

COMMITTEE UPDATE SHEET

SUPPLEMENTARY REPORT OF THE DEVELOPMENT MANAGEMENT AND LAND CHARGES MANAGER

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

Applications to be determined under the Town & Country Planning Acts

Planning Site Visits held on 4th July 2025 commencing at 10:00 hours

PRESENT: -

Cllrs. T. Munro & P. Smith

Apologies received from:

- Cllr. Rob Hiney-Saunders
- Cllr. Sally Renshaw
- Cllr. John Ritchie
- Cllr. Catherine Tite
- Cllr. Deborah Watson

Officers: Chris Whitmore

SITES VISITED

1. 24/00503/FUL – The Stables, Featherbed Lane, Bolsover, S44 6JY
2. 25/00162/FUL – Station Yard, Chesterfield Road, Pleasley, Mansfield, NG19 7PQ

The site visit concluded at 11:10am

AGENDA ITEM 5 – 21/00331/FUL – Full Planning Application for Residential Development at Open Space East of Dahlia Avenue South Normanton

1. Representations received from Mr Vaulks

Received on 2nd July 2025.

Comment: The fact that this application is still under discussion says it all.

It's absolutely scandalous that anyone would even consider building houses so close to a motorway.

There'll be footballs from gardens ending up on the motorway while people are sat there watching juggernauts fly by 50 foot away from where they are barbequing.

Not to mention the toxic fumes you expect the new residents (victims) to inhale.

Laughable and shameful.

Officer Response: This representation does not raise any additional issues not dealt with in the earlier officer reports and does not affect the recommendation.

2. Representations received from Chesterfield Royal Hospital

Re-iteration of its earlier request that consideration be given to financial contributions towards health care provided by Chesterfield Royal Hospital (CRH).

Officer Response: This comment repeats CRH's earlier request and does not affect the considerations in respect of it in the earlier report and does not alter the officer recommendation.

3. Update on outstanding biodiversity considerations.

Since drafting the report to Planning Committee, the applicants have submitted an updated biodiversity metric based on the revised layout. This continues to indicate that the development would result in a net loss of biodiversity on site, but that the offer of a financial contribution to the Council to provide off-site biodiversity mitigation measures, at Hilltop Recreation Ground in Pinxton, remains to ensure that the development can result in no net loss of biodiversity to ensure compliance with policy SC9 (please note that as this application pre-dates mandatory biodiversity net gain, as long as the development results in no net biodiversity loss, it would be policy compliant).

Due to staff absence, it has not been possible to have the submitted information verified by the Derbyshire Wildlife Trust and their response is still awaited. Notwithstanding this, the submitted information demonstrates that a similar solution to that previously agreed, whereby a combination of on-site and off-site habitat creation and enhancement measures, details of which can be secured by a combination of planning conditions (for any on-site mitigation) and a S106 planning obligation (for off-site mitigation) to ensure no net loss, would ensure policy compliance.

REVISED RECOMMENDATION:

Upon receiving confirmation from the Derbyshire Wildlife Trust (DWT) that the above arrangements will ensure no net loss of biodiversity, that delegated authority be given to the Development Management and Land Charges Manager or Principal Planners to APPROVE the development subject to prior entry into a s.106 legal agreement containing the obligations included in the recommendation on page 23 of the main report, and subject to the conditions listed on pages 23 – 33 of that report, including any revised or amended conditions as may be recommended by the Derbyshire Wildlife Trust.

AGENDA ITEM 7 – 25/00162/FUL - Station Yard, Chesterfield Road, Pleasley, Mansfield, NG19 7PQ - Change of use of land to enable the stationing of 4 residential mobile home plots for travelling showpeople to occupy with associated access and landscaping.

Consultation Response

Bolsover District Council – Principal Environmental Health Officer

Confirms 7th July 2025 that the previously recommended land contamination conditions have been reviewed and they are correct. Condition 14 part (a) requires the phase 1 land contamination report. Part (b) requires the phase 2 site investigation strategy in the last paragraph within the final bullet point, in the event that potential land contamination is identified. Advises that the conditions are amended so that the site investigation report is referred to as a phase II report, as follows:

Condition 14 –

Development other than that required to be carried out as part of an approved scheme of remediation must not commence until:

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

The phase 2 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.

Condition 15

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

Condition 16

No dwelling unit hereby approved shall be occupied until:

- a)** The approved remediation works required by 15 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 reasonably practicable of the discovery of any suspected areas of contamination. The suspect material shall be re-evaluated through the process described in 14b to 2 above and satisfy 16a above.

- c) Upon completion of the remediation works required by 16 and 16a 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.

Officer Comment

Officers have contacted the District Council's Principal Environmental Health Officer following a request from Cllr Tom Kirkham to ensure that the development can secure a Phase 2 Site Investigation, if necessary.

It has been identified by Environmental Health that the conditions as originally worded did secure a site investigation (phase 2) report, but for the avoidance of doubt the condition is recommended to be re-worded to make reference to a phase 2 report.

The minor changes, as recommended by the Principal Environmental Health Officer, are recommended for approval by Officers.

