approved in writing by the local planning authority:
    - Sample of brick and stone;
    - Sample of slate / ridge tiles;
    - Sample panel of lime pointing;
    - Details of stone stringcourse;
    - 1:20 details of windows and doors, including showing windows set back in 100mm reveal;
    - Details of glass balustrades and screen to full height openings;

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- Details of conservation rooflights;
- Details of cast aluminium rainwater goods / rise and fall brackets;
- Hard and soft landscaping (details of steps, retaining walls / features, coping stones, balustrades, and any paving scheme, including threshold paving).

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

13. Notwithstanding the provisions of Parts 2 and 14 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking and re-enacting that Order) none of the dwellings hereby permitted shall be altered externally, including: the erection of gates, fences or walls; exterior painting; or the installation of solar panels or any other external energy equipment, unless planning permission has first been granted by the Local Planning Authority.
14. No clearance of scrub or trees should be undertaken between 1<sup>st</sup> March and 31<sup>st</sup> August inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests immediately before the work is commenced. If any active nests are discovered then these should be left undisturbed until the birds have fledged with an appropriate buffer surrounding the nest.
15. Prior to the installation of external lighting fixtures, a detailed lighting plan shall be submitted to and approved in writing by the local planning authority to ensure luminaires are positioned to avoid lightspill to biodiversity features, including bat and bird boxes. This should provide details of the chosen luminaires, their locations, and any mitigating features such as dimmers, PIR sensors and timers. Guidelines can be found in Guidance Note 08/23 - Bats and Artificial Lighting at Night (BCT and ILP, 2023). Such approved measures will be implemented in full.
16. Notwithstanding the Sparrow Terraces shown on the approved Elevations Plan (Drawing no. 23 946 5 Rev. C), Swift Bricks shall be installed instead of the Sparrow Terraces, in accordance with the British Standard BS 42021:2022, at a ratio of 1:1 with the dwellings hereby approved.
17. No development shall take place other than in accordance with the archaeological Written Scheme of Investigation undertaken by Archaeological Research Services Ltd (report 2024/49), received 01<sup>st</sup> July 2024.
18. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological Written Scheme of Investigation and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.
19. Prior to occupation of any of the dwellings hereby approved, full details of bin storage facilities, including plans of the enclosure and provisions for refuse collection, shall be submitted to and agreed in writing by the Local Planning Authority.
20. There shall be no piped discharge of surface water from the development prior to

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the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to:-

- a) evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical;
- b) evidence of existing positive drainage to public sewer and the current points of connection; and
- c) the means of restricting the discharge to public sewer to the existing rate less a minimum 30 % reduction, based on the existing peak discharge rate during a 1 in 1 year storm event, to allow for climate change.

21. Subject to acceptance of any SuDS design by Derbyshire County Council (Lead Local Flood Authority), an Operation and Maintenance Plan (in accordance with section 32 of the SuDS Manual) must be submitted to and approved in writing by the Local Planning Authority prior to occupation of any of the dwellings, which provides details of the arrangements for the lifetime management and maintenance of the SuDS features together with contact details.

### Informatives

1. 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/transport-roads/roadtraffic/roadworks/roadworks.aspx](http://www.derbyshire.gov.uk/transport-roads/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.
2. It is expected that contractors are registered with the Considerate Constructors scheme and comply with the code of conduct in full, but particularly reference is made to "respecting the community" this says: Constructors should give utmost consideration to their impact on neighbours and the public
  - Informing, respecting and showing courtesy to those affected by the work;
  - Minimising the impact of deliveries, parking and work on the public highway;
  - Contributing to and supporting the local community and economy; and,
  - Working to create a positive and enduring impression, and promoting the Code.
3. The Construction Management Plan 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.
4. 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.

