

**CORRECTION OF TYPOGRAPHICAL ERROR CONTAINED WITHIN REPORT TO 1<sup>ST</sup>  
OCTOBER 2025 PLANNING COMMITTEE MEETING RELATING TO APPLICATION CODE  
REF. 22/00478/FUL**

**PARISH** Old Bolsover Parish

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**APPLICATION** Residential development of 217 homes with associated open space, vehicular access roads, landscaping and infrastructure (including street connection to Foxglove Drive and Buckthorn Drive)  
**LOCATION** Land Between St Lawrence Avenue And Rotherham Road North Of Langwith Road Bolsover  
**APPLICANT** Mrs Marlena Przewuska Unit 3 Turnberry Park Cramphorn House LS27 7LE United Kingdom  
**APPLICATION NO.** 22/00478/FUL **FILE NO.** PP-11518051  
**CASE OFFICER** Mr Jonathan Gaynor  
**DATE RECEIVED** 14th September 2022

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**SUMMARY**

This application was considered by Planning Committee at the meeting of 01 October 2025 (agenda item 5), where it was resolved that delegated authority be given to the Development Management and Land Charges Manager or Principal Planners to **grant** planning permission subject to prior entry into a S.106 legal agreement containing the following planning obligations:

- A. The provision of 10% affordable housing (14 affordable houses for rent and 8 shared ownership homes).
- B. £850,000 commuted sum to be split £193,564 to highways contributions and the remaining £656,436 towards education contributions.
- C. An obligation seeking confirmation of purchase of habitat credits required to demonstrate no net loss of biodiversity on site.
- D. Provisions relating to the future management of all public open space.
- E. The provision of a viability review mechanism to provide for further infrastructure contributions in accordance with the Council's Infrastructure Study and Delivery Plan or any relevant superseding information.

And subject to the conditions listed at the end of the Committee Report appended below.

**No changes are proposed to the development that received the resolution above.** The sole reason the item being brought back to Planning Committee is for Members to note and consider a typographical error in the Committee Report presented at that meeting (appended to this report) and confirm that it has no impact on the resolution made.

## PROPOSAL

The application is for the residential development of 217 homes with associated open space, vehicular access roads, landscaping and infrastructure (including street connections to Foxglove Drive and Buckthorn Drive).

The application originally proposed 248 homes but officers have worked with the applicant to arrive at the current proposal. The layout includes two vehicular linkages into the development to the north, two vehicular accesses from Langwith Road to the south, public open space along the western edge, a children's play area centrally within the site, and an attenuation basin at the north east corner. Properties range from terraced, semi-detached and detached 2, 3 and 4 bedroom, two and two and a half storey dwellings.

## AMENDMENTS

In considering and commenting of the draft s106 agreement, Derbyshire County Council have noted a typographical error in the Committee Report relating to the availability of capital funding for school places. They advise:

*We would also like to point out a fundamental error in the Committee Report. The report states "However, it is noted clear that this alternative source of funding will ultimately be available". We believe the correct wording should be "However, it is **not** clear that this alternative source of funding will ultimately be available. We believe this should be corrected to accurately reflect the factual position as the current wording reverses the meaning of the sentence and may have misled the reader at the Committee Meeting. Committee members will also need to be informed of this fundamental error.*

The paragraph in the Committee Report reads:

*While developer contributions should be the 'first port of call' to meet the educational requirements arising from residential development, the guidance identifies that there will be circumstances where a development cannot meet the full education requirements due to viability issues. In these circumstances, the guidance indicated that funding is available from other sources if viability means that the full education contributions cannot be achieved. However, it is noted clear that this alternative source of funding will ultimately be available.*

As Derbyshire County Council raises, the paragraph should read:

*While developer contributions should be the 'first port of call' to meet the educational requirements arising from residential development, the guidance identifies that there will be circumstances where a development cannot meet the full education requirements due to viability issues. In these circumstances, the guidance indicated that funding is available from other sources if viability means that the full education contributions cannot be achieved. However, it is not clear that this alternative source of funding will ultimately be available.*

As the typographical error only features in the summary of consultee comments section, and

it is clear from the Planning Policy comments where the error exists that the statement is based on information from Derbyshire County Council, it is not considered that the typographical error has any material bearing on the recommendation made. The assessment section of the report is considered to remain accurate and the recommendation remains unaltered.

## **CONCLUSION**

The typographical error in the Committee Report is not considered to have misled Members, given that it features on a single occasion within the summary of consultee comments section and not within the assessment section, where consideration of the matter is clearly set out.

For robustness of decision-taking, the purpose of reporting this matter back to Planning Committee is for Members to note the typographical error and ensure that it has not in any way impacted on the resolution made at the previous committee meeting.

## **RECOMMENDATION**

**It is recommended that Planning Committee Members note the typographical error in the Consultation section of the previous Committee Report and endorse that it does not change the resolution at the 01 October 2025 Planning Committee meeting.**

## APPENDIX: COMMITTEE REPORT FOR APPLICATION REFERENCE 22/00478/FUL

**PARISH** Old Bolsover Parish

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### SUMMARY

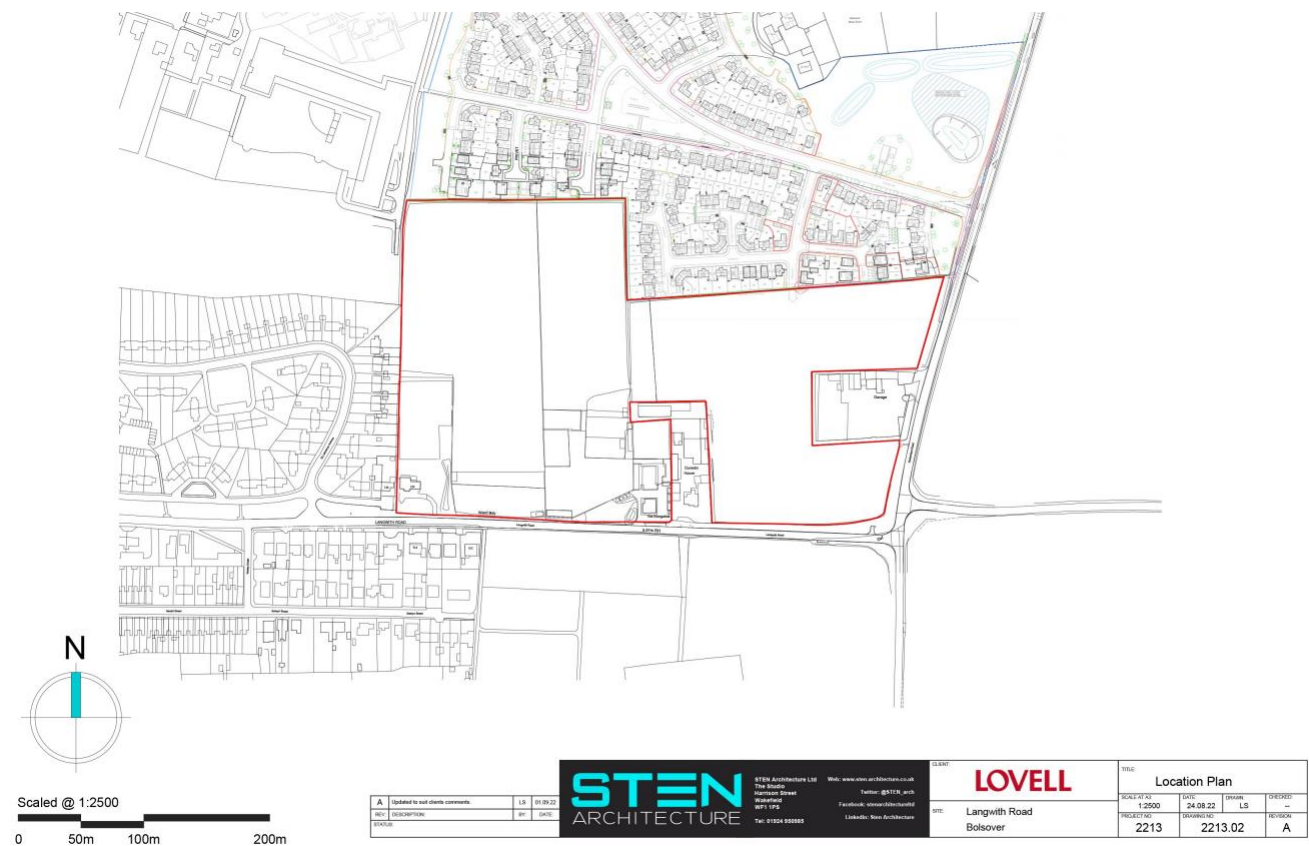
The application is for a residential development of 217 dwellings on an approximately eight hectare site to the east of Bolsover, accessed from Langwith Road, Foxglove Drive and Buckthorn Drive. The site forms part of a housing allocation in the adopted Local Plan, along with the recently completed scheme to the north, and Crossways Garage and Dunedin House that have not been included within this application.

Amendments have been made to reduce the number of dwellings, increase the size of the attenuation basin and increase the amount of public open space within the site.

Given the land allocation within the Local Plan, the principle of the proposal is acceptable and subject to the imposition of conditions, it is considered that the scheme would be acceptable in scale and design terms. However, the scheme is unable to viably provide all of the requested developer contributions. The viability assessment that has been submitted with the application and independently assessed is a significant material consideration.

Notwithstanding project viability, the scheme will provide 10% affordable housing onsite and developer contributions amounting to £850,000. On balance, given that the scheme otherwise represents a planned approach to sustainable development and will deliver housing to meet the District's housing needs, including policy compliant levels of affordable housing and contributions that can be prioritised towards critical infrastructure to satisfy Local Plan Policy II1, a recommendation to grant planning permission is made.

Site Location Plan



OFFICER REPORT ON APPLICATION NO. 22/00478/FUL

SITE & SURROUNDINGS

The site comprises a parcel of land of approximately eight hectares to the east of Bolsover, bound by Rotherham Road to the east, Langwith Road to the south, residential development on St Lawrence Avenue to the west and the newly constructed Keepmoat residential development to the north; which together with this application site forms a residential allocation within the Local Plan for Bolsover District.

The site is currently occupied by Villa Mar Riding School comprising a bungalow, stables, yard and outdoor riding arena at the centre south of the site with surrounding grassed paddocks. The land allocation also includes Fourways Garage on the eastern edge and the residential properties of 122 Langwith Road and Dunedin House on the southern edge of the site, however Fourways Garage and Dunedin House are excluded from this planning application. The site is generally bound by hedgerows.

BACKGROUND







## Supporting Documents

- Noise Impact Assessment (Hepworth Acoustics) P22-278-R01v10 June 2025
- Biodiversity Impact Assessment (root3) R3-536-03-EC-04 Received 15 May 2025
- Biodiversity Metric Received 15 May 2025
- Location Plan 2213.02 Rev A 24 August 2022
- Planning Layout 2213.01 Rev N 22 July 2022
- Materials Layout 2213.03 Rev G 03 August 2022
- Street Scenes 2213.04 Rev C 20 November 2024
- Detailed Landscape Plan 1 of 3 R3-536-03-LA-02-01 Rev B 30 September 2022
- Detailed Landscape Plan 2 of 3 R3-536-03-LA-02-02 Rev A 30 September 2022
- Detailed Landscape Plan 3 of 3 R3-536-03-LA-02-03 30 September 2022
- Landscape General Arrangement Plan R3-536-03-LA-01 Rev D 02 August 2022
- Play Area Detail R3-536-03-LA-03 Rev A 03 October 2022
- Figure 1 – Phase 1 Habitat Plan R3-536-03-EC-03 Plan reference 02 12 February 2025
- Drainage Strategy 22029 100 Rev P18 April 2022
- Drainage Strategy 22029 Sheet No. I DRA01 (G) 06 March 2025
- Level Strategy 22029 101 Rev P8 June 2022
- Flood Risk Assessment 22029 REP01(C) 02 December 2024
- Flood Routing Plan 22029 102 Rev P01 December 2022
- Flood Exceedance Routing Plan 22029-DCE-XX-XX-D-C-102 Rev P02 05 March 2025
- Impermeable Area 22029-DCE-XX-XX-D-C-103 Rev P02 05 March 2025
- Updated Ecological Walkover R3-536-03-EC-03 13 February 2025
- Arboricultural Survey and Impact Assessment R3-536-03-AR-01 Received 17 December 2024
- Refuse Vehicle Swept Path Analysis 22029-DCE-XX-XX-D-C-160 Rev P01 02 December 2024
- Visibility Splays 22029-DCE-XX-XX-D-C-161 Rev P02 11 December 2024
- Bus Swept Path Analysis 22029-DCE-XX-XX-D-C-162 Rev P01 02 December 2024
- Cross Section 2213.05.01 Rev A 20 November 2024
- Cross Section 2213.05.02 Rev A 20 November 2024

- Boundary Treatment Plan 2213.06 Rev C 05 December 2024
- Refuse Plan 2213.07 Rev C 05 December 2024
- Tenure Plan 2213.08 Rev D 05 December 2025
- Parking Plan 2213.09 Rev C 05 December 2024
- Planning Drawings Various Boundaries 2213.B.01 17 August 2022 (received 13 December 2024)
- Planning Drawings Single Garage 2213.G.01 25 July 2022 (received 13 December 2024)
- Planning Drawings Twin Garage 2213.G.02 25 July 2022 (received 13 December 2024)
- Planning Drawings Type 1209 End/Mid Elevations 2455.1209.01 08 November 2024
- Planning Drawings Type 932 End/Mid 2455.932.01 08 November 2024
- Planning Drawings Fairhaven End/Mid 2455.FAI.01 08 November 2024
- Planning Drawings Type 764 End/Mid 2455.GOV.01 08 November 2024
- Planning Drawings Lansdown End/Mid 2455.LAN.01 08 November 2024
- Planning Drawings Newbury Detached 2455.NEW.01 08 November 2024
- Planning Drawings Osbourne Pair 2455.OSB.02 08 November 2024
- Planning Drawings Ramsey Detached 2455.RAM.01 08 November 2024
- Planning Drawings Tilsworth 2455.TIL.01 08 November 2024
- Transport Assessment (AMA) 21541-001 October 2022
- Interim Travel Plan (AMA) 21541-002 September 2022
- Highways Technical Note (AMA) 21541 10 December 2024
- Revised Design and Access Statement (Issue 2) November 2024
- Assessment of Financial Viability (Bielby Associates) 13 December 2023
- Archaeological Evaluation (Written Scheme of Investigation) (CFA Archaeology) November 2022
- Watercourse Survey 22029 SK10 &11 Received 11 November 2022
- Planning Statement (PB Planning) September 2022
- Project Management Plan (PMP) 00.1a Issue 48 July 2022
- Tree Constraints Plan (root3) R3-536-03-AR-02 17 May 2022
- Tree Protection Plan (root3) R3-536-03-AR-03 25 August 2022
- Bat Report (root3) R3-536-02-EC-02 21 July 2022
- Ecological Impact Assessment (root3) R3-536-02-EC-01 Rev A 25 July 2022
- Geoenvironmental Appraisal (Lithos) 4350/1 July 2022
- Geophysical Survey Report (Magnitude Surveys) MSSK1317 July 2022

## **AMENDMENTS**

A reduction in the number of dwellings from 248 to 217 and associated changes to the site layout, increasing the size of the attenuation basin and public open space, and adding air source heat pumps to all dwellings..

## **EIA SCREENING OPINION**

The proposals that are the subject of this application are not Schedule 1 development but they are an urban development project as described in criteria 10b of Schedule 2 of The



Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

The proposals are not in a sensitive location as defined by Regulation 2 but by virtue of their size and scale, they do exceed the threshold set out in the second column of Schedule 2. As such, the selection criteria set out in Schedule 3; the characteristics of the development, location of the development, and the types and characteristics of the potential impact, have been considered and it is concluded that the proposals will not result in significant adverse impacts on the environment.

Therefore, the proposals that are the subject of this application are not EIA development.

## HISTORY

18/00573/OUT	Refused	Outline application for residential development including the demolition of existing buildings
13/00209/OUTMAJ	Granted Conditionally	Residential development comprising up to 360 dwellings with public open spaces, an area suitable for employment development (which could potentially include a 60 bed care home, a children's day nursery and Class B1 offices and/or light industrial units) and associated infrastructure. Demolition of two existing dwellings and partial realignment of Mooracre Lane. Reserved matters submitted for the main access junctions into the site from the highways (all other matters are reserved to a later date).

## CONSULTATIONS

### Bolsover District Council (Arts Officer)

No comments received.