This application will secure a Phase 1 Contaminated Land Assessment followed by a Phase 2 Site Investigation Strategy, if potential land contamination is identified. In addition, the conditions required a full scheme of remediation, if unacceptable levels of contamination are found in order to ensure the site is developed free from unacceptable levels of land contamination. Finally, the conditions require no dwelling unit to be occupied until the remediation is installed, and a validation report submitted to show the works have been carried out in accordance with any approved remediations scheme.

Representation received from Mr Kendell Duncan

Mr Kendell Duncan has requested that the following be read aloud at the Planning Committee meeting:

1. Contradictions and Misuse of Policy

The applicant claims the site is solely for Travelling Showpeople under Class C3 residential use — yet the planning statement repeatedly blurs the line between Travellers, Gypsies, and Showpeople. This lack of clarity opens the door to future reclassification or expansion. It is, quite frankly, a misuse of policy, designed to exploit a perceived loophole without committing to the legal obligations of a designated Showpeople site.

2. No Need Established – GTAA Confirms Zero Demand

The Council's own evidence (the 2023 GTAA) clearly shows:

- 36 existing Showpeople plots in Bolsover District
- 0 additional plots required

Approving this application despite a zero unmet need is indefensible and contrary to Policy LC5 and national planning guidance. Blackridge and other existing sites already fulfil the district's accommodation requirement.

3. Private Access Road – No Legal Right to intensify Use;

The land was purchased based on the limitations of the 1988 permission. Bolsover District Council cannot unilaterally grant someone an expanded right of way over the residents of midland cottages land to accommodate additional properties, and the intensification of use over residence land.

A right of way is a specific legal right, and any changes to it, including expanding it to serve more properties, this would require the consent of all owners of the private road, and a new legal agreement which they haven't and won't agree to. An injunction will be sought to stop the developer from using midland cottages road for any intensification of use beyond the 1988 permission.

4. Seven Trent Sewage pipe causing unbearable bad smells;

On the corner of midland cottages and chesterfield road is a sewage pipe which is currently broken. Seven trent will take a minimum of 3 months to rectify this breakage, caused by heavy vehicles from a nearby business and a HGV company using midland cottages road to turn. The sewage pipe is only a few feet below the ground, therefore "ANY" intensification of use by the proposed development will exacerbate this situation.

5. Instead of a reactive approach the council should consider a proactive approach.

The council clearly wants this development; therefore Bolsover District Council can give the developer access over council land at the end of chesterfield road which has a big turning circle, pavements and street lights.

This would stop and solve the issues of using midland cottages road, including "safety concerns" for pedestrians as midland cottages road doesn't have a footpath or street lights which highways have failed to comment on. It would give the developer their development, and increase the site numbers on the councils' books, whilst keeping council tax paying residents pacified.

Officer response - This representation does not raise any additional planning issue not dealt with in the earlier officer report and does not affect the recommendation.

AGENDA ITEM 8 – 25/00235/OTHER - S106A application to modify obligations contained within legal agreement relating to application code ref. 09/00370/OUTMAJ dated 07.03.2011 and deed of variation dated 13.12.2016 relating to affordable housing to allow for the delivery of 12 no. 20% discount sale affordable units with cascade provisions to allow for an equivalent financial contribution to be made if not sold within 6 months of marketing, and payment of a financial contribution of £98,548 in lieu of secured provision –Land at Rear Of 16 To 124 And South West Of 124 And Between Brickyard Farm And Barlborough Links Chesterfield Road Barlborough

1. Representations received from Mrs Millington

Received on 1st July 2025.

Comment:

There are several points I would like to raise for your consideration:

1. **Loss of Essential Green Space:** The area proposed for development is currently the only usable and safe green space on the estate. Other parts remain unfinished, unsafe, and filled with rubble. This green area plays an important role in community wellbeing and local biodiversity and should be preserved for communal use.
2. **Traffic and Access Concerns:** The estate currently has only one access road in and out. With additional residents and construction vehicles, the congestion-especially during peak hours-will likely worsen significantly. This is particularly concerning given that the construction site is positioned near the estate entrance.
3. **Unfinished Infrastructure:** Earlier plans for the estate mentioned a side path at the top of the development, which has not yet been completed.
4. **Housing Value Disparities:** There are concerns about how the introduction of lower-cost housing might impact current homeowners. Specifically, if these properties are bought at significantly reduced prices, future resales could result in disproportionately high profits, affecting the estate's housing market and fairness.
5. **Alternative Development Locations:** The development plans appear to outline additional land across the road. If there is potential to build there, it would be preferable to preserve the existing greenery and consider alternative locations for affordable housing.
6. **Transparency and Prior Communication:** When we purchased homes on this estate, we were informed that affordable housing would not be part of the development due to lack of council funding. The recent changes seem to contradict earlier assurances and have come as a surprise to many residents.

Officer Response: This application does not affect the development already approved under the various application reference numbers set out in the relevant history section of the officer's report, other than the provision of discount sale affordable dwellings in lieu of approved open market dwellings on site. Any deed of variation entered into would include provisions to ensure that the dwellings remain as affordable properties to those in housing need and which have a connection to the local area, so as to not distort the market for general housing. The other matters raised are either not relevant considerations in respect of the modifications to the agreements sought or do not raise any additional issues not dealt with in the officer report. The recommendation to approve therefore remains as set out in the officer report.