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5. The proposed development is situated within a Smoke Control Area. This has legal implications for the type of solid fuel appliance which may be installed in the proposed development and types of solid fuel which may be burnt in these appliances. Further information is available at <https://www.gov.uk/smoke-controlarea-rules>.
6. The sewer records show a public sewer within the area of the proposed work. The applicant should also 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.
7. All proposals regarding drainage will need to comply with Part H of the Building Regulations 2010.
8. 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.
9. The developer is proposing to discharge surface water to public sewer however, sustainable development requires appropriate surface water disposal. Yorkshire Water promote the surface water disposal hierarchy and the developer must provide evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical before considering disposal to public sewer.
10. The developer will be required to provide evidence of existing positive drainage to a public sewer from the site to the satisfaction of Yorkshire Water and the Local Planning Authority by means of physical investigation. On-site attenuation, taking into account climate change, will be required before any discharge to the public sewer network is permitted.
11. Derbyshire Fire and Rescue Service have no objections subject to the following:
  - Access for emergency service vehicles, both during the demolition and construction phases of the proposal, should be provided in accordance with Approved Document B (Vols 1 and 2) Section B5.
  - Site details should be provided to Derbyshire Fire and Rescue Service with contact details and expected timeframes for the build.
  - A full Building Regulations Consultation.
12. The proposed development is situated within a Smoke Control Area. This has legal implications for the type of solid fuel appliance which may be installed in the proposed development and types of solid fuel which may be burnt in these appliances. Further information is available at <https://www.gov.uk/smoke-controlarea-rules>.

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[controlarea-rules](#).

### **Statement of Decision Process**

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

### **Equalities Statement**

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

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

### **Human Rights Statement**

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

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

### **PL169-24/25      APPLICATION NO. 23/00180/OUT - BOLSOVER BUSINESS PARK, WOODHOUSE LANE, BOLSOVER**

Committee considered a report in relation to the above application presented by the Development Management and Land Charges Manager, who gave details of the application and highlighted the location and features of the site and key issues. The planning application sought approval 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 takeout unit including associated parking, infrastructure and access.

The Committee was adjourned at 10:41 hours to allow reading of the supplementary document which included formally submitted to and approved in writing representations made by Mr. Turner and Cllr. Donna Hales, as well as a further consultation response

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received from the Derbyshire Wildlife Trust.

The meeting was reconvened at 10:44 hours.

The Development Management and Land Charges Manager informed the recommended condition 29 of the supplementary document had an omission of phasing and it was requested, if approved by Committee, figure 29 would be amended to read: *“29. Before the development hereby approved commences on an approved phase of the development, an employment scheme to enhance and maximise employment and training opportunities during the construction of that phase shall be formally 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”*.

Bob Woollard spoke in favour of the application (the agent).

To a question regarding Mr. Turner’s representation in the supplementary document, the agent informed current tenants would have their accommodation prioritised and their transition to a new unit would not occur instantaneously.

The new units would also prove highly efficient, reducing future tenants’ energy usage and costs.

It was stated the applicant’s intentions was not to prioritise short-term profit, but to promote and support local businesses and local communities throughout the long-term.

In response to the representations in the supplementary document, a Member stated the view of the site from Bolsover Castle would likely improve from its current appearance.

To a question on the application’s effect on the Council’s Local Plan, the Senior Devolution Lead for Planning Policy, Strategic Growth and Housing informed the Council maintained its evaluation of its Local Plan and would keep under review the strategy and impact of the size and benefit of the application on Bolsover Town.

The Chair agreed with the previous statement the development would likely improve the current appearance of the site from Bolsover Castle. It was added, due to other local developments in the District and in North East Derbyshire District, the development would provide additional incentive to make use of existing businesses and services in Bolsover Town and not detract from them.

Moved by Councillor Tom Munro and seconded by Councillor Rob Hiney-Saunders

**RESOLVED** that application no. 23/00180/OUT be **APPROVED** with the below conditions following the prior entry into S.106 agreement to secure the 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.

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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.

3. The development hereby permitted shall be carried out in accordance with the approved drawings and documents unless specifically stated otherwise in the conditions below:
  - Location Plan (Rayner Davies Architects, 20<sup>th</sup> February 2023), reference: 1989(02)001 Rev.B
  - Site Layout (CPMG, 06<sup>th</sup> March 2025), reference: 9586-CPMG-01-00-D-A-0003 Rev.P2
  - Design and Access Statement (P&DG, received 02<sup>nd</sup> May 2023) insofar as it relates to the approved site layout
  - Landscape and Visual Appraisal (DSA, 07<sup>th</sup> 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<sup>nd</sup> April 2025), reference: BBPD-BSP-XX-XX-T-W-0001-P06\_Flood\_Risk\_Assessment
  - Surface Water Drainage Strategy Plan (bsp Consulting, 22<sup>nd</sup> 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<sup>th</sup> November 2024), reference: 67394/01
  - Further Retail Addendum (Lichfields, 06 March 2025), reference: 67394/01
  - BNG Metric (received 04<sup>th</sup> April 2025)
  - Ecological Appraisal (Rachel Hacking Ecology, June 2023)
  - Bat Survey Report (RammSanderson, February 2025) reference, and;