### Bolsover District Council (Engineers)

1. Subject to acceptance of the SuDS design by DCC (LLFA), we must ensure the developer submits an Operation and Maintenance Plan (in accordance with section 32 of the SuDS Manual) which provides details of the arrangements for the lifetime management and maintenance of the SuDS features together with contact details. (a copy to be kept by Engineering Services )
2. The sewer records do not show any public sewers within the curtilage of the site. However, the applicant should be made aware of the possibility of unmapped public sewers which are not shown on the records but may cross the site of the proposed works. These could be shared pipes which were previously classed as private sewers and were transferred to the

ownership of the Water Authorities in October 2011. If any part of the proposed works involves connection to / diversion of / building over / building near to any public sewer the applicant will need to contact Severn Trent Water in order to determine their responsibilities under the relevant legislation.

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

4. It is essential that any work carried out does not detrimentally alter the structure or surface of the ground and increase or alter the natural flow of water to cause flooding to neighbouring properties. The developer must also ensure any temporary drainage arrangements during construction gives due consideration to the prevention of surface water runoff onto the public highway and neighbouring properties.

#### Bolsover District Council (Environmental Health)

Further information is requested in regards the noise survey submitted in support of this application. The noise from the commercial garage has been assessed as being 'very low-level', following only a total of 1 hour 40 minutes of monitoring, during which it is acknowledged that no noisy works were being undertaken. This is not a sufficiently robust assessment, and I advise this is revisited in more detail. Furthermore, additional information is requested in regards the premises identified as 'Dunedin House', and associated outbuildings – what are these used for and is there any commercial operation undertaken?

In regards potential ground contamination, I recommend the applicant submits a remediation strategy based upon the recommendation provided in report reference 4350/ 1 for my further consideration.

*Further information was requested regarding excluded sites (Fourways Garage and Dunedin House) to ensure the noise impact would be acceptable and not prejudice existing uses. The Environmental Health Officer confirmed that noise from the garage had been sufficiently addressed, but maintained concerns over the potential for the Kennels at Dunedin House to resume. The agent queried the ability to accurately assess the kennels as they aren't in use.*

Planning applications for new kennels are usually supported with noise impact assessments, however they are prone to significant uncertainty, and as a result EH are usually resistant to applications which seek to introduce commercial kennels to within close proximity of residential property.

If the developer cannot secure some form of legally binding undertaking with the kennel owners not to resume the commercial operation of the kennels, then any noise assessment would have to include a physical inspection of the kennels, or assume they offer negligible levels of noise mitigation. Given the potential for the kennelled dogs to bark significantly at night, I would envisage that substantial acoustic mitigation would likely be required in the form of upgraded glazing and mechanical ventilation to impacted noise sensitive rooms, and an acoustic fence to safeguard garden amenity

*Following a revised Noise Impact Assessment being received:* The scheme of mitigation in regards the kennels doesn't appear to offer any consideration of overheating of bedrooms overlooking the kennels. Should barking occur at night, which is not uncommon with commercial kennels, then significant adverse impacts will arise as a result of the development.

Further information is also requested in regards the impact of barking upon the use and enjoyment of external amenity areas. The assessment should include consideration of the acoustic features of barking.

*The applicant responded that overheating will now be picked up under Approved Document O of the Building Regulations, so this would secure whether additional alternative ventilation measures would be needed or not, and that the proposed 2m acoustic fence is to be delivered to mitigate any potential impacts on external amenity areas, which is based on the assessment contained within the report. A condition was suggested.*

Compliance with Building Regulations document O is usually determined based on current circumstances (i.e. existing noise levels), it is unlikely to adequately consider noise from the potential reuse of the kennels. If this isn't fully evaluated to the satisfaction of the LPA, it could seriously jeopardise the ability for the neighbouring land to be used for the commercial operations currently permitted, contrary to the requirements of the NPPF.

I'm not satisfied that they have sufficiently characterised the impact of noise from barking – it is quite likely that housing immediately adjacent to commercial kennels will give rise to significant amenity impacts. We cannot just assume that external noise levels will be addressed by way of a 2 metre acoustic fence.

Where noise mitigation is likely to require the occupiers to keep windows closed to maintain a reasonable internal noise level, good acoustic design is essential at the earliest phase of the design, it is not appropriate to seek to resolve it by way of the building regs process once the design has been finalised.

If the applicant is not prepared to consider this further, by recommendation would have to be one of refusal.

*A further revised Noise Impact Assessment was received.*

The noise assessment makes predictions based upon limited knowledge of the kennel design/layout, and proposes limited noise controls based upon these assumptions.

It seems we are all in agreement that the kennels could reopen, and therefore that the mothballed business operation should be afforded a suitable degree of protection. Given the potentially significant impacts which could arise in the event business operations resume, I would need to be satisfied of the following:

A suitable, robust scheme of noise mitigation taking into account uncertainty has been agreed. Where noise levels exceed guidelines, the applicant should demonstrate that good acoustic design principles have been followed as far as is practical. This should include layout and orientation of noise sensitive bedrooms and external amenity areas.

Where windows must be kept closed to ensure reasonable internal noise levels are maintained, an overheating risk assessment should be completed to ensure that ventilation provision is adequate.

I appreciate these suggestions will be somewhat unwelcomed by the applicant, but I can't see

we have any other option.

*Information was supplied to the applicant to help them understand where planning permissions identified and permitted kennel locations on the site so that this could be appropriately considered. The applicant was happy to accept a condition to deal with overheating and considered that the existing dwellings of Dunedin House and Villa Mar were in close proximity to the kennels while they were operating and so was previously deemed acceptable.*

The previous application, identified by the applicant below, confirms that kennelling facilities exist across the site, not just along the northern boundary as previously assumed. The noise report therefore doesn't fully assess the risks.

In regards overheating, building regulations only considers night-time noise issues. EH routinely ask for overheating to be considered at design stage, their acoustician we will be well aware of this.

We are looking at putting housing next to land earmarked for use as a commercial kennels – an acoustic fence won't be sufficient to control potentially significant external and internal amenity impacts. If we permit this, and the kennels reopen, we will most likely have significant adverse impacts.

The (possibly overly simplistic) way I see it is they have three options:

Agree something with the kennel owners that is legally binding, ensuring the kennelling uses will not resume.

Remodel the layout of housing along the boundary with the site.

Split the development into phases, and the phase next to the kennels be agreed as an outline permission only.

Otherwise, at this current time my recommendation would have to be one of refusal.

*Following further revisions to the Noise Impact Assessment to ensure all areas of likely noise; particularly the open runs to the north of the site, were properly considered, and further consultation with the Environmental Health Officer, noise was considered adequately addressed with conditions recommended by the Environmental Health Officer to secure the measures recommended in the latest Noise Impact Assessment (P22-278-R01v10 dated June 2025) and verify installation, require a scheme to deal with airborne dust during construction, control of construction working hours, removal of made ground and control of contamination, and control over imported soil. The Environmental Health Officer did ask for further information from the developer in regards the predicted AADT traffic flow for the site but given the site is allocated for the proposed use in the adopted Local Plan, this was not considered reasonable at this stage.*

Bolsover District Council (Leisure)  
Open Space

Policy ITCR5 of the Local Plan for Bolsover (March 2020) sets out standards to improve green space and play provision in the district.

Formal Green Space could be either amenity green space, informal recreation grounds, or equipped play areas, or a combination, bearing in mind that all residents should be within 400 metres of an equipped play area.

As noted above, Policy ITCR5 sets out new Green Space Quantity Standards Any residential development of 25 or more dwellings will be required to make provision for an equipped play area and new or enlarged green space either on site or within 400 metres walking distance in accordance with the following minimum standards:

- a) 1.86 ha. of Formal Green Space (Amenity green space, Recreation Grounds, and Equipped Play Areas) per 1,000 population
- b) 1.2 ha. of Semi-natural green space per 1,000 population
- c) In settlements where the current provision for either formal or semi natural green space exceeds minimum standards a reduction will be made in the relevant requirement to reflect the percentage of the development site that is within 400 metres walking distance from the edge of existing publicly accessible formal and/or semi-natural green space of at least 0.5 hectares in size.

The Bolsover Green Space Strategy (2012, updated 2018) indicates that Bolsover has a significant under provision of open space – 5.85ha of additional formal green space is required to meet the minimum standard.

In accordance with policy ITCR5, a development of this size (217 dwellings) would require provision of 0.87 ha of Formal Green Space and 0.52 ha of Semi natural Green Space (a total of 1.39 ha).

I note that drawing no. 2213.01 (Planning Layout) identifies that the total area of public open space within the proposed development site totals 1.5ha, which includes Public Open Space (0.89 ha), Attenuation Basin (0.57 ha) and Playspace (0.04 ha).

Although the inclusion of the proposed attenuation basin as public open space is questionable, the other areas of public open space exceed the requirement in Policy ITCR5 anyway, so the attenuation basin would meet the requirement for semi-natural open space, assuming that the detention basin were suitably vegetated.

## **Playspace**

I note that the area surrounding the proposed LEAP (play area) has been increased significantly in this iteration of the Planning Layout (Revision L). This is welcomed as this is now a more usable space, which is centrally located, overlooked by neighbouring properties and easily accessed via the network of pedestrian and cycle paths through the proposed development. However, the actual design of the play area and choice of equipment does throw up a few issues.

## **LEAP (Locally Equipped Area for Play):**

*An area of open space specifically designed and laid out with features including equipment for children who are beginning to play independently. The number and nature of equipment and structures is a matter for local decision, though provision for a minimum number of six play experiences is recommended.*

*Play features including equipment are an integral part of the LEAP and the attractiveness of such spaces, though it is also important that the space can be used for physical activity and games. LEAPs can also include landscaped areas of play; containing little formal equipment but imaginatively designed and contoured, using as far as is possible natural materials such as logs or boulders which create an attractive setting for play.*

I note that the Play Area Detail (Dwg No R3-536-03-LA-03) includes four distinct items of play equipment (although one of these is a trail), all of which is of timber construction. Our preference would be for metal equipment for reasons of durability, resistance to vandalism and ease of repair. Timber would be acceptable if this area is to be managed / maintained by the developer's nominated management company. If the area were to be adopted by the Council, we would insist on equipment that is largely metal in construction (steel or aluminium).

We would expect a wider range of equipment / play value than is proposed (e.g. there is currently no equipment that allows for rotating, sliding, rocking, bouncing or gliding) with access / inclusivity being a consideration in the choice of equipment and would suggest that the boulders are omitted, based on our experience on other sites.

I also note that it is proposed to plant three trees within the play area, all of which are adjacent to the proposed bowtop fence. It is recommended that these are omitted to prevent issues in future where the trees become entangled with the fence. The trees outside the play area would be acceptable as long as they do not limit visibility into the open space / play area. On a similar note the proposed hedge surrounding the open space should be kept low to maintain natural surveillance across the open space.

Finally, it is recommended that the self-closing gates should be Easy Gates, which are essentially 'fit and forget' due their durability and ease of maintenance.

Policy ICTR5 also states that "In addition new residential developments of more than 10 units will be expected to make reasonable financial contributions, either for new green spaces, or to improve green spaces, falling within the following walking distances:

- Equipped Play Areas within 400 metres
- Amenity Green Space within 500 metres
- Recreation Grounds or Semi-Natural Green Space within 800 metres

The Council will prioritise contributions to achieve minimum quality standards of 60% for Green Spaces".

In line with Policy ICTR5 a s106 commuted sum contribution will be sought to improve the following areas of green space, all of which fall below the 60% (good) quality standard:

### **New Green Space:**

**Existing Amenity Green Space:** Langwith Road Verge / St. Lawrence Avenue / St. Lawrence Square (all within 500m / 6 minutes walking distance)

**Existing Recreation Ground / Semi-Natural Green Space:** Mansfield Road Recreation Ground, Hillstown (within 800m / 10 minutes walking distance)

Using the current policy formula, the commuted sum payment would be £250,852 (217 dwellings x £1,156 per dwelling). This amount is based on 2025 prices and should be index linked to the RPI in terms of timing of payment.

### Built & Outdoor Sports Facilities

Policy ITCR7: Playing Pitches states that “If improvements to existing pitches are needed, new residential development of more than 10 dwellings will be expected to make financial contributions to the improvement of playing pitches and / or their ancillary facilities. The Playing Pitch strategy and assessment will be used to consider the most appropriate site for enhancements. The site must be well-related to the development. The Council will prioritise contributions to achieve minimum quality standards of ‘average’ for playing pitches.

As the proposed development is not of sufficient scale to require any dedicated on site built / outdoor sports facilities, it is recommended that a suitable commuted sum is negotiated in lieu of any formal on site requirement. Using the current policy formula, the commuted sum would be £305,753 (217 dwellings x £1,409 per dwelling). This amount is based on 2025 prices and should be index linked to the RPI in terms of timing of payment.

Such a commuted sum would be invested in improving playing pitches and their ancillary facilities at Moor Lane, Castle Leisure Park and Mansfield Road Recreation Ground, Hillstown.

All were assessed as ‘standard’ (although the youth (9v9) pitch at Moor Lane was rated as ‘poor’) in the Bolsover Playing Pitch Strategy Assessment Report (Knight, Kavanagh and Page, August 2017).

### Maintenance Sum

Maintenance sums are not usually enforceable on payments made in lieu of on-site provision.

However, we would expect to receive a commuted sum for a period of 10 / 15 years following completion of the development for any land adopted by the district council. This would be index linked in accordance with the current Local Plan policy and will cover grounds maintenance and the ongoing management and maintenance of any play equipment, fencing, etc. provided by the developer.

The exact level of commuted sum will need to be negotiated once the nature, size and form of the land to be adopted has been agreed and approved.

### **Connectivity**

I note that the Planning Layout (drawing no. 2213.01) appears to show a network of shared cycle / pedestrian paths within the proposed development, including a connection to the service road running to the north of Langwith Road, which is welcomed. This also connects



into the existing development to the north allowing cycle access between Langwith Road and Mooracre Lane and into the network of quieter estate roads on the eastern side of Bolsover town centre.

I also note that Derbyshire County Council as Highways Authority has requested the inclusion of a condition relating to bicycle parking to promote sustainable travel and healthy communities, viz *“No individual dwelling in the Development hereby approved shall not 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”*.

I also welcome the inclusion of the linear green corridor along the western boundary with a walking route through it. It is noted that “this space is overlooked by new homes with the potential to include new native planting”, which would enhance this area as both useable public open space and as a semi-natural green space.

#### Bolsover District Council (Planning Policy and Strategic Housing)

#### **Local Plan for Bolsover District (Adopted March 2020)**

The following policies are considered relevant to the application:

- Policy SS1: Sustainable Development.
- Policy SS2: Scale of Development.
- Policy SC1: Development Within the Development Envelope.
- Policy SC2: Sustainable Design and Construction.
- Policy SC3: High Quality Development.
- Policy SC4: Comprehensive Development
- Policy SC7: Flood Risk
- Policy SC9: Biodiversity and Geodiversity
- Policy SC10: Trees, Woodlands, and Hedgerows.
- Policy SC11: Environmental Quality (Amenity)
- Policy SC12: Air Quality.
- Policy SC13: Water Quality
- Policy ITCR5: Green Space and Play Provision.
- Policy ITCR9: Local Transport Improvement Schemes.
- Policy ITCR10: Supporting Sustainable Transport Patterns.
- Policy ITCR11: Parking Provision.
- Policy II1: Plan Delivery and the Role of Development contributions
- Policy II2: Local Employment and Skills.

There is no neighbourhood plan which applies to the application site.

#### Material Considerations

#### **Supplementary Planning Documents**

- Successful Places (A Guide to Sustainable Housing Layout and Design) 2013
- Adopted Local Parking Standards 2024.
- National Planning Policy Framework (NPPF) policies relevant to the application are:
  - Part 2: Achieving Sustainable Development.
  - Part 5: Delivering a sufficient supply of homes.
  - Part 8: Promoting healthy and safe communities.
  - Part 9: Promoting sustainable transport.
  - Part 11: Making effective use of land.
  - Part 12: Achieving well-designed places.
  - Part 14: Meeting the challenge of climate change, flooding and coastal change
  - Part 15: Conserving and enhancing the natural environment

The NPPF at paragraph 3 identifies that the NPPF should be read as a whole including its footnotes and annexes.

- National Planning Policy Guidance (PPG) brings together national planning guidance on various topics.
- ODPM Circular 06/2005 Biodiversity and Geological Conservation – The circular remains in force. In summary: This provides that it is essential that the presence or otherwise of protected species and the extent that they may be affected by the proposed development is established before planning permission is granted. This is a material consideration and must be addressed in making the decision.

### Legislation

- Natural Environment and Rural Communities Act 2006 section 40 duty identifies that “the general biodiversity objective” is the conservation and enhancement of biodiversity.

### **Description**

#### Proposal

The site in question is located within the Development Envelope of Bolsover and is allocated for residential development. The revised proposal is for the construction of 218 dwellings.

### **Policy**

The Local Plan for Bolsover District was adopted by the Council on 4<sup>th</sup> March 2020. The policies in the Local Plan, considered as a whole, are the starting point for decision-making. The National Planning Policy Framework (NPPF) is a material consideration.

Policy SS1: Sustainable Development sets out the factors that will inform the assessment of whether a development contributes to sustainable development. The

development will also need to reflect the requirements set out in Policy SC2 Sustainable Design and Construction, and Policy SC3: High Quality Design. Under these policies the following are required:

- A Planning / Sustainability Statement submitted with the application that addresses all of the factors in Policy SS1.
- Provision for new works of public art which are designed and established, with engagement and support of the local community. (Policy SC3 which applies as the proposal is for more than 100 dwellings).

Policy SS3 sets out the spatial strategy and distribution of development. This is reflected in the allocation of a supply of deliverable sites for housing under Policy LC1: Housing Allocations, which includes the parcel of land between Langwith Road and Mooracre Lane. See Plan 1 below. Consequently, as an allocated site, the principal of residential use has been established.

The site in question is located within the Development Envelope of Bolsover as identified by the Local Plan and Proposals Map. The northern part of the allocation has already been developed. Two additional areas identified in the allocation are not included in the current planning application:

- Four Ways Garage off B6417.
- Dunedin House and associated buildings and land off Langwith Road.

Consideration should be given to Policy SC4: Comprehensive Development. The Policy includes a requirement for a masterplan which identifies how the site as a whole will be comprehensively planned and developed. I note that a planning layout plan has been submitted (Date 22.07.22. Project No: 2213. Drawing No. 2213.01) which identifies that the above sites could be developed with their own road access onto Langwith Road and the B6417.

Policy LC1 provides that “in order to achieve sustainable development, the local planning authority will impose conditions on planning permissions or seek to enter into a planning obligation under S106 of the Town and Country Planning Act 1990, to secure the expected requirements for each site set out in paragraphs 5.16 to 5.40 and where relevant elsewhere”. Therefore, while the principle of residential use has been determined the Policy includes development considerations. For the allocation as a whole, the requirements are set out in paragraph 5.16 which states:

- a. Construction of a new highway link through the site to Mansfield Road.
- b. Contribution to increasing the capacity of the Langwith Road / Mansfield Road junction.
- c. Contribution to the development of the Bolsover Town cycle and walking networks.
- d. Contribution to increasing the capacity of both primary and secondary phase schools.
- e. Provision of green space within the site.
- f. Provision of SuDS within the site.
- g. 10% affordable housing provision.

The requirement for affordable housing is set out in Policy LC2. For residential development comprising 25 or more dwellings the requirement under the Policy is to provide 10% affordable housing on site. It identifies that this should be in the form of affordable housing for rent. The Policy recognises that viability can change over time and where there are viability issues it is necessary for the applicant to submit a detailed viability assessment. If an assessment is submitted it should reflect the provisions of the Planning Practice Guidance on viability. The RICS have also produced guidance for chartered surveyors "Assessing viability in planning under the National Planning Policy Framework 2019 for England" which they are required to follow.

Under Policy LC3 development proposals should seek to ensure an appropriate housing mix of dwelling types and sizes taking account of imbalances in the housing stock. The Council is commissioning a Local Housing Need Assessment but this is not anticipated to be available until the summer.

The risk of flooding should be considered against Policy SC7: Flood Risk. The approach to flooding is the application of a sequential test and if necessary an exception test. This applies under NPPF paragraph 167 to all sources of flooding including surface flooding. The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. However, in accordance with NPPF paragraph 172 the application of the sequential test is not necessary "where planning applications come forward on sites allocated in the development plan through the sequential test, applicant need not apply the sequential test again." It is noted that a site specific flood risk assessment has been submitted with the application in accordance with the policy for sites of over 1 ha. Policy SC2 identifies that the sustainable drainage principles should be adopted including the application of the drainage hierarchy.

Under the NPPF paragraph 180 d) development should provide development net gain. This is also reflected in Policy SC9: Biodiversity and Geodiversity. At the time the application was submitted there was not a requirement legal requirement to meet 10% Biodiversity Net Gain.

Given the number of proposed dwellings, there is a requirement for green space and play provision. The requirements are identified in relation to Policy ITCR5 which sets out Green Space Quality Standards together with the expectation that development will make financial contributions towards new green space or improved green space.

Policy ITCR9: Local Transport Improvement Schemes advises that planning permission will be granted where the proposal would not prejudice the delivery of a number of transport schemes and identifies improvements to the A632 Rotherham Road junction in Bolsover as one of these transport schemes. It would also require consideration of public transport routes alterations and improvements and cycle and walking networks which are highlighted on the Proposals Map to the Local Plan. A Transport Statement/Assessment and Travels Plans will be required under Policy ITCR10: Supporting Sustainable Transport Patterns.

As set out in relation to the housing allocation supporting infrastructure will be required. Policy II1: Plan Delivery and the Role of Developer Contributions provides a policy basis for planning obligations for a range of green, social and physical infrastructure types, including health and green space.

As the proposed development will provide over 30 dwellings, under Policy II2: Employment and Skills an 'Employment and Skills Plan' is required to be submitted for approval. The Plan should set out the opportunities for, and enable access to, employment and up-skilling of local people through the construction phases of the development and, where appropriate, during first occupation of the development.

## **Conclusion**

The application site is a housing allocation identified in the Local Plan for Bolsover District. Consequently, the principal of residential use has been established. However, it will be necessary for the proposed development to meet the infrastructure, design and sustainability requirements set out in the Local Plan, taking into account the provisions of national planning policy and guidance as a material consideration.

### *Supplementary comments received:*

Further to our comments dated 27<sup>th</sup> February 2024, it is noted that there have been changes in national planning policy, the Council has completed its five year Local Plan Review in accordance with the Town and Country Planning (Local Plans) (England) Regulations 2012 (as amended) and that additional information has been submitted by the applicant in relation to the following matters:

- Proposed Layout and Drainage Strategy
- Affordable Housing and Housing Mix
- Infrastructure Provision
- Viability
- Achieving Sustainable Development

*Additional comments on these matters to supplement or update that previously provided were concluded as:*

The application site is a housing allocation identified in the Local Plan for Bolsover District. Consequently, the principal of residential use has been established.

The applicant is proposing to meet the Council's requirement for 10% affordable housing in a policy compliant manner. However, the proposal is demonstrably not able for viability reasons to meet all of the requested infrastructure financial obligations, in particular Derbyshire County Council's education contributions.

Following national policy and guidance, the Council's Local Plan for Bolsover District allows for deviation away from policy requirements due to viability in relation to affordable housing provision (policy LC2), type and mix of housing (policy LC3) and role of developer contributions (policy II1).

National planning guidance contained within Planning Practice Guidance Viability and the Department for Education (DfE) non-statutory guidance Securing Developer Contributions For Education (August 2023) emphasise that developer contribution should be sought to contribute towards school places arising from housing development. However, paragraph 80 states that "We recognise that local planning authorities can reduce education contributions

due to development viability and their own prioritisation of infrastructure types, sometimes agreeing with the developer a lower total amount for education in a planning obligation.”

While developer contributions should be the ‘first port of call’ to meet the educational requirements arising from residential development, the guidance identifies that there will be circumstances where a development cannot meet the full education requirements due to viability issues. In these circumstances, the guidance indicated that funding is available from other sources if viability means that the full education contributions cannot be achieved. However, it is noted clear that this alternative source of funding will ultimately be available.

Ultimately, whether a proposal represents sustainable development is a matter of planning judgement. As such, based on the Council’s Local Plan position it is deemed that on balance that a decision to approve would be reasonable given that the proposal is part of a Local Plan housing allocation and the proposal would contribute to both general and affordable housing supply and make some financial contributions to meet a number of local infrastructure capacity needs. This is particularly the case given the weight to be given to the Ministerial Statement about the need for housing and the Council’s own five year housing land supply position.

Whilst it is noted this will lead to a shortfall in the funding available for educational capacity purposes in the short term, based on national guidance there should be a mechanism for this to be addressed in future years. In relation to this, the omission of the existing capacity at the New Bolsover Primary School within Derbyshire County Council’s calculations of the number of expected school place is of concern given the relatively nearby distance of the school to the development (within 1.5 miles of the site). As such, it may be that this would undermine the Council’s ability to sustain a decision to refuse the application at Appeal.

However, if a recommendation is put forward to approve the application, the Section 106 Agreement should include a provision for a review mechanism to reconsider viability at a future date given the development is expected to take more than five years to be built out.

#### Bolsover District Council (Streetscene)

Plan received showing where bins should be presented for refuse collection.

#### Derbyshire County Council (Archaeology)

The proposal site is within the area granted outline consent under 13/00209/OUTMAJ. The site was subject to geophysical survey as part of this outline application, and the site to the north subsequently went through archaeological evaluation and a targeted mitigation excavation for which a report has not yet been submitted to finally discharge conditions. These investigations on the northern site identified a Romano-British field system without obvious settlement foci, and a double-ditched square enclosure tentatively identified as a Romano-Celtic shrine, though without confirmatory material culture beyond a few sherds of Iron Age and Roman pottery.

The current proposal site has had a second geophysical survey as part of the current application, with comparable though slightly more detailed results, showing similar field system archaeology with some possible enclosures or house gullies, of probable Iron Age/Roman date. The site clearly therefore has a similar level of archaeological potential, with the possibility of extending and refining the results of the previous phase of excavation, and

contributing towards the ongoing research topics around the chronology and social context of these field systems and the associated settlement patterns.

Conditions should therefore be attached to any planning consent, to secure an appropriate scheme of archaeological work in line with NPPF para 218. This will comprise trial trenching in the first instance to assess potential and preservation, and to inform a second phase of site-wide or targeted excavation to capture the research value of the archaeological resource to be impacted.

Derbyshire County Council (Strategic Infrastructure):

- **Primary Level** - The proposed development falls within and directly relates to the normal area of Bolsover Infant and Primary School and Bolsover CoE Junior School. The proposed development of 217 dwellings would generate the need to provide for an additional 52 pupils (22 infants and 30 junior). The analysis of the current and future projected number of pupils on roll, shows that the normal area primary schools would not have sufficient capacity to accommodate the 52 primary pupils arising from the proposed development. The County Council therefore requests a financial contribution of **£1,079,939.12** towards the provision of additional education facilities at Bolsover Infant and Nursery School and Bolsover C Of E Junior School
- **Secondary Level** - The Bolsover School has a current net capacity of 900 pupils and had 908 pupils on roll as at January 2025. The latest projections show the expected number of pupils to be 910 in 5 years time. The analysis of the current and future projected number of pupils on roll, shows that the normal area secondary school would not have sufficient capacity to accommodate the 43 secondary pupils arising from the proposed development. The County Council therefore requests a financial contribution of **£1,345,623.51** towards the provision of additional education facilities at The Bolsover School
- **SEND** – Request **£180,516.41** towards SEND places.
- **Libraries** – A stock only contribution only contribution of **£15,292.42** is requested.
- **Broadband** - developers should look to provide for NGA broadband infrastructure services as an integral part of the development scheme at the outset.
- **Local Authority Collected Waste** The County Council is currently reviewing its approach to assessing the impact of housing development on waste services.
- **Public Health and Adult Social Care** Our recently published All-Age Accommodation Strategy notes a modest need to develop ‘care ready’ type housing for rent or affordable retirement living properties; none of the proposed dwellings meet this type of need.
- **Employment and Skills** The County Council would wish to work collaboratively to support the District/Borough Councils to identify where activities or contributions are required to deliver employment and skills development where they are supported by policies in the local plan.
- **Monitoring fees** In line with the revised Community Infrastructure Levy Regulations 2010 (as amended) Regulation 122 2(a), the County Council will seek a monitoring fee towards the monitoring and reporting of S106 contributions.

*Further to a meeting held with the County Council on 09 September 2025 in respect of the implications for the provision of strategic infrastructure and services, the County Council*



*reiterated its concerns about the proposed s106 contributions particularly in terms of those suggested for Education. It reserves the right to appoint a suitably qualified person to undertake a further independent viability review of the documentation and confirms that as set out in their Developer Contributions Protocol in paragraph 4.22 the County Council may consider lodging an objection to the application on the grounds that the development is unsustainable.*

#### Derbyshire County Council (Flood Team)

Derbyshire County Council as the Lead Local Flood Authority (LLFA) has reviewed the information submitted for this application, which was received on 22 September 2022, with additional information received on several occasions since. The LLFA has no objection subject to the conditions.

#### Derbyshire County Council (Highways)

The HA's previous consultation responses raised a number of highway issues and in the intervening period a number of discussions have taken place to try and resolve the highway issues, which has culminated in the recently submitted revised drawings/information, so from a highway aspect the proposals are now considered acceptable in principle although it should be noted that in order to implement the scheme a separate construction approval process with the HA will need to be progressed – this scrutinises construction details and will be necessary in order for the HA to enter into a Section 38/278 Agreement for any works, so street lighting/highway drainage design will need to be formally approved by the HA as part of any Section 278/38 Agreements pursued for these works, but it is likely that amendments will be required to the proposals submitted and therefore no formal HA approval is given at this stage.

The construction of the works will inevitably lead to considerable disruption in the area which will affect several existing dwellings, so a Construction Management Plan (CMP) will therefore be an essential element, to be secured by Condition. The submitted Travel Plan (TP) is a live document that evolves with the site and will require continual monitoring, especially through the early years of the development, so the HA would wish to be involved in this process to ensure the aspirations of the TP and development accords with the assumptions made at this stage within the transport modelling. Responsibility for the monitoring of the TP ultimately rests with the developer and any fee paid to Derbyshire County Council will cover reasonable costs incurred by the Authority in the processing of submitted progress reports, undertaking site visits, and attending meetings as appropriate, to ensure the TP meets its agreed targets.

Whilst the revised information is generally acceptable in highway safety terms there are, as highlighted above, a number of issues that would require further input before the proposals would be fully acceptable in terms of highway adoption, but it is considered that the remaining issues may be addressed by appropriate Conditions/Informative Notes appended to the consent issued for this development in the interests of highway safety.

The latest S106 request is:

- Road network contribution of £592 per dwelling.
- Bus service contribution £236 /dwelling.
- Travel Plan contribution of £45 per dwelling.
- Traffic Monitoring Contribution £19 per dwelling.

### Derbyshire Wildlife Trust

We have reviewed the Ecological Impact Assessment (Root 3, April 2022) and the separate Bat Survey Report (Root 3, July 2022). We advise that sufficient survey effort has been employed and best practice guidance followed. Habitats are of relatively low ecological value and protected species constraints are mainly limited to nesting birds (using onsite vegetation and swallow nests in B3 and B4) and hedgehog. No mitigation is currently provided for the loss of the swallow nests.

Numerous hedgerows are present within the site boundary, one of which (H8) qualifies as 'important' under the Hedgerow Regulations 1997. The other native hedgerows comprise Habitats of Principal Importance. H8 will be retained, outwith the curtilage of residential dwellings, although some minor loss may be required for access. Other hedges are retained in the large part, however most will comprise garden boundaries, which is not recommended due to the lack of future safeguards. Recommendations are made for species-rich hedgerow planting to achieve no net loss of hedgerow on site.

Whilst reasonable recommendations for ecological enhancements are made in Section 7 of the EclA, no biodiversity metric has been provided and as such we cannot advise on whether proposals comply with national and local policies to achieve a net biodiversity gain. We advise that a biodiversity metric is submitted to quantify losses and gains and information provided to address any losses. Once this element of works has been addressed, we can suggest wording for any necessary conditions.

*Later consultation:* We previously responded to this application in our letter dated 1st December 2022. Since then, revisions have been made to the proposed layout (Rev. L). This appears much improved, with a green corridor along the western boundary and the incorporation of additional POS in the form of a LEAP. The attenuation basin in the north-east is still proposed. Efforts appear to have been made to retain most of Hedgerow 8 (numbering as per the EclA) outside of residential curtilage, which is considered important under The Hedgerow Regulations 1997. All opportunities should be taken for gap planting and enhancing this hedgerow as part of the landscaping works.

No update ecology data appears to have been submitted with the recent amendments. Given that the previous ecological surveys were carried out in April 2022, we advise that an update site visit should be carried out to highlight any significant changes to habitats or species receptors. It should also confirm any requirement for update bat survey work. It may be suitable to issue a shorter update / addendum report(s), dependent on findings.

We previously noted that no metric had been submitted for the site and whilst it is not subject to mandatory 10% net gain, the scheme should deliver some level of gain, in line with local and national policies at the time of submission. Evidencing this using a metric is the most standardised approach to quantify losses and gains and would be in line with other large pre-mandatory schemes. To do this, onsite habitats should be classified using UKHabs methodology and condition assessments.