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4. Prior to the commencement of any development, a Phasing Plan for the implementation of the approved development shall be submitted to and approved in writing by the Local Planning Authority. The Phasing Plan shall include details of the timing and order of all development phases, including the delivery of highway works, drainage infrastructure, open space, landscaping, and all buildings. The development shall thereafter be carried out in accordance with the approved Phasing Plan unless otherwise agreed in writing by the Local Planning Authority.

### Use and General Restrictions

5. 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	6,500 sq. m
Drive Thru (Sui Generis)	85 sq. m

6. 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.
7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (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.
8. 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),

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(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

9. No phase of the development shall be brought into use/occupied until the access, parking and turning facilities for that phase have been provided in accordance with drawing 21227-08-020-04 Rev F or details agreed in respect of a subsequent approval of reserved matters application.
10. The Travel Plan (TP Rev B) hereby approved, dated December 2024 shall be implemented and monitored in accordance with the regime contained within the Travel Plan and phasing 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.
11. Prior to commencement of any phase of the development hereby permitted details of a Construction Management Plan (CMP), for that phase, 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

12. Before the commencement of the development hereby approved:

The site investigation strategy, for that phase, 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 phase to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other

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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.

13. No development hereby approved shall be occupied until:

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

14. Before the commencement of construction works, on any phase, 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, for that phase, 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

15. No development shall take place, in any phase, until a detailed design and associated management and maintenance plan of the surface water drainage, for that phase, in accordance with the principles outlined within:

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- 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.
16. No development shall take place, in any phase, 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, for that phase, accords with the drainage hierarchy as set out in paragraph 56 Reference ID: 7-056-20220825 of the planning practice guidance.
17. Prior to commencement of the development, in any phase, the applicant shall submit for approval to the Local Planning Authority details indicating how additional surface water run-off from the site, for that phase, 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.
18. The site shall be developed with separate systems of drainage for foul and surface water on and off site.
19. No development shall take place, in any phase, until details of the proposed means of disposal of foul water drainage for the relevant phase, 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.
20. No construction works shall commence, in any phase, 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.

### Heritage and Archaeology

21. 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.

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- 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.

### CEMP

22. No development shall commence, in any phase, including any works of demolition, until a detailed Construction and Environmental Management Plan (CEMP), for that phase, 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;

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- 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 phase of development, including any works of demolition, shall only be carried out in accordance with the approved CEMP for that phase.

23. No development shall commence, in any phase, including any works of demolition, until a detailed Construction Logistics Plan (CLP), for that phase, 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

24. The installation of insulation within the roof void of Building D shall not commence until a Precautionary Method of Works (PMW) has been submitted to the LPA for approval to safeguard the known bat roosts in the building. The PMW shall include the requirement for a toolbox talk and pre-works inspection of the roof void by a suitably qualified ecologist. It shall also specify details of the timings and method of installation to avoid disturbance and prevent any obstruction to the existing roosts. The works shall proceed strictly in accordance with the agreed PMW. If any requirement for licensing is identified during the pre-works check, works shall be delayed until an appropriate licence has been granted by Natural England.

25. Prior to the installation of lighting fixtures, a detailed lighting strategy shall be submitted to and approved in writing by the LPA, to safeguard known onsite bat roosts and avoid lightspill to areas of green space. This should provide details of the chosen luminaires, their locations and any mitigating features such as

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dimmers, PIR sensors and timers. Dependent on the scale of proposed lighting, a lux contour plan may be required to demonstrate acceptable levels of lightspill to any sensitive ecological zones/features. The Strategy should refer to Guidance Note 08/23 – Bats and Artificial Lighting at Night (BCT and ILP, 2023) and explain how proposals have been designed in compliance with this document. Such approved measures will be implemented in full.

26. No development shall take place in any phase (including demolition, ground works, vegetation clearance and movement of plant, machinery and materials) until a Biodiversity Construction Environmental Management Plan (CEMP: Biodiversity), for that phase, has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall be produced by an ecologist and shall include the following:

- a) Risk assessment of potentially damaging construction activities;
- b) Identification of “biodiversity protection zones”, including the southern open space and specific features of value previously recorded on site, including orchids and other notable plants in both the south and west of the site, and bat roosts in Building D;
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction, to include precautionary working measures for reptiles and amphibians and nesting birds;
- d) The location and timing of sensitive works to avoid harm to biodiversity features;
- e) Measures to prevent spread and remove Japanese knotweed from the site;
- f) The times during construction when specialist ecologists need to be present on site to oversee works;
- g) Responsible persons and lines of communication;
- h) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
- i) Use of protective fences, exclusion barriers and warning signs.

The approved Biodiversity CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority

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

- a) Description and location of features to be retained, created, enhanced and managed, to meet, as a minimum, the post development habitat units set out in the BNG Metric received 4th March 2025;
- b) Aims and objectives of management, in line with desired habitat conditions detailed in the metric;

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- c) Prescriptions for management actions, using appropriate management methods to achieve aims and objectives;
- d) Preparation of a work schedule (including a 30-year work plan capable of being rolled forward in perpetuity);
- e) Details of the body or organization responsible for implementation of the plan;
- f) A monitoring schedule to assess the success of the habitat creation and enhancement measures at intervals of 1, 3, 5, 10, 20 and 30 years;
- g) Monitoring reports to be sent to the Council at each of the intervals above;
- h) A set of remedial measures to be applied if conservation aims and objectives of the plan are not being met;
- i) Requirement for a statement of compliance upon completion of planting and enhancement works;
- j) Detailed habitat enhancements for wildlife, in line with British Standard BS 42021:2022:
  - a. universal nest boxes and/or swift boxes on buildings;
  - b. integrated and/or external bat boxes on buildings and mature trees;
  - c. insect bricks and / or towers in public open space;
  - d. fencing gaps 130 mm x 130 mm to maintain connectivity for hedgehogs

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

### Other

28. 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.
29. Before the development hereby approved commences on an approved phase of the development, an employment scheme to enhance and maximise employment and training opportunities during the construction of that phase shall be formally 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.
30. 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.

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31. 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.
32. 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.
33. 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.

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You should enter into discussions with statutory undertakers as soon as possible to coordinate 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/roadtraffic/licences-enforcements/vehicularaccess/vehicle-accesses-crossovers-and-droppedkerbs.aspx](http://www.derbyshire.gov.uk/transport-roads/roadtraffic/licences-enforcements/vehicularaccess/vehicle-accesses-crossovers-and-droppedkerbs.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 particularly 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.

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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.

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### 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.

### **PL170-24/25      APPLICATION NO. 23/00562/OUT - LAND TO THE WEST OF CARTWRIGHT LANE ALONGSIDE THE MANSFIELD ROAD, SOUTH NORMANTON**

Committee considered a report in relation to the above application presented by the Development Management and Land Charges Manager, who gave details of the application and highlighted the location and features of the site and key issues. The planning application sought approval 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 takeout unit including associated parking, infrastructure and access.

Chris Quinsee spoke in favour of the application (the agent, on behalf of Marcus Jolly – Limes Development, the applicant).

To a question on the process if the Committee approved the officer's recommendation and Ashfield District Council's Planning Committee did not, the agent informed it was not common developments like this straddled two districts, but that if one Local Planning Authority authorised development and the other did not, the applicant would seek to challenge the refused decision.

A Member noted part of the site had been allocated to HS2 before the East Midlands' line was cancelled – while open countryside, it had been marked for development. The agent stated the application would have been brought forward earlier had it not been for HS2.

To a question on the current vacancy of a neighbouring unit, the agent stated a tenant would be confirmed in the near future for the empty unit, and that there was demand for additional units that the proposed development would accommodate.