In addition, we would expect the scheme to incorporate features including integral nest boxes, bat boxes, hedgehog gaps and other species enhancements. This could be detailed on the landscape plans at this stage or secured through a suitably worded condition. Our previous letter referred briefly to swallow mitigation, as nests will be lost from Buildings 3 and 4.

Consideration should be given to whether suitable covered structures could be incorporated within the scheme, such as log stores, car ports or porches. Could a covered structure be provided close to the attenuation basin, such as a pergola or shelter or some bespoke structure in conjunction with the pumping station? The attenuation basin may provide a source of mud for nest building when conditions are damp and a suitable feeding area.

*Following receipt of further information:* Further to our previous response dated 3rd February 2025, updated ecology documents have been submitted, namely:

- Updated Ecological Walkover (Root3, February 2025)
- Phase 1 Habitat Map
- Biodiversity Impact Assessment V3 and metric (Root3, March 2025)
- Landscape General Arrangement Rev. D.

#### Update Survey

A site visit in February 2025 has confirmed that onsite habitats and their condition remain largely similar to those recorded in 2022. Update bat surveys are required on Buildings 1 to 5 due to the time elapsed since previous survey work. These must be undertaken prior to determination. Other protected species constraints remain the same.

#### BNG

Whilst the application was submitted prior to mandatory 10% net gain, it should still seek to deliver some level of gain, in line with the NPPF and local planning policy. A BNG assessment and metric have now been submitted. It appears that some BNG assessment was carried out in 2023, using Metric 3.1, and therefore this metric has just been updated using the most recent Landscape Plan Rev. D. This is acceptable.

The metric is completed with a high level of detail, which is welcomed. We have two comments on the metric, as follows:

- 127 trees in gardens are included in the metric, along with 2km of ornamental hedgerow in gardens. Whilst the metric does not give a unit gain for the hedges for some reason, it does include a +1.45 unit gain for the garden trees. The User Guide states that all habitats within gardens must be reflected as vegetated garden and these trees should be removed.
- We would also expect the proposed orchard to be seeded with a meadow grassland mix and managed with a low intensity mowing regime, if it is to be classified as traditional orchard in the metric. Currently an amenity mix is proposed.

A net loss of -8.97 habitat units (28.28%) are predicted and this will likely increase when the garden trees are removed. A gain in hedgerow units is proposed. The BNG Assessment indicates that the applicant plans to purchase offsite units to deliver at least 1% gain. This is acceptable and offsite units should be sought to deliver a gain and satisfy the trading rules. This should be readily achievable as the largest loss is of low distinctiveness habitats on this site, which can be offset by habitats of the same or higher distinctiveness. As the application is pre-mandatory, a Gain Plan is not required. We therefore advise that onsite gains are secured through a condition for a Landscape and Biodiversity Enhancement and Management Plan (LBEMP) and the requirement to purchase offsite units is secured through a S106 agreement (preferred) or appropriately worded condition.

#### Species Enhancements

We note that species enhancements have been added to the Landscape Plan Rev. D, which

are welcomed and would avoid the requirement for a separate species enhancement condition. We have the following comments:

- Integral universal nest bricks should be provided at a ratio of 1:1 with dwellings, in line with British Standard BS 42021: 2022.
- We would advise further consideration of whether a barn owl box is suitable, given the adjacent roads and junctions.
- No consideration / further details have been provided regarding swallow compensation, as per our previous comments.

Final comments and condition wording can be provided upon completion of the bat survey work and the small amendments to the metric.

*Following receipt of revisions:* Further to our letter dated 17th April 2025, the Biodiversity Impact Assessment and metric have been updated to Revision D. Our previous two comments on the metric calculations have been addressed. This results in a loss of -10.41 habitat units (-32.85%). It is indicated that offsite units will be purchased to deliver at least 1% gain.

As the application is pre-mandatory, a Gain Plan is not required. We therefore advise that onsite gains are secured through a condition for a Landscape and Biodiversity Enhancement and Management Plan (LBEMP) and the requirement to purchase offsite units is secured through a S106 agreement (preferred) or appropriately worded condition.

Our previous comments on the bat surveys and species enhancements are still applicable.

*The applicant queried agreement of a condition which requires the bat surveys to be undertaken, submitted, and approved pre-demolition of the buildings, given it would be some time before any such buildings would be demolished and the survey work would need to be duplicated. Derbyshire Wildlife Trust confirmed that Section 9.2.4 of the British Standard for Biodiversity (BS 42020:2013) does include a provision to condition update protected species surveys in this scenario. In relation to the exceptional circumstances in which surveys can be conditioned, it states:*

“To confirm the continued absence of a protected species or to establish the status of a mobile protected species that might have moved, increased or decreased within the site.”

However, if a roost were recorded post-determination, we no longer have the mechanism to secure mitigation through a condition. This is one of the reasons we advise the surveys are pre-determination, to give the opportunity not only to ensure that mitigation is possible but also to make sure we have the chance to secure it via a condition. Derbyshire Wildlife Trust therefore set out the importance of being able to mitigate against the worst case scenario, such as a maternity roost of brown long-eared bats which require flight space i.e. a bat loft. While this is unlikely, such a bat loft would need to be incorporated within a garage or roof space. As such, a condition that would require update bat surveys and submission of a mitigation strategy, prior to demolition of the buildings would be necessary. Compensatory roost(s) should be in situ, prior to demolition of any buildings with confirmed roosts, so demolition would have to wait until several homes are built with bat boxes or a bat loft is provided dependant on the findings. Minor mitigation such as access tiles in roofs may not even require any variations to the permission and the bat boxes to be provided anyway may

be sufficient.

#### Integrated Care Board (NHS)

The development is proposing 217 (A) dwellings which based on the average household size of 2.5 per dwelling and assuming 100% of the new population would come into this area for primary care health provision would result in an increased patient population of approx 542 (B) (2.5 x A).

The calculation below shows the likely impact of the new population in terms of number of additional consultations. This is based on the Dept. of Health calculation in HBN11-01: Facilities for Primary and Community Care Services.

It is unlikely that NHS England or NHS Derby and Derbyshire CCG would support a single handed GP development as the solution to sustainably meet the needs of the housing development and that the health contribution would ideally be invested in enhancing capacity/infrastructure with existing local practices. The closest practices to this development, which include the site in their catchment area are;

- Welbeck Road Medical Centre
- Castle Street Medical Centre
- The Friendly Family Surgery

We would like to discuss the potential for S106 funding to be used to increase clinical capacity at a practice within the vicinity the development.

The NHS Derby and Derbyshire Primary Care Estates Strategy has identified this area of Bolsover as a high priority, with anticipated short term growth over the next 5 years creating capacity issues for the local practice facilities which collectively are fully utilised.

The amount requested is proportionate to the scale of the housing development proposed.

The indicative size of the premises requirements has been calculated based on current typical sizes of new surgery projects factoring in a range of list sizes recognising economies of scale in larger practices. The cost per sq m has been identified by a quantity surveyor experienced in health care projects.

This is the cost of providing additional accommodation for 542 **(B)** patients: £216,800.00.

#### Old Bolsover Town Council

Old Bolsover Town Council would like to submit an objection in respect of planning application 22/00478/FUL for the following reasons:

1. The lack of capacity in the existing foul and surface water drainage systems, which is already significantly impacted by the Keepmoat development in the area.
2. Residents regularly report issues with sewerage issues and toxic smells in properties and to date no action has been taken to address this.
3. Residents have also raised concerns about the potential of flooding in the area due to the inadequacy of drainage systems on local developments.

The Town Council would like to support the comments and conditions raised in the response from Yorkshire Water Services dated 10 October 2022 as set out below:

"If planning permission is to be granted, the following conditions should be attached in order to protect the local aquatic environment and Yorkshire Water infrastructure:

The site shall be developed with separate systems of drainage for foul and surface water on and off site. The separate systems should extend to the points of discharge to be agreed. (In the interest of satisfactory and sustainable drainage).

No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority. (To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the public sewer network).

No development shall take place until details of the proposed means of disposal of foul water drainage for the whole site, including details of any balancing works, off-site works and phasing of the necessary infrastructure, have been submitted to and approved by the local planning authority. If sewage pumping is required from any part of the site, the peak pumped foul water discharge must not exceed 6.7 (six point seven) litres per second. 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. (To ensure that no foul water discharges take place until proper provision has been made for their disposal)."

#### Police Force Designing Out Crime Officer

The reduction in plots and revised layout are noted. House types are broadly similar, but a Tilsworth type has been added with no individual floor plans or elevation drawings I can see. This type forms key corner at plot 49.

The reduction of roadside parking presents new challenges in supervision for plots 64-70, and adequate lighting for this and several other extended areas of shared parking and access drives away from adopted street lighting.

The apprehension of crime and nuisance within more remote/unlit parking allocation can often lead to unintended front of plot parking, so for plots 64-70 I'd suggest a revised rear garden boundary with an upper section of engineered trellis to help with views between plot and parking allocation, as well as a solar lighting provision (column not bollard which are too easily damaged and illuminate at the wrong level) to help lessen this apprehension.

Additionally, the parking allocation for plots 28-32, 34-37, 38-47, 60-62, 77-80, 122-128, 138-145, 170-183 and 184- 186 will need supplemental solar column lighting for bays and their approach drives.

Boundaries are mostly good. I'd suggest that the front driveway of plot 1 should be gated as it has the look of a cut through from the shared driveway to the east. The gate for plot 61 should be moved to just behind the gate for plot 60. The same arrangement also for the gates of plots 126/127 and 175(which currently has no gate shown)/174. There is open access for the shared rear garden access of plots 178 to 182, which needs to be communally secured at as early a point as possible.

I would suggest that the site layout needs to be tweaked slightly around the parking allocation for plot 206 which looks a little detached from plot. Might these two plots be eased away from the adjacent pathway, and also separated by estate rail.

The majority of key plot treatment and boundaries are good. The estate rail should be added to the frontages of plots 113, 211, 148/154 and 155/156 though.

The Osbourne houses at plots 154 and 156 present tandem under treated elevations at a key node. They would sit better as Newbury/Lansdown combinations. The Ramsey house type at plot 21 should have an additional side ground floor lounge window facing the turning head.

#### Scarcliffe Parish Council

Scarcliffe Parish Council strongly object to this application on the following Material Considerations,

Highways, the A632 (Langwith Rd) that runs to the north of our Parish between the Rotherham Rd and Mansfield Rd junctions is not capable of coping with the extra short term HGV construction movements and the long-term household car and van movements from the residents of the proposed site.

#### Severn Trent Water

No comments received.

#### Yorkshire Water

##### **Waste Water**

If planning permission is to be granted, the following conditions should be attached in order to protect the local aquatic environment and Yorkshire Water infrastructure:

The development shall be carried out in accordance with the details shown on the submitted plan, "'Flood Risk Assessment' 22029 (rev C) prepared by Dudleys, dated 02/12/24", unless otherwise agreed in writing with the Local Planning Authority. (In the interest of satisfactory and sustainable drainage)

1.) The submitted 'Flood Risk Assessment' 22029 (rev C) prepared by Dudleys, dated 02/12/24 is acceptable.

In summary, the report states that

- a.) Foul water will discharge to Severn Trent sewer at a restricted rate of 3.8 litres per second.
- b.) Surface water will discharge to primarily via infiltration. During seasonally wet periods, there will be an overflow to Severn Trent pumping station at a rate of 2.9 litres per second. As this pump station eventually outfalls to Yorkshire Water sewer it is understood that there will be no increase in the pumped rate of discharge to that sewer

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

#### **PUBLICITY**

The application has been publicised by press notice, site notices and letters to 57 adjacent properties. 42 representations have been received, which include 41 objections and 1 representation from Chesterfield Royal Hospital setting out the S106 impact on health to be



considered and that initial modelling suggests that the impact of this development is up to £328k.

Below is a summary of issues raised in the objections:

- Loss of light to neighbouring properties
- Loss of privacy to neighbouring properties
- Loss of green space and lack of green space on the proposed development
- Cumulative impact with all other development approved in Bolsover
- Increased pressure on local infrastructure
- Increased congestion
- Increased number of road traffic accidents
- More potholes
- Limited parking within Bolsover
- Overburdened education and healthcare facilities
- Lack of leisure facilities and activities for younger people in the immediate area
- Noise and dust during construction
- Impact on local wildlife
- Plans indicate a lack of pedestrian connectivity on Langwith Road
- Langwith Road Junction would be better as a roundabout
- Told some Council bungalows would be built on the site which are much needed
- Bus route good but dangerous at junction to Lawson Road
- Drains struggling and there have been problems on adjacent Hedgerows development
- Seems to be well above 10% affordable housing – will this affect existing house prices
- How will the ancient protected hedgerow be maintained if fencing is erected
- Internal nest bricks should be used instead of the boxes proposed
- Foxglove Drive shouldn't be a through road
- Potential for a rat run through the Keepmoat development – can traffic calming measures / measures to stop cutting through be put in place?
- Present buildings have already encroached too far and are an eyesore
- No safe crossing near the development
- Noise and fumes from extra traffic
- New schools, doctors, dentists and leisure facilities should be built before
- Flooding concerns around balancing lagoon
- Attenuation basin will be inadequate
- Bolsover can't cope with all these new builds
- Layout and density seems excessive with lack of open/green space
- Parking bays small in relation to modern cars, leading to road/kerb parking
- Sewerage should not be discharged into the Keepmoat pumping station as it is already inadequate and potentially a serious health hazard
- Concerned about environmental impact
- Increased flood risk to existing properties
- Increased traffic will make it unsafe for children to play out
- Already houses that aren't selling – no local demand
- Reduced existing property values
- Wasn't consulted on the proposal

- It will spoil the rural elements of the town
- How long will construction traffic be for and will it be allowed along Foxglove Drive
- Increased air pollution
- Bolsover will become overpopulated, high crime, urban sprawl, that visitors won't come to see
- Cul-de-sacs on Keepmoat Hedgerows development should not be opened up as through roads
- Pedestrian access only between the estates to allow easy access to the secondary School
- Estate roads are privately managed so through roads would be unfair given residents pay the management fee
- If vehicular connection from the Hedgerows development is to be made, can it be towards the end of the construction to minimise mud, dust and congestion?
- Will the connection from the Hedgerows development delay the final road surface of that development?
- Number of houses has increased since 2013 plans with no nursery or care home
- The development encroaches into neighbouring property
- Unable to maintain neighbouring property
- More trees and grassland needs planting
- Suggest further development in Bolsover is suspended until a full study is done of the impact of these developments on existing residents, and the strain they are putting on the local infrastructure
- Palterton is taking the brunt of the traffic
- Bolsover is losing its charm of a friendly community
- Bolsover has no swimming baths or leisure centre
- Noise pollution from water pump and increased home insurance cost from being near the water lagoon
- Increase in anti-social behaviour due to lack of recreational amenities for children
- Due to a lack of green space proposed, new residents will likely use green spaces on the Hedgerows development, that residents of that development pay a management fee for
- Langwith Road junction is busy and poorly lit, not suitable for a housing estate so close. The junction is not suitable and would need widening
- There's accidents on the Palterton junction on Mansfield Road pretty much every week
- Langwith Road near the proposed estate is tight, access is limited and has a constant flow of large vehicles. A new road so close to a busy junction is a terrible idea
- The town is underfunded and cannot sustain more houses, it lacks the facilities of a larger town
- The development is outside settlement boundaries and countryside policies should apply
- Bolsover has already exceeded its share of housing
- Significant investment would be needed in road infrastructure

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

## **POLICY**

### Local Plan for Bolsover District (“the adopted Local Plan”)

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

- Policy SS1: Sustainable Development
- Policy SS2: Scale of Development
- Policy SS3: Spatial Strategy and Distribution of Development
- Policy LC1: Housing Allocations
- Policy LC2: Affordable Housing Through Market Housing
- Policy LC3: Type and Mix of Housing
- Policy SC1: Development Within the Development Envelope
- Policy SC2: Sustainable Design and Construction
- Policy SC3: High Quality Development
- Policy SC4: Comprehensive Development
- Policy SC7: Flood Risk
- Policy SC9: Biodiversity and Geodiversity
- Policy SC10: Trees, Woodlands, and Hedgerows
- Policy SC11: Environmental Quality (Amenity)
- Policy SC12: Air Quality
- Policy SC13: Water Quality
- Policy ITCR5: Green Space and Play Provision
- Policy ITCR7: Playing Pitches
- Policy ITCR9: Local Transport Improvement Schemes
- Policy ITCR10: Supporting Sustainable Transport Patterns
- Policy ITCR11: Parking Provision
- Policy II1: Plan Delivery and the Role of Development Contributions
- Policy II2: Local Employment and Skills.

### National Planning Policy Framework (“the Framework”)

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

- Chapter 2: Achieving sustainable development.
- Chapter 4: Decision-making
- Chapter 5: Delivering a sufficient supply of homes
- Chapter 8: Promoting healthy and safe communities
- Chapter 9: Promoting sustainable transport
- Chapter 11: Making effective use of land

- Chapter 12: Achieving well-designed places
- Chapter 14: Managing the challenge of climate change, flooding and coastal change
- Chapter 15: Conserving and enhancing the natural environment.

### Supplementary Planning Documents

#### *Successful Places: A Guide to Sustainable Housing Layout and Design, Adopted 2013:*

The purpose of the Successful Places guide is to promote and achieve high quality residential development within the District by providing practical advice to all those involved in the design, planning and development of housing schemes. The guide is applicable to all new proposals for residential development, including mixed-use schemes that include an element of housing.

#### *Local Parking Standards:*

This document relates to Policy ITCR11 of the Local Plan by advising how the parking standards contained in appendix 8.2 of the local plan should be designed and implemented with development proposals. This SPD does not revise the standards contained in the Local Plan but does provide suggested new standards for parking matters not set out in the Local Plan, such as cycle parking. The design supersedes the parking design section included within the existing Successful Places SPD (2013).

#### *Biodiversity Net Gain Design Note:*

In light of the requirement for mandatory 10% biodiversity net gain, the Council has prepared a planning advice note to provide advice on the background to the introduction of mandatory 10% Biodiversity Net Gain, how this statutory provision relates to policy SC9: Biodiversity and Geodiversity in the Local Plan for Bolsover District, and how we will expect those preparing applications to approach this new legal requirement.

#### *Affordable Housing:*

The Council's supplementary planning guidance on is relevant to this application stating that the Council will normally expect 10% affordable housing on a scheme of the size. However, this guidance also says the Council will accept a minimum of 5% affordable where the reduced number is justified by the viability of the proposed development.

### Planning Practice Guidance

Particularly relevant to this application, the Planning Practice Guidance offers guidance on viability issues:

#### ***“How should a viability assessment be treated in decision making?”***

*Where a viability assessment is submitted to accompany a planning application this should be based upon and refer back to the viability assessment that informed the plan; and the applicant should provide evidence of what has changed since then.*

*The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and viability evidence underpinning the plan is up to date, and site circumstances including any changes since the*

*plan was brought into force, and the transparency of assumptions behind evidence submitted as part of the viability assessment.*

*Any viability assessment should reflect the government's recommended approach to defining key inputs as set out in National Planning Guidance."*

Paragraph: 008 Reference ID: 10-008-20190509

Revision date: 09 05 2019

***"How should viability be reviewed during the lifetime of a project?***

*Plans should set out circumstances where review mechanisms may be appropriate, as well as clear process and terms of engagement regarding how and when viability will be reassessed over the lifetime of the development to ensure policy compliance and optimal public benefits through economic cycles. Policy compliant means development which fully complies with up to date plan policies. A decision maker can give appropriate weight to emerging policies.*

*Where contributions are reduced below the requirements set out in policies to provide flexibility in the early stages of a development, there should be a clear agreement of how policy compliance can be achieved over time. As the potential risk to developers is already accounted for in the assumptions for developer return in viability assessment, realisation of risk does not in itself necessitate further viability assessment or trigger a review mechanism. Review mechanisms are not a tool to protect a return to the developer, but to strengthen local authorities' ability to seek compliance with relevant policies over the lifetime of the project."*

Paragraph: 009 Reference ID: 10-009-20190509

Revision date: 09 05 2019

## **ASSESSMENT**

### ***Key issues***

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission are determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for the purposes of the Act is the Local Plan for Bolsover District (2020). The National Planning Policy Framework (NPPF) (2024) is a material consideration in respect of this application.

Having regard to the consultation responses and representations received and the relevant provisions of the development plan and policy contained within the National Planning Policy Framework, the main issues to assess are:

- the principle of the development;
- whether the proposal represents comprehensive development;
- landscape, visual impact and design of the proposed development;
- whether the development would be provided with a safe and suitable access and the impact of the development on the local road network;
- residential amenity;
- public open space and impact on biodiversity;

- drainage;
- impact on local infrastructure and amenities (including viability); and,
- other matters raised in representations.

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

### Principle

The site forms the southern part of a parcel of land allocated within the adopted Local Plan for Bolsover District (2020) for housing, excluding the existing Fourways Garage and Dunedin House, which have not come forward within the application site. The northern part of the housing allocation has recently been built out by a different developer. The Local Plan's Spatial Strategy is based on directing development to the district's more sustainable settlements and the Plan has been found 'sound' by an independent planning inspector through the Examination in Public process.

The principle of residential development on the land is therefore already established, in accordance with policies SS2, SS3, LC1 and SC1 of the Local Plan for Bolsover District.

### Comprehensive development

Policy SC4 of the Local Plan requires that proposals do not prejudice the comprehensive delivery of sites and assist in the provision of any necessary physical, social or environmental infrastructure. The layout and design should not preclude the development of adjoining land with longer term potential, lead to poorly planned or inappropriate piecemeal forms of development, or seek to avoid planning contributions by limiting the size of the development to avoid relevant thresholds.

The application site does not include all of the housing allocation, with a claim that those parcels of land, including Fourways Garage on Rotherham Road and Dunedin House on Langwith Road, were not available. These form small areas on the site's eastern and southern boundaries and the proposed site layout shows how these could be developed in the future should the land be available. While it would be beneficial to have a scheme that utilises the whole allocation in terms of design consistency, continuity and connectivity, it is considered that the allocation is generally being comprehensively delivered with connections to the northern half that has already been developed and without precluding the development of adjoining land, being poorly planned or leading to inappropriate piecemeal development, given only small areas are excluded. The proposal is therefore considered to comply with policy SC4 of the Local Plan.

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

The site is currently occupied by Villa Mar Riding School; comprising a bungalow, stables, yard and outdoor riding arena at the centre south of the site with surrounding grassed paddocks, and 122 Langwith Road; a residential bungalow. While the site lies on the eastern extremities of Bolsover, the site is fully bound to the north by the new residential development forming the other part of this residential land allocation, is bound by residential development and a school field to the west, and is bound on the eastern and southern boundaries by Rotherham Road and Langwith Road respectively and the excluded sites of Fourways

Garage and Dunedin House, forming a visual edge and providing some existing urbanising context in views towards the site.

Beyond the highways of Rotherham Road and Langwith Road is open countryside and given the development, if approved, would form the settlement edge, it is important that boundary treatments are carefully considered. This should include retaining as much of the existing hedgerows and trees along these boundaries as possible, which the application proposes to do.

The layout of the proposed scheme has been revised a number of times to bring the number of dwellings down from 248 to 217 and include more open green space, and to accommodate a larger surface water attenuation basin.

The composition and arrangement of dwellings provides a mix of terrace, semi-detached and detached properties, consisting of two and two and a half storey dwellings. All dwellings now feature air source heat pumps but these are discretely located to the rear of the properties and so any visual impact is limited. Some main routes through the site have grass verges and street trees, focusing on a central play space. Properties facing Langwith Road are set back by a green margin similar to the set back of existing properties along the north side of Langwith Road. There is some frontage parking but generally avoided on main routes through the site. The Designing Out Crime Officer did raise some concern with rear parking areas for plots 65-72, requesting suitable solar lighting for these areas, as well as some other parking areas around the site where parking is not immediately adjacent to the highway. It is difficult to control lighting in private areas but it is likely that occupants will erect domestic lighting features as necessary / ornamentally desired. The dwellings are also deeply set within the development site, with public surveillance from first floor windows of properties that back onto the parking courtyard area. Details of lighting generally across the site will be required by condition and lighting on adoptable estate road will be subject to highways approval after planning permission is granted.

Boundary treatments are considered acceptable with timber fencing around rear gardens but 1.8m brick walls in prominent locations and where parallel to streets. 1.2m metal hoop top railings are proposed around some front gardens at key junctions and around the play space and western public open space. Entrance brick pier features are proposed at the two Langwith Road accesses.

The linear public open space along the western boundary provides a soft landscaped zone with pedestrian route through connecting with the development at a number of points. This links to a similar space on the Keepmoat housing development to the north.

The eastern boundary where the site meets the countryside will comprise the attenuation basin, retained vehicle garage and sales business, and some new housing on the south east corner. An area of land on this corner has been excluded for potential highways works. As such, the site is set back here and the retention of hedgerows around the site and additional planting is considered to result in sufficient screening and an acceptable visual impact.

The overall design of the scheme is considered acceptable for its context in terms of its visual impact on the settlement, wider landscape and within the site itself.

Whether the development would be provided with a safe and suitable access and the impact of the development on the local road network

The development will have two vehicular accesses off Langwith Road and two vehicular connections linking it to the recently completed residential development to the north. The local highway authority has been consulted and initially referred to earlier comments they made on an outline application and pre-application enquiries where they stated that the principle of access onto Langwith Road and a footway across the site frontage has previously been established, subject to width, radii, visibility splays and right turn harbourage. A Travel Plan and S106 for highway improvement will be required but more information was requested relating to layout (including facilitating a bus route through the site), levels, gradients, surfacing, lighting and means of surface water drainage and the extent of the land that is currently under the applicant's ownership and control.

Additional information was received to respond to further highway comments about connections to the development to the north, visibility splays, speed reduction measures, highway and footpath / cycle path widths, street trees and priority junctions / crossings.

The local highway authority is now satisfied with the layout and design in principle, subject to: the separate construction approvals required from the highway authority; conditions relating to the provision of access, parking and turning facilities; bicycle parking; Travel Plan implementation and monitoring; details of street tree planting; adherence to the submitted Construction Management Plan; and, S106 contributions totalling £193,564 broken down as follows:

- Road network contribution of £128,464
- Bus service contribution £51,212
- Travel Plan contribution of £9,765
- Traffic Monitoring Contribution £4,123

Representations have been received raising concerns about the quantum of new homes in the area leading to increased traffic issues as well as safety and amenity concerns from having vehicular connections through the recently completed housing development to the north, creating a 'rat run' to avoid the junction at the end of Langwith Road.

It is important to note that this site is allocated for housing in the adopted Local Plan along with the completed development to the north with the intention of it forming a comprehensive scheme. Connectivity between any 'phases' or different developers / parcels of land to create comprehensive development across the whole allocation and avoiding isolated parcels of land that may lead to poorly designed piecemeal developments was always the intention and supported by policy SC4 of the Local Plan.

Representations also mentioned the Langwith Road junction, potential for traffic calming measures and lack of pedestrian crossings. The latest plans show a footpath across the site frontage along Langwith Road and the local highway authority have not raised any other concerns.

The proposal provides two parking spaces for 2 and 3 bedroom dwellings and three spaces



for 4 bedroom dwellings (including sufficiently sized garage spaces) in accordance with the parking standards set out in Appendix 8.2 of the Local Plan.

The proposal is therefore considered acceptable in parking and highway terms, in accordance with policies SC3, ITCR10 and ITCR11 of the Local Plan.

### Residential amenity

The proposal is for 217 dwellings on the edge of Bolsover. The introduction of residential development in this location is not considered to result in unacceptable amenity impacts to surrounding residential properties. There will inevitably be some noise, dust and disruption during the construction process. The local highway authority is satisfied with the submitted Construction Management Plan and while unacceptable noise and dust is generally controlled by other legislation, a programme of measures to minimise the spread of airborne dust from the site during construction and demolition periods has been recommended by the Environmental Health Officer and given the scale of the development and proximity to other residential properties, is considered necessary and reasonable. Also, a condition controlling construction works and delivery times was recommended, which is again considered reasonable given the location.

The Designing Out Crime Officer made some observations regarding certain plot gates, footpaths to middle terrace properties and lighting. A particular concern was parking courts to the rear of what is not plots 65-72. A recommendation for a lowered rear boundary treatment to allow for surveillance and lighting was made. Lighting has been discussed above but with regard to the fencing, it is not considered necessary to have lowered boundary treatments given the position of these plots within the site and likely priority over a private amenity space for the occupants of those plots, meaning lowered fencing or trellis topped fencing would likely be changed.

The Environmental Health Officer did at a late stage ask for further information on the annual average daily traffic flow with regard to the impact on air quality. However, it was not considered justified to pursue this with the applicant as the land is allocated for housing within the Local Plan. The Council has therefore already considered the land acceptable for residential use supported by the Local Plan evidence base and so the principle of this development on the general scale as proposed has already been established. There are also no Air Quality Management Areas (AQMA) within the locality.

A number of potential noise sources exist in close proximity to the site, including Bolsover School, Fourways Garage and the potential for Dunedin House to resume a kennel and cattery use in the future. Noise Assessments have been undertaken in support of the application and no concerns are raised from the Environmental Health Officer with regard to the school and garage. Concerns were raised about the proximity of new dwellings to the property of Dunedin House. While it has not operated commercially for a number of years, the property benefits from planning permission for a commercial kennels and cattery. This use could be lawfully resumed and such use would likely have a significant impact on the amenity of surrounding new properties in terms of noise. As such, the Environmental Health Officer asked for further information to demonstrate that sufficient measures can be implemented to ensure an acceptable standard of amenity will be afforded to the properties that could be impacted by noise from the kennels should the use resume. A scheme of acoustic fencing,

enhanced glazing and ventilation measures has been proposed for the dwellings nearest to the site. The Environmental Health Officer has recommended conditions requiring full accordance with the measures set out in the report and verification that the measures have been installed prior to occupation.

Air source heat pumps have now been shown on the layout plan for each dwelling but these are not considered to result in any material amenity impact from noise. They are usually permitted development should a homeowner wish to install one and are now common domestic features. They are all located on the rear elevations of the property and so any visual impact is also limited.

With regard to the proposed layout of the site itself, the dwellings and outdoor amenity spaces are orientated in terms of position, location of windows and doors, and location of gardens, to not result in unacceptable overlooking, overshadowing or overbearing impacts. Some rear gardens are smaller than the guidance set out in the Successful Places Supplementary Planning Document, but some are also larger and the overall balance across the site is considered acceptable.

With the imposition of conditions, it is considered that the development can be made acceptable with regard to residential amenity in accordance with policies SC3 and SC11 of the Local Plan.

#### Public open space and impact on biodiversity

Open space and playing pitches:

Initial plans showed a lack of public open space. There was a small centrally located play space and the attenuation basin in the north east corner of the site. The latest plans include a green corridor running north to south along the western boundary of the site, providing a footpath away from the estate roads and meeting a similar space on the Keepmoat housing development to the north. The attenuation basin has increased in size due to drainage requirements, however, that has been at the detriment of footpaths around it. Improvements have been made to the play space and there are green street verges along central connecting routes.

Local Plan policy ITCR5 sets out standards to improve green space and play provision in the District. Residential development of 25 or more dwellings is required to make provision for an equipped play area and new or enlarged green space either on site or within 400 metres walking distance in accordance with minimum standards. In accordance with policy ITCR5, a development of this size (217 dwellings) would require provision of 0.87 ha of Formal Green Space and 0.52 ha of Semi natural Green Space (a total of 1.39 ha). The total area of public open space within the proposed development site totals 1.5ha, which includes Public Open Space (0.89 ha), Attenuation Basin (0.57 ha) and Playspace (0.04 ha).

Although the inclusion of the proposed attenuation basin as public open space is questionable, the other areas of public open space exceed the requirement in policy ITCR5 anyway, so the attenuation basin would meet the requirement for semi-natural open space, providing that the detention basin is suitably vegetated.

The area surrounding the proposed LEAP (play area) has been increased significantly from early versions of the Layout Plan. This is welcomed as this is now a more usable space, which is centrally located, overlooked by neighbouring properties and easily accessed via the network of pedestrian and cycle paths through the proposed development. However, the actual design of the play area and choice of equipment could be improved. The proposed 4 pieces of play equipment are constructed of timber, whereas the Council's Leisure team would request steel or aluminium for durability, resistance to vandalism and ease of repair purposes, should the Council be adopting the space. They recommend a greater variety of play equipment in terms of the choices of equipment to provide a better play experience. They also recommended the removal of trees within the play area near to the bowtop fence to prevent entanglement and the use of 'Easy Gates' for durability and easy of maintenance.

Policy ICTR5 also states that "In addition new residential developments of more than 10 units will be expected to make reasonable financial contributions, either for new green spaces, or to improve green spaces, falling within the following walking distances:

- Equipped Play Areas within 400 metres
- Amenity Green Space within 500 metres
- Recreation Grounds or Semi-Natural Green Space within 800 metres

The Council will prioritise contributions to achieve minimum quality standards of 60% for Green Spaces".