Moved by Councillor Phil Smith and seconded by Councillor John Ritchie

**RESOLVED** that application no. 23/00562/OUT be **APPROVED** following no objections being received from the Lead Local Flood Authority (LLFA), subject to the following conditions and any other conditions recommended by the LLFA:

1. Approval of the details of the appearance and landscaping (hereinafter called "the

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reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development to which this permission relates shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
3. The development hereby permitted shall be carried out in accordance with the following approved drawings and documents unless specifically stated otherwise in the conditions below:
  - Proposed Masterplan Drawing Ref 22688-300-P-02;
  - Proposed Site Sections Drawing Ref 22688-301-P-00;
  - Proposed Masterplan B2 Drawing Ref 22688-302-P-02;
  - Highways General Arrangement Drawing Ref SNE-BWB-HGW-OO-DR-TR-101;
  - HGV Tracking Drawing Ref SNE-BWB-HGW-OO-DR-TR-110;
  - Large Car Tracking Unit 1 Drawing Ref SNE-BWB-HGW-OO-DR-TR-111;
  - Large Car Tracking Unit 2 Drawing Ref SNE-BWB-HGW-OO-DR-TR-112;
  - Design and Access Statement Corstorphine + Wright July 2023;
  - Planning Statement Q+A Planning Ltd October 2023;
  - Transport Assessment BWB Consulting October 2023;
  - Framework Travel Plan BWB Consulting October 2023;
  - Air Quality Assessment BWB Consulting October 2023;
  - Flood Risk Assessment BWB Consulting October 2023;
  - Sustainable Drainage Statement BWB Consulting October 2023;
  - Phase 1 Geo-Environmental Assessment BWB Consulting October 2023;
  - Coal Mining Risk Assessment BWB Consulting October 2023;
  - Ecological Appraisal BSG Ecology October 2023;
  - Biodiversity Metric Calculation BSG Ecology October 2023;
  - Arboricultural Report Wharnccliffe October 2023;
  - Geophysical Survey Report Magnitude Surveys February 2024;
  - Noise Impact Assessment BWB Consulting March 2024;
  - Archaeological Assessment BWB Consulting July 2024;
  - Archaeological Assessment Heritage Appendices BWB Consulting June 2024;
  - Economic Benefits Statement Q+A Planning October 2024.
4. No development shall take place until a Written Scheme of Investigation for archaeological work has been submitted to and approved by the local planning authority in writing, and until any pre-start element of the approved scheme has been completed to the written satisfaction of the local planning authority. The scheme shall include an assessment of significance and research questions; and
  - a) The programme and methodology of site investigation and recording
  - b) The programme for post investigation assessment
  - c) Provision to be made for analysis of the site investigation and recording

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- d) Provision to be made for publication and dissemination of the analysis and records of the site investigation
  - e) Provision to be made for archive deposition of the analysis and records of the site investigation
  - f) Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation
5. No development shall take place other than in accordance with the archaeological Written Scheme of Investigation approved under condition 4.
6. The development shall not be occupied until the site investigation and post investigation reporting has been completed in accordance with the programme set out in the archaeological Written Scheme of Investigation approved under condition 4 and the provision to be made for publication and dissemination of results and archive deposition has been secured.
7. Before the commencement of the development hereby approved:

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

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

The developer shall give at least 14 days' notice to the Local Planning Authority (Environmental Health Division) prior to commencing works in connection with the remediation scheme.

8. No buildings hereby approved shall be occupied until:
- a) The approved remediation works required by 7 above have been carried out in full in compliance with the approved methodology and best practice.
  - b) If during the construction and/or demolition works associated with the development hereby approved any suspected areas of contamination are discovered, then all works shall be suspended until the nature and extent of the contamination is assessed and a report submitted and approved in writing by the local planning authority and the local planning authority shall be notified as soon as is reasonably practicable of the discovery of any suspected areas of contamination. The suspect material shall be re-evaluated through the process described in the Phase I contaminated land assessment (desk-study) ref SNEBWB-EGT-XX-RP-LE-0004\_Ph1 submitted with the application and through the process described in 7

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above.