In line with Policy ICTR5, the Leisure team have sought a s106 commuted sum contribution to improve the following areas of green space, all of which fall below the 60% (good) quality standard:

Existing Amenity Green Space: Langwith Road Verge / St. Lawrence Avenue / St. Lawrence Square (all within 500m / 6 minutes walking distance)

Existing Recreation Ground / Semi-Natural Green Space: Mansfield Road Recreation Ground, Hillstown (within 800m / 10 minutes walking distance)

Using the current policy formula, the commuted sum payment would be £250,852 (217 dwellings x £1,156 per dwelling). This amount is based on 2025 prices and should be index linked to the RPI in terms of timing of payment.

Policy ICTR7: Playing Pitches states that "If improvements to existing pitches are needed, new residential development of more than 10 dwellings will be expected to make financial contributions to the improvement of playing pitches and / or their ancillary facilities. The Playing Pitch strategy and assessment will be used to consider the most appropriate site for enhancements. The site must be well-related to the development. The Council will prioritise contributions to achieve minimum quality standards of 'average' for playing pitches".

As the proposed development is not of sufficient scale to require any dedicated on site built / outdoor sports facilities, it would normally be recommended that a suitable commuted sum is negotiated in lieu of any formal on site requirement. Using the current policy formula, the commuted sum would be £305,753 (217 dwellings x £1,409 per dwelling). This amount is based on 2025 prices and should be index linked to the RPI in terms of timing of payment.

Such a commuted sum would be invested in improving playing pitches and their ancillary facilities at Moor Lane, Castle Leisure Park and Mansfield Road Recreation Ground, Hillstown.

All were assessed as 'standard' (although the youth (9v9) pitch at Moor Lane was rated as 'poor') in the Bolsover Playing Pitch Strategy Assessment Report (Knight, Kavanagh and Page, August 2017).

The Leisure team would also expect a commuted sum for maintenance for a period of 10 / 15 years following completion of the development for any land adopted by the district council. This would be index linked in accordance with the current Local Plan policy and will cover grounds maintenance and the ongoing management and maintenance of any play equipment, fencing, etc. provided by the developer.

#### Biodiversity:

An Ecological Impact Assessment and separate Bat Survey report were submitted and Derbyshire Wildlife Trust confirmed that habitats are of relatively low ecological value and protected species constraints are mainly limited to nesting birds.

Numerous hedgerows are present within the site boundary, one of which qualifies as 'important' under the Hedgerow Regulations 1997. The other native hedgerows comprise Habitats of Principal Importance. The important hedgerow will be retained, although some minor loss may be required for access. Other hedges are retained in the large part, however most will comprise garden boundaries, which is not recommended due to the lack of future safeguards. Recommendations are made by Derbyshire Wildlife Trust for species-rich hedgerow planting to achieve no net loss of hedgerow on site. Whilst reasonable recommendations for ecological enhancements were made in the Ecological Impact Assessment, Derbyshire Wildlife Trust requested a biodiversity metric be submitted to understand the impact on biodiversity and that request has been met.

While the application was submitted prior to mandatory 10% biodiversity net gain, it should still seek to deliver some level of gain, in line with the NPPF and local planning policy. Derbyshire Wildlife Trust suggested minor amendments to the metric and the metric showed resulted in a loss of -10.41 habitat units (-32.85%). It is indicated that offsite units will be purchased to deliver at least 1% gain.

Given that it could be some time before buildings on the site are demolished, Derbyshire Wildlife Trust's request for further bat information prior to determination was explored further. It was concluded that provided the worst-case scenario could be accommodated post decision by condition, it would be reasonable to allow for further information to be received at the relevant times rather than requiring the information now unnecessarily and then duplicating surveys due to the information being out of date.

Overall, the amount and quality of public open on site has been improved and is now considered acceptable, and S106 for commuted sums is considered in the viability section later in this report. Biodiversity impacts are considered acceptable subject to conditions and the purchase of offsite habitat units.

## Drainage

The Lead Local Flood Authority (LLFA) have been consulted and noted that surface water runoff is proposed to infiltrate via an infiltration basin and an area of permeable paving and that infiltration testing has been carried out near the locations of the proposed infiltrating features with favourable results, as reported in the Lithos Geoenvironmental Appraisal, referenced 4350/1 and dated July 2022.

A similar drainage strategy was originally proposed for the adjacent development site to the north. Infiltration testing was carried out in the locations of the infiltration basins. Favourable infiltration rates were returned, similar to those found by Lithos, and more conservative rates were used for the design calculations. However, in practice the infiltration basins were found not to be effective during long rainfall events, resulting in flooding and an alternative outfall had to be found. The local magnesian limestone has a lower solubility than pure limestone and there are fewer channels within the rock form. This makes for more variable and unpredictable permeability.

The LLFA therefore requested the provision of overflows from the infiltration basin and permeable paving to an alternative outfall destination, demonstration of consideration of SuDS methods for source control and conveyance as good practice and to decrease the volume of water to be dealt with by the infiltration basins and expand on the multifunctional benefits of the SuDS features and how they integrate into the open space and green infrastructure.

Following further exploration of options, a proposal for an overflow from the basin to the land drain north of the site as a back up in the event that the infiltration fails was put forward and accepted by the LLFA subject to further information. Infiltration testing has been carried out in the location of basin with favourable results, the lower of which has been used for the design. Therefore, infiltration is proposed as the outfall in accordance with the drainage hierarchy.

The LLFA strongly recommend the deployment of source control methods across the site in addition to the drainage network (for example permeable paving, filter drains, swales, rain gardens) this would provide additional storage and treatment, provide further opportunities for infiltration and reduce the burden on the basin itself. Subject to the results of the modelling calculations, the applicant has demonstrated that the drainage design meets current standards. Some source control methods have been proposed. Subject to conditions relating to the detailed design, maintenance and management of surface water, and control of surface water during the construction phase, the LLFA raise no objections.

## Impact on local infrastructure and amenities (including viability)

The proposal generally represents a planned approach being a site allocated for housing in the adopted Local Plan. The Plan directs growth to the district's most sustainable settlements through its Spatial Strategy and the hierarchy it sets out to achieve sustainable development. The Plan is supported by a robust evidence base and was found 'sound' by the Planning Inspector at its Examination in Public.

Despite the above, it is understandable that the existing local community has concerns about

the growth of the town and its impacts.

Many representations have been received from residents of the Keepmoat development immediately to the north of the site, as these residents, along with residents along Langwith Road and the estate around St Lawrence Avenue are likely most impacted by the development in terms of construction nuisance and increased traffic afterwards. The Keepmoat development however forms part of the same housing allocation; it is simply that it is being brought forward by two different developers.

With regard to the impact on schools, health care, roads / transport and green space, it is important to plan for larger sites such as this one as minor developments are not required to pay contributions towards such infrastructure, resulting in poorly planned growth. Focussing growth on the larger and more sustainable settlements also supports the vitality of those centres and shops and amenities that can be sustained there.

In accordance with adopted policies and consultation with relevant statutory bodies, contributions have been sought towards key infrastructure so that the development does not result in unacceptable impacts in planning terms. Development that cannot meet its required contributions and therefore may place additional burden on a locality and its infrastructure may be considered to not amount to sustainable development. Development of this nature may therefore not be acceptable unless there are other considerations which should be afforded more weight.

A viability assessment was submitted by the applicant in December 2023 that set out a breakdown of contributions sought (based on 218 dwellings) that were as follows:

- 10% affordable housing on site
- Education £2,321,034.91
- Travel Plan £7,412
- Play space contribution £249,174
- Healthcare £196,200
- Public art £30,000
- Road Network contribution £96,347.28
- Bus service £38,446.48
- Traffic monitoring £2,969.16
- Library £15,347.20

This totalled £2,956,930, as well as the provision of 10% affordable housing on site. The report states a total of £3,161,415, which is assumed an error. It is also unclear how the education, play space, public art and library fees were derived, but the others were in accordance with consultee comments and formulas. The play space fee doesn't appear to represent the amount that would be sought for green space and sports (playing pitches) requirements, as both would be required.

The assessment demonstrated that the development could provide 10% affordable housing on site and a total commuted sum contribution of £950,000. The Council had this assessment independently reviewed in March 2024, which actually concluded that the development could only viable provide £700,000 and therefore the applicant's offer was good. Given the time that

has lapsed since that review, the loss of one dwelling and change to the mix of house types across the site, and some updated costs provided by the applicant, it was considered that the position may have changed and the applicant agreed for the Council to have the viability position reviewed again. This concluded that evidence suggests sales price inflation has outpaced build cost inflation so the scheme could now viably provide 10% affordable housing on site and contributions totalling £850,000.

Given the proposal is now for 217 dwellings and it is usual for the formulas used by consultees to calculate their requests to change according to the Retail Price Index each financial year and / or changing capacity circumstances, up to date contribution requests have been sought. There are two major increases. Firstly, the addition of contributions under Local Plan policy ITCR7 were not included in the applicant's assessment, and secondly, Derbyshire County Council have revised their assessment of school capacity. In 2024, they reduced their ask by around £660,000 as analysis of the current and future projected number of pupils on roll at Bolsover C of E Junior School, together with the impact of approved planning applications showed that the normal area primary school would have sufficient capacity to accommodate the infant pupils arising from the proposed development. However, they have stated that the current position represents the need for more capacity, which increased the request to beyond circa £300,000 above their initial request.

The request from the Local Highway Authority has increased by around £55,000 (40%) and the request from the Integrated Care Board has increased by around £20,000 (10%). The preference for public art is for it to be provided by condition rather than S106, to avoid the complexities around having an available scheme and the potential to have to return funds. It has therefore been removed from the breakdown below, which sets out the up-to-date position in terms of full contribution requirements:

- Education £2,606,079.04
- Travel Plan £9,765
- Green space and sports £556,605
- Healthcare £216,800
- Road Network contribution £128,464
- Bus service £51,212
- Traffic monitoring £4,123
- Library £15,292.42

This totals £3,588,340.46, which is significantly more than previously expected.

In addition to this, and the provision of 10% affordable housing, the development faces significant abnormal costs claimed to exceed £4.1m. These costs include rock blasting, construction and earthworks, pumping stations and pipe infrastructure and ransom allowance to connect the drainage infrastructure to the development to the north. The need for an increased attenuation basin was established during the application process and resulted in amended designs and a reduction in dwellings.

Viability is clearly a significant negative of the proposal and consideration has to be given as to whether the proposal still represents sustainable development and whether the benefits of the development coming forward on the site outweigh the negatives of not providing full

infrastructure requirements, such that a recommendation to approve the development should still be made.

Policy II1: Plan Delivery and the Role of Developer Contributions, states that “To aid plan delivery, planning obligations will be sought where the implementation of a development would create a need to provide additional or improved infrastructure, amenities or facilities or would exacerbate an existing deficiency. The identification of this need will be assessed on a case by case basis but will be guided by the latest version of the Council’s Infrastructure Study and Delivery Plan”.

The latest version of the Council’s Infrastructure Study and Delivery Plan was published in February 2025 and is based on information provided by infrastructure providers at various points in the year previous. In terms of the local priority for infrastructure provision, Infrastructure Study and Delivery Plan identifies the following general priority hierarchy:

<b>Importance to the Local Plan Strategy</b>	<b>Type of Infrastructure Project</b>
Critical	<ul style="list-style-type: none"><li>• Road capacity</li><li>• Utilities</li><li>• Water</li><li>• Education - Primary Phase</li></ul>
Necessary	<ul style="list-style-type: none"><li>• Cycling and Walking</li><li>• Green Space - Town Parks</li><li>• Green Space - Quantitative improvements</li><li>• Education - Secondary Phase</li><li>• Health</li></ul>
Complementary	<ul style="list-style-type: none"><li>• Green Space - Qualitative improvements</li><li>• Strategic Green Infrastructure</li></ul>

This priority hierarchy provides a guide to how financial contributions should generally be prioritised within the trigger points for the payment of the contributions to the appropriate body, albeit this priority may be superseded by more recent evidence by way of consultee responses. Any financial contributions should be secured within the approved Section 106 Agreement Heads of Terms and transferred into the legal document with appropriate indexation.

As this proposed development forms part of an allocation for residential development under policy LC1 of the Local Plan for Bolsover District, the site has a number of specific obligations to deliver. Policy LC1 states that:

“In order to achieve sustainable development, the local planning authority will impose conditions on planning permissions or seek to enter into a planning obligation under S106 of the Town and Country Planning Act 1990, to secure the expected requirements for each site set out in paragraphs 5.16 to 5.40 and where relevant elsewhere”.

In relation to the relevant paragraphs for this site allocation, paragraph 5.16 advises:



“To achieve sustainable development, the site will be required to come forward in a comprehensive manner. The following requirements will be made:

- a. Construction of a new highway link through the site to Mansfield Road;
- b. Contribution to increasing the capacity of the Langwith Road / Mansfield Road junction;
- c. Contribution to the development of the Bolsover Town cycle and walking networks;
- d. Contribution to increasing the capacity of both primary and secondary phase schools;
- e. Provision of green space within the site;
- f. Provision of SuDS within the site;
- g. 10% affordable housing provision.”

To inform whether these requirements are still relevant, consultation responses have been received from infrastructure providers such as the Council’s Leisure Department, Derbyshire County Council and NHS Derby and Derbyshire Integrated Care Board, with requested contributions as set out above (with total Section 106 infrastructure sums being £3,588,340.46). The required Sustainable Drainage System (SuDS) (£720,954) and play space (£180,000) takes the infrastructure costs up to £4,489,294.46.

The outcome of the Council’s latest viability review concludes that based on a developer return of 17.78% on the gross development value (which is within the normal range of 15-20% and not considered excessive) the “scheme is viable with 10% onsite affordable housing plus a S106 contribution totalling £500,000”.

In considering the merit of the viability assessments carried out, it is noted that they have been prepared in accordance with national guidance, including that any viability assessment should reflect the Government’s recommended approach to defining key inputs as set out in Planning Practice Guidance Viability (PPGV). The appraisals examine in detail both the expected gross development value generated from the sale of the various elements of the development, i.e. the market houses, the affordable houses; the expected build costs for the development, i.e. the cost of building the new houses and other forms of development; professional fees; Section 106 policy obligations; financing and developer profit.

The PPGV and NPPF also require that a viability assessment refers back to the Whole Plan Viability Assessment (WPVA) that informed the preparation of the policies of the Local Plan and that the applicant should provide evidence of what has changed since that point. This requirement needs to take into account that the Council’s WPVA dates from 2018. As with all WPVAs, it was carried out to provide a high-level assessment and is based on various assumptions using a residual approach to development viability. WPVAs cannot reflect all the factors that emerge on specific sites.

With reference to the application site in question, no abnormal costs were identified in relation to the site at Langwith Road when it was allocated. However, substantial abnormal costs to bring the site forward have been identified during the course of the consideration of the application, including a rock blasting allowance, earthwork, pump station and rising main, a significantly larger SuDS pond, big pipe drainage attenuation and deep strip foundations. In total, these have added approximately £4.1m to the costs of delivering the site.

Despite the conclusion of the Council's independent report, the applicant has stated that they can provide the Council's 10% affordable housing requirement along the tenure split set out above and a provision for planning contributions of £850,000 (equivalent to £3,917 per dwelling).

Based on the conclusion of the viability appraisal work and applicant statement, it is noted that the identified available sum for infrastructure provision of £500,000 to £850,000 is substantially below the £3,588,340.46 requested through consultation responses.

In light of the above information and the shortfall between the conclusions of what the development has been requested to contribute to policy obligations and infrastructure provision and what the development is deemed to viably afford to contribute, it is considered that central to this case is whether the proposal would achieve sustainable development.

Following national policy and guidance, the Council's Local Plan for Bolsover District allows for deviation away from policy requirements due to viability in relation to affordable housing provision (policy LC2), type and mix of housing (policy LC3) and role of developer contributions (policy II1).

Policy II1 states that: "Where the need for infrastructure and other requirements arising from development is proven to exceed that which can be viably funded through the development, priority will be determined by the District Council based on the importance of the infrastructure and other requirements, to the delivery of the Local Plan".

Given the applicant is proposing to meet the Council's requirement for 10% affordable housing but is demonstrably not able for viability reasons to meet all of the requested infrastructure financial obligations, based on the local priority for infrastructure provision as set out in the Council's Infrastructure Study and Delivery Plan the contributions provided would need to be prioritised.

The largest request is from Derbyshire County Council Education at £2,606,079.04. It is clear that the development cannot meet this request.

In terms of whether the Derbyshire County Council requirements are reasonable, they advise that they are based on the evidence and formulas set out in their Developer Contributions Protocol (July 2025), which sets out to achieve a consistent approach across the county. In terms of capacity at local schools, it is noted that Derbyshire County Council base their assessments on their 'normal area' approach and in doing so look at the capacity of two of the three primary phase schools in Bolsover. As such, they omit the slightly further away primary school at New Bolsover (within 1.5 miles of the site) which had 15% spare capacity based on the information provided by Derbyshire County Council for the Infrastructure Study and Delivery Plan in 2024.

The Derbyshire County Council Protocol includes a recognition that there can be viability issues (paragraph 4.16 to 4.23). In relation to this, it is noted that Planning Practice Guidance Viability and the Department for Education (DfE) non-statutory guidance Securing Developer

Contributions for Education (August 2023) emphasise that developer contribution should be sought to contribute towards school places arising from housing development. This reflects that housing development should mitigate its impact on community infrastructure, including schools and other education and childcare facilities. Paragraph 11 acknowledges that the Basic Need Grant, the free schools programme and other capital funding do not negate housing developers' responsibility to mitigate the impact of their development on education.

Paragraph 13 of this national guidance identifies that while Basic Need capital allocations and other DfE capital funding such as the High Needs Provision Capital Allocations can be used for new school places that are required due to housing development, the DfE would expect this to be the minimum amount necessary to maintain development viability, having considered all infrastructure requirements. In paragraphs 78 and 80 the guidance also acknowledges that Section 106 planning obligations must be mutually agreed between the developer and the planning authority, so it is for the parties to the agreement to determine the precise terms of it, taking into account wider issues such as viability and the Community Infrastructure Levy Regulation 122 tests in each case. Paragraph 80 states that *"We recognise that local planning authorities can reduce education contributions due to development viability and their own prioritisation of infrastructure types, sometimes agreeing with the developer a lower total amount for education in a planning obligation."*

While developer contributions should be the 'first port of call' to meet the educational requirements arising from residential development, the guidance identifies that there will be circumstances where a development cannot meet the full education requirements due to viability issues. In these circumstances, the guidance indicated that funding is available from other sources if viability means that the full education contributions cannot be achieved.

If this is the case, this may mitigate the negative impact of reduced S106 contributions for education and enable the Council to judge that the proposal if approved would achieve sustainable development.

However, from discussions with Derbyshire County Council officers about this matter, it is not clear that such funding will be available and if it is, when it would be secured to mitigate the impact on school capacity.

This clearly presents a complex situation and a decision needs to be formed on whether the proposal does still represent sustainable development.

Paragraph 59 of the National Planning Policy Framework states that:

*"Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. All viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in national planning practice guidance, including standardised inputs, and should be made publicly available."*

In this instance, the site is allocated for housing in the adopted Local Plan and will significantly contribute towards to Council's housing needs in a sustainable location. It brings a good mix of house sizes and provides 10% affordable housing on the site.

With regard to affordable housing, Local Plan Policy LC2 identifies a requirement for 10% affordable housing with the tenure being identified as affordable housing for rent, based on evidence dated November 2013 as updated November 2017.

The Council has recently undertaken an update of the local housing needs evidence which includes an analysis of affordable housing needs. This is set out in the Chesterfield and Bolsover Local Housing Need Assessment (LHNA) (February 2025) prepared by Icen Projects. In summary, the LHNA identifies the following in relation to affordable housing:

- Access to home ownership is becoming more difficult for younger households due to cost and mortgage availability forcing them to rent for longer (paragraph 1.4);
- The analysis has taken account of local housing costs (to both buy and rent) along with estimates of household income. The evidence indicates that there is an acute need for affordable housing in both local authorities (paragraph 1.19);
- The vast majority of need, regardless of the overall housing number, is from households who are unable to buy or rent and therefore points particularly towards a need for rented affordable housing rather than affordable home ownership (paragraph 1.20);
- Shared ownership is likely to be suitable for households with more marginal affordability (those only just able to afford to privately rent) as it has the advantage of a lower deposit and subsidised rent. Local agents also suggest there is a market for this product, which is not the case for first homes (paragraph 1.27);
- In deciding what types of affordable housing to provide, including a split between rented and home ownership products, the councils will need to consider the relative levels of need and also viability issues (paragraph 1.31);
- Overall, the analysis identifies a notable need for affordable housing, and it is clear that the provision of new affordable housing is an important and pressing issue in the area. The report does not provide an affordable housing target; the amount of affordable housing delivered is identified as being limited to the amount that can viably be provided and this will be tested through the Local Plan viability assessment. However, the evidence in the report suggests the delivery of affordable housing should be promoted and maximised wherever the opportunity to do so arises (paragraphs 1.33 & 1.34).

It is noted that this application includes the provision of 22 affordable homes to meet the 10% requirement of policy LC2. Within the 22 affordable homes, 14 are proposed to be affordable houses for rent and 8 as shared ownership homes.

Whilst this mix of affordable housing types differs from that required by policy LC2, it is noted that the updated evidence provided by the LHNA 2025 identifies that the provision of shared ownership homes will also make a positive contribution to meeting the District's affordable housing needs.

Therefore, it is proposed that the proposed affordable housing provision is acceptable and can be considered as being policy compliant.

There are also other material considerations that are important in the consideration of this application. The Written Ministerial Statement “Building the homes we need”, 30<sup>th</sup> July 2024, underlines the importance the Government places on housing delivery and acknowledges that the nation is in the middle of the most acute housing crisis in living memory. It highlights the vital role that decisions play in delivering housing and the need to build genuinely affordable homes. It also underlined changes to restore and raise housing targets. Some of these changes were subsequently introduced through the National Planning Policy Framework (NPPF) 12<sup>th</sup> December 2024 and Planning Practice Guidance Housing and economic needs assessment in the revised standard method for determining local housing need and the reintroduction of at least a 5% buffer in the land supply.

The NPPF in paragraph 61, retains the statement that *“To support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. The overall aim should be to meet an area’s identified housing need, including with an appropriate mix of housing types for the local community.”*

As such, it is clear that the Government places significant importance on achieving housing delivery.

It is also important for the Council to maintain a five year supply of deliverable housing land to avoid the need to apply a presumption in favour of development on sites that may be less preferable and deliver less in planning terms.

The Council’s Annual Position Statement of Five Year Housing Land Supply (as at 1 April 2025) published in July 2025 provides the most up-to-date position in relation to the local housing need with a requirement of 360 dwellings per annum (dpa). The Statement identifies that the Council has a five year housing supply with a 5% buffer which equates to 378 dpa.

The supporting *List of Major Development Sites and their contribution to the Council’s Five Year Housing Land Supply 2025* includes the application site, listed as Land off Langwith Road and Mooracre Lane (Phase 2) within the Bolsover section. In this, based on the available evidence the site is identified as contributing 150 dwellings to the five year housing land supply with the remainder being delivered beyond year five.

As such, if the application was refused and therefore does not come forward (assuming a decision to refuse was sustainable at Appeal) the loss of the proposed 150 dwellings would reduce the Council’s housing land supply from the stated 5.69 years of deliverable sites. Whilst a full recalculation of the Council’s land supply has not been carried out, it is noted that a housing land supply below five years could lead to the Council losing the ability to successfully defend decisions to refuse speculative application in the countryside elsewhere in the District (poorer proposals obtaining planning permission).

Being tasked with delivering 'sustainable development', regard has been given to all relevant factors of the proposal, including: the housing and affordable housing it provides, the infrastructure contributions it provides, the sustainability of the location, the contribution towards the planned approach in delivering a housing allocation, the consequence of not approving the scheme on the Council's five year supply, and the potential alternative mechanisms for securing funding to education through the Department for Education which while the Education Authority contests, is a national provision that this situation complies with.

While it is clearly finely balanced given the gap between the contributions requested and the contributions to be provided, it is, on balance, considered that there is more benefit to the development coming forward than not. Given the provisions of national policy and the adopted Local Plan to take viability into account and deviate from policy requirements where justified, the proposal's viability has been thoroughly and independently assessed and the proposal is still considered to represent sustainable development in the round and would not be considered contrary to the development plan, having regard to all infrastructure requirements. A decision also has to be made as to where the £850,000 commuted sum should be directed. The Council's adopted Infrastructure Study and Delivery Plan provides a basis for this decision by setting out a hierarchy as shown earlier in this report.

Out of the contributions requested, road capacity and education (primary phase) are listed as critical, with other requests listed as necessary and complimentary. As such, it is considered appropriate to direct contributions to meet highways and education requests. Given the DfE funding mechanism for education, it is considered reasonable to apportion the full highway request (£193,564) and the remaining (£656,436) towards education.

While this is of course a difficult decision, allocating in accordance with the priorities set out in the Infrastructure Study and Delivery Plan provides a defensible policy basis for the decision and is based on clear transparent evidence.

It is considered necessary to include a viability review mechanism within any S106 agreement to take account of any super profit that could be made and provide further contributions towards the requests that will have to at this stage be waived. If additional profit is realised and additional contributions received, it is recommended to be allocated to infrastructure following the hierarchy provided in the Infrastructure Study and Delivery Plan or any superseding information at that time which may take precedent.

### Other issues

A number of representations have been received in response to this application. Many of the issues raised have already been discussed within the report, particularly with regard to connections between the site and the recently completed housing development to the north. For simplicity, the summary of representations with a response for each is provided below:

- Loss of light to neighbouring properties – *The development is not considered to result in unacceptable loss of light to any neighbouring properties.*
- Loss of privacy to neighbouring properties - *The development is not considered to result in unacceptable loss of privacy to neighbouring properties.*
- Loss of green space and lack of green space on the proposed development – *The latest proposal provides more green space. The existing land is privately owned and*

*not publicly accessible.*

- Cumulative impact with all other development approved in Bolsover – *The site is allocated for housing within the adopted Local Plan.*
- Increased pressure on local infrastructure – *Discussed above within the report.*
- Increased congestion – *The Local Highway Authority does not object subject to conditions.*
- Increased number of road traffic accidents - *The Local Highway Authority deso not object subject to conditions.*
- More potholes – *Not a material planning consideration.*
- Limited parking within Bolsover – *Bolsover is one of the district's larger and most sustainable locations.*
- Overburdened education and healthcare facilities – *Discussed above within the report.*
- Lack of leisure facilities and activities for younger people in the immediate area – *This is not a reason to refuse planning permission.*
- Noise and dust during construction – *Some noise and dust is to be expected and is not a reason to refuse planning permission, but excessive noise and dust is controlled under Environmental Health legislation.*
- Impact on local wildlife – *Derbyshire Wildlife Trust are satisfied subject to conditions and biodiversity gain being sought.*
- Plans indicate a lack of pedestrian connectivity on Langwith Road – *A footpath spans the site along Langwith Road in the proposals.*
- Langwith Road Junction would be better as a roundabout – *The Local Highway Authority does not object subject to conditions.*
- Told some Council bungalows would be built on the site which are much needed – *The site is privately owned and the plans have not included bungalows.*
- Bus route good but dangerous at junction to Lawson Road - *The Local Highway Authority does not object subject to conditions.*
- Drains struggling and there have been problems on adjacent Hedgerows development – *The Lead Local Flood Authority does not object subject to conditions.*
- Seems to be well above 10% affordable housing – will this affect existing house prices – *Only 10% affordable housing is proposed. The impact on surrounding house prices is not a material planning consideration.*
- How will the ancient protected hedgerow be maintained if fencing is erected – *Conditions such as a landscape and biodiversity enhancement plan / planting retention schemes can be imposed.*
- Internal nest bricks should be used instead of the boxes proposed – *This can be conditioned.*
- Foxglove Drive shouldn't be a through road – *Policy seeks comprehensive development of the site as discussed above in the report.*
- Potential for a rat run through the Keepmoat development – can traffic calming measures / measures to stop cutting through be put in place? – *The final highway deign / surface will be agreed with the Local Highway Authority.*
- Present buildings have already encroached too far and are an eyesore – *The Council has to allocate sufficient land for housing. It has directed most growth to the more sustainable settlements of the district.*
- No safe crossing near the development – *The development will connect with existing footpaths on Langwith Road.*

- Noise and fumes from extra traffic – *The site has been allocated for this form of development in the adopted Local Plan. There are no Air Quality Management Areas (AQMAs) in the vicinity.*
- New schools, doctors, dentists and leisure facilities should be built before - *Requests for contributions are sought based on policy and consultee responses. Where viability is an issue, consideration has to be given to whether the proposal still represents sustainable development with a reduced offer against the benefits of the proposal. This is done above.*
- Flooding concerns around balancing lagoon – *The Lead Local Flood Authority does not object subject to conditions.*
- Attenuation basin will be inadequate – *The Lead Local Flood Authority does not object subject to conditions.*
- Bolsover can't cope with all these new builds – *The direction of development set out in the Local Plan was found sound at its Examination in Public.*
- Layout and density seems excessive with lack of open/green space – *More public open space and less dwellings in the latest proposal.*
- Parking bays small in relation to modern cars, leading to road/kerb parking – *There is no basis to demand larger spaces.*
- Sewerage should not be discharged into the Keepmoat pumping station as it is already inadequate and potentially a serious health hazard – *The Lead Local Flood Authority and Yorkshire Water do not object subject to conditions.*
- Concerned about environmental impact – *Conditions / legal agreement to provide no net loss of biodiversity.*
- Increased flood risk to existing properties – *The Lead Local Flood Authority does not object subject to conditions.*
- Increased traffic will make it unsafe for children to play out - *The Local Highway Authority does not object subject to conditions.*
- Already houses that aren't selling – no local demand – *The Council must meet its nationally set housing targets or will risk having to accept poor schemes in less sustainable locations.*
- Reduced existing property values – *This is not a material planning consideration.*
- Wasn't consulted on the proposal – *The planning application has been publicised and consulted on in accordance with the Council's Statement of Community Involvement, which exceeds that which is set out in legislation.*
- It will spoil the rural elements of the town – *The impact on landscape is discussed above.*
- How long will construction traffic be for and will it be allowed along Foxglove Drive – *The Local Planning Authority cannot control the speed of the development being built out and the Local Highway Authority have not requested any construction vehicle routing. It is however anticipated that development will commence from Langwith Road.*
- Increased air pollution – *The development of the site represents a planned approach and there are no Air Quality Management Areas In the vicinity.*
- Bolsover will become overpopulated, high crime, urban sprawl, that visitors won't come to see – *The development of the site represents a planned approach and there is no evidence that it will lead to high crime or deter visitors.*
- Cul-de-sacs on Keepmoat Hedgerows development should not be opened up as through roads – *The Keepmoat development only forms the northern part of the*



*housing allocation and policy requires comprehensive development of such sites.*

- Pedestrian access only between the estates to allow easy access to the secondary School – *The Keepmoat development to the north and application site form one housing allocation within the Local Plan. It is simply being delivered by two different developers. It is unfortunate if purchasers of properties near connections have been led to believe otherwise.*
- Estate roads are privately managed so through roads would be unfair given residents pay the management fee – *This is a private matter and affected residents can contact the developer / management company.*
- If vehicular connection from the Hedgerows development is to be made, can it be towards the end of the construction to minimise mud, dust and congestion? A Project Management Plan will be conditioned and excess mud, dust and congestion is controlled by other legislation. The Local Highway Authority have not required a construction traffic routing plan or phasing plan, but it is anticipated that the development will commence from Langwith Road.
- Will the connection from the Hedgerows development delay the final road surface of that development? *This is outside of the control if the Local Planning Authority and may be dictated by the Local Highway Authority.*
- Number of houses has increased since 2013 plans with no nursery or care home – *Responses from Derbyshire County Council (responsible for education and adult social care) are set out above and discussed within the report.*
- The development encroaches into neighbouring property – *This is a matter to be resolved by the parties involved in the dispute.*
- Unable to maintain neighbouring property - *This is a matter to be resolved by the parties involved in the dispute.*
- More trees and grassland needs planting – *The latest proposal includes more public open space and street trees. Biodiversity control can also be conditioned.*
- Suggest further development in Bolsover is suspended until a full study is done of the impact of these developments on existing residents, and the strain they are putting on the local infrastructure – *The site is allocated for housing in the adopted Local Plan, which is supported by an extensive evidence base.*
- Palterton is taking the brunt of the traffic – *The Local Highway Authority does not object to the proposal.*
- Bolsover is losing its charm of a friendly community – *There is no link between this development and the friendliness of the community.*
- Bolsover has no swimming baths or leisure centre – *Access to leisure facilities are available at Clowne and Creswell, with Clowne also having a swimming pool.*
- Noise pollution from water pump and increased home insurance cost from being near the water lagoon
- Increase in anti-social behaviour due to lack of recreational amenities for children
- Due to a lack of green space proposed, new residents will likely use green spaces on the Hedgerows development, that residents of that development pay a management fee for
- Langwith Road junction is busy and poorly lit, not suitable for a housing estate so close. The junction is not suitable and would need widening
- There's accidents on the Palterton junction on Mansfield Road pretty much every week
- Langwith Road near the proposed estate is tight, access is limited and has a constant flow of large vehicles. A new road so close to a busy junction is a terrible idea

- The town is underfunded and cannot sustain more houses, it lacks the facilities of a larger town
- The development is outside settlement boundaries and countryside policies should apply
- Bolsover has already exceeded its share of housing
- Significant investment would be needed in road infrastructure

## **CONCLUSION / PLANNING BALANCE**

The application site is a housing allocation identified in the Local Plan for Bolsover District. Consequently, the principal of residential use has been established.