- c) Upon completion of the remediation works required by 7 above a validation report prepared by a competent person shall be submitted to and approved in writing by the local planning authority. The validation report shall include details of the remediation works and Quality Assurance/Quality Control results to show that the works have been carried out in full and in accordance with the approved methodology. Details of any validation sampling and analysis to show the site has achieved the approved remediation standard, together with the necessary waste management documentation shall be included.
9. Before the commencement of construction works including any demolition in connection with the development hereby approved, a programme of measures to minimise the spread of airborne dust from the site during the construction phases, shall be submitted to and approved in writing by the Local Planning Authority and include a dust risk assessment. The construction shall be undertaken in accordance with the approved scheme.
  10. No vegetation clearance shall take place between 1<sup>st</sup> March and 31<sup>st</sup> August inclusive, unless preceded by a nesting bird survey undertaken by a competent ecologist no more than 48 hours prior to clearance. This includes site strip of the two main onsite fields. If nesting birds are recorded, an appropriate exclusion zone will be implemented and monitored until the chicks have fledged. No works shall be undertaken within exclusion zones whilst nesting birds are present. If ground nesting birds are recorded, suitable mitigation and compensation shall be agreed with the LPA.
  11. Prior to commencement of works on site (including vegetation clearance), a statement shall be submitted to the LPA confirming the approach to safeguarding great crested newts during development. If this includes licensing, confirmation of the licence being granted by Natural England / a signed Impact Assessment and Conservation Payment Certificate (IACPC) shall also be submitted. All works shall proceed strictly in accordance with the approved strategy / licence.
  12. No development shall take place (including demolition, ground works, vegetation clearance and movement of plant, machinery and materials) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall be based on recommendations made in the Ecological Appraisal (BSG, October 2023) and include the following:
    - a) Risk assessment of potentially damaging construction activities.
    - b) Identification of "biodiversity protection zones".
    - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction.
    - d) The location and timing of sensitive works to avoid harm to biodiversity features.
    - e) The times during construction when specialist ecologists need to be present on site to oversee works.
    - f) Responsible persons and lines of communication.
    - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.

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- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

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

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

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

14. Prior to either of the units hereby approved being brought into use for Class B2 purposes, the access, parking provision and turning facilities for that unit shall have been fully implemented in accordance with drawing Ref. 22688-302 Rev P-02 and be free from impediment to its intended use as a parking area. Otherwise, the parking provision shall have been implemented in accordance with drawing Ref. 22688-300 Rev. P-02 and free from impediment to its intended use prior to

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the first use of the units hereby approved.

15. Prior to commencement of the development hereby permitted details of a construction management plan shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the demolition/construction period. The plan/statement shall include but not be restricted to:

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

16. An electric vehicle infrastructure strategy and implementation plan shall be submitted to and approved in writing by the Local Planning Authority prior to the first use of any building hereby permitted. The plan shall contain details of the number and location of all electric vehicle charging points shall comply with BS EN 62196 Mode 3 or 4 charging and BS EN 61851, and Derbyshire Highway Design Guide. Buildings and parking spaces that are to be provided with charging points shall not be brought into use until associated charging points are installed in strict accordance with approved details and are operational. The charging point installed shall be retained thereafter unless replaced or upgraded to an equal or higher specification.

17. The Development hereby approved shall not be brought into use until the submitted Travel Plan that promotes sustainable forms of travel to the development site has been approved in writing by the Local Planning Authority in consultation with the Local Highway Authority. The submitted details shall use Modeshift STARS Business to carry out this process and include mechanisms for monitoring and review over the life of the development and timescales for implementation. The approved Travel Plan shall be implemented, monitored and reviewed in accordance with the approved details.

18. No development shall commence until;

- a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past coal mining activity; and,
- b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in

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accordance with authoritative UK guidance.

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

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### Informatives:

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

As such, the applicant is advised to closely follow ongoing progress of the Network North programme for any updates at: <https://www.gov.uk/government/publications/network-north>.

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

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drainage system and ground stability, including the implications this may have for any mine workings which may be present beneath the site.

6. In areas where shallow coal seams are present caution should be taken when carrying out any on site burning or heat focused activities.
7. The sewer records do not show any public sewers within the curtilage of the site. However, the applicant should be made aware of the possibility of unmapped public sewers which are not shown on the records but may cross the site of the proposed works. These could be shared pipes which were previously classed as private sewers and were transferred to the ownership of the Water Authorities in October 2011. If any part of the proposed works involves connection to / diversion of / building over / building near to any public sewer the applicant will need to contact Severn Trent Water in order to determine their responsibilities under the relevant legislation.
8. All proposals regarding drainage will need to comply with Part H of the Building Regulations 2010.
9. It is essential that any work carried out does not detrimentally alter the structure or surface of the ground and increase or alter the natural flow of water to cause flooding to neighbouring properties. The developer must also ensure any temporary drainage arrangements during construction gives due consideration to the prevention of surface water runoff onto the public highway and neighbouring properties.

### **Statement of Decision Process**

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

### **Equalities Statement**

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

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

### **Human Rights Statement**

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

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

The Chair thanked all Members and officers for their work in 2024/25.

The meeting concluded at 11:23 hours.