The proposal is considered acceptable in scale and design, and all other planning considerations apart from its ability to fully meet all requested contributions towards infrastructure.

The applicant is proposing to meet the Council's requirement for 10% affordable housing in a policy compliant manner. However, the proposal is not able for viability reasons to meet all of the requested infrastructure financial obligations, in particular Derbyshire County Council's education, health care, library stock and green space and sports contributions. The viability provisions in the development plan and national planning policy, support the delivery of housing, which is a government priority and the viability assessment is a significant material consideration in this respect.

Following national policy and guidance, the Council's Local Plan for Bolsover District allows for deviation away from policy requirements due to viability in relation to affordable housing provision (policy LC2), type and mix of housing (policy LC3) and role of developer contributions (policy II1).

National planning guidance contained within Planning Practice Guidance Viability and the Department for Education (DfE) non-statutory guidance Securing Developer Contributions For Education (August 2023) emphasise that developer contribution should be sought to contribute towards school places arising from housing development. However, paragraph 80 states that "We recognise that local planning authorities can reduce education contributions due to development viability and their own prioritisation of infrastructure types, sometimes agreeing with the developer a lower total amount for education in a planning obligation."

While developer contributions should be the 'first port of call' to meet the educational requirements arising from residential development, the guidance identifies that there will be circumstances where a development cannot meet the full education requirements due to viability issues. In these circumstances, the guidance indicates that funding is available from other sources if viability means that the full education contributions cannot be achieved.

Ultimately, whether a proposal represents sustainable development is a matter of planning judgement. As such, based on the Council's Local Plan position it is deemed that on balance a decision to approve would be reasonable given that the proposal is part of a Local Plan housing allocation and the proposal would contribute to both general and affordable housing

supply and make the maximum amount of financial contributions that can be viably made to meet a number of local infrastructure capacity needs. This is particularly the case given the weight to be given to the Ministerial Statement about the need for housing and the Council's own five-year housing land supply position.

Whilst it is noted this will lead to a shortfall in the funding available for educational capacity purposes in the short term, based on national guidance there should be a mechanism for this to be addressed in future years.

The site is sustainably located and would be served by existing formal open space and sports facilities within the Town. The maintenance of the public open space serving the development can be secured through a resident's management company, negating the need for a commuted sum to be paid to the Council for future maintenance. Whilst the lack of a health care contribution is a disbenefit, local health care providers receive weighted government contributions for each registered patient, allowing for some investment in health care provision where there is a business case for growth which tempers the adverse effect.

Taking the above into consideration, and weighing the benefits and disbenefits against one another the balance is weighted in favour of the application and a recommendation to approve the application is made, subject to conditions and a Section 106 Agreement to provide the affordable housing and £850,000 contributions split between highway and education contributions, and to include a provision for a review mechanism to reconsider viability at a future date given the development is expected to take more than five years to be built out.

## **RECOMMENDATION**

**The delegated authority be given to the Development Management and Land Charges Manager or Principal Planners to grant planning permission subject to prior entry into a s.106 legal agreement containing the following planning obligations:**

- A. The provision of 10% affordable housing (14 affordable houses for rent and 8 shared ownership homes).
- B. £850,000 commuted sum to be split £193,564 to highways contributions and the remaining £656,436 towards education contributions.
- C. An obligation seeking confirmation of purchase of habitat credits required to demonstrate no net loss of biodiversity on site.
- D. Provisions relating to the future management of all public open space.
- E. The provision of a viability review mechanism to provide for further infrastructure contributions in accordance with the Council's Infrastructure Study and Delivery Plan or any relevant superseding information.

### **AND subject to the following conditions:**

1. The development shall be begun before the expiration of three years from the date of this permission.
2. 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:
  - Noise Impact Assessment (Hepworth Acoustics) P22-278-R01v10 05 June 2025
  - Biodiversity Metric R3-536-03-EC-04\_BIA Report Rev\_ D 15 May 2025
  - Biodiversity Impact Assessment (root3) R3-536-02-EC-04 Rev D 15 May 2025
  - Location Plan 2213.02 Rev A 24 August 2022
  - Planning Layout 2213.01 Rev N 17 September 2025
  - Materials Layout 2213.03 Rev G 09 July 2025
  - Street Scenes 2213.04 Rev C 20 November 2024
  - Detailed Landscape Plan 1 of 3 R3-536-03-LA-02-01 Rev B 06 March 2025
  - Detailed Landscape Plan 2 of 3 R3-536-03-LA-02-02 Rev A 06 March 2025
  - Detailed Landscape Plan 3 of 3 R3-536-03-LA-02-03 30 September 2022
  - Landscape General Arrangement Plan R3-536-03-LA-01 Rev D 06 March 2025
  - Play Area Detail R3-536-03-LA-03 Rev A 17 December 2024
  - Figure 1 – Phase 1 Habitat Plan R3-536-03-EC-03 Plan reference 03 07 March 2025
  - Drainage Strategy 22029 100 Rev P19 19 September 2025
  - Drainage Strategy 22029 Sheet No. I DRA01 (G) 06 March 2025
  - Flood Risk Assessment 22029 REP01(C) 02 December 2024
  - Flood Exceedance Routing Plan 22029-DCE-XX-XX-D-C-102 Rev P02 05 March 2025
  - Impermeable Area 22029-DCE-XX-XX-D-C-103 Rev P02 05 March 2025

- Updated Ecological Walkover R3-536-03-EC-03 06 March 2025
  - Arboricultural Survey and Impact Assessment R3-536-03-AR-01 Received 17 December 2024
  - Refuse Vehicle Swept Path Analysis 22029-DCE-XX-XX-D-C-160 Rev P01 02 December 2024
  - Visibility Splays 22029-DCE-XX-XX-D-C-161 Rev P02 11 December 2024
  - Bus Swept Path Analysis 22029-DCE-XX-XX-D-C-162 Rev P01 02 December 2024
  - Cross Section 2213.05.01 Rev A 20 November 2024
  - Cross Section 2213.05.02 Rev A 20 November 2024
  - Boundary Treatment Plan 2213.06 Rev C 05 December 2024
  - Refuse Plan 2213.07 Rev C 05 December 2024
  - Tenure Plan 2213.08 Rev D 05 December 2025
  - Parking Plan 2213.09 Rev C 05 December 2024
  - Planning Drawings Various Boundaries 2213.B.01 17 August 2022 (received 13 December 2024)
  - Planning Drawings Single Garage 2213.G.01 25 July 2022 (received 13 December 2024)
  - Planning Drawings Twin Garage 2213.G.02 25 July 2022 (received 13 December 2024)
  - Planning Drawings Type 1209 End/Mid Elevations 2455.1209.01 08 November 2024
  - Planning Drawings Type 932 End/Mid 2455.932.01 08 November 2024
  - Planning Drawings Fairhaven End/Mid 2455.FAI.01 08 November 2024
  - Planning Drawings Type 764 End/Mid 2455.GOV.01 08 November 2024
  - Planning Drawings Lansdown End/Mid 2455.LAN.01 08 November 2024
  - Planning Drawings Newbury Detached 2455.NEW.01 08 November 2024
  - Planning Drawings Osbourne Pair 2455.OSB.02 08 November 2024
  - Planning Drawings Ramsey Detached 2455.RAM.01 08 November 2024
  - Planning Drawings Tilsworth 2455.TIL.01 08 November 2024
  - Transport Assessment (AMA) 21541-001 October 2022
  - Interim Travel Plan (AMA) 21541-002 September 2022
  - Highways Technical Note (AMA) 21541 10 December 2024
  - Revised Design and Access Statement (Issue 2) November 2024
  - Archaeological Evaluation (Written Scheme of Investigation) (CFA Archaeology) November 2022
  - Planning Statement (PB Planning) September 2022
  - Project Management Plan (PMP) 00.1a Issue 48 July 2022
  - Tree Constraints Plan (root3) R3-536-03-AR-02 17 May 2022
  - Tree Protection Plan (root3) R3-536-03-AR-03 25 August 2022
  - Bat Report (root3) R3-536-02-EC-05 17 July 2025
  - Ecological Impact Assessment (root3) R3-536-02-EC-01 Rev A 25 July 2022
  - Geoenvironmental Appraisal (Lithos) 4350/1 July 2022
  - Geophysical Survey Report (Magnitude Surveys) MSSK1317 July 2022
3. No development shall take place until a Written Scheme of Investigation for archaeological work has been submitted to and approved by the local planning authority in writing, and until any pre-start element of the approved scheme has been completed to the written satisfaction of the local planning authority. The scheme shall include an

assessment of significance and research questions; and

- a. The programme and methodology of site investigation and recording
  - b. The programme for post investigation assessment
  - c. Provision to be made for analysis of the site investigation and recording
  - d. Provision to be made for publication and dissemination of the analysis and records of the site investigation
  - e. Provision to be made for archive deposition of the analysis and records of the site investigation
  - f. Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation
4. No development shall take place other than in accordance with the archaeological Written Scheme of Investigation approved under condition 3.
  5. 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 3 and the provision to be made for publication and dissemination of results and archive deposition has been secured.
  6. Subject to acceptance of the SuDS design by Derbyshire County Council (Lead Local Flood Authority), an Operation and Maintenance Plan (in accordance with section 32 of the SuDS Manual) shall be submitted to the Local Planning Authority, which provides details of the arrangements for the lifetime management and maintenance of the SuDS features together with contact details. The SuDS shall be implemented and managed / maintained in accordance with the approved details.
  7. The development shall be carried out in accordance with the details shown on the submitted plan, "Flood Risk Assessment' 22029 (rev C) prepared by Dudleys, dated 02/12/24", unless otherwise agreed in writing with the Local Planning Authority.
  8. No development shall take place until a detailed design and associated management and maintenance plan of the surface water drainage for the site, in accordance with the design outlined within:
    - a. Dudleys. (06/03/2025). Drainage Strategy. DRA01 (G), including any subsequent amendments or updates to those documents as approved by the Flood Risk Management Team
    - 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.
  9. The site shall be developed with separate systems of drainage for foul and surface water on and off site. The separate systems shall extend to the points of discharge to that have first been submitted to and approved by the Local Planning Authority.
  10. Prior to commencement of the development, the applicant shall submit for approval to the Local Planning Authority details indicating how additional surface water run-off from the site will be avoided during the construction phase. The applicant may be required to provide collection, balancing and/or settlement systems for these flows. The approved

system shall be operating to the satisfaction of the Local Planning Authority, before the commencement of any works, which would lead to increased surface water run-off from site during the construction phase.

11. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed in accordance with details that have first been submitted to and approved by the Local Planning Authority.
12. No development shall take place until details of the proposed means of disposal of foul water drainage for the whole site, including details of any balancing works, off-site works and phasing of the necessary infrastructure, have been submitted to and approved by the local planning authority. If sewage pumping is required from any part of the site, the peak pumped foul water discharge must not exceed 6.7 (six point seven) litres per second. 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.
13. No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The lighting approved shall be installed and shall be maintained in accordance with the approved details.
14. The development hereby approved shall not be occupied until the access, parking and turning facilities have been provided as shown on Planning Layout 2213.01 Rev N 22 July 2022.
15. No individual dwelling in the development hereby approved shall not 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.
16. The Residential Travel Plan hereby approved shall be implemented and monitored in accordance with the regime contained within the Plan. In the event of failing to meet the targets within the Plan a revised Plan shall be submitted to and approved in writing by the Local Planning Authority to address any shortfalls, and where necessary make provision for and promote improved sustainable forms of access to and from the site. The Plan thereafter shall be implemented and updated in agreement with the Local Planning Authority and thereafter implemented as amended.
17. No works or development shall take place until full details of all proposed street tree planting, root protection systems, future management plan, and the proposed times of planting, have been approved in writing by the Local Planning Authority. All tree planting shall be carried out in accordance with the approved details.
18. Before the commencement of development, a Landscape and Biodiversity Enhancement and Management Plan (LBEMP) shall be submitted to the Local Planning Authority detailing how not net loss of biodiversity will be achieved and a timetable for implementing the measures. The development will be implemented in accordance with

the approved details.

19. Before construction progresses above foundation level on any building or wall, representative samples of the materials to be used in all external wall and roof areas shall first have been submitted to and approved in writing by the Local Planning Authority.
20. If within a period of five years from the date of the planting of any tree or shrub (or their planned retention in accordance with the landscaping scheme) that tree or shrub may die, be removed, uprooted or become seriously damaged it shall be replaced by another of the same species during the first available planting season, unless a variation of the landscaping scheme is approved in writing with the Local Planning Authority.
21. The approved Project Management Plan (PMP) 00.1a Issue 48 July 2022 shall be adhered to at all times during the construction phases of the development.
22. Prior to the demolition of any existing buildings on site, the submission of updated bat surveys and a mitigation strategy shall be submitted to and approved by the Local Planning Authority. The phasing of demolition and build out of the development shall be ordered to ensure that any mitigation that could be required (worst case scenario) can be accommodated within the new buildings (bat boxes or bat lofts, for example). Compensatory roost(s) should be in situ, prior to demolition of any buildings with confirmed roosts.
23. Notwithstanding the approved plans, details of bin storage areas will be submitted to and approved in writing by the Local Planning Authority prior to the occupation of any dwellings. The bin storage areas shall be provided in accordance with the approved details and retained for their designated use thereafter.
24. The development hereby permitted shall be constructed in full accordance with the mitigation measures recommended in Noise Impact Assessment (Hepworth Acoustics) P22-278-R01v10 June 2025.
25. Prior to the occupation of any dwelling hereby permitted, the applicant must demonstrate, to the satisfaction of the Local Planning Authority, that the noise mitigation measures relevant to that dwelling have been properly installed.
26. 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 and include a dust risk assessment. The development shall be undertaken in accordance with the approved scheme.
27. Construction works on the site and deliveries to the site shall be undertaken only between the hours of 07.30am 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.



28. Prior to the first occupation of the dwellings hereby approved, unless otherwise agreed in writing with the Local Planning Authority, any made ground on the site shall be removed or a contamination investigation and risk assessment of that part of the site shall be carried out by a competent person in accordance with current guidance and in accordance with a scheme which has been approved by the Local Planning Authority, to demonstrate that the site is suitable for the use hereby approved. Where the site investigation and risk assessment shows that contamination remediation is required, a remediation scheme shall be prepared and submitted to the Local Planning Authority for written approval; the approved remediation scheme shall be implemented as approved and a verification report shall be submitted to and approved in writing demonstrating that the remediation has been carried out successfully prior to the first occupation of the dwellings hereby approved.
29. Where any suspected areas of contamination are discovered during the development of the site, the process of site investigation and risk assessment as identified in condition 28 above shall be carried out by a competent person in accordance with current guidance and in accordance with a scheme which has been approved by the Local Planning Authority, to demonstrate that that part of the site is suitable for the use hereby approved.
30. In the event that it is proposed to import soil onto site in connection with the development, the soil to be imported shall be sampled at source and analysed in a laboratory that is accredited under the MCERTS Chemical Testing of Soil Scheme for all parameters previously agreed in writing with the Local Planning Authority, the results of which shall be submitted to and shall be approved in writing with the Local Planning Authority.
31. Details of the legal and funding mechanism for maintenance of all public open spaces including the LEAP and any open drainage features shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of any dwellings. The open space shall thereafter maintained and managed in accordance with the approved details.
32. A timetable for the delivery of all public open space and the LEAP shall be submitted and approved in writing by the Local Planning Authority. The public open space and LEAP shall be provided in full in accordance with the approved details.
33. A scheme detailing sections of existing and proposed finished land levels shall be submitted to and approved in writing by the Local Planning Authority prior to any importation of earth to site or excavation works commencing. The development shall be carried out in accordance with the approved scheme unless the Local Planning Authority gives its written consent to any variation.
34. Full details of the entrance piers / features at Langwith Road, including a timetable for implementation, shall be submitted to and approved in writing by the Local Planning Authority. The features shall be implemented in accordance with the approved details.

## **